STATE OF KANSAS

2022 SESSION LAWS OF KANSAS VOL. 2

[Prepared in accordance with K.S.A. 45-310]

PASSED DURING THE 2022 REGULAR SESSION OF THE LEGISLATURE OF THE STATE OF KANSAS

Date of Publication of this Volume
July 1, 2022

AUTHENTICATION

STATE OF KANSAS
OFFICE OF SECRETARY OF STATE

I, Scott Schwab, 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 2022 regular session of the Legislature of the State of Kansas, begun on the 10th day of January, AD 2022, and concluded on the 23rd day of May, AD 2022; 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 2022, except when otherwise provided.

Given under my hand and seal this 1st day of July, AD 2022.

SCOTT SCHWAB
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 The bill index, subject index, and list of statutes repealed or amended will assist you in locating bills of interest.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 the Secretary of State in accordance with state law. Additional copies of this publication may be obtained from:

Scott Schwab
Secretary of State
1st Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594
(785) 296-BOOK(2665)

CHAPTER 65

Senate Substitute for HOUSE BILL No. 2279

AN ACT concerning health professions and practices; relating to advanced practice registered nurses; licensure thereof; authorizing the prescribing of drugs without a supervising physician; requiring malpractice insurance coverage; rules and regulations; amending K.S.A. 65-1130 and K.S.A. 2021 Supp. 65-1626 and 65-4101 and repealing the existing sections.

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

Section 1. K.S.A. 65-1130 is hereby amended to read as follows: 65-1130. (a) No professional nurse shall announce or represent to the public that such person is an advanced practice registered nurse unless such professional nurse has complied with requirements established by the board and holds a valid license as an advanced practice registered nurse in accordance with the provisions of this section.

(b) *(1)* The board shall establish standards and requirements for any professional nurse who desires to obtain licensure as an advanced practice registered nurse. Such standards and requirements shall include, but not be limited to, standards and requirements relating to the education of advanced practice registered nurses. The board may give such examinations and secure such assistance as it deems necessary to determine the qualifications of applicants.

(2) (A) On and after July 1, 2023, an applicant for initial licensure as an advanced practice registered nurse shall have a current advanced practice registered nurse certification in such applicant's specific role and population focus that has been granted by a national certifying organization recognized by the board and whose certification standards are approved by the board as equal to or greater than the corresponding standards established by the board; and

(B) an advanced practice registered nurse whose initial licensure is prior to July 1, 2023, may submit evidence of such certification to the board upon renewal.

(c) The board shall adopt rules and regulations *consistent with the Kansas nurse practice act* applicable to advanced practice registered nurses ~~which~~ *that*:

(1) Establish roles and identify titles and abbreviations of advanced practice registered nurses ~~which~~ *that* are consistent with nursing practice specialties recognized by the nursing profession.

(2) Establish education and qualifications necessary for licensure for each role of advanced practice registered nurse established by the board at a level adequate to assure the competent performance by advanced practice registered nurses of functions and procedures which advanced practice registered nurses are authorized to perform. Advanced practice registered nursing is based on knowledge and skills acquired in basic

nursing education, licensure as a registered nurse and graduation from or completion of a master's or higher degree in one of the advanced practice registered nurse roles approved by the board of nursing.

(3) Define the role of advanced practice registered nurses and establish limitations and restrictions on such role. The board shall adopt a definition of the role under this paragraph ~~which~~ *that* is consistent with the education and qualifications required to obtain a license as an advanced practice registered nurse~~, which~~ *that* protects the public from persons performing functions and procedures as advanced practice registered nurses for which they lack adequate education and qualifications and ~~which~~ *that* authorizes advanced practice registered nurses to perform acts generally recognized by the profession of nursing as capable of being performed, in a manner consistent with the public health and safety, by persons with postbasic education in nursing. In defining such role the board shall consider:

(A) The education required for a licensure as an advanced practice registered nurse;

(B) the type of nursing practice and preparation in specialized advanced practice skills involved in each role of advanced practice registered nurse established by the board;

(C) the scope and limitations of advanced practice nursing prescribed by national advanced practice organizations *in accordance with the laws of this state*; and

(D) acts recognized by the nursing profession as appropriate to be performed by persons with postbasic education in nursing.

(d) *(1)* An advanced practice registered nurse may prescribe ~~drugs pursuant to a written protocol as authorized by a responsible physician. Each written protocol shall contain a precise and detailed medical plan of care for each classification of disease or injury for which the advanced practice registered nurse is authorized to prescribe and shall specify all drugs which may be prescribed by the advanced practice registered nurse. Any written~~ *durable medical equipment and prescribe, procure and administer any drug consistent with such licensee's specific role and population focus, except an advanced practice registered nurse shall not prescribe any drug that is intended to cause an abortion. Any drug that is a controlled substance shall be prescribed, procured or administered in accordance with the uniform controlled substances act.*

(2) A prescription order shall include the name, address and telephone number of the ~~responsible physician~~ *advanced practice registered nurse*. ~~The~~ *An* advanced practice registered nurse may not dispense drugs~~,~~ but may request, receive and sign for professional samples and may distribute professional samples to patients ~~pursuant to a written protocol as authorized by a responsible physician~~.

(3) In order to prescribe controlled substances, the advanced practice registered nurse shall:

~~(1)~~ *(A)* Register with the federal drug enforcement administration; and

~~(2) notify the board of the name and address of the responsible physician or physicians. In no case shall the scope of authority of the advanced practice registered nurse exceed the normal and customary practice of the responsible physician~~

(B) comply with federal drug enforcement administration requirements related to controlled substances.

(4) An advanced practice registered nurse certified in the role of registered nurse anesthetist while functioning as a registered nurse anesthetist under K.S.A. 65-1151 through 65-1164, and amendments thereto, shall be subject to the provisions of K.S.A. 65-1151 through 65-1164, and amendments thereto, with respect to drugs and anesthetic agents and shall not be subject to the provisions of this subsection. ~~For the purposes of this subsection, "responsible physician" means a person licensed to practice medicine and surgery in Kansas who has accepted responsibility for the protocol and the actions of the advanced practice registered nurse when prescribing drugs.~~

(5) An advanced practice registered nurse shall maintain malpractice insurance coverage as a condition of rendering professional clinical services as an advanced practice registered nurse in this state and shall provide proof of insurance at the time of licensure and renewal of license. The requirements of this subsection shall not apply to an advanced practice registered nurse who:

(i) Practices solely in employment for which the advanced practice registered nurse is covered under the federal tort claims act or the Kansas tort claims act;

(ii) practices solely as a charitable healthcare provider under K.S.A. 75-6102, and amendments thereto; or

(iii) is serving on active duty in the armed forces of the United States.

(e) As used in this section, "drug" means those articles and substances defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.

(f) A person registered to practice as an advanced registered nurse practitioner in the state of Kansas immediately prior to the effective date of this act shall be deemed to be licensed to practice as an advanced practice registered nurse under this act and such person shall not be required to file an original application for licensure under this act. Any application for registration filed which has not been granted prior to the effective date of this act shall be processed as an application for licensure under this act.

(g) An advanced practice registered nurse certified in the role of certified nurse-midwife and engaging in the independent practice of midwifery

under the independent practice of midwifery act with respect to prescribing drugs shall be subject to the provisions of the independent practice of midwifery act and shall not be subject to the provisions of this section.

(h) This section shall not supersede the requirements outlined in K.S.A. 65-4a08(b), and amendments thereto.

Sec. 2. K.S.A. 2021 Supp. 65-1626 is hereby amended to read as follows: 65-1626. As used in the pharmacy act of the state of Kansas:

(a) "Address" means, with respect to prescriptions, the physical address where a patient resides, including street address, city and state.

(b) "Administer" means the direct application of a drug, 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; or

(3) a pharmacist as authorized in K.S.A. 65-1635a*, and amendments thereto,* or K.S.A. 2021 Supp. 65-16,129, and amendments thereto.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, repackager, wholesale distributor, third-party logistics provider or dispenser but does not include a common carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier's or warehouseman's business.

(d) "Automated dispensing system" means a robotic or mechanical system controlled by a computer that:

(1) Performs operations or activities, other than compounding or administration, relative to the storage, packaging, labeling, dispensing or distribution of drugs;

(2) collects, controls and maintains all transaction information; and

(3) operates in accordance with the board's rules and regulations.

(e) "Biological product" means the same as defined in 42 U.S.C. § 262(i), as in effect on January 1, 2017.

(f) "Board" means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.

(g) "Brand exchange," in the case of a drug prescribed, means the dispensing of a different drug product of the same dosage form and strength and of the same generic name as the brand name drug product prescribed, and in the case of a biological product prescribed, means the dispensing of an interchangeable biological product.

(h) "Brand name" means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.

(i) "Co-licensed partner" means a person or pharmaceutical manufacturer that has entered into an agreement with another pharmaceu-

tical manufacturer or an affiliate of the manufacturer to engage in a business activity or occupation related to the manufacture or distribution of a product.

(j) "Common carrier" means any person who undertakes, whether directly or by any other arrangement, to transport property, including drugs, for compensation.

(k) (1) "Compounding" means the combining of components into a compounded preparation under either of the following conditions:

(A) As the result of a practitioner's prescription drug order or initiative based on the practitioner-patient-pharmacist relationship in the course of professional practice to meet the specialized medical need of an individual patient of the practitioner that cannot be filled by an FDA-approved drug; or

(B) for the purpose of, or incidental to, research, teaching or chemical analysis, and not for sale or dispensing.

(2) Compounding includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed prescribing patterns.

(3) Compounding does not include reconstituting any mixed drug according to the FDA-approved labeling for the drug.

(l) "Current good manufacturing practices" or "CGMP" means the requirements for ensuring that drugs and drug products are consistently manufactured, repackaged, produced, stored and dispensed in accordance with 21 C.F.R. §§ 207, 210 and 211.

(m) "DEA" means the United States department of justice, drug enforcement administration.

(n) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.

(o) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including a component part or accessory that:

(1) (A) Is recognized in the official national formulary, or the United States pharmacopoeia, or any supplement thereof;

(B) is intended for use in the diagnosis of disease or other conditions;

(C) is used for the cure, mitigation, treatment or prevention of disease in human or other animals; or

(D) is intended to affect the structure or any function of the body of human or other animals; and

(2) (A) does not achieve its primary intended purposes through chemical action within or on the body of human or other animals; and

(B) is not dependent upon being metabolized for the achievement of any of its primary intended purposes.

(p) "Direct supervision" means the process by which the responsible pharmacist shall observe and direct the activities of a pharmacist intern or pharmacy technician, be readily and immediately available at all time activities are performed, provide personal assistance, direction and approval throughout the time the activities are performed and complete the final check before dispensing.

(q) "Dispense" or "dispensing" means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner or pursuant to the prescription of a mid-level practitioner, including, but not limited to, delivering prescription medication to a patient by mail, common carrier, personal delivery or third-party delivery to any location requested by the patient.

(r) "Dispenser" means:

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

(2) a retail pharmacy, hospital pharmacy or group of pharmacies under common ownership and control that do not act as a wholesale distributor.

(s) "Distribute" or "distribution" means to deliver, offer to deliver, sell, offer to sell, purchase, trade, transfer, broker, give away, handle, store or receive, other than by administering or dispensing, any product, but does not include dispensing a product pursuant to a prescription executed in accordance with 21 U.S.C. § 353 or the dispensing of a product approved under 21 U.S.C. § 360b.

(t) "Distributor" means a person or entity that distributes a drug or device.

(u) "Diversion" means the transfer of a controlled substance from a lawful to an unlawful channel of distribution or use.

(v) "Drop shipment" means the sale, by a manufacturer, repackager or exclusive distributor, of the manufacturer's prescription drug to a wholesale distributor whereby the wholesale distributor takes title but not possession of such prescription drug and the wholesale distributor invoices the dispenser, and the dispenser receives delivery of the prescription drug directly from the manufacturer, repackager, third-party logistics provider or exclusive distributor, of such prescription drug.

(w) "Drug" means *articles*:

(1) ~~Articles~~ Recognized in the official United States pharmacopeia, or other such official compendiums of the United States, or official national formulary, or any supplement to any of them;

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

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

(4) ~~articles~~ intended for use as a component of any articles specified in paragraph (1), (2) or (3); but does not include devices or their components, parts or accessories, except that the term "drug" ~~shall~~ *does* not include amygdalin (laetrile) or any livestock remedy, if such livestock remedy had been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated, prior to its repeal.

(x) "Durable medical equipment" means equipment that:

(1) Provides therapeutic benefits or enables an individual to perform certain tasks that the individual is unable to otherwise undertake due to certain medical conditions or illnesses;

(2) is primarily and customarily used to serve a medical purpose;

(3) generally is not useful to a person in the absence of an illness or injury;

(4) can withstand repeated use;

(5) is appropriate for use in the home, long-term care facility or medical care facility, but may be transported to other locations to allow the individual to complete instrumental activities of daily living that are more complex tasks required for independent living; and

(6) may include devices and medical supplies or other similar equipment determined by the board in rules and regulations adopted by the board.

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

(z) "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.

(aa) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions that identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(bb) "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.

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

(dd) "Exclusive distributor" means the wholesale distributor that directly purchased the product from the manufacturer and is the sole

distributor of that manufacturer's product to a subsequent repackager, wholesale distributor or dispenser.

(ee) "FDA" means the United States department of health and human services, food and drug administration.

(ff) "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.

(gg) "Generic name" means the established chemical name or official name of a drug or drug product.

(hh) "~~Health care~~*Healthcare* entity" means any person that provides diagnostic, medical, surgical or dental treatment or rehabilitative care but does not include any retail pharmacy or wholesale distributor.

(ii) (1) "Institutional drug room" means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed and that is maintained or operated for the purpose of providing the drug needs of:

(A) Inmates of a jail or correctional institution or facility;

(B) residents of a juvenile correctional facility or juvenile detention facility, as defined in K.S.A. 38-2302, and amendments thereto;

(C) students of a public or private university or college, a community college or any other institution of higher learning that is located in Kansas;

(D) employees of a business or other employer; or

(E) persons receiving inpatient hospice services.

(2) "Institutional drug room" does not include:

(A) Any registered pharmacy;

(B) any office of a practitioner; or

(C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

(jj) "Interchangeable biological product" means a biological product that the FDA has identified in the "purple book: lists of licensed biological products with reference product exclusivity and biosimilarity or interchangeability evaluations" as meeting the standards for "interchangeability" as defined in 42 U.S.C. § 262(k), as in effect on January 1, 2017.

(kk) "Intracompany transaction" means any transaction or transfer between any division, subsidiary, parent or affiliated or related company

under common ownership or control of a corporate entity, or any transaction or transfer between co-licensed partners.

(ll) "Label" means a display of written, printed or graphic matter upon the immediate container of any drug.

(mm) "Labeling" means the process of preparing and affixing a label to any drug container, exclusive of the labeling by a manufacturer, packer or distributor of a non-prescription drug or commercially packaged legend drug.

(nn) "Long-term care facility" means "nursing facility," as defined in K.S.A. 39-923, and amendments thereto.

(oo) "Medical care facility" means the same as defined in K.S.A. 65-425, and amendments thereto, ~~except that the term~~ *and* also includes psychiatric hospitals and psychiatric residential treatment facilities as defined by K.S.A. 39-2002, and amendments thereto.

(pp) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical or biological synthesis or by a combination of extraction and chemical or biological synthesis or the packaging or repackaging of the drug or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for the individual's own use or the preparation, compounding, packaging or labeling of a drug by:

(1) A practitioner or a practitioner's authorized agent incident to such practitioner's administering or dispensing of a drug in the course of the practitioner's professional practice;

(2) a practitioner, by a practitioner's authorized agent or under a practitioner's supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or

(3) a pharmacist or the pharmacist's authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.

(qq) "Manufacturer" means:

(1) A person that holds an application approved under section 505 of the federal food, drug and cosmetic act or a license issued under section 351 of the federal public health service act for such drug or, if such drug is not the subject of an approved application or license, the person who manufactured the drug;

(2) a co-licensed partner of the person described in paragraph (1) that obtains the drug directly from a person described in paragraph (1) or (3); or

(3) an affiliate of a person described in paragraph (1) or (2) that receives the product directly from a person described in paragraph (1) or (2).

(rr) "Medication order" means a written or oral order by a prescriber or the prescriber's authorized agent for administration of a drug or device

to a patient in a Kansas licensed medical care facility or in a Kansas licensed nursing facility or nursing facility for mental health, as such terms are defined by K.S.A. 39-923, and amendments thereto.

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

(tt) "Nonresident pharmacy" means a pharmacy located outside of Kansas.

(uu) "Outsourcing facility" means a facility at one geographic location or address that is engaged in the compounding of sterile drugs and has registered with the FDA as an outsourcing facility pursuant to 21 U.S.C. § 353b.

(vv) "Person" means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.

(ww) "Pharmacist" means any natural person licensed under this act to practice pharmacy.

(xx) "Pharmacist-in-charge" means the pharmacist who is responsible to the board for a registered establishment's compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs. The pharmacist-in-charge shall supervise such establishment on a full-time or a part-time basis and perform such other duties relating to supervision of a registered establishment as may be prescribed by the board by rules and regulations. Nothing in this definition shall relieve other pharmacists or persons from their responsibility to comply with state and federal laws and regulations.

(yy) "Pharmacist intern" or "intern" means:

(1) A student currently enrolled in and in good standing with an accredited pharmacy program;

(2) a graduate of an accredited pharmacy program serving an internship; or

(3) a graduate of a pharmacy program located outside of the United States that is not accredited and who has successfully passed equivalency examinations approved by the board.

(zz) "Pharmacy," "drugstore" or "apothecary" means premises, laboratory, area or other place, including any electronic medium:

(1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed;

(2) that has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of these words or combinations of these words or words of similar import in any language or on any sign containing any of these words as used in the context of health, medical or pharmaceutical care or services; or

(3) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" may be exhibited in the context of health, medical or pharmaceutical care or services. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business registered by the board at the address for which the registration was issued.

(aaa) "Pharmacy prescription application" means software that is used to process prescription information and is either installed on a pharmacy's computers or servers and is controlled by the pharmacy or is maintained on the servers of an entity that sells electronic pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(bbb) "Pharmacy technician" means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary tasks related to the processing of a prescription or medication order and who assists the pharmacist in the performance of pharmacy-related duties, but who does not perform duties restricted to a pharmacist.

(ccc) "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 prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

(ddd) "Preceptor" means a licensed pharmacist who possesses at least two years' experience as a pharmacist and who supervises and is responsible for the actions of pharmacist interns obtaining pharmaceutical experience.

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

(fff) "Prescription" or "prescription order" means the front and back of a lawful written, electronic or facsimile order from a prescriber or an oral order from a prescriber or the prescriber's authorized agent that communicates the prescriber's instructions for a prescription drug or device to be dispensed.

(ggg) "Prescription medication" means any drug, including label and container according to context, that is dispensed pursuant to a prescription order.

(hhh) "Prescription-only drug" means any drug whether intended for use by human or animal, required by federal or state law, including 21 U.S.C. § 353, to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

(iii) "Probation" means the practice or operation under a temporary license, registration or permit or a conditional license, registration or permit of a business or profession for which a license, registration or permit is granted by the board under the provisions of the pharmacy act of the state of Kansas requiring certain actions to be accomplished or certain actions not to occur before a regular license, registration or permit is issued.

(jjj) "Product" means the same as defined by part H of the federal drug supply chain security act, 21 U.S.C. § 351 et seq. and 21 U.S.C. § 360eee.

(lll) "Professional incompetency" means:

(1) One or more instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree that constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree that constitutes ordinary negligence, as determined by the board; or

(3) a pattern of pharmacy practice or other behavior that demonstrates a manifest incapacity or incompetence to practice pharmacy.

(mmm) "Readily retrievable" or "readily available" means that records kept in hard copy or by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records quickly and easily during an inspection or investigation, or within a reasonable time not to exceed 48 hours of a written request from the board or other authorized agent.

(nnn) "Repackage" means changing the container, wrapper, quantity or label of a drug to further the distribution of the drug.

(ooo) "Repackager" means a person who owns or operates a facility that repackages.

(ppp) "Retail dealer" means a person selling at retail nonprescription drugs that are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug intended for human use by hypodermic injection.

(qqq) "Reverse distributor" means a person who owns or operates an establishment that disposes of or otherwise processes saleable or nonsaleable products received from an authorized trading partner such that the

product may be processed for credit to the purchaser, manufacturer or seller or disposed of for no further distribution.

(rrr) "Secretary" means the executive secretary of the board.

(sss) "Third-party logistics provider" means an entity that provides or coordinates warehousing or other logistic services of a product in interstate commerce on behalf of a manufacturer, wholesale distributor or dispenser, but does not take ownership of the product or have responsibility to direct the sale or disposition of the product.

(ttt) "Trading partner" means:

(1) A manufacturer, repackager, wholesale distributor or dispenser from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct ownership of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct ownership of a product; or

(2) a third-party logistics provider from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct possession of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct possession of a product.

(uuu) "Transaction" means the transfer of product between persons in which a change of ownership occurs.

(vvv) "Unprofessional conduct" means:

(1) Fraud in securing a registration or permit;

(2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;

(3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;

(4) intentionally falsifying or altering records or prescriptions;

(5) unlawful possession of drugs and unlawful diversion of drugs to others;

(6) willful betrayal of confidential information under K.S.A. 65-1654, and amendments thereto;

(7) conduct likely to deceive, defraud or harm the public;

(8) making a false or misleading statement regarding the licensee's professional practice or the efficacy or value of a drug;

(9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; or

(10) performing unnecessary tests, examinations or services that have no legitimate pharmaceutical purpose.

(www) "Vaccination protocol" means a written protocol, agreed to and signed by a pharmacist and a person licensed to practice medicine and surgery by the state board of healing arts, that establishes procedures and recordkeeping and reporting requirements for administering a vaccine by the pharmacist for a period of time specified therein, not to exceed two years.

(xxx) "Valid prescription order" means a prescription that is issued for a legitimate medical purpose by an individual prescriber licensed by law to administer and prescribe drugs and acting in the usual course of such prescriber's professional practice. A prescription issued solely on the basis of an internet-based questionnaire or consultation without an appropriate prescriber-patient relationship is not a valid prescription order.

(yyy) "Veterinary medical teaching hospital pharmacy" means any location where prescription-only drugs are stored as part of an accredited college of veterinary medicine and from which prescription-only drugs are distributed for use in treatment of or administration to a nonhuman.

(zzz) "Virtual manufacturer" means an entity that engages in the manufacture of a drug or device for which it:

(1) Owns the new drug application or abbreviated new drug application number, if a prescription drug;

(2) owns the unique device identification number, as available, for a prescription device;

(3) contracts with a contract manufacturing organization for the physical manufacture of the drug or device;

(4) is not involved in the physical manufacture of the drug or device; and

(5) does not store or take physical possession of the drug or device.

(aaaa) "Virtual wholesale distributor" means a wholesale distributor that sells, brokers or transfers a drug or device but never physically possesses the product.

(bbbb) "Wholesale distributor" means any person engaged in wholesale distribution or reverse distribution of drugs or devices, other than a manufacturer, co-licensed partner or third-party logistics provider.

(cccc) "Wholesale distribution" means the distribution or receipt of drugs or devices to or by persons other than consumers or patients, in which a change of ownership occurs. "Wholesale distribution" does not include:

(1) The dispensing of a drug or device pursuant to a prescription;

(2) the distribution of a drug or device or an offer to distribute a drug or device for emergency medical reasons, including a public health emergency declaration pursuant to section 319 of the public health service act, except that, for purposes of this paragraph, a drug or device shortage not caused by a public health emergency shall not constitute an emergency medical reason;

(3) intracompany distribution;

(4) the distribution of a drug or device, or an offer to distribute a drug or device, among hospitals or other ~~health care~~ *healthcare* entities under common control;

(5) the distribution of a drug or device, or the offer to distribute a drug or device, by a charitable organization described in section 501(c)(3)

of the internal revenue code of 1986 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

(6) the distribution of an intravenous drug used to maintain the equilibrium of water and minerals in the body, such as dialysis solutions; or

(7) the sale or transfer from a retail pharmacy of expired, damaged, returned or recalled prescription drugs to the original manufacturer, originating wholesale distributor or to a reverse distributor registered in accordance with the board's rules and regulations.

Sec. 3. K.S.A. 2021 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act:

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

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

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

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

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

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

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

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

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

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

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

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic

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

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

(A) A controlled substance;

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

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

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

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

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

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

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

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

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

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

(p) "Drug" means *substances*:

(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~~ *"Drug"* does not include devices or their components, parts or accessories.

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

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

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

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

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

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

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

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

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

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

or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

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

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

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

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

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

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

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

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

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

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

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

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

(3) opium poppy and poppy straw;

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

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

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

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

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

(ii) "Pharmacist intern" means:

(1) A student currently enrolled in an accredited pharmacy program;

(2) a graduate of an accredited pharmacy program serving such person's internship; or

(3) a graduate of a pharmacy program located outside of the United States that is not accredited and who had successfully passed equivalency examinations approved by the board.

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

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

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific inves-

tigator 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. 4. K.S.A. 65-1130 and K.S.A. 2021 Supp. 65-1626 and 65-4101 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 15, 2022.

CHAPTER 66

HOUSE BILL No. 2595

AN ACT concerning motor vehicles; relating to antique vehicles; making certain antique vehicle titling procedures applicable to vehicles having a model year newer than 60 years; amending K.S.A. 2021 Supp. 8-170 and repealing the existing section.

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

Section 1. K.S.A. 2021 Supp. 8-170 is hereby amended to read as follows: 8-170. (a) Upon the transfer of ownership of any vehicle registered under ~~the foregoing provisions of~~ this act, its registration and right to use the license plates ~~thereon~~ *on such vehicle* shall expire ~~and thereafter~~. *Upon such transfer of ownership,* there shall be no transfer of any registration, and the license plates shall be removed by the owner thereof ~~and~~. It shall be unlawful for any person other than the person to whom such license plates were originally issued to have ~~the same~~ *such license plates* in possession. In *the* case of a transfer of ownership of a registered vehicle the original owner of the license plates may register another antique vehicle under the same license plate designation, upon application therefor and the payment of a fee of $1.50. ~~On and after January 1, 2000,~~ Any model year license plate transferred shall comply with the provisions of ~~subsection (c) of~~ K.S.A. 8-172*(c)*, and amendments thereto.

(b) Upon the transfer and sale of a registered vehicle by any person, the new owner thereof, before using a vehicle on the highways of this state, shall make application to the division for registration of the vehicle.

(c) Certificate of title:

(1) Application for certificate of title on an antique vehicle shall be made by the owner or the owner's agent upon a blank form to be furnished by the division and shall contain such information as the division shall determine necessary. The division may waive any information requested on the form if it is not available. For any antique vehicle ~~having~~ *with* a model year ~~prior to 1950~~ *60 years old or older*, the application together with a bill of sale for the antique vehicle shall be accepted as prima facie evidence that the applicant is the owner of the vehicle and the certificate of title shall be issued for such vehicle. If the application and bill of sale are used to obtain a certificate of title for any antique vehicle having a model year ~~of 1950 or later~~ *newer than 60 years*, the certificate of title shall not be issued until an inspection in accordance with ~~subsection (a) of~~ K.S.A. ~~8-116~~ *8-116a*, and amendments thereto, has been completed. The certificate of title shall be delivered to the applicant. The certificate shall contain the words "antique vehicle."

(2) The certificate of title shall contain upon the reverse side a form for assignment of title to be executed by the owner. A certificate of title

may be issued under the provisions of this act without an application for registration.

(3) The fee for each original certificate of title so issued shall be $10. The certificate of title shall be good for the life of the antique vehicle, so long as ~~the same~~ *such certificate of title* is owned or held by the original holder of the certificate of title, and shall not have to be renewed. In the event of a sale or transfer of ownership of an antique vehicle for which a certificate of title has been issued under the provisions of this subsection, the holder of such certificate of title shall endorse on the ~~same~~ *certificate of title* an assignment thereof, with warranty of title in form printed thereon, as prescribed by the director, and the transferor ~~must~~ *shall* deliver ~~the same~~ *such assigned certificate of title* to the buyer at the time of delivery of the vehicle. The buyer shall then present such *assigned* certificate of title~~, assigned as aforesaid,~~ to the director or an authorized agent of the director, whereupon a new certificate of title shall be issued to the buyer~~.~~. The fee ~~therefor being~~ *for such new certificate of title shall be* $10.

Sec. 2. K.S.A. 2021 Supp. 8-170 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 18, 2022.

CHAPTER 67

SENATE BILL No. 215

AN ACT concerning transportation; authorizing the board of education of a school district to contract with transportation network companies to provide certain transportation services; specifying requirements therefor; transferring authority over driver's education programs operated by certain postsecondary institutions and driver training schools to the department of revenue; authorizing the department of revenue to promulgate rules and regulations therefor; amending K.S.A. 8-273, 8-274, 8-275, 8-276, 8-277, 8-278, 8-279 and 8-280 and K.S.A. 2021 Supp. 8-267, 8-272 and 8-2708 and repealing the existing sections.

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

New Section 1. (a) The board of education of a school district may contract with a transportation network company to transport eight persons or fewer to and from school or school-related activities, where appropriate, as the contract with the transportation network company may establish.

(b) In addition to the requirements of this act for transportation network companies and transportation network company drivers, the board of education of a school district may establish additional requirements in the contract with the transportation network company. The department of education, in consultation with a transportation network company that will provide services pursuant to this section, may issue guidance to school districts contracting with a transportation network company to provide transportation services.

(c) Transportation network companies shall:

(1) Require transportation network company drivers providing services pursuant to this section to undergo a criminal history record check pursuant to K.S.A. 75-712i, and amendments thereto; and

(2) obtain and review a driving history research report for each transportation network company driver providing services pursuant to this section.

(d) A transportation network company that provides transportation services pursuant to this section shall provide an annual safety report to the state board of education for any safety incidents that occurred in the previous calendar year.

(e) A transportation network company shall name as an additional insured on such transportation network company's insurance policy any school district that contracts with such transportation network company to provide transportation services pursuant to this section.

(f) The Kansas transportation network company services act and the contract between the board of education of a school district and the transportation network company shall exclusively govern the services provided pursuant to this section, and all rules and regulations of the state board of education concerning the transportation of students shall not apply.

(g) The board of education of a school district that contracts for school transportation services pursuant to this section shall:

(1) Provide notice to the parent or guardian of a student that such student will be riding with a transportation network company;

(2) provide an annual disclaimer to the parent or guardian of a student that may be transported by a transportation network company that the school district uses transportation network company services for school transportation purposes and that the relationship between the school district and the transportation network company is governed by a contract and not the rules and regulations of the state board of education;

(3) permit the parent or guardian of a student to not allow such student to ride with a transportation network company; and

(4) maintain insurance coverage or endorsement for students transported by a transportation network company that covers the students as though the students were in the care, custody and control of the school district even when being transported by a transportation network company.

(h) This section shall be a part of and supplemental to the Kansas transportation network company services act.

Sec. 2. K.S.A. 2021 Supp. 8-267 is hereby amended to read as follows: 8-267. All moneys received under this act 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 and shall:

(a) Credit 37.5% of all moneys so received from class C driver's licenses and 20% of all moneys so received from class M driver's licenses and 20% of all moneys so received from class A or B driver's licenses and 20% of all moneys so received from all commercial driver licensee classes remaining after the $2 credit provided in subsection (c) to a special fund, which is hereby created and shall be known as the state safety fund;

(b) credit 20% of all moneys so received from class M driver's licenses to a special fund which is hereby created and shall be known as the motorcycle safety fund;

(c) credit $2 from each commercial driver's license fee to a special fund which is hereby created and shall be known as the truck driver training fund;

(d) credit all photo fees collected under K.S.A. 8-243, and amendments thereto, to the photo fee fund;

(e) credit all hazardous materials endorsement fees collected under K.S.A. 2021 Supp. 8-2,151, and amendments thereto, to the hazmat fee fund; and

(f) credit the driver improvement clinic fees collected under K.S.A. 8-255, and amendments thereto, as follows:

(1) Credit 50% of each such fee to the division of vehicles operating fund; and

(2) credit 50% of each such fee to the correctional services special revenue fund.

Moneys in the state safety fund and in the motorcycle safety fund shall be distributed to provide funds for driver training courses in the schools *and community colleges* in Kansas and for the administration of this act, as the legislature shall provide. In addition, moneys in the motorcycle safety fund shall be distributed to provide funds for courses in motorcycle safety in community colleges in Kansas. Moneys in the truck driver training fund shall be distributed to provide funds for courses in truck driver training in community colleges, area vocational schools and area vocational-technical schools in Kansas. Except as otherwise provided by K.S.A. 8-241, and amendments thereto, the state treasurer shall credit the balance of all moneys received under this act, including all moneys received from commercial driver's license endorsements to the state highway fund.

Sec. 3. K.S.A. ~~2020~~ *2021* Supp. 8-272 is hereby amended to read as follows: 8-272. (a) Any school district conducting an approved course in driver training and any student attending a nonpublic school accredited by the state board of education conducting an approved course in driver training *and any student 19 years of age or under attending a community college conducting an approved course in driver training* shall be entitled to participate in the state safety fund created by K.S.A. 8-267, and amendments thereto. In August of each year, the superintendent of each school district and the governing authority of each nonpublic school *and community college* shall report to the state board of education the number of students who have been in attendance for a complete driver training course conducted by such school district ~~or~~, nonpublic school *or community college* during the past school year. The state board of education shall certify to the director of accounts and reports the amount due each school district and each student of a nonpublic school *or community college* entitled to payment under this subsection. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school district and to each student of a nonpublic school *or community college* entitled to payment under this subsection upon vouchers approved by the state board and shall cause such warrants to be delivered to the respective school districts ~~and~~, nonpublic schools *and community colleges*. If the amount appropriated in any year from the state safety fund is insufficient to pay the full amount each school district and each student of a nonpublic school *or community college* is entitled to receive under this subsection, then the entire amount appropriated for such year shall be prorated among all school districts and all students of nonpublic schools *and community colleges* in proportion to the amount

each school district and each student of a nonpublic school *or community college* is entitled to receive. No moneys in the state safety fund shall be used for any purpose other than that specified in this subsection or for the support of driver improvement programs. The state board of education shall prescribe all forms necessary for reporting in connection with this act. The funds shall be distributed on or before November 1 each year.

(b) (1) Any school district conducting an approved course in motorcycle safety as a part of an approved course in driver training~~.~~, any student attending a nonpublic school accredited by the state board of education conducting an approved course in motorcycle safety as a part of an approved course in driver training or any community college conducting an approved course in motorcycle safety shall be entitled to participate in the motorcycle safety fund created by K.S.A. 8-267, and amendments thereto. The state board of education may establish, by rules and regulations, standards for the conduct, operation and approval of courses in motorcycle safety and for the qualifications of instructors for such courses conducted by a school district or nonpublic accredited school. Such standards shall not include the requirement that instructors be licensed by the state board of education. In August of each year, the superintendent of each school district or the governing authority of each nonpublic school shall report to the state board of education the number of students who have been in attendance for a complete course in motorcycle safety as a part of the driver training course conducted by such school district or nonpublic school during the past school year. The state board of education shall certify to the director of accounts and reports the amount due each school district and each student of a nonpublic school entitled to payment under this subsection. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school district and to each student of a nonpublic school entitled to payment under this subsection upon vouchers approved by the state board and shall cause such warrants to be delivered to the respective school districts and nonpublic schools. If the amount appropriated in any year from the motorcycle safety fund shall be insufficient to pay the full amount each school district and each student of a nonpublic school is entitled to receive under this subsection, then the entire amount appropriated for such year shall be prorated among all school districts and all students of nonpublic schools in proportion to the amount each school district and each student of a nonpublic school is entitled to receive. No moneys in the motorcycle safety fund shall be used for any purpose other than that specified in this subsection or for the support of motorcycle driver improvement programs. The state board of education shall prescribe all forms necessary for reporting in connection with this act. The funds shall be distributed on or before November 1 each year.

(2) Any community college conducting an approved course in motorcycle safety shall be entitled to participate in the motorcycle safety fund created by K.S.A. 8-267, and amendments thereto. The ~~state board of regents~~ *department of revenue* may establish, by rules and regulations *or by public declaration of the director of vehicles*, standards for the conduct, operation and approval of courses in motorcycle safety and for the qualifications of instructors for such courses conducted by a community college. ~~Such standards shall not include the requirement that instructors be licensed by the state board of education.~~ In August of each year, the chief administrative officer of each community college shall report to the state board of regents *and the department* the number of students who have been in attendance for a complete course in motorcycle safety as a part of the driver training course conducted by such community college during the past school year. The state board of regents shall certify to the director of accounts and reports the amount due each community college entitled to payment under this subsection. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each community college entitled to payment under this subsection upon vouchers approved by the state board *of regents* and shall cause such warrants to be delivered to the respective community colleges. If the amount appropriated in any year from the motorcycle safety fund shall be insufficient to pay the full amount each community college is entitled to receive under this subsection, then the entire amount appropriated for such year shall be prorated among all community colleges in proportion to the amount each community college is entitled to receive. No moneys in the motorcycle safety fund shall be used for any purpose other than that specified in this subsection or for the support of motorcycle driver improvement programs *or department administration*. The *department, in consultation with the* state board of regents, shall prescribe all forms necessary for reporting in connection with this act. The funds shall be distributed on or before November 1 each year.

(c) *(1)* ~~For the purpose of~~*As used in* this subsection, ~~"vocational education school"~~ *"institution"* means *a technical school affiliated with a public university in this state, a technical college or* community college~~, area vocational-technical school or area vocational school~~.

(2) Any ~~vocational education school~~ *institution* conducting an approved course in truck driving shall be entitled to participate in the truck driver training fund created by K.S.A. 8-267, and amendments thereto. The ~~state board of regents~~ *department* may establish, by rules and regulations *or by public declaration of the director of vehicles*, standards for the conduct, operation and approval of courses in truck driver training and for the qualifications of instructors for such courses. Such standards shall not include the requirement that instructors be certificated by the

state board of regents. *Courses in truck driver training for an interstate commercial class license shall also comply with the Kansas uniform commercial drivers' license act.* In August of each year, the chief administrative officer of each ~~vocational education school~~ *participating institution* shall report to the state board of regents *and the department* the number of students who have been in attendance for a complete course in truck driver training conducted by such ~~vocational education school~~ *institution* during the past school year. The state board of regents shall certify to the director of accounts and reports the amount due each ~~vocational education school~~ *institution* entitled to payment under this subsection. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each ~~vocational education school~~ *institution* entitled to payment under this subsection upon vouchers approved by the state board of regents and shall cause such warrants to be delivered to the respective ~~vocational education school~~ *institution*. If the amount appropriated in any year from the truck driver training fund shall be insufficient to pay the full amount each ~~vocational education school~~ *institution* is entitled to receive under this subsection, then the entire amount appropriated for such year shall be prorated among all ~~vocational education schools~~ *participating institutions* in proportion to the amount each ~~vocational education school~~ *institution* is entitled to receive. No moneys in the truck driver training fund shall be used for any purpose other than that specified in this subsection or for the support of truck driver training programs *and department administration*. The *department, in consultation with the* state board of regents, shall prescribe all forms necessary for reporting in connection with this act. The funds shall be distributed on or before November 1 each year.

Sec. 4. K.S.A. 8-273 is hereby amended to read as follows: 8-273. ~~The following words and phrases when~~*As* used in this act ~~shall, unless the context otherwise requires, have the meanings respectively ascribed to them in this section~~:

(a) "Motor vehicle~~.~~" *means* every vehicle ~~which~~ *that* is self-propelled upon or by which any person or property is or may be transported or drawn upon a public highway except devices used exclusively upon stationary rails or tracks.

(b) "Drivers' training schools~~.~~" *means* any person, partnership or corporation giving driving instruction to ~~ten (10)~~ or more persons per calendar year for the purpose of meeting requirements for licensed driving of motor vehicles in Kansas.

(c) "Person~~.~~" *means* every natural person, firm, copartnership, association, corporation~~,~~ or school.

(d) "Department~~.~~" *means* the ~~state~~ department of ~~education~~ *revenue* acting directly or through its duly authorized officers and agents.

(e) "State board." *means* the state board of education.

(f) "Drivers' license examiners." *means* examiners appointed by the division of vehicles for the purpose of giving drivers' license examinations.

Sec. 5. K.S.A. 8-274 is hereby amended to read as follows: 8-274. No person shall operate a driver training school or engage in the business of giving instruction for hire in the driving of motor vehicles or in the preparation of an applicant for examination given by driver license examiners for an operator's or chauffeur's license or permit, unless a license therefor has been secured from the state board *department*.

Sec. 6. K.S.A. 8-275 is hereby amended to read as follows: 8-275. Every person In order *for a person* to qualify to operate a driving school, *such person* shall meet the following requirements:

(a) Be of good moral character.*;*

(b) maintain an established place of business to the public.*;*

(c) maintain bodily injury and property damage liability insurance on motor vehicles while used in driving instruction, insuring the liability of the driving school, the driving instructors and any person taking instruction in at least the following amounts: One hundred thousand dollars ($100,000) for bodily injury to or death of one person in any one accident and, subject to said *such* limit for one person, two hundred thousand dollars ($200,000) for bodily injury to or death of two (2) or more persons in any one accident and the amount of twenty thousand dollars ($20,000) for damage to property of others in any one accident. Evidence of such insurance coverage in the form of a certificate from the insurance carrier shall be filed with the state department of education, *revenue* and such certificate shall stipulate that the insurance shall not be canceled except upon ten (10) days *10 days'* prior written notice to the state board *department*. Such insurance shall be written by a company authorized to do business in this state.*;*

(d) provide a continuous surety company bond in the principal sum of two thousand five hundred dollars ($2,500) for the protection of the contractual rights of students in such form as will meet with the approval of the state board *department* and written by a company authorized to do business in this state. However, the aggregate liability of the surety for all breaches of the condition of the bond in no event shall exceed the principal sum of two thousand five hundred dollars ($2,500). The surety on any such bond may cancel such bond on giving thirty (30) days *30 days' written* notice thereof in writing to the state board *department* and shall be relieved of liability for any breach of any condition of the bond which *that* occurs after the effective date of cancellation.*;*

(e) have the equipment necessary to the giving of proper instruction in the operation of motor vehicles as prescribed by the state board. *department; and*

(f) pay to the ~~board~~ *department* an application fee of ~~twenty-five dollars (~~$25~~)~~.

Sec. 7. K.S.A. 8-276 is hereby amended to read as follows: 8-276. ~~Every person~~ In order *for a person* to qualify as an instructor for a driving school*, such person* shall meet the following requirements:

(a) Present to the ~~state board~~ *department* evidence of: (1) Credit in driver education and safety from an accredited college or university equivalent to credits in those subjects ~~which are~~ required of instructors in the ~~public~~ schools ~~of Kansas~~ *accredited by the state board*; (2) having a valid ~~Kansas teacher's certificate coded for~~ *credential issued by the state board to teach* driver education; or (3) having completed at least 30 hours of classroom and 24 hours of behind the wheel training under the direct supervision of an individual who is presently licensed as an instructor by the state board under ~~paragraphs~~ *paragraph* (1) or (2) and who has been continuously licensed and who has actively instructed students for a period of at least three years~~.~~*;*

(b) have knowledge of the Kansas operation lifesaver highway/railroad grade crossing safety program~~.~~*;*

(c) be physically able to operate safely a motor vehicle and to train others in the operation of motor vehicles~~.~~*;*

(d) provide a certificate of health from a medical doctor stating that such person is ~~free from contagious disease.~~ *physically and mentally able to safely operate a motor vehicle;*

(e) hold a valid Kansas drivers' license~~.~~*; and*

(f) pay to the ~~state board~~ *department* an application fee of $5.

Sec. 8. K.S.A. 8-277 is hereby amended to read as follows: 8-277. (a) The ~~state board~~ *department* shall issue a license certificate to each applicant to conduct a driver training school or to each driver training instructor when the ~~state board~~ *department* is satisfied that such ~~person~~ *applicant* has met the qualifications required under this act.

(b) All ~~outstanding~~ licenses issued to any driver training school or driver training instructor pursuant to the provisions of this act, shall expire as a matter of law at midnight on December 31 of the calendar year for which the license was issued, unless sooner canceled, suspended or revoked under the provisions of K.S.A. 8-279*, and amendments thereto*.

(c) The license of each driver training school and each driver training instructor may be renewed subject to the same conditions as the original license, and upon payment of the same fee.

(d) All applications for renewal of a driver training school license or driver training instructor's license shall be on a form prescribed by the ~~state board~~ *department*, and ~~must~~ *shall* be filed with the ~~state~~ department ~~of education~~ not more than ~~sixty (~~60~~)~~ days, nor ~~less~~ *fewer* than ~~ten (~~10~~)~~ days preceding the expiration date of the license to be renewed.

Sec. 9. K.S.A. 8-278 is hereby amended to read as follows: 8-278. *(a)* The ~~state board~~ *department* is authorized to prescribe by rules and regulations, standards for the eligibility, conduct and operation of driver training schools and instructors and to adopt other reasonable rules and regulations to carry out the provisions of this act.

(b) All rules and regulations of the state board of education pertaining to functions of the driver's training school license act in existence on July 1, 2022, shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of revenue until revised, amended, revoked or nullified pursuant to law.

(c) All orders and directives of the state department of education pertaining to functions of the driver's training school license act on July 1, 2022, shall continue to be effective and shall be deemed to be orders and directives of the department until revised, amended or nullified by the state director of vehicles.

Sec. 10. K.S.A. 8-279 is hereby amended to read as follows: 8-279. The ~~state board~~ *department* may cancel, suspend, revoke or refuse to renew any driver's training school or driver's training instructor license *if any of the following occurs*:

(a) ~~When the state board~~ *The department* is satisfied that the licensee fails to meet the requirements to receive or hold a license under this act~~.~~*;*

(b) ~~Whenever~~ the licensee fails to keep the records required herein~~.~~*;*

(c) ~~Whenever~~ the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the ~~state board~~ *department*, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license or permit~~.~~*;*

(d) ~~Whenever~~ the licensee fails to comply with any provision of this act or any of the rules and regulations of the ~~state board~~ *department* made pursuant thereto~~.~~*;*

(e) ~~Whenever~~ the licensee represents ~~himself or herself~~ *such licensee* as an agent or employee of the ~~state board~~ *department* or license examiners or uses advertising designed to lead or which would reasonably have the effect of leading persons to believe that such licensee is in fact an employee or representative of the ~~state board~~ *department* or license examiners~~.~~*;*

(f) ~~Whenever~~ the licensee or any employee or agent of the licensee solicits driver training or instruction in an office of any department of the state having to do with the administration of any law relating to motor vehicles~~.~~*; or*

(g) ~~Whenever~~ the licensee has had ~~his or her~~ *their* operator's or chauffeur's license canceled, suspended or revoked.

Sec. 11. K.S.A. 8-280 is hereby amended to read as follows: 8-280. *(a) There is hereby created in the state treasury the commercial driver educa-*

tion fund. The commercial driver education fund shall be administered by the department of revenue. All expenditures from the commercial driver education 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 revenue.

(b) All moneys received under this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the ~~state safety fund created by K.S.A. 8-267, and amendments thereto~~ *commercial driver education fund*.

Sec. 12. K.S.A. 2021 Supp. 8-2708 is hereby amended to read as follows: 8-2708. ~~On January 1, 2016, and thereafter,~~ *(a)* A transportation network company driver or vehicle owner or transportation network company on the driver's behalf shall maintain primary automobile insurance that:

~~(a)~~ recognizes that the driver is a transportation network company driver and covers the driver while the driver is logged on to the transportation network company's digital network, while the driver is engaged in a prearranged ride or while the driver otherwise uses a vehicle to transport passengers for compensation.

(b) (1) The following automobile insurance requirements shall apply while a participating transportation network company driver is logged on to the transportation network company's digital network and is available to receive transportation requests but is not engaged in a prearranged ride:

(A) Primary automobile liability insurance in the amount of at least $50,000 for death and bodily injury per person, $100,000 for death and bodily injury per incident, and $25,000 for property damage; and

(B) primary automobile liability insurance that meets the minimum coverage requirements where required by K.S.A. 40-284 and 40-3107(f), and amendments thereto.

(2) The coverage requirements of this subsection (b) may be satisfied by any of the following:

(A) Automobile insurance maintained by the transportation network company driver or vehicle owner;

(B) automobile insurance maintained by the transportation network company; or

(C) any combination of subparagraphs (A) and (B).

(c) (1) The following automobile insurance requirements shall apply while a transportation network company driver is engaged in a prearranged ride:

(A) Primary automobile liability insurance that provides at least $1,000,000 for death, bodily injury and property damage; *and*

(B) primary automobile liability insurance that meets the minimum coverage requirements where required by K.S.A. 40-284 and 40-3107(f), and amendments thereto.

(2) The coverage requirements of this subsection (c) may be satisfied by any of the following:

(A) Automobile insurance maintained by the transportation network company driver or vehicle owner;

(B) automobile insurance maintained by the transportation network company; or

(C) any combination of subparagraphs (A) and (B).

(d) If insurance maintained by the driver or vehicle owner in subsection (b) or (c) has lapsed or does not provide the required coverage, insurance maintained by a transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim and shall have the duty to defend such claim.

(e) Coverage under an automobile insurance policy maintained by the transportation network company shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

(f) A transportation network company that contracts with the board of education of a school district to provide transportation services pursuant to section 1, and amendments thereto, shall name such school district as an additional insured party on such transportation networks company's automobile insurance policy.

~~(f)~~*(g)* Insurance required by this section may be placed with an insurer licensed under K.S.A. 40-208 or 40-209, and amendments thereto, or with a surplus lines insurer eligible under K.S.A. 40-246b, and amendments thereto.

~~(g)~~*(h)* Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirement for a personal vehicle under the Kansas automobile injury reparations act, K.S.A. 40-3101 et seq., and amendments thereto.

~~(h)~~*(i)* A transportation network company driver shall carry proof of coverage satisfying subsections (b) and (c) with such driver at all times during such driver's use of a vehicle in connection with a transportation network company's digital network. In the event of an accident, a transportation network company driver shall provide this insurance coverage information to the directly interested parties, automobile insurers and investigating police officers, upon request pursuant to K.S.A. 8-173, and amendments thereto. Upon such request, a transportation network company driver shall also disclose to directly interested parties, automobile insurers and investigating police officers, whether such driver was logged on to the transportation network company's digital network or on a prearranged ride at the time of an accident.

Sec. 13. K.S.A. 8-273, 8-274, 8-275, 8-276, 8-277, 8-278, 8-279 and 8-280 and K.S.A. 2021 Supp. 8-267, 8-272 and 8-2708 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 18, 2022.

CHAPTER 68

SENATE BILL No. 446

AN ACT concerning driver's licenses and nondriver's identification cards; allowing restricted driver's license holders beginning at age 15 to drive to and from religious activities held by any religious organization; providing for the electronic renewal of nondriver's identification cards; amending K.S.A. 2021 Supp. 8-2,101 and 8-1324 and repealing the existing sections.

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

Section 1. K.S.A. 2021 Supp. 8-2,101 is hereby amended to read as follows: 8-2,101. *(a) (1)* The division of vehicles may issue a restricted class C or M driver's license in accordance with the provisions of this section. A restricted class C license issued under this section shall entitle the licensee, while possessing the license, to operate any motor vehicle in class C, as designated in K.S.A. 8-234b, and amendments thereto. A restricted class M license shall entitle the licensee, while possessing such license, to operate a motorcycle.

~~(a)~~*(2)* The division may issue a restricted class C or M driver's license to any person who:

~~(1)~~*(A)* Is at least 15 years of age;

~~(2)~~*(B)* has successfully completed an approved course in driver training;

~~(3)~~*(C)* has held an instructional permit issued under the provisions of K.S.A. 2021 Supp. 8-2,100, and amendments thereto, for a period of at least one year and has completed at least 25 hours of adult supervised driving or has obtained an instructional permit from another state or the District of Columbia ~~which~~ *that* has equivalent or greater requirements; and

~~(4)~~*(D)* upon the written application of the person's parent or guardian, which shall be submitted to the division.

(3) Any licensee issued a restricted license under this subsection~~,~~ shall provide, prior to reaching 16 years of age, a signed affidavit of either a parent or guardian, stating that the applicant has completed the required 25 hours prior to being issued a restricted license and 25 hours of additional adult supervised driving. Of the 50 hours required by this subsection, at least 10 of those hours shall be at night. The adult supervised driving shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license.

(b) (1) A restricted license issued under subsection (a) shall entitle a licensee who is at least 15 years of age but less than 16 years of age, to operate the appropriate motor vehicles at any time:

(A) While going to or from or in connection with any job, employment or farm-related work;

(B) on days while school is in session, over the most direct and accessible route between the licensee's residence and school of enrollment for the purposes of school attendance;

(C) from 6 a.m. to 9 p.m. while going directly to or from any religious activity held by a religious organization;

~~(C)~~*(D)* when the licensee is operating a passenger car, at any time when accompanied by an adult, who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or

~~(D)~~*(E)* when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is either operating a motorcycle in the general proximity of the licensee or is riding as a passenger on the motorcycle being operated by the licensee.

(2) *(A)* For a period of six months, a restricted license issued under subsection (a) shall entitle a licensee who is at least 16 years of age to operate the appropriate motor vehicles at any time:

~~(A)~~*(i)* From 5 a.m. to 9 p.m.;

~~(B)~~*(ii)* while going to or from or in connection with any job, employment or farm-related work;

~~(C)~~*(iii)* while going to or from authorized school activities;

~~(D)~~*(iv)* while going directly to or from any religious ~~worship service~~ *activity* held by a religious organization;

~~(E)~~*(v)* when the licensee is operating a passenger car, at any time when accompanied by an adult, who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or

~~(F)~~*(vi)* when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is either operating a motorcycle in the general proximity of the licensee or is riding as a passenger on the motorcycle being operated by the licensee.

(B) After such six-month period, if the licensee has complied with the provisions of this section, such restricted license shall entitle the licensee to operate the appropriate motor vehicles at any time without any of the restrictions required by this section.

(c) (1) The division may issue a restricted class C or M driver's license to any person who is under 17 years of age but at least 16 years of age, who:

(A) Has held an instructional permit issued under the provisions of K.S.A. 2021 Supp. 8-2,100, and amendments thereto, for a period of at least one year; and

(B) has submitted a signed affidavit of either a parent or guardian, stating that the applicant has completed at least 50 hours of adult super-

vised driving with at least 10 of those hours being at night. The required adult supervised driving shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license.

(2) *(A)* For a period of six months, a restricted license issued under subsection (c)(1) shall entitle a licensee to operate the appropriate motor vehicles at any time:

~~(A)~~*(i)* From 5 a.m. to 9 p.m.;

~~(B)~~*(ii)* while going to or from or in connection with any job, employment or farm-related work;

~~(C)~~*(iii)* while going to or from authorized school activities;

~~(D)~~*(iv)* while going directly to or from any religious ~~worship service~~ *activity* held by a religious organization;

~~(E)~~*(v)* when the licensee is operating a passenger car, at any time when accompanied by an adult, who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or

~~(F)~~*(vi)* when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is either operating a motorcycle in the general proximity of the licensee or is riding as a passenger on the motorcycle being operated by the licensee.

(B) After such six-month period, if the licensee has complied with the provisions of this section, such restricted license shall entitle the licensee to operate the appropriate motor vehicles at any time without any of the restrictions required by this section.

(d) (1) Any licensee issued a restricted license under subsection (a) *who is*:

(A) ~~Who is~~ Less than 16 years of age shall not operate any motor vehicle with nonsibling minor passengers; or

(B) ~~who is~~ at least 16 years of age, for a period of six months after reaching 16 years of age, shall not operate any motor vehicle with more than one passenger who is less than 18 years of age and who is not a member of the licensee's immediate family.

(2) Any licensee issued a restricted license under subsection (c), for a period of six months after such restricted license is issued, shall not operate any motor vehicle with more than one passenger who is less than 18 years of age and who is not a member of the licensee's immediate family.

(3) Any conviction for violating this subsection shall be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(e) Any licensee issued a restricted license under this section shall not operate a wireless communication device while driving a motor vehicle,

except that a licensee may operate a wireless communication device while driving a motor vehicle to report illegal activity or to summons medical or other emergency help.

(f) (1) A restricted driver's license issued under this section is subject to suspension or revocation in the same manner as any other driver's license.

(2) A restricted driver's license shall be suspended in accordance with K.S.A. 8-291, and amendments thereto, for any violation of restrictions under this section.

(3) The division shall suspend the restricted driver's license upon receiving satisfactory evidence that the licensee has been involved in two or more accidents chargeable to the licensee and such suspended license shall not be reinstated for one year.

(g) Evidence of failure of any licensee who was required to complete the 50 hours of adult supervised driving under this section shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(h) Any licensee issued a restricted license under:

(1) Subsection (a) who:

(A) Is under the age of 16 years and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license ~~which~~ *that* is not restricted in accordance with the provisions of subsection (b)(1) until the person reaches 17 years of age;

(B) is under 17 years of age but at least 16 years of age and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license ~~which~~ *that* is not restricted in accordance with the provisions of subsection (b)(2) until the person reaches 18 years of age; or

(C) fails to provide the affidavit required under subsection (a) shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (b)(1) until the person provides such affidavit to the division or the person reaches 17 years of age, whichever occurs first.

(2) Subsection (c) who is under the age of 17 years and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (c) until the person reaches 18 years of age.

(i) This section shall be a part of and supplemental to the motor vehicle driver's license act.

Sec. 2. K.S.A. 2021 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. 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 issuance, 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 li-

cense 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 *by either:*

(1) A digital color image or photograph; or

(2) a laser-engraved photograph of the licensee.

(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. 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. 65-3220 through 65-3244, and amendments thereto, shall have the word "Donor" placed on the front of the applicant's identification card.

(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.

(p) (1) The secretary of revenue shall permit an electronic online renewal of an identification card if the electronic online renewal applicant previously provided documentation of identity, lawful presence and residence to the division for electronic scanning. 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 nondriver's identification card if the division has such images on file. The determination on whether an electronic online renewal application or equivalent of a nondriver's identification card is permitted shall be made by the director of vehicles or the director's designee. The division shall not renew a nondriver's identification card through an electronic online or equivalent process if the identification card has been previously renewed through an electronic online application in the immediately preceding card's expiration period. No renewal under this subsection shall be granted to any person who is a registered offender pursuant to K.S.A. 22-4901 et seq., and amendments thereto.

(2) Prior to February 1, 2023, the division shall report to the house of representatives and the senate committees on transportation regarding the online renewal process of this subsection and the effects of implementing such process.

Sec. 3. K.S.A. 2021 Supp. 8-2,101 and 8-1324 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 18, 2022.

CHAPTER 69

HOUSE BILL No. 2559

AN ACT concerning agriculture; creating the Kansas cotton boll weevil program; relating to the powers and duties thereof; requiring the program to levy an assessment upon Kansas-produced cotton in order to monitor and mitigate the risk of boll weevils; relating to plants and seeds; seeds treated with certain substances; definitions; labeling; unlawful actions; certain registrations; inspections; live plant dealers; relating to industrial hemp; testing services; creating an advisory board; amending K.S.A. 2-1415, 2-1417, 2-1421, 2-1422, 2-1422a and 2-1424 and K.S.A. 2021 Supp. 2-1421a, 2-1423, 2-1427, 2-2113, 2-2118, 2-2120, 2-3901, 2-3902, 2-3903 and 2-3906 and repealing the existing sections; also repealing K.S.A. 2021 Supp. 2-2135, 2-2136, 2-2137, 2-2138, 2-2139, 2-2140 and 2-2141.

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

New Section 1. Sections 1 through 8, and amendments thereto, shall be known and may be cited as the Kansas cotton boll weevil act.

New Sec. 2. As used in sections 1 through 8, and amendments thereto:

(a) "Act" means the Kansas cotton boll weevil act.

(b) "Board" means the board of directors of the Kansas cotton boll weevil program established by section 3, and amendments thereto.

(c) "Cotton pest" means Anthonomus grandis Boheman, commonly known as boll weevils, or any other pest that may infest, destroy or otherwise inhibit the growth of cotton.

(d) "Grower" means any person engaged in the growing of cotton in this state who owns such cotton or shares in the ownership and risk of loss of such cotton, whether as a landlord or tenant.

(e) "Person" means a natural person, public or private corporation, partnership, association or other legal entity.

(f) "Secretary" means the secretary of agriculture or the secretary's designee.

New Sec. 3. (a) There is hereby established the Kansas cotton boll weevil program.

(b) The board of directors of the Kansas cotton boll weevil program is hereby established to administer and implement the Kansas cotton boll weevil program. The board shall consist of:

(1) Five voting members; and

(2) three ex officio nonvoting members, as provided in subsection (f).

(c) After the effective date of this act, the board of directors of the Kansas cotton association shall submit seven nominations to the secretary of agriculture. The secretary of agriculture shall appoint five voting members to the board from among such nominees.

(d) Upon a vacancy in the board or at least 30 days prior to the expiration of the term of any voting member of the board, the board of directors of the Kansas cotton association shall submit three nominations

to the secretary of agriculture for each such vacancy or expiring term. The secretary of agriculture shall appoint a voting member to the board from among the growers of the state from among such nominees.

(e) (1) Except as provided in paragraph (2), each appointed board member shall serve a term of four years. Board members appointed to fill a vacancy for an unexpired term shall serve for the remainder of such unexpired term.

(2) Two of the board members first appointed on and after the effective date of this act shall be appointed for a term of two years.

(f) The dean of the college of agriculture of Kansas state university or the dean's designee, the secretary or the secretary's designee and the Kansas cotton association chairman or the chairman's designee shall serve as ex officio, nonvoting members of the board.

(g) The board shall annually elect a chairperson from the voting members of the board.

(h) The board shall meet at least once every calendar year in conjunction with the Kansas cotton association's annual meeting.

New Sec. 4. (a) In order to administer and implement the Kansas cotton boll weevil program, the board shall have the authority to:

(1) Establish and implement a cotton pest monitoring plan that shall include the following:

(A) The development and distribution of educational materials; and

(B) authority for the board's designee to enter private property to:

(i) Subject to the notice requirements of subsection (b), perform inspections of any cotton field upon such private property for the purpose of determining whether an infestation of cotton exists or whether cotton pests are present on the property; and

(ii) subject to the notice requirements of subsection (b), set traps and monitor such traps;

(2) accept grants and donations;

(3) sue and be sued;

(4) appoint and compensate an administrator who is knowledgeable about the cotton industry and establish an office for such administrator at any place in the state selected by the board. With the approval of the board, the administrator may appoint other personnel as needed; and

(5) enter into such contracts as may be necessary or advisable for the purposes of this act, including, but not limited to, collection of the assessment, or coordination with any local, state or national organization or agency, whether private or created by state or federal law, engaged in work or activities similar to the work and activities of the board.

(b) Any individual conducting an inspection or setting or monitoring traps pursuant to a cotton pest monitoring plan shall, before or immediately upon entering any premises:

(1) Notify the owner, operator or lessee of the premises of the purpose for such entry; 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 or setting or monitoring traps.

New Sec. 5. If the presence of boll weevils or any other cotton pest is discovered within the state, the board may authorize the development of an eradication plan and implement such plan in coordination with the secretary pursuant to the plant pest and agriculture commodity certification act, K.S.A. 2-2112 et seq., and amendments thereto.

New Sec. 6. (a) There is hereby levied an assessment set by the board not to exceed $2 per cotton bale. The assessment shall be reviewed, set and communicated annually to growers.

(b) The assessment imposed shall be levied on a grower at the time of deposit at the cotton gin and shall be collected and remitted to the board as follows:

(1) If an in-state cotton gin serves as the selling agent for the cotton products, such cotton gin shall:

(A) Collect the assessment on behalf of the grower at the time of deposit at the gin by deducting the assessment from the ginning price of the cotton as a ginning cost or from any funds advanced for ginning costs;

(B) provide monthly reports to the board on or before the 15th day of each month regarding the assessments collected;

(C) remit all of the assessments collected each month to the board;

(D) provide the board with any other information reasonably requested by the board to ensure the collection of the assessments for each grower; and

(E) provide a copy of the sales invoice or other document evidencing the transaction to the grower that shows the amount of the assessment collected.

(2) If an out-of-state cotton gin is serving as the selling agent for the cotton produced, such gin may, subject to any contract with the board:

(A) Collect the assessment on behalf of the grower at the time of deposit at the gin; and

(B) remit all of the assessments collected each month to the board.

(c) Each cotton gin that is required to collect an assessment pursuant to this section shall forward to the board by June 1 of each year:

(1) An accounting of all assessments collected and paid; and

(2) payment for all assessments previously collected but not paid.

(d) All funds expended by the board in the administration of this act and for the payment of all claims arising out of the performance or neglect of any duties or activities pursuant to this act shall be paid from the proceeds derived from the assessment levied pursuant to this section.

(e) Each bank account used for operating and conducting the boll weevil program's duties shall be secured by pledge of securities in the manner prescribed for state bank accounts under K.S.A. 75-4218, and amendments thereto, or, if such bank account is in an institution outside the state of Kansas, the institution shall be licensed by a state or the federal government.

(f) All money collected from the assessments levied pursuant to this section shall be expended in the administration of this act, and for the payment of claims based upon obligations incurred in the performance of the activities and functions set forth in this act, and for no other purpose.

New Sec. 7. Any violation of this act shall be a class C nonperson misdemeanor.

New Sec. 8. (a) The boll weevil program, or any activity conducted under the program, may be discontinued upon resolution of the program or such activity and with approval by the secretary, if the board determines that the program or such activity is no longer necessary or reasonable to operate pursuant to this act.

(b) (1) Prior to any such dissolution of the boll weevil program, the board shall file a final report with the secretary, including a financial report, and submit all remaining funds into the Kansas cotton association. Final books of the boll weevil program shall be filed with the secretary and are subject to audit by the secretary.

(2) The secretary shall pay from the boll weevil program remaining funds all of the program's outstanding obligations and may continue to collect assessments until all such obligations are paid.

(3) Funds remaining after payment under paragraph (2) shall be returned to the Kansas cotton association.

(4) The secretary shall provide a final report to the legislature upon conclusion of all activities related to the dissolution of the program.

New Sec. 9. (a) The Kansas department of agriculture may provide industrial hemp testing services to non-licensed persons or governmental entities, including law enforcement agencies, when such capacity is available and not required for testing industrial hemp produced by licensees subject to this act.

(b) The secretary may establish a fee schedule for any testing services by rules and regulations and shall remit all moneys received from fees collected 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 laboratory testing services fee fund.

(c) The results of any tests performed under this section shall be made available to the Kansas bureau of investigation upon request. The Kansas

department of agriculture shall coordinate any testing services provided under this section with the Kansas bureau of investigation in order to provide excess testing capacity without displacing any services that may also be provided by the Kansas bureau of investigation.

(d) Nothing in this section shall limit the secretary's authority to refuse to provide testing services to any non-licensee.

(e) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2021 Supp. 2-3901 et seq., and amendments thereto.

New Sec. 10. (a) Seed that has been treated with an irritating or poisonous substance that is harmful to humans or other vertebrate animals shall be colored or dyed a color that clearly identifies that the seed has been treated and shall be labeled with the following information:

(1) A warning statement that the seed has been treated;

(2) the common, coined, chemical or abbreviated chemical name of the substance applied to the seed; and

(3) a caution statement that reads "treated seed—do not use for food, feed or oil purposes" and for mercurial and similarly toxic substances also includes the word "poison" and a skull-and-crossbones.

(b) If seed has been treated with a substance that is not irritating, poisonous or harmful to humans or other vertebrate animals, the seed shall be labeled with a statement describing the applied substance.

(c) If seed has been treated with an inoculant, the date beyond which the inoculant is not considered effective or the date of the inoculant's expiration shall be included on the label.

(d) A separate label may be used for the information required by this section, or such information may be a component of the main label.

(e) This section shall be a part of and supplemental to the Kansas seed law.

Sec. 11. K.S.A. 2-1415 is hereby amended to read as follows: 2-1415. As used in this act:

(a) "Agricultural seed" means the seed of grass, legume, forage, cereal ~~and~~, fiber crops, *oil seed, food plot seed and any cannabis sativa crop authorized by state law,* or mixtures thereof~~, but shall~~. *"Agricultural seed" does* not include ~~horticultural seeds~~ *those seeds generally classified as vegetable, fruit, flower, tree or shrub and grown for personal use or commercial sale, except that cover crop seed shall be considered agricultural seed.*

(b) "Person" means any individual, member of a partnership, corporation, agents, brokers, company, association or society.

(c) "Conditioned" means cleaned, or cleaned and blended, to meet the requirements of agricultural seed for the purpose of being planted or seeded.

(d) "Kind" means one or more related species or subspecies ~~which~~ *that* singly or collectively is known by one common name, and includes, among others, wheat, oat, vetch, sweet clover and alfalfa.

(e) "Variety" means a subdivision of a kind~~, which~~ *that* is characterized by growth, yield, plant, fruit, seed or other characteristics by which it can be differentiated from other plants of the same kind.

(f) "Hard seed" means ~~the~~ seeds ~~which~~ *that* because of hardness or impermeability do not absorb moisture or germinate under seed testing procedure.

(g) "Label" means the statements written, printed, stenciled or otherwise displayed upon, or attached to, ~~the~~ *a* container of agricultural seed, and includes other written, printed, stenciled or graphic representations, in any form whatsoever, pertaining to any agricultural seed, whether in bulk or in containers, and includes declarations and affidavits.

(h) "Secretary" means the secretary of *the Kansas department of* agriculture *or the secretary's authorized representative*.

(i) "Weed seed" means the seeds of plants considered weeds in this state and includes noxious weed seed*, prohibited weed seed* and restricted weed seed, *as* determined by *the* methods established by ~~rule~~ *rules* and ~~regulation under this act~~ *regulations adopted by the secretary*.

(j) *(1)* "Noxious weed seed" means the seed of ~~Kudzu (Pueraria lobata), field bindweed (Convolvulus arvensis), Russian knapweed (Centaurea repens), hoary cress (Cardaria draba), Canada thistle (Cirsium arvense), leafy spurge (Euphorbia esula), quackgrass (Agropyron repens), bur ragweed (Ambrosia grayii), pignut (Indian rushpea) (Hoffmannseggia densiflora), Texas blueweed (Helianthus ciliaris), Johnson grass (Sorghum halepense), sorghum almum, and any plant the seed of which cannot be distinguished from Johnson grass, musk (nodding) thistle (Carduus nutans L.) and sericea lespedeza (Lespedeza cuneata)~~ *any species of plant declared to be a noxious weed by the secretary pursuant to K.S.A. 2-1314(a), and amendments thereto, and any rules and regulations adopted thereunder*.

(2) "Noxious weed seed" does not include the seed of any weed species:

(A) Listed as a noxious weed by a board of county commissioners pursuant to K.S.A. 2-1314(d), and amendments thereto, or designated as a noxious weed by an emergency declaration of the secretary pursuant to K.S.A. 2-1314c, and amendments thereto; and

(B) not subsequently declared a statewide noxious weed by the secretary pursuant to K.S.A. 2-1314(a), and amendments thereto, and rules and regulations adopted thereunder.

(k) *"Prohibited weed seed" means the seeds or bulblets of plant species that are highly destructive and are difficult to control with cultural practices that are commonly accepted as effective and with the use of herbicides. "Prohibited weed seed" includes the seeds of any species of plant*

designated as prohibited weed seed in any rules and regulations adopted by the secretary in consultation with landowner organizations, seed industry organizations and programs within the college of agriculture at Kansas state university.

(l) "Restricted weed seed" means weed seeds or bulblets ~~which shall not be present in agricultural seed at a rate per pound in excess of the number shown following the name of each weed seed: Silverleaf nightshade (Solanum elaeagnifolium) 45, horsenettle, bullnettle (Solanum carolinense) 45, dock (Rumex spp.) 45, oxeye daisy (Chrysanthemum leucanthemum) 45, perennial sowthistle (Sonchum arvensis) 45, giant foxtail (Setaria faberi) 45, cheat (Bromus secalinus) 45, hairy chess (Bromus commutatus) 45, buckthorn plantain (Plantago lanceolata) 45, wild onion or garlic (Allium spp.) 18, charlock (Sinapsis arvensis) 18, wild mustards (Brassica spp.) 18, treacle (Erysimum spp.) 18, wild carrot (Daucus carota) 18, morning glory and purple moonflower (Ipomoea spp.) 18, hedge bindweed (Calystegia spp., syn. Convolvulus sepium) 18, dodder (Cuscuta spp.) 18, except lespedeza seed, other than sericea lespedeza (Lespedeza cuneata), which may contain 45 dodder per pound, pennycress, fanweed (Thlaspi arvense) 18, wild oats (Avena fatua) 9, climbing milkweed, sandvine (Cynanchum laeve, syn. Gonolobus laevis) 9, jointed goatgrass (Aegilops cylindrica) 9, black nightshade complex (Solanum ptycanthum, S. americanum, S. sarrachoides, S. nigrum, and S. interius) 9, wild buckwheat, black bindweed (Polygonum convolvulus) 9, velvetleaf, butterprint (Abutilon theophrasti) 9, and cocklebur (Xanthium spp.) 9. The total number of the restricted weed seed shall not exceed 90 per pound except native grass, smooth bromegrass, tall fescue, wheatgrasses and lespedeza, other than sericea lespedeza (Lespedeza cuneata), shall not exceed 150 per pound. In smooth bromegrass, fescues, orchard grass, wheatgrasses, and chaffy range grasses, hairy chess or cheat shall not exceed 2,500 per pound. For the purposes of this section the following weedy Bromus spp. shall be considered as common weeds and collectively referred to as "chess": Japanese chess (Bromus japonicus), soft chess (Bromus mollis) and field chess (Bromus arvensis)~~ *that are:*

(1) Objectionable in agricultural crops, lawns and gardens of this state and that can be controlled with cultural practices that are commonly accepted as effective or with the use of herbicides; and

(2) designated as restricted weed seeds pursuant to rules and regulations adopted by the secretary in consultation with landowner organizations, seed industry organizations and programs within the college of agriculture of Kansas state university.

~~(l)~~*(m)* "Advertisement" means all representations, other than those on the label, disseminated in any manner, or by any means, relating to agricultural seed.

~~(m)~~*(n)* "Record" means all information relating to any shipment of agricultural seed and includes a file sample of each lot of such seed.

~~(n)~~*(o)* "Stop sale order" means an administrative order, authorized by law, restraining the sale, use, disposition and movement of a definite amount of agricultural seed.

~~(o)~~*(p)* "Seizure" means a legal process, *including an order* issued by *a* court ~~order, against~~ *of competent jurisdiction, that allows the secretary to take possession of* a definite amount of agricultural seed *and undertake or order the disposition of the seed as the court may direct pursuant to K.S.A. 2-1422a, and amendments thereto*.

~~(p)~~*(q)* "Lot" means a definite quantity of agricultural seed, identified by a lot number or other mark, every portion or bag of which is uniform, within recognized tolerances for the factors which appear in the labeling.

~~(q)~~*(r)* "Germination *rate*" means the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions, in accordance with the methods established by ~~rule~~ *rules* and ~~regulation under~~ *regulations adopted pursuant to* this act.

~~(r)~~*(s)* "Pure seed" means the kind of seed declared on the label, exclusive of inert matter, ~~other~~ agricultural or other crop seeds and weed seeds.

~~(s)~~*(t)* "Inert matter" means all matter *that is* not seeds, ~~and as otherwise determined by rules and regulations under this act~~ *as determined by the secretary*.

~~(t)~~*(u)* "Other agricultural seeds or other crop seeds" means seeds of agricultural seeds other than those included in the percentage or percentages of kind or variety and includes collectively all kinds and varieties not named on the label.

~~(u)~~*(v) (1)* "Hybrid" means the first generation seed of a cross produced by ~~controlling the pollination~~ *a method of hybridization that will produce pure seed of which 75% or more contains the genetic material of each of the parent plants* and by combining*:*

~~(1)~~*(A)* Two or more inbred lines~~,~~*;*

~~(2)~~*(B)* one inbred or a single cross with an open pollinated variety~~,~~*;* or

~~(3)~~*(C)* two varieties or species, other than open pollinated varieties of corn (Zea mays).

(2) "Hybrid ~~shall~~" *does* not include the second generation or subsequent generations *resulting* from such crosses. ~~Hybrid designations shall be treated as variety names. Controlling the pollination means to use a method of hybridization which will produce pure seed which is 75% or more hybrid.~~

~~(v)~~*(w)* "Type" means a group of varieties ~~so nearly~~ *that are so* similar that the individual varieties cannot be clearly differentiated except under special conditions.

~~(w)~~*(x)* "Treated" means that the seed has ~~received an application of a substance or process which~~ *had a substance applied to such seed that* is designed to reduce, control or repel certain disease organisms, insects or other pests ~~attacking such seeds or seedlings growing therefrom~~ and includes an application of a substance ~~or process~~ designed to increase seedling vigor.

~~(x)~~*(y)* "Tested ~~seed~~" means that a representative sample of the lot of agricultural seed in question has been subjected to examination and ~~its character as to~~ *such sample's* purity and germination *rate* has been determined.

~~(y)~~*(z)* "Native grass seed" means the seeds of aboriginal or native prairie grasses.

~~(z)~~*(aa)* "Chaffy range grasses" ~~shall include~~ *means* Bluestems, Gramas, Yellow Indian grass, ~~wild rye grasses~~ *wildryes*, ~~buffalo grass~~ *buffalograss* and ~~prairie cord~~ *any other* grass *that has seeds that tend to bind together because of attached husks, hulls, brans or other plant parts that do not readily separate from the seeds during conditioning and prevent the seeds from moving independently of each other*.

~~(aa)~~*(bb)* "Certified seed" means any class of pedigreed seed or plant parts for which a certificate of inspection has been issued by an official seed certifying agency.

~~(bb)~~*(cc)* "Certifying agency" means:

(1) An agency ~~which~~ *that* is authorized under the laws of a state, territory or possession to officially certify seed and ~~which~~ has standards and procedures approved by the secretary of agriculture of the United States department of agriculture to assure the genetic purity and identity of the seed certified; or

(2) an agency of a foreign country ~~which~~ *that* is determined by the secretary of agriculture of the United States department of agriculture to be an agency ~~which~~ *that* adheres to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under ~~clause~~ *paragraph* (1) ~~of this subsection~~.

~~(cc)~~*(dd)* "Blend" means *a combination of* two or more varieties of the same kind *of agricultural seed in which* each ~~in excess of~~ *variety comprises more than* 5% of the whole.

~~(dd)~~*(ee)* "Mixture" means a combination of *two or more kinds of agricultural* seed ~~consisting of more than one kind each in excess of~~ *in which each kind comprises more than* 5% of the whole.

~~(ee)~~*(ff)* "Brand" means a term or mark that is proprietary in nature, whether or not it is a registered or copyrighted term or mark.

~~(ff)~~*(gg)* "Commercial means" ~~shall include~~ *includes* all forms of advertising for which a person must pay another for the dissemination or distribution of the advertisement.

~~(gg) "Horticultural seeds" means those seeds generally classified as vegetable, fruit, flowers, tree and shrub and grown in gardens or on truck farms.~~

(hh) "Grower of agricultural seed" means an individual whose primary occupation is farming and *who sells or* offers~~,~~ *or* exposes ~~or sells~~ *for sale* agricultural seed ~~of such individual's own growing~~ *that the individual has grown* without the use of a common carrier or a third party as an agent or broker. ~~Seed shall be in compliance with noxious and restricted weed seed requirements and may advertise if the advertisement specifically states variety, bin run and if tested.~~

(ii) "Wholesaler" means any person who is in the business *of* selling agricultural seed ~~at wholesale~~ to any person other than the end user.

(jj) "Retailer" means any person who sells agricultural seed to the end user.

(kk) "Seed conditioner" means any person who is in the business of cleaning seed for a fee or compensation.

(ll) "Wild mustard (Brassica spp.)" means Indian mustard (Brassica juncea), Sahara mustard (B. tournefortii), field mustard (B. rapa), black mustard (B. nigra), bird rape (B. campestris) and all other members of the wild mustard (Brassica spp.) genus when occurring incidentally in agricultural seeds.

(mm) "Cover crop seed" means the seed of any plant that is planted to provide seasonal soil cover for the purpose of protecting or enriching the soil, whether harvested or not. "Cover crop seed" does not include the seeds of any plant of the genus cannabis.

(nn) "Food plot" means a planted area set aside for the purpose of providing a supplementary source of nutrition to wildlife or other non-domesticated animals and that is not intended to be harvested for sale.

(oo) "Feminized seed" means seeds produced by a cannabis sativa plant that are specially bred, treated or genetically engineered to eliminate male chromosomes to produce only female plants.

(pp) "Oil seed" means the seeds of any species that is grown as a crop primarily for the oil contained within the grain.

(qq) "Seed" means a plant's dormant unit of sexual reproduction intended to be planted for germination.

(rr) "Act" or "Kansas seed law" means the statutes contained in article 14 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 12. K.S.A. 2-1417 is hereby amended to read as follows: 2-1417. *(a)* Each bulk quantity, package or parcel of agricultural seed offered for sale, exposed for sale or exchanged for planting or seeding purposes shall have a label ~~which~~ *that* shall be affixed thereto or printed or stenciled thereon or ~~in~~, *for* bulk quantity ~~which~~ *agricultural seed,* shall be furnished

with the invoice~~.~~. *Each agricultural seed label shall be printed* in the English language ~~giving~~ *and shall contain* the following information, which shall *be legible and shall* not be modified ~~or~~*, defaced, falsified or misleading and shall not be* denied on the label~~,~~ or on another label attached to the container~~, and in bulk quantity shall be furnished with the invoice~~:

~~(a)~~*(1)* The commonly accepted ~~name of the~~ kind and variety *or hybrid designation,* or the kind and the words "variety not stated", of each agricultural seed component ~~in excess of~~ *that comprises more than* 5% of the whole and the percentage by weight of each in order of its predominance, except for the annual grain crops wheat, oats, barley~~,~~ and soybeans, for which the label shall include *the* kind and variety~~. For blends of wheat, oats, barley or soybeans, the label shall include the kind followed by the word "blend." For brands of wheat, oats, barley, and soybeans, the brand mark or term must precede the word "brand." Components of blends and brands of wheat, oats, barley and soybeans shall be registered with the secretary unless all varieties and the percentage thereof are listed on the label. Blends and brands so registered may be labeled by kind and the words "variety (varieties) not stated." The composition of registered blends and brands shall remain consistent from year to year. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label~~;

~~(b)~~*(2)* the percentage by weight of pure seed;

~~(c)~~*(3)* the percentage by weight of all weed seeds;

~~(d)~~*(4)* the percentage by weight of inert matter;

~~(e) for each named agricultural seed: (1) The percentage of germination, exclusive of hard seed; (2) the percentage of hard seeds, if present; (3) total germination percentage including hard seed may be shown; (4) the calendar month and year the test was completed to determine such percentages;~~

~~(f)~~*(5)* the percentage by weight of agricultural seeds ~~(~~, which may be designated as "crop seeds"~~)~~, other than those required to be named on the label;

~~(g)~~*(6)* the lot number or other lot identification*, which shall remain visible and legible and shall be placed so as not to obscure any lot number or other lot identification that was previously placed on the bulk quantity, package or parcel*;

~~(h)~~*(7)* the origin~~: i.e.~~ *of the seed*, *including* the state or foreign country where *the seed was* grown, *or a declaration that the origin of the seed is unknown to the seller,* except *in the case of* grass seeds in quantities of less than 10 pounds *intended* for lawn seeding purposes~~, or a declaration that origin of seed is unknown to seller~~;

~~(i)~~*(8)* the name and rate of occurrence per pound of each kind of restricted weed seed present, which shall not ~~be more than the number per~~

~~pound of restricted weed seed in agricultural seed, as provided in subsection (k) of K.S.A. 2-1415~~ *exceed the applicable limitations prescribed in rules and regulations adopted by the secretary*;

~~(j)~~*(9)* the name and address of *the* person responsible for the label; *and*

~~(k) agricultural seed which has been treated with chemicals for insect or disease control, shall be labeled to show the following:~~

~~(1) A word or statement indicating that the seed has been treated;~~

~~(2) the commonly accepted, coined, chemical or abbreviated chemical (generic) name of the applied substance;~~

~~(3) if the substance in the amount applied is harmful to human or other vertebrate animals, a caution statement, such as: "Do not use for food, feed or oil purposes." The caution for mercurials and similarly toxic substances must include in a contrasting color the word "poison" and skull and crossbones; and~~

~~(4) a separate label may be used to show this information, or it may be a component part of the main label~~

(10) for any label that makes claims that a bulk quantity, package or parcel of cannabis sativa contains feminized seeds, the percentage by weight of feminized seed.

(b) For each kind of agricultural seed identified on the label, the label shall also include:

(1) The germination rate, excluding the hard seed;

(2) the percentage of hard seed, if present;

(3) the month and year that the test to determine the germination rate was conducted; and

(4) for seed that is sold for lawn and turf purposes, a statement of the month and year by which the seed shall be sold that includes the phrase "sell by".

(c) Any label may also include the total germination rate, including hard seed.

(d) Any label may include a statement of the month and year by which the seed shall be sold that includes the phrase "sell by".

(e) The "sell by" month and year on each label shall be not more than nine months after the date that the test to determine the germination rate was conducted, excluding the calendar month in which the test was conducted.

(f) For blends of wheat, oats, barley or soybeans, the label shall include a statement of the seed kind followed by the word "blend". For brands of wheat, oats, barley and soybeans, the brand mark or term shall precede the word "brand". Components of blends and brands of wheat, oats, barley and soybeans shall be registered with the secretary unless all varieties and the percentage thereof are listed on the label. Blends and brands so registered may be labeled by kind and the words "variety (va-

rieties) not stated". The composition of registered blends and brands shall remain consistent from year to year. When more than one component is required to be named, the word "mixture" or "mixed" shall be shown conspicuously on the label.

Sec. 13. K.S.A. 2-1421 is hereby amended to read as follows: 2-1421. (a) It ~~is~~ *shall be* unlawful for any person to sell, offer for sale, expose for sale or advertise by commercial means any agricultural seed for seeding purposes:

(1) ~~Unless a test has been made to determine the percentage of germination and it shall have been completed within a nine-month period (exclusive of the calendar month in which the test was completed) immediately prior to sale, exposure for sale or offering for sale~~ *That was not tested to determine the germination rate within the nine-month period immediately prior to being sold or offered or exposed for sale, excluding the calendar month in which the test was completed*;

(2) ~~which~~ *that* is not labeled in accordance with the provisions of this act;

(3) ~~which~~ *that* has a false, misleading or incomplete label;

(4) ~~which~~ *that* contains noxious weed ~~seeds~~ *seed or prohibited weed seed*;

(5) ~~which~~ *that* contains restricted weed seeds in excess of the quantity prescribed ~~by subsection (k) of K.S.A. 2-1415, and amendments thereto~~ *pursuant to rules and regulations adopted by the secretary*;

(6) ~~which~~ *that* contains more than ~~1% of weed seeds by weight, except~~*:*

(A) 2% of weed seed by weight if the agricultural seed is smooth bromegrass, fescues, orchard grass, wheatgrasses~~, and~~ *or* lespedeza ~~which contain more than 2% weed seed by weight and~~ *other than sericea lespedeza;*

(B) 4% weed seed by weight if the agricultural seed is any chaffy range ~~grasses which contain more than 4% by weight~~ *grass; or*

(C) 1% of weed seed by weight for any other agricultural seed;

(7) ~~if any label, advertisement or other media represents such agricultural seed to be certified or registered, unless: (A) Such certification or registration has been determined by an official seed certifying agency; and (B) such seed bears an official label issued for such seed by such agency stating that the seed is certified or registered;~~

~~(8)~~ by variety name not certified by an official seed certifying agency when it is a variety for which a certificate of plant variety protection has been issued under the plant variety protection act, ~~as amended, and as in effect on July 1, 1997,~~ specifying sale only as a class of certified seed, except that seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety;

~~(9)~~*(8)* without having registered with the secretary as required by K.S.A. 2-1421a, and amendments thereto*; and*

(9) if any label, advertisement or other media represents such agricultural seed to be certified or registered, unless:

(A) Such certification or registration has been determined by an official seed-certifying agency; and

(B) such seed bears an official label issued for such seed by such agency stating that the seed is certified or registered.

(b) It ~~is~~ *shall be* unlawful for any person *to*:

(1) ~~To~~ Alter or deface any label so that the information is false or misleading or to mutilate any label;

(2) ~~to~~ disseminate any false or misleading advertisements concerning agricultural seed;

(3) ~~to~~ issue any statement, invoice or declaration as to the variety of any agricultural seed ~~which~~ *that* is false or misleading;

(4) ~~to~~ hinder or obstruct the secretary ~~or an authorized representative of the secretary~~ in the performance of official duties;

(5) ~~to~~ fail to comply with a stop sale order, or to move or otherwise handle or dispose of any quantity of seed *that is* held under a stop sale order~~,~~ or *that has* a stop sale tag attached thereto, except with *the* express permission of the enforcing officer in writing and ~~except for the purpose specified therein~~ *subject to any conditions established by the enforcing officer*;

(6) ~~to~~ use the word "trace" as a substitute for any statement ~~which~~ *that* is required; *or*

(7) ~~to~~ use the word "type" in any labeling in connection with the name of any agricultural seed variety.

(c) *(1)* Except as provided in subsection ~~(a)(8)~~ *(a)(7)*, it shall not be a violation of this act for the grower of agricultural seed to sell~~,~~ *or* offer or expose for sale for planting or seeding purposes agricultural seed ~~which~~ *that* has not been tested and labeled when the agricultural seed:

~~(1)~~*(A)* ~~Has been~~ *Was* grown on the grower's premises;

~~(2)~~*(B)* is free from noxious weed seed *and prohibited weed seed*~~; and~~

~~(3)~~*(C)* does not contain ~~any~~ restricted weed seed in excess of the quantity ~~prescribed by subsection (k) of K.S.A. 2-1415, and amendments thereto~~ *established in rules and regulations adopted by the secretary; and*

(D) is of a variety that is not prohibited from being sold or offered or exposed for sale by any legal, contractual or other protection.

(2) Agricultural seed sold pursuant to this exemption shall not be advertised by commercial means unless ~~such~~ *the* advertisement specifically states ~~such~~ *that the* agricultural seed is bin run or *states* whether ~~such~~ *the agricultural* seed has been tested.

Sec. 14. K.S.A. 2021 Supp. 2-1421a is hereby amended to read as follows: 2-1421a. (a) (1) Each wholesaler shall register with the secretary

and shall pay a registration fee not to exceed $300. ~~The current wholesale registration fee is hereby set at $175 and shall remain at that amount until changed by rules and regulations of the secretary.~~ *A wholesaler shall not offer or expose the seed for sale to any person, business, wholesaler, retailer or facility when the wholesaler knows or has reason to know that the buyer or potential buyer is not actively registered with the secretary as provided by this section.*

(2) Each retailer shall register with the secretary and shall pay a registration fee not to exceed $30. ~~The current retailer registration fee is hereby set at $10 and shall remain at that amount until changed by rules and regulations of the secretary.~~

(3) Registration shall be required for each place of business at which agricultural seed is sold, offered or exposed for sale by the wholesaler or retailer.

(4) An individual who conducts a wholesaler and retailer business at the same location shall be required to register as both a wholesaler and retailer.

(b) Application for registration *as a wholesaler or retailer, or both,* shall be made on a form provided by the secretary. Each registration for a wholesaler or retailer shall expire on August 31 following the date of issuance unless such registration is renewed annually.

(c) ~~Each seed conditioner shall register with the secretary. Such seed conditioner registration shall require no registration fee and shall be a biennial registration. Any seed conditioner who is ceasing to do business as a seed conditioner shall notify the Kansas department of agriculture within 30 days of ceasing to do business.~~

~~(d)~~ As used in this section, "agricultural seed" ~~shall include~~ *includes* grain when sold as such, or when sold according to grain standards and the seller knows, or has reason to know, that the grain is to be used for seeding or planting purposes.

~~(e)~~*(d)* The secretary 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 agricultural seed fee 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 secretary or a person or persons designated by the secretary.

~~(f)~~*(e)* All moneys credited to the agricultural seed fee fund shall be expended for any purpose consistent with the Kansas seed law.

~~(g)~~*(f)* The secretary may adopt rules and regulations necessary to administer the provisions of this act.

(g) The secretary, after providing notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act, may deny any application or revoke, suspend, modify or refuse to renew any registration issued pursuant to this act if such applicant or the holder of such registration has:

(1) Failed to comply with any provision or requirement of this act or any rule or regulation adopted hereunder;

(2) failed to comply with any laws, rules or regulations of any other state, or the United States, related to the registration of agricultural seed dealers, the testing of seed, the labeling of seed or seed certification; or

(3) had any license, certificate, registration or permit issued by Kansas or any other state, or the United States, related to the registration of agricultural seed dealers, the testing of seed, the labeling of seed or seed certification revoked, suspended or modified.

(h) This section shall be *a* part of and supplemental to the Kansas seed law, K.S.A. 2-1415 et seq., and amendments thereto.

Sec. 15. K.S.A. 2-1422 is hereby amended to read as follows: 2-1422. *(a)* Any person who ~~shall violate~~ *violates* any of the provisions of this act shall be deemed guilty of ~~a~~ *an unclassified* misdemeanor and upon conviction thereof shall be punished by a fine of not ~~less than twenty-five dollars ($25) nor more than five hundred dollars ($500)~~ *more than $500*.

(b) The secretary, after providing notice and an opportunity for a hearing, in accordance with the Kansas administrative procedure act, may suspend, revoke or deny any registration and assess a civil penalty against any person who violates or fails to comply with the requirements of this act, or any rules or regulations adopted hereunder, of not less than $100 nor more than $1,000 per violation. Such civil penalty may be assessed in addition to any other penalty provided by law.

(c) All moneys collected pursuant to this section 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 general fund.

Sec. 16. K.S.A. 2-1422a is hereby amended to read as follows: 2-1422a. *(a)* Agricultural seed ~~which~~ *that* is mislabeled shall be considered a common nuisance and *shall be* subject to seizure and injunction in the manner ~~as~~ provided by law. ~~In the event the~~

(b) (1) When a court *of competent jurisdiction* finds ~~the~~ *any* seed to be in violation of this act~~,~~ and orders the condemnation of ~~said~~ *such* seed, ~~it~~ *the seed* may be denatured, reprocessed, destroyed, relabeled~~,~~ or otherwise disposed of as the court ~~may direct: Provided, That in no instance shall the court order a disposition of said seed without first having given~~ *directs*.

(2) Before a court orders a disposition of any seed, the defendant *shall have* an opportunity to be heard and to apply to the court ~~(a)~~ for*:*

(A) Permission to reprocess or relabel ~~it~~ *the seed in order* to bring ~~it~~ *such seed* into compliance with ~~law~~ *this act* and any rules or regulations applicable thereto~~,~~*;* and ~~(b) for~~

(B) a release of ~~said~~ *such* seed.

(3) When~~, in the performance of duties,~~ the secretary ~~or a duly authorized representative of the secretary,~~ applies to any court for a temporary restraining order or a temporary or permanent injunction~~,~~ ~~restraining~~ *to prevent* any person from violating or continuing to violate any of the provisions of this act~~,~~ or any ~~rule~~ *rules* and ~~regulation under this act, said~~ *regulations adopted pursuant thereto, an* order *granting or denying the secretary's request* shall be issued without bond~~,~~ and ~~said order shall be issued~~ without regard to whether any criminal proceeding has been instituted.

Sec. 17. K.S.A. 2021 Supp. 2-1423 is hereby amended to read as follows: 2-1423. (a) *Inspection.* The secretary ~~or a duly authorized representative of the secretary~~ shall inspect, sample and determine the purity and germination *rate* of agricultural seed at such time, ~~and~~ in such places~~,~~ and to such extent as the secretary ~~or representatives of the secretary consider~~ *considers* advisable. The secretary ~~or an authorized representative of the secretary~~ may stop further sale or movement of any lot or lots of agricultural seed found to be in violation of any of the provisions of this act *or any rules or regulations adopted pursuant thereto* until compliance with ~~the law~~ *this act* has been satisfied or ~~other~~ *another* disposition *has been* made. It shall be the duty of the secretary ~~or a duly authorized representative of the secretary~~ to:

(1) Enforce and administer this act;

(2) sample, inspect, make analysis of and test agricultural seeds transported, sold, offered for sale or exposed for sale within the state for planting and seeding purposes at such time and place and to such extent as considered necessary to determine whether the agricultural seeds are in compliance with provisions of this act; and

(3) cooperate *and enter into agreements* with the United States department of agriculture and other agencies in seed law enforcement.

(b) *(1) Access.* The secretary ~~or authorized representatives of the secretary~~ shall have free access*,* during ~~reasonable~~ *customary business* hours, to all places of business, buildings, vehicles, cars and vessels, of whatsoever kind, used in the sale, transportation, *processing, packaging,* importation or storage of agricultural seed and shall have the authority to:

~~(1)~~ *(A)* Inspect the records concerning the place of origin, or concerning the sale, of any agricultural seed;

~~(2)~~ *(B)* open any package containing or suspected of containing any agricultural seed that is exposed or offered for sale; and

~~(3)~~ *(C)* take therefrom samples of contents for examination.

(2) This section shall also apply to any seed that the secretary has reason to believe is or may be exposed for sale, except for lots of agricultural seed that are clearly and permanently marked as not for sale and stored separately from seed that is or may be offered for sale.

(3) The owner of the seed shall be paid the retail price of the sample so procured if the owner so requests.

(c) *Stop sale orders.* The secretary or authorized representatives of the secretary shall have the authority to~~: (1)~~ issue and enforce a written or printed "stop sale" order to the owner or custodian of any quantity of agricultural seed ~~which~~ *that* the secretary ~~or duly authorized representatives of the secretary determine~~ *determines* to be in violation of any ~~of the provisions~~ *provision* of this act or rules and regulations adopted hereunder~~, which~~. *Such an* order shall prohibit further sale, processing ~~and~~ *or* movement of such seed, except ~~on~~ *with the* approval of the enforcing officer, until such officer has evidence that ~~the law has~~ *this act and all rules and regulations adopted hereunder have* been complied with and issues a release from the "stop sale" order ~~of such seed~~. Any stop sale order issued pursuant to this subsection is subject to review in accordance with the Kansas judicial review act. The provisions of this subsection shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this act.

Sec. 18. K.S.A. 2-1424 is hereby amended to read as follows: 2-1424. When the ~~said~~ secretary ~~decides~~ *determines* that prosecution for *a* violation of this act *or rules and regulations adopted pursuant hereunder* is warranted, ~~he or she~~ *the secretary* shall*:*

(a) Report the facts *supporting such determination* to the prosecuting attorney of the county in which the violation was committed*;* and

(b) furnish that ~~officer~~ *prosecuting attorney* with a copy of the results of ~~the~~ *any* analysis or other examination of such agricultural seed. *Such results shall be* duly attested to by the analyst or other representative ~~making~~ *of the secretary who performed the analysis or made* the examination.

Sec. 19. K.S.A. 2021 Supp. 2-1427 is hereby amended to read as follows: 2-1427. The secretary ~~of agriculture~~ is hereby empowered to ~~make and publish~~ *adopt* such rules and regulations ~~after public hearing~~ as ~~it may deem~~ *the secretary deems* necessary to carry ~~into effect~~ *out* the full intent and meaning of ~~chapter 2,~~ article 14~~,~~ *of chapter 2* of the Kansas Statutes Annotated, and amendments thereto~~, and~~. The secretary is hereby empowered to enforce the provisions of this act and the rules and regulations ~~promulgated by the secretary of agriculture~~ *adopted hereunder*.

Sec. 20. K.S.A. 2021 Supp. 2-2113 is hereby amended to read as follows: 2-2113. As used in this act:

(a) "Plant pests" includes any stage of development of any insect, nematode, arachnid, or any other invertebrate animal, or any bacteria, fungus, virus, weed or any other parasitic plant or microorganism, or any toxicant, ~~which~~ *that* can*:*

(1) Injure plants or plant products~~,~~*;* or ~~which can~~

(2) cause a threat to public health.

(b) "Secretary" means the secretary of the Kansas department of agriculture, or the authorized representative of the secretary.

(c) "Plants" means trees, shrubs, grasses, vines, forage and cereal plants and all other plants including growing crops; cuttings, grafts, scions, buds and all other parts of plants.

(d) "Plant products" means fruit, vegetables, roots, bulbs, seeds, wood, lumber, grains and all other plant products.

(e) "Location" means any grounds or premises on or in which live plants are propagated, or grown, or from which live plants are removed for sale, or any grounds or premises on or in which live plants are being fumigated, treated, packed, stored or offered for sale.

(f) "Live plant dealer" means any person, unless excluded by rules and regulations adopted hereunder, who engages in business in the following manner:

(1) Grows live plants for sale or distribution;

(2) buys or obtains live plants for the purpose of reselling or reshipping within this state; *or*

(3) plants, transplants or moves live plants from place to place within the state with the intent to plant such live plants for others and receives compensation for the live plants, for the planting of such live plants or for both live plants and plantings~~; or~~

~~(4) gives live plants as a premium or for advertising purposes~~.

(g) "Person" means a corporation, company, society, association, partnership, governmental agency and any individual or combination of individuals.

(h) "Permit" means a document issued or authorized by the secretary to provide for the movement of regulated articles to restricted destinations for limited handling, utilization or processing.

(i) "Host" means any plant or plant product upon which a plant pest is dependent for completion of any portion of its life cycle.

(j) "Regulated article" means any host or any article of any character as described in a quarantine or regulation carrying or being capable of carrying the plant pest against which the quarantine or regulation is directed.

(k) "Live plant" means any living plant, cultivated or wild, or any part thereof that can be planted or propagated unless specifically exempted by the rules or regulations of the secretary.

(l) "Quarantine pest" means a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.

(m) "Regulated nonquarantine pest" means a nonquarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated.

(n) "Official control" means the active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated nonquarantine pest.

(o) "Regulated area" means an area into which, within which or from which plants, plant products and other regulated articles are subjected to phytosanitary regulations or procedures in order to prevent the introduction or spread of quarantine pests or to limit the economic impact of regulated nonquarantine pests.

(p) "Bee" means a honey-producing insect of the genus Apis including all life stages of the insect.

(q) "Beekeeping equipment" means all hives, supers, frames or other devices used in the rearing or manipulation of bees or their brood.

(r) "Toxicant" means any chemical, including an agricultural chemical as defined in K.S.A. 2-2202, and amendments thereto, or any biological substance ~~which~~ *that*, if present in unsafe levels, can render a plant or plant product unsafe for human or animal consumption.

(s) "Temporary location" means an auxiliary or secondary location where live plants are offered for sale but without the infrastructure for the production or maintenance of live plants, such as a farmers market, garden show or festival.

(t) "Special event live plant dealer" means a person:

(1) Intending to sell, offer for sale or distribute live plants for five or fewer days in a calendar year as a nonprofit, charitable, educational or religious organization; or

(2) who gives live plants as a premium or for advertising purposes without selling live plants as part of such person's business.

Sec. 21. K.S.A. 2021 Supp. 2-2118 is hereby amended to read as follows: 2-2118. Upon request the secretary may provide inspection services for any person who owns or possesses plants or plant products or for certification purposes of regulated articles intended for shipment. Upon payment of the appropriate fee as established by rule and regulation and as inspection personnel are available, the inspection shall be conducted and a report or certificate setting forth the inspection results shall be issued if requested. Inspection fees shall not exceed ~~$30~~ *$45* per hour. The secretary may assess reasonable diagnostic and identification fees as estab-

lished by rules and regulations adopted by the secretary. Mileage incurred shall also be paid by the person requesting the inspection at the rate established by rules and regulations. If certificate is requested an additional fee not to exceed $50, as established by rules and regulations, plus any fee amount charged by the United States government for the acquisition of federal certificates shall be assessed. The fees for such inspection and certificate in effect on the day preceding the effective date of this act shall continue in effect until the secretary adopts rules and regulations fixing a different fee therefor under this subsection. In any case where any intended receiving state or country requires or authorizes the certification of plants or plant products, bees or beekeeping equipment or other regulated articles to be based on origin, special handling, treatment or any other procedure in addition to or in lieu of actual visual inspection of such articles, the secretary may provide such certification. The secretary may refuse to perform any inspection if the regulated article to be inspected is found to be in such condition that it cannot be adequately inspected or the environs in which the regulated article is located present a danger to the health and safety of the inspection personnel.

Sec. 22. K.S.A. 2021 Supp. 2-2120 is hereby amended to read as follows: 2-2120. (a) Every live plant dealer, before *advertising for sale,* selling ~~or~~, offering for sale or delivering any live plants in this state, shall procure from the secretary a live plant dealer's license for each location from which such live plant dealer engages in business as a live plant dealer, *except for temporary locations that are registered with the secretary*.

(b) Application for such license shall be made on a form furnished by the secretary. The fee for each application shall be fixed by rules and regulations adopted by the secretary, except that such fee shall not exceed ~~$80~~ *$100*, excluding the plant pest emergency fee, authorized pursuant to K.S.A. 2021 Supp. 2-2129, and amendments thereto.

(c) A live plant dealer ~~shall not be required to obtain a license if such live plant dealer does not import or export plants into or from the state and the annual gross receipts of such live plant dealer's business is less than $10,000~~ *who does not export live plants from the state, has annual gross receipts under $10,000 and has only one location, other than temporary locations, may apply for a reduced license fee. The reduced fee shall not exceed $50, excluding the plant pest emergency fee. Application for the reduced license fee shall be made on the license application form provided by the secretary*.

(d) ~~Such~~ *All* live plant ~~dealer's license~~ *dealer licenses* shall expire on January 31, following *the* date of issue. *Renewal of a license on or after such date of expiration shall result in a $25 late fee, except that if a license is renewed after the March 1 immediately following such date of expiration, such late fee shall be $50. A live plant dealer license shall not be issued until all fees are paid to the secretary.*

(e) *Any person who conducts business as a special event live plant dealer shall not be required to obtain a live plant dealer's license but shall register with the secretary in such form and manner as prescribed by the secretary.*

(f) A live plant dealer may only engage in the live plant business with live plants ~~which~~ *that* are:

(1) In compliance with all quarantines and regulated nonquarantine pest freedom standards established by the secretary; or

(2) accompanied by a valid certificate of inspection of a federal inspector or inspector of another state stating that such live plants comply with all applicable quarantines and regulated nonquarantine pest freedom standards.

Sec. 23. K.S.A. 2021 Supp. 2-3901 is hereby amended to read as follows: 2-3901. (a) K.S.A. 2021 Supp. 2-3901 et seq., and amendments thereto, shall be known and may be cited as the commercial industrial hemp act.

(b) As used in the commercial industrial hemp act:

(1) "Commercial" means the cultivation or production of industrial hemp for ~~purposes other than research as~~ *any purpose* authorized under K.S.A. 2021 Supp. 2-3906, and amendments thereto.

(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:

(A) On a dry weight basis, of any part of the plant cannabis sativa L.; or

(B) on a percentage by weight basis in hemp products, waste or substances resulting from the production or processing of industrial hemp.

(3) "Effective disposal" includes, but is not limited to:

(A) Destruction; or

(B) any other method of disposing of industrial hemp or hemp products found to be in violation of this act that is permitted under the provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(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 any extract from industrial hemp intended for further processing. Final "hemp products" may contain a tetrahydrocannabinol concentration of not more than 0.3%. As used in this paragraph, "tetrahydrocannabinol concentration" means the same as in K.S.A. 65-6235(b)(3), and amendments thereto.

(5) "Hemp producer" means any individual, licensed or otherwise, engaging in the cultivation or production of industrial hemp for commercial purposes pursuant to K.S.A. 2021 Supp. 2-3906, and amendments thereto.

(6) "Hemp processor" means a person registered under K.S.A. 2021 Supp. 2-3907, and amendments thereto, to process and manufacture industrial hemp and hemp products.

(7) "Industrial hemp" means all parts and varieties of the plant cannabis sativa L., whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

(8) "Person" means an individual, corporation, partnership, association, joint stock company, trust, unincorporated organization or any similar entity or any combination of the foregoing acting in concert.

~~(9) "Seed research" means research conducted to develop or recreate better strains of industrial hemp, particularly for the purpose of seed production.~~

~~(10)~~ "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, *or any other accredited college, university, technical college or community college within Kansas*.

~~(11)~~*(10)* "Authorized seed or clone plants" means a source of industrial hemp seeds or clone plants that:

(A) Has been certified by a certifying agency, as defined by K.S.A. 2-1415, and amendments thereto;

(B) has been produced from plants that were tested during the active growing season and were found to produce industrial hemp having a tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and has been certified in writing by the grower or distributor of such seeds or clone plants to possess such qualities; or

(C) meets any other authorized standards approved by the Kansas department of agriculture through rules and regulations, except that no seed or clone plants shall be considered authorized seed or clone plants if they do not meet any standard adopted by the United States department of agriculture pursuant to 7 U.S.C. § 1621 et seq., and amendments thereto.

Sec. 24. K.S.A. 2021 Supp. 2-3902 is hereby amended to read as follows: 2-3902. (a) The Kansas department of agriculture~~, alone or in coordination with a state educational institution, may cultivate industrial hemp grown from authorized seed or clone plants 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 authorized seed or clone plants and to promote the research and development of industrial hemp, the secretary of agriculture 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 authorized seed or clone plants or industrial hemp pursuant to this section. The department shall establish fees for licenses, license renewals and other necessary expenses to defray the cost of implementing and operating the provisions of this section in this state on an ongoing basis. Any modification fee established by the department for any requested change to a license that was previously issued by the department under this section shall not exceed $50~~ *shall, by the adoption of rules and regulations, establish an advisory board within the department to provide input and information regarding the regulation and development of industrial hemp in the state of Kansas and any programs proposed or operated by the department. Such board shall include a minimum of six members, including members that represent the following:*

(1) The Kansas legislature;

(2) crop research;

(3) industrial hemp production or processing;

(4) law enforcement;

(5) seed certification; and

(6) the state entity designated to regulate hemp processors.

(b) The state advisory board shall meet at least annually. Members shall receive no compensation but shall be paid subsistence allowances,

mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

~~(d) (1)~~*(c)* The ~~department shall~~ *secretary of agriculture may* require, as a qualification for initial or continuing ~~licensure~~ *employment with the Kansas department of agriculture*, all individuals ~~seeking a license or license renewal under the research program established under this section~~ *overseeing or regulating industrial hemp* 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~~ *employment* pursuant to this section and rules and regulations promulgated hereunder. Disclosure or use of any information received by the department for any purpose other than the purposes 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 a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from initial or continuing ~~licensure~~ *employment* under this section.

(3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(4) The individual seeking ~~a license or license renewal~~ *initial or continuing employment* under this section shall pay the costs of fingerprinting and the state and national criminal history record checks.

~~(e) The secretary of agriculture shall promulgate rules and regulations to carry out the provisions of this section on or before December 31, 2019, except that no such promulgated rule or regulation shall concern the recording of license plates. 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 the cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of authorized seed or clone plants or industrial hemp pursuant to this section.~~

~~(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 this section shall be construed to authorize any individual to violate any state or federal law.~~

~~(h) The legislature shall review the provisions of this section prior to July 1, 2022.~~

Sec. 25. K.S.A. 2021 Supp. 2-3903 is hereby amended to read as follows: 2-3903. (a) The ~~alternative crop research act licensing fee fund created in the state treasury shall be renamed the~~ commercial industrial hemp act licensing fee fund ~~and continue to~~ *shall* be administered by the secretary of agriculture. All expenditures from the commercial industrial hemp 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) Except as provided in K.S.A. 2021 Supp. 2-3907, and amendments thereto, licensing and renewal fees shall be established pursuant to rules and regulations adopted by the secretary under the commercial industrial hemp 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 commercial industrial hemp act licensing fee fund.

Sec. 26. K.S.A. 2021 Supp. 2-3906 is hereby amended to read as follows: 2-3906. (a) The Kansas department of agriculture, in consultation with the governor and attorney general, shall submit a plan to the United States department of agriculture under which the Kansas department of agriculture will monitor and regulate the commercial production of industrial hemp within the state in accordance with 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(b) Such plan shall include the following:

(1) A procedure to maintain relevant information regarding land on which industrial hemp is produced, including a legal description of the land, for a period of not less than three calendar years;

(2) a procedure for testing, using post-decarboxylation or other similarly reliable methods, the delta-9 tetrahydrocannabinol concentration levels of industrial hemp produced;

(3) a procedure for the effective disposal of industrial hemp and hemp products that are found to be in violation of this act;

(4) any licensing requirements or other rules and regulations deemed necessary by the Kansas department of agriculture for the proper mon-

itoring and regulation of industrial hemp cultivation and production for commercial purposes, including, but not limited to~~,~~*:*

(A) Fees for licenses, license renewals and other necessary expenses to defray the cost of implementing and operating the plan on an ongoing basis; *and*

(B) standards for authorized seed or clone plants;

(5) a procedure for the creation of documentation that any person in possession of unprocessed industrial hemp may use to prove to any law enforcement officer that such industrial hemp was lawfully grown under this section;

(6) a procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that industrial hemp is not produced in violation of this act; and

(7) any other procedures necessary to meet the requirements set forth in 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(c) (1) A hemp producer who negligently violates this section or any rules and regulations adopted hereunder shall not be subject to any state or local criminal enforcement action, but shall comply with the following corrective actions as applicable:

(A) A reasonable date by which the hemp producer shall correct the negligent violation; and

(B) a requirement that the hemp producer shall periodically report to the Kansas department of agriculture on the hemp producer's compliance with this section and rules and regulations adopted hereunder, for a period of not less than the next two calendar years.

(2) A hemp producer who negligently violates this section or any rules and regulations adopted hereunder three times in a five-year period shall be ineligible to produce industrial hemp for a period of five years beginning on the date of the third violation.

(3) The Kansas department of agriculture shall immediately report any violation by a hemp producer with a greater culpable mental state than negligence to the attorney general and such hemp producer shall not be subject to the exemption in subsection (c)(1).

(d) Any individual otherwise eligible to become a licensed hemp producer shall not be eligible to produce industrial hemp if such individual has submitted any materially false information in any application to become a licensed hemp producer.

(e) (1) The department shall require, as a qualification for initial or continuing licensure, all individuals seeking a license or license renewal as a hemp producer under this section 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 individ-

ual 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 as a hemp producer pursuant to this section and rules and regulations promulgated hereunder. Disclosure or use of any information received by the department for any purpose other than the purposes provided for in the commercial industrial hemp act 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 a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from initial or continuing licensure as a hemp producer under this section.

(3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(4) The individual seeking a license or license renewal as a hemp producer under this section shall pay the costs of fingerprinting and the state and national criminal history record checks.

(f) The secretary of agriculture shall promulgate rules and regulations to implement the plan submitted to the United States department of agriculture and to otherwise effectuate the provisions of this section.

(g) Upon the repeal of 7 U.S.C. § 5940 or either the adoption of a federal plan by the United States department of agriculture that allows for the cultivation and production of industrial hemp for commercial purposes within the state or upon the adoption of rules and regulations by the Kansas secretary of agriculture that establish the cultivation and production of industrial hemp for commercial purposes within the state, the Kansas department of agriculture may discontinue the industrial hemp research program established pursuant to K.S.A. 2021 Supp. 2-3902, and amendments thereto.

(h) Any modification fee established by the department for any requested change to a license that was previously issued by the department under this section shall not exceed $50.

(i) Any licensing or other fees collected pursuant to this section and any rules and regulations adopted hereunder shall be deposited in the commercial industrial hemp act licensing fee fund established by K.S.A. 2021 Supp. 2-3903, and amendments thereto, for all costs of the administration of the commercial production of industrial hemp.

(j) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2021 Supp. 2-3901 et seq., and amendments thereto.

Sec. 27. K.S.A. 2-1415, 2-1417, 2-1421, 2-1422, 2-1422a and 2-1424 and K.S.A. 2021 Supp. 2-1421a, 2-1423, 2-1427, 2-2113, 2-2118, 2-2120, 2-2135, 2-2136, 2-2137, 2-2138, 2-2139, 2-2140, 2-2141, 2-3901, 2-3902, 2-3903 and 2-3906 are hereby repealed.

Sec. 28. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 18, 2022.

CHAPTER 70

HOUSE BILL No. 2703

AN ACT concerning employment; relating to the employment security law; employment security fund; employer contribution rates; revising the definition of employment for conformity with federal law; making changes to the my reemployment plan program including making the program mandatory with specified exceptions; providing that the secretary of labor is to request that claimants create resumes in the Kansasworks system and that the secretary of commerce shall provide assistance to claimants through Kansasworks and may require claimants to participate in reemployment services; providing claimants with additional time to respond; enacting the Kansas targeted employment act to facilitate employment of persons with developmental disabilities through a tax credit incentive for employers; amending K.S.A. 44-703, 44-710a and 44-775 and repealing the existing sections.

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

New Section 1. The provisions of sections 1 through 6, and amendments thereto, shall be known and may be cited as the Kansas targeted employment act. The purpose of this act shall be to incentivize employers to employ persons with developmental disabilities in Kansas and decrease the reliance and associated costs to taxpayers to fund governmental programs.

New Sec. 2. As used in this act:

(a) "Competitive integrated employment" has the meaning as provided in the workforce innovation and opportunity act, 29 U.S.C. § 3101 et seq., as defined in 29 U.S.C. § 3102, 34 C.F.R. § 361.5 and 29 U.S.C. § 705.

(b) "Community service provider" means an association or organization licensed by the Kansas department for aging and disability services whose purpose is to provide support and services, relating to the ability to live and to work in the community, to persons who, without such support and services, would be unable or would have significant difficulty maintaining employment or living in the community. "Community service provider" also includes other governmental agencies that support or that elect to support eligible individuals with job placement and job preservation supports including, but not limited to, school districts, community mental health centers and vocational rehabilitation contractors.

(c) "Earned income" means compensation paid to a Kansas employee for competitive integrated employment that is equal or greater than the minimum wage and is performed in a competitive integrated setting.

(d) "Eligible individual" means an individual, including a high school student, who is a Kansas resident, is employed by an employer in a competitive integrated setting, has a developmental disability that has been documented as required by the secretary for aging and disability services and who has agreed to provide the secretary for aging and disability services, or the secretary's designee, information required by the secretary

pursuant to the Kansas targeted employment act, or to permit the secretary of revenue to provide such information to the secretary for aging and disability services.

(e) "Developmental disability" means the same as defined in K.S.A. 39-1803, and amendments thereto.

(f) "Targeted employment business" means those employers employing eligible individuals in competitive integrated employment in a competitive integrated setting and who are authorized to do business in Kansas. In order to qualify as a "targeted employment business," the employer must pay earned income to an eligible individual in a calendar year. "Targeted employment business" does not include a community service provider.

New Sec. 3. For tax years 2022 through 2027, a credit shall be allowed against the income, privilege or premium tax liability imposed upon a taxpayer qualifying as a targeted employment business or a taxpayer outsourcing work to a targeted employment business pursuant to the Kansas income tax act, the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, for every hour that an eligible individual is employed in a calendar year in a targeted employment business and receives earned income as compensation. The credit shall only apply to wages for hours worked and not for any compensation for leave paid to the eligible individual. The credit shall be 50% of the wages paid to the eligible individual on an hourly basis, up to a maximum credit of $7.50 per hour. For the purpose of calculating the tax credit, the wage rate used shall not be more than a reasonable or usual and customary market wage rate for a similar job. The credit shall not be refundable, shall not be carried forward and shall only be used once each taxable year against tax liability imposed by only one of the income, privilege or premium taxes. For any employed eligible individual who receives support or services from a community service provider, such eligible individual may choose to have support or services provided as needed at the individual's worksite to help the individual maintain employment. The maximum amount of all tax credits allowed in each tax year under the Kansas targeted employment act shall be $5,000,000.

New Sec. 4. (a) Any targeted employment business seeking to qualify for a tax credit pursuant to section 3, and amendments thereto, shall provide to the secretary of revenue the names of each eligible individual employed and the wage rate per hour, hours worked and gross wages paid, minus any compensation for leave, for each eligible individual and such other information as the secretary of revenue may require.

(b) The secretary of revenue and the secretary for aging and disability services are hereby authorized to adopt such rules and regulations as may be necessary for the administration of the provisions of the Kansas targeted employment act.

New Sec. 5. (a) The secretary for aging and disability services shall develop and implement a program to measure the results of the tax credits allowed by sections 1 through 4, and amendments thereto, including an analysis of: (1) Decreases in reliance upon state government-funded subsidies for employed eligible individuals and any associated net savings to Kansas taxpayers resulting from any such decreases in reliance; (2) effects of reallocation of tax dollars that employers would have paid to the state government of Kansas to employers who employed eligible individuals pursuant to the tax credit program; and (3) any benefits or detriments to the quality of life and the standard of living for employed eligible individuals, including access to health insurance, healthcare or other services and increases or decreases in income, discretionary income and expenses. The secretary for aging and disability services may require employed eligible individuals or targeted employment businesses to provide or to permit the secretary of revenue to provide, as a condition of participation in the tax credit program, information necessary to assess the tax credit program pursuant to this section, including information otherwise confidential under state or federal law. All confidential information provided shall be received, stored and used in a manner that shall maintain the confidentiality of the information provided and not permit the identification of eligible individuals or targeted employment businesses.

(b) Notwithstanding any other provision of state law, the secretary of revenue shall provide the secretary for aging and disability services with tax information, including tax information for individuals and targeted employment businesses that have waived the confidentiality of such information, as necessary to enable the secretary for aging and disability services to fulfill the requirements of this section. All information pertaining to an eligible individual or targeted employment business shall be provided in a manner that shall maintain the confidentiality of such eligible individuals and businesses. Nothing in this section shall be construed to violate or conflict with any federal law.

(c) The secretary for aging and disability services shall submit a written report of the findings of the secretary's review pursuant to subsection (a) to the standing committee on commerce of the senate and the standing committee on commerce, labor and economic development of the house on the first day of the 2023 through 2027 regular sessions of the legislature.

New Sec. 6. The provisions of sections 1 through 5, and amendments thereto, shall expire on January 1, 2028, except that tax credits earned in

tax year 2027 may be awarded by the secretary of revenue as provided by this act.

Sec. 7. K.S.A. 44-703 is hereby amended to read as follows: 44-703. As used in this act, unless the context clearly requires otherwise:

(a) (1) "Annual payroll" means the total amount of wages paid or payable by an employer during the calendar year.

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last three calendar years immediately preceding the computation date as hereinafter defined if the employer has been continuously subject to contributions during those three calendar years and has paid some wages for employment during each of such years. In determining contribution rates for the calendar year, if an employer has not been continuously subject to contribution for the three calendar years immediately preceding the computation date but has paid wages subject to contributions during only the two calendar years immediately preceding the computation date, such employer's "average annual payroll" shall be the average of the payrolls for those two calendar years.

(3) "Total wages" means the total amount of wages paid or payable by an employer during the calendar year, including that part of remuneration in excess of the limitation prescribed as provided in subsection (o)(1).

(b) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except that the base period in respect to combined wage claims means the base period as defined in the law of the paying state.

(1) If an individual lacks sufficient base period wages in order to establish a benefit year in the manner set forth above and satisfies the requirements of K.S.A. 44-705(g) and K.S.A. 44-703(hh), and amendments thereto, the claimant shall have an alternative base period substituted for the current base period so as not to prevent establishment of a valid claim. For the purposes of this subsection, "alternative base period" means the last four completed quarters immediately preceding the date the qualifying injury occurred. In the event the wages in the alternative base period have been used on a prior claim, then they shall be excluded from the new alternative base period.

(2) For the purposes of this chapter, the term "base period" includes the alternative base period.

(c) (1) "Benefits" means the money payments payable to an individual, as provided in this act, with respect to such individual's unemployment.

(2) "Regular benefits" means benefits payable to an individual under this act or under any other state law, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85, other than extended benefits.

(d) "Benefit year" with respect to any individual, means the period beginning with the first day of the first week for which such individual files a valid claim for benefits, and such benefit year shall continue for one full year. In the case of a combined wage claim, the benefit year shall be the benefit year of the paying state. Following the termination of a benefit year, a subsequent benefit year shall commence on the first day of the first week with respect to which an individual next files a claim for benefits. When such filing occurs with respect to a week that overlaps the preceding benefit year, the subsequent benefit year shall commence on the first day immediately following the expiration date of the preceding benefit year. Any claim for benefits made in accordance with K.S.A. 44-709(a), and amendments thereto, shall be deemed to be a "valid claim" for the purposes of this subsection if the individual has been paid wages for insured work as required under K.S.A. 44-705(e), and amendments thereto. Whenever a week of unemployment overlaps two benefit years, such week shall, for the purpose of granting waiting-period credit or benefit payment with respect thereto, be deemed to be a week of unemployment within that benefit year in which the greater part of such week occurs.

(e) "Commissioner" or "secretary" means the secretary of labor.

(f) (1) "Contributions" means the money payments to the state employment security fund that are required to be made by employers on account of employment under K.S.A. 44-710, and amendments thereto, and voluntary payments made by employers pursuant to such statute.

(2) "Payments in lieu of contributions" means the money payments to the state employment security fund from employers that are required to make or that elect to make such payments under K.S.A. 44-710(e), and amendments thereto.

(g) "Employing unit" means any individual or type of organization, including any partnership, association, limited liability company, agency or department of the state of Kansas and political subdivisions thereof, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign including nonprofit corporations, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representatives of a deceased person, that has in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit that maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this act. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by

such agent or employee, provided the employing unit had actual or constructive knowledge of the employment.

(h) "Employer" means:

(1) (A) Any employing unit for which agricultural labor as defined in subsection (w) is performed and during any calendar quarter in either the current or preceding calendar year paid remuneration in cash of $20,000 or more to individuals employed in agricultural labor or for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment of time.

(B) For the purpose of this subsection (h)(1), any individual who is a member of a crew furnished by a crew leader to perform services in agricultural labor for any other person shall be treated as an employee of such crew leader if:

(i) Such crew leader holds a valid certificate of registration under the federal migrant and seasonal agricultural workers protection act or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment or any other mechanized equipment, that is provided by such crew leader; and

(ii) such individual is not in the employment of such other person within the meaning of subsection (i).

(C) For the purpose of this subsection (h)(1), in the case of any individual who is furnished by a crew leader to perform services in agricultural labor for any other person and who is not treated as an employee of such crew leader:

(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader, either on the crew leader's own behalf or on behalf of such other person, for the services in agricultural labor performed for such other person.

(D) For the purposes of this subsection (h)(1) "crew leader" means an individual who:

(i) Furnishes individuals to perform services in agricultural labor for any other person;

(ii) pays, either on such individual's own behalf or on behalf of such other person, the individuals so furnished by such individual for the services in agricultural labor performed by them; and

(iii) has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

(2) (A) Any employing unit that for calendar year 2007 and each calendar year thereafter: (i) In any calendar quarter in either the current or preceding calendar year paid for services in employment wages of $1,500 or more; (ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or preceding calendar year, had in employment at least one individual, whether or not the same individual was in employment in each such day; or (iii) elects to have an unemployment tax account established at the time of initial registration in accordance with K.S.A. 44-711(c), and amendments thereto.

(B) Employment of individuals to perform domestic service or agricultural labor and wages paid for such service or labor shall not be considered in determining whether an employing unit meets the criteria of this subsection (h)(2).

(3) Any employing unit for which service is employment as defined in subsection (i)(3)(E).

(4) (A) Any employing unit, whether or not it is an employing unit under subsection (g), that acquires or in any manner succeeds to: (i) Substantially all of the employing enterprises, organization, trade or business; or (ii) substantially all the assets, of another employing unit that at the time of such acquisition was an employer subject to this act;

(B) any employing unit that is controlled substantially, either directly or indirectly by legally enforceable means or otherwise, by the same interest or interests, whether or not such interest or interests are an employing unit under subsection (g), acquires or in any manner succeeds to a portion of an employer's annual payroll, is less than 100% of such employer's annual payroll, and intends to continue the acquired portion as a going business.

(5) Any employing unit that paid cash remuneration of $1,000 or more in any calendar quarter in the current or preceding calendar year to individuals employed in domestic service as defined in subsection (aa).

(6) Any employing unit that having become an employer under this subsection (h) has not, under K.S.A. 44-711(b), and amendments thereto, ceased to be an employer subject to this act.

(7) Any employing unit that has elected to become fully subject to this act in accordance with K.S.A. 44-711(c), and amendments thereto.

(8) Any employing unit not an employer by reason of any other paragraph of this subsection (h), for which within either the current or preceding calendar year services in employment are or were performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund; or that, as a condition for approval of this act for full tax credit against the tax imposed by the federal

unemployment tax act, is required, pursuant to such act, to be an "employer" under this act.

(9) Any employing unit described in section 501(c)(3) of the federal internal revenue code of 1986 that is exempt from income tax under section 501(a) of the code that had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(i) "Employment" means:

(1) Subject to the other provisions of this subsection, service, including services in interstate commerce, performed by:

(A) Any active officer of a corporation; or

(B) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee subject to the provisions of subsection (i)(3)(D); or

(C) any individual other than an individual who is an employee under subsection (i)(1)(A) or subsection (i)(1)(B) above who performs services for remuneration for any person:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages, other than milk, or laundry or dry-cleaning services, for such individual's principal; or

(ii) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, a principal, except for side-line sales activities on behalf of some other person, of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

For purposes of subsection (i)(1)(C), the term "employment" includes services described in paragraphs (i) and (ii) above only if:

(a) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(b) the individual does not have a substantial investment in facilities used in connection with the performance of the services, other than in facilities for transportation; and

(c) the services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(2) The term "employment" includes an individual's entire service within the United States, even though performed entirely outside this state if:

(A) The service is not localized in any state;

(B) the individual is one of a class of employees who are required to travel outside this state in performance of their duties; and

(C) the individual's base of operations is in this state, or if there is no base of operations, then the place where service is directed or controlled is in this state.

(3) The term "employment" also includes:

(A) Services performed within this state but not covered by the provisions of subsection (i)(1) or subsection (i)(2) shall be deemed to be employment subject to this act if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government.

(B) Services performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this act only if the individual performing such services is a resident of this state and the secretary approved the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act.

(C) Services covered by an arrangement pursuant to K.S.A. 44-714(j), and amendments thereto, between the secretary and the agency charged with the administration of any other state or federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, shall be deemed to be employment if the secretary has approved an election of the employing unit for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be insured work.

(D) Services performed by an individual for wages or under any contract of hire shall be deemed to be employment subject to this act if the business for which activities of the individual are performed retains not only the right to control the end result of the activities performed, but the manner and means by which the end result is accomplished.

(E) Services performed by an individual in the employ of ~~this~~ *a* state or any instrumentality thereof, any political subdivision of ~~this~~ *a* state or any instrumentality thereof, or in the employ of an Indian tribe, as defined pursuant to section 3306(u) of the federal unemployment tax act, any instrumentality of more than one of the foregoing or any instrumentality that is jointly owned by this state or a political subdivision thereof or Indian tribes and one or more other states or political subdivisions of this or other states, provided that such service is excluded from "employment" as defined in the federal unemployment tax act by reason of section 3306(c)

(7) of that act and is not excluded from "employment" under subsection (i)(4)(A) of this section. For purposes of this section, the exclusions from employment in subsections (i)(4)(A) and (i)(4)(L) shall also be applicable to services performed in the employ of an Indian tribe.

(F) Services performed by an individual in the employ of a religious, charitable, educational or other organization that is excluded from the term "employment" as defined in the federal unemployment tax act solely by reason of section 3306(c)(8) of that act, and is not excluded from employment under subsection (i)(4)(I) through (M).

(G) The term "employment" includes the services of an individual who is a citizen of the United States, performed outside the United States except in Canada, in the employ of an American employer, other than service that is deemed "employment" under the provisions of subsection (i)(2) or subsection (i)(3) or the parallel provisions of another state's law, if:

(i) The employer's principal place of business in the United States is located in this state; or

(ii) the employer has no place of business in the United States, but:

(a) The employer is an individual who is a resident of this state;

(b) the employer is a corporation which is organized under the laws of this state; or

(c) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(iii) none of the criteria of (i)(3)(G)(i) and (ii) are met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

(H) An "American employer," for purposes of subsection (i)(3)(G), means a person who is:

(i) An individual who is a resident of the United States;

(ii) a partnership if $^{2}/_{3}$ or more of the partners are residents of the United States;

(iii) a trust, if all of the trustees are residents of the United States; or

(iv) a corporation organized under the laws of the United States or of any state.

(I) Notwithstanding subsection (i)(2), all services performed by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft, if the operating office, from which the operations of such vessel or aircraft operating within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this state.

(J) Notwithstanding any other provisions of this subsection (i), services with respect to which a tax is required to be paid under any federal

law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund or that as a condition for full tax credit against the tax imposed by the federal unemployment tax act is required to be covered under this act.

(K) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of $1,000 or more in any calendar quarter in the current calendar year or the preceding calendar year to individuals employed in such domestic service.

(4) The term "employment" does not include: (A) Services performed in the employ of an employer specified in subsection (h)(3) if such service is performed by an individual in the exercise of duties:

(i) As an elected official;

(ii) as a member of a legislative body, or a member of the judiciary, of a state, political subdivision or of an Indian tribe;

(iii) as a member of the state national guard or air national guard;

(iv) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(v) in a position that, under or pursuant to the laws of this state or tribal law, is designated as a major nontenured policymaking or advisory position or as a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week;

(B) services with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(C) services performed by an individual in the employ of such individual's son, daughter or spouse, and services performed by a child under the age of 21 years in the employ of such individual's father or mother;

(D) services performed in the employ of the United States government or an instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by this act, except that to the extent that the congress of the United States shall permit states to require any instrumentality of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services. If this state shall not be certified for any year by the federal security agency under section 3304(c) of the federal internal revenue code of 1986, the payments required of such instrumentalities with respect to such year shall be refunded by the secretary from the fund in the same manner and within the

same period as is provided in K.S.A. 44-717(h), and amendments thereto, with respect to contributions erroneously collected;

(E) services covered by an arrangement between the secretary and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within the jurisdiction of such other state or federal agency;

(F) services performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(G) services performed by an individual for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such employing unit is performed for remuneration solely by way of commission;

(H) services performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) of the federal internal revenue code of 1986, other than an organization described in section 401(a) or under section 521 of such code, if the remuneration for such service is less than $50. In construing the application of the term "employment," if services performed during ½ or more of any pay period by an individual for the person employing such individual constitute employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than ½ of any such pay period by an individual for the person employing such individual do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection (i)(4)(H) the term "pay period" means a period, of not more than 31 consecutive days, for which a payment of remuneration is ordinarily made to the individual by the person employing such individual. This subsection (i)(4)(H) shall not be applicable with respect to services with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(I) services performed in the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(J) services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of such individual's ministry or by a member of a religious order in the exercise of duties required by such order;

(K) services performed in a facility conducted for the purpose of carrying out a program of:

(i) Rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury; or

(ii) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;

(L) services performed as part of an employment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof or of an Indian tribe, by an individual receiving such work relief or work training;

(M) services performed by an inmate of a custodial or correctional institution;

(N) services performed, in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university;

(O) services performed by an individual who is enrolled at a nonprofit or public educational institution that normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, that combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subsection (i)(4)(O) shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(P) services performed in the employ of a hospital licensed, certified or approved by the secretary of health and environment, if such service is performed by a patient of the hospital;

(Q) services performed as a qualified real estate agent. As used in this subsection (i)(4)(Q) the term "qualified real estate agent" means any individual who is licensed by the Kansas real estate commission as a salesperson under the real estate brokers' and salespersons' license act and for whom:

(i) Substantially all of the remuneration, whether or not paid in cash, for the services performed by such individual as a real estate salesperson is directly related to sales or other output, including the performance of services, rather than to the number of hours worked; and

(ii) the services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for state tax purposes;

(R) services performed for an employer by an extra in connection with any phase of motion picture or television production or television

commercials for less than 14 days during any calendar year. As used in this subsection, the term "extra" means an individual who pantomimes in the background, adds atmosphere to the set and performs such actions without speaking and "employer" shall not include any employer that is a governmental entity or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 that is exempt from income taxation under section 501(a) of the code;

(S) services performed by an oil and gas contract pumper. As used in this subsection (i)(4)(S), "oil and gas contract pumper" means a person performing pumping and other services on one or more oil or gas leases, or on both oil and gas leases, relating to the operation and maintenance of such oil and gas leases, on a contractual basis for the operators of such oil and gas leases and "services" shall not include services performed for a governmental entity or any organization described in section 501(c)(3) of the federal internal revenue code of 1986 that is exempt from income taxation under section 501(a) of the code;

(T) service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is $200 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if:

(i) On each of some 24 days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business; or

(ii) such individual was regularly employed, as determined under subparagraph (i), by such employer in the performance of such service during the preceding calendar quarter.

Such excluded service shall not include any services performed for an employer that is a governmental entity or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 that is exempt from income taxation under section 501(a) of the code;

(U) service which is performed by any person who is a member of a limited liability company and that is performed as a member or manager of that limited liability company; and

(V) services performed as a qualified direct seller. The term "direct seller" means any person if:

(i) Such person:

(a) Is engaged in the trade or business of selling or soliciting the sale of consumer products to any buyer on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise rather than in a permanent retail establishment; or

(b) is engaged in the trade or business of selling or soliciting the sale of consumer products in the home or otherwise than in a permanent retail establishment;

(ii) substantially all the remuneration whether or not paid in cash for the performance of the services described in subparagraph (i) is directly related to sales or other output including the performance of services rather than to the number of hours worked;

(iii) the services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee for federal and state tax purposes;

(iv) for purposes of this act, a sale or a sale resulting exclusively from a solicitation made by telephone, mail, or other telecommunications method, or other nonpersonal method does not satisfy the requirements of this subsection;

(W) services performed as an election official or election worker, if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than $1,000;

(X) services performed by agricultural workers who are aliens admitted to the United States to perform labor pursuant to section 1101(a)(15)(H)(ii)(a) of the immigration and nationality act;

(Y) services performed by an owner-operator of a motor vehicle that is leased or contracted to a licensed motor carrier with the services of a driver and is not treated under the terms of the lease agreement or contract with the licensed motor carrier as an employee for purposes of the federal insurance contribution act, 26 U.S.C. § 3101 et seq., the federal social security act, 42 U.S.C. § 301 et seq., the federal unemployment tax act, 26 U.S.C. § 3301 et seq., and the federal statutes prescribing income tax withholding at the source, 26 U.S.C. § 3401 et seq. Employees or agents of the owner-operator shall not be considered employees of the licensed motor carrier for purposes of employment security taxation or compensation. As used in this subsection (Y), the following definitions apply: (i) "Motor vehicle" means any automobile, truck-trailer, semitrailer, tractor, motor bus or any other self-propelled or motor-driven vehicle used upon any of the public highways of Kansas for the purpose of transporting persons or property; (ii) "licensed motor carrier" means any person, firm, corporation or other business entity that holds a certificate of convenience and necessity or a certificate of public service from the state corporation commission or is required to register motor carrier equipment pursuant to 49 U.S.C. § 14504; and (iii) "owner-operator" means a person, firm, corporation or other business entity that is the owner of a single motor vehicle that is driven exclusively by the owner under a lease agreement or contract with a licensed motor carrier; and

(Z) services performed by a petroleum landman on a contractual basis. As used in this subparagraph, "petroleum landman" means an individual performing services on a contractual basis who is not an individual who is an active officer of a corporation as described in subsection (i)(1)(A) that may include:

(i) Negotiating for the acquisition or divestiture of mineral rights;

(ii) negotiating business agreements that provide exploration for or development of minerals;

(iii) determining ownership in minerals through the research of public and private records;

(iv) reviewing the status of title, curing title defects, providing title due diligence and otherwise reducing title risk associated with ownership in minerals or the acquisition and divestiture of mineral properties;

(v) managing rights or obligations derived from ownership of interests in minerals; or

(vi) unitizing or pooling of interests in minerals. For purposes of this subparagraph, "minerals" includes oil, natural gas or petroleum. "Services" does not include services performed for a governmental entity or any organization described in section 501(c)(3) of the federal internal revenue code of 1986, or a federally recognized Indian tribe that is exempt from income taxation under section 501(a) of the code.

(j) "Employment office" means any office operated by this state and maintained by the secretary of labor for the purpose of assisting persons to become employed.

(k) "Fund" means the employment security fund established by this act, to which all contributions and reimbursement payments required and from which all benefits provided under this act shall be paid and including all money received from the federal government as reimbursements pursuant to section 204 of the federal-state extended compensation act of 1970, and amendments thereto.

(l) "State" includes, in addition to the states of the United States of America, any dependency of the United States, the Commonwealth of Puerto Rico, the District of Columbia and the Virgin Islands.

(m) "Unemployment." An individual shall be deemed "unemployed" with respect to any week during which such individual performs no services and with respect to which no wages are payable to such individual, or with respect to any week of less than full-time work if the wages payable to such individual with respect to such week are less than such individual's weekly benefit amount.

(n) "Employment security administration fund" means the fund established by this act, from which administrative expenses under this act shall be paid.

(o) "Wages" means all compensation for services, including commis-

sions, bonuses, back pay and the cash value of all remuneration, including benefits, paid in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash, shall be estimated and determined in accordance with rules and regulations prescribed by the secretary. Compensation payable to an individual that has not been actually received by that individual within 21 days after the end of the pay period in which the compensation was earned shall be considered to have been paid on the 21st day after the end of that pay period. Effective January 1, 1986, gratuities, including tips received from persons other than the employing unit, shall be considered wages when reported in writing to the employer by the employee. Employees must furnish a written statement to the employer, reporting all tips received if they total $20 or more for a calendar month whether the tips are received directly from a person other than the employer or are paid over to the employee by the employer. This includes amounts designated as tips by a customer who uses a credit card to pay the bill. Notwithstanding the other provisions of this subsection (o), wages paid in back pay awards or settlements shall be allocated to the week or weeks and reported in the manner as specified in the award or agreement, or, in the absence of such specificity in the award or agreement, such wages shall be allocated to the week or weeks in which such wages, in the judgment of the secretary, would have been paid. The term "wages" shall not include:

(1) That part of the remuneration that has been paid in a calendar year to an individual by an employer or such employer's predecessor in excess of $3,000 for all calendar years prior to 1972, in excess of $4,200 for the calendar years 1972 to 1977, inclusive, in excess of $6,000 for calendar years 1978 to 1982, inclusive, in excess of $7,000 for the calendar year 1983, in excess of $8,000 for the calendar years 1984 to 2014, inclusive, and in excess of $12,000 with respect to employment during calendar year 2015, and in excess of $14,000 with respect to all calendar years thereafter, except that if the definition of the term "wages" as contained in the federal unemployment tax act is amended to include remuneration paid to an individual by an employer under the federal act in excess of $8,000 for the calendar years 1984-2014, inclusive, and in excess of $12,000 with respect to employment during calendar year 2015, and in excess of $14,000 with respect to all calendar years thereafter, wages shall include remuneration paid in a calendar year to an individual by an employer subject to this act or such employer's predecessor with respect to employment during any calendar year up to an amount equal to the dollar limitation specified in the federal unemployment tax act. For the purposes of this subsection (o)(1), the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(2) the amount of any payment, including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment, made to, or on behalf of, an employee or any of such employee's dependents under a plan or system established by an employer that makes provisions for employees generally, for a class or classes of employees or for such employees or a class or classes of employees and their dependents, on account of: (A) Sickness or accident disability, except in the case of any payment made to an employee or such employee's dependents, this subparagraph shall exclude from the term "wages" only payments that are received under a workers compensation law. Any third party that makes a payment included as wages by reason of this subparagraph (2)(A) shall be treated as the employer with respect to such wages; or (B) medical and hospitalization expenses in connection with sickness or accident disability; or (C) death;

(3) any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employer;

(4) any payment made to, or on behalf of, an employee or such employee's beneficiary:

(A) From or to a trust described in section 401(a) of the federal internal revenue code of 1986 that is exempt from tax under section 501(a) of the federal internal revenue code of 1986 at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust;

(B) under or to an annuity plan that, at the time of such payment, is a plan described in section 403(a) of the federal internal revenue code of 1986;

(C) under a simplified employee pension as defined in section 408(k)(1) of the federal internal revenue code of 1986, other than any contribution described in section 408(k)(6) of the federal internal revenue code of 1986;

(D) under or to an annuity contract described in section 403(b) of the federal internal revenue code of 1986, other than a payment for the purchase of such contract that was made by reason of a salary reduction agreement whether evidenced by a written instrument or otherwise;

(E) under or to an exempt governmental deferred compensation plan as defined in section 3121(v)(3) of the federal internal revenue code of 1986;

(F) to supplement pension benefits under a plan or trust described in any of the foregoing provisions of this subparagraph to take into account some portion or all of the increase in the cost of living, as determined by the secretary of labor, since retirement but only if such supplemental pay-

ments are under a plan that is treated as a welfare plan under section 3(2)(B)(ii) of the federal employee retirement income security act of 1974; or

(G) under a cafeteria plan within the meaning of section 125 of the federal internal revenue code of 1986;

(5) the payment by an employing unit, without deduction from the remuneration of the employee, of the tax imposed upon an employee under section 3101 of the federal internal revenue code of 1986 with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;

(6) remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business;

(7) remuneration paid to or on behalf of an employee if and to the extent that at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217 of the federal internal revenue code of 1986 relating to moving expenses;

(8) any payment or series of payments by an employer to an employee or any of such employee's dependents that is paid:

(A) Upon or after the termination of an employee's employment relationship because of (i) death or (ii) retirement for disability; and

(B) under a plan established by the employer that makes provisions for employees generally, a class or classes of employees or for such employees or a class or classes of employees and their dependents, other than any such payment or series of payments that would have been paid if the employee's employment relationship had not been so terminated;

(9) remuneration for agricultural labor paid in any medium other than cash;

(10) any payment made, or benefit furnished, to or for the benefit of an employee if at the time of such payment or such furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under section 129 of the federal internal revenue code of 1986 that relates to dependent care assistance programs;

(11) the value of any meals or lodging furnished by or on behalf of the employer if at the time of such furnishing it is reasonable to believe that the employee will be able to exclude such items from income under section 119 of the federal internal revenue code of 1986;

(12) any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died;

(13) any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from income under section 74(c), 117 or 132 of the federal internal revenue code of 1986;

(14) any payment made, or benefit furnished, to or for the benefit of an employee, if at the time of such payment or such furnishing it is rea-

sonable to believe that the employee will be able to exclude such payment or benefit from income under section 127 of the federal internal revenue code of 1986 relating to educational assistance to the employee; or

(15) any payment made to or for the benefit of an employee if at the time of such payment it is reasonable to believe that the employee will be able to exclude such payment from income under section 106(d) of the federal internal revenue code of 1986 relating to health savings accounts.

Nothing in any paragraph of subsection (o), other than paragraph (1), shall exclude from the term "wages": (1) Any employer contribution under a qualified cash or deferred arrangement, as defined in section 401(k) of the federal internal revenue code of 1986, to the extent that such contribution is not included in gross income by reason of section 402(a)(8) of the federal internal revenue code of 1986; or (2) any amount treated as an employer contribution under section 414(h)(2) of the federal internal revenue code of 1986.

Any amount deferred under a nonqualified deferred compensation plan shall be taken into account for purposes of this section as of the later of when the services are performed or when there is no substantial risk of forfeiture of the rights to such amount. Any amount taken into account as wages by reason of this paragraph, and the income attributable thereto, shall not thereafter be treated as wages for purposes of this section. For purposes of this paragraph, the term "nonqualified deferred compensation plan" means any plan or other arrangement for deferral of compensation other than a plan described in subsection (o)(4).

(p) "Week" means such period or periods of seven consecutive calendar days, as the secretary may by rules and regulations prescribe.

(q) "Calendar quarter" means the period of three consecutive calendar months ending March 31, June 30, September 30 or December 31, or the equivalent thereof as the secretary may by rules and regulations prescribe.

(r) "Insured work" means employment for employers.

(s) "Approved training" means any vocational training course or course in basic education skills, including a job training program authorized under the federal workforce investment act of 1998, approved by the secretary or a person or persons designated by the secretary.

(t) "American vessel" or "American aircraft" means any vessel or aircraft documented or numbered or otherwise registered under the laws of the United States; and any vessel or aircraft that is neither documented or numbered or otherwise registered under the laws of the United States nor documented under the laws of any foreign country, if its crew performs service solely for one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

(u) "Institution of higher education," for the purposes of this section, means an educational institution that:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) is legally authorized in this state to provide a program of education beyond high school;

(3) provides an educational program for which it awards a bachelor's or higher degree, or provides a program that is acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(4) is a public or other nonprofit institution.

Notwithstanding any of the foregoing provisions of this subsection (u), all colleges and universities in this state are institutions of higher education for purposes of this section, except that no college, university, junior college or other postsecondary school or institution that is operated by the federal government or any agency thereof shall be an institution of higher education for purposes of the employment security law.

(v) "Educational institution" means any institution of higher education, as defined in subsection (u), or any institution, except private for profit institutions, in which participants, trainees or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor or teacher and that is approved, licensed or issued a permit to operate as a school by the state department of education or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school or to an Indian tribe in the operation of an educational institution. The courses of study or training that an educational institution offers may be academic, technical, trade or preparation for gainful employment in a recognized occupation.

(w) (1) "Agricultural labor" means any remunerated service:

(A) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife.

(B) In the employ of the owner or tenant or other operator of a farm, in connection with the operating, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(C) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section (15)(g) of the agricultural marketing act, as amended, 46 Stat. 1500, sec. 3; 12 U.S.C. § 1141j, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

(D) (i) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than 1/2 of the commodity with respect to which such service is performed;

(ii) in the employ of a group of operators of farms, or a cooperative organization of which such operators are members, in the performance of services described in paragraph (i), but only if such operators produced more than 1/2 of the commodity with respect to which such service is performed;

(iii) the provisions of paragraphs (i) and (ii) shall not be deemed to be applicable with respect to services performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(E) On a farm operated for profit if such service is not in the course of the employer's trade or business.

(2) "Agricultural labor" does not include services performed prior to January 1, 1980, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the federal immigration and nationality act.

(3) As used in this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(4) For the purpose of this section, if an employing unit does not maintain sufficient records to separate agricultural labor from other employment, all services performed during any pay period by an individual for the person employing such individual shall be deemed to be agricultural labor if services performed during 1/2 or more of such pay period constitute agricultural labor; but if the services performed during more than 1/2 of any such pay period by an individual for the person employing such individual do not constitute agricultural labor, then none of the services of such individual for such period shall be deemed to be agricultural labor. As used in this subsection, the term "pay period" means

a period of not more than 31 consecutive days for which a payment of remuneration is ordinarily made to the individual by the person employing such individual.

(x) "Reimbursing employer" means any employer who makes payments in lieu of contributions to the employment security fund as provided in K.S.A. 44-710(e), and amendments thereto.

(y) "Contributing employer" means any employer other than a reimbursing employer or rated governmental employer.

(z) "Wage combining plan" means a uniform national arrangement approved by the United States secretary of labor in consultation with the state unemployment compensation agencies and in which this state shall participate, whereby wages earned in one or more states are transferred to another state, called the "paying state," and combined with wages in the paying state, if any, for the payment of benefits under the laws of the paying state and as provided by an arrangement so approved by the United States secretary of labor.

(aa) "Domestic service" means any services for a person in the operation and maintenance of a private household, local college club or local chapter of a college fraternity or sorority, as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise or vocation.

(bb) "Rated governmental employer" means any governmental entity that elects to make payments as provided by K.S.A. 44-710d, and amendments thereto.

(cc) "Benefit cost payments" means payments made to the employment security fund by a governmental entity electing to become a rated governmental employer.

(dd) "Successor employer" means any employer, as described in subsection (h), that acquires or in any manner succeeds to: (1) Substantially all of the employing enterprises, organization, trade or business of another employer; or (2) substantially all the assets of another employer.

(ee) "Predecessor employer" means an employer, as described in subsection (h), who has previously operated a business or portion of a business with employment to which another employer has succeeded.

(ff) "Lessor employing unit" means any independently established business entity that engages in the business of providing leased employees to a client lessee.

(gg) "Client lessee" means any individual, organization, partnership, corporation or other legal entity leasing employees from a lessor employing unit.

(hh) "Qualifying injury" means a personal injury by accident arising out of and in the course of employment within the coverage of the Kansas workers compensation act, K.S.A. 44-501 et seq., and amendments thereto.

Sec. 8. K.S.A. 44-710a is hereby amended to read as follows: 44-710a. (a) *Classification of employers by the secretary.* The term "employer" as used in this section refers to contributing employers. The secretary shall classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts with a view of fixing such contribution rates as will reflect such experience. If, as of the date such classification of employers is made, the secretary finds that any employing unit has failed to file any report required in connection therewith, or has filed a report which the secretary finds incorrect or insufficient, the secretary shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to the secretary at the time, and notify the employing unit thereof by mail addressed to its last known address. Unless such employing unit shall file the report or a corrected or sufficient report as the case may be, within 15 days after the mailing of such notice, the secretary shall compute such employing unit's rate of contributions on the basis of such estimates, and the rate as so determined shall be subject to increase but not to reduction on the basis of subsequently ascertained information. The secretary shall determine the contribution rate of each employer in accordance with the requirements of this section.

(1) *New employers.* (A) No employer will be eligible for a rate computation until there have been 24 consecutive calendar months immediately preceding the computation date throughout which benefits could have been charged against such employer's account.

(B) (i) (a) Each employer who is not eligible for a rate contribution shall pay contributions equal to 2.7% of wages paid during each calendar year with regard to employment, except such employers engaged in the construction industry shall pay a rate equal to 6%.

(b) (1) An employer who was not doing business in Kansas prior to July 1, 2014, shall be eligible for either the new employer rate under subsection (a)(1)(B)(i)(a) or the rate associated with the reserve ratio such employer experienced in the state which such employer was formerly located, but in no event less than 1% if such:

(A) Employer has been in operation in the other state or states for at least the three years immediately preceding the date such employer becomes a liable employer in Kansas;

(B) employer provides the authenticated account history from information accumulated from operations of such employer in the other state or all the other states necessary to compute a current Kansas rate; and

(C) employer's business operations established in Kansas are of the same nature, as defined by the North American industrial classification system, as conducted by such employer in the other state or states.

(2) The election authorized in subsection (a)(1)(B)(i)(b) of this section must be made in writing within 30 days after notice of Kansas liability. A rate in accordance with subsection (a)(1)(B)(i)(a) will be assigned unless a timely election has been made.

(3) If the election is made timely, the employer's account will receive the rate elected for the remainder of that rate year. The rate assigned for the next and subsequent years will be determined by the condition of the account on the computation date.

(ii) For purposes of this subsection (a), employers shall be classified by industrial activity in accordance with standard procedures as set forth in rules and regulations adopted by the secretary. Employers engaged in more than one type of industrial activity shall be classified by principal activity. All rates assigned will remain in effect for a complete calendar year. If the sale or acquisition of a new establishment would require reclassification of the employer to a different industry sector, the employer would be promptly notified, and the contribution rate applicable to the new industry sector would become effective the following January 1.

(C) "Computation date" means June 30 of each calendar year with respect to rates of contribution applicable to the calendar year beginning with the following January 1. In arriving at contribution rates for each calendar year, contributions paid on or before July 31 following the computation date for employment occurring on or prior to the computation date shall be considered for each contributing employer who has been subject to this act for a sufficient period of time to have such employer's rate computed under this subsection (a).

(2) *Eligible employers.* (A) A reserve ratio shall be computed for each eligible employer by the following method: Total benefits charged to the employer's account for all past years shall be deducted from all contributions paid by such employer for all such years. The balance, positive or negative, shall be divided by the employer's average annual payroll, and the result shall constitute the employer reserve ratio.

(B) Negative account balance employers, as defined in subsection (d), shall pay contributions at the rate referenced in subsection (a)(4)(B).

(C) Eligible employers, other than negative account balance employers, who do not meet the average annual payroll requirements as stated in K.S.A. 44-703(a)(2), and amendments thereto, will be issued the maximum rate indicated by the maximum rate group of standard rate schedule—standard schedule 7 in subsection (a)(4)(B)(ii) until such employer establishes a new period of 24 consecutive calendar months immediately preceding the computation date throughout which benefits could have been charged against such employer's account by resuming the payment of wages. Contribution rates effective for each calendar year thereafter shall be determined as prescribed below.

(D) If the amounts collected from negative account balance employers and paid into the employment security interest assessment fund for the purpose of paying interest due and owing on funds received from the federal unemployment account under title XII of the social security act are in excess of the amounts needed to pay interest due, the amounts in excess shall remain in the employment security interest assessment fund to be used to pay interest in future years. Whenever the secretary certifies all interest payments have been paid, any excess funds remaining in the employment security interest assessment fund shall be transferred to the employment security trust fund for the purpose of paying any remaining principal amount due for advances described in this section. In the event that the amount transferred from the employment security interest assessment fund exceeds such remaining amount of principal due, the balance shall be used for the purposes of the employment security trust fund.

(3) *Entering and expanding employer.* (A) The secretary, as a method of providing for a reduced rate of contributions to an employer shall verify the qualifications in this statute that bear a direct relation to unemployment risk for that employer.

(B) If, as of the computation date, an eligible, positive balance employer's reserve ratio is significantly affected due to an increase in the employer's taxable payroll of at least 100% and such increase is attributable to a growth in employment, and not to a change in the taxable wage base from the previous year, the secretary shall assign a reduced rate of contributions for a period of three years.

(i) Such reduced rate of contributions shall be the new employer rate described in subsection (a)(1)(B)(i)(a), or a rate based on the employer's demonstrated risk as reflected in the employer's reserve fund ratio history.

(ii) To be eligible for such reduced rate, the employer must maintain a positive account balance throughout the reduced-rate period and must have an increase in account balance for each year.

(4) (A) For each rate year, the contribution schedule in effect shall be determined by the applicable fund control table and rate schedule table of subsection (a)(4)(B).

(B) *Effective rates.* (i) Employer contribution rates to be effective for each calendar year shall be determined by the applicable rate schedule in clause (ii) and the fund control table for the rate year as specified contained in this clause. The average high cost multiple of the trust fund as of the computation date shall determine the contribution schedule in effect for the next rate year. For purposes of subsection (a)(4)(B)(i), the average high cost multiple is the reserve fund ratio divided by the average high benefit cost rate. The average high benefit cost rate shall be determined by averaging the three highest benefit cost rates over the last 20 years from the preceding fiscal year which ended June 30. The high benefit cost

rate is defined by dividing total benefits paid in the fiscal year by total payrolls for covered employers in the fiscal year. The reserve fund ratio shall be determined by dividing total assets in the employment security fund provided for in K.S.A. 44-712(a), and amendments thereto, excluding all moneys credited to the account of this state pursuant to section 903 of the federal social security act, as amended, that have been appropriated by the legislature, whether or not withdrawn from the trust fund, and excluding contributions not yet paid on July 31, by total payrolls for contributing employers for the preceding fiscal year that ended on June 30.

Fund Control Table A
For Rate Years 2016-2021

Lower AHCM Threshold	Upper AHCM Threshold	Solvency Adjustment to Rate per Standard Rate Schedule
-1,000.00000	0.19999	1.60%
0.20000	0.44999	1.40%
0.45000	0.59999	1.20%
0.60000	0.74999	1.00%
0.75000	1.14999	0.00%
1.15000	1,000.00000	-0.50%

Fund Control Table B
For Rate Year 2022 and Ensuring Calendar Years

KS SUTA Tax Rate Schedules		Lower AHCM Threshold	Upper AHCM Threshold	Solvency/Credit Adjustment to Maximum Standard Rate	Solvency/Credit Adjustment as a Rate Group Multiplier to Standard, Earned Rate Group	Solvency/Credit Adjustment as a Total % to Employer's Standard, Earned Rate Group
	1	-1,000.00000	-0.00001	2.00%	0.05263%	26.32%
	2	0.00000	0.24999	1.80%	0.04737%	23.68%
Solvency	3	0.25000	0.44999	1.60%	0.04211%	21.05%
Schedules	4	0.45000	0.59999	1.40%	0.03684%	18.42%
(1-6)	5	0.60000	0.69999	1.20%	0.03158%	15.79%
	6	0.70000	0.74999	1.00%	0.02632%	13.16%
Standard Schedule (7)	7	0.75000	1.24999	0.00%	0.00000%	0.00%
	8	1.25000	1.29999	-1.00%	-0.02632%	-13.16%
Credit	9	1.30000	1.39999	-1.20%	-0.03158%	-15.79%
Schedules	10	1.40000	1.54999	-1.40%	-0.03684%	-18.42%
(8-13)	11	1.55000	1.74999	-1.60%	-0.04211%	-21.05%
	12	1.75000	1.99999	-1.80%	-0.04737%	-23.68%
	13	2.00000	1,000.00000	-2.00%	-0.05263%	-26.32%

(ii) (a) Eligible employers shall be classified by rate group according to the standard rate schedule–standard rate schedule 7 in this section, for that rate year. Except as provided in subclause (b), for rate years 2016

through 2021, the rate pursuant to the standard rate schedule as adjusted by fund control table A shall apply. Except as provided in subclause (b), for rate year 2022 and ensuing calendar years, the rate pursuant to standard rate schedule 7, solvency schedules 1 through 6 or credit schedules 8 through 13 shall apply as provided by fund control table B.

(b) (1) In the event the full transfer of $250,000,000 is not made as provided in K.S.A. 2021 Supp. 75-5745, and amendments thereto, to the employment security fund on or before July 15, 2021, all contributing employers shall pay the rate as set forth in standard rate schedule–standard rate schedule 7 for the 2022 calendar year.

(2) In the event the second transfer of up to $250,000,000 is not made as provided in K.S.A. 2021 Supp. 75-5745, and amendments thereto, to the employment security fund on or before July 15, 2022, all contributing employers shall pay the rate as set forth in standard rate schedules–standard rate schedule 7 for the 2023 calendar year, *unless it is determined by actual calculation pursuant to fund control table B that credit rate schedules (8-13) would apply based on the health of the unemployment insurance trust fund*.

STANDARD RATE SCHEDULE -
STANDARD RATE SCHEDULE 7

Rate Group	Lower Reserve Ratio Limit	Upper Reserve Ratio Limit	Standard Rate
1	18.590	1,000,000.000	0.20%
2	17.875	18.589	0.40%
3	17.160	17.874	0.60%
4	16.445	17.159	0.80%
5	15.730	16.444	1.00%
6	15.015	15.729	1.20%
7	14.300	15.014	1.40%
8	13.585	14.299	1.60%
9	12.870	13.584	1.80%
10	12.155	12.869	2.00%
11	11.440	12.154	2.20%
12	10.725	11.439	2.40%
13	10.010	10.724	2.60%
14	9.295	10.009	2.80%
15	8.580	9.294	3.00%
16	7.865	8.579	3.20%
17	7.150	7.864	3.40%
18	6.435	7.149	3.60%
19	5.720	6.434	3.80%
20	5.005	5.719	4.00%

Rate Group	Lower Reserve Ratio Limit	Upper Reserve Ratio Limit	Standard Rate
21	4.290	5.004	4.20%
22	3.575	4.289	4.40%
23	2.860	3.574	4.60%
24	2.145	2.859	4.80%
25	1.430	2.144	5.00%
26	0.715	1.429	5.20%
27	0.000	0.714	5.40%
N1	-0.714	-0.001	5.60%
N2	-1.429	-0.715	5.80%
N3	-2.144	-1.430	6.00%
N4	-2.859	-2.145	6.20%
N5	-3.574	-2.860	6.40%
N6	-4.289	-3.575	6.60%
N7	-5.004	-4.290	6.80%
N8	-5.719	-5.005	7.00%
N9	-6.434	-5.720	7.20%
N10	-7.149	-6.435	7.40%
N11	-1,000,000.000	-7.150	7.60%

SOLVENCY RATE SCHEDULES (1-6)

Rate Group	1	2	3	4	5	6
1	~~0.252632%~~	~~0.247375%~~	~~0.24211%~~	~~0.23684%~~	~~0.23158%~~	~~0.22632%~~
	0.25%	*0.25%*	*0.24%*	*0.24%*	*0.23%*	*0.23%*
2	~~0.505263%~~	~~0.49474%~~	~~0.48421%~~	~~0.47368%~~	~~0.46316%~~	~~0.45263%~~
	0.51%	*0.49%*	*0.48%*	*0.47%*	*0.46%*	*0.45%*
3	~~0.757895%~~	~~0.74211%~~	~~0.72632%~~	~~0.71053%~~	~~0.69474%~~	~~0.67895%~~
	0.76%	*0.74%*	*0.73%*	*0.71%*	*0.69%*	*0.68%*
4	~~1.010526%~~	~~0.98947%~~	~~0.96842%~~	~~0.94737%~~	~~0.92632%~~	~~0.90526%~~
	1.01%	*0.99%*	*0.97%*	*0.95%*	*0.93%*	*0.91%*
5	~~1.263158%~~	~~1.23684%~~	~~1.21053%~~	~~1.18421%~~	~~1.15789%~~	~~1.13158%~~
	1.26%	*1.24%*	*1.21%*	*1.18%*	*1.16%*	*1.13%*
6	~~1.515789%~~	~~1.48421%~~	~~1.45263%~~	~~1.42105%~~	~~1.38947%~~	~~1.35789%~~
	1.52%	*1.48%*	*1.45%*	*1.42%*	*1.39%*	*1.36%*
7	~~1.768421%~~	~~1.73158%~~	~~1.69474%~~	~~1.65789%~~	~~1.62105%~~	~~1.58421%~~
	1.77%	*1.73%*	*1.69%*	*1.66%*	*1.62%*	*1.58%*
8	~~2.021053%~~	~~1.97895%~~	~~1.93684%~~	~~1.89474%~~	~~1.85263%~~	~~1.81053%~~
	2.02%	*1.98%*	*1.94%*	*1.89%*	*1.85%*	*1.81%*
9	~~2.273684%~~	~~2.22632%~~	~~2.17895%~~	~~2.13158%~~	~~2.08421%~~	~~2.03684%~~
	2.27%	*2.23%*	*2.18%*	*2.13%*	*2.08%*	*2.04%*
10	~~2.526316%~~	~~2.47368%~~	~~2.42105%~~	~~2.36842%~~	~~2.31579%~~	~~2.26316%~~
	2.53%	*2.47%*	*2.42%*	*2.37%*	*2.32%*	*2.26%*
11	~~2.778947%~~	~~2.72105%~~	~~2.66316%~~	~~2.60526%~~	~~2.54737%~~	~~2.48947%~~
	2.78%	*2.72%*	*2.66%*	*2.61%*	*2.55%*	*2.49%*
12	~~3.031579%~~	~~2.96842%~~	~~2.90526%~~	~~2.84211%~~	~~2.77895%~~	~~2.71579%~~
	3.03%	*2.97%*	*2.91%*	*2.84%*	*2.78%*	*2.72 %*

Rate Group	1	2	3	4	5	6
13	~~3.284211%~~	~~3.21579%~~	~~3.14737%~~	~~3.07895%~~	~~3.01053%~~	~~2.94211%~~
	3.28%	*3.22%*	*3.15%*	*3.08%*	*3.01%*	*2.94%*
14	~~3.536842%~~	~~3.46316%~~	~~3.38947%~~	~~3.31579%~~	~~3.24211%~~	~~3.16842%~~
	3.54%	*3.46%*	*3.39%*	*3.32%*	*3.24%*	*3.17%*
15	~~3.789474%~~	~~3.71053%~~	~~3.63158%~~	~~3.55263%~~	~~3.47368%~~	~~3.39474%~~
	3.79%	*3.71%*	*3.63%*	*3.55%*	*3.47%*	*3.39%*
16	~~4.042105%~~	~~3.95789%~~	~~3.87368%~~	~~3.78947%~~	~~3.70526%~~	~~3.62105%~~
	4.04%	*3.96%*	*3.87%*	*3.79%*	*3.71%*	*3.62%*
17	~~4.294737%~~	~~4.20526%~~	~~4.11579%~~	~~4.02632%~~	~~3.93684%~~	~~3.84737%~~
	4.29%	*4.21%*	*4.12%*	*4.03%*	*3.94%*	*3.85%*
18	~~4.547368%~~	~~4.45263%~~	~~4.35789%~~	~~4.26316%~~	~~4.16842%~~	~~4.07368%~~
	4.55%	*4.45%*	*4.36%*	*4.26%*	*4.17%*	*4.07%*
19	~~4.800000%~~	~~4.70000%~~	~~4.60000%~~	~~4.50000%~~	~~4.40000%~~	~~4.30000%~~
	4.80%	*4.70%*	*4.60%*	*4.50%*	*4.40%*	*4.30%*
20	~~5.052632%~~	~~4.94737%~~	~~4.84211%~~	~~4.73684%~~	~~4.63158%~~	~~4.52632%~~
	5.05%	*4.95%*	*4.84%*	*4.74%*	*4.63%*	*4.53%*
21	~~5.305263%~~	~~5.19474%~~	~~5.08421%~~	~~4.97368%~~	~~4.86316%~~	~~4.75263%~~
	5.31%	*5.19%*	*5.08%*	*4.97%*	*4.86%*	*4.75%*
22	~~5.557895%~~	~~5.44211%~~	~~5.32632%~~	~~5.21053%~~	~~5.09474%~~	~~4.97895%~~
	5.56%	*5.44%*	*5.33%*	*5.21%*	*5.09%*	*4.98%*
23	~~5.810526%~~	~~5.68947%~~	~~5.56842%~~	~~5.44737%~~	~~5.32632%~~	~~5.20526%~~
	5.81%	*5.69%*	*5.57%*	*5.45%*	*5.33%*	*5.21%*
24	~~6.063158%~~	~~5.93684%~~	~~5.81053%~~	~~5.68421%~~	~~5.55789%~~	~~5.43158%~~
	6.06%	*5.94%*	*5.81%*	*5.68%*	*5.56%*	*5.43%*
25	~~6.315789%~~	~~6.18421%~~	~~6.05263%~~	~~5.92105%~~	~~5.78947%~~	~~5.65789%~~
	6.32%	*6.18%*	*6.05%*	*5.92%*	*5.79%*	*5.66%*
26	~~6.568421%~~	~~6.43158%~~	~~6.29474%~~	~~6.15789%~~	~~6.02105%~~	~~5.88421%~~
	6.57%	*6.43%*	*6.29%*	*6.16%*	*6.02%*	*5.88%*
27	~~6.821053%~~	~~6.67895%~~	~~6.53684%~~	~~6.39474%~~	~~6.25263%~~	~~6.11053%~~
	6.82%	*6.68%*	*6.54%*	*6.39%*	*6.25%*	*6.11%*
N1	~~7.073684%~~	~~6.92632%~~	~~6.77895%~~	~~6.63158%~~	~~6.48421%~~	~~6.33684%~~
	7.07%	*6.93%*	*6.78%*	*6.63%*	*6.48%*	*6.34%*
N2	~~7.326316%~~	~~7.17368%~~	~~7.02105%~~	~~6.86842%~~	~~6.71579%~~	~~6.56316%~~
	7.33%	*7.17%*	*7.02%*	*6.87%*	*6.72 %*	*6.56%*
N3	~~7.578947%~~	~~7.42105%~~	~~7.26316%~~	~~7.10526%~~	~~6.94737%~~	~~6.78947%~~
	7.58%	*7.42%*	*7.26%*	*7.11%*	*6.95%*	*6.79%*
N4	~~7.831579%~~	~~7.66842%~~	~~7.50526%~~	~~7.34211%~~	~~7.17895%~~	~~7.01579%~~
	7.83%	*7.67%*	*7.51%*	*7.34%*	*7.18%*	*7.02%*
N5	~~8.084211%~~	~~7.91579%~~	~~7.74737%~~	~~7.57895%~~	~~7.41053%~~	~~7.24211%~~
	8.08%	*7.92%*	*7.75%*	*7.58%*	*7.41%*	*7.24%*
N6	~~8.336842%~~	~~8.16316%~~	~~7.98947%~~	~~7.81579%~~	~~7.64211%~~	~~7.46842%~~
	8.34%	*8.16%*	*7.99%*	*7.82%*	*7.64%*	*7.47%*
N7	~~8.589474%~~	~~8.41053%~~	~~8.23158%~~	~~8.05263%~~	~~7.87368%~~	~~7.69474%~~
	8.59%	*8.41%*	*8.23%*	*8.05%*	*7.87%*	*7.69%*
N8	~~8.842105%~~	~~8.65789%~~	~~8.47368%~~	~~8.28947%~~	~~8.10526%~~	~~7.92105%~~
	8.84%	*8.66%*	*8.47%*	*8.29%*	*8.11%*	*7.92%*
N9	~~9.094737%~~	~~8.90526%~~	~~8.71579%~~	~~8.52632%~~	~~8.33684%~~	~~8.14737%~~
	9.09%	*8.91%*	*8.72%*	*8.53%*	*8.34%*	*8.15%*
N10	~~9.347368%~~	~~9.15263%~~	~~8.95789%~~	~~8.76316%~~	~~8.56842%~~	~~8.37368%~~
	9.35%	*9.15%*	*8.96%*	*8.76%*	*8.57%*	*8.37%*
N11	~~9.600000%~~	~~9.40000%~~	~~9.20000%~~	~~9.00000%~~	~~8.80000%~~	~~8.60000%~~

Rate Group	1	2	3	4	5	6
	9.60%	*9.40%*	*9.20%*	*9.00%*	*8.80%*	*8.60%*

CREDIT RATE SCHEDULES (8-13)

Rate Group	8	9	10	11	12	13
~~1~~	~~0.173684%~~	~~0.16842%~~	~~0.16316%~~	~~0.15789%~~	~~0.15263%~~	~~0.14737%~~
	0.17%	*0.17%*	*0.16%*	*0.16%*	*0.15%*	*0.15%*
~~2~~	~~0.347368%~~	~~0.33684%~~	~~0.32632%~~	~~0.31579%~~	~~0.30526%~~	~~0.29474%~~
	0.35%	*0.34%*	*0.33%*	*0.32%*	*0.31%*	*0.29%*
~~3~~	~~0.521053%~~	~~0.50526%~~	~~0.48947%~~	~~0.47368%~~	~~0.45789%~~	~~0.44211%~~
	0.52%	*0.51%*	*0.49%*	*0.47%*	*0.46%*	*0.44%*
~~4~~	~~0.694737%~~	~~0.67368%~~	~~0.65263%~~	~~0.63158%~~	~~0.61053%~~	~~0.58947%~~
	0.69%	*0.67%*	*0.65%*	*0.63%*	*0.61%*	*0.59%*
~~5~~	~~0.868421%~~	~~0.84211%~~	~~0.81579%~~	~~0.78947%~~	~~0.76316%~~	~~0.73684%~~
	0.87%	*0.84%*	*0.82%*	*0.79%*	*0.76%*	*0.74%*
~~6~~	~~1.042105%~~	~~1.01053%~~	~~0.97895%~~	~~0.94737%~~	~~0.91579%~~	~~0.88421%~~
	1.04%	*1.01%*	*0.98%*	*0.95%*	*0.92%*	*0.88%*
~~7~~	~~1.215789%~~	~~1.17895%~~	~~1.14211%~~	~~1.10526%~~	~~1.06842%~~	~~1.03158%~~
	1.22%	*1.18%*	*1.14%*	*1.11%*	*1.07%*	*1.03%*
~~8~~	~~1.389474%~~	~~1.34737%~~	~~1.30526%~~	~~1.26316%~~	~~1.22105%~~	~~1.17895%~~
	1.39%	*1.35%*	*1.31%*	*1.26%*	*1.22%*	*1.18%*
~~9~~	~~1.563158%~~	~~1.51579%~~	~~1.46842%~~	~~1.42105%~~	~~1.37368%~~	~~1.32632%~~
	1.56%	*1.52%*	*1.47%*	*1.42%*	*1.37%*	*1.33%*
~~10~~	~~1.736842%~~	~~1.68421%~~	~~1.63158%~~	~~1.57895%~~	~~1.52632%~~	~~1.47368%~~
	1.74%	*1.68%*	*1.63%*	*1.58%*	*1.53%*	*1.47%*
~~11~~	~~1.910526%~~	~~1.85263%~~	~~1.79474%~~	~~1.73684%~~	~~1.67895%~~	~~1.62105%~~
	1.91%	*1.85%*	*1.79%*	*1.74%*	*1.68%*	*1.62%*
~~12~~	~~2.084211%~~	~~2.02105%~~	~~1.95789%~~	~~1.89474%~~	~~1.83158%~~	~~1.76842%~~
	2.08%	*2.02%*	*1.96%*	*1.89%*	*1.83%*	*1.77%*
~~13~~	~~2.257895%~~	~~2.18947%~~	~~2.12105%~~	~~2.05263%~~	~~1.98421%~~	~~1.91579%~~
	2.26%	*2.19%*	*2.12%*	*2.05%*	*1.98%*	*1.92%*
~~14~~	~~2.431579%~~	~~2.35789%~~	~~2.28421%~~	~~2.21053%~~	~~2.13684%~~	~~2.06316%~~
	2.43%	*2.36%*	*2.28%*	*2.21%*	*2.14%*	*2.06%*
~~15~~	~~2.605263%~~	~~2.52632%~~	~~2.44737%~~	~~2.36842%~~	~~2.28947%~~	~~2.21053%~~
	2.61%	*2.53%*	*2.45%*	*2.37%*	*2.29%*	*2.21%*
~~16~~	~~2.778947%~~	~~2.69474%~~	~~2.61053%~~	~~2.52632%~~	~~2.44211%~~	~~2.35789%~~
	2.78%	*2.69%*	*2.61%*	*2.53%*	*2.44%*	*2.36%*
~~17~~	~~2.952632%~~	~~2.86316%~~	~~2.77368%~~	~~2.68421%~~	~~2.59474%~~	~~2.50526%~~
	2.95%	*2.86%*	*2.77%*	*2.68%*	*2.59%*	*2.51%*
~~18~~	~~3.126316%~~	~~3.03158%~~	~~2.93684%~~	~~2.84211%~~	~~2.74737%~~	~~2.65263%~~
	3.13%	*3.03%*	*2.94%*	*2.84%*	*2.75%*	*2.65%*
~~19~~	~~3.300000%~~	~~3.20000%~~	~~3.10000%~~	~~3.00000%~~	~~2.90000%~~	~~2.80000%~~
	3.30%	*3.20%*	*3.10%*	*3.00%*	*2.90%*	*2.80%*
~~20~~	~~3.473684%~~	~~3.36842%~~	~~3.26316%~~	~~3.15789%~~	~~3.05263%~~	~~2.94737%~~
	3.47%	*3.37%*	*3.26%*	*3.16%*	*3.05%*	*2.95%*
~~21~~	~~3.647368%~~	~~3.53684%~~	~~3.42632%~~	~~3.31579%~~	~~3.20526%~~	~~3.09474%~~
	3.65%	*3.54%*	*3.43%*	*3.32%*	*3.21%*	*3.09%*
~~22~~	~~3.821053%~~	~~3.70526%~~	~~3.58947%~~	~~3.47368%~~	~~3.35789%~~	~~3.24211%~~
	3.82%	*3.71%*	*3.59%*	*3.47%*	*3.36%*	*3.24%*
~~23~~	~~3.994737%~~	~~3.87368%~~	~~3.75263%~~	~~3.63158%~~	~~3.51053%~~	~~3.38947%~~
	3.99%	*3.87%*	*3.75%*	*3.63%*	*3.51%*	*3.39%*
~~24~~	~~4.168421%~~	~~4.04211%~~	~~3.91579%~~	~~3.78947%~~	~~3.66316%~~	~~3.53684%~~

Rate Group	8	9	10	11	12	13
	4.17%	*4.04%*	*3.92%*	*3.79%*	*3.66%*	*3.54%*
~~25~~	~~4.342105%~~	~~4.21053%~~	~~4.07895%~~	~~3.94737%~~	~~3.81579%~~	~~3.68421%~~
	4.34%	*4.21%*	*4.08%*	*3.95%*	*3.82%*	*3.68%*
~~26~~	~~4.515789%~~	~~4.37895%~~	~~4.24211%~~	~~4.10526%~~	~~3.96842%~~	~~3.83158%~~
	4.52%	*4.38%*	*4.24%*	*4.11%*	*3.97%*	*3.83%*
~~27~~	~~4.689474%~~	~~4.54737%~~	~~4.40526%~~	~~4.26316%~~	~~4.12105%~~	~~3.97895%~~
	4.69%	*4.55%*	*4.41%*	*4.26%*	*4.12%*	*3.98%*
~~N1~~	~~4.863158%~~	~~4.71579%~~	~~4.56842%~~	~~4.42105%~~	~~4.27368%~~	~~4.12632%~~
	4.86%	*4.72%*	*4.57%*	*4.42%*	*4.27%*	*4.13%*
~~N2~~	~~5.036842%~~	~~4.88421%~~	~~4.73158%~~	~~4.57895%~~	~~4.42632%~~	~~4.27368%~~
	5.04%	*4.88%*	*4.73%*	*4.58%*	*4.43%*	*4.27%*
~~N3~~	~~5.210526%~~	~~5.05263%~~	~~4.89474%~~	~~4.73684%~~	~~4.57895%~~	~~4.42105%~~
	5.21%	*5.05%*	*4.89%*	*4.74%*	*4.58%*	*4.42%*
~~N4~~	~~5.384211%~~	~~5.22105%~~	~~5.05789%~~	~~4.89474%~~	~~4.73158%~~	~~4.56842%~~
	5.38%	*5.22%*	*5.06%*	*4.89%*	*4.73%*	*4.57%*
~~N5~~	~~5.557895%~~	~~5.38947%~~	~~5.22105%~~	~~5.05263%~~	~~4.88421%~~	~~4.71579%~~
	5.56%	*5.39%*	*5.22%*	*5.05%*	*4.88%*	*4.72%*
~~N6~~	~~5.731579%~~	~~5.55789%~~	~~5.38421%~~	~~5.21053%~~	~~5.03684%~~	~~4.86316%~~
	5.73%	*5.56%*	*5.38%*	*5.21%*	*5.04%*	*4.86%*
~~N7~~	~~5.905263%~~	~~5.72632%~~	~~5.54737%~~	~~5.36842%~~	~~5.18947%~~	~~5.01053%~~
	5.91%	*5.73%*	*5.55%*	*5.37%*	*5.19%*	*5.01%*
~~N8~~	~~6.078947%~~	~~5.89474%~~	~~5.71053%~~	~~5.52632%~~	~~5.34211%~~	~~5.15789%~~
	6.08%	*5.89%*	*5.71%*	*5.53%*	*5.34%*	*5.16%*
~~N9~~	~~6.252632%~~	~~6.06316%~~	~~5.87368%~~	~~5.68421%~~	~~5.49474%~~	~~5.30526%~~
	6.25%	*6.06%*	*5.87%*	*5.68%*	*5.49%*	*5.31%*
~~N10~~	~~6.426316%~~	~~6.23158%~~	~~6.03684%~~	~~5.84211%~~	~~5.64737%~~	~~5.45263%~~
	6.43%	*6.23%*	*6.04%*	*5.84%*	*5.65%*	*5.45%*
~~N11~~	~~6.600000%~~	~~6.40000%~~	~~6.20000%~~	~~6.00000%~~	~~5.80000%~~	~~5.60000%~~
	6.60%	*6.40%*	*6.20%*	*6.00%*	*5.80%*	*5.60%*

(b) *Successor classification.* (1) (A) For the purposes of this subsection, whenever an employing unit, whether or not it is an "employing unit" within the meaning of ~~of~~ K.S.A. 44-703(g), and amendments thereto, becomes an employer pursuant to K.S.A. 44-703(h)(4), and amendments thereto, or is an employer at the time of acquisition and meets the definition of a "successor employer" as defined by K.S.A. 44-703(dd), and amendments thereto, and thereafter transfers its trade or business, or any portion thereof, to another employer and, at the time of the transfer, there is substantially common ownership, management or control of the two employers, then the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom such business is so transferred. These experience factors consist of all contributions paid, benefit experience and annual payrolls of the predecessor employer. The transfer of some or all of an employer's workforce to another employer shall be considered a transfer of trade or business when, as the result of such transfer, the transferring employer no longer performs trade or business with respect to the transferred workforce, and such trade or business is performed by the employer to whom the workforce is transferred.

(B) If, following a transfer of experience under subparagraph (A), the secretary determines that a substantial purpose of the transfer or business was to obtain a reduced liability for contributions, then the experience rating accounts of the employers involved shall be combined into a single account and a single rate assigned to such account.

(2) A successor employer as defined by K.S.A. 44-703(h)(4) or (dd), and amendments thereto, may receive the experience rating factors of the predecessor employer if an application is made to the secretary or the secretary's designee in writing within 120 days of the date of the transfer.

(3) Whenever an employing unit, whether or not it is an "employing unit" within the meaning of K.S.A. 44-703(g), and amendments thereto, acquires or in any manner succeeds to a percentage of an employer's annual payroll which is less than 100% and intends to continue the acquired percentage as a going business, the employing unit may acquire the same percentage of the predecessor's experience factors if: (A) The predecessor employer and successor employing unit make an application in writing on the form prescribed by the secretary; (B) the application is submitted within 120 days of the date of the transfer; (C) the successor employing unit is or becomes an employer subject to this act immediately after the transfer; (D) the percentage of the experience rating factors transferred shall not be thereafter used in computing the contribution rate for the predecessor employer; and (E) the secretary finds that such transfer will not tend to defeat or obstruct the object and purposes of this act.

(4) (A) The rate of both employers in a full or partial successorship under paragraph (1) shall be recalculated and made effective on the first day of the next calendar quarter following the date of transfer of trade or business.

(B) If a successor employer is determined to be qualified under paragraph (2) or (3) to receive the experience rating factors of the predecessor employer, the rate assigned to the successor employer for the remainder of the contributions year shall be determined by the following:

(i) If the acquiring employing unit was an employer subject to this act prior to the date of the transfer, the rate of contribution shall be the same as the contribution rate of the acquiring employer on the date of the transfer.

(ii) If the acquiring employing unit was not an employer subject to this act prior to the date of the transfer, the successor employer shall have a newly computed rate for the remainder of the contribution year which shall be based on the transferred experience rating factors as they existed on the most recent computation date immediately preceding the date of acquisition. These experience rating factors consist of all contributions paid, benefit experience and annual payrolls.

(5) Whenever an employing unit is not an employer at the time it acquires the trade or business of an employer, the unemployment experience factors of the acquired business shall not be transferred to such employing unit if the secretary finds that such employing unit acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions. Instead, such employing unit shall be assigned the applicable industry rate for a "new employer" as described in subsection (a)(1). In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of contributions, the secretary shall use objective factors which may include the cost of acquiring the business, whether the employer continued the business enterprise of the acquired business, how long such business enterprise was continued, or whether a substantial number of new employees were hired for performance of duties unrelated to the business activity conducted prior to acquisition.

(6) Whenever an employer's account has been terminated as provided in K.S.A. 44-711(d) and (e), and amendments thereto, and the employer continues with employment to liquidate the business operations, that employer shall continue to be an "employer" subject to the employment security law as provided in K.S.A. 44-703(h)(8), and amendments thereto. The rate of contribution from the date of transfer to the end of the then current calendar year shall be the same as the contribution rate prior to the date of the transfer. At the completion of the then current calendar year, the rate of contribution shall be that of a "new employer" as described in subsection (a)(1).

(7) No rate computation will be permitted an employing unit succeeding to the experience of another employing unit pursuant to this section for any period subsequent to such succession except in accordance with rules and regulations adopted by the secretary. Any such regulations shall be consistent with federal requirements for additional credit allowance in section 3303 of the federal internal revenue code of 1986, and consistent with the provisions of this act.

(c) *Voluntary contributions.* Notwithstanding any other provision of the employment security law, any employer may make voluntary payments for the purpose of reducing or maintaining a reduced rate in addition to the contributions required under this section. Such voluntary payments may be made only during the thirty-day period immediately following the date of mailing of experience rating notices for a calendar year. All such voluntary contribution payments shall be paid prior to the expiration of 120 days after the beginning of the year for which such rates are effective. The amount of voluntary contributions shall be credited to the employer's account as of the next preceding computation date and the employer's rate shall be computed accordingly. Under no circumstances shall voluntary payments be refunded in whole or in part.

(d) As used in this section, "negative account balance employer" means an eligible employer whose total benefits charged to such employer's account for all past years have exceeded all contributions paid by such employer for all such years.

(e) There is hereby established in the state treasury, separate and apart from all public moneys or funds of this state, an employment security interest assessment fund, which shall be administered by the secretary as provided in this act. Moneys in the employment security fund established by K.S.A. 44-712, and amendments thereto, and employment security interest assessment fund established by K.S.A. 44-710, and amendments thereto, shall not be invested in the pooled money investment portfolio established under K.S.A. 75-4234, and amendments thereto. Notwithstanding the provisions of K.S.A. 44-712(a), K.S.A. 44-716, K.S.A. 44-717 and K.S.A. 75-4234, and amendments thereto, or any like provision the secretary shall remit all moneys received from employers pursuant to the interest payment pursuant to law, 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 employment security interest assessment fund. All moneys in this fund which are received from employers pursuant to the interest payment assessments shall be expended solely for the purposes and in the amounts found by the secretary necessary to pay any principal and interest due and owing the United States department of labor resulting from any advancements made to the Kansas employment security fund pursuant to the provisions of title XII of the social security act (42 U.S.C. §§ 1321 to 1324) except as may be otherwise provided under subsection (a)(2)(D). Notwithstanding any provision of this section, all moneys received and credited to this fund shall remain part of the employment security interest assessment fund and shall be used only in accordance with the conditions specified.

(f) The secretary of labor shall annually prepare and submit a certification as to the solvency and adequacy of the amount credited to the state of Kansas' account in the federal employment security trust fund to the governor and the legislative coordinating council. The certification shall be submitted on or before December 1 of each calendar year and shall be for the 12-month period ending on June 30 of that calendar year. In arriving at the certification contributions paid on or before July 31 following the 12-month period ending date of June 30 shall be considered.

Sec. 9. K.S.A. 44-775 is hereby amended to read as follows: 44-775. (a) (1) The secretary of labor and the secretary of commerce shall jointly establish and implement the my reemployment plan as provided in this section. For purposes of this section, "my reemployment plan" means a program jointly established and implemented by the Kansas department

of labor and the Kansas department of commerce that provides enhanced reemployment services, including workforce services provided by the department of commerce, to Kansans receiving unemployment insurance benefits. The program shall be ~~available to~~ *required for* all claimants except claimants ~~in the shared work program or trade readjustment assistance program or claimants on temporary layoff with a return-to-work date~~ *in the shared work program, trade adjustment assistance and trade readjustment assistance program, claimants on temporary layoff with a return-to-work date but such claimants shall only be excepted during any first 8 consecutive weeks of benefits, claimants that are currently employed, claimants that are current reemployment services and eligibility assessment participants, claimants that are active members in good standing of a placement union or claimants that are engaged in a training program*. The program shall be implemented on or before June 1, 2021.

(2) The secretary of labor shall provide the secretary of commerce with the names and contact information of claimants that have claimed ~~three continuous weeks~~ *a third week* of benefits *in the current benefit year*. The secretary of ~~commerce~~ *labor* shall request *the claimant to upload or create* a *complete* resume ~~or work history, a skills list~~ *in the Kansasworks workforce system,* and *complete* a job search plan ~~from the claimants and~~ *that includes a skills assessment component. The secretary of commerce* shall offer and provide, when requested, assistance to the claimants in developing the documents or plan through collaboration by the secretary with the ~~Kansas works~~ *Kansasworks* workforce system. *The secretary of commerce may require claimants to participate in reemployment services.* The claimant shall have ~~seven~~ *14 calendar* days to respond to the secretary of commerce. The secretary of commerce shall report any failure to respond by the claimant to the secretary of labor.

(3) The secretary of labor shall share labor market information and current available job positions with the secretary of commerce. The secretary of labor may collaborate with Kansasworks or other state or federal agencies with job availability information in obtaining or sharing such information.

(4) The secretary of commerce shall match open job positions with claimants based on skills, work history and job location that is a reasonable commute from the claimant's residence and communicate the match information to the claimant and to the employer. The secretary of labor and the secretary of commerce shall consider whether the claimant or a Kansas employer would benefit from the claimant's participation in a work skills training or retraining program as provided by subsection (b) and, if so, provide such information to the employer, if applicable, and the claimant. Claimants who fail to respond within ~~two weeks~~ *14 calendar days* after contact by Kansasworks or the department of commerce shall be reported by the secretary of commerce to the secretary of labor.

(5) ~~The secretary of commerce shall facilitate and oversee the claimant and employer interview process.~~ The secretary of commerce and the secretary of labor shall monitor the result of job matches and share information regarding any claimant who did not attend an interview or did not accept a position that was a reasonable match for the claimant's work history and skills and was within a reasonable commute from the claimant's residence. The secretary of commerce shall contact the claimant and report the contact to the secretary of labor. The secretary of labor shall consider whether the claimant has failed to meet work search requirements and if the claimant should continue to receive benefits.

(b) The secretary of commerce shall ~~develop and implement~~ *refer claimants to* a work skills training or retraining program ~~for claimants in collaboration with the Kansasworks workforce system, the secretary of labor, employers and other state or federal agencies or organizations~~ *as appropriate*. The secretary of commerce shall seek to obtain or utilize any available federal funds for the program, and to the extent feasible, may make current work skills training and retraining programs available to claimants. The secretary of labor may allow claimants to participate in such a program offered by the secretary of commerce or by another state or federal agency in lieu of requiring the claimant to meet job search requirements and the requirements of the my reemployment plan until the number of allowed benefit weeks has expired. A claimant shall participate in such a program for not less than 25 hours per week. ~~The secretary of commerce shall monitor claimants who are participating in the program to ensure attendance and progress.~~ *The secretary of commerce shall monitor those my reemployment plan claimants participating in training managed by the workforce centers to ensure compliance.*

(c) Claimants who participate in the my reemployment plan or the work skills training or retraining program shall meet attendance or progress requirements established by the secretary of commerce to continue eligibility for unemployment insurance benefits. Non-compliant claimants shall be reported by the secretary of commerce to the secretary of labor. The secretary of labor shall disqualify such claimants from further benefits within five business days of receiving the report, unless or until the claimant demonstrates compliance to the secretary of commerce, and shall communicate the disqualification and the reason for the disqualification to the claimant. The secretary of commerce shall report to the secretary of labor when the claimant has reestablished compliance. The secretary of labor may continue benefits or reinstate a claimant's eligibility for benefits upon a showing of good cause by the claimant for the failure to meet attendance or progress requirements or my reemployment plan participation requirements.

(d) The secretary of labor and the secretary of commerce shall provide an annual status update and progress report for the my reemploy-

ment plan to the standing committee on commerce, labor and economic development of the house of representatives and the standing committee on commerce of the senate during the first month of the 2022 regular legislative session and the first month of each regular legislative session thereafter.

(e) This section shall be a part of and supplemental to the employment security law.

Sec. 10. K.S.A. 44-703, 44-710a and 44-775 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 18, 2022.

CHAPTER 71

SENATE BILL No. 2

AN ACT concerning alcoholic liquor; relating to the Kansas state fair; sales during the state fair; issuance of temporary permits; liquor enforcement tax and liquor drink tax; crediting a portion of such tax moneys collected to the state fair capital improvements fund; relating to the sale and delivery by retail liquor stores of alcohol and cereal malt beverages; increasing the percentage of alcohol by volume in domestic table wine and domestic fortified wine; relating to cereal malt beverage retailer licenses; requiring issuance thereof to a licensed farm winery that satisfies the statutory requirements for such retailer license; permitting farm wineries and producers to hold cereal malt beverage licenses; allowing farm wineries and producers to have alcoholic liquor such as wine on their premises while holding a cereal malt beverage license; removing the good character and reputation requirement for a cereal malt beverage license; providing that applicants for a farm winery or a producer license who are registered as agritourism operators shall be issued the license notwithstanding any zoning or other regulations of any city or county; providing that registered agritourism operators shall be issued a license as a drinking establishment not withstanding any city or county zoning or other regulations; amending K.S.A. 41-102, 41-308, 41-311, 41-501, 41-719, 41-1201, 41-2608, 41-2703, 41-2704, 79-4108 and 79-41a03 and repealing the existing sections.

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

Section 1. On and after January 1, 2023, K.S.A. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

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

(b) "Alcoholic candy" means:

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

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

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

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

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

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

(g) "Club" means the same as defined 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.

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

(k) "Domestic fortified wine" means wine which contains more than ~~14%~~ *16%*, but not more than 20% alcohol by volume and which is manufactured in this state.

(l) "Domestic table wine" means wine which contains not more than ~~14%~~ *16%* alcohol by volume and which is manufactured without rectification or fortification in this state.

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

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

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

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

(1) Contains less than 8.5% alcohol by volume;

(2) has a carbonation level that does not exceed 6.4 grams per liter; and

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

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

(r) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or 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.

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

(t) "Microdistillery" means a facility which produces spirits from any

source or substance that is licensed by the director to manufacture, store and sell spirits.

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

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

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

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

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

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

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

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

(bb) "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.

(cc) "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.

(dd) "Sample" means a serving of alcoholic liquor that contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine;

or (3) two ounces of beer or cereal malt beverage. A "sample" of a mixed alcoholic beverage shall contain not more than ½ ounce of distilled spirits.

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

(ff) (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.

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

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

(ii) "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.

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

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

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

Sec. 2. K.S.A. 41-308 is hereby amended to read as follows: 41-308. (a) Except as provided in K.S.A. 41-308d, and amendments thereto, a retailer's license shall allow the licensee to sell and offer for sale at retail and deliver in the original package, as therein prescribed, alcoholic liquor and cereal malt beverage for use or consumption off and away from the premises specified in such license.

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

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

(2) sell and deliver alcoholic liquor and cereal malt beverage to a caterer or to the licensed premises of a public venue, club or drinking estab-

lishment, if such premises are in the county where the retailer's premises are located or in an adjacent county *or a county with a corner located within two miles measured along the adjacent county boundary,* for resale by such public venue, club, establishment or caterer; and

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

(c) A retailer may:

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. K.S.A. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who is not a citizen of the United States;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except ~~that~~ *such person may be issued a farm winery license pursuant to K.S.A. 41-316, and amendments thereto, or a producer license pursuant to K.S.A. 41-355, and amendments thereto, and* a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, at the time of application, have a written lease thereon;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship requirements or age, except that this paragraph shall not apply in determining eligibility for a renewal license or to a person whose spouse is a law enforcement officer;

(13) whose spouse has been convicted of a felony or other crime that would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act;

(14) who does not provide any data or information required by K.S.A. 41-311b, and amendments thereto; or

(15) who, after a hearing before the director, has been found to have held an undisclosed beneficial interest in any license issued pursuant to the liquor control act that was obtained by means of fraud or any false statement made on the application for such license.

(b) No retailer's license shall be issued to:

(1) A person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act;

(2) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(3) a copartnership, unless all of the copartners are qualified to obtain a license;

(4) a corporation; or

(5) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship requirements;

(2) a copartnership, unless all of the copartners would be individually eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license, microdistillery license or farm winery license shall be issued to a:

(1) Person who has a beneficial interest in a manufacturer or distributor licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto;

(2) person, copartnership or association that has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto, except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act;

(3) copartnership, unless all of the copartners are qualified to obtain a license;

(4) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(5) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) If the applicant is not a Kansas resident, no license shall be issued until the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

Sec. 4. On and after January 1, 2023, K.S.A. 41-501 is hereby amended to read as follows: 41-501. (a) As used in this section and K.S.A. 41-501a, and amendments thereto:

(1) "Gallon" means wine gallon.

(2) "Federal area" means any lands or premises which are located within the exterior boundaries of this state and which are held or acquired by or for the use of the United States or any department, establishment or agency of the United States.

(3) "Malt product" means malt syrup, malt extract, liquid malt or wort.

(b) (1) For the purpose of raising revenue a tax is imposed upon the manufacturing, using, selling, storing or purchasing *of* alcoholic liquor, cereal malt beverage or malt products in this state or a federal area at a rate of $.18 per gallon on beer and cereal malt beverage; $.20 per gallon on all wort or liquid malt; $.10 per pound on all malt syrup or malt extract; $.30 per gallon on wine containing ~~14%~~ *16%* or less alcohol by volume; $.75 per gallon on wine containing more than ~~14%~~ *16%* alcohol by volume; and $2.50 per gallon on alcohol and spirits.

(2) The tax imposed by this section shall be paid only once and shall be paid by the person in this state or federal area who first manufactures, uses, sells, stores, purchases or receives the alcoholic liquor or cereal malt beverage. The tax shall be collected and paid to the director as provided in this act. If the alcoholic liquor or cereal malt beverage is manufactured and sold in this state or a federal area, the tax shall be paid by the manufacturer, microbrewery, microdistillery or farm winery producing it. If the alcoholic liquor or cereal malt beverage is imported into this state by a distributor for the purpose of sale at wholesale in this state or a federal area, the tax shall be paid by the distributor, and in no event shall such tax be paid by the manufacturer unless the alcoholic liquor or cereal malt beverage is manufactured in this state. If not to exceed one gallon, or metric equivalent, per person of alcoholic liquor has been purchased by a private citizen outside the borders of the United States and is brought into this state by the private citizen in such person's personal possession for such person's own personal use and not for sale or resale, such import is lawful and no tax payment shall be due thereon.

(c) Manufacturers, microbreweries, microdistilleries, farm wineries or distributors at wholesale of alcoholic liquor or cereal malt beverage shall be exempt from the payment of the gallonage tax imposed on alcoholic liquor and cereal malt beverage, upon satisfactory proof, including bills of lading furnished to the director by affidavit or otherwise as the di-

rector requires, that the liquor or cereal malt beverage was manufactured in this state but was shipped out of the state for sale and consumption outside the state.

(d) Wines manufactured or imported solely and exclusively for sacramental purposes and uses shall not be subject to the tax provided for by this section.

(e) The tax provided for by this section is not imposed upon:

(1) Any alcohol or wine, whether manufactured in or imported into this state, when sold to a nonbeverage user licensed by the state, for use in the manufacture of any of the following when they are unfit for beverage purposes: Patent and proprietary medicines and medicinal, antiseptic and toilet preparations; flavoring extracts and syrups and food products; scientific, industrial and chemical products; or scientific, chemical, experimental or mechanical purposes; or

(2) the privilege of engaging in any business of interstate commerce or otherwise, which business may not be made the subject of taxation by this state under the constitution and statutes of the United States.

(f) The tax imposed by this section shall be in addition to all other taxes imposed by the state of Kansas or by any municipal corporation or political subdivision thereof.

(g) Retail sales of alcoholic liquor, sales of beer to consumers by microbreweries and sales of wine to consumers by farm wineries shall not be subject to the tax imposed by the Kansas retailers' sales tax act but shall be subject to the enforcement tax provided for in this act.

(h) Notwithstanding any ordinance to the contrary, no city shall impose an occupation or privilege tax on the business of any person, firm or corporation licensed as a manufacturer, distributor, microbrewery, microdistillery, farm winery, retailer or nonbeverage user under this act and doing business within the boundaries of the city except as specifically authorized by K.S.A. 41-310, and amendments thereto.

(i) The director shall collect the taxes imposed by this section and shall account for and remit all moneys collected from the tax 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 the state treasurer shall credit $^{1}/_{10}$ of the moneys collected from taxes imposed upon alcohol and spirits under subsection (b)(1) to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, and shall credit the balance of the moneys collected to the state general fund.

(j) If any alcoholic liquor manufactured in or imported into this state is sold to a licensed manufacturer or distributor of this state to be used solely as an ingredient in the manufacture of any beverage for human consumption, the tax imposed upon the manufacturer or distributor shall

be reduced by the amount of the taxes which have been paid under this section as to the alcoholic liquor so used.

(k) The tax provided for by this section is not imposed upon alcohol or wine used by any school or college for scientific, chemical, experimental or mechanical purposes or by hospitals, sanitoria or other institutions caring for the sick. Any school, college, hospital, sanatorium or other institution caring for the sick may import alcohol or wine for scientific, chemical, experimental, mechanical or medicinal purposes by making application to the director for a permit to import it and receiving such a permit. Application for the permit shall be on a form prescribed and furnished by the director, and a separate permit shall be required for each purchase of alcohol or wine. A fee of $2 shall accompany each application. All permits shall be issued in triplicate to the applicant and shall be under the seal of the office of the director. Two copies of the permit shall be forwarded by the applicant to the microbrewery, microdistillery, farm winery, manufacturer or distributor from which the alcohol or wine is purchased, and the microbrewery, microdistillery, farm winery, manufacturer or distributor shall return to the office of the director one copy of the permit with its shipping affidavit and invoice. Within 10 days after receipt of any alcohol or wine, the school, college, hospital or sanatorium ordering it shall file a report in the office of the director upon forms furnished by the director, showing the amount of alcohol or wine received, the place where it is to be stored, from whom it was received, the purpose for which it is to be used and such other information as required by the director. Any school, college, hospital, sanatorium or institution caring for the sick, which complies with the provisions of this subsection, shall not be required to have any other license to purchase alcohol or wine from a microbrewery, microdistillery, farm winery, manufacturer or distributor.

Sec. 5. K.S.A. 41-719 is hereby amended to read as follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A. 8-1599, and amendments thereto, no person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

(2) Alcoholic liquor may be consumed on public streets, alleys, roads, sidewalks or highways when:

(A) A temporary permit has been issued pursuant to K.S.A. *41-1201 or* 41-2703, and amendments thereto, ~~or K.S.A. 2020 Supp. 41-1201, and amendments thereto,~~ for such an event;

(B) a caterer's licensee has provided the required notification for a catered event pursuant to K.S.A. 41-2643, and amendments thereto; or

(C) a public venue, hotel, hotel caterer, drinking establishment caterer or drinking establishment licensee has been authorized to extend its licensed premises pursuant to K.S.A. 41-2608, and amendments thereto.

(3) Consumption of alcoholic liquor on public streets, alleys, roads, sidewalks or highways must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such consumption will occur. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any time.

(4) No person shall remove any alcoholic liquor from inside the boundaries of an event as designated by the governing body of any city, county or township, from the boundaries of a catered event or from the extended licensed premises of a public venue, hotel, hotel caterer, drinking establishment caterer or drinking establishment. Such boundaries shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed.

(b) Alcoholic liquor may be consumed within common consumption areas designated by a city or county on public streets, alleys, roads, sidewalks or highways pursuant to K.S.A. ~~2020 Supp.~~ 41-2659, and amendments thereto, except that no alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways within a common consumption area. Further, no person shall remove any alcoholic liquor from inside the boundaries of the common consumption area which shall be clearly designated by a physical barrier.

(c) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(5) on the premises of a manufacturer, microbrewery, microdistillery or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b *or 41-*

354, and amendments thereto ~~or K.S.A. 2020 Supp. 41-354, and amendments thereto~~;

(6) on the premises of an unlicensed business as authorized pursuant to subsection (j); or

(7) within a common consumption area established pursuant to K.S.A. ~~2020 Supp.~~ 41-2659, and amendments thereto.

(d) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments thereto, or established by a city.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, *within boundaries that have been marked with a three-dimensional barrier*, if: (A) The alcoholic liquor is domestic beer or wine or wine imported under K.S.A. 41-308a(e), and amendments thereto, and is consumed only for purposes of judging competitions; (B) the alcoholic liquor is wine or beer ~~and~~ *that* is sold ~~and consumed~~ during the days of the Kansas state fair ~~on premises leased by the state fair board to a person who holds a temporary permit issued pursuant to K.S.A. 41-2703, and amendments thereto, or K.S.A. 2020 Supp. 41-1201, and amendments thereto, authorizing the sale and serving of such wine or beer, or both~~, *or as authorized by the Kansas state fair board, by the holder of a temporary permit in accordance with the provisions of K.S.A. 41-1201(g), and amendments thereto*; or (C) the alcoholic liquor is consumed on nonfair days in conjunction with bona fide scheduled events involving not less than 75 invited guests and the state fair board, in its discretion, authorizes the consumption of the alcoholic liquor, subject to any conditions or restrictions the board may require.

(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding

premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(8) In a lake resort within the meaning of K.S.A. 32-867, and amendments thereto, on state-owned or leased property.

(9) On the premises of any Kansas national guard regional training center or armory, and any building on such premises, as authorized by rules and regulations of the adjutant general and upon approval of the Kansas military board.

(10) On the premises of any land or waters owned or managed by the department of wildlife, parks and tourism, except as otherwise prohibited by rules and regulations of the department adopted by the secretary pursuant to K.S.A. 32-805, and amendments thereto.

(11) On property exempted from this subsection pursuant to subsection (e), (f), (g), (h) or (i).

(12) On the premises of the state capitol building or on its surrounding premises during an official state function of a nonpartisan nature that has been approved by the legislative coordinating council.

(13) On premises of a common consumption area established by K.S.A. ~~2020 Supp.~~ 41-2659, and amendments thereto.

(e) Any city may exempt, by ordinance, from the provisions of subsection (d) specified property the title of which is vested in such city.

(f) The board of county commissioners of any county may exempt, by resolution, from the provisions of subsection (d) specified property the title of which is vested in such county.

(g) The state board of regents may exempt from the provisions of subsection (d) the Sternberg museum on the campus of Fort Hays state university, or other specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) The board of regents of Washburn university may exempt from the provisions of subsection (d) the Mulvane art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(i) The board of trustees of a community college may exempt from the provisions of subsection (d) specified property ~~which~~ *that* is under the control of such board and ~~which~~ is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(j) (1) An unlicensed business may authorize patrons or guests of such business to consume alcoholic liquor on the premises of such business provided:

(A) Such alcoholic liquor is in the personal possession of the patron and is not sold, offered for sale or given away by the owner of such business or any employees thereof;

(B) possession and consumption of alcoholic liquor shall not be authorized between the hours of 12 a.m. and 9 a.m.;

(C) the business, or any owner thereof, shall not have had a license issued under either the Kansas liquor control act or the club and drinking establishment act revoked for any reason; and

(D) no charge of any sort may be made by the business for the privilege of possessing or consuming alcoholic liquor on the premises, or for mere entry onto the premises.

(2) It shall be a violation of this section for any unlicensed business to authorize the possession or consumption of alcoholic liquor by a patron of such business when such authorization is not in accordance with the provisions of this subsection.

(3) For the purposes of this subsection, "patron" means a natural person who is a customer or guest of an unlicensed business.

(k) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than $50 or more than $200 or by imprisonment for not more than six months, or both.

(l) For the purposes of this section, "common consumption area" ~~has~~ *means* the same ~~meaning~~ as that term is defined in K.S.A. 41-2659, and amendments thereto.

Sec. 6. K.S.A. 41-1201 is hereby amended to read as follows: 41-1201. (a) A temporary permit shall allow the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on licensed or unlicensed premises, or on premises that are otherwise subject to a separate temporary permit, that may be open to the public, subject to the terms of such permit. A temporary permit shall also authorize the permit holder to sell, in accordance with rules and regulations adopted by the secretary, alcoholic liquor at a charitable auction, or one or more limited issue porcelain containers containing alcoholic liquor.

(b) A temporary permit holder may charge a fee for entrance into the premises described in the permit, or any portion thereof.

(c) The director may issue a temporary permit to any one or more persons or organizations applying for such a permit, in accordance with rules and regulations of the secretary. The permit shall be issued in the names of the persons or organizations to which it is issued.

(d) *(1)* Applications for temporary permits shall be required to be filed with the director not less than 14 days before the event for which the permit is sought, unless the director waives such requirement for good cause. The application shall be upon a form prescribed by the director. Each application shall be electronically submitted and accompanied by

a non-refundable permit fee of $25 for each day for which the permit is issued, and such fee shall be paid by a check or credit card in the full amount thereof. All permit fees collected by the director pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(2) No city, county or township shall charge more than a $25 non-refundable fee for each day for which the permit is issued.

(e) Each application for a temporary permit shall specify the premises for which ~~they are~~ *such permit is* issued, including a diagram of the premises covered by the temporary permit. The diagram shall clearly show the boundaries of the premises, entrances to and exits from the premises and the area in which the service of alcoholic liquor would take place. A temporary permit shall be issued only for premises where the city, county or township zoning code allows the use for which the permit is issued. No temporary permit shall be issued for premises that are not located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, to adopt the proposition amending section 10 of article 15 of the constitution of the state of Kansas at the general election in November, 1986; or

(B) have approved a proposition to allow the sale of liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(f) (1) *(A)* A temporary permit may be issued for the consumption of alcoholic liquor on a city, county or township street, alley, road, sidewalk or highway for an event if: ~~(A)~~ *(i)* Such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the governing body of such city, county or township for such event; ~~(B)~~ *(ii)* a written request for such consumption and possession of such alcoholic liquor has been made to the local governing body; and ~~(C)~~ *(iii)* the event has been approved by the governing body of such city, county or township by ordinance or resolution.

(B) The boundaries of any such event shall be clearly marked by signs, a posted map or other means ~~which~~ *that* reasonably identify the area in which alcoholic liquor may be possessed or consumed at such event.

(2) Drinking establishments that are immediately adjacent to, or located within the licensed premises of an event, for which a temporary permit has been issued and the consumption of alcoholic liquor on public property has been approved, may request that the drinking establish-

ment's licensed premises be extended into and made a part of the licensed premises of the event, for the duration of the temporary permit issued for such event.

(3) Each licensee selling alcoholic liquor for consumption on the premises of an event for which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor.

(4) Each temporary permit holder selling alcoholic liquor for consumption on the permit premises shall be liable for all violations of laws governing the sale and consumption of alcoholic liquor that occur in areas covered by multiple temporary permits.

(g) (1) *A temporary permit may be issued for the sale of wine, beer or other alcoholic liquor on the Kansas state fairgrounds during the days of the Kansas state fair, or as authorized by the Kansas state fair board, if the Kansas state fair board has authorized such consumption and possession of such wine, beer or other alcoholic liquor. Each application for such temporary permit shall specify the premises within the fairgrounds for which the permit is issued, including a diagram of the premises covered by the temporary permit. Such diagram shall match the entirety of the premises as leased from the Kansas state fair board. The boundaries of the Kansas state fairgrounds shall be clearly marked by signs, a posted map or other means that reasonably identify the area in which wine, beer or other alcoholic liquor, may be possessed or consumed at the state fair.*

(2) Each temporary permit holder selling wine, beer or other alcoholic liquor for consumption on the premises of the Kansas state fairgrounds that is covered by such temporary permit shall be liable for all violations of laws governing the sale and consumption of such alcoholic liquor that occur on such temporary premises.

(3) Any temporary permit holder who has received a temporary permit for the sale of wine, beer or other alcoholic liquor on the Kansas state fairgrounds may allow such wine, beer or other alcoholic liquor to be removed from the temporary permit premises and onto the Kansas state fairgrounds.

(h) (1) Except as otherwise provided in this subsection, a temporary permit shall be issued for a period of time not to exceed three consecutive days, the dates and hours of which shall be specified in the permit. An applicant may not be issued more than four temporary permits in a calendar year.

(2) The director may issue a sufficient number of temporary permits as required by the state fair board, valid for the entire period of time of the Kansas state fair, which authorizes the sale of wine in its original, unopened container and the serving by the drink of wine ~~or~~, beer~~,~~ or ~~both,~~ *other alcoholic liquor* on the state fairgrounds on premises specified in the

temporary permit, by a person who has entered into an agreement with the state fair board for that purpose subject to the conditions imposed by the state fair board. Nothing in this paragraph shall be construed to limit the number of temporary permits the director may issue for the sale of wine ~~or~~, beer~~,~~ or ~~both,~~ *other alcoholic liquor* on the state fairgrounds consistent with the requirements of the state fair board.

(3) For an event approved by the governing body of a city, county or township pursuant to subsection (e)(1), the director may issue a temporary permit, which may, at the director's discretion, be valid for the entire period of such event, but in no event shall such permit be issued for a period of time that exceeds 30 consecutive days.

~~(h)~~*(i)* An application for a temporary permit may be rejected by the director if:

(1) The applicant has been granted ~~four~~ *12* permits in the current calendar year;

(2) the application was not filed with the director at least 14 days prior to the event;

(3) the applicant, or any officer, director, partner, registered agent, trustee, manager or owner of the applicant has previously owned or operated any entity holding a temporary permit, club, drinking establishment or caterer's license, had such permit or license surrendered, and at the time such permit or license was surrendered had been ordered to appear and show cause why the permit or license should not be revoked or suspended;

(4) the applicant has designated an area for an event that was the subject of the order to appear and show cause as set forth in paragraph (3), and it appears that the new application for a temporary permit covering the premises is an attempt to avoid any possible remedial action taken by the director against the former permit or license holder; ~~or~~

(5) the applicant has had a license or permit revoked under the club and drinking establishment act, or has been convicted of a violation of the Kansas liquor control act, the club and drinking establishment act, the Kansas cereal malt beverage act or the provisions of K.S.A. 79-41a01 et seq., and amendments thereto*; or*

(6) the applicant has not remitted all liquor drink taxes due from a previous temporary permit.

~~(i)~~*(j)* (1) A temporary permit holder may purchase and possess alcoholic liquor for resale for a period of three days prior to the first day of sale of such alcoholic liquor. A distributor may, without any further permission from the director, deliver such alcoholic liquor to the permit premises.

(2) If a licensee has sold alcoholic liquor to a temporary permit holder, and a distributor directly delivers such alcoholic liquor to such temporary permit holder, but such licensee's normal hours of operation make

immediate payment to the distributor impossible, the licensee may pay the retailer and the retailer may pay the distributor for such alcoholic liquor within 48 hours of the sale.

(3) Within three business days after the end of an event conducted pursuant to a temporary permit, the temporary permit holder may sell back to the retailer or farm winery from whom alcoholic liquor was purchased any alcoholic liquor sold to the temporary permit holder for such event.

(4) Upon written permission from the director and after four business days after the end of an event conducted pursuant to a temporary permit, the temporary permit holder may sell back to the licensee from whom alcoholic liquor was purchased any alcoholic liquor sold to the temporary permit holder for such event.

~~(j)~~*(k)* A temporary permit shall not be transferable or assignable.

~~(k)~~*(l)* Each temporary permit holder shall not employ or use the services of any person:

(1) Who is under ~~the age of~~ 18 years *of age* to serve alcoholic liquor;

(2) who is under ~~the age of~~ 21 years *of age* to mix or dispense drinks containing alcoholic liquor;

(3) who is under ~~the age of~~ 21 *years of age* and not supervised by the temporary permit holder or an employee who is at least 21 years of age;

(4) who has been convicted of a felony or of any crime involving a morals charge to dispense, mix or serve alcoholic liquor; or

(5) who has been convicted within the previous two years of a violation of any intoxicating liquor law of this state, any other state or the United States, to dispense, mix or serve alcoholic liquor.

Sec. 7. K.S.A. 41-2608 is hereby amended to read as follows: 41-2608. (a) Any public venue, club or drinking establishment license issued pursuant to this act shall be for one particular premises that shall be stated in the application and in the license. Not more than one premises licensed under the club and drinking establishment act shall exist at a single legal address.

(b) No license shall be issued for a public venue, club or drinking establishment unless the city, township or county zoning code allows a club or drinking establishment at that location.

(c) The licensed premises of a license may be extend into a city, county or township street, alley, road, sidewalk or highway if:

(1) Such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the governing body of such city, county or township at any time during which alcoholic liquor or cereal malt beverage is to be sold or consumed; and

(2) such extension has been approved by the city, county or township by ordinance or resolution that specifies the exact times during which

alcoholic liquor or cereal malt beverage may be sold or consumed on the street, alley, road, sidewalk or highway.

(d) Notwithstanding the provisions of this section, a license under this act shall be issued to a farm winery or producer licensee who meets the requirements for a license under this act and who is a registered agritourism operator as defined in K.S.A. 32-1432, and amendments thereto. Such license shall not be denied on the basis of any zoning regulation or other regulation, ordinance or resolution of any city or county.

Sec. 8. K.S.A. 41-2703 is hereby amended to read as follows: 41-2703. (a) After examination of an application for a retailer's license, the board of county commissioners or the director shall, if they approve the same, issue a license to the applicant. The governing body of the city shall, if the applicant is qualified as provided by law, issue a license to such applicant.

(b) No retailer's license shall be issued to:

(1) ~~A person who is not of good character and reputation in the community in which the person resides.~~

~~(2)~~ A person who is not a citizen of the United States~~.~~*;*

~~(3)~~*(2)* a person who, within two years immediately preceding the date of application approval, has been convicted of, released from incarceration for or released from probation or parole for a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States~~.~~*;*

~~(4)~~*(3)* a partnership, unless all the members of the partnership are otherwise qualified to obtain a license~~.~~*;*

~~(5)~~*(4)* a corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than the citizenship requirements~~.~~*;*

~~(6)~~*(5)* a person whose place of business is conducted by a manager or agent unless the manager or agent possesses all the qualifications of a licensee~~.~~*;*

~~(7)~~*(6)* a person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship requirements or age, except that this paragraph shall not apply in determining eligibility for a renewal license~~.~~*; and*

~~(8)~~*(7)* a person whose spouse has been convicted of a felony or other crime that would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act.

(c) After examination of an application for a retailer's license, the board of county commissioners or the governing body of a city may deny a license to a person, partnership or corporation if any manager, officer or

director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager, director or a stockholder owning in the aggregate more than 25% of the stock, of a corporation that has:

(1) Had a retailer's license revoked under K.S.A. 41-2708, and amendments thereto; or

(2) been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(d) *Notwithstanding any generally applicable grant of discretion that may be provided pursuant to subsection (a),* if an applicant has been issued *a farm winery license pursuant to K.S.A. 41-316, and amendments thereto, or* a producer's license pursuant to K.S.A. 41-355, and amendments thereto, an application for a retailers' license shall be approved by the board of county commissioners*, the governing body of the city* or the director, subject to the requirements of subsections (b) and (c).

(e) Retailers' licenses shall be issued either on an annual basis or for the calendar year. If such licenses are issued on an annual basis, the board of county commissioners or the governing body of the city shall notify the distributors supplying the county or city on or before April 1 of the year if a retailer's license is not renewed.

(f) In addition to, and consistent with the requirements of K.S.A. 41-2701 et seq., and amendments thereto, the board of county commissioners of any county or the governing body of any city may provide by resolution or ordinance for the issuance of a special event retailers' permit that shall allow the permit holder to offer for sale, sell and serve cereal malt beverage for consumption on unpermitted premises, that may be open to the public, subject to the following:

(1) A special event retailers' permit shall specify the premises for which the permit is issued;

(2) a special event retailers' permit shall be issued for the duration of the special event, the dates and hours of which shall be specified in the permit;

(3) not more than four special event retailers' permits may be issued to any one applicant in a calendar year; and

(4) a special event retailers' permit shall not be transferable or assignable.

(g) A special event retailers' permit holder shall not be subject to the provisions of the beer and cereal malt beverage keg registration act, K.S.A. 41-2901 et seq., and amendments thereto.

Sec. 9. K.S.A. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of the Kansas cereal malt beverage act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary

and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Within any city where the days of sale at retail of cereal malt beverage in the original package have not been expanded as provided by K.S.A. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 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. 41-2911, and amendments thereto, and have not been subsequently restricted as provided in K.S.A. 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 not earlier than 9 a.m. and not later than 8 p.m. on Sunday;

(3) on Easter Sunday; or

(4) for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises and which is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(d) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises also are licensed as a club pursuant to the club and drinking establishment act.

(e) Each place of business shall be open to the public and to law enforcement officers at all times during business hours, except that a premises licensed as a club pursuant to the club and drinking establishment act shall be open to law enforcement officers and not to the public.

(f) Except as otherwise provided by this subsection, no licensee shall permit a person under the legal age for consumption of cereal malt bever-

age 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 *or the business is a farm winery licensed pursuant to K.S.A. 41-316, and amendments thereto, or a producer licensed pursuant to K.S.A. 41-355, and amendments thereto*.

(h) Cereal malt beverages may be sold on premises that are licensed pursuant to both the Kansas cereal malt beverage act and the club and drinking establishment act at any time when alcoholic liquor is allowed by law to be served on the premises.

Sec. 10. K.S.A. 79-4108 is hereby amended to read as follows: 79-4108. *(a)* All revenue collected or received by the director of taxation from taxes imposed by K.S.A. 79-4101 ~~to~~ *through* 79-4105, and amendments thereto, 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, *except as provided for in subsection (b),* the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. The state treasurer shall transfer any moneys remaining in the county and city alcoholic liquor control enforcement fund on the effective date of this act to the state general fund.

(b) For each remittance of the taxes collected upon the gross receipts derived from the sale of alcoholic liquor to consumers while on the Kansas state fairgrounds, 30% shall be credited to the state general fund, and the remainder shall be credited to the state fair capital improvements fund established pursuant to K.S.A. 2-223, and amendments thereto. The provisions of this subsection shall expire and have no effect if the state fair is located outside the city limits of the city of Hutchinson, Kansas.

Sec. 11. K.S.A. 79-41a03 is hereby amended to read as follows: 79-41a03. (a) The tax levied and collected pursuant to K.S.A. 79-41a02, and amendments thereto, shall become due and payable by the club, caterer, drinking establishment, public venue or temporary permit holder monthly, or on or before the 25th day of the month immediately succeeding the month in which it is collected, but any club, caterer, drinking establishment, public venue or temporary permit holder filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, shall, upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time the club, caterer, drinking establishment, public venue or temporary permit holder pays such retailers' sales tax. Each club, caterer, drinking establishment, public venue or temporary permit holder shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross receipts derived from the sale of alcoholic liquor by the club, caterer, drinking establishment, public venue or temporary permit holder for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross receipts derived from the sale of alcoholic liquor shall be kept separate and apart from the records of other retail sales made by a club, caterer, drinking establishment, public venue or temporary permit holder in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a club, caterer, drinking establishment, public venue or temporary permit holder as may be necessary to determine the accuracy of such reports required hereunder.

(c) The secretary of revenue is hereby authorized to administer and collect the tax imposed hereunder and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any club, caterer, drinking establishment, public venue or temporary permit holder liable to pay the tax imposed hereunder refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617, and amendments thereto.

(d) *(1)* The secretary of revenue shall remit all revenue collected under the provisions of 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.

(2) Except as provided for in paragraph (3) and subject to the maintenance requirements of the local alcoholic liquor refund fund created under K.S.A. 79-41a09, and amendments thereto, 25% of the remittance shall be credited to the state general fund, 5% shall be credited to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, and the balance shall be credited to the local alcoholic liquor fund created by K.S.A. 79-41a04, and amendments thereto.

(3) For each remittance of the taxes collected upon the gross receipts derived from the sale of alcoholic liquor by any temporary permit holder to consumers while on the Kansas state fairgrounds, 30% shall be credited to the state general fund, and the remainder shall be credited to the state fair capital improvements fund established pursuant to K.S.A. 2-223, and amendments thereto. The provisions of this subsection shall expire and have no effect if the state fair is located outside the city limits of the city of Hutchinson, Kansas.

(e) Whenever, in the judgment of the secretary of revenue, it is necessary, in order to secure the collection of any tax, penalties or interest due, or to become due, under the provisions of this act, the secretary may require any person subject to such tax to file a bond with the director of taxation under conditions established by and in such form and amount as prescribed by rules and regulations adopted by the secretary.

(f) The amount of tax imposed by this act shall be assessed within three years after the return is filed, and no proceedings in court for the collection of such taxes shall be begun after the expiration of such period except in the cases of fraud. In the case of a false or fraudulent return with intent to evade tax, the tax may be assessed or a proceeding in court for collection of such tax may be begun at any time, within two years from the discovery of such fraud. No refund or credit shall be allowed by the director after three years from the date of payment of the tax as provided in this act unless before the expiration of such period a claim therefor is filed by the taxpayer, and no suit or action to recover on any claim for refund shall be commenced until after the expiration of six months from the date of filing a claim therefor with the director. Before the expiration of time prescribed in this section for the assessment of additional tax or the filing of a claim for refund, the director is hereby authorized to enter into an agreement in writing with the taxpayer consenting to the extension of the periods of limitations for the assessment of tax or for the filing of a claim for refund, at any time prior to the expiration of the periods of limitations. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

Sec. 12. K.S.A. 41-308, 41-311, 41-719, 41-1201, 41-2608, 41-2703, 41-2704, 79-4108 and 79-41a03 are hereby repealed.

Sec. 13. On and after January 1, 2023, K.S.A. 41-102 and 41-501 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 18, 2022.

Published in the *Kansas Register* April 28, 2022.

CHAPTER 72

SENATE BILL No. 150*

AN ACT concerning legal services; relating to advertising; defining and prohibiting certain legal advertisement practices as unlawful and deceptive trade practices; restricting the use or disclosure of protected health information for legal solicitation; prescribing civil and criminal penalties.

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

Section 1. (a) A person engaging in legal advertisement within this state shall:

(1) Disclose the following at the outset of the advertisement: "This is a paid advertisement for legal services.";

(2) not present an advertisement as a "medical alert," "health alert," "consumer alert," "public service announcement" or similar terms;

(3) not display the logo of a federal or state governmental agency in a manner that suggests affiliation with or the sponsorship of that agency;

(4) not use the word "recall" when referring to a product that has not been recalled by a governmental agency or through an agreement between a manufacturer and governmental agency;

(5) identify the sponsor of the advertisement;

(6) indicate the identity of the attorney or law firm that will represent clients, or how cases will be referred to attorneys or law firms that will represent clients;

(7) if the advertisement is soliciting clients who may allege an injury from a prescription drug approved by the federal food and drug administration, include the following warning: "Do not stop taking a prescribed medication without first consulting with your doctor. Discontinuing a prescribed medication without your doctor's advice can result in injury."; and

(8) if the advertisement for a lawsuit soliciting clients who may allege an injury from a prescription drug or medical device approved by the federal food and drug administration or from a medical device substantially equivalent to an approved medical device, disclose that the drug or medical device remains approved by the federal food and drug administration, unless the product has been recalled or withdrawn.

(b) (1) Any words or statements required by this section to appear in an advertisement shall be presented clearly and conspicuously.

(2) Written disclosures shall be clearly legible and, if televised or displayed electronically, shall be displayed for a sufficient time to enable the viewer to easily see and fully read the disclosure or disclaimer.

(3) Spoken disclosures shall be plainly audible and clearly intelligible.

(c) Any violation of this section shall constitute an unlawful and deceptive trade practice as provided in K.S.A. 50-626, and amendments

thereto, and shall be subject to the penalties provided for in K.S.A. 50-623 et seq., and amendments thereto.

(d) As used in this section:

(1) "Legal advertisement" means a solicitation for legal services, other than legal services performed by a bona fide nonprofit provider of pro bono legal services, through television, radio, internet, including a domain name, newspaper or other periodical, outdoor display or any other written, electronic or recorded communication; and

(2) "person" means an individual or an entity that is not an attorney or law firm and that advertises legal services or identifies potential clients for attorneys or law firms.

(e) Nothing in this section shall be construed to limit or otherwise affect the authority of the Kansas supreme court to regulate the practice of law or enforce the rules of the Kansas supreme court relating to attorneys.

Sec. 2. (a) A person shall not use, cause to be used, obtain, sell, transfer or disclose to another person without written authorization protected health information for the purpose of soliciting an individual for legal services.

(b) (1) Any violation of this section shall constitute an unlawful and deceptive trade practice as provided in K.S.A. 50-626, and amendments thereto, and shall be subject to the penalties provided for in K.S.A. 50-623 et seq., and amendments thereto.

(2) In addition to any other remedy provided by law, a person who knowingly violates this section shall be guilty of a class A nonperson misdemeanor.

(c) As used in this section:

(1) "Person" means an individual or an entity that is not an attorney or law firm and that advertises legal services or identifies potential clients for attorneys or law firms;

(2) "protected health information" means any information, including genetic information, whether oral or recorded in any form or medium that relates to the past, present or future physical or mental health or condition of an individual or the past, present or future payment for the provision of healthcare to an individual; and

(3) "soliciting" means offering to provide legal services, to be provided by an identified attorney or law firm, by written, recorded or electronic communication, or in-person, telephone or real-time electronic contact.

(d) Nothing in this section shall be construed to:

(1) Apply to the use or disclosure of protected health information to an individual's legal representative, in the course of any judicial or administrative proceeding, or as otherwise permitted or required by law; or

(2) limit or otherwise affect the authority of the Kansas supreme court to regulate the practice of law or enforce the rules of the Kansas supreme court relating to attorneys.

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

Approved April 18, 2022.

CHAPTER 73

SENATE BILL No. 408
(Amended by Chapter 88)

AN ACT concerning crimes, punishment and criminal procedure; relating to theft; increasing criminal penalties for multiple thefts of mail; relating to burglary; including locked or secured portions of dwellings, buildings or other structures; relating to supervision of criminal offenders under supervision of both court services officers and the department of corrections; providing guidance for consolidation of supervision into one supervision entity or agency; requiring the department of corrections and the office of judicial administration to enter into a memorandum of understanding related to the supervision of such offenders; relating to sentencing guidelines; criminal history calculation; requiring an offender who raises error in calculation for the first time on appeal to show prejudicial error; authorizing jurisdiction of the court to correct an illegal sentence while a direct appeal is pending; relating to the certified drug abuse treatment program; program qualifications; transferring certification duties from the department of corrections to the Kansas sentencing commission; amending K.S.A. 2021 Supp. 21-5801, 21-5807, 21-6610, 21-6814, 21-6820, 21-6824, 21-6825 and 75-52,144 and repealing the existing sections.

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

Section 1. K.S.A. 2021 Supp. 21-5801 is hereby amended to read as follows: 21-5801. (a) Theft is any of the following acts done with intent to permanently deprive the owner of the possession, use or benefit of the owner's property or services:

(1) Obtaining or exerting unauthorized control over property or services;

(2) obtaining control over property or services, by deception;

(3) obtaining control over property or services, by threat;

(4) obtaining control over stolen property or services knowing the property or services to have been stolen by another; or

(5) knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel.

(b) Theft of:

(1) Property or services of the value of $100,000 or more is a severity level 5, nonperson felony;

(2) property or services of the value of at least $25,000 but less than $100,000 is a severity level 7, nonperson felony;

(3) property or services of the value of at least $1,500 but less than $25,000 is a severity level 9, nonperson felony, except as provided in subsection (b)(7);

(4) property or services of the value of less than $1,500 is a class A nonperson misdemeanor, except as provided in subsection (b)(5), (b)(6) ~~or~~, (b)(7) *or (b)(8)*;

(5) property of the value of less than $1,500 from three separate mercantile establishments within a period of 72 hours as part of the same act

or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony;

(6) property of the value of at least $50 but less than $1,500 is a severity level 9, nonperson felony if committed by a person who has, within five years immediately preceding commission of the crime, excluding any period of imprisonment, been convicted of theft two or more times; ~~and~~

(7) property ~~which~~ *that* is a firearm of the value of less than $25,000 is a severity level 9, nonperson felony*; and*

(8) property that is mail of the value of less than $1,500 from three separate locations within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony.

(c) As used in this section:

(1) "Conviction" or "convicted" includes being convicted of a violation of K.S.A. 21-3701, prior to its repeal, this section or a municipal ordinance which prohibits the acts that this section prohibits;

(2) *"mail" means a letter, postal card, package or bag sent through the United States postal service or other delivery service, or any other article or thing contained therein;*

(3) "regulated scrap metal" means the same as in K.S.A. 2021 Supp. 50-6,109, and amendments thereto; and

~~(3)~~*(4)* "value" means the value of the property or, if the property is regulated scrap metal, the cost to restore the site of the theft of such regulated scrap metal to its condition at the time immediately prior to the theft of such regulated scrap metal, whichever is greater.

Sec. 2. K.S.A. 2021 Supp. 21-5807 is hereby amended to read as follows: 21-5807. (a) Burglary is, without authority, entering into or remaining within any:

(1) *(A)* Dwelling, with intent to commit a felony, theft or sexually motivated crime therein*; or*

(B) locked or secured portion of any dwelling, with intent to commit a felony, theft or sexually motivated crime therein;

(2) *(A)* building, manufactured home, mobile home, tent or other structure which is not a dwelling, with intent to commit a felony, theft or sexually motivated crime therein*; or*

(B) locked or secured portion of any building, manufactured home, mobile home, tent or other structure which is not a dwelling, with intent to commit a felony, theft or sexually motivated crime therein; or

(3) vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property, with intent to commit a felony, theft or sexually motivated crime therein.

(b) Aggravated burglary is, without authority, entering into or remaining within any:

(1) *(A)* Dwelling in which there is a human being, with intent to commit a felony, theft or sexually motivated crime therein*; or*

(B) locked or secured portion of any dwelling in which there is a human being, with intent to commit a felony, theft or sexually motivated crime therein;

(2) *(A)* building, manufactured home, mobile home, tent or other structure which is not a dwelling in which there is a human being, with intent to commit a felony, theft or sexually motivated crime therein*; or*

(B) locked or secured portion of any building, manufactured home, mobile home, tent or other structure which is not a dwelling in which there is a human being, with intent to commit a felony, theft or sexually motivated crime therein; or

(3) vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property in which there is a human being, with intent to commit a felony, theft or sexually motivated crime therein.

(c) (1) Burglary as defined in:

(A) (i) Subsection (a)(1) is a severity level 7, person felony, except as provided in subsection (c)(1)(B);

(ii) subsection (a)(2) is a severity level 7, nonperson felony, except as provided in subsection (c)(1)(B); and

(iii) subsection (a)(3) is a severity level 9, nonperson felony, except as provided in subsection (c)(1)(B); and

(B) (i) subsection (a)(1), with intent to commit the theft of a firearm, is a severity level 5, person felony; and

(ii) subsection (a)(2) or (a)(3), with intent to commit the theft of a firearm, is a severity level 5, nonperson felony.

(2) Aggravated burglary as defined in:

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

(B) subsection (b)(2) or (b)(3) is a severity level 5, person felony.

(d) As used in this section, "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) This section shall not apply to any person entering into or remaining in a retail or commercial premises at any time that it is open to the public after having received a personal communication from the owner or manager of such premises not to enter such premises pursuant to K.S.A. 2021 Supp. 21-5808, and amendments thereto, except when such person is entering into or remaining in such premises with the intent to commit a person felony or sexually motivated crime therein.

Sec. 3. K.S.A. 2021 Supp. 21-6610 is hereby amended to read as follows: 21-6610. (a) When a defendant is placed on parole by the district

court, on probation, assigned to a community correctional services program by a district court or under suspended sentence and such defendant is permitted to go from the judicial district of that court, supervision over the defendant may be transferred from that judicial district to another with the concurrence of the receiving chief court services officer, or if in a community corrections services program, by the concurrence of the director of the receiving program.

(b) ~~The district court from which the defendant is on parole, probation, community correctional services program or suspended sentence may retain jurisdiction of the defendant.~~

~~(c)~~ When a defendant described in subsection (a) is sentenced pursuant to K.S.A. 2021 Supp. 21-6824, and amendments thereto, the district court from which the defendant is on parole, on probation, assigned to a community correctional services program or under suspended sentence may transfer jurisdiction of the defendant with the concurrence of the receiving district court and all parties.

(c) (1) When a defendant described in subsection (a) is being sentenced and is already being supervised on parole, probation, assignment to a community correctional services program or under suspended sentence, the district court by which the defendant is currently being supervised may use the guidelines provided in this subsection to determine whether it is appropriate to transfer jurisdiction of the defendant to a different district court.

(2) If the new sentence would place the defendant under the supervision of two supervision entities or agencies, the court may consider:

(A) Granting jurisdiction to the court with jurisdiction over the offense that has the longest underlying sentence of imprisonment; and

(B) whether the severity of the new offense requires a higher level of supervision. If a higher level of supervision is not required, there may be a preference for maintaining supervision of the defendant by the current supervising entity or agency for the duration of supervision. If a higher level of supervision is required, there may be a preference for transferring supervision responsibility of the defendant to the appropriate supervision entity or agency for the duration of supervision.

(3) If two or more supervision entities or agencies are supervising the defendant for sentences that are equal, the court may consider:

(A) The residency of the defendant;

(B) the ability of the defendant to travel to the supervision office from the defendant's residence, place of employment and school;

(C) resources for residential and nonresidential sanctions or rehabilitative treatment available from each supervision entity or agency; and

(D) the level of supervision available to the defendant by each supervision entity or agency.

(d) The district court from which the defendant is on parole, probation, assignment to a community correctional services program or suspended sentence may retain jurisdiction of the defendant. If the court retains jurisdiction, the defendant shall be supervised by one supervision entity or agency. The department of corrections and the office of judicial administration shall enter into a memorandum of understanding providing that a defendant on parole, probation, assignment to a community correctional services program or suspended sentence shall be supervised by one supervision entity or agency. Such memorandum of understanding shall include, but not be limited to, provisions related to:

(1) The criteria for determining the most appropriate supervision entity or agency;

(2) how the financial obligations of supervision will be managed;

(3) conditions of supervision;

(4) sanctions for violation of supervision;

(5) standards for seeking revocation of parole, probation, assignment to a community correctional services program or suspended sentence;

(6) termination of supervision; and

(7) information sharing between supervision entities or agencies.

Sec. 4. K.S.A. 2021 Supp. 21-6814 is hereby amended to read as follows: 21-6814. (a) The offender's criminal history shall be admitted in open court by the offender or determined by a preponderance of the evidence at the sentencing hearing by the sentencing judge.

(b) Except to the extent disputed in accordance with subsection (c), the summary of the offender's criminal history prepared for the court by the state shall satisfy the state's burden of proof regarding an offender's criminal history.

(c) Upon receipt of the criminal history worksheet prepared for the court, the offender shall immediately notify the district attorney and the court with written notice of any error in the proposed criminal history worksheet. Such notice shall specify the exact nature of the alleged error. The state shall have the burden of proving the disputed portion of the offender's criminal history. The sentencing judge shall allow the state reasonable time to produce evidence to establish its burden of proof. If the offender later challenges such offender's criminal history, which has been previously established, the burden of proof shall shift to the offender to prove such offender's criminal history by a preponderance of the evidence.

(d) If an offender raises a challenge to the offender's criminal history for the first time on appeal, the offender shall have the burden of designating a record that shows prejudicial error. If the offender fails to provide such record, the appellate court shall dismiss the claim. In designating a record that shows prejudicial error, the offender may provide the appel-

late court with journal entries of the challenged criminal history that were not originally attached to the criminal history worksheet, and the state may provide the appellate court with journal entries establishing a lack of prejudicial error. The court may take judicial notice of such journal entries, complaints, plea agreements, jury instructions and verdict forms for Kansas convictions when determining whether prejudicial error exists. The court may remand the case if there is a reasonable question as to whether prejudicial error exists.

Sec. 5. K.S.A. 2021 Supp. 21-6820 is hereby amended to read as follows: 21-6820. (a) A departure sentence *or a ruling on a motion filed pursuant to K.S.A. 22-3504, and amendments thereto,* is subject to appeal by the defendant or the state. The appeal shall be to the appellate courts in accordance with rules adopted by the supreme court.

(b) Pending review of the sentence, the sentencing court or the appellate court may order the defendant confined or placed on conditional release, including bond.

(c) On appeal from a judgment of conviction entered for a felony committed on or after July 1, 1993, the appellate court shall not review:

(1) Any sentence that is within the presumptive sentence for the crime; or

(2) any sentence resulting from an agreement between the state and the defendant which the sentencing court approves on the record.

(d) In any appeal from a judgment of conviction imposing a sentence that departs from the presumptive sentence prescribed by the sentencing grid for a crime, sentence review shall be limited to whether the sentencing court's findings of fact and reasons justifying a departure:

(1) Are supported by the evidence in the record; and

(2) constitute substantial and compelling reasons for departure.

(e) In any appeal from a judgment of conviction, the appellate court may review a claim that:

(1) A sentence that departs from the presumptive sentence resulted from partiality, prejudice, oppression or corrupt motive;

(2) the sentencing court erred in either including or excluding recognition of a prior conviction or juvenile adjudication for criminal history scoring purposes; or

(3) the sentencing court erred in ranking the crime severity level of the current crime or in determining the appropriate classification of a prior conviction or juvenile adjudication for criminal history purposes.

(f) The appellate court may reverse or affirm the sentence. If the appellate court concludes that the trial court's factual findings are not supported by evidence in the record or do not establish substantial and compelling reasons for a departure, it shall remand the case to the trial court for resentencing.

(g) The appellate court shall issue a written opinion whenever the judgment of the sentencing court is reversed. The court may issue a written opinion in any other case when it is believed that a written opinion will provide guidance to sentencing judges and others in implementing the sentencing guidelines adopted by the Kansas sentencing commission. The appellate courts may provide by rule for summary disposition of cases arising under this section when no substantial question is presented by the appeal.

(h) A review under summary disposition shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required unless ordered by the appellate court and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(i) The sentencing court shall retain authority irrespective of any ~~notice of~~ appeal ~~for 90 days after entry of judgment of conviction to modify its judgment and sentence to correct any arithmetic or clerical errors~~ *to correct an illegal sentence or clerical error pursuant to K.S.A. 22-3504, and amendments thereto. Notwithstanding the provisions of K.S.A. 22-3504, and amendments thereto, if a motion to correct an illegal sentence is filed while a direct appeal is pending, any change in the law that occurs during the pending direct appeal shall apply*.

(j) The amendments made to this section by ~~this act~~ *section 14 of chapter 59 of the 2019 Session Laws of Kansas* are procedural in nature and shall be construed and applied retroactively.

Sec. 6. K.S.A. 2021 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. 2021 Supp. 21-5705 or 21-5706, and amendments thereto, whose offense is classified in grid blocks:

(1) 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. 2021 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction; or

(2) 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. 2021 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. 2021 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 risk status to the offender.

(c) If the offender is assigned a risk status as determined by the drug abuse assessment performed pursuant to subsection (b)(1) and a risk status as determined by the criminal risk-need assessment performed pursuant to subsection (b)(2) that meets the criteria for participation in a drug abuse treatment program as determined by the Kansas sentencing commission, 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 K.S.A. 2021 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.

(3) If the offender is permitted to go from the judicial district of the sentencing court, the court may, pursuant to K.S.A. 2021 Supp. 21-6610, and amendments thereto:

(A) Transfer supervision of the offender from that judicial district to another; and

(B) either transfer or retain jurisdiction of the offender.

(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 K.S.A. 2021 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~~ *Kansas sentencing commission* to treat offenders pursuant to K.S.A. 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. 7. K.S.A. 2021 Supp. 21-6825 is hereby amended to read as follows: 21-6825. (a) There is hereby established a certified drug abuse treatment program for certain persons who enter into a diversion agreement in lieu of further criminal proceedings on and after July 1, 2021. Placement of divertees in a certified drug abuse treatment program pursuant to a diversion agreement shall be limited to placement of adults, on a complaint alleging a felony violation of K.S.A. 2021 Supp. 21-5706, and amendments thereto, 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 who have 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. 2021 Supp. 21-5703, 21-5705 or

21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction.

(b) As part of the consideration of whether or not to allow diversion to the defendant, a divertee who meets the requirements of subsection (a) shall be subject to:

(1) A drug abuse assessment that shall include a clinical interview with a mental health professional and a recommendation concerning drug abuse treatment for the divertee; and

(2) a standardized criminal risk-need assessment specified by the Kansas sentencing commission.

(c) The diversion agreement shall require the divertee to comply with and participate in a certified drug abuse treatment program if the divertee meets the assessment criteria set by the Kansas sentencing commission. The term of treatment shall not exceed 18 months.

(d) Divertees who are committed to a certified drug abuse treatment program pursuant to subsection (c) may be supervised by community correctional services or court services pursuant to a memorandum of understanding entered into pursuant to K.S.A. 22-2907, and amendments thereto.

(e) (1) Divertees in a certified drug abuse treatment program shall be discharged from the program if the divertee:

(A) Is convicted of a new felony; or

(B) has a pattern of intentional conduct that demonstrates the divertee's refusal to comply with or participate in the treatment program in the opinion of the county or district attorney.

(2) Divertees who are discharged from such program pursuant to paragraph (1) shall be subject to the revocation provisions of the divertee's diversion agreement.

(f) For the purposes of this section:

(1) "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~~ *Kansas sentencing commission* to treat persons pursuant to K.S.A. 2021 Supp. 75-52,144, and amendments thereto.

(2) "Divertee" means a person who has entered into a diversion agreement pursuant to K.S.A. 22-2909, and amendments thereto.

Sec. 8. K.S.A. 2021 Supp. 75-52,144 is hereby amended to read as follows: 75-52,144. (a) Drug abuse treatment programs certified in accordance with subsection (b) shall provide:

(1) Drug abuse assessments of any person who is convicted of or being considered for a diversion agreement in lieu of further criminal proceedings for a felony violation of K.S.A. 65-4160 or 65-4162, prior to such section's repeal, K.S.A. 2010 Supp. 21-36a06, prior to its transfer,

or K.S.A. 2021 Supp. 21-5706, and amendments thereto, and meets the requirements of K.S.A. 21-4729, prior to its repeal, K.S.A. 2021 Supp. 21-6824(a) or 21-6825, and amendments thereto;

(2) treatment of all persons who are convicted of or entered into a diversion agreement in lieu of further criminal proceedings for a felony violation of K.S.A. 65-4160 or 65-4162, prior to such section's repeal, K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 2021 Supp. 21-5706, and amendments thereto, meet the requirements of K.S.A. 21-4729, prior to its repeal, K.S.A. 2021 Supp. 21-6824 or 21-6825, and amendments thereto, and whose sentence requires completion of a certified drug abuse treatment program, as provided in this section;

(3) one or more treatment options in the continuum of services needed to reach recovery: Detoxification, rehabilitation, continuing care and aftercare, and relapse prevention;

(4) treatment options to incorporate family and auxiliary support services; and

(5) treatment options for alcohol abuse when indicated by the assessment of the offender or required by the court.

(b) The criminal risk-need assessment shall be conducted by a court services officer ~~or a community corrections officer~~. The drug abuse treatment program placement assessment shall be conducted by a drug abuse treatment program certified in accordance with the provisions of this subsection to provide assessment and treatment services. A drug abuse treatment program shall be certified by the ~~secretary of corrections~~ *Kansas sentencing commission*. The ~~secretary~~ *commission* may establish qualifications for the certification of programs, which may include requirements for supervision and monitoring of clients, fee reimbursement procedures, handling of conflicts of interest, delivery of services to clients unable to pay and other matters relating to quality and delivery of services by the program. Drug abuse treatment may include community based and faith based programs. The certification shall be for a four-year period. *The commission may establish a process for revoking certification of programs that do not meet the commission's qualifications for certification.* Recertification of a program shall be by the ~~secretary~~ *commission*. To be eligible for certification *or recertification* under this subsection, the ~~secretary~~ *commission* shall determine that a drug abuse treatment program:

(1) Meets the qualifications established by the ~~secretary~~ *commission*;

(2) is capable of providing the assessments, supervision and monitoring required under subsection (a);

(3) has employed or contracted with certified treatment providers; and

(4) meets any other functions and duties specified by law.

(c) Any treatment provider who is employed or has contracted with a certified drug abuse treatment program who provides services to offenders

shall be certified by the ~~secretary of corrections~~ *Kansas sentencing commission*. The ~~secretary~~ *commission* shall require education and training that shall include, but not be limited to, case management and cognitive behavior training. The duties of providers who prepare the presentence drug abuse assessment may also include appearing at sentencing and probation hearings in accordance with the orders of the court, monitoring offenders in the treatment programs, notifying the probation department and the court of any offender failing to meet the conditions of probation or referrals to treatment, appearing at revocation hearings as may be required and providing assistance and data reporting and program evaluation.

(d) (1) The cost for all drug abuse assessments performed pursuant to subsection (a)(1), and the cost for all certified drug abuse treatment programs for any person who meets the requirements of K.S.A. 2021 Supp. 21-6824 or 21-6825, and amendments thereto, shall be paid by the Kansas sentencing commission from funds appropriated for such purpose. The Kansas sentencing commission shall contract for payment for such services with the supervising agency.

(2) The sentencing court shall determine the extent, if any, that such person is able to pay for such assessment and treatment. Such payments shall be used by the supervising agency to offset costs to the state. If such financial obligations are not met or cannot be met, the sentencing court shall be notified for the purpose of collection or review and further action on the offender's sentence.

(3) If the person has entered into a diversion agreement in lieu of further criminal proceedings, the county or district attorney shall determine the extent, if any, that such person is able to pay for such assessment and treatment. Such payments shall be used by the supervising agency to offset costs to the state or county. If such financial obligations are not met or cannot be met, the county or district attorney shall be notified for the purpose of collection or review and further action on the person's diversion agreement.

(e) The community corrections staff shall work with the substance abuse treatment staff to ensure effective supervision and monitoring of the offender.

(f) The ~~secretary of corrections~~ *Kansas sentencing commission* is hereby authorized to adopt rules and regulations to carry out the provisions of this section.

Sec. 9. K.S.A. 2021 Supp. 21-5801, 21-5807, 21-6610, 21-6814, 21-6820, 21-6824, 21-6825 and 75-52,144 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 18, 2022.

CHAPTER 74

SENATE BILL No. 200

AN ACT concerning the state board of pharmacy; expanding the pharmacist's scope of practice to include initiation of therapy for certain health conditions; authorizing the collaborative drug therapy management advisory committee to adopt a statewide protocol for such therapy; adding to the list of persons who may receive prescription monitoring program data; providing requirements for data security and user and delegate access; increasing the number of members of the prescription monitoring program advisory committee; amending K.S.A. 65-1626a, 65-1682, 65-1683, 65-1685, 65-1687 and 65-1689 and repealing the existing sections.

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

New Section 1. (a) A pharmacist may initiate therapy within the framework of a statewide protocol for the following health conditions:

(1) Influenza;

(2) streptococcal pharyngitis; or

(3) urinary tract infection.

(b) The collaborative drug therapy management advisory committee established pursuant to K.S.A. 65-1677, and amendments thereto, may adopt a statewide protocol for each condition listed in subsection (a). In establishing such statewide protocols, the committee shall specify:

(1) The medications or categories of medications included in the protocol for each health condition;

(2) the training or qualifications required for pharmacists to implement the protocols;

(3) requirements for documentation and maintenance of records, including patient inclusion and exclusion criteria, medical referral criteria, patient assessment tools based on current clinical guidelines, follow-up monitoring or care plans and the pharmacist's adherence to the applicable protocols; and

(4) communication requirements, including, but not limited to, notification to the patient's personal or primary care provider.

(c) The board may deny an application or renewal or revoke or suspend the license of a pharmacist upon a finding that the pharmacist has violated the provisions of this section or failed to practice within the framework of statewide protocols established pursuant to this section by the collaborative drug therapy management advisory committee.

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

Sec. 2. On and after July 1, 2022, K.S.A. 65-1626a is hereby amended to read as follows: 65-1626a. (a) For the purpose of the pharmacy act of the state of Kansas, the following ~~persons~~ *individuals* shall be deemed to be engaged in the practice of pharmacy:

(1) ~~Persons~~ *Individuals* who publicly profess to be a pharmacist, or publicly profess to assume the duties incident to being a pharmacist and their knowledge of drugs or drug actions, or both; and

(2) ~~persons~~ *individuals* who attach to their name any words or abbreviation indicating that they are a pharmacist licensed to practice pharmacy in Kansas.

(b) *As used in this section:*

(1) "Practice of pharmacy" means*:*

(A) The interpretation and evaluation of prescription orders;

(B) the compounding, dispensing and labeling of drugs and devices pursuant to prescription orders;

(C) the administering of vaccine pursuant to a vaccination protocol;

(D) the participation in drug selection according to state law and participation in drug utilization reviews;

(E) the proper and safe storage of prescription drugs and prescription devices and the maintenance of proper records thereof in accordance with law;

(F) consultation with patients and other health care practitioners about the safe and effective use of prescription drugs and prescription devices;

(G) performance of collaborative drug therapy management pursuant to a written collaborative practice agreement with one or more physicians who have an established physician-patient relationship;~~ and~~

(H) participation in the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a pharmacy*; and*

(I) initiation of therapy for the conditions specified in section 1, and amendments thereto.

~~Nothing in this section shall be construed to add any additional requirements for registration or for a permit under the pharmacy act of the state of Kansas or for approval under subsection (g) of K.S.A. 65-1643, and amendments thereto, or to prevent persons other than pharmacists from engaging in drug utilization review, or to require persons lawfully in possession of prescription drugs or prescription devices to meet any storage or record keeping requirements except such storage and record keeping requirements as may be otherwise provided by law or to affect any person consulting with a health care practitioner about the safe and effective use of prescription drugs or prescription devices.~~

(2) "Collaborative drug therapy management" means a practice of pharmacy where a pharmacist performs certain pharmaceutical-related patient care functions for a specific patient which have been delegated to the pharmacist by a physician through a collaborative practice agreement. A physician who enters into a collaborative practice agreement is responsible for the care of the patient following initial diagnosis and assessment

and for the direction and supervision of the pharmacist throughout the collaborative drug therapy management process. Nothing in this subsection shall be construed to permit a pharmacist to alter a physician's orders or directions, diagnose or treat any disease, independently prescribe drugs or independently practice medicine and surgery.

(3) "Collaborative practice agreement" means a written agreement or protocol between one or more pharmacists and one or more physicians that provides for collaborative drug therapy management. Such collaborative practice agreement shall contain certain specified conditions or limitations pursuant to the collaborating physician's order, standing order, delegation or protocol. A collaborative practice agreement shall be: (A) Consistent with the normal and customary specialty, competence and lawful practice of the physician; and (B) appropriate to the pharmacist's training and experience.

(4) "Physician" means a person licensed to practice medicine and surgery in this state.

(c) Nothing in this section shall be construed to:

(1) Add any additional requirements for registration or for a permit under the pharmacy act of the state of Kansas or for approval under K.S.A. 65-1643(g), and amendments thereto;

(2) prevent persons other than pharmacists from engaging in drug utilization review;

(3) require persons lawfully in possession of prescription drugs or prescription devices to meet any storage or record keeping requirements except such storage and record keeping requirements as may be otherwise provided by law; or

(4) affect any person consulting with a healthcare practitioner about the safe and effective use of prescription drugs or prescription devices.

Sec. 3. K.S.A. 65-1682 is hereby amended to read as follows: 65-1682. As used in this act, unless the context otherwise requires:

(a) *"Audit trail information" means information produced regarding requests for prescription monitoring program data that the board and advisory committee use to monitor compliance with this act.*

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

(c) "Delegate" means:

(1) A registered nurse, licensed practical nurse, respiratory therapist, emergency medical responder, paramedic, dental hygienist, pharmacy technician or pharmacy intern who has registered for access to the program database as an agent of a practitioner or pharmacist to request program data on behalf of the practitioner or pharmacist;

(2) a death investigator who has registered for limited access to the program database as an agent of a medical examiner, coroner or another person authorized under law to investigate or determine causes of death; or

(3) an individual authorized to access the program database by the board in rules and regulations.

~~(b)~~*(d)* "Dispenser" means a practitioner, *pharmacy* or pharmacist who delivers a scheduled substance or drug of concern to an ultimate user, but does not include:

(1) A licensed hospital pharmacy that distributes such substances for the purpose of inpatient hospital care;

(2) a medical care facility as defined in K.S.A. 65-425, and amendments thereto, practitioner or other authorized person who administers such a substance;

(3) a registered wholesale distributor of such substances;

(4) a veterinarian licensed by the Kansas board of veterinary examiners who dispenses or prescribes a scheduled substance or drug of concern; or

(5) a practitioner who has been exempted from the reporting requirements of this act in rules and regulations promulgated by the board.

~~(c)~~*(e)* "Drug of concern" means any drug that demonstrates a potential for abuse and is designated as a drug of concern in rules and regulations promulgated by the board.

~~(d)~~*(f)* "Patient" means the ~~person~~ *individual* who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed~~, or both~~.

~~(e)~~*(g)* "Pharmacist" means an individual currently licensed by the board to practice the profession of pharmacy in this state.

(h) "Pharmacy" means a premises, laboratory, area or other place currently registered with the board where scheduled substances or drugs of concern are offered for sale or dispensed in this state.

~~(f)~~*(i)* "Practitioner" means ~~a person~~ *an individual* licensed to practice medicine and surgery, dentist, podiatrist, optometrist or other ~~person~~ *individual* authorized by law to prescribe or dispense scheduled substances and drugs of concern.

~~(g)~~*(j) "Program" means the prescription monitoring program.*

(k) "Scheduled substance" means controlled substances included in schedules II, III or IV of the schedules designated in K.S.A. 65-4107, 65-4109 and 65-4111, and amendments thereto, respectively, or the federal controlled substances act~~(~~, 21 U.S.C. § 812~~)~~.

Sec. 4. K.S.A. 65-1683 is hereby amended to read as follows: 65-1683. (a) The board shall establish and maintain a prescription monitoring program for the monitoring of scheduled substances and drugs of concern dispensed in this state or dispensed to an address in this state.

(b) Each dispenser shall submit to the board by electronic means information required by the board regarding each prescription dispensed for a substance included under subsection (a). The board shall promul-

gate rules and regulations specifying the nationally recognized telecommunications format to be used for submission of information that each dispenser shall submit to the board. Such information may include, but not be limited to:

(1) The dispenser identification number;
(2) the date the prescription is filled;
(3) the prescription number;
(4) whether the prescription is new or is a refill;
(5) the national drug code for the drug dispensed;
(6) the quantity dispensed;
(7) the number of days' supply of the drug;
(8) the patient identification number;
(9) the patient's name;
(10) the patient's address;
(11) the patient's date of birth;
(12) the prescriber identification number;
(13) the date the prescription was issued by the prescriber; ~~and~~
(14) the source of payment for the prescription*;*
(15) the diagnosis code;
(16) the patient's species code; and
(17) the date the prescription was sold.

(c) The board shall promulgate rules and regulations specifying the transmission methods and frequency of the dispenser submissions required under subsection (b).

(d) ~~The board may issue a waiver to a dispenser that is unable to submit prescription information by electronic means. Such waiver may permit the dispenser to submit prescription information by paper form or other means, provided that all information required by rules and regulations is submitted in this alternative format.~~ *The board may, in consultation with the advisory committee, enable features and include additional information to enhance the program database. Such information may include, but not be limited to:*

(1) The date or fact of death;

(2) the dispensation or administration of emergency opioid antagonists, as defined by K.S.A. 65-16,127, and amendments thereto; and

(3) the data related to an overdose event.

(e) The board is hereby authorized to apply for and to accept grants and may accept any donation, gift or bequest made to the board for furthering any phase of the prescription monitoring program.

(f) The board shall remit all moneys received by it under subsection (e) 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 in the state treasury to

the credit of the non-federal gifts and grants 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 president of the board or a person designated by the president.

Sec. 5. K.S.A. 65-1685 is hereby amended to read as follows: 65-1685. (a) The ~~prescription monitoring~~ program database, all information contained therein and any records maintained by the board, or by any entity contracting with the board, submitted to, maintained or stored as a part of the database, *including audit trail information,* shall be privileged and confidential, shall not be subject to subpoena or discovery in civil proceedings and may only be used for investigatory or evidentiary purposes related to violations of state or federal law and regulatory activities of entities charged with administrative oversight of those ~~persons~~ *individuals* engaged in the prescribing or dispensing of scheduled substances and drugs of concern, shall not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto, except as provided in subsections (c) and (d).

(b) The board shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted and maintained is not disclosed to ~~persons~~ *individuals* except as provided in subsections (c) and (d).

(c) The board is hereby authorized to provide data in the ~~prescription monitoring~~ program to the following ~~persons~~ *individuals*:

(1) ~~Persons~~ *Individuals* authorized to prescribe or dispense scheduled substances and drugs of concern, for the purpose of providing medical or pharmaceutical care for their patients;

(2) an individual who requests the individual's own prescription monitoring information in accordance with procedures established by the board;

(3) designated representatives from the professional licensing, certification or regulatory agencies charged with administrative oversight of those ~~persons~~ *individuals* engaged in the prescribing or dispensing of scheduled substances and drugs of concern;

(4) local, state and federal law enforcement or prosecutorial officials engaged in the administration, investigation or enforcement of the laws governing scheduled substances and drugs of concern subject to the requirements in K.S.A. 22-2502, and amendments thereto;

(5) designated representatives from the department of health and environment regarding authorized medicaid program recipients *or practitioners*;

(6) ~~persons~~ *individuals* authorized by a grand jury subpoena, inquisition subpoena or court order in a criminal action;

(7) personnel of the prescription monitoring program advisory committee for the purpose of operation of the program;

(8) personnel of the board for purposes of *operation of the program and* administration and enforcement of this act or the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto;

(9) ~~persons~~ *individuals* authorized to prescribe or dispense scheduled substances and drugs of concern, when an individual is obtaining prescriptions in a manner that appears to be misuse, abuse or diversion of scheduled substances or drugs of concern; ~~and~~

(10) medical examiners, coroners or other ~~persons~~ *individuals* authorized under law to investigate or determine causes of death.~~;~~

(11) persons operating a practitioner or pharmacist impaired provider program in accordance with K.S.A. 65-4924, and amendments thereto, for the purpose of reviewing drugs dispensed to a practitioner or pharmacist enrolled in the program;

(12) delegates of individuals authorized by paragraphs (1), (9) and (10);

(13) individuals or organizations notified by the advisory committee as provided in subsection (g);

(14) practitioners or pharmacists conducting research approved by an institutional review board who have obtained patient consent for the release of program data; and

(15) an overdose fatality review board established by the state of Kansas.

(d) An individual registered for access to the program database shall notify the board in writing within 30 calendar days of any action that would disqualify the individual from being authorized to receive program data as provided in subsection (c).

(e) The state board of healing arts, board of nursing, Kansas dental board and board of examiners in optometry shall notify the board in writing within 30 calendar days of any denial, suspension, revocation or other administrative limitation of a practitioner's license or registration that would disqualify the practitioner from being authorized to receive program data as provided in subsection (c).

(f) A practitioner or pharmacist shall notify the board in writing within 30 calendar days of any action that would disqualify a delegate from being authorized to receive program data on behalf of the practitioner or pharmacist.

~~(d)~~*(g)* The prescription monitoring program advisory committee established pursuant to K.S.A. 65-1689, and amendments thereto, is authorized to review and analyze ~~the~~ *program* data for purposes of identifying patterns and activity of concern.

(1) If a review of information appears to indicate ~~a person~~ *an individual* may be obtaining prescriptions in a manner that may represent misuse or abuse of ~~controlled~~ *scheduled* substances and drugs of concern,

the advisory committee is authorized to notify the prescribers and dispensers who prescribed or dispensed the prescriptions. *If the review does not identify a recent prescriber as a point of contact for potential clinical intervention, the advisory committee is authorized to notify the disability and behavioral health services section of the Kansas department for aging and disability services for the purpose of offering confidential treatment services. Further disclosure of information is prohibited.* If the review identifies patterns or other evidence sufficient to create a reasonable suspicion of criminal activity, the advisory committee is authorized to notify the appropriate law enforcement agency.

(2) If a review of information appears to indicate that a violation of state or federal law relating to prescribing ~~controlled~~ *scheduled* substances and drugs of concern may have occurred, or that a prescriber or dispenser has knowingly prescribed, dispensed or obtained ~~controlled~~ *scheduled* substances and drugs of concern in a manner that is inconsistent with recognized standards of care for the profession, the advisory committee shall determine whether a report to the professional licensing, certification or regulatory agencies charged with administrative oversight of those ~~persons~~ *individuals* engaged in prescribing or dispensing of ~~controlled~~ *scheduled* substances and drugs of concern or to the appropriate law enforcement agency is warranted.

(A) For purposes of such determination the advisory committee may, in consultation with the appropriate regulatory agencies and professional organizations, establish criteria regarding appropriate standards and utilize volunteer peer review committees of professionals with expertise in the particular practice to create such standards and review individual cases.

(B) The peer review committee or committees appointed herein shall have authority to request and receive information in the ~~prescription monitoring~~ program database from the director of the ~~prescription monitoring~~ program.

(C) If the determination is made that a referral to a regulatory or law enforcement agency is not warranted but educational or professional advising might be appropriate, the advisory committee may refer the prescribers or dispensers to other such resources.

(3) If a review of information appears to indicate that program data has been accessed or used in violation of state or federal law, the advisory committee shall determine whether a report to the professional licensing, certification or regulatory agencies charged with administrative oversight of those individuals engaged in prescribing or dispensing of scheduled substances and drugs of concern is warranted and may make such report.

(e) The board is hereby authorized to provide ~~data in the prescription monitoring~~ program *data* to public or private entities for statistical, research or educational purposes after removing information that could be

used to identify individual practitioners, dispensers, patients or ~~persons~~ *individuals* who received prescriptions from dispensers.

(f) The board is hereby authorized to provide a medical care facility with its program data for statistical, research or education purposes after removing information that could be used to identify individual practitioners or individuals who received prescriptions from dispensers.

(g) The board may, in its discretion, block any user's access to the program database if the board has reason to believe that access to the data is or may be used by such user in violation of state or federal law.

Sec. 6. K.S.A. 65-1687 is hereby amended to read as follows: 65-1687. *(a)* All information collected for the prescription monitoring program database and any records maintained by the board, or by any entity contracting with the board, submitted to, maintained or stored as a part of the database, shall be retained for five years. ~~Such information and records shall then be destroyed unless a law enforcement entity or an entity charged with administrative oversight of those persons engaged in the prescribing or dispensing of scheduled substances and drugs of concern has submitted a written request to the board for retention of specific information or records in accordance with procedures adopted by the board~~

(b) Program data shall not be stored outside of the program database, with the following exceptions:

(1) Temporary storage necessary to deliver program data to electronic health records or pharmacy management systems approved by the board;

(2) retention of specific information or records related to an investigation or proceeding under administrative or criminal law;

(3) program data provided under K.S.A. 65-1685(e), and amendments thereto; or

(4) board retention of information for purposes of operation of the program and administration and enforcement of this act or the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto.

Sec. 7. K.S.A. 65-1689 is hereby amended to read as follows: 65-1689. (a) There is hereby created the ~~prescription monitoring~~ program advisory committee which, subject to the oversight of the board, shall be responsible for the operation of the ~~prescription monitoring~~ program. The advisory committee shall consist of at least ~~nine~~ *10* members appointed by the board as follows:

(1) Two licensed physicians, one nominated by the Kansas medical society and one nominated by the Kansas association of osteopathic medicine;

(2) two licensed pharmacists nominated by the Kansas pharmacists association;

(3) one person representing the Kansas bureau of investigation nominated by the attorney general;

(4) one person representing the university of Kansas school of medicine nominated by the dean of such school;

(5) one person representing the university of Kansas school of pharmacy nominated by the dean of such school;

(6) one licensed dentist nominated by the Kansas dental association; ~~and~~

(7) one person representing the Kansas hospital association nominated by such association.~~;~~

(8) one licensed advanced practice provider nominated by either the board of nursing or the state board of healing arts; and

(9) the board may also appoint other persons authorized to prescribe or dispense scheduled substances and drugs of concern, recognized experts and representatives from law enforcement.

(b) The appointments to the advisory committee shall be for terms of three years.

(c) The advisory committee shall elect a chairperson from among its members who shall serve a one-year term. The chairperson may serve consecutive terms.

(d) The advisory committee, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting when it is considering matters relating to identifiable patients or providers.

(e) Upon the expiration of the term of office of any member of the advisory committee on or after the effective date of this act, and in any case of a vacancy existing on or after the effective date of this act, a successor shall be appointed by the board pursuant to this section.

(f) All members of the advisory committee shall serve without compensation.

Sec. 8. K.S.A. 65-1682, 65-1683, 65-1685, 65-1687 and 65-1689 are hereby repealed.

Sec. 9. On and after July 1, 2022, K.S.A. 65-1626a is hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 18, 2022.

Published in the *Kansas Register* April 28, 2022.

CHAPTER 75

SENATE BILL No. 343
(Amended by Chapter 88)

AN ACT concerning persons with disabilities; preserving families that include a parent who is blind; providing for certain considerations relating to cases involving legal custody, residency, parenting time, children in need of care, adoption, foster care and guardianship; relating to statutory terminology; updating the term "hearing impairment" to "hard of hearing" and other related terms concerning persons with hearing loss; amending K.S.A. 19-2698, 36-517, 39-1107, 65-3276, 65-6511, 72-3253, 72-3404, 75-3740, 75-5391, 75-5399 and 76-1001b and K.S.A. 2021 Supp. 50-676 and repealing the existing sections.

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

New Section 1. (a) The purpose of sections 1 through 3, and amendments thereto, is to protect the best interests of children parented by blind individuals or children who could be parented by blind individuals through the establishment of procedural safeguards that require adherence to the federal Americans with disabilities act of 1990, and respect for the due process and equal protection rights of parents and prospective parents who are blind in the context of child welfare, foster care, family law and adoption.

(b) The legislature hereby finds and declares that:

(1) Blind individuals continue to face unfair, preconceived and unnecessary societal biases as well as antiquated attitudes regarding such individuals' ability to successfully parent their children;

(2) blind individuals face these biases and preconceived attitudes in family and dependency law proceedings where legal custody, residency and parenting time are at stake and in public and private adoption, guardianship and foster care proceedings;

(3) because of these societal biases and antiquated attitudes, children of blind parents are unnecessarily being removed from their parents' care or being restricted from enjoying meaningful time with their parents; and

(4) children are being denied the opportunity to enjoy the experience of living in loving homes with blind parents or other blind caretakers.

New Sec. 2. As used in sections 1 through 3, and amendments thereto:

(a) "Blind" or "blindness" means a central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye that has a limitation in the field of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees is considered to have a central visual acuity of 20/200 or less. The term "blind" or "blindness" includes any degenerative condition that reasonably can be expected to result in blindness.

(b) "Family foster home" means a child care facility that is a private residence, including any adjacent grounds, where a person provides care

for 24 hours per day for one or more children in foster care and for which a license is required under K.S.A. 65-501 et seq., and amendments thereto.

(c) "Supportive parenting services" means services, including, but not limited to, services, aids and supports that may assist a parent or prospective parent who is blind in the effective use of non-visual techniques and other alternative methods to enable the parent or prospective parent to discharge parental responsibilities as successfully as a parent who is not blind.

New Sec. 3. (a) In any action brought under article 22 or article 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto:

(1) A parent's blindness shall not serve as a basis for denial or restriction of legal custody, residency or parenting time when such legal custody, residency or parenting time is determined to be otherwise in the best interests of the child;

(2) (A) if a parent's blindness is alleged to not be in the best interests of a child, the party asserting such allegation shall have the burden of proving by clear and convincing evidence that the parent's blindness is not in the best interests of the child;

(B) if a party asserting an allegation described in subparagraph (A) has satisfied such party's burden of proof, the blind parent shall have the opportunity to present evidence that, with the implementation of supportive parenting services, placement with such parent is in the best interests of the child; and

(C) the court may issue an order requiring that supportive parenting services be implemented, and the parties may request that the court review the need for continuing such supportive parenting services after a reasonable period of time; and

(3) if a court denies or otherwise restricts a blind parent's request for legal custody, residency or parenting time, the court shall make specific findings of fact stating the basis for its decision, including reasons why the provision of supportive parenting services is not a reasonable accommodation that is required to prevent such denial or restriction.

(b) In any action brought under article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, a prospective parent's blindness shall not serve as a basis for the denial of such prospective parent's participation in any adoption when such adoption is determined to be otherwise in the best interests of the child.

(c) In any action brought under article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, an individual's blindness shall not serve as a basis for the denial of such individual's appointment as a guardian when such appointment is determined to be otherwise in the best interests of the child.

(d) An individual's blindness shall not serve as a basis for the denial or restriction of such individual's licensure as a family foster home.

(e) (1) In any action brought under article 22 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, an individual's blindness shall not serve as a basis for an order of temporary custody, adjudication, disposition, finding of unfitness or termination of parental rights.

(2) If a court issues an order of temporary custody, adjudication, disposition, finding of unfitness or termination of parental rights that is adverse to an individual who is a party to the proceeding and who is blind, the court shall make specific findings of fact stating the basis for its decision, including reasons why the provision of supportive parenting services is not a reasonable accommodation that is required to prevent such adverse order.

Sec. 4. K.S.A. 19-2698 is hereby amended to read as follows: 19-2698. (a) The board of county commissioners of any county may levy a tax not to exceed ½ mill on all taxable tangible property within the county for the purpose of assisting in the provision of services for persons with physically handicapping conditions, but such tax shall not be used for the purposes for which a tax is authorized under K.S.A. 12-1680, 19-4004, 19-4011, 65-212 and 65-215, and amendments thereto. The board shall adopt a resolution stating its intent to levy the tax and the purpose therefor. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the county. If a petition signed by at least 5% of the qualified voters of the county is filed with the county election officer, the board shall submit the proposition for approval by a majority of the qualified voters of the county voting at an election thereon. The election shall be called and held in the manner provided by the general bond law.

(b) If a petition signed by not less than 5% of the registered voters of any county is filed with the county election officer requesting an election on the question of whether a tax levy not to exceed ½ mill on all taxable tangible property within the county shall be made for the purpose of assisting in the provision of services for persons with physically handicapping conditions, the board of county commissioners shall submit the proposition for approval by a majority of the qualified voters of the county voting at an election thereon. The election shall be called and held in the manner provided by the general bond law. If such proposition is approved, the board of county commissioners shall levy such tax for such purpose. No such tax shall be used for the purposes for which a tax is authorized under K.S.A. 12-1680, 19-4004, 19-4011, 65-212 and 65-215, and amendments thereto.

(c) As used in this section, "physically handicapping condition" means the physical condition of a person, whether congenital or acquired by accident, injury or disease ~~which~~ *that* constitutes a substantial disability, including but not limited to blindness and hearing ~~impairments~~ *loss*.

Sec. 5. K.S.A. 36-517 is hereby amended to read as follows: 36-517. Every licensed lodging establishment designated as a hotel shall provide at no additional charge to deaf ~~and hearing impaired~~ *or hard of hearing* guests, upon request of such guests, portable smoke detectors of the type suitable for providing visual warning to such guests, or a room equipped with fixed visual warning smoke detectors or a ground floor guest room accessible to the out-of-doors. Each licensed lodging establishment designated as a hotel shall have available for such guests not less than one portable visual warning smoke detector, or one room equipped with a fixed visual warning smoke detector or one ground floor guest room accessible to the out-of-doors for each 50 guest rooms of such lodging establishment, except that no such lodging establishment designated as a hotel shall be required to have more than a total of six portable visual warning smoke detectors, or six rooms equipped with fixed visual warning smoke detectors or six ground floor guest rooms accessible to the out-of-doors nor shall any such lodging establishment have less than one such smoke detector, or one room equipped with a fixed visual warning smoke detector or one ground floor guest room accessible to the out-of-doors.

Sec. 6. K.S.A. 39-1107 is hereby amended to read as follows: 39-1107. Every ~~hearing impaired~~ person *who is deaf or hard of hearing* has the right to be accompanied by a hearing assistance dog, specially selected, trained and tested for the purpose of hearing assistance, in or upon any of the places listed in K.S.A. 39-1101, and amendments thereto, in the acquisition and use of rental, residential housing and in the purchase and use of residential housing without being required to pay an extra charge for the hearing assistance dog. The ~~hearing impaired~~ person *who is deaf or hard of hearing* shall be liable for any damage done to the premises or facilities by such dog.

Sec. 7. K.S.A. 2021 Supp. 50-676 is hereby amended to read as follows: 50-676. As used in K.S.A. 50-676 through 50-679, and amendments thereto:

(a) "Elder person" means a person who is 60 years of age or older.

(b) "Disabled person" means a person who has physical or mental impairment, or both, ~~which~~ *that* substantially limits one or more of such person's major life activities.

(c) "Immediate family member" means parent, child, stepchild or spouse.

(d) "Major life activities" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(e) "Member of the military" means a member of the armed forces or national guard on active duty or a member of an active reserve unit in the armed forces or national guard.

(f) "Physical or mental impairment" means the following:

(1) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss substantially affecting one or more of the following body systems:

(A) Neurological;

(B) musculoskeletal;

(C) special sense organs;

(D) respiratory, including speech organs;

(E) cardiovascular;

(F) reproductive;

(G) digestive;

(H) genitourinary;

(I) hemic and lymphatic;

(J) skin; or

(K) endocrine; or

(2) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.

The term "physical or mental impairment" includes, but is not limited to, ~~such diseases and conditions as~~ orthopedic, ~~visual, speech and hearing impairment~~ *visual, language and hearing disorders*, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability and emotional illness.

(g) "Protected consumer" means:

(1) An elder person;

(2) a disabled person;

(3) a veteran;

(4) the surviving spouse of a veteran;

(5) a member of the military; and

(6) an immediate family member of a member of the military.

(h) "Substantially limits" means:

(1) Unable to perform a major life activity that the average person in the general population can perform; or

(2) significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner or duration under which the average person in the general population can perform that same major life activity. Minor temporary ailments or injuries shall not be considered physical or mental impairments ~~which~~ *that* substantially limit a person's major life activities. Minor temporary ailments include, but are not limited to, colds, influenza or sprains or minor injuries.

(i) "Veteran" means a person who has served in the armed forces of the United States ~~of America~~ and separated from the armed forces under honorable conditions.

Sec. 8. K.S.A. 65-3276 is hereby amended to read as follows: 65-3276. (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~~ *healthcare*;

(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~~ *healthcare* 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 evaluation 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 require-

ments, a covered entity may not consider the individual's inability to independently 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 covered entity can demonstrate that making the modifications would fundamentally 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 nature 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 transplantation or transfusion.

(2) "Auxiliary aids and services" includes:

(A) Qualified interpreters or other effective methods of making aurally delivered materials available to individuals~~ with hearing impairments~~ *who are deaf or hard of hearing*;

(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 decisions, 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~~ *healthcare* 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~~ *healthcare* 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)~~*(H)* 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. 9. K.S.A. 65-6511 is hereby amended to read as follows: 65-6511. The provisions of this act shall not apply to:

(a) Personnel employed by the United States government;

(b) ~~health care~~*healthcare* providers as defined by K.S.A. 65-4921, and amendments thereto, or exempt licensees under the Kansas healing arts act who are providing services within the lawful scope of their authority so long as they do not hold themselves out to the public by a title set forth in K.S.A. 65-6504, and amendments thereto;

(c) persons duly credentialed by this state as a teacher of the deaf or ~~hearing impaired~~ *hard of hearing* who are providing services within the lawful scope of their authority so long as they do not hold themselves out to the public by a title set forth in K.S.A. 65-6504, and amendments thereto;

(d) the activities and services of persons pursuing a course of study leading to a degree in speech-language pathology or audiology at a college or university provided that:

(1) These activities and services constitute a part of the organized course of study at that institution;

(2) such persons are designated by a title such as intern, trainee, student, or by other such title clearly indicating the status appropriate to their level of education; and

(3) such persons work under the supervision of a person licensed by this state to practice speech-language pathology or audiology.

(e) an employee or other person under the supervision of a person licensed to practice medicine and surgery in this state so long as such persons do not hold themselves out to the public by a title set forth in K.S.A. 65-6504, and amendments thereto; or

(f) persons licensed or holding a certificate of endorsement to engage in the practice of dispensing and fitting hearing aids under the hearing aid act when practicing under and in accordance with the hearing aid act so long as such persons do not hold themselves out to the public by a title set forth in K.S.A. 65-6504, and amendments thereto.

Sec. 10. K.S.A. 72-3253 is hereby amended to read as follows: 72-3253. The state board of education may provide for the teaching of American sign language in accredited schools and all pupils thereof, whether hearing~~-or hearing impaired~~, *deaf or hard of hearing*, may be given instruction in American sign language.

Sec. 11. K.S.A. 72-3404 is hereby amended to read as follows: 72-3404. As used in this act:

(a) "School district" means any public school district.

(b) "Board" means the board of education of any school district.

(c) "State board" means the state board of education.

(d) "Department" means the state department of education.

(e) "State institution" means any institution under the jurisdiction of a state agency.

(f) "State agency" means the Kansas department for children and families, the Kansas department for aging and disability services, the department of corrections and the juvenile justice authority.

(g) "Exceptional children" means persons who are children with disabilities or gifted children and are school age, to be determined in accordance with rules and regulations adopted by the state board, ~~which~~ *whose* age may differ from the ages of children required to attend school under the provisions of K.S.A. 72-3120, and amendments thereto.

(h) "Gifted children" means exceptional children who are determined to be within the gifted category of exceptionality as such category is defined by the state board.

(i) "Special education" means specially designed instruction provided at no cost to parents to meet the unique needs of an exceptional child, including:

(1) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

(2) instruction in physical education.

(j) "Special teacher" means a person, employed by or under contract with a school district or a state institution to provide special education or related services, who is *qualified to*:

(1) ~~Qualified to~~ Provide special education or related services to exceptional children as determined pursuant to standards established by the state board; or

(2) ~~qualified to~~ assist in the provision of special education or related services to exceptional children as determined pursuant to standards established by the state board.

(k) "State plan" means the state plan for special education and related services authorized by this act.

(l) "Agency" means boards and the state agencies.

(m) "Parent" means:

(1) A natural parent;

(2) an adoptive parent;

(3) a person acting as parent;

(4) a legal guardian;

(5) an education advocate; or

(6) a foster parent, if the foster parent has been appointed the education advocate of an exceptional child.

(n) "Person acting as parent" means a person such as a grandparent, stepparent or other relative with whom a child lives or a person other than a parent who is legally responsible for the welfare of a child.

(o) "Education advocate" means a person appointed by the state board in accordance with the provisions of K.S.A. 38-2218, and amendments thereto. A person appointed as an education advocate for a child shall not be:

(1) An employee of the agency ~~which~~ *who* is required by law to provide special education or related services for the child;

(2) an employee of the state board, the department, or any agency ~~which~~ *that* is directly involved in providing educational services for the child; or

(3) any person having a professional or personal interest ~~which~~ *that* would conflict with the interests of the child.

(p) "Free appropriate public education" means special education and related services that:

(1) Are provided at public expense, under public supervision and direction, and without charge;

(2) meet the standards of the state board;

(3) include an appropriate preschool, elementary~~,~~ or secondary school education; and

(4) are provided in conformity with an individualized education program.

(q) "Federal law" means the individuals with disabilities education act, as amended.

(r) "Individualized education program" or "IEP" means a written statement for each exceptional child that is developed, reviewed, and revised in accordance with the provisions of K.S.A. 72-3429, and amendments thereto.

(s) (1) "Related services" means transportation, and such developmental, corrective, and other supportive services, including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only, as may be required to assist an exceptional child to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

(2) "Related services" shall not mean any medical device that is surgically implanted or the replacement of any such device.

(t) "Supplementary aids and services" means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

(u) "Individualized education program team" or "IEP team" means a group of individuals composed of:

(1) The parents of a child;

(2) at least one regular education teacher of the child~~,~~ if the child is, or may be, participating in the regular education environment;

(3) at least one special education teacher or, where appropriate, at least one special education provider of the child;

(4) a representative of the agency directly involved in providing educational services for the child who *is*:

(A) ~~Is~~ Qualified to provide~~,~~ or supervise the provision of~~,~~ specially designed instruction to meet the unique needs of exceptional children;

(B) ~~is~~ knowledgeable about the general curriculum; and

(C) ~~is~~ knowledgeable about the availability of resources of the agency;

(5) an individual who can interpret the instructional implications of evaluation results;

(6) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(7) whenever appropriate, the child.

(v) "Evaluation" means a multisourced and multidisciplinary examination, conducted in accordance with the provisions of K.S.A. 72-3428, and amendments thereto, to determine whether a child is an exceptional child.

(w) "Independent educational evaluation" means an examination ~~which~~ *that* is obtained by the parent of an exceptional child and performed by an individual or group of individuals who meet state and local standards to conduct such an examination.

(x) "Elementary school" means any nonprofit institutional day or residential school that offers instruction in any or all of the grades kindergarten through nine.

(y) "Secondary school" means any nonprofit institutional day or residential school that offers instruction in any or all of the grades nine through 12.

(z) "Children with disabilities" means *children who*:

(1) ~~Children with~~ *Have an* intellectual disability, hearing ~~impairments~~ *loss* including deafness, speech or language ~~impairments~~ *disorders*, visual impairments including blindness, emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments,

or specific learning disabilities and who, by reason thereof, need special education and related services; and

(2) ~~children~~ *are* experiencing one or more developmental delays and, by reason thereof, need special education and related services if such children are ages three through nine.

(aa) "Substantial change in placement" means the movement of an exceptional child, for more than 25% of the child's school day, from a less restrictive environment to a more restrictive environment or from a more restrictive environment to a less restrictive environment.

(bb) "Material change in services" means an increase or decrease of 25% or more of the duration or frequency of a special education service, a related service or a supplementary aid or a service specified on the IEP of an exceptional child.

(cc) "Developmental delay" means such a deviation from average development in one or more of the following developmental areas, as determined by appropriate diagnostic instruments and procedures, as indicates that special education and related services are required:

(1) Physical;

(2) cognitive;

(3) adaptive behavior;

(4) communication; or

(5) social or emotional development.

(dd) "Homeless children" means "homeless children and youths" as defined in the federal McKinney-Vento homeless assistance act, 42 U.S.C. § 11434a.

(ee) "Limited English proficient" means an individual who meets the qualifications specified in section 9101 of the federal elementary and secondary education act of 1965, as amended.

Sec. 12. K.S.A. 75-3740 is hereby amended to read as follows: 75-3740. (a) Except as provided by K.S.A. 75-3740b, and amendments thereto, and subsections (b) and (k), all contracts and purchases made by or under the supervision of the director of purchases or any state agency for which competitive bids are required shall be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids.

(b) A contract shall be awarded to a certified business or disabled veteran business which is also a responsible bidder, whose total bid cost is not more than 10% higher than the lowest competitive bid. Such contract shall contain a promise by the certified business that the percentage of employees that are individuals with disabilities will be maintained throughout the contract term and a condition that the certified business shall not subcontract for goods or services in an aggregate amount of more than 25% of the total bid cost.

(c) The director of purchases shall have power to decide as to the lowest responsible bidder for all purchases, but if:

(1) (A) A responsible bidder purchases from a qualified vendor goods or services on the list certified by the director of purchases pursuant to K.S.A. 75-3317 et seq., and amendments thereto, the dollar amount of such purchases made during the previous fiscal year shall be deducted from the original bid received from such bidder for the purpose of determining the lowest responsible bid, except that such deduction shall not exceed 10% of the original bid received from such bidder; or

(B) a responsible bidder purchases from a certified business the dollar amount of such purchases made during the previous fiscal year shall be deducted from the original bid received from such bidder for the purpose of determining the lowest responsible bid, except that such deduction shall not exceed 10% of the original bid received from such bidder;

(2) the dollar amount of the bid received from the lowest responsible bidder from within the state is identical to the dollar amount of the bid received from the lowest responsible bidder from without the state, the contract shall be awarded to the bidder from within the state; and

(3) in the case of bids for paper products specified in K.S.A. 75-3740b, and amendments thereto, the dollar amounts of the bids received from two or more lowest responsible bidders are identical, the contract shall be awarded to the bidder whose bid is for those paper products containing the highest percentage of recycled materials.

(d) *(1)* Any or all bids may be rejected, and a bid shall be rejected if it contains any material alteration or erasure made after the bid is opened. The director of purchases may reject the bid of any bidder who is in arrears on taxes due the state, who is not properly registered to collect and remit taxes due the state or who has failed to perform satisfactorily on a previous contract with the state. The secretary of revenue is hereby authorized to exchange such information with the director of purchases as is necessary to effectuate the preceding sentence notwithstanding any other provision of law prohibiting disclosure of the contents of taxpayer records or information. Prior to determining the lowest responsible bidder on contracts for construction of buildings or for major repairs or improvements to buildings for state agencies, the director of purchases shall consider *the*:

~~(1) The~~ *(A)* Criteria and information developed by the secretary of administration, with the advice of the state building advisory commission to rate contractors on the basis of their performance under similar contracts with the state, local governmental entities and private entities, in addition to other criteria and information available; and

~~(2) the~~ *(B)* recommendations of the project architect, or, if there is no project architect, the recommendations of the secretary of administration

or the agency architect for the project as provided in K.S.A. 75-1254, and amendments thereto.

(2) In any case where competitive bids are required and where all bids are rejected, new bids shall be called for as in the first instance, unless otherwise expressly provided by law or the state agency elects not to proceed with the procurement.

(e) Before the awarding of any contract for construction of a building or the making of repairs or improvements upon any building for a state agency, the director of purchases shall receive written approval from the state agency for which the building construction project has been approved, that the bids generally conform with the plans and specifications prepared by the project architect, by the secretary of administration or by the agency architect for the project, as the case may be, so as to avoid error and mistake on the part of the contractors. In all cases where material described in a contract can be obtained from any state institution, the director of purchases shall exclude the same from the contract.

(f) All bids with the names of the bidders and the amounts thereof, together with all documents pertaining to the award of a contract, shall be made a part of a file or record and retained by the director of purchases for five years, unless reproduced as provided in K.S.A. 75-3737, and amendments thereto, and shall be open to public inspection at all reasonable times.

(g) As used in this section:

(1) "Certified business" means any business certified as provided by subsection (l) by the department of administration that is a sole proprietorship, partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that:

(A) Does business primarily in Kansas or substantially all of its production in Kansas;

(B) employs at least 10% of its employees who are individuals with disabilities and reside in Kansas;

(C) offers to contribute at least 75% of the premium cost for individual health insurance coverage for each employee. The department of administration shall require a certification of these facts as a condition to the certified business being awarded a contract pursuant to subsection (b); and

(D) does not employ individuals under a certificate issued by the United States secretary of labor under 29 U.S.C. § 214(c);

(2) "individuals with disabilities" or "individual with a disability" means any individual who:

(A) Is certified by the Kansas department for aging and disability services or by the Kansas department for children and families which admin-

isters the rehabilitation services program as having a physical or mental impairment ~~which~~ *that* constitutes a substantial barrier to employment;

(B) works a minimum number of hours per week for a certified business necessary to qualify for health insurance coverage offered pursuant to subsection (g)(1); and

(C) (i) is receiving services, has received services or is eligible to receive services under a home and community based services program, as defined by K.S.A. 39-7,100, and amendments thereto;

(ii) is employed by a charitable organization domiciled in the state of Kansas and exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended; or

(iii) is an individual with a disability pursuant to the disability standards established by the social security administration as determined by the Kansas disability determination services under the Kansas department for children and families;

(3) "physical or mental impairment" means:

(A) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss substantially affecting one or more of the following body systems:

(i) Neurological;

(ii) musculoskeletal;

(iii) special sense organs;

(iv) respiratory, including speech organs;

(v) cardiovascular;

(vi) reproductive;

(vii) digestive;

(viii) genitourinary;

(ix) hemic and lymphatic;

(x) skin; or

(xi) endocrine; or

(B) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, mental illness and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, ~~such diseases and conditions as~~ orthopedic, ~~visual, speech and hearing impairment~~ *visual, language and hearing disorders*, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis and intellectual disability; and

(4) "project architect" ~~shall have the meaning ascribed thereto~~ *means the same as defined* in K.S.A. 75-1251, and amendments thereto;

(5) "disabled veteran" means a person verified by the Kansas commission on veterans affairs office to have served in the armed forces of the United States and who is entitled to compensation for a service-connected disability, according to the laws administered by the *United States department of* veterans ~~administration~~ *affairs*, or who is entitled to

compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree;

(6) "disabled veteran business" means a business certified annually by the department of administration that is a sole proprietorship, partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, and is verified by the *Kansas* commission on veterans affairs office that:

(A) Not less than 51% is owned by one or more disabled veterans or, in the case of a publicly owned business, not less than 51% of the stock *is* owned by one or more disabled veterans;

(B) the management and daily business operations are controlled by one or more disabled veterans; and

(C) such business maintains the requirements of subparagraphs (A) and (B) during the entire contract term.

(h) Any state agency authorized by the director of purchases to make purchases pursuant to K.S.A. 75-3739(e), and amendments thereto, shall consider any unsolicited proposal for goods or services under this section.

(i) The secretary of administration and the secretary for aging and disability services, jointly, shall adopt rules and regulations as necessary to effectuate the purpose of this section.

(j) ~~On and after January 13, 2014,~~ At the beginning of each regular session of the legislature, the secretary of administration and the secretary for aging and disability services shall submit to the social services budget committee of the house of representatives and the appropriate subcommittee of the committee on ways and means of the senate, a written report on *the number of*:

(1) ~~The number of~~ Certified businesses certified by the department of administration during the previous fiscal year;

(2) ~~the number of~~ certified businesses awarded contracts pursuant to subsection (b) during the previous fiscal year;

(3) ~~the number of~~ contracts awarded pursuant to subsection (b) to each certified business during the previous fiscal year;

(4) ~~the number of~~ individuals with disabilities removed from, reinstated to or not reinstated to home and community based services or other medicaid program services during the previous fiscal year as a result of employment with a certified business;

(5) ~~the number of~~ individuals employed by each certified business during the previous fiscal year; and

(6) ~~the number of~~ individuals with disabilities employed by each certified business during the previous fiscal year.

(k) When a state agency is receiving bids to purchase passenger motor vehicles, such agency shall follow the procedures prescribed in subsec-

tion (c)(2), except in the case where one of the responsible bidders offers motor vehicles ~~which~~ *that* are assembled in Kansas. In such a case, 3% of the bid of the responsible bidder ~~which~~ *that* offers motor vehicles assembled in Kansas shall be subtracted from the bid amount, and that amount shall be used to determine the lowest bid pursuant to subsection (c)(2). This subsection shall only apply to bids ~~which~~ *that* match the exact motor vehicle specifications of the agency purchasing passenger motor vehicles.

(l) The secretary of administration shall certify that a business meets the requirements for a certified business as defined in subsection (g), and shall recertify such business as having met such requirements every three years thereafter. ~~Businesses already certified for 2017 as provided in this section on July 1, 2017, shall be recertified every three years thereafter.~~

Sec. 13. K.S.A. 75-5391 is hereby amended to read as follows: 75-5391. (a) There is hereby established within the Kansas department for children and families the Kansas commission for the deaf and hard of hearing. The commission shall:

(1) Advocate services affecting the deaf and hard of hearing in the areas of public services, ~~health care~~ *healthcare*, educational, vocational and employment opportunity;

(2) act as a bureau of information for the deaf and hard of hearing to state agencies and public institutions providing general health and mental ~~health care~~ *healthcare*, employment, vocational, and educational services, and to local agencies and programs;

(3) collect facts and statistics and other special studies of conditions affecting the health and welfare of the deaf and hard of hearing in this state;

(4) provide for a mutual exchange of ideas and information on the national, state and local levels;

(5) provide public education of prenatal and postnatal warning signs of conditions ~~which~~ *that* may lead to deafness or hearing ~~impairment~~ *loss* in the fetus or newborn child;

(6) encourage and assist local governments in the development of programs for the deaf and hard of hearing;

(7) cooperate with public and private agencies and units of local, state and federal governments in promoting coordination in programs for the deaf and hard of hearing;

(8) provide for the social, emotional, educational and vocational needs of the deaf and hard of hearing and their families;

(9) serve as an advisory board to the governor on the needs of the deaf and hard of hearing by preparing an annual report ~~which~~ *that* reviews the status of all state services to the deaf and hard of hearing within Kansas, and to recommend priorities to the governor for the development and coordination of services to the deaf and hard of hearing; *and*

(10) make recommendations for needed improvements, and serve as an advisory board in regard to new legislation affecting the deaf and hard of hearing.

(b) Except as otherwise provided by this act, all budgeting, purchasing and related management functions of the Kansas commission for the deaf and hard of hearing shall be administered under the direction and supervision of the secretary for children and families. Within the limitations of available appropriations, the secretary for children and families shall provide additional clerical and other assistance as may be required for the commission.

Sec. 14. K.S.A. 75-5399 is hereby amended to read as follows: 75-5399. ~~When~~ *As* used in this act:

(a) "Individuals with disabilities" means individuals with intellectual disability, hearing ~~impairments~~ *loss* including deafness, speech or language ~~impairments~~ *disorders*, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities.

(b) "Transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment ~~(~~, including supported employment~~)~~, continuing and adult education, adult services, independent living or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

(c) "Transition planning services" means rehabilitation counseling, information and referral to community services for students age 16 and older in secondary special education programs.

(d) "Local education authority" means the special education interlocal or cooperative or school district responsible for the local special education program.

(e) "Special education program" means services that are provided pursuant to public law 94-142 ~~(~~, the education of all handicapped children's act~~)~~, as implemented in Kansas through K.S.A. 72-3403 et seq., and amendments thereto, and public law 101-476 ~~(~~, the individuals with disabilities education act~~)~~.

(f) "Secretary" means the secretary for children and families or the designee of the secretary.

(g) "Local transition council" means a representative group of persons with disabilities and their families, school personnel, adult service agency

personnel and members of the general public, such as employers ~~which~~, *that* develops an annual plan to improve secondary special education, transition and transition planning services.

Sec. 15. K.S.A. 76-1001b is hereby amended to read as follows: 76-1001b. (a) The state board of education may adopt rules and regulations for the admission of students to the Kansas state school for the deaf. Such students may be admitted as day students or as resident students.

(b) Every resident of the state who is within the age of eligibility for admission, as determined by the state board of education, and who is unable to materially benefit from attendance in the public schools because of ~~a~~ hearing ~~impairment~~ *loss*, as determined under article 9 of chapter 72 of Kansas Statutes Annotated, *and amendments thereto,* shall be entitled to admission to the Kansas state school for the deaf. Nonresidents of the state may be admitted to the Kansas state school for the deaf until maximum enrollment is attained so long as such admittance does not result in the exclusion of any eligible resident of the state from ~~said~~ *such* school.

Sec. 16. K.S.A. 19-2698, 36-517, 39-1107, 65-3276, 65-6511, 72-3253, 72-3404, 75-3740, 75-5391, 75-5399 and 76-1001b and K.S.A. 2021 Supp. 50-676 are hereby repealed.

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

Approved April 18, 2022.

Published in the *Kansas Register* April 28, 2022.

CHAPTER 76

HOUSE BILL No. 2508

AN ACT concerning crimes, punishment and criminal procedure; relating to definitions in the Kansas criminal code; modifying the definition of possession; relating to abuse of a child; modifying the elements of the offense; increasing criminal penalties thereof; relating to conditions of release prior to trial; requiring a forfeiture of an appearance bond to be set aside in certain circumstances; relating to preliminary hearings; permitting witness testimony through two-way electronic audio-video communication devices; relating to competency to stand trial; mobile competency evaluations; amending K.S.A. 22-3301 and K.S.A. 2021 Supp. 21-5111, 21-5602, 21-5701, 22-2807, 22-2902, 22-3302, 22-3303, 22-3305, 22-3428 and 22-3429 and repealing the existing sections.

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

Section 1. K.S.A. 2021 Supp. 21-5111 is hereby amended to read as follows: 21-5111. The following definitions shall apply when the words and phrases defined are used in this code, except when a particular context clearly requires a different meaning.

(a) "Act" includes a failure or omission to take action.

(b) "Another" means a person or persons as defined in this code other than the person whose act is claimed to be criminal.

(c) "Conduct" means an act or a series of acts~~,~~ and the accompanying mental state.

(d) "Conviction" includes a judgment of guilt entered upon a plea of guilty.

(e) "Deception" means knowingly creating or reinforcing a false impression, including false impressions as to law, value, intention or other state of mind. "Deception" as to a person's intention to perform a promise shall not be inferred from the fact alone that such person did not subsequently perform the promise. Falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive reasonable persons, is not "deception".

(f) "Deprive permanently" means to:

(1) Take from the owner the possession, use or benefit of property, without an intent to restore the same;

(2) retain property without intent to restore the same or with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or

(3) sell, give, pledge or otherwise dispose of any interest in property or subject it to the claim of a person other than the owner.

(g) "Distribute" means the actual or constructive 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, furnishing, buying for, delivering, giving, or any act that causes or is intended to cause

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.

(h) "DNA" means deoxyribonucleic acid.

(i) "Domestic violence" means an act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. "Domestic violence" also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member. For the purposes of this definition:

(1) "Dating relationship" means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since termination of the relationship, if applicable.

(2) "Family or household member" means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. "Family or household member" also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.

(j) "Domestic violence offense" means any crime committed whereby the underlying factual basis includes an act of domestic violence.

(k) "Dwelling" means a building or portion thereof, a tent, a vehicle or other enclosed space ~~which~~ *that* is used or intended for use as a human habitation, home or residence.

(l) "Expungement" means the sealing of records such that the records are unavailable except to the petitioner and criminal justice agencies as provided by K.S.A. 22-4701 et seq., and amendments thereto, and except as provided in this act.

(m) "Firearm" means any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion.

(n) "Forcible felony" includes any treason, murder, voluntary manslaughter, rape, robbery, burglary, arson, kidnapping, aggravated battery,

aggravated sodomy and any other felony ~~which~~ *that* involves the use or threat of physical force or violence against any person.

(o) "Intent to defraud" means an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property.

(p) "Law enforcement officer" means:

(1) Any person who by virtue of such person's 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;

(2) any officer of the Kansas department of corrections or, for the purposes of K.S.A. 2021 Supp. 21-5412 and ~~subsection (d) of K.S.A. 2021 Supp.~~ 21-5413*(d)*, and amendments thereto, any employee of the Kansas department of corrections; or

(3) any university police officer or campus police officer, as defined in K.S.A. 22-2401a, and amendments thereto.

(q) "Obtain" means to bring about a transfer of interest in or possession of property, whether to the offender or to another.

(r) "Obtains or exerts control" over property includes, but is not limited to, the taking, carrying away, sale, conveyance, transfer of title to, interest in, or possession of property.

(s) "Owner" means a person who has any interest in property.

(t) "Person" means an individual, public or private corporation, government, partnership, or unincorporated association.

(u) "Personal property" means goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, or any right or title to property real or personal, shall be created, acknowledged, assigned, transferred, increased, defeated, discharged, or dismissed.

(v) "Possession" means *knowingly* having joint or exclusive control over an item ~~with knowledge of or 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.

(w) "Property" means anything of value, tangible or intangible, real or personal.

(x) "Prosecution" means all legal proceedings by which a person's liability for a crime is determined.

(y) "Prosecutor" means the same as prosecuting attorney in K.S.A. 22-2202, and amendments thereto.

(z) "Public employee" is a person employed by or acting for the state or by or for a county, municipality or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a ~~"~~public officer.~~"~~

(aa) "Public officer" includes the following, whether elected or appointed:

(1) An executive or administrative officer of the state, or a county, municipality or other subdivision or governmental instrumentality of or within the state;

(2) a member of the legislature or of a governing board of a county, municipality, or other subdivision of or within the state;

(3) a judicial officer, which shall include a judge of the district court, juror, master or any other person appointed by a judge or court to hear or determine a cause or controversy;

(4) a hearing officer, which shall include any person authorized by law or private agreement, to hear or determine a cause or controversy and who is not a judicial officer;

(5) a law enforcement officer; and

(6) any other person exercising the functions of a public officer under color of right.

(bb) "Real property" or "real estate" means every estate, interest, and right in lands, tenements and hereditaments.

(cc) "Solicit" or "solicitation" means to command, authorize, urge, incite, request or advise another to commit a crime.

(dd) "State" or "this state" means the state of Kansas and all land and water in respect to which the state of Kansas has either exclusive or concurrent jurisdiction, and the air space above such land and water. "Other state" means any state or territory of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(ee) "Stolen property" means property over which control has been obtained by theft.

(ff) "Threat" means a communicated intent to inflict physical or other harm on any person or on property.

(gg) "Written instrument" means any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying or recording information, and any money, token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege or identification~~, which~~ *that* is capable of being used to the advantage or disadvantage of some person.

Sec. 2. K.S.A. 2021 Supp. 21-5602 is hereby amended to read as follows: 21-5602. (a) Abuse of a child is ~~knowingly~~ *committing any of the following acts against a child under 18 years of age*:

(1) ~~Torturing or cruelly beating any child under the age of 18 years;~~

~~(2) shaking any child under the age of 18 years which results in great bodily harm to the child; or~~

~~(3) inflicting cruel and inhuman corporal punishment upon any child under the age of 18 years.~~

~~(b)~~*(A) Knowingly torturing, cruelly beating, cruelly striking or cruelly kicking;*

(B) knowingly inflicting cruel and inhuman corporal punishment; or

(C) knowingly using cruel and inhuman physical restraint, including caging or confining the child in a space not designated for human habitation or binding the child in a way that is not medically necessary;

(2) recklessly causing great bodily harm, abusive head trauma, permanent disability or disfigurement; or

(3) (A) knowingly causing great bodily harm, abusive head trauma, permanent disability or disfigurement;

(B) knowingly inflicting cruel and inhuman corporal punishment with a deadly weapon; or

(C) knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest of the child or by blocking the nose or mouth of the child in a manner whereby death or great bodily harm could be inflicted.

(b) Abuse of a child ~~is a~~ *as defined in*:

(1) ~~Severity level 5, person felony, except as provided in subsection (b)(2); and~~

~~(2) severity level 4, person felony, if the victim is under the age of six years.~~

~~(c) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any form of battery or homicide~~ *Subsection (a)(1) is a:*

(A) Severity level 5, person felony if the child is at least six years of age but less than 18 years of age; and

(B) severity level 3, person felony if the child is under six years of age;

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

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

Sec. 3. K.S.A. 2021 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 2021 Supp. 21-5701 through 21-5717, and amendments thereto:

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

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

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

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, de-

pressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

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

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

(A) A controlled substance;

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

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

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

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

(e) "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 that are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled

substance and in violation of this act. "Drug paraphernalia" shall include, but is not limited to:

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

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

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

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

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

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

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

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

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

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

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

(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~~ *heat-resistant* tubes or any other device used, intended to be used or designed to be used to cause vaporization of a controlled substance for inhalation;

(D) smoking and carburetion masks;

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

(F) miniature cocaine spoons and cocaine vials;
(G) chamber smoking pipes;
(H) carburetor smoking pipes;
(I) electric smoking pipes;
(J) air-driven smoking pipes;
(K) chillums;
(L) bongs;
(M) ice pipes or chillers;
(N) any smoking pipe manufactured to disguise its intended purpose;
(O) wired cigarette papers; or
(P) cocaine freebase kits.

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

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

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

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

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

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

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

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

(j) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any

part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include:

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

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

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

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

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

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

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

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

(3) opium poppy and poppy straw; *and*

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

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

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

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

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

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

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

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

Sec. 4. K.S.A. 2021 Supp. 22-2807 is hereby amended to read as follows: 22-2807. ~~(1)~~*(a)* If a defendant fails to appear as directed by the court and guaranteed by an appearance bond, the court in which the bond is deposited shall declare a forfeiture of the bail *and issue a warrant for the defendant's arrest. If the defendant is charged with a felony offense, the sheriff shall enter such warrant into the national crime information center's index within 14 days of issuance of the warrant. If such warrant is not entered into such index, the sheriff shall notify the court thereof.*

~~(2)~~*(b)* An appearance bond may only be forfeited by the court upon a failure to appear. If a defendant violates any other condition of bond, the bond may be revoked and the defendant remanded to custody. An appearance bond is revoked by the execution of a warrant for a defendant's arrest for a violation of a bond condition. The magistrate shall ~~forthwith~~ *promptly* set a new bond pursuant to requirements of K.S.A. 22-2802, and amendments thereto.

~~(3)~~*(c) (1)* The court may direct that a forfeiture be set aside, upon such conditions as the court may impose, if it appears that justice does not require the enforcement of the forfeiture. ~~If the surety can prove that the defendant is incarcerated somewhere within the United States prior to judgment of default by providing to the court a written statement, signed by the surety under penalty of perjury, setting forth details of such incarceration, then the court shall set aside the forfeiture. Upon the defendant's return, the surety may be ordered to pay the costs of that return.~~

(2) The court shall direct that a forfeiture be set aside, upon such conditions as the court may impose, if:

(A) The surety can prove that the defendant is incarcerated somewhere within the United States prior to judgment of default by providing to the court a written statement, signed by the surety under penalty of perjury, setting forth details of such incarceration;

(B) the warrant required to be issued by subsection (a) was not issued within 14 days of the forfeiture;

(C) a warrant that is required to be entered into the national crime information center's index pursuant to subsection (a) was not entered within 14 days of issuance, unless there is good cause shown for the failure to enter such warrant into the index; or

(D) the defendant has been arrested outside of this state and the prosecuting attorney has declined to proceed with extradition.

(3) Upon the defendant's return, the surety may be ordered to pay the costs of such return.

~~(4)~~*(d)* When a forfeiture has not been set aside, the court shall on motion enter a judgment of default and execution may issue thereon. If the forfeiture has been decreed by a district magistrate judge and the amount of the bond exceeds the limits of the civil jurisdiction prescribed by law for a district magistrate judge, the judge shall notify the chief judge in writing of the forfeiture and the matter shall be assigned to a district judge who, on motion, shall enter a judgment of default. By entering into a bond the obligors submit to the jurisdiction of any court having power to enter judgment upon default and irrevocably appoint the clerk of that court as their agent upon whom any papers affecting their liability may be served. Their liability may be enforced on motion without the necessity of an independent action. The motion and notice thereof may be served on the clerk of the court, who shall forthwith mail copies to the obligors to their last known addresses. No judgment may be entered against the obligor in an appearance bond until more than 60 days after notice is served as provided herein. No judgment may be entered against the obligor in an appearance bond more than two years after a defendant's failure to appear.

~~(5)~~*(e)* After entry of ~~such~~ judgment *pursuant to subsection (d)*, the court may remit ~~it~~ *such judgment* in whole or in part under the conditions applying to the setting aside of forfeiture in subsection ~~(3)~~ *(c)*.

Sec. 5. K.S.A. 2021 Supp. 22-2902 is hereby amended to read as follows: 22-2902. ~~(1)~~*(a)* The state and every person charged with a felony shall have a right to a preliminary examination before a magistrate, unless such charge has been issued as a result of an indictment by a grand jury.

~~(2)~~*(b)* The preliminary examination shall be held before a magistrate of a county in which venue for the prosecution lies within 14 days after

the arrest or personal appearance of the defendant. Continuances may be granted only for good cause shown.

~~(3)~~*(c)* The defendant shall not enter a plea at the preliminary examination. The defendant shall be personally present and except for witnesses who are children less than 13 years of age, the witnesses shall be examined in the defendant's presence. The defendant's voluntary absence after the preliminary examination has been begun in the defendant's presence shall not prevent the continuation of the examination. Except for witnesses who are children less than 13 years of age, the defendant shall have the right to cross-examine witnesses against the defendant and introduce evidence in the defendant's own behalf. If from the evidence it appears that a felony has been committed and there is probable cause to believe that a felony has been committed by the defendant, the magistrate shall order the defendant bound over to the district judge having jurisdiction to try the case; otherwise, the magistrate shall discharge the defendant. When the victim of the felony is a child less than 13 years of age, the finding of probable cause as provided in this subsection may be based upon hearsay evidence in whole or in part presented at the preliminary examination by means of statements made by a child less than 13 years of age on a videotape recording or by other means.

(d) The defendant and the state shall be permitted to present the testimony of a witness through a two-way electronic audio-video communication device.

~~(4)~~*(e)* If the defendant and the state waive preliminary examination, the magistrate shall order the defendant bound over to the district judge having jurisdiction to try the case.

~~(5)~~*(f)* Any judge of the district court may conduct a preliminary examination, and a district judge may preside at the trial of any defendant even though such judge presided at the preliminary examination of such defendant.

~~(6)~~*(g)* The complaint or information, as filed by the prosecuting attorney pursuant to K.S.A. 22-2905, and amendments thereto, shall serve as the formal charging document at trial. When a defendant and prosecuting attorney reach agreement on a plea of guilty or nolo contendere, the defendant and the prosecuting attorney shall notify the district court of such agreement and arrange for a time to plead, pursuant to K.S.A. 22-3210, and amendments thereto.

~~(7)~~*(h)* The judge of the district court, when conducting the preliminary examination, shall have the discretion to conduct arraignment, subject to assignment pursuant to K.S.A. 20-329, and amendments thereto, at the conclusion of the preliminary examination.

Sec. 6. K.S.A. 22-3301 is hereby amended to read as follows: 22-3301. ~~(1)~~ For the purpose of this article~~,~~*:*

(a) A person is "incompetent to stand trial" when ~~he~~ *such person* is charged with a crime and, because of mental illness or defect is unable:

~~(a)~~*(1)* To understand the nature and purpose of the proceedings against ~~him~~ *such person*; or

~~(b)~~*(2)* to make or assist in making ~~his~~ *such person's* defense.

~~(2)~~*(b)* Whenever the words "competent," "competency," "incompetent" and "incompetency" are used without qualification in this article, they shall refer to the defendant's competency or incompetency to stand trial, as defined in subsection ~~(1) of this section~~ *(a)*.

(c) "Appropriate state, county or private institution or facility" means a facility with sufficient resources, staffing and space to conduct the evaluation or restoration treatment of the defendant. "Appropriate state, county or private institution or facility" does not include a jail or correctional facility as a location where evaluation and restoration treatment services are provided unless the administrative head or law enforcement official in charge of the jail or correctional facility agrees that the facility has the appropriate physical and care capabilities that such services may be provided by:

(1) The state security hospital or its agent or a state hospital or its agent;

(2) a qualified mental health professional as defined in K.S.A. 59-2946, and amendments thereto, who is qualified by training and expertise to conduct competency restoration treatment;

(3) an individual who is qualified by training and experience to conduct competency evaluations and restoration treatment and is licensed by the behavioral sciences regulatory board; or

(4) a physician who is qualified by training and experience to conduct competency evaluations and restoration treatment and is licensed by the state board of healing arts.

Sec. 7. K.S.A. 2021 Supp. 22-3302 is hereby amended to read as follows: 22-3302. ~~(1)~~*(a)* 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)~~*(b)* 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)~~*(c) (1)* 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)~~*(A)* ~~Commit the defendant to the state security hospital or any~~ *Order that an evaluation be completed by an* appropriate state, county~~,~~ *or* private institution or facility ~~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 for aging and disability services that examination of the defendant should be performed at a state institution~~ *to be conducted in person or by use of available electronic means while the defendant is in jail, at any secure location or on pretrial release*;

~~(b)~~*(B)* designate ~~any~~ *an* appropriate ~~psychiatric or psychological clinic, mental health center or other psychiatric or psychological~~ *state, county or private institution or* facility to conduct the examination while the defendant is in jail*, at any secure location* or on pretrial release; or

~~(c)~~*(C)* appoint ~~two~~ *a* ~~qualified~~ licensed ~~physicians~~ *physician who is qualified through training or experience* or *a* licensed ~~psychologists, or one of each,~~ *psychologist* to examine the defendant and report to the court.

~~(B)~~*(2)* If the court ~~commits~~ *orders* the defendant *committed* to an institution or facility for the examination, the commitment shall be for a period not to exceed 60 days *from the date of admission* 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)~~*(3) Before the expiration of the 60-day evaluation period, the professional approved by the court to examine the defendant or, if the defendant is committed for inpatient examination, the chief medical officer or head of the appropriate institution or facility shall certify to the court whether the defendant is competent to stand trial.*

(4) 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~~ *where* 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)~~*(d)* If the defendant is found to be competent, the proceedings ~~which~~ *that* 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)~~*(e)* 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)~~*(f)* 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)~~*(g)* The defendant shall be present personally at all proceedings under this section.

Sec. 8. K.S.A. 2021 Supp. 22-3303 is hereby amended to read as follows: 22-3303. *(a)* (1) A defendant who is charged with a crime and is found to be incompetent to stand trial shall be ~~committed~~ *ordered* for evaluation and treatment ~~to any~~, *conducted on an outpatient or inpatient basis, by an* appropriate state, county~~,~~ *or* private institution or facility. ~~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 not to exceed 90 days. Within 90 days after the defendant's commitment to such institution, the chief medical officer of such institution shall~~ *Evaluation or restorative treatment of a defendant shall not be conducted in a jail unless the administrative head or law enforcement official in charge of the jail agrees to such evaluation or restorative treatment being conducted in such jail.*

(2) An evaluation and treatment may be ordered to be conducted on an outpatient basis in person or by use of available electronic means while the defendant is in jail, at any secure location, on pretrial release or in any other appropriate setting.

(3) For a defendant charged with a misdemeanor offense, outpatient evaluation and treatment may be ordered to be conducted by an appropriate state, county or private institution or facility.

(4) For a defendant charged with a felony offense, outpatient evaluation and treatment may be ordered to be conducted by an appropriate state, county or private institution or facility.

(5) For a defendant charged with a felony offense, a commitment to the state security hospital or its agent or a state hospital or its agent may by conducted on a inpatient basis or, if the defendant meets the screening criteria established by the state security hospital, on an outpatient basis.

(6) At the commencement of outpatient treatment, the institution or facility conducting the treatment shall notify the prosecuting attorney in

the county where the criminal proceeding is pending for the purpose of providing victim notification.

(b) (1) Except as provided in subsection (d), if the defendant is ordered to receive an evaluation and treatment on an outpatient basis conducted by an appropriate state, county or private institution or facility, the chief medical officer of such institution or head of such facility shall certify to the court, *within 90 days after the commencement of outpatient treatment*, whether the defendant has a substantial probability of attaining competency to stand trial in the foreseeable future. *The court shall set a hearing within 21 days after certification unless exceptional circumstances warrant delay, for the purpose of determining competency.*

(2) If such probability does exist, the court shall order the defendant to remain in *jail or at a secure location, on pretrial release pursuant to K.S.A. 22-2802, and amendments thereto, or at* an appropriate ~~state, county, private institution or facility~~ *setting* until the defendant attains competency to stand trial or for a period of six months from the date of ~~the original commitment~~ *the commencement of outpatient treatment*, whichever occurs first. If such probability does not exist, the court shall order the ~~secretary for aging and disability services~~ *prosecuting attorney where the charges are filed* to commence involuntary commitment proceedings pursuant to article 29 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto~~.~~*, within 21 days of receipt of the certification from the chief medical officer of the institution or head of the facility unless exceptional circumstances warrant delay.* 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 K.S.A. 2021 Supp. 21-5505(b), 21-5506(b), 21-5508(b), 21-5604(b) or 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 K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self ~~and~~ *or* others, as defined in K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of K.S.A. 59-2946(f), and amendments thereto, shall not apply.

~~(2)~~*(3)* If a defendant who was found to have had a substantial probability of attaining competency to stand trial, as provided in ~~subsection (1)~~ *paragraph (2)*, has not attained competency to stand trial within six months from the date of the original commitment, the court shall order the *prosecuting attorney where the charges are filed or 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~~.~~*, within 21 days of receipt of the certification from the chief medical officer of the institution or the head*

of the facility unless exceptional circumstances warrant delay. 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, K.S.A. 2021 Supp. 21-5505(b), 21-5506(b), 21-5508(b), 21-5604(b) or 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 K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self ~~and~~ *or* others, as defined in K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of K.S.A. 59-2946(f), and amendments thereto, shall not apply.

~~(3)~~*(4)* 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)~~*(5)* A defendant committed to a public institution *or facility* under the provisions of this section who is thereafter sentenced for the crime charged at the time of commitment ~~may~~ *shall* be credited with all ~~or any part~~ of the time during which the defendant was committed and confined in such public institution *or facility*.

(c) (1) Except as provided in subsection (d), if a defendant is ordered or met criteria to receive an evaluation and treatment on an outpatient basis conducted by the state security hospital or its agent or a state hospital or its agent, the chief medical officer shall certify to the court, within 90 days after commencement of treatment, whether the defendant has a substantial probability of attaining competency to stand trial in the foreseeable future.

(2) If such probability does exist, the court shall order the defendant to remain in jail or at a secure location, on pretrial release pursuant to K.S.A. 22-2802, and amendments thereto, or at an appropriate setting until the defendant attains competency to stand trial or for a period of six months from the date of the commencement of outpatient treatment, whichever occurs first. If such probability does not exist, the court shall order the prosecuting attorney where the charges are filed or 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, within 21 days of receipt of the certification from

the chief medical officer of the institution or the head of the facility unless exceptional circumstances warrant delay. 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 K.S.A. 2021 Supp. 21-5505(b), 21-5506(b), 21-5508(b), 21-5604(b) or 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 K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self or others, as defined in K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of K.S.A. 59-2946(f), and amendments thereto, shall not apply.

(3) If a defendant who was found to have had a substantial probability of attaining competency to stand trial, as provided in paragraph (2), has not attained competency to stand trial within six months from the date of the original commitment, the court shall order the prosecuting attorney where the charges are filed or 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, within 21 days of receipt of the certification from the chief medical officer of the institution or the head of the facility unless exceptional circumstances warrant delay. 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 K.S.A. 2021 Supp. 21-5505(b), 21-5506(b), 21-5508(b), 21-5604(b) or 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 K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self or others, as defined in K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of K.S.A. 59-2946(f), and amendments thereto, shall not apply.

(4) 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.

(5) A defendant committed to a public institution or facility under the provisions of this section who is thereafter sentenced for the crime

charged at the time of commitment shall be credited with all of the time during which the defendant was committed and confined in such public institution or facility.

(d) (1) If the defendant is ordered or met criteria to receive an evaluation and treatment on an outpatient basis and the chief medical officer of the appropriate state, county or private institution or facility determines that the defendant's mental health condition or behaviors warrant terminating outpatient treatment services and commencing evaluation and treatment on an inpatient basis, the chief medical officer of the institution or the head of the facility shall provide a report to the court within 10 days after outpatient treatment services are terminated. Such report shall certify the date that outpatient treatment was terminated and the reason inpatient evaluation and treatment services are recommended. A copy of such report shall be provided to the chief medical officer of the state security hospital. Upon receipt of such report, the court shall issue any orders or warrants required to facilitate the sheriff of the county where the charges are filed to take the defendant into custody and transport such defendant to the state security hospital or its agent or a state hospital or its agent for admission for inpatient services. The chief medical officer shall submit a report pursuant to subsection (e) as to whether the defendant has attained competency within 90 days of the defendant's admission to such hospital for inpatient evaluation and treatment.

(2) The court, prosecuting attorney where criminal charges are pending, the defense counsel for a defendant charged with a felony offense who is receiving outpatient evaluation and treatment services and the chief medical officer of any institution or the head of any facility where the defendant is receiving outpatient services shall provide requested documentation to the state security hospital or its agent or the state hospital or its agent for the purpose of managing inpatient admission.

(e) (1) If the defendant is charged with a felony offense, the court may order a defendant to receive inpatient evaluation and treatment at an appropriate state, county or private institution or facility after considering the defendant's mental condition, behaviors and the availability of outpatient evaluation and treatment options. The chief medical officer of the institution or the head of the facility shall certify to the court, within 90 days after the commencement of inpatient treatment, whether the defendant has a substantial probability of attaining competency to stand trial in the foreseeable future.

(2) If such probability does exist, the court shall order the defendant to remain in jail or at a secure location, on pretrial release pursuant to K.S.A. 22-2802, and amendments thereto, or at an appropriate setting until the defendant attains competency to stand trial or for a period of six months from the date of the commencement of inpatient treatment, whichever

occurs first. If such probability does not exist, the court shall order the prosecuting attorney where the charges are filed or 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, within 21 days of receipt of the certification from the chief medical officer of the institution or the head of the facility unless exceptional circumstances warrant delay. 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 K.S.A. 2021 Supp. 21-5505(b), 21-5506(b), 21-5508(b), 21-5604(b) or 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 K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self or others, as defined in K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of K.S.A. 59-2946(f), and amendments thereto, shall not apply.

(3) If a defendant who was found to have had a substantial probability of attaining competency to stand trial, as provided in paragraph (2), has not attained competency to stand trial within six months from the date of the original commitment, the court shall order the prosecuting attorney where the charges are filed or 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, within 21 days of receipt of the certification from the chief medical officer of the institution or the head of the facility unless exceptional circumstances warrant delay. 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 K.S.A. 2021 Supp. 21-5505(b), 21-5506(b), 21-5508(b), 21-5604(b) or 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 K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self or others, as defined in K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of K.S.A. 59-2946(f), and amendments thereto, shall not apply.

(4) 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.

(5) A defendant committed to a public institution or facility under the provisions of this section who is thereafter sentenced for the crime charged at the time of commitment shall be credited with all of the time during which the defendant was committed and confined in such public institution or facility.

(f) (1) Notwithstanding the provisions of K.S.A. 59-29a22, and amendments thereto, psychotropic medications may be prescribed for any defendant who is ordered or has met the criteria to receive evaluation and treatment on an inpatient or outpatient basis at an appropriate state, county or private institution or facility.

(2) Psychotropic medications shall be prescribed, ordered and administered in conformity with accepted clinical practice. Psychotropic medication shall be administered only upon the written order of a physician or upon a verbal order noted in the defendant's medical records and subsequently signed by the physician. The attending physician shall regularly review the drug regimen of each defendant under such physician's care and shall monitor any symptoms of harmful side effects.

(3) Whenever any defendant is receiving psychotropic medications that alter the defendant's mental state in such a way as to adversely affect the defendant's judgment or hamper the defendant in preparing for or participating in any hearing provided for by this section, for two days prior to and during any such hearing, the treatment institution or facility shall not administer such medication or treatment unless such medication or treatment is necessary to sustain the defendant's life or to protect the defendant or others. Prior to the hearing, a report of all psychotropic medications or other treatment that has been administered to the defendant and a copy of any written consent signed by the defendant shall be submitted to the court. Counsel for the defendant may preliminarily examine the attending physician regarding the administration of any medication to the defendant within two days of the hearing and the effect that medication may have had on the defendant's judgment or ability to prepare for or participate in the hearing. If the court determines that medication or other treatment has been administered that adversely affects the defendant's judgment or ability to prepare for or participate in the hearing, the court may grant the defendant a reasonable continuance to allow for the defendant to be better able to prepare for or participate in the hearing. The court shall order that such medication or other treatment be discontinued until the conclusion of the hearing unless the court finds that such medication or other treatment is necessary to sustain the defendant's life

or to protect the defendant or others. If the court makes such a finding, the court shall order the hearing to proceed.

(4) If a defendant who is charged with a felony is receiving treatment pursuant to this section and is not deemed a present danger to self or others objects to taking any medication prescribed for the purpose of restoring the defendant to competency, the defendant's objection shall be recorded in the defendant's medical record and written notice of such objection shall be forwarded to the medical director of the treatment institution or facility or the director's designee and to the court where the criminal charges are pending. The medication may be administered over the defendant's objection only if the court finds that:

(A) The medication is substantially unlikely to have side effects that may undermine the fairness of the trial;

(B) the medication is medically appropriate;

(C) less intrusive alternatives have been considered;

(D) the medication is necessary to advance significantly important governmental trial interests; and

(E) the administrative head or law enforcement official in charge of the jail has agreed to having the medication administered over the defendant's objection in the jail.

(5) No experimental medication shall be administered without the consent of the defendant or such defendant's legal guardian.

Sec. 9. K.S.A. 2021 Supp. 22-3305 is hereby amended to read as follows: 22-3305. ~~(1)~~*(a)* Whenever involuntary commitment proceedings have been commenced by the secretary for aging and disability services *or the prosecuting attorney* as required by K.S.A. 22-3303, and amendments thereto, and the defendant is not committed to a treatment *institution or* facility as a patient, the defendant shall remain in the institution *or facility* where committed pursuant to K.S.A. 22-3303, and amendments thereto. The secretary for aging and disability services *or the prosecuting attorney* shall promptly notify the court and the ~~county or district~~ *prosecuting* attorney of the county ~~in which~~ *where* the criminal proceedings are pending for the purpose of providing victim notification, of the result of the involuntary commitment proceeding.

~~(2)~~*(b)* Whenever involuntary commitment proceedings have been commenced by the secretary for aging and disability services *or the prosecuting attorney* as required by K.S.A. 22-3303, and amendments thereto, and the defendant is committed to a treatment *institution or* facility as a patient but thereafter is to be discharged pursuant to the care and treatment act for mentally ill persons, the defendant shall remain in the institution *or facility* where committed pursuant to K.S.A. 22-3303, and amendments thereto, and the head of the treatment *institution or* facility shall promptly notify the court and the ~~county or district~~ *prosecuting* at-

torney of the county ~~in which~~ *where* the criminal proceedings are pending for the purpose of providing victim notification, that the defendant is to be discharged.

(c) When giving notification to the court and the ~~county or district~~ *prosecuting* attorney pursuant to subsection ~~(1)~~ *(a)* or ~~(2)~~ *(b)*, the treatment *institution or* facility shall include in such notification an opinion from the head of the treatment *institution or* facility as to whether or not the defendant is now competent to stand trial. Upon request of the ~~county or district~~ *prosecuting* attorney, the court may set a hearing on the issue of whether or not the defendant has been restored to competency. If such hearing request is granted, the ~~county or district~~ *prosecuting* attorney shall provide victim notification regarding the hearing date. *Such hearing request shall be filed within 14 days of completion of the notification from the head of the treatment institution or facility pursuant to subsection (a) or (b). The hearing shall take place within 21 days after receipt of the hearing request unless the court finds that exceptional circumstances warrant delay of the hearing.* If no such *hearing* request is made within 14 days after receipt of notice pursuant to subsection ~~(1)~~ *(a)* or ~~(2)~~ *(b)*, the court shall order the defendant to be discharged from commitment and shall dismiss without prejudice the charges against the defendant, and the period of limitation for the prosecution for the crime charged shall not continue to run until the defendant has been determined to have attained competency in accordance with K.S.A. 22-3302, and amendments thereto. The ~~county or district~~ *prosecuting* attorney shall provide victim notification regarding the discharge order.

Sec. 10. K.S.A. 2021 Supp. 22-3428 is hereby amended to read as follows: 22-3428. ~~(1)~~ (a) *(1)* When a defendant is acquitted and the jury answers in the affirmative to the special question asked pursuant to K.S.A. 22-3221, and amendments thereto, the defendant shall be committed to the state security hospital *or an appropriate secure facility* for safekeeping and treatment and the ~~county or district~~ *prosecuting* attorney shall provide victim notification. A finding of not guilty and the jury answering in the affirmative to the special question asked pursuant to K.S.A. 22-3221, and amendments thereto, shall be prima facie evidence that the acquitted defendant is presently likely to cause harm to self or others.

~~(b)~~*(2)* Within 90 days of the defendant's admission, the chief medical officer of the state security hospital *or licensed psychologist at the appropriate secure facility* shall send to the court a written evaluation report. Upon receipt of the report, the court shall set a hearing to determine whether or not the defendant is currently a mentally ill person. The hearing shall be held within 30 days after the receipt by the court of the chief medical officer's report *unless the court finds that exceptional circumstances warrant delay of the hearing*.

~~(c)~~*(3)* The court shall give notice of the hearing to the chief medical officer of the state security hospital *or licensed psychologist at the appropriate secure facility*, the ~~district or county~~ *prosecuting* attorney, the defendant and the defendant's attorney. The ~~county or district~~ *prosecuting* attorney shall provide victim notification. The court shall inform the defendant that such defendant is entitled to counsel and that counsel will be appointed to represent the defendant if the defendant is not financially able to employ an attorney as provided in K.S.A. 22-4503 et seq., and amendments thereto. The defendant shall remain at the state security hospital pending the hearing.

~~(d)~~*(4)* At the hearing, the defendant shall have the right to present evidence and cross-examine witnesses. At the conclusion of the hearing, if the court finds by clear and convincing evidence that the defendant is not currently a mentally ill person, the court shall dismiss the criminal proceeding and discharge the defendant, otherwise the court may commit the defendant to the state security hospital *or an appropriate secure facility* for treatment or may place the defendant on conditional release pursuant to subsection ~~(4)~~ *(d)*. The ~~county or district~~ *prosecuting* attorney shall provide victim notification regarding the outcome of the hearing.

~~(2)~~*(b)* Subject to the provisions of subsection ~~(3)~~ *(c)*:

~~(a)~~*(1)* Whenever it appears to the chief medical officer of the state security hospital *or a licensed psychologist at the appropriate secure facility* that a person committed under subsection ~~(1)(d)~~ *(a)(4)* is not likely to cause harm to other persons in a less restrictive hospital environment, the officer may transfer the person to any state hospital, subject to the provisions of subsection ~~(3)~~ *(c)*. At any time subsequent thereto during which such person is still committed to a state hospital, if the chief medical officer of that hospital *or the licensed psychologist at the appropriate secure facility* finds that the person may be likely to cause harm or has caused harm, to others, such officer may transfer the person back to the state security hospital.

~~(b)~~*(2)* Any person committed under subsection ~~(1)(d)~~ *(a)(4)* may be granted conditional release or discharge as an involuntary patient.

~~(3)~~*(c)* Before transfer of a person from the state security hospital *or appropriate secure facility* pursuant to subsection ~~(2)(a)~~ *(b)(1)* or conditional release or discharge of a person pursuant to subsection ~~(2)(b)~~ *(b)(2)*, the chief medical officer of the state security hospital or the state hospital where the patient is under commitment *or the licensed psychologist at the appropriate secure facility* shall give notice to the district court of the county from which the person was committed that transfer of the patient is proposed or that the patient is ready for proposed conditional release or discharge. Such notice shall include, but not be limited to: ~~(a)~~ *(1)* Identification of the patient; ~~(b)~~ *(2)* the course of treatment; ~~(c)~~ *(3)* a current

assessment of the defendant's mental illness; ~~(d)~~ *(4)* recommendations for future treatment, if any; and ~~(e)~~ *(5)* recommendations regarding conditional release or discharge, if any. Upon receiving notice, the district court shall order that a hearing be held on the proposed transfer, conditional release or discharge. The court shall give notice of the hearing to the *appropriate secure facility,* state hospital or state security hospital where the patient is under commitment, to the ~~district or county~~ *prosecuting* attorney of the county from which the person was originally ordered committed. The ~~county or district~~ *prosecuting* attorney shall provide victim notification regarding the hearing. The court shall order the involuntary patient to undergo a mental evaluation by a person designated by the court. A copy of all orders of the court shall be sent to the involuntary patient and the patient's attorney. The report of the court ordered mental evaluation shall be given to the ~~district or county~~ *prosecuting* attorney, the involuntary patient and the patient's attorney at least seven days prior to the hearing. The hearing shall be held within 30 days after the receipt by the court of the chief medical officer's notice *unless the court finds that exceptional circumstances warrant delay of the hearing*. The involuntary patient shall remain in the *appropriate secure facility,* state hospital or state security hospital where the patient is under commitment until the hearing on the proposed transfer, conditional release or discharge is to be held. At the hearing, the court shall receive all relevant evidence, including the written findings and recommendations of the chief medical officer of the state security hospital or the state hospital *or the licensed psychologist of the appropriate secure facility* where the patient is under commitment, and shall determine whether the patient shall be transferred to a less restrictive hospital environment or whether the patient shall be conditionally released or discharged. The patient shall have the right to present evidence at such hearing and to cross-examine any witnesses called by the ~~district or county~~ *prosecuting* attorney. At the conclusion of the hearing, if the court finds by clear and convincing evidence that the patient will not be likely to cause harm to self or others if transferred to a less restrictive hospital environment, the court shall order the patient transferred. If the court finds by clear and convincing evidence that the patient is not currently a mentally ill person, the court shall order the patient discharged or conditionally released; otherwise, the court shall order the patient to remain in the state security hospital or state hospital where the patient is under commitment. If the court orders the conditional release of the patient in accordance with subsection ~~(4)~~ *(d)*, the court may order as an additional condition to the release that the patient continue to take prescribed medication and report as directed to a person licensed to practice medicine and surgery to determine whether or not the patient is taking the medication or that the patient continue to receive periodic psychiatric

or psychological treatment. The ~~county or district~~ *prosecuting* attorney shall notify any victims of the outcome of the hearing.

~~(4)~~*(d)* In order to ensure the safety and welfare of a patient who is to be conditionally released and the citizenry of the state, the court may allow the patient to remain in custody at a facility under the supervision of the secretary for aging and disability services *or the head of the appropriate secure facility* for a period of time not to exceed 45 days in order to permit sufficient time for the secretary to prepare recommendations to the court for a suitable reentry program for the patient and allow adequate time for the ~~county or district~~ *prosecuting* attorney to provide victim notification. The reentry program shall be specifically designed to facilitate the return of the patient to the community as a functioning, self-supporting citizen, and may include appropriate supportive provisions for assistance in establishing residency, securing gainful employment, undergoing needed vocational rehabilitation, receiving marital and family counseling, and such other outpatient services that appear beneficial. If a patient who is to be conditionally released will be residing in a county other than the county where the district court that ordered the conditional release is located, the court shall transfer venue of the case to the district court of the other county and send a copy of all of the court's records of the proceedings to the other court. In all cases of conditional release the court shall:

~~(a)~~*(1)* Order that the patient be placed under the temporary supervision of district court probation and parole services, community treatment facility or any appropriate private agency; and

~~(b)~~*(2)* require as a condition precedent to the release that the patient agree in writing to waive extradition in the event a warrant is issued pursuant to K.S.A. 22-3428b, and amendments thereto.

~~(5)~~*(e)* At any time during the conditional release period, a conditionally released patient, through the patient's attorney, or the ~~county or district~~ *prosecuting* attorney of the county ~~in which~~ *where* the district court having venue is located may file a motion for modification of the conditions of release, and the court shall hold an evidentiary hearing on the motion within 14 days of its filing. The court shall give notice of the time for the hearing to the patient and the ~~county or district~~ *prosecuting* attorney. If the court finds from the evidence at the hearing that the conditional provisions of release should be modified or vacated, it shall so order. If at any time during the transitional period the designated medical officer or supervisory personnel or the treatment facility informs the court that the patient is not satisfactorily complying with the provisions of the conditional release, the court, after a hearing for which notice has been given to the ~~county or district~~ *prosecuting* attorney and the patient, may make orders: ~~(a)~~ *(1)* For additional conditions of release designed to effect the ends of the reentry program; ~~(b)~~ *(2)* requiring the ~~county or district~~

prosecuting attorney to file a petition to determine whether the patient is a mentally ill person as provided in K.S.A. 59-2957, and amendments thereto; or ~~(c)~~ *(3)* requiring that the patient be committed to the *appropriate secure facility,* state security hospital or any state hospital. In cases where a petition is ordered to be filed, the court shall proceed to hear and determine the petition pursuant to the care and treatment act for mentally ill persons and that act shall apply to all subsequent proceedings. If a patient is committed to any state hospital pursuant to this act the ~~county or district~~ *prosecuting* attorney shall provide victim notification. The costs of all proceedings, the mental evaluation and the reentry program authorized by this section shall be paid by the county from which the person was committed.

~~(6)~~*(f)* In any case in which the defense that the defendant lacked the required mental state pursuant to K.S.A. 22-3220, and amendments thereto, is relied on, the court shall instruct the jury on the substance of this section.

~~(7)~~*(g)* As used in this section and K.S.A. 22-3428a, and amendments thereto:

~~(a)~~*(1)* "Likely to cause harm to self or others" means that the person 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, or evidenced by behavior causing, attempting or threatening such injury, abuse or neglect.

~~(b)~~*(2)* "Mentally ill person" means any person who:

(A) Is suffering from a severe mental disorder to the extent that such person is in need of treatment; and

(B) is likely to cause harm to self or others.

~~(c)~~*(3)* "Treatment facility" means any mental health center or clinic, psychiatric unit of a medical care facility, psychologist, physician or other institution or individual authorized or licensed by law to provide either inpatient or outpatient treatment to any patient.

Sec. 11. K.S.A. 2021 Supp. 22-3429 is hereby amended to read as follows: 22-3429. After conviction and prior to sentence and as part of the presentence investigation authorized by K.S.A. 2021 Supp. 21-6703, and amendments thereto, or for crimes committed on or after July 1, 1993, a presentence investigation report as provided in K.S.A. 2021 Supp. 21-6813, and amendments thereto, the trial judge may order the defendant committed *to the state security hospital* for mental examination, evaluation and report. ~~If the defendant is convicted of a felony, the commitment shall be to the state security hospital or any suitable local mental health facility. If the defendant is convicted of a misdemeanor, the commitment shall be to a state hospital or any suitable local mental health facility. If adequate private facilities are available and if the defendant is willing to~~

~~assume the expense thereof, commitment may be to a private hospital.~~ A report of the examination and evaluation shall be furnished *by the chief medical officer* to the judge and shall be made available to the prosecuting attorney and counsel for the defendant. A defendant may not be detained for more than 120 days under a commitment made under this section.

Sec. 12. K.S.A. 22-3301 and K.S.A. 2021 Supp. 21-5111, 21-5602, 21-5701, 22-2807, 22-2902, 22-3302, 22-3303, 22-3305, 22-3428 and 22-3429 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 18, 2022.

CHAPTER 77

SENATE BILL No. 453

AN ACT concerning health professions and practices; relating to unlicensed employees working in adult care homes; requiring unlicensed employee training courses to be taught and evaluated by professional licensed nurses; requiring a demonstration of skills to successfully complete training courses; licensees of the behavioral sciences regulatory board; allowing board-approved postgraduate experience to count toward graduate level supervised clinical practicum of supervised professional experience; permitting current master's and clinical level licensees to take the addiction counselor's test; amending K.S.A. 39-936 and 65-5115 and K.S.A. 2021 Supp. 65-6306 and 65-6610 and repealing the existing sections.

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

Section 1. K.S.A. 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 resident 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~~ *when* residents ~~receiving~~ *receive* 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~~ *unlicensed employees working in* an adult care home, except an adult care home licensed for the provision of services to people with intellectual disability that has been granted an exception by the secretary for aging and disability services upon a finding by the licensing agency that an ~~appropriate~~ *approved* training program for ~~unlicensed employees~~ *certified nurse aides* 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~~ *unlicensed employee* who has not completed *at least* 40 hours of *the certified nurse aide* training ~~relating to resident care and treatment~~ approved by the secretary for aging and disability services *or who is not making progress to complete the course of education and training required by the secretary for aging and disability services under paragraph (2) within four months following completion of such 40 hours* shall not provide direct, individual care to residents.

(A) 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~~ *and remaining hours in the certified nurse aide training shall be performed under the general supervision of a course supervisor. The course supervisor shall be defined in rules and regulations and approved by the secretary for aging and disability services. As used in this subparagraph, "supervision" means the same as defined in K.S.A. 65-1165, and amendments thereto*. The 40 hours of training may be prepared and administered by an adult care home, *hospital, as defined in K.S.A. 65-425, and amendments thereto, hospice or program for all-inclusive care for the elderly* or by any other qualified ~~person~~ *course sponsor* and may be conducted on the premises of the adult care home, *hospital, hospice or program for all-inclusive care for the elderly*. The 40 hours of training required in this section shall be a part of ~~any course of education and training~~ *an approved certified nurse aide training course* required by the secretary for aging and disability services under subsection (c)(2).

(B) Each instructor under the supervision of a course supervisor of the certified nurse aide training course shall be licensed to practice in Kansas and in good standing. As used in this subparagraph, "in good standing" includes the possession of a license, certificate or registration that is subject to probation or non-disciplinary conditions, limitations or restrictions, but does not include a license, certificate or registration that is revoked, canceled or surrendered or subject to pending license-related disciplinary action. If the records of the Kansas department for aging and disability services reflect that an individual has a prohibiting offense, such license, certificate or registration shall not be considered "in good standing." Any license, certificate or registration that is subject to disciplinary conditions, limitations or restrictions shall remain subject to such conditions, limitations or restrictions.

(C) Training for paid nutrition assistants shall consist of at least eight hours of instruction, at a minimum, that meets the requirements of 42 C.F.R. § 483.160.

(2) The licensing agency may require ~~unlicensed employees of~~ *unlicensed employees working in* an adult care home, except an adult care home licensed for the provision of services to people with intellectual dis-

ability that 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~~ *certified nurse aides* 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 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) A course of instruction may be prepared and administered by any adult care home, *hospital, as defined in K.S.A. 65-425, and amendments thereto, hospice or program for all-inclusive care for the elderly* or by any other qualified person. A course of instruction prepared and administered by an adult care home, *hospital, hospice or program for all-inclusive care for the elderly* may be conducted on the premises of the adult care home, *hospital, hospice or program for all-inclusive care for the elderly* that prepared and that will administer the course of instruction.

(B) As evidence of successful completion of the training course, such unlicensed employees shall demonstrate competency in a list of skills that are identified and prescribed by the secretary for aging and disability services. The skills demonstration shall be evaluated by a registered professional nurse licensed, including multistate licensure privilege, and in good standing in this state. Such registered professional nurse shall have at least one year of licensed nurse experience providing care for the elderly or chronically ill in a healthcare setting approved by the secretary for aging and disability services. As used in this subparagraph, "in good standing" includes the possession of a license, certificate or registration that is subject to probation or non-disciplinary conditions, limitations or restrictions, but does not include a license, certificate or registration that is revoked, canceled or surrendered or subject to pending license-related disciplinary action. If the records of the Kansas department for aging and disability services reflect that an individual has a prohibiting offense, such license, certificate or registration shall not be considered "in good standing." Any license, certificate or registration that is subject to disciplinary conditions, limitations or restrictions shall remain subject to such conditions, limitations or restrictions.

(3) The licensing agency shall not require ~~unlicensed employees of~~ *unlicensed employees working in* 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.

(4) ~~Unlicensed employees of~~*Unlicensed employees working in* 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*:*

(A) Prescribed by the secretary for aging and disability services~~, shall be~~*;*

(B) reasonably related to the duties performed by ~~unlicensed employees of~~ *unlicensed employees working in* adult care homes who provide direct, individual care to residents and who do not administer medications to residents*;* and ~~shall be~~

(C) the same examination given by the secretary for aging and disability services to all ~~unlicensed employees of~~ *unlicensed employees working in* adult care homes who provide direct, individual care to residents and who do not administer medications.

~~(3)~~*(5)* 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. 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 health occupations credentialing fee fund created by K.S.A. 39-979, and amendments thereto.

~~(4)~~*(6)* The secretary for aging and disability services shall establish a state registry containing information about ~~unlicensed employees of~~ *certified nurse aides working in* 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)~~*(7)* No adult care home shall use an individual ~~as an unlicensed employee of the~~ *working as a certified nurse aide in an* 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)~~*(8) (A)* ~~Beginning July 1, 1993,~~ The adult care home ~~must~~ *shall* require any ~~unlicensed employee of the~~ *certified nurse aide working in an* adult care home ~~who~~ *to complete an approved refresher course if such employee:*

(i) Provides direct, individual care to residents ~~and who~~*;*

(ii) does not administer medications*;* and ~~who~~

(iii) since passing the examination required under paragraph (2) ~~of this subsection~~, has had a continuous period of 24 consecutive months ~~during none of which~~ *when* the ~~unlicensed employee~~ *certified nurse aide has not* provided direct, individual care to residents ~~to complete an approved refresher course~~.

(B) 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~~ *a certified nurse aide working in* 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~~ *person licensed by the state board of healing arts* to practice ~~under the laws of this state~~ *medicine and surgery* 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. 65-5115 is hereby amended to read as follows: 65-5115. (a) The secretary may require, as a condition to continued employment by a home health agency that home health aides, within 90 days of employment, successfully complete an approved course of instruction and take and satisfactorily pass an examination prescribed by the secretary.

(b) A course of instruction for home health aides may be prepared and administered by any home health agency or by any other qualified person. A course of instruction prepared and administered by a home health agency may be conducted on the premises of the home health

agency ~~which~~ *that* prepared and ~~which~~ will administer the course of instruction. The secretary shall not require home health aides to enroll in any particular approved course of instruction, but the secretary shall prepare guidelines for the preparation and administration of courses of instruction and shall approve or disapprove courses of instruction.

(c) The secretary ~~may~~ *shall* not require that home health aides complete the course of instruction and pass the examination established pursuant to K.S.A. ~~39-936(c)(3)~~ *39-936(c)(5)*, and amendments thereto, before enrolling in an approved course of instruction authorized by this section. Home health aides may enroll in any approved course of instruction.

(d) The examination required ~~under~~ *by* this section shall be prescribed by the secretary and shall be reasonably related to the duties performed by home health aides. The same examination shall be given by the secretary to all home health aides.

(e) The secretary shall fix, charge and collect an examination fee to cover all or any part of the cost of the examination required ~~under subsection (a)~~ *by this section*. The examination fee shall be fixed by rules and regulations of the secretary. The examination fee shall be deposited in the state treasury and credited to the state general fund.

Sec. 3. K.S.A. 2021 Supp. 65-6306 is hereby amended to read as follows: 65-6306. (a) The board shall issue a license as a baccalaureate social worker to an applicant who has:

(1) A baccalaureate degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) passed an examination approved by the board for this purpose; and

(3) satisfied the board that the applicant is a person who merits the public trust.

(b) The board shall issue a license as a master social worker to an applicant who has:

(1) *Except as provided in subsection (f),* a master's degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) passed an examination approved by the board for this purpose; and

(3) satisfied the board that the applicant is a person who merits the public trust.

(c) The board shall issue a license in one of the social work specialties to an applicant who has:

(1) A master's or doctor's degree from an accredited graduate school of social work, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) had two years of full-time post-master's or post-doctor's degree experience under the supervision of a licensed social worker in the area of the specialty in which such applicant seeks to be licensed;

(3) passed an examination approved by the board for this purpose; and

(4) satisfied the board that the applicant is a person who merits the public trust.

(d) (1) The board shall issue a license as a specialist clinical social worker to an applicant who:

(A) Has met the requirements of subsection (c);

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (c) 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, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual *or additional postgraduate supervised experience as determined by the board*;

(D) has completed as part of or in addition to the requirements of subsection (c) 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 3,000 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 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual;

(E) for persons earning a degree under subsection (c) prior to July 1, 2003, in lieu of the education and training requirements under subparagraphs (B) and (C), has completed the education requirements for licensure as a specialist clinical social worker 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 license to practice as a specialist clinical social worker on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under subparagraphs (B), (C) and (D), has completed

the education and training requirements for licensure as a specialist clinical social worker 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.

(2) A licensed specialist clinical social worker may engage in the social work practice 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 specialist clinical social worker 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 specialist clinical social worker may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(3) Notwithstanding any other provision of this subsection, a licensed master social worker who has provided to the board an acceptable clinical supervision plan for licensure as a specialist clinical social worker prior to the effective date of this act shall be licensed as a specialist clinical social worker under this act upon completion of the requirements in effect for licensure as a specialist clinical social worker at the time the acceptable training plan is submitted to the board.

(4) A person licensed as a specialist clinical social worker on the day immediately preceding the effective date of this act shall be deemed to be a licensed specialist clinical social worker under this act. Such person shall not be required to file an original application for licensure as a specialist clinical social worker under this act.

(e) The board shall adopt rules and regulations establishing the criteria ~~which~~ *that* a social work program of a college or university shall satisfy to be recognized and approved by the board under this section. The board may send a questionnaire developed by the board to any college or university conducting a social work program for which the board does not have sufficient information to determine whether the program should be recognized and approved by the board and whether the program meets the 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 program to be considered for recognition and approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about a social work program of a college or university. In entering such contracts

the authority to recognize and approve a social work program of a college or university shall remain solely with the board.

(f) (1) Notwithstanding any pending candidacy for accreditation of the masters of social work program at Fort Hays state university, the board shall:

(A) Accept a master's degree from such program as from an accredited college or university for the purpose of issuing a license as a master social worker to an applicant under subsection (b); and

(B) not impose any additional or alternative requirements to accreditation upon an applicant with such degree based on such program's pending candidacy for accreditation.

(2) The provisions of this subsection shall apply retroactively and shall expire on July 1, 2023.

Sec. 4. K.S.A. 2021 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 21 years of age;

(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;

(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*; or*

(D) is currently licensed in Kansas by the board as a master social worker, specialist clinical social worker, professional counselor, clinical professional counselor, marriage and family therapist, clinical marriage and family therapist, master's level psychologist, clinical psychotherapist or psychologist. Such licensees shall be eligible to take the examination as required by paragraph (3);

(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. 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 21 years of age;

(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

(iii) 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;

(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. 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 21 years of age;

(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 3,000 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 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statis-

tical manual of mental disorders of the American psychiatric association, except that the board may waive ½ of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a related field approved by the board and who completes the required ½ of the hours in not less than one year of supervised professional experience; 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 3,000 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 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, except that the board may waive ½ of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a related field approved by the board and who completes the required ½ of the hours in not less than one year of supervised professional experience; 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 3,000 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 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, except that the board may waive ½ of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a relat-

ed field approved by the board and who completes the required 1/2 of the hours in not less than one year of supervised professional experience; 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;

(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 fixed under K.S.A. 65-6618, and amendments thereto.

Sec. 5. K.S.A. 39-936 and 65-5115 and K.S.A. 2021 Supp. 65-6306 and 65-6610 are hereby repealed.

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

Approved April 18, 2022.

Published in the *Kansas Register* April 28, 2022.

CHAPTER 78

HOUSE BILL No. 2299
(Amended by Chapter 92)

AN ACT concerning law enforcement; relating to criminal history record information; requiring the retention of fingerprint information; participation in the rap back program; limiting access to fingerprints and records relating to fingerprints; relating to privacy rights on real property; imposing restrictions on surveillance by employees of the Kansas department of wildlife and parks; expanding the jurisdiction and powers of law enforcement officers; relating to search and seizure; extending the time within which a search warrant may be executed; clarifying information exchange in investigations of child abuse between the Kansas department for children and families and law enforcement agencies; directing the department to release certain information to law enforcement agencies; amending K.S.A. 38-2210, 38-2211, 38-2212 and 72-6146 and K.S.A. 2021 Supp. 22-2401a and 22-2506 and repealing the existing sections.

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

New Section 1. (a) (1) An applicant, employee or volunteer who is subject to a criminal history record check shall provide to the requesting authorized entity written consent to obtain the applicant's, employee's or volunteer's fingerprints to conduct a criminal history record check and participate in the rap back program for the purpose of determining suitability or fitness for a permit, license, employment or volunteer service.

(2) An authorized entity shall notify each applicant, employee or volunteer subject to a criminal history record check:

(A) That fingerprints shall be retained by the Kansas bureau of investigation and the federal bureau of investigation for all current and future purposes and uses authorized for fingerprint submission; and

(B) when fingerprints will be enrolled in the rap back program.

(b) Fingerprints and records relating to fingerprints obtained by the Kansas bureau of investigation for a fingerprint-based criminal history record check shall be searched against:

(1) Known criminal fingerprints to determine if a criminal history record exists; and

(2) latent fingerprints entered into the unsolved latent fingerprint file.

(c) (1) A criminal history record check shall only be completed for the purpose for which such check was requested. Any additional record checks shall require the submission of a new set of fingerprints.

(2) An authorized entity enrolled in rap back shall immediately notify the Kansas bureau of investigation when such entity is no longer entitled to receive criminal history record information relating to a particular person enrolled in rap back. The Kansas bureau of investigation shall cancel the enrollment, and updates to criminal history record information shall no longer be provided to such entity.

(d) (1) Fingerprints and records relating to fingerprints acquired by the Kansas bureau of investigation shall be available only to authorized entities entitled to obtain the information. No employee of the Kansas bureau of investigation shall disclose any records of fingerprints or records relating to the fingerprints acquired in the performance of any of the employee's duties under this section to any person not authorized to receive the information pursuant to state or federal law. No person acquiring the records of fingerprints, records relating to fingerprints or any information concerning any individual shall disclose such information to any person who is not authorized to receive such information.

(2) Any intentional disclosure of such information in violation of this section is a class A nonperson misdemeanor.

(e) As used in this section:

(1) "Authorized entity" means an agency or entity with authorization under state or federal law to conduct a fingerprint-based criminal history record check;

(2) "criminal history record check" means the submission of fingerprints and demographic information by an authorized entity to the Kansas bureau of investigation for the purpose of receiving criminal history record results; and

(3) "rap back" means the state or federal system that enables an authorized entity to receive ongoing notifications of criminal history record updates for individuals whose fingerprints are enrolled.

New Sec. 2. (a) Except as provided in subsection (b), no employee of the Kansas department of wildlife and parks authorized to enforce the laws of the state of Kansas pursuant to K.S.A. 32-808, and amendments thereto, shall conduct surveillance on private property unless authorized pursuant to a lawfully issued warrant, court order or subpoena, the constitution of the United States or one of the following exceptions to the search warrant requirement:

(1) Exigent circumstances;

(2) consent searches; or

(3) the plain view doctrine.

(b) The provisions of subsection (a) shall not apply to any activities of:

(1) A wildlife biologist or a bio-technician when the primary purpose of the surveillance is to track wildlife movement or migration; or

(2) an employee of the Kansas department of wildlife and parks when the primary purpose of the surveillance is to locate and retrieve a missing person.

(c) As used in this section:

(1) "Surveillance" means the installation and use of electronic equipment or devices on private property, including, but not limited to, the installation and use of a tracking device, video camera or audio recording

device, to monitor activity or collect information related to the enforcement of the laws of the state of Kansas.

(2) "Tracking device" means the same as defined in K.S.A. 22-2502, and amendments thereto.

Sec. 3. K.S.A. 2021 Supp. 22-2401a is hereby amended to read as follows: 22-2401a. *(a)* (1) Law enforcement officers employed by consolidated county law enforcement agencies or departments and sheriffs and their deputies may exercise ~~their powers as~~ *the powers and authority of* law enforcement officers~~:~~

~~(a)~~ — anywhere within their county~~; and~~

~~(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person~~.

(2) Law enforcement officers employed by any city may exercise ~~their powers as~~ *the powers and authority of* law enforcement officers~~:~~

~~(a)~~ — anywhere within the city limits of the city employing them and outside of such city when on property owned or under the control of such city~~; and~~

~~(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person~~.

~~(3) (a)~~ *(b) (1)* Law enforcement officers employed by a Native American Indian Tribe may exercise *the* powers *and authority* of law enforcement officers anywhere within the exterior limits of the reservation of the tribe employing such tribal law enforcement officer, subject to the following:

~~(i)~~*(A)* The provisions of ~~subsection (3)(a)~~ *this paragraph* shall be applicable only as long as such Native American Indian Tribe maintains in force a valid and binding agreement with an insurance carrier to provide liability insurance coverage for damages arising from the acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section and waives its tribal immunity, as provided in ~~subsection (3)(b)~~ *paragraph (2)*, for any liability for damages arising from the acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section. Such insurance policy shall: ~~(A) (1)~~ *(i) (a)* Be in an amount not less than $500,000 for any one person and $2,000,000 for any one occurrence for personal injury and $1,000,000 for any one occurrence for property damage; ~~(2)~~ *(b)* be in an amount not less than $2,000,000 aggregate loss limit; and ~~(3)~~ *(c)* carry an endorsement to provide coverage for mutual aid assistance; and ~~(B)~~ *(ii)* include an endorsement providing that the insurer may not invoke tribal sovereign immunity up to the limits of the policy set forth herein. Any insurance carrier providing to a tribe the liability insurance coverage described in this

subsection shall certify to the attorney general that the tribe has in effect coverage which complies with the requirements of this subsection. Such carrier shall notify the attorney general immediately by first class mail if for any reason such coverage terminates or no longer complies with the requirements of this subsection.

~~(ii)~~*(B)* The provisions of ~~subsection (3)(a)~~ *this paragraph* shall be applicable only if such Native American Indian Tribe has filed with the county clerk a map clearly showing the boundaries of the tribe's reservation as defined in this section.

~~(b)~~*(2)* If a claim is brought against any tribal law enforcement agency or officer for acts committed by such agency or officer while acting pursuant to this section, such claim shall be subject to disposition as if the tribe was the state pursuant to the Kansas tort claims act, provided that such act shall not govern the tribe's purchase of insurance. The tribe shall waive its sovereign immunity solely to the extent necessary to permit recovery under the liability insurance, but not to exceed the policy limits.

~~(c)~~*(3)* Nothing in this subsection ~~(3)~~ shall be construed to prohibit any agreement between any state, county or city law enforcement agency and any Native American Indian Tribe.

~~(d)~~*(4)* Nothing in this subsection ~~(3)~~ shall be construed to affect the provision of law enforcement services outside the exterior boundaries of reservations so as to affect in any way the criteria by which the United States department of the interior makes a determination regarding placement of land into trust.

~~(e)~~*(5)* Neither the state nor any political subdivision of the state shall be liable for any act or failure to act by any tribal law enforcement officer.

~~(4)~~*(c)* University police officers employed by the chief executive officer of any state educational institution or municipal university may exercise ~~their powers as~~ *the powers and authority of* university police officers:

~~(a)~~*(1)* On property owned, occupied or operated by the state educational institution or municipal university, by a board of trustees of the state educational institution, an endowment association, an affiliated corporation, an athletic association, a fraternity, sorority or other student group associated with the state educational institution or municipal university or at the site of a function or academic program sponsored by the state educational institution or municipal university;

~~(b)~~*(2)* on the streets, property and highways immediately adjacent to and coterminous with the property described in ~~subsection (4)(a)~~ *paragraph (1)*;

~~(c)~~*(3)* within the city or county where ~~such property as described in this subsection~~ *property described in paragraph (1) or (2)* is located, as necessary to protect the health, safety and welfare of students and faculty of the state educational institution or municipal university, with appropriate

agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the chief executive officer of the state educational institution or municipal university involved before such agreement may take effect;

~~(d)~~*(4)* additionally, when there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in ~~subsection (4)(a) or (b)~~ *paragraph (1) or (2)*, such officers with appropriate notification of, and coordination with, local law enforcement agencies or departments, may investigate and arrest persons for such a violation anywhere within the city where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. University police officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located. University police officers at the university of Kansas medical center may provide emergency transportation of medical supplies and transplant organs; and

~~(e)~~*(5)* additionally, pursuant to a written agreement between the university of Kansas hospital authority and the university of Kansas medical center, university police officers employed by the university of Kansas medical center may exercise their powers as law enforcement officers on property owned, occupied or operated by the university of Kansas healthcare system or university of Kansas hospital authority as authorized by this section and K.S.A. 76-726 and 76-3314, and amendments thereto.

~~(5)~~*(d)(1)* In addition to the areas where law enforcement officers may exercise ~~their powers~~ *the powers and authority of law enforcement officers* pursuant to subsection ~~(2)~~ *(a)(2)*, law enforcement officers of any jurisdiction within Johnson or Sedgwick county may exercise ~~their powers as~~ *the powers and authority of* law enforcement officers in any area within the respective county when executing a valid arrest warrant or search warrant, to the extent necessary to execute such warrants.

~~(6) In addition to the areas where university police officers may exercise their powers pursuant to subsection (4), university police officers may exercise the powers of law enforcement officers in any area outside their normal jurisdiction when a request for assistance has been made by law enforcement officers from the area for which assistance is requested.~~

~~(7)~~*(2)* In addition to the areas where law enforcement officers may exercise ~~their powers~~ *the powers and authority of law enforcement officers* pursuant to subsection ~~(2)~~ *(a)(2)*, law enforcement officers of any jurisdiction within Johnson county may exercise ~~their powers as~~ *the pow-*

ers and authority as law enforcement officers in any adjoining city within Johnson county when any crime, including a traffic infraction, has been or is being committed by a person in view of the law enforcement officer. A law enforcement officer shall be considered to be exercising such officer's powers pursuant to subsection ~~(2)~~ *(a)(2)*, when such officer is responding to the scene of a crime, even if such officer exits the city limits of the city employing the officer and further reenters the city limits of the city employing the officer to respond to such scene.

~~(8)~~*(e)* Campus police officers employed by a community college or school district may exercise the ~~power~~ *powers* and authority of law enforcement officers anywhere:

~~(a)~~*(1)* On property owned, occupied or operated by the school district or community college or at the site of a function sponsored by the school district or community college;

~~(b)~~*(2)* on the streets, property and highways immediately adjacent to and coterminous with property described in ~~subsection (8)(a)~~ *paragraph (1)*;

~~(c)~~*(3)* within the city or county where property described in ~~subsection (8)(a)~~ *paragraph (1) or (2)* is located, as necessary to protect the health, safety and welfare of students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved; *and*

~~(d)~~*(4)* with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in ~~subsection (8)(a) or (8)(b)~~ *paragraph (1) or (2)* is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation~~;~~

~~(e) when in fresh pursuit of a person; and~~

~~(f) when transporting persons in custody to an appropriate facility, wherever it may be located~~.

~~(9)~~*(f)* TAG law enforcement officers employed by the adjutant general may exercise ~~their powers as police~~ *the powers and authority of law enforcement* officers anywhere:

~~(a)~~*(1)* On property owned or under the control of the Kansas national guard or any component under the command of the adjutant general;

~~(b)~~*(2)* on the streets, property and highways immediately adjacent to property owned or under the control of the Kansas national guard;

(3) within the city or county where ~~such property as described in subsection (9)(a) or (b)~~ *property described in paragraph (1) or (2)* is located, as necessary to protect such property; or to protect the health, safety and welfare of members of the national guard, reserve or employees of the United States department of defense, the United States department of homeland security or any branch of the United States military, with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the adjutant general before such agreement may take effect~~. In addition~~*; and*

(4) additionally, when there is reason to believe that a violation of a state law, a county resolution or a city ordinance has occurred on property described in ~~subsection (9)(a) or (b)~~ *paragraph (1) or (2)*, after providing appropriate notification to, and coordination with, local law enforcement agencies or departments, such officers may investigate and arrest persons for such a violation anywhere within the city or county where such property, streets and highways are located. ~~Such officers also may exercise such powers in any other place when in fresh pursuit of a person. TAC law enforcement officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located.~~

~~(10)~~*(g)* Horsethief reservoir benefit district law enforcement officers may exercise the ~~power~~ *powers* and authority of law enforcement officers anywhere:

~~(a)~~*(1)* On property owned, occupied or operated by the benefit district or at the site of a function sponsored by the benefit district;

~~(b)~~*(2)* on the streets, property and highways immediately adjacent to and coterminous with property described in ~~subsection (10)(a)~~ *paragraph (1)*;

~~(c)~~*(3)* within the city or county where property described in ~~subsection (10)(a)~~ *paragraph (1) or (2)* is located, as necessary to protect the health, safety and welfare of benefit district employees, board members, volunteers and visitors, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the governing board of the horsethief reservoir benefit district; *and*

~~(d)~~*(4)* with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in ~~subsection (10)(a) or (10)(b)~~ *paragraph (1) or (2)* is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation~~;~~

~~(e) when in fresh pursuit of a person; and~~

~~(f) when transporting persons in custody to an appropriate facility, wherever it may be located~~.

~~(11)~~*(h) All law enforcement officers not otherwise provided statewide jurisdiction may exercise the powers and authority of law enforcement officers anywhere when:*

(1) A request for assistance has been made by law enforcement officers from the area for which assistance is requested;

(2) in fresh pursuit of a person;

(3) transporting persons in custody to an appropriate facility, wherever such facility may be located; and

(4) investigating a crime that occurred within the law enforcement officer's jurisdiction, with appropriate notification to and coordination with a local law enforcement agency with jurisdiction where the investigation is to be conducted.

(i) In addition to the jurisdictional authority provided in this section and any other provision of law, all law enforcement officers may exercise the powers and authority of law enforcement officers when outside their described jurisdiction and when an activity is observed leading the officer to reasonably suspect a person is committing, has committed or is about to commit a crime and reasonably believe that a person is in imminent danger of death or bodily injury without immediate action, subject to the following:

(1) The officer is in an on-duty status, traveling in a law enforcement vehicle to or from work or traveling to a training or law enforcement function outside their jurisdiction;

(2) the officer reports the activity and their actions to a law enforcement agency with jurisdiction;

(3) the officer remains at the location of the activity and cooperates with officers responding from the jurisdiction of occurrence;

(4) the officer is in uniform or otherwise properly identified as a law enforcement officer; and

(5) the agency employing the officer may impose additional restrictions through written policies.

(j) As used in this section:

~~(a)~~*(1)* "Law enforcement officer" means:~~(i)~~ *(A)* Any law enforcement officer as defined in K.S.A.~~22-2202~~ *74-5602*, and amendments thereto, *who is employed by a law enforcement agency described in this section*;

or ~~(ii)~~ *(B)* any tribal law enforcement officer who is employed by a Native American Indian Tribe and has completed successfully the initial and any subsequent law enforcement training required under the Kansas law enforcement training act.

~~(b)~~*(2)* "University police officer" means a police officer employed by the chief executive officer of: ~~(i)~~ *(A)* Any state educational institution under the control and supervision of the state board of regents; or ~~(ii)~~ *(B)* a municipal university.

~~(c)~~*(3)* "Campus police officer" means a school security officer designated as a campus police officer pursuant to K.S.A. 72-6146, and amendments thereto.

~~(d)~~*(4)* "Fresh pursuit" means pursuit, without unnecessary delay, of a person who has committed a crime, or who is reasonably suspected of having committed a crime.

~~(e)~~*(5)* "Native American Indian Tribe" means the Prairie Band Potawatomi Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of Missouri and the Iowa Tribe of Kansas and Nebraska.

~~(f)~~*(6)* "Reservation" means:

~~(i)~~*(A)* With respect to the Iowa Tribe of Kansas and Nebraska, the reservation established by treaties with the United States concluded May 17, 1854, and March 6, 1861;

~~(ii)~~*(B)* with respect to the Kickapoo Nation, the reservation established by treaty with the United States concluded June 28, 1862;

~~(iii)~~*(C)* with respect to the Prairie Band Potawatomi Nation in Kansas, the reservation established by treaties with the United States concluded June 5, 1846, November 15, 1861, and February 27, 1867; and

~~(iv)~~*(D)* with respect to the Sac and Fox Nation of Missouri in Kansas and Nebraska: ~~(A)~~ *(i)* The reservation established by treaties with the United States concluded May 18, 1854, and March 6, 1861, and by acts of Congress of June 10, 1872 (17 Stat. 391), and August 15, 1876 (19 Stat. 208); and ~~(B)~~ *(ii)* the premises of the gaming facility established pursuant to the gaming compact entered into between such nation and the state of Kansas, and the surrounding parcel of land held in trust which lies adjacent to and east of U.S. Highway 75 and adjacent to and north of Kansas Highway 20, as identified in such compact.

~~(g)~~*(7)* "TAG law enforcement officer" means a police officer employed by the adjutant general pursuant to K.S.A. 48-204, and amendments thereto.

~~(h)~~*(8)* "Horsethief reservoir benefit district law enforcement officer" means a police officer employed by the horsethief reservoir benefit district pursuant to K.S.A. 82a-2212, and amendments thereto.

Sec. 4. K.S.A. 2021 Supp. 22-2506 is hereby amended to read as follows: 22-2506. (a) A search warrant shall be executed within ~~96 hours~~ *240*

hours from the time of issuance. If the warrant is executed the duplicate copy shall be left with any person from whom any things are seized or if no person is available the copy shall be left at the place from which the things were seized. Any warrant not executed within such time shall be void and shall be returned to the court of the magistrate issuing the same as "not executed."

(b) (1) A search warrant for a tracking device issued pursuant to ~~subsection (a)(2) of~~ K.S.A. 22-2502*(a)(2)*, and amendments thereto, shall be sealed by the court and no copy left or served except as discovery in a criminal prosecution.

(2) The law enforcement officer executing a search warrant issued pursuant to ~~subsection (a)(2) of~~ K.S.A. 22-2502*(a)(2)*, and amendments thereto, shall complete the installation of the tracking device within 15 days from the date of issuance. Such officer shall record on such warrant the exact date and time such tracking device was installed and the entire period during which such tracking device was used.

(3) (A) A tracking device shall be deactivated and removed as soon as practicable after the search warrant has expired. If removal of such tracking device is not possible, such tracking device shall be deactivated and shall not be reactivated without an additional warrant or extension of the original warrant and the search warrant return shall state the reasons removal has not been completed.

(B) A tracking device which has been deactivated may be accessed after the authorized warrant has expired solely for the purpose of collecting or retrieving tracking data obtained during the period specified by the search warrant.

(c) As used in this section:

(1) "Deactivate" means to discontinue the ability of a tracking device to determine or track the position or movement of a person or object; and

(2) "tracking data" and "tracking device" ~~have the same meanings~~ *mean the same* as defined in K.S.A. 22-2502, and amendments thereto.

Sec. 5. K.S.A. 38-2210 is hereby amended to read as follows: 38-2210. To facilitate investigation and ensure the provision of necessary services to children who may be in need of care and such children's families, the following persons and entities with responsibilities concerning a child who is alleged or adjudicated to be in need of care shall freely exchange information:

(a) The secretary.

(b) The secretary of corrections.

(c) ~~The~~ *A* law enforcement agency *investigating or* receiving such report. *Such information shall include information and records disclosed pursuant to K.S.A. 38-2212(e), and amendments thereto.*

(d) Members of a court appointed multidisciplinary team.

(e) An entity mandated by federal law or an agency of any state authorized to receive and investigate reports of a child known or suspected to be in need of care.

(f) A military enclave or Indian tribal organization authorized to receive and investigate reports of a child known or suspected to be in need of care.

(g) A county or district attorney with responsibility for filing a petition pursuant to K.S.A. 38-2214, and amendments thereto.

(h) A court services officer who has taken a child into custody pursuant to K.S.A. 38-2231, and amendments thereto.

(i) An intake and assessment worker.

(j) Any community corrections program which has the child under court ordered supervision.

(k) The department of health and environment or persons authorized by the department of health and environment pursuant to K.S.A. 65-512, and amendments thereto, for the purpose of carrying out responsibilities relating to licensure or registration of child care providers as required by article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(l) The interstate compact for juveniles compact administrator for the purpose of carrying out the responsibilities related to the interstate compact for juveniles.

Sec. 6. K.S.A. 38-2211 is hereby amended to read as follows: 38-2211. (a) *Access to the official file.* The following persons or entities shall have access to the official file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceedings, including the presiding judge and any court personnel designated by the judge.

(2) The parties to the proceedings and their attorneys.

(3) The guardian ad litem for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) Any individual, or any public or private agency or institution, having custody of the child under court order or providing educational, medical or mental health services to the child or any placement provider or potential placement provider as determined by the secretary or court services officer.

(6) A citizen review board.

(7) The secretary of corrections or any agents designated by the secretary of corrections.

(8) Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties.

(9) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(10) 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.

(11) An investigating law enforcement agency.

(b) *Access to the social file.* The following persons or entities shall have access to the social file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceeding, including the presiding judge and any court personnel designated by the judge.

(2) The attorney for a party to the proceeding or the person or persons designated by an Indian tribe that is a party.

(3) The guardian ad litem for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) A citizen review board.

(6) The secretary.

(7) The secretary of corrections or any agents designated by the secretary of corrections.

(8) Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties or interested parties.

(9) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(10) An investigating law enforcement agency.

(c) *Preservation of records.* The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas code for care of children whenever such records otherwise would be destroyed. No such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 70 years after creation of the records, except as provided in subsections (a) and (b). Pursuant to subsections (a)(9) and (b)(9), a judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas code for care of children.

Sec. 7. K.S.A. 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 *and shall be disclosed as provided in subsection (e)*. 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. 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 that 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 that 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 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 K.S.A. 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 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 persons as the information becomes available to the secretary:

(A) Strengths, needs and general behavior of the child;

(B) circumstances that necessitated placement;

(C) information about the child's family and the child's relationship to the family that may affect the placement;

(D) important life experiences and relationships that may affect the child's feelings, behavior, attitudes or adjustment;

(E) medical history of the child, including third-party coverage 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 K.S.A. 65-5603(a)(10) or 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 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 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 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 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) Law enforcement access. The secretary shall disclose confidential agency records of a child alleged or adjudicated to be a child in need of care, as described in K.S.A. 38-2209, and amendments thereto, to the law enforcement agency investigating the alleged or substantiated report or investigation of abuse or neglect, regardless of the disposition of such report or investigation. Such records shall include, but not be limited to, any information regarding such report or investigation, records of past reports or investigations concerning such child and such child's siblings and the perpetrator or alleged perpetrator and the name and contact information of the reporter or persons alleging abuse or neglect and case managers, investigators or contracting agency employees assigned to or investigating such report. Such records shall only be used for the purposes of investigating the alleged or substantiated report or investigation of abuse or neglect.

~~(e)~~*(f) 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. The court shall specify the terms of disclosure and impose appropriate limitations.

~~(f)~~*(g)* (1) Notwithstanding any other provision of law to the contrary, except as provided in paragraph (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.

(6) Nothing in this subsection shall allow the disclosure of reports, records or documents concerning the child and such child's biological parents 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. 8. K.S.A. 72-6146 is hereby amended to read as follows: 72-6146. (a) The board of education of any school district or the board of trustees of any community college may employ school security officers, and may designate any one or more of such school security officers as a campus police officer, to aid and supplement law enforcement agencies of the state and of the city and county in which the school district or community college is located.

(b) The protective function of school security officers shall extend to all property of the school district or community college and the protection of students, teachers and other employees together with the property of such persons on or in any school or community college property or areas adjacent thereto, or while attending or located at the site of any school or community college-sponsored function. While engaged in the protective functions specified in this section, each school security officer shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in every county in which there is located any part of the territory of the school district or community college.

(c) The protective function of campus police officers shall extend to all property of the school district or community college and the protection of students, teachers and other employees together with the property of such persons on or in any school or community college property or areas adjacent thereto, or while attending or located at the site of any school or community college-sponsored function. While engaged in the protective functions specified in this section, each campus police officer shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in every county in which there is located any part of the territory of the school district or community college, provided that such officer does not violate the memorandum of understanding approved by the superintendent of the school district pursuant to K.S.A. 72-6143(i), and amendments thereto.

~~(d) Campus police officers shall have the power and authority of law enforcement officers:~~

~~(1) On property owned, occupied or operated by the school district or community college or at the site of a function sponsored by the school district or community college;~~

~~(2) on the streets, property and highways immediately adjacent to and coterminous with property described in subsection (d)(1);~~

~~(3) within the city or county where property described in subsection (d)(1) is located, as necessary to protect the health, safety and welfare of~~

~~students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved;~~

~~(4) with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in subsection (d)(1) or (d)(2) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;~~

~~(5) when in fresh pursuit of a person; and~~

~~(6) when transporting persons in custody to an appropriate facility, wherever it may be located.~~

~~(e)~~ In addition to enforcement of state law, county resolutions and city ordinances, campus police officers shall enforce rules and regulations and rules and policies of the board of trustees or school board, whether or not violation thereof constitutes a criminal offense. While on duty, campus police officers shall wear and display publicly a badge of office. No such badge shall be required to be worn by any plain clothes investigator or departmental administrator, but any such officer shall present proper credentials and identification when required in the performance of such officer's duties. In performance of any of the powers, duties and functions authorized by this section, K.S.A. 22-2401a, and amendments thereto, or any other law, campus police officers shall have the same rights, protections and immunities afforded other law enforcement officers.

~~(f)~~*(e)* The board of education of each school district shall adopt a policy providing for notification of a student's parents or guardians whenever the student is taken into custody by a campus police officer.

Sec. 9. K.S.A. 38-2210, 38-2211, 38-2212 and 72-6146 and K.S.A. 2021 Supp. 22-2401a and 22-2506 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 18, 2022.

CHAPTER 79

Senate Substitute for HOUSE BILL No. 2361
(Amended by Chapter 88)

AN ACT concerning courts; relating to specialty court programs; authorizing the supreme court to adopt rules related thereto; establishing the specialty court funding advisory committee and the specialty court resources fund; relating to law libraries; removing the requirement that all district court judges serve on the board of trustees of the Douglas county law library; authorizing courts to order defendants to participate in specialty court programs; allowing expungement of certain convictions when defendants complete the requirements of such programs; amending K.S.A. 2021 Supp. 20-3127, 21-6604 and 21-6614 and repealing the existing sections.

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

New Section 1. (a) The supreme court shall adopt rules for the establishment and operation of one or more specialty court programs within the state. The chief judge of a judicial district may establish a specialty court program in accordance with the rules adopted by the supreme court.

(b) (1) There is hereby established a specialty court funding advisory committee within the judicial branch. The committee shall:

(A) Evaluate resources available for assessment and treatment of people assigned to specialty courts or for the operation of specialty courts;

(B) secure grants, funds and other property and services necessary or advantageous to facilitate the operation of specialty courts;

(C) recommend to the judicial administrator the allocation of resources among the various specialty courts operating within the state; and

(D) recommend legislation and rules to aid the development of specialty courts.

(2) The committee shall consist of the following members:

(A) The chairperson of the standing committee on judiciary in the house of representatives, or the chairperson's designee;

(B) the chairperson of the standing committee on judiciary in the senate, or the chairperson's designee;

(C) the chairperson of the legislative budget committee created pursuant to K.S.A. 46-1208, and amendments thereto, or the chairperson's designee;

(D) one member of the legislature from the minority party appointed jointly by the minority leader in the house of representatives and the minority leader in the senate;

(E) five members appointed by the chief justice of the supreme court, including one representative of the prosecutors throughout the state and one representative of the criminal defense attorneys throughout the state;

(F) one member appointed by the secretary of corrections who shall serve as an ex officio, nonvoting member;

(G) one member appointed by the secretary for aging and disability services who shall serve as an ex officio, nonvoting member; and

(H) a drug and alcohol addiction treatment provider appointed by the Kansas sentencing commission who shall serve as an ex officio, nonvoting member.

(3) Three members appointed by the chief justice shall be appointed for a term of three years. Two members appointed by the chief justice shall be appointed for a term of two years. The ex officio, nonvoting members shall be appointed for a term of two years. Members shall serve until a qualified successor is appointed. Vacancies shall be filled in the same manner as provided in this subsection. Members of the committee shall be appointed prior to August 1, 2022.

(4) The chief justice of the supreme court shall designate the chairperson of the committee.

(5) The office of judicial administration may provide technical assistance to the committee.

(6) All members of the committee who are not judicial members shall receive compensation, travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto. Judicial members shall receive reimbursement for travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto.

(7) Nothing in this section shall prohibit any judicial district, local government or the judicial branch from directly applying for, receiving and retaining funding to facilitate the operation of specialty courts. Funds received by a judicial district or local government shall not be remitted to the state treasurer in accordance with this section.

(c) (1) There is hereby established the specialty court resources fund in the state treasury which shall be administered by the judicial administrator. All expenditures from the specialty court resources fund shall be for the purpose of operating specialty court programs established pursuant to this section, including administrative costs related to such programs. 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 judicial administrator or the judicial administrator's designee.

(2) Funds acquired through appropriations, grants, gifts, contributions and other public or private sources that are designated for specialty court operations 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 specialty court resources fund.

(d) (1) If a person is sentenced to participate in a specialty courts program pursuant to K.S.A. 2021 Supp. 21-6604, and amendments thereto, and the person successfully completes such program, the person's sentence may be reduced or modified.

(2) Nothing in this subsection shall be construed to authorize a judge to impose, modify or reduce a sentence below the minimum sentence required by law.

(e) For the purposes of this section, "specialty court" means a district court program that uses therapeutic or problem-solving procedures to address underlying factors that may be contributing to a person's involvement in the judicial system, including, but not limited to, mental illness or drug, alcohol or other addictions. Procedures may include treatment, mandatory periodic testing for prohibited drugs or other substances, community supervision and appropriate sanctions and incentives.

Sec. 2. K.S.A. 2021 Supp. 20-3127 is hereby amended to read as follows: 20-3127. (a) Except as provided further, all fees collected pursuant to K.S.A. 20-3126, and amendments thereto, shall be used to establish and maintain the county law library. A board of trustees, appointed as provided in this section, shall have the management and control of such library and shall use the fees paid for registration, and all other sums, books, or library materials or equipment donated or provided by law, for the purpose of establishing and maintaining such library in the county courthouse or other suitable place to be provided and maintained by the county commissioners of such county, including acquiring and maintaining materials and technology that may, at the discretion of the board of trustees, be loaned to library users for use outside the premises of the library. The district judge or district judges of the district court, members of the bar who have registered and paid the fee provided for in K.S.A. 20-3126, and amendments thereto, judges of all other courts in the county and county officials shall have the right to use the library in accordance with the rules and regulations established by the board of trustees. The board of trustees shall develop guidelines to provide members of the public reasonable access to the law library.

(b) *(1)* The board of trustees of any law library established or governed under this act~~, and amendments thereto,~~ in Johnson ~~and~~, Sedgwick *and Douglas* counties shall consist of *the following* five members~~.~~*:*

(A) Two ~~of which shall be~~ judges of the district court, appointed by a consensus of all judges of the district court in ~~those counties,~~ *such county;* and

(B) three ~~of which shall be~~ members of ~~the Johnson or Sedgwick county~~ *such county's* bar association, appointed by selection of the county bar association pursuant to the ~~Johnson or Sedgwick~~ county bar association's bylaws for two-year terms.

(2) The board of trustees of the law library in all other counties shall consist of the district judge or judges of the district court presiding in such county and not less than two attorneys who shall be elected for two-year terms by a majority of the attorneys residing in the county.

(c) The clerk of the district court of the county shall be treasurer of the library and shall safely keep the funds of such library and disburse them as the trustees shall direct. The clerk shall be liable on an official bond for any failure, refusal or neglect in performing such duties.

(d) The board of county commissioners of any county designated an urban area pursuant to K.S.A. 19-2654, and amendments thereto, wherein an election has been held to come under the provisions of this act is hereby authorized to appoint, by and with the advice and consent of the board of trustees of the law library of such county, a librarian, who shall act as custodian of the law library of such county and shall assist in the performance of the clerk's duties as treasurer thereof, and such assistants as are necessary to perform the duties of administering the law library. The librarian and any assistants so appointed shall be employees of the county under the supervision of the board of county commissioners, or the board's designated official, with the advice and recommendations of the board of trustees of the law library, and shall be subject to the personnel policies and procedures established by the board of county commissioners for all employees of the county. The librarian and any assistants shall receive as compensation such salaries and benefits as established by the law library board of trustees, subject to the approval of the board of county commissioners, which shall be payable from the general fund of the county, through the county payroll process, from funds budgeted and made available by the law library board of trustees for that purpose through the collection of fees or other funds authorized by this act.

(e) All attorneys registered under this act shall not be liable to pay any occupational tax or city license fees levied under the laws of this state by any municipality.

(f) (1) Except as provided by subsection (f)(2), the board of trustees of a county law library established pursuant to this section may authorize the chief judge of the judicial district to use fees collected pursuant to K.S.A. 20-3126, and amendments thereto, for the purpose of facilitating and enhancing functions of the district court of the county. No judge shall participate in any decision made by the board of trustees of a county law library pursuant to this paragraph to authorize the chief judge of the judicial district to use fees collected pursuant to K.S.A. 20-3126, and amendments thereto.

(2) The provisions of subsection (f)(1) shall not apply to the board of trustees of any law library established in Johnson and Sedgwick counties.

Sec. 3. K.S.A. 2021 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 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. 2021 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. 2021 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 that 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. 2021 Supp. 21-5911, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire that has been determined to be arson or aggravated arson as defined in K.S.A. 2021 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 that 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. 2021 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) *order the defendant to participate in a specialty court program pursuant to section 1, and amendments thereto;*

(14) impose any appropriate combination of *paragraphs* (1)~~, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12)~~ *through (13)*; or

~~(14)~~*(15)* 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. Restitution shall be due immediately unless: (A) The court orders that the defendant be given a specified time to pay or be allowed to pay in specified installments; or (B) the court finds compelling circumstances that would render restitution unworkable, either in whole or in part. In regard to a violation of K.S.A. 2021 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 identi-

fication 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. 2021 Supp. 21-5801, 21-5807, 21-5813 or 21-5818, 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 restitution unworkable, either in whole or in part, 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 that 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 restitution order, 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 judicial administrator pursuant to K.S.A. 20-169, 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.

(3) If a restitution order entered prior to the effective date of this act does not give the defendant a specified time to pay or set payment in specified installments, the defendant may file a motion with the court prior to December 31, 2020, proposing payment of restitution in specified installments. The court may recall the restitution order from the agent assigned pursuant to K.S.A. 20-169, and amendments thereto, until the court rules on such motion. If the court does not order payment in specified installments or if the defendant does not file a motion prior to December 31, 2020, the restitution shall be due immediately.

(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. 2021 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 that 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. 2021 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 when 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. 2021 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 presumes 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. 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 presumes 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 obliga-

tions, 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. 2021 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.

(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. 2021 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. 2021 Supp. 21-6824, and amendments thereto, or prior to revocation of a nonprison 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 that 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) *(1)* 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)~~*(A)* 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 that 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 that 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. 2021 Supp. 21-6824, and amendments thereto; and

~~(2)~~*(B)* otherwise meets admission criteria of the camp.

(2) 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. 2021 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. 2021 Supp. 21-6630 and 21-6805(f), and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2021 Supp. 21-5706, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 2021 Supp. 21-6824, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 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. 2021 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), 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. 2021 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 provided in paragraph (1), the judge of the court in which such person was convicted may enter an order that 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 or-

der 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. 2021 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. 2021 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 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 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.

(u) In addition to any of the above, the court shall authorize an additional 18 days of confinement in a county jail to be reserved for sanctions

as set forth in K.S.A. 22-3716(b)(3)(B), (b)(4) or (c)(1)(B), and amendments thereto.

(v) The amendments made to this section by ~~this act~~ *section 1 of chapter 9 of the 2020 Session Laws of Kansas* are procedural in nature and shall be construed and applied retroactively.

Sec. 4. K.S.A. 2021 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, postrelease 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.

(3) Notwithstanding the provisions of subsection (a)(1), and except as provided in subsections (b), (c), (d), (e) and (f), any person who has completed the requirements of a specialty court program established pursuant to section 1, and amendments thereto, may petition the district court for the expungement of the conviction and related arrest records. The court may waive all or part of the docket fee imposed for filing a petition pursuant to this subsection.

(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. 2021 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, parole, 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. 2021 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state that 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 that 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 that 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 that 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. 8-1603, prior to its repeal, or K.S.A. 8-1602 or 8-1604, and amendments thereto, or required by a law of another state that 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, 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, 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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. 2021 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, 2019, through June 30, 2025, 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) *(A)* 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 *if the petition is filed under subsection (a)(1) or (a)(2); or*

(B) no proceeding involving a felony is presently pending or being instituted against the petitioner if the petition is filed under subsection (a)(3);

(2) the circumstances and behavior of the petitioner warrant the expungement;

(3) the expungement is consistent with the public welfare; and

(4) with respect to petitions seeking expungement of a felony conviction, possession of a firearm by the petitioner is not likely to pose a threat to the safety of the public.

(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 that shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency that 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. 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; or

(K) to aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A. 2021 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 that 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 cor-

rections 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) A person whose arrest record, conviction or diversion of a crime that resulted in such person being prohibited by state or federal law from possessing a firearm has been expunged under this statute shall be deemed to have had such person's right to keep and bear arms fully restored. This restoration of rights shall include, but not be limited to, the right to use, transport, receive, purchase, transfer and possess firearms. The provisions of this paragraph shall apply to all orders of expungement, including any orders issued prior to July 1, 2021.

(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) (A) 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 act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A. 2021 Supp. 50-6,141, and amendments thereto; or

(B) the attorney general for any other purpose authorized by law, except that an expungement record shall not be the basis for denial of a license to carry a concealed handgun under the personal and family protection act; or

(17) the Kansas bureau of investigation, for the purpose of 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.

(m) (1) The provisions of subsection (l)(17) shall apply to records created prior to, on and after July 1, 2011.

(2) Upon the issuance of an order of expungement that resulted in the restoration of a person's right to keep and bear arms, the Kansas bureau of investigation shall report to the federal bureau of investigation that such expunged record be withdrawn from the national instant criminal background check system. The Kansas bureau of investigation shall include such order of expungement in the person's criminal history record for purposes of documenting the restoration of such person's right to keep and bear arms.

Sec. 5. K.S.A. 2021 Supp. 20-3127, 21-6604 and 21-6614 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 18, 2022.

CHAPTER 80

HOUSE BILL No. 2377
(Amended by Chapter 88)

AN ACT concerning conveyances; relating to aircraft; operating an aircraft under the influence; prescribing criminal and administrative penalties; providing for testing of blood, breath, urine or other bodily substances and preliminary screening tests of breath or oral fluid; relating to driving under the influence; authorizing reinstatement of a driver's license for certain persons with an ignition interlock device restriction; removing the motorized bicycle license option for persons whose driving privileges are suspended for a DUI-related offense; relating to commercial drivers' licenses; increasing the period of disqualification for certain offenses and allowing certain persons disqualified from driving a commercial motor vehicle to have commercial driving privileges restored; prohibiting prosecuting attorneys from concealing certain traffic violations from the CDLIS driver report; modifying the criminal penalties for driving a commercial motor vehicle under the influence and driving under the influence, authorizing courts to waive certain fines and clarifying that amendment or dismissal of certain charges is permitted; allowing persons with suspended driving privileges to seek driving privileges restricted to driving only a motor vehicle equipped with an ignition interlock device earlier in the suspension period; requiring persons with an ignition interlock device restriction to complete the ignition interlock device program before driving privileges are fully reinstated; providing that the highway patrol has oversight of state certification of ignition interlock manufacturers and their service providers; requiring the secretary of revenue to adopt certain rules and regulations related to ignition interlock device program costs; providing for reduced ignition interlock device program costs for certain persons; reducing the restricted driving privileges period for certain persons less than 21 years of age; clarifying that a city attorney or a county or district attorney shall not enter into a diversion agreement for certain traffic violations if the defendant is a commercial driver's license holder; amending K.S.A. 8-1016, 65-1,107 and 75-712h and K.S.A. 2021 Supp. 8-235, 8-241, 8-2,142, 8-2,144, 8-2,150, 8-1014, 8-1015, 8-1567, 8-1567a, 12-4415, 21-6604, 21-6804, 22-2908, 22-3437 and 60-427 and repealing the existing sections; also repealing K.S.A. 3-1001, 3-1002, 3-1003, 3-1004 and 3-1005.

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

New Section 1. (a) Operating an aircraft under the influence is operating or attempting to operate any aircraft 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, is 0.04 or more;

(2) the alcohol concentration in the person's blood or breath, as measured within four hours of the time of operating or attempting to operate an aircraft, is 0.04 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely operating an aircraft;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely operating an aircraft; 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 operating an aircraft.

(b) (1) Operating an aircraft under the influence is a class A nonperson misdemeanor, except as provided in subsection (b)(2).

(A) On a first conviction, 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.

(B) On second or subsequent conviction, 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. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.

(2) (A) Operating an aircraft under the influence is a severity level 6, nonperson felony if the offense occurred while the person convicted is prohibited from operating an aircraft:

(i) By a court order pursuant to this section; or

(ii) because such person's pilot license is revoked or suspended by an order of the federal aviation administration for a prior alcohol or drug-related conviction.

(B) The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.

(3) As part of the judgment of conviction, the court shall order the person convicted not to operate an aircraft for any purpose for a period of six months from the date of final discharge from the county jail, or the date of payment or satisfaction of such fine, whichever is later or one year from such date on a second conviction. If the court suspends the sentence and places the person on probation as provided by law, the court shall order as one of the conditions of probation that such person not operate an aircraft for any purpose for a period of 30 days from the date of the order on a first conviction or 60 days from the date of the order on a second conviction.

(4) For the purpose of determining whether an occurrence is a first, second or subsequent occurrence:

(A) "Conviction" includes entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging commission of a crime described in subsection (a); and

(B) it is irrelevant whether an offense occurred before or after conviction or diversion for a previous offense.

(c) If a person is charged with a violation of subsection (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.

New Sec. 2. (a) Any person who operates or attempts to operate an aircraft within this state may be requested, subject to the provisions of sections

1 through 4, and amendments thereto, 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 shall include all quantitative and qualitative tests for alcohol and drugs. The test shall 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) 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 section (1)(a), and amendments thereto, while having alcohol or 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 offense violation of any state statute, county resolution or city ordinance; or

(B) the person has been involved in an aircraft accident or crash resulting in property damage, personal injury 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 investigation or arrest.

(c) 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, nor limit the admissibility at any trial or hearing of alcohol or drug concentration testing results obtained pursuant to such a search.

(d) 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, nor limit the admissibility at any trial or hearing of alcohol or drug concentration testing results obtained pursuant to such a search.

(e) A law enforcement officer may direct a medical professional, as described in subsection (f), to draw one or more samples of blood from a person to determine the blood's alcohol or drug concentration if:

(1) The person has given consent and meets the requirements of subsection (b);

(2) law enforcement has obtained a search warrant authorizing the collection of blood from the person; or

(3) 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.

(f) If a law enforcement officer 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 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.

(g) 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 in this section 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 withdrawal of blood once presented with the written statement provided for under this subsection. The medical professional shall not require the person 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. 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.

(h) 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 healthcare staff during the drawing of the sample and without interfering with medical treatment.

(i) (1) If a law enforcement officer is authorized to collect one or more tests of urine, the collection of the urine sample shall be supervised by:

(A) 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;

(B) a registered nurse or a licensed practical nurse; or

(C) a law enforcement officer of the same sex as the person being tested.

(2) The collection of the urine sample shall be conducted out of the view of any person other than the person 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.

(3) 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.

(4) 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 (g) and (i) shall apply to the collection of a urine sample.

(j) No law enforcement officer who is acting in accordance with this section shall be liable in any civil or criminal proceeding involving the action.

(k) 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 an aircraft while under the influence of alcohol or drugs, or a combination of alcohol and any drug or drugs.

(l) No test shall be suppressed because of irregularities not affecting the substantial rights of the accused in the consent or notice authorized pursuant to this section.

(m) 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.

(n) 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.

(o) The person tested shall have a reasonable opportunity to have an additional chemical test by a physician of such person's own choosing. If the law enforcement officer refuses to permit such additional chemical test to be taken, the original test shall not be competent evidence.

(p) (1) The testing and method of testing consented to under this section shall not be considered to have been conducted for any medical care or treatment purpose. The results of such test, the person's name whose bodily substance is drawn or tested, the location of the test or procedure, the names of all health care providers and personnel who participated in the procedure or test and the date and time of the test or procedure are required by law to be provided to the requesting law enforcement

officer or the law enforcement officer's designee after the requesting law enforcement officer has complied with this section.

(2) All costs of conducting any procedure or test requested by a law enforcement agency and authorized by this section, including the costs of the evidence collection kits, shall be charged to and paid by the county where the alleged offense was committed. Such county may be reimbursed such costs upon the costs being paid by the defendant as court costs assessed pursuant to K.S.A. 28-172a, and amendments thereto.

(3) The cost assessed under this section shall be the then-current medicaid rate for any such procedure or test, or both.

(4) Notwithstanding any other law to the contrary, the collection and delivery of the sample and required information to the law enforcement officer pursuant to this section shall not be subject to the physician-patient privilege or any other law that prohibits the transfer, release or disclosure of the sample or of the required information.

(q) 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, healthcare 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 this section, 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.

(r) Sections 1 through 4, and amendments thereto, are remedial law and shall be liberally construed to promote public health, safety and welfare.

New Sec. 3. (a) A law enforcement officer may request a person who is operating or attempting to operate an aircraft within this state to submit to a preliminary screening test of the person's breath or oral fluid, or both, if the officer has reasonable suspicion to believe the person has been operating or attempting to operate an aircraft while under the influence of alcohol or drugs, or a combination of alcohol and any drug or drugs.

(b) If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by section 2, and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of an aircraft except

to aid the court in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to section 2, and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to section 2, and amendments thereto.

(c) Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto. Any preliminary screening of a person's oral fluid shall be conducted in accordance with rules and regulations, if any, approved pursuant to K.S.A. 75-712h, and amendments thereto.

New Sec. 4. As used in sections 1 through 4, and amendments thereto:

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

(b) "Drug" includes toxic vapors as such term is defined in K.S.A. 2021 Supp. 21-5712, and amendments thereto.

(c) "Imprisonment" includes 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.

(d) "Law enforcement officer" means the same as in K.S.A. 2021 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 section 1, and amendments thereto, if committed off a military reservation in this state.

(e) "Other competent evidence" includes:

(1) Alcohol concentration tests obtained from samples taken four hours or more after the operation or attempted operation of an aircraft; and

(2) readings obtained from a partial alcohol concentration test on a breath testing machine.

(f) "Test refusal" 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 section 2, and amendments thereto, and includes refusal of any such test on a military reservation.

New Sec. 5. (a) Any person whose license is restricted to operating only a motor vehicle with an ignition interlock device installed and who meets the requirements of subsection (b) may request reinstatement of such person's driver's license by submitting a request to the division in a form and manner prescribed by the division.

(b) The division shall approve the request for reinstatement of the person's driver's license if the division determines all the following conditions are met:

(1) The person's ignition interlock device restriction period has been extended at least five years, not including any period of incarceration, be-

yond the initial ignition interlock device restriction period required by law due to the person's failure to provide the division with proof of completion of the ignition interlock device program as required by K.S.A. 8-1015, and amendments thereto;

(2) during the person's ignition interlock device restriction period and any extension thereof, the person has not had an alcohol or drug-related conviction or occurrence, as those terms are defined by K.S.A. 8-1013, and amendments thereto, or a conviction of a violation of K.S.A. 8-1017, and amendments thereto, or of a law of another state, or of a political subdivision thereof, that prohibits the acts prohibited by K.S.A. 8-1017, and amendments thereto;

(3) during the person's ignition interlock device restriction period and any extension thereof, the person has not had any of the following:

(A) Conviction of a violation of K.S.A. 8-1599, and amendments thereto;

(B) conviction of a violation of K.S.A. 41-727, and amendments thereto;

(C) conviction of any violation listed in K.S.A. 8-285(a), and amendments thereto;

(D) conviction of two or more moving traffic violations committed on separate occasions; or

(E) revocation, suspension, cancellation or withdrawal of the person's driving privileges due to another action by the division or a court; and

(4) at the time of submitting the request to the division, the person does not have any pending charges or proceedings involving any violation listed in subsection (b)(2) or (3).

Sec. 6. K.S.A. 2021 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 shall be the holder of a driver's license that is classified for the operation of such motor vehicle, and any person operating in this state a motorcycle that is registered in this state shall be the holder of a class M driver's license.

(d) No person shall drive any motorized bicycle upon a highway of this state unless such person:

(1) Has a valid driver's license that 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 shall clearly indicate that such license is valid only for the operation of motorized bicycles; *or*

(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, 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 to such person a class C license, which shall clearly indicate that 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 shall clearly indicate that 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~~ *is* a class B *nonperson* misdemeanor.

Sec. 7. K.S.A. 2021 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, 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 nonjudicial 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~~ *highway patrol* only for the purpose of funding the administration and oversight of state certified ignition interlock manufacturers and their service providers.

Sec. 8. K.S.A. 2021 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 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, and amendments thereto, or of a violation of an 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 *occurring on or after July 1, 2003*.

(d) *(1)* ~~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~~*Any person disqualified for life under subsection (c) who seeks to have commercial driving privileges restored after such person has been disqualified for at least 10 years shall apply in writing to the division.*

(2) The division shall restore a person's commercial driving privileges if the division determines:

(A) None of the occurrences that led to the person's lifetime disqualification under subsection (c) included violations described in subsection (a)(1)(A) or (a)(1)(E);

(B) the person has had no occurrence of any offense, test refusal or test failure specified in subsection (a) during the 10-year period preceding the application;

(C) the person has had no alcohol or drug related convictions as defined in K.S.A. 8-2,128, and amendments thereto, in Kansas or any other jurisdiction during the 10-year period preceding the application;

(D) the person has no pending alcohol or drug related criminal charges in Kansas or any other jurisdiction;

(E) the person has had no convictions for violations that occurred while operating a commercial motor vehicle in Kansas or any other jurisdiction during the 10-year period preceding the application;

(F) the person has successfully completed an alcohol or drug treatment program, or a comparable program, that meets or exceeds the minimum standards approved by the Kansas department for aging and disability services if any of the disqualifying offenses were drug or alcohol related;

(G) the person is no longer a threat to the public safety of this state. The division may request, and the person shall provide, any additional information or documentation which the division deems necessary to determine the person's fitness for relicensure;

(H) the person is otherwise eligible for licensure; and

(I) the person has not previously been restored to commercial motor vehicle privileges following a prior 10-year-minimum disqualification.

(3) For purposes of verifying a person's prior 10-year alcohol and drug history, the person shall provide a copy of the person's closed criminal history from any jurisdiction to the division.

(4) If the division finds the person is eligible for restoration to commercial driving status, such person shall complete the written and driving skills examinations as specified in K.S.A. 8-2,133, and amendments thereto, before a commercial driver license is issued.

(5) If the person is found ineligible for restoration of commercial driving privileges, the division shall notify the person of such findings by certified mail and continue the denial of commercial driving privilege until such ineligibility has been disproven to the division's satisfaction.

(6) Any person who previously had such person's commercial motor vehicle privileges restored pursuant to this statute shall not be eligible to apply for restoration if such person receives another lifetime disqualification.

(7) Any person who is aggrieved by the decision of the division may appeal for review in accordance with the Kansas judicial review act, K.S.A. 77-601 et seq., and amendments thereto.

(8) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection prior to March 1, 2023.

(e) *(1)* 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.

(2) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of trafficking in persons. The term "severe forms of trafficking in persons" means:

(A) Sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

(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~~*One hundred and eighty* days nor more than one year, if the driver is convicted of a first violation of an out-of-service order;

(B) ~~one year~~*two years* 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) *for persons*:

(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.

(n) If a person is disqualified for life under on subsection (c), and at least one of the disqualifying incidents occurred prior to July 1, 2003, the person may apply to the secretary of revenue for review of the incidents and modification of the disqualification. The secretary shall adopt rules and regulations establishing guidelines, including conditions, to administer this subsection prior to March 1, 2023.

Sec. 9. K.S.A. 2021 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 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 re-~~

~~lease 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. 2020 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;~~ *The following conditions shall apply to such sentence:*

(i) As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence; and

(C) on a third or subsequent conviction, a *severity level 6,* 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 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. 2020 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.~~ *The following conditions shall apply to such sentence:*

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device

that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.

(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. 2020 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. 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, 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) *(1)* 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.

(2) The court may, in its discretion, waive any portion of a fine imposed pursuant to this section, except the $250 required to be remitted to the state treasurer pursuant to subsection (q), upon a showing that the person successfully completed court-ordered education or treatment.

(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 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. *This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge.*

(m) The alternatives set out in subsection (a) may be pleaded in the alternative, and the state, city or county may, but shall not be required to, elect one or 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 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) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;

(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. ~~2020~~ *2021* Supp. 21-5405(a)(3) or (a)(5), and amendments thereto;

(D) aggravated battery as described in K.S.A. ~~2020~~ *2021* Supp. 21-5413(b)(3) or (b)(4), and amendments thereto; and

(E) 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 (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 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~~ *includes* 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. ~~2020~~ *2021* 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. 75-52,113, and amendments thereto.

Sec. 10. K.S.A. 2021 Supp. 8-2,150 is hereby amended to read as follows: 8-2,150. (a) A driver or a holder of a commercial driver's license may not enter into a diversion agreement in lieu of further criminal proceedings that would prevent such person's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law, except a parking violation, from appearing on the person's record, whether the person was convicted for an offense committed in the state where the person is licensed or another state.

(b) For purposes of subsection (a), a person shall be considered a holder of a commercial driver's license if the person was a holder of a commercial driver's license at the time the person was arrested or was issued a citation and shall remain a holder of a commercial driver's license even if the person surrenders the commercial driver's license after the arrest or citation.

(c) *(1) A prosecuting attorney as defined in K.S.A. 22-2202, and amendments thereto, shall not mask or defer imposition of judgment or allow an individual to enter into a diversion program that would prevent a commercial learner's permit or commercial driver's license holder's conviction from appearing on the CDLIS driver record of any violation of a state or local traffic control law that occurred in any type of motor vehicle. The provisions of this subsection shall apply regardless of whether the driver was convicted for an offense committed in the state where the driver is licensed or in any another state.*

(2) The provisions of this subsection shall not apply to parking, vehicle weight or vehicle defect violations.

(d) The provisions of this section shall be a part of and supplemental to the Kansas uniform commercial drivers' license act.

Sec. 11. K.S.A. 2021 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 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~~ *highway patrol* 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, 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) *(1)* 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.

(2) If a person's driving privileges are subject to restriction pursuant to this section for a test failure or alcohol or drug-related conviction aris-

ing 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 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 K.S.A. 8-1015(a), and amendments thereto.

Sec. 12. K.S.A. 2021 Supp. 8-1015 is hereby amended to read as follows: 8-1015. (a) (1) ~~Except as provided in subsection (a)(2),~~ Whenever a person's driving privileges have been suspended ~~for one year~~ as provided in K.S.A. 8-1014~~(a)~~, and amendments thereto, ~~after 90 days of such suspension,~~ such person may apply to the division for such person's driving privileges to be restricted for the ~~remainder of the one year~~ suspension period to driving only a motor vehicle equipped with an ignition interlock device ~~and only for the purposes of getting to and from: Work, school or an alcohol treatment program; and the ignition interlock provider for maintenance and downloading of data from the device~~.

~~(2) Whenever a person's driving privileges have been suspended for one year as provided in K.S.A. 8-1014(a)(1), and amendments thereto, after 90 days of such suspension, such person may apply to the division for such person's driving privileges to be restricted for the remainder of the one-year suspension period to driving only a motor vehicle equipped with an ignition interlock device and only: Under the circumstances provided by K.S.A. 8-292(a)(1), (2), (3) and (4), and amendments thereto; and for the purpose of getting to and from the ignition interlock provider for maintenance and downloading of data from the device.~~

~~(3) Except as provided in subsection (a)(4), whenever a person's driving privileges have been suspended for one year as provided in K.S.A. 8-1014(b), and amendments thereto, after 45 days of such suspension, such person may apply to the division for such person's driving privileges to be restricted for the remainder of the one-year suspension period to driving only a motor vehicle equipped with an ignition interlock device and only for the purposes of getting to and from: Work, school or an alcohol treatment program; and the ignition interlock provider for maintenance and downloading of data from the device.~~

~~(4) Whenever a person's driving privileges have been suspended for one year as provided in K.S.A. 8-1014(b)(2)(A), and amendments thereto, after 45 days of such suspension, such person may apply to the division for such person's driving privileges to be restricted for the remainder of the one-year suspension period to driving only a motor vehicle equipped with an ignition interlock device and only: Under the circumstances provided by K.S.A. 8-292(a)(1), (2), (3) and (4), and amendments thereto; and for the purpose of getting to and from the ignition interlock provider for maintenance and downloading of data from the device.~~

~~(5)~~*(2)* The division shall assess an application fee of $100 for a person to apply to modify the suspension to restricted ignition interlock status.

~~(6)~~*(3)* The division shall approve the request for such restricted license unless such person's driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court. If the request is approved, upon receipt of proof of the installation of such device, the division shall issue a copy of the order imposing such restrictions on the person's driving privileges and such order shall be carried by the person at any time the person is operating a motor vehicle on the highways of this state. Except as provided in K.S.A. 8-1017, and amendments thereto, if such person is convicted of a violation of the restrictions, such person's driving privileges shall be suspended for an additional year, in addition to any term of suspension or restriction as provided in K.S.A. 8-1014(a) or (b), and amendments thereto.

(b) (1) Except as provided in subsection (b)(2), when a person has completed the suspension pursuant to K.S.A. 8-1014(b)(1)(A), and amendments

thereto, the division shall restrict the person's driving privileges for 180 days to driving only a motor vehicle equipped with an ignition interlock device.

(2) When a person has completed the suspension pursuant to K.S.A. 8-1014(b)(1)(A), and amendments thereto, the division shall restrict the person's driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device if the records maintained by the division indicate that such person has previously:

(A) Been convicted of a violation of K.S.A. 8-1599, and amendments thereto;

(B) been convicted of a violation of K.S.A. 41-727, and amendments thereto;

(C) been convicted of any violations listed in K.S.A. 8-285(a), and amendments thereto;

(D) been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period; or

(E) had such person's driving privileges revoked, suspended, canceled or withdrawn.

(c) Except as provided in subsection (b), when a person has completed the suspension pursuant to K.S.A. 8-1014(a) or (b), and amendments thereto, the division shall restrict the person's driving privileges pursuant to K.S.A. 8-1014(a) or (b), and amendments thereto, to driving only a motor vehicle equipped with an ignition interlock device. Upon restricting a person's driving privileges pursuant to this subsection, the division shall issue a copy of the order imposing the restrictions which is required to be carried by the person at any time the person is operating a motor vehicle on the highways of this state.

(d) *(1)* Whenever an ignition interlock device is required by law, such ignition interlock device shall be approved by the ~~division~~ *highway patrol* and maintained at the person's expense. Proof of the installation of such ignition interlock device, for the entire period required by the applicable law, shall be provided to the division before the person's driving privileges are fully reinstated.

(2) Every person who has an ignition interlock device installed as required by law shall be required to complete the ignition interlock device program pursuant to *this section and* rules and regulations adopted by the secretary of revenue ~~and proof of completion shall be provided to the division by~~. *A person may only complete the ignition interlock device program if the person has not more than two standard violations and no serious violation in the 90 consecutive days prior to application for reinstatement and the application occurs upon or after expiration of the applicable ignition interlock period required by law.* The approved service provider *shall provide proof of completion to the division* before the person's driving privileges are fully reinstated.

(3) As used in this subsection:

(A) "Standard violation" means any of the following, as reported by the approved service provider:

(i) The driver has blown a BrAC fail when attempting an initial engine start-up breath test;

(ii) the driver has blown a BrAC fail when attempting a required rolling retest;

(iii) the driver fails to execute a valid rolling retest;

(iv) the driver fails to submit to a requested rolling retest by turning the vehicle off to avoid submitting to the rolling retest; or

(v) the driver has blown a high BrAC during an initial engine start-up breath test;

(B) "serious violation" means any of the following, as reported by the approved service provider:

(i) Tampering with the ignition interlock device;

(ii) circumventing the ignition interlock device; or

(iii) the driver has blown a high BrAC during a rolling retest;

(C) "BrAC" means the breath alcohol concentration expressed as weight divided by volume, based upon grams of alcohol per 210 liters of breath;

(D) "BrAC fail" means the ignition interlock device registers a BrAC value equal to or greater than the alcohol setpoint, as defined in rules and regulations adopted by the secretary of revenue, when the intended driver conducts an initial test or retest;

(E) "high BrAC" means a BrAC fail result that registers an alcohol setpoint of 0.08 or greater; and

(F) "rolling retest" means a breath test that is required after the initial engine start-up breath test and while the engine is running.

(e) Except as provided further, any person whose license is restricted to operating only a motor vehicle with an ignition interlock device installed may operate an employer's vehicle without an ignition interlock device installed during normal business activities, provided that the person does not partly or entirely own or control the employer's vehicle or business. The provisions of this subsection shall not apply to any person whose driving privileges have been restricted for the remainder of the one-year suspension period as provided in subsection (a)(1)~~ or (a)(3)~~.

(f) Upon expiration of the~~ period of time for which restrictions are imposed pursuant to this section~~ *applicable ignition interlock period required by law and completion of the ignition interlock device program as described in subsection (d)*, the licensee may apply to the division for the return of any license previously surrendered by the licensee. If the license has expired, the person may apply to the division for a new license, which shall be issued by the division upon payment of the proper fee and

satisfaction of the other conditions established by law, unless the person's driving privileges have been suspended or revoked prior to expiration.

(g) Any person who has had the person's driving privileges suspended, restricted or revoked pursuant to K.S.A. 8-1014(a), (b) or (c), prior to the amendments by section 16 of chapter 172 of the 2012 Session Laws of Kansas and section 14 of chapter 105 of the 2011 Session Laws of Kansas, may apply to the division to have the suspension, restriction or revocation penalties modified in conformity with the provisions of K.S.A. 8-1014(a), (b) or (c), and amendments thereto. The division shall assess an application fee of $100 for a person to apply to modify the suspension, restriction or revocation penalties previously issued. The division shall modify the suspension, restriction or revocation penalties, unless such person's driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court.

(h) The division shall remit all application fees collected pursuant to subsections (a) and (g) 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 shall credit such moneys to the division of vehicles operating fund until an aggregate amount of $100,000 is credited to the division of vehicles operating fund each fiscal year. On and after an aggregate amount of $100,000 is credited to such fund each fiscal year, the entire amount of such remittance shall be credited to the community corrections supervision fund created by K.S.A. 75-52,113, and amendments thereto. The application fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such application. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

Sec. 13. K.S.A. 8-1016 is hereby amended to read as follows: 8-1016. (a) The ~~secretary of revenue may~~ *superintendent of the highway patrol may* adopt rules and regulations for:

(1) The approval by the ~~division~~ *highway patrol* of models and classes of ignition interlock devices suitable for use by persons whose driving privileges have been restricted to driving a vehicle equipped with such a device;

(2) the calibration and maintenance of such devices, which shall be the responsibility of the manufacturer; ~~and~~

(3) ensuring that each manufacturer ~~approved~~ provides a reasonable statewide service network where such devices may be obtained, repaired, replaced or serviced and such service network can be accessed 24 hours per day through a toll-free phone service*;*

(4) the requirements for proper use and maintenance of a certified ignition interlock device by a person during any time period the person's

license is restricted by the division to only operating a motor vehicle with an ignition interlock device installed; and

(5) the reporting requirements for the manufacturer to the division and the highway patrol relating to a person's proper use and maintenance of a certified ignition interlock device.

(b) In adopting rules and regulations for approval of ignition interlock devices under ~~this section~~ *subsection (a)*, the ~~secretary of revenue~~ *superintendent of the highway patrol* shall require that the manufacturer or the manufacturer's representatives calibrate and maintain the devices at intervals not to exceed 60 days. Calibration and maintenance shall include, but not be limited to*:* Physical inspection of the device, the vehicle and wiring of the device to the vehicle for signs of tampering~~,~~*;* calibration of the device and downloading of all data contained within the device's memory*;* and reporting of any violation or noncompliance to the division *and the highway patrol*.

~~(4) The division shall adopt by rules and regulations participant requirements for proper use and maintenance of a certified ignition interlock device during any time period the person's license is restricted by the division to only operating a motor vehicle with an ignition interlock device installed and by rules and regulations the reporting requirements of the approved manufacturer to the division relating to the person's proper use and maintenance of a certified ignition interlock device.~~

~~(5) The division shall require that each manufacturer provide a credit of at least 2% of the gross program revenues in the state as a credit for those persons who have otherwise qualified to obtain an ignition interlock restricted license under this act who are indigent as evidenced by qualification and eligibility for the federal food stamp program.~~

~~(b)~~*(c) (1)* If the ~~division~~ *highway patrol* approves an ignition interlock device in accordance with rules and regulations adopted under ~~this section~~ *subsection (a)*, the ~~division~~ *highway patrol* shall give written notice of the approval to the manufacturer of the device. Such notice shall be admissible in any civil or criminal proceeding in this state.

~~(c)~~*(2)* The manufacturer of an ignition interlock device shall reimburse the ~~division~~ *highway patrol* for any cost incurred in approving or disapproving such device under this section.

(d) Neither the state nor any agency, officer or employee thereof shall be liable in any civil or criminal proceeding arising out of the use of an ignition interlock device approved under this section.

(e) All rules and regulations of the secretary of revenue adopted pursuant to this section, prior to its amendment by this act, that are described in subsection (a) and are in effect on June 30, 2022, shall be deemed to be the rules and regulations of the superintendent of the highway patrol and shall continue to be effective until amended, revoked or nullified pursuant to law.

(f) (1) Any person whose license is restricted to operating only a motor vehicle with an ignition interlock device installed may request reduced ignition interlock device program costs by submitting a request to the division in a form and manner prescribed by the division. The division shall review each request submitted pursuant to this subsection to determine whether the person is eligible for reduced ignition interlock device program costs. A person shall be eligible for reduced ignition interlock device program costs if the:

(A) Person's annual household income is less than or equal to 150% of the federal poverty level;

(B) person is enrolled in the food assistance, child care subsidy or cash assistance program pursuant to K.S.A. 39-709, and amendments thereto; or

(C) person is currently eligible for the low income energy assistance program as determined by the department for children and families.

(2) If the division determines that the person is eligible for reduced ignition interlock device program costs, the person shall be responsible for paying 50% of the program costs. The manufacturer providing the person's device shall adjust the manufacturer's charge for services accordingly.

(3) The secretary of revenue shall adopt rules and regulations prior to March 1, 2023, establishing the requirements and guidelines for receiving reduced ignition interlock device program costs pursuant to this subsection.

(g) As used in this section, "federal poverty level" means the most recent poverty income guidelines published in the calendar year by the United States department of health and human services.

Sec. 14. K.S.A. 2021 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 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. 2020 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. 2020 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;~~ *The following conditions shall apply to such sentence:*

(i) As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto;

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence;

(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. 2020 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;~~ *The following conditions shall apply to such sentence:*

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence;

(D) on a third conviction, a *severity level 6,* 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. 2020 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 bound-~~

~~aries 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~~. *The following conditions shall apply to such sentence:*

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence; and

(E) on a fourth or subsequent conviction, a *severity level 6,* 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. 2020 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.~~ *The following conditions shall apply to such sentence:*

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.

(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. ~~2020~~ *2021* 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 *may refuse to admit the person to the designated facility and place the person in a different state facility, or admit the person and subsequently transfer the person to a different state facility, if the secretary* 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~~ *has failed* 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. ~~2020~~ *2021* 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 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 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 subsection (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) *(1)* 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.

(2) The court may, in its discretion, waive any portion of a fine imposed pursuant to this section, except the $250 required to be remitted to the state treasurer pursuant to subsection (q)(2), upon a showing that the person successfully completed court-ordered education or treatment.

(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 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) Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto;

(B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;

(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. ~~2020~~ *2021* Supp. 21-5405(a)(3) or (a)(5), and amendments thereto;

(D) aggravated battery as described in K.S.A. ~~2020~~ *2021* Supp. 21-5413(b)(3) or (b)(4), and amendments thereto; and

(E) 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 an offense 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 jurisdiction that would constitute an offense that is comparable to the offense described in subsection (i)(1) or (i)(2);

(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, 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.

(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. *This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge.*

(o) The alternatives set out in subsection (a) may be pleaded in the alternative, and the state, city or county may, but shall not be required to, elect one or more of such alternatives prior to submission of the case to the fact finder.

(p) 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~~ *includes* 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. ~~2020~~ *2021* Supp. 21-5712, and amendments thereto.

(q) (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. 75-52,113, and amendments thereto.

Sec. 15. K.S.A. 2021 Supp. 8-1567a is hereby amended to read as follows: 8-1567a. (a) It shall be unlawful for any person less than 21 years of age to operate or attempt to operate a vehicle in this state with a breath or blood alcohol content of .02 or greater.

(b) Whenever a law enforcement officer determines that a breath or blood alcohol test is to be required of a person less than 21 years of age pursuant to K.S.A. 8-1001 or K.S.A. 8-2,142, and amendments thereto, in addition to any other notices required by law, the law enforcement officer shall provide written and oral notice that:

(1) It is unlawful for any person less than 21 years of age to operate or attempt to operate a vehicle in this state with a breath or blood alcohol content of .02 or greater; and

(2) if the person is less than 21 years of age at the time of the test request and submits to and completes the test or tests and the test results show an alcohol concentration of .02 or greater, but less than .08, on the person's first occurrence, the person's driving privileges will be suspended for 30 days and on the person's second or subsequent occurrence, the person's driving privileges shall be suspended for one year.

(c) Any suspension and restriction of driving privileges pursuant to this section shall be in addition to any disqualification from driving a commercial motor vehicle pursuant to K.S.A. 8-2,142, and amendments thereto.

(d) Whenever a breath or blood alcohol test is requested pursuant to K.S.A. 8-1001, and amendments thereto, from a person less than 21 years of age, and results in a test result of .02 or greater, but less than .08, a law enforcement officer's certification under this section shall be prepared. The certification required by this section shall be signed by one or more officers to certify that:

(1) (A) There existed reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or to believe that the person had 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 or was 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;

(B) the person had been placed under arrest, was in custody or had been involved in a vehicle accident or collision;

(C) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001, and amendments thereto, and the oral and written notice required by this section;

(D) that the person was less than 21 years of age at the time of the test request; and

(E) the result of the test showed that the person had an alcohol concentration of .02 or greater in such person's blood or breath.

(2) With regard to a breath test, in addition to those matters required to be certified under subsection (d)(1), that:

(A) The testing equipment used was certified by the Kansas department of health and environment;

(B) the testing procedures used were in accordance with the requirements set out by the Kansas department of health and environment; and

(C) the person who operated the testing equipment was certified by the Kansas department of health and environment to operate such equipment.

(e) If a hearing is requested as a result of a law enforcement officer's certification under this section, the scope of the hearing shall be limited to whether:

(1) A law enforcement officer had reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or to believe that the person had 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 or was 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;

(2) the person had been placed under arrest, was in custody or was involved in a motor vehicle accident or collision resulting in property damage, personal injury or death;

(3) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001, and amendments thereto, and the oral and written notice required by this section;

(4) the testing equipment used was reliable;

(5) the person who operated the testing equipment was qualified;

(6) the testing procedures used were reliable;

(7) the test result determined that the person had an alcohol concentration of .02 or greater in such person's blood or breath;

(8) the person was operating a vehicle; and

(9) the person was less than 21 years of age at the time a test was requested.

(f) If a person less than 21 years of age submits to a breath or blood alcohol test requested pursuant to K.S.A. 8-1001 or K.S.A. 8-2,142, and amendments thereto, and produces a test result of .02 or greater, but less than .08, on the person's first occurrence, the person's driving privileges shall be suspended for 30 days and then restricted as provided by K.S.A. 8-1015, and amendments thereto, for an additional ~~330~~ *180* days, and on the person's second or subsequent occurrence, the person's driving privileges shall be suspended for one year.

(g) Except where there is a conflict between this section and K.S.A. 8-1001 and 8-1002, and amendments thereto, the provisions of K.S.A. 8-1001 and 8-1002, and amendments thereto, shall be applicable to proceedings under this section.

(h) Any determination under this section that a person less than 21 years of age had a test result of .02 or greater, but less than .08, and any resulting administrative action upon the person's driving privileges, upon the first occurrence of such test result and administrative action, shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of ~~subsection (4)(a) of~~ K.S.A. 40-277*(4)(a)*, and amendments thereto.

Sec. 16. K.S.A. 2021 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 *as defined in K.S.A. 12-4413, and amendments thereto,* 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 *as defined in K.S.A. 12-4413, and amendments thereto,* 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, and amendments thereto, or of a law of another state, or of a political subdivision thereof, ~~which~~ *that* 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 *to another person* or death.

(c) *A city attorney shall not enter into a diversion agreement in lieu of further criminal proceedings on a complaint or traffic citation alleging a violation of an ordinance of any city or resolution of any county that prohibits the acts prohibited under chapter 8 of the Kansas Statutes Annotated, and amendments thereto, if the defendant was a commercial driver's license holder at the time the violation was committed or at any subsequent time prior to being considered for diversion.*

(d) As used in this section, "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. ~~2020~~ *2021* Supp. 21-6630, and amendments thereto.

Sec. 17. K.S.A. 2021 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 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. 2021 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. 2021 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 that 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. 2021 Supp. 21-5911, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire that has been determined to be arson or aggravated arson as defined in K.S.A. 2021 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 inves-

tigation that 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. 2021 Supp. 21-6804(i), and amendments thereto, assign the defendant to *a* 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 *paragraphs* (1)~~, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and~~ *through* (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. Restitution shall be due immediately unless: (A) The court orders that the defendant be given a specified time to pay or be allowed to pay in specified installments; or (B) the court finds compelling circumstances that would render restitution unworkable, either in whole or in part. In regard to a violation of K.S.A. 2021 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. 2021 Supp. 21-5801, 21-5807, 21-5813 or 21-5818, 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 restitution unworkable, either in whole or in part, 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 that 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 restitution order, 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 judicial administrator pursuant to K.S.A. 20-169, 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.

(3) If a restitution order entered prior to the effective date of this act does not give the defendant a specified time to pay or set payment in specified installments, the defendant may file a motion with the court prior to December 31, 2020, proposing payment of restitution in specified installments. The court may recall the restitution order from the agent assigned pursuant to K.S.A. 20-169, and amendments thereto, until the court rules on such motion. If the court does not order payment in specified installments or if the defendant does not file a motion prior to December 31, 2020, the restitution shall be due immediately.

(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. 2021 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 that 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 man-

ifest 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. 2021 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 when the ~~defendant~~ *offender* would have been on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony had the ~~defendant~~ *offender* not been granted release by the court pursuant to K.S.A. 2021 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 presumes 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. 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 presumes 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. 2021 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.

(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. 2021 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. 2021 Supp. 21-6824, and amendments thereto, or prior to revocation of a nonprison 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 that 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 that 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 that 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. 2021 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. 2021 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. 2021 Supp. 21-6630 and 21-6805(f), and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2021 Supp. 21-5706, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 2021 Supp. 21-6824, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 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. 2021 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), 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. 2021 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 provided in paragraph (1), the judge of the court in which such person was convicted may enter an order that 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. 2021 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. 2021 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 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 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.

(u) In addition to any of the above, the court shall authorize an additional 18 days of confinement in a county jail to be reserved for sanctions as set forth in K.S.A. 22-3716(b)(3)(B), (b)(4) or (c)(1)(B), and amendments thereto.

(v) The amendments made to this section by ~~this act~~ *section 1 of chapter 9 of the 2020 Session Laws of Kansas* are procedural in nature and shall be construed and applied retroactively.

Sec. 18. K.S.A. 2021 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

Category → / Severity Level ↓	A	B	C	D	E	F	G	H	I
	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	25 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	25 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.

(c) 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. ~~2020~~ *2021* 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).

(i) (1) The sentence for the violation of the felony provision of ~~K.S.A. 8-2,144 and 8-1567 and~~ K.S.A. ~~2020~~ *2021* Supp. 21-5414(b)(3), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. ~~2020~~ *2021* Supp. 21-6807, and amendments thereto.

(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. ~~2020~~ *2021* 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. ~~2020~~ *2021* 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. 8-2,144, and 8-1567 and~~ K.S.A. ~~2020~~ *2021* Supp. 21-5414(b)(3), 21-5823(b)(3) and (b)(4), 21-6412 and 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. 8-2,144 or 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. ~~2020~~ *2021* 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. ~~2020~~ *2021* 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. ~~2020~~ *2021* Supp. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. ~~2020~~ *2021* 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.

~~2020~~ *2021* Supp. 21-5807(a)(1) or (a)(2) or 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. ~~2020~~ *2021* 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. ~~2020~~ *2021* 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. ~~2020~~ *2021* 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. ~~2020~~ *2021* Supp. 21-5801, and amendments thereto, or burglary as defined in K.S.A. ~~2020~~ *2021* 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. ~~2020~~ *2021* Supp. 21-5801, and amendments thereto, or burglary as defined in K.S.A. ~~2020~~ *2021* Supp. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. ~~2020~~ *2021* 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. ~~2020~~ *2021* Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. ~~2020~~ *2021* Supp. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in K.S.A. ~~2020~~ *2021* 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. ~~2020~~ *2021* Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. ~~2020~~ *2021* 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~~ *aftercare* 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. ~~2020~~ *2021* 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. ~~2020~~ *2021* 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. ~~2020~~ *2021* Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. ~~2020~~ *2021* Supp. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in K.S.A. ~~2020~~ *2021* 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. ~~2020~~ *2021* Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. ~~2020~~ *2021* 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. ~~2020~~ *2021* 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. ~~2020~~ *2021* 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. ~~2020~~ *2021* Supp. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. ~~2020~~ *2021* Supp. 21-5301 and 21-5302, and amendments thereto, to com-

mit 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. ~~2020~~ *2021* Supp. 21-6107, and amendments thereto, or any attempt or conspiracy to commit 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 aggravated criminal damage to property as defined in K.S.A. ~~2020~~ *2021* Supp. 21-5813(b), and amendments thereto, when such person being sentenced has a prior conviction for any nonperson felony shall be presumptive imprisonment. 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. ~~2020~~ *2021* 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. ~~2020~~ *2021* 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. ~~2020~~ *2021* 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. 19. K.S.A. 2021 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, 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;

(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 *the complaint alleges that the defendant committed a*:

(1) ~~The complaint alleges a~~ Violation of K.S.A. 8-1567, 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 *to another person* or death;

(2) ~~the complaint alleges that the defendant committed a~~ *violation under chapter 8 of the Kansas Statutes Annotated, and amendments thereto, and the defendant was a commercial driver's license holder at the time the violation was committed or at any subsequent time prior to being considered for diversion;*

(3) 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)~~*(4)* ~~the complaint alleges a~~ domestic violence offense, as defined in K.S.A. ~~2020~~ *2021* 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," "polytrauma," "post-traumatic stress disorder" and "traumatic brain injury" ~~shall~~ mean the same as ~~such terms are defined~~ in K.S.A. ~~2020~~ *2021* Supp. 21-6630, and amendments thereto.

Sec. 20. K.S.A. 2021 Supp. 22-3437 is hereby amended to read as follows: 22-3437. (a) (1) In any hearing or trial, a report concerning forensic examinations and certificate of forensic examination executed pursuant to this section shall be admissible in evidence if the report and certificate are

prepared and attested by a criminalist or other employee of the Kansas bureau of investigation, Kansas highway patrol, Johnson County sheriff's laboratory, Sedgwick County regional forensic science center, or any laboratory of the federal bureau of investigation, federal postal inspection service, federal bureau of alcohol, tobacco and firearms or federal drug enforcement administration. If the examination involves a breath test for alcohol content, the report must also be admissible pursuant to K.S.A. 8-1001, and amendments thereto, *or section 2, and amendments thereto,* and be conducted by a law enforcement officer or other person who is certified by the department of health and environment as a breath test operator as provided by K.S.A. 65-1,107 et seq., and amendments thereto.

(2) Upon the request of any law enforcement agency, such person as provided in paragraph (1) performing the analysis shall prepare a certificate. Such person shall sign the certificate under oath and shall include in the certificate an attestation as to the result of the analysis. The presentation of this certificate to a court by any party to a proceeding shall be evidence that all of the requirements and provisions of this section have been complied with. This certificate shall be supported by a written declaration pursuant to K.S.A. 53-601, and amendments thereto, or shall be sworn to before a notary public or other person empowered by law to take oaths and shall contain a statement establishing the following: The type of analysis performed; the result achieved; any conclusions reached based upon that result; that the subscriber is the person who performed the analysis and made the conclusions; the subscriber's training or experience to perform the analysis; the nature and condition of the equipment used; and the certification and foundation requirements for admissibility of breath test results, when appropriate. When properly executed, the certificate shall, subject to the provisions of paragraph (3) and notwithstanding any other provision of law, be admissible evidence of the results of the forensic examination of the samples or evidence submitted for analysis and the court shall take judicial notice of the signature of the person performing the analysis and of the fact that such person is that person who performed the analysis.

(3) Whenever a party intends to proffer in a criminal or civil proceeding, a certificate executed pursuant to this section, notice of an intent to proffer that certificate and the reports relating to the analysis in question, including a copy of the certificate, shall be conveyed to the opposing party or parties at least 21 days before the beginning of a hearing where the proffer will be used. An opposing party who intends to object to the admission into evidence of a certificate shall give notice of objection and the grounds for the objection within 14 days upon receiving the adversary's notice of intent to proffer the certificate. Whenever a notice of objection is filed, admissibility of the certificate shall be determined not later than

two days before the beginning of the trial. A proffered certificate shall be admitted in evidence unless it appears from the notice of objection and grounds for that objection that the conclusions of the certificate, including the composition, quality or quantity of the substance submitted to the laboratory for analysis or the alcohol content of a blood or breath sample will be contested at trial. A failure to comply with the time limitations regarding the notice of objection required by this section shall constitute a waiver of any objections to the admission of the certificate. The time limitations set forth in this section may be extended upon a showing of good cause.

(b) (1) In any hearing or trial where there is a report concerning forensic examinations from a person as provided in ~~paragraph (1) of~~ subsection (a)*(1)*, district and municipal courts may, upon request of either party, use two-way interactive video technology, including internet-based videoconferencing, to take testimony from that person if the testimony is in relation to the report.

(2) The use of any two-way interactive video technology must be in accordance with any requirements and guidelines established by the office of judicial administration, and all proceedings at which such technology is used in a district court must be recorded verbatim by the court.

Sec. 21. K.S.A. 2021 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, 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*, or section 2, 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 obtaining 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. 2021 Supp. 21-5708, and amendments thereto.

Sec. 22. K.S.A. 65-1,107 is hereby amended to read as follows: 65-1,107. The secretary of health and environment may adopt rules and regulations establishing:

(a) The procedures, testing protocols and qualifications of authorized personnel, instruments and methods used in laboratories performing tests for the presence of controlled substances included in schedule I or II of the uniform controlled substances act or metabolites thereof;

(b) the procedures, testing protocols, qualifications of personnel and standards of performance in the testing of human breath for law enforcement purposes, including procedures for the periodic inspection of apparatus, equipment and devices, other than preliminary screening devices, approved by the secretary of health and environment for the testing of human breath for law enforcement purposes;

(c) the requirements for the training, certification and periodic testing of persons who operate apparatus, equipment or devices, other than preliminary screening devices, for the testing of human breath for law enforcement purposes;

(d) criteria for preliminary screening devices for testing of breath for law enforcement purposes, based on health and performance considerations; and

(e) a list of preliminary screening devices which are approved for testing of breath for law enforcement purposes and which law enforcement agencies may purchase and train officers to use as aids in determining:

(1) Probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001, and amendments thereto*, or section 3, and amendments thereto*; and

(2) violations of K.S.A. 41-727, and amendments thereto.

Sec. 23. K.S.A. 75-712h is hereby amended to read as follows: 75-712h. The director of the Kansas bureau of investigation is authorized to adopt rules and regulations establishing:

(a) Criteria for preliminary screening devices for testing of oral fluid for law enforcement purposes, based on health and performance considerations; and

(b) a list of preliminary screening devices that are approved for testing of oral fluid for law enforcement purposes and that law enforcement agencies may purchase and train officers to use as aids in determining probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001, and amendments thereto*, or section 3, and amendments thereto*.

Sec. 24. K.S.A. 3-1001, 3-1002, 3-1003, 3-1004, 3-1005, 8-1016, 65-1,107 and 75-712h and K.S.A. 2021 Supp. 8-235, 8-241, 8-2,142, 8-2,144, 8-2,150, 8-1014, 8-1015, 8-1567, 8-1567a, 12-4415, 21-6604, 21-6804, 22-2908, 22-3437 and 60-427 are hereby repealed.

Sec. 25. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 18, 2022.

CHAPTER 81

House Substitute for Substitute for SENATE BILL No. 267

TO	SEC.
Adjutant general	113, 114, 166
Administration, department of	48, 49, 141, 142
Administrative hearings, office of	52, 53
Aging and disability services, Kansas department for	73, 74, 144
Agriculture, Kansas department of	126, 127, 128
Attorney general	30, 31
Attorney general—Kansas bureau of investigation	119, 120, 164
Barbering, Kansas board of	9
Behavioral sciences regulatory board	10
Blind, Kansas state school for the	80, 81, 147, 148
Children and families, Kansas department for	75, 76
Citizens' utility ratepayer board	47
Commerce, department of	60, 61, 142
Corporation commission, state	46
Corrections, department of	111, 112, 163
Cosmetology, Kansas state board of	12
Deaf, Kansas state school for the	82, 83, 149
Emergency medical services board	121
Emporia state university	94, 95, 151
Fair board, Kansas	129, 130, 167
Finance council, state	140
Fire marshal, state	115, 116
Fort Hays state university	86, 87, 152
Governmental ethics commission	20
Governor's department	27, 28, 29
Guardianship program, Kansas	77
Healing arts, state board of	11
Health and environment, department of—division of environment	71, 72, 143
Health and environment, department of—division of health care finance	69, 70
Health and environment, department of—division of public health	67, 68
Health care stabilization fund board of governors	36
Hearing instruments, Kansas board of examiners in fitting and dispensing of	14
Highway patrol, Kansas	117, 118, 165
Historical society, state	84, 85, 150
Housing resources corporation, Kansas	62
Human rights commission, Kansas	44, 45
Indigents' defense services, state board of	39, 40
Information security office, Kansas	51
Information technology services, office of	50
Insurance department	34, 35
Judicial branch	41, 42
Judicial council	38
Kansas state university	88, 89, 153
Kansas state university extension systems and agriculture research programs	90, 91, 154
Kansas state university veterinary medical center	92, 93, 155
Labor, department of	63, 64, 145
Legislative coordinating council	21, 22
Legislature	23, 24
Lottery, Kansas	58
Mortuary arts, state board of	13
Nursing, board of	15
Optometry, board of examiners in	16
Peace officers' standards and training, Kansas commission on	124, 125
Pharmacy, state board of	17
Pittsburg state university	96, 97, 156
Pooled money investment board	37
Post audit, division of	25, 26
Public employees retirement system, Kansas	43
Racing and gaming commission, Kansas	59
Real estate commission, Kansas	18
Regents, state board of	108, 109, 110, 160, 161, 162
Revenue, department of	56, 57
Secretary of state	4, 32
Sentencing commission, Kansas	122, 123
State bank commissioner	8
State library	78, 79
State treasurer	33
Tax appeals, state board of	54, 55
Transportation, Kansas department of	135, 136
University of Kansas	98, 99, 157
University of Kansas medical center	100, 101, 158
Veterans affairs office, Kansas commission on	65, 66, 146
Veterinary examiners, state board of	19
Water office, Kansas	131, 132
Wichita state university	102, 103, 104, 105, 106, 107, 159
Wildlife and parks, Kansas department of	133, 134, 168

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2022, June 30, 2023, June 30, 2024, June 30, 2025, June 30, 2026, and June 30, 2027, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; authorizing and directing payment of certain claims against the state; amending K.S.A. 2021 Supp. 2-223, 12-1775a, 12-5256, 65-180, 74-50,107, 74-99b34, 75-2263, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171 and 79-4804 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, 2022, June 30, 2023, June 30, 2024, June 30, 2025, June 30, 2026, and June 30, 2027, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements 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 not be subject to the provisions 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 amount from the Lansing correctional facility – facilities operations account of the state general fund for lost property to the following claimant:

Stanley Wooley Jr. #96814
P.O. Box 2
Lansing, KS 66043 .....$33.64

(b) The department of corrections is hereby authorized and directed to pay the following amount from the Hutchinson correctional facility – facilities operations account of the state general fund for lost property to the following claimant:

Allen Todd #88097
P.O. Box 1568
Hutchinson, KS 67504 .....$50.00

Travis Becker #121392
P.O. Box 1568
Hutchinson, KS 67504 .....$265.00

Word Ackward #79694
P.O. Box 1568
Hutchinson, KS 67504 .....$76.01

(c) 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 lost property to the following claimants:

Willie Simmons #117440
El Dorado Correctional Facility

P.O. Box 311
El Dorado, KS 67042 .....$21.42

Roger Deere, II #70912
El Dorado Correctional Facility
P.O. Box 311
El Dorado, KS 67042 .....$138.45

Clinton Eugene Ross #0123450
El Dorado Correctional Facility
P.O. Box 311
El Dorado, KS 67042 .....$200.00

(d) The department of corrections is hereby authorized and directed to pay the following amount from the Ellsworth correctional facility – facilities operations account of the state general fund for lost property to the following claimant:

Brad Gillespie #117695
El Dorado Correctional Facility
P.O. Box 311
El Dorado, KS 67042.....$60.80

Sec. 3. The Kansas adjutant general's department is hereby authorized and directed to pay the following amount from its operating expenditures account of the state general fund for property damage to the following claimant:

Scott Heston
4109 NW Walnut Rd
Topeka, KS 66618 .....$1,144.55

Sec. 4.

SECRETARY OF STATE

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

ACLU Foundation litigation settlement $1,425,000.00
Dentons US LLP litigation settlement.....$475,000.00

Sec. 5. The Kansas department of revenue is hereby authorized and directed to pay the following amount from its sales tax refund fund for reimbursement of overage payments in a company's sales tax account to the following claimant:

OneNeck IT Solutions, LLC
8401 Greenway Blvd, Suite 230
Middleton, WI 53562 .....$47,788.56

Sec. 6. 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:

Concrete Service Co Inc.
PO Box 1205
Great Bend, KS 67530 .....$255.53

Curtis A. Ernst
1415 T Road
Mankato, KS 66956 .....$116.30

Freedom Aviation Enterprise LLC
2530 Flor De Sol
Salina, KS 67401 .....$57.48

Colleen Geier
938 S 110 St.
Girard, KS 66743 .....$153.36

Grant County Feeders
PO Box 1087
Ulysses, KS 67880 .....$1,870.34

Hesston College
PO Box 3000
Hesston, KS 67062 .....$44.04

Knight Refrigerated LLC
PO Box 540555
North Salt Lake, UT 84054 .....$2,169.65

John Korber
2844 L Rd.
Bern, KS 66408 .....$172.80

Labette County Hwy Dept
PO Box 301
Altamont, KS 67330 .....$3,447.76

McPherson County Public Works
1115 W Ave A
McPherson, KS 67460 .....$8,971.79

National Carriers Inc.
PO Box 540555
North Salt Lake, UT 84054 .....$7,657.88

Navajo Express Inc.
1400 W 64th Ave
Denver, CO 80221 .....$3,678.95

Russell Ready Mix Concrete Inc.
PO Box 1205
Great Bend, KS 67530 .....$107.72

USD 247 Cherokee
506 S Smelter St.
Cherokee, KS 66724 .....$294.14

Louis B. Vestring
9872 NE Stony Creek Road
Cassoday, KS 66842 .....$459.65

Sec. 7. (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 sections 2 through 6, and amendments thereto, 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 6 as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by 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. 8.

STATE BANK COMMISSIONER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 14(a) of chapter 116 of the 2021 Session Laws of Kansas on the bank commissioner fee fund (094-00-2811) of the state bank commissioner is hereby decreased from $12,090,773 to $11,727,452.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 14(b) of chapter 116 of the 2021 Session Laws of Kansas on the bank commissioner fee fund (094-00-2811) of the state bank commissioner is hereby decreased from $12,649,189 to $12,087,285.

Sec. 9.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 7(a) of chapter 98 of the 2021 Session Laws of Kansas on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from $158,683 to $178,073.

(b) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 7(a) of chapter 98 of the 2021 Session Laws of Kansas on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from $159,162 to $172,840.

Sec. 10.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 8(a) of chapter 98 of the 2021 Session Laws of Kansas on the behavioral sciences regulatory board fee fund (102-00-2730-0100) of the behavioral sciences regulatory board is hereby increased from $968,062 to $988,412.

Sec. 11.

STATE BOARD OF HEALING ARTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 16(b) of chapter 116 of the 2021 Session Laws of Kansas on the healing arts fee fund (105-00-2705-0100) of the state board of healing arts is hereby increased from $6,527,233 to $6,550,427.

(b) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 9(a) of chapter 98 of the 2021 Session Laws of Kansas on the healing arts fee fund (105-00-2705-0100) of the state board of healing arts is hereby decreased from $6,852,656 to $6,595,727.

Sec. 12.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 11(a) of chapter 98 of the 2021 Session Laws of Kansas on the cosmetology fee fund (149-00-2706-0100) of the Kansas state board of cosmetology is hereby decreased from $1,162,205 to $1,144,804.

(b) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 11(a) of chapter 98 of the 2021 Session Laws of Kansas on the cosmetology fee fund (149-00-2706-0100) of the Kansas state board of cosmetology is hereby decreased from $1,169,064 to $1,159,953.

Sec. 13.

STATE BOARD OF MORTUARY ARTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 17(a) of chapter 116 of the 2021 Session Laws of Kansas on the mortuary arts fee fund (204-00-2709-0100) of the state board of mortuary arts is hereby decreased from $369,038 to $367,875.

Sec. 14.

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, 2022, by section 17(a) of chapter 98 of the 2021 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 $32,188 to $34,072.

(b) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 17(a) of chapter 98 of the 2021 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 $32,370 to $34,010.

Sec. 15.

BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 18(a) of chapter 98 of the 2021 Session Laws of Kansas on the board of nursing fee fund (482-00-2716-0200) of the board of nursing is hereby increased from $3,037,107 to $3,061,286.

(b) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 18(a) of chapter 98 of the 2021 Session Laws of Kansas on the board of nursing fee fund (482-00-2716-0200) of the board of nursing is hereby increased from $2,882,559 to $3,043,871.

Sec. 16.

BOARD OF EXAMINERS IN OPTOMETRY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 19(a) of chapter 98 of the 2021 Session Laws of Kansas on the optometry fee fund (488-00-2717-0100) of the board of examiners in optometry is hereby increased from $169,599 to $194,599.

(b) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 19(a) of chapter 98 of the 2021 Session Laws of Kansas on the optometry fee fund (488-00-2717-0100) of the board of examiners in optometry is hereby increased from $172,118 to $197,118.

Sec. 17.

STATE BOARD OF PHARMACY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 18(a) of chapter

116 of the 2021 Session Laws of Kansas on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby decreased from $2,608,906 to $2,233,826.

(b) During the fiscal year ending June 30, 2022, notwithstanding the provisions of K.S.A. 65-1685, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 as authorized by section 21 of chapter 98 of the 2021 Session Laws of Kansas, section 18 of chapter 116 of the 2021 Session Laws of Kansas, this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agency from such moneys to provide data in the prescription monitoring program to designated representatives from the department of health and environment regarding authorized medicaid program practitioners.

(c) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 21(a) of chapter 98 of the 2021 Session Laws of Kansas on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby decreased from $3,335,613 to $3,152,132.

(d) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 65-1685, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2023 as authorized by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agency from such moneys to provide data in the prescription monitoring program to designated representatives from the department of health and environment regarding authorized medicaid program practitioners.

Sec. 18.

KANSAS REAL ESTATE COMMISSION

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 23(a) of chapter 98 of the 2021 Session Laws of Kansas on the real estate fee fund (549-00-2721-0100) of the Kansas real estate commission is hereby increased from $1,190,738 to $1,197,838.

Sec. 19.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 26(a) of chapter 98 of the 2021 Session Laws of Kansas on the veterinary examiners fee fund (700-00-2727-1100) of the state board of veterinary examiners is hereby increased from $335,971 to $339,745.

(b) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 26(a) of chapter 98 of the 2021 Session Laws of Kansas on the veterinary examiners fee fund (700-00-2727-1100) of the state board of veterinary examiners is hereby increased from $336,109 to $351,671.

Sec. 20.

GOVERNMENTAL ETHICS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures (247-00-1000-0103)
For the fiscal year ending June 30, 2022.....$19,845
For the fiscal year ending June 30, 2023.....$21,743

Sec. 21.

LEGISLATIVE COORDINATING COUNCIL

(a) On the effective date of this act, of the $757,225 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 30(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the legislative coordinating council – operations account (422-00-1000-0100), the sum of $71,443 is hereby lapsed.

(b) On the effective date of this act, of the $4,546,798 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 30(a) of chapter 98 of the 2021 Session Laws of Kansas from the legislative research department – operations account (425-00-1000-0103), the sum of $254,390 is hereby lapsed.

(c) On the effective date of this act, of the $4,241,111 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 30(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the office of revisor of statutes – operations account (579-00-1000-0103), the sum of $498,193 is hereby lapsed.

Sec. 22.

LEGISLATIVE COORDINATING COUNCIL

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

Legislative coordinating council –
operations (422-00-1000-0100).....$752,441

Provided, That any unencumbered balance in the legislative coordinating council – operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Legislative research department –
operations (425-00-1000-0103).....$4,661,008

Provided, That any unencumbered balance in the legislative research de-

partment – operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Office of revisor of statutes –
operations (579-00-1000-0103).....$4,132,662

Provided, That any unencumbered balance in the office of revisor of statutes – operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special
revenue fund (425-00-2111-2000).....No limit
Legislature employment security fund.....No limit

Sec. 23.

LEGISLATURE

(a) On the effective date of this act, of the $17,911,128 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 32(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operations (including official hospitality) account (428-00-1000-0103), the sum of $7,289,669 is hereby lapsed.

(b) On the effective date of this act, of the $5,829,366 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 32(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the legislative information system account (428-00-1000-0300), the sum of $500,954 is hereby lapsed.

Sec. 24.

LEGISLATURE

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

Operations (including official
hospitality) (428-00-1000-0103).....$17,085,667

Provided, That any unencumbered balance in the operations (including official hospitality) account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures may be made from this account, pursuant to vouchers approved by the chairperson or vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas

commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee that are authorized by the legislative coordinating council, except that: (1) The legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee; and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *And provided further,* That expenditures may be made from this account for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further,* That no expenditures shall be made from this account for any meeting of any joint committee, or of any subcommittee of any joint committee, chargeable to fiscal year 2023 unless such meeting is approved by the legislative coordinating council: *And provided further,* That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2023: *And provided further,* That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2023: *And provided further,* That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2023: *And provided further,* That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2023: *And provided further,*

That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, or any other statute, expenditures may be made from this account to reimburse members of the legislature for expenses incurred in printing correspondence with constituents: *And provided further,* That no expenses shall be reimbursed unless a legislator has first obtained approval for such printing by the director of legislative administrative services: *And provided further,* That such reimbursements shall only be issued after a legislator provides written receipts showing such expense to the director of legislative administrative services: *And provided further,* That the maximum amount reimbursed to any legislator shall be equal to or less than the maximum amount allotted to any legislator for constituent correspondence pursuant to policies adopted by the legislative coordinating council: *And provided further,* That expenditures shall be made by the above agency from this account in fiscal year 2023 to increase by the amount of 15% the salaries and wages, and associated fringe benefits, for committee assistants and office assistants.

Legislative information system (428-00-1000-0300).....$6,327,654

Provided, That any unencumbered balance in the legislative information system account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative special revenue fund (428-00-2260-2200).....No limit

Provided, That expenditures may be made from the legislative special revenue fund, pursuant to vouchers approved by the chairperson or the vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that: (1) The legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee; and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses

and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *Provided further,* That expenditures may be made from this fund for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further,* That amounts are hereby authorized to be collected for such services, facilities and supplies in accordance with policies of the council: *And provided further,* That such amounts shall be fixed in order to recover all or part of the expenses incurred for providing such services, facilities and supplies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: *And provided further,* That all such amounts received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the legislative special revenue fund: *And provided further,* That all donations, gifts or bequests of money for the legislative branch of government which are received and accepted by the legislative coordinating council shall be deposited in the state treasury and credited to an account of the legislative special revenue fund: *And provided further,* That no expenditures shall be made from this fund for any meeting of any joint committee, or of any subcommittee of any joint committee, during fiscal year 2023 unless such meeting is approved by the legislative coordinating council: *And provided further,* That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2023: *And provided further,* That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2023: *And provided further,* That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2023: *And provided further,* That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated

to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2023.

Capitol restoration – gifts and
donations fund (428-00-7348-7000).....No limit

(c) As used in this section, "joint committee" includes the joint committee on administrative rules and regulations, health care stabilization fund oversight committee, joint committee on special claims against the state, legislative budget committee, joint committee on state building construction, joint committee on information technology, joint committee on pensions, investments and benefits, joint committee on state-tribal relations, confirmation oversight committee, joint committee on corrections and juvenile justice oversight, compensation commission, joint committee on Kansas security, Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight, capitol preservation committee, joint committee on child welfare system oversight, joint committee on fiduciary financial institutions oversight and any other committee, commission or other body for which expenditures are to be paid from moneys appropriated for the legislature for the expenses of any meeting of any such body or for the expenses of any member thereof.

Sec. 25.

DIVISION OF POST AUDIT

(a) On the effective date of this act, of the $3,356,162 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 34(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operations (including legislative post audit committee) account (540-00-1000-0100), the sum of $171,164 is hereby lapsed.

Sec. 26.

DIVISION OF POST AUDIT

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

Operations (including legislative post
audit committee) (540-00-1000-0100).....$3,477,553

Provided, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Sec. 27.

GOVERNOR'S DEPARTMENT

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

Governor's department (252-00-1000-0503).....$1,406

(b) On the effective date of this act, of the $4,639,941 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 36(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the domestic violence prevention grants account (252-00-1000-0600), the sum of $75 is hereby lapsed.

(c) On the effective date of this act, of the $804,948 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 36(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the child advocacy centers account (252-00-1000-0610), the sum of $13 is hereby lapsed.

Sec. 28.

GOVERNOR'S DEPARTMENT

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

Governor's department (252-00-1000-0503).....$2,764,050

Provided, That any unencumbered balance in the governor's department account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor.

Domestic violence prevention grants (252-00-1000-0600) $4,640,194

Provided, That any unencumbered balance in the domestic violence prevention grants account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures may be made from the domestic violence prevention grants account for official hospitality and contingencies without limitation at the discretion of the governor.

Child advocacy centers (252-00-1000-0610).....$804,984

Provided, That any unencumbered balance in the child advocacy centers account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures may be made from the child advocacy centers account for official hospitality and contingencies without limitation at the discretion of the governor.

Rural housing revolving loan program (300-00-1000).....$20,000,000

Provided, That expenditures may be made from the rural housing revolving loan program account to provide loans or grants to rural communities for moderate-and-low-income housing development, including infrastructure necessary to support that development.

(b) Expenditures may be made by the above agency for travel expenses of the governor's spouse when accompanying the governor or when representing the governor on official state business, for travel and subsis-

tence expenditures for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2023, by subsection (a) from the state general fund in the governor's department account (252-00-1000-0503).

(c) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor or when representing the lieutenant governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the lieutenant governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2023, by subsection (a) from the state general fund in the governor's department account (252-00-1000-0503).

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Domestic violence grants fund (252-00-2014-2014) ..... No limit

Provided, That grants made for domestic violence prevention shall be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control and prevention as the official domestic violence or sexual assault coalition.

Child advocacy centers grant fund (252-00-2024-2024)..... No limit
Special programs fund (252-00-2149) ..... No limit

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

Conversion of materials and equipment fund (252-00-2409) ..... No limit
Kansas commission on disability concerns
fee fund (252-00-2767)..... No limit
Residential substance abuse – federal fund (252-00-3006)..... No limit
Arrest grant – federal fund (252-00-3082) ..... No limit
National criminal history improvement program –
federal fund (252-00-3189) ..... No limit

Violence against women grant – federal fund (252-00-3214).....No limit
Project safe neighborhoods – federal fund (252-00-3217).....No limit
Coverdell forensic science improvement –
federal fund (252-00-3227).....No limit
Crime victim assistance – federal fund (252-00-3260).....No limit
Access visitation grant – federal fund (252-00-3460).....No limit
Battered women/family violence prevention –
federal fund (252-00-3461).....No limit
Sexual assault services program – federal fund (252-00-3465).....No limit
Emergency rental assistance – federal fund (252-00-3646).....No limit
Coronavirus emergency supplemental –
federal fund (252-00-3671).....No limit
Coronavirus relief fund – federal fund (252-00-3753).....No limit
American rescue plan – state fiscal relief –
federal fund (252-00-3756).....No limit

Provided, That during the fiscal year ending June 30, 2023, except as provided in subsection (f), no expenditures shall be made from or obligation requested to be incurred against the American rescue plan – state fiscal relief federal fund without a recommendation from the strengthening people and revitalizing Kansas executive committee and approval from the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session: *Provided further,* That the strengthening people and revitalizing Kansas executive committee shall meet and review each such request and shall report such executive committee's recommendation to the state finance council: *And provided further,* That the membership of such executive committee shall consist of seven individuals, including a chairperson appointed by the governor, one public sector individual appointed by the governor, one private sector individual appointed by the governor, the president of the senate or the president's designee, one private sector individual appointed by the president of the senate, the speaker of the house of representatives or the speaker's designee and one private sector individual appointed by the speaker of the house of representatives.

Edward Byrne justice assistance grants –
federal fund (252-00-3757).....No limit
Prison rape elimination act – federal fund (252-00-3758).....No limit
Homeowners' assistance – federal fund (252-00-3759).....No limit
John R Justice grant – federal fund (252-00-3802).....No limit
Hispanic and Latino American affairs commission –
donations fund (252-00-7236).....No limit
Advisory commission on African-American affairs –
donations fund (252-00-7242).....No limit

Pandemic assistance/vaccine equity –
federal fund.....No limit
Family violence prevention and services – ARPA
federal fund.....No limit
Homeowner assistance fund – federal fund.....No limit
Emergency rental assistance – federal fund.....No limit

(e) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2023, the following:

Holocaust memorial.....$10,000

Provided, however, That no expenditures shall be made from this account until the above agency reviews expenditures that may be made by the governor's department from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 for the governor's department as authorized by this or other appropriation act of the 2022 regular session of the legislature to determine if the above agency has moneys to expend from such fund or funds for a holocaust memorial: *Provided further,* That if the above agency determines such moneys are available for such expenditures from such fund or funds, such agency shall certify the amount of moneys to be expended on such memorial and identify the fund or funds and shall transmit a copy of such certification to the director of accounts and reports: *And provided further,* That on the effective date of such certification, the amount appropriated for the above agency for the fiscal year ending June 30, 2023, by this subsection from the state economic development initiatives fund in the holocaust memorial account is hereby lapsed: *And provided further,* That upon receipt of such certification, the director of accounts and reports shall transmit a notification of such certification to the director of legislative research and the director of the budget.

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

Ag production economic development infrastructure.....$35,000,000

Provided, That expenditures from the ag production economic development infrastructure account shall be used by the above agency for the purpose of infrastructure for an agricultural production facility in a Kansas county with a population greater than 34,000 and less than 35,000 as of the 2020 census that will create over 200 jobs, include over $400,000,000 in capital investment and attract additional estimated local development and jobs.

University of Kansas and Wichita state university health sciences $25,000,000

Provided, That expenditures from the university of Kansas and Wichita state university health sciences account shall be used by the above agency for the purpose of funding the development of a health sciences education center in Wichita to consolidate and align the health-related educational, biomedical research, healthcare delivery and population health activities of the university of Kansas and Wichita state university.

Moderate income housing expansion $20,000,000

Provided, That expenditures from the moderate income housing expansion account shall be used by the above agency for the purpose of funding grants or loans that may be awarded to cities and counties to develop multi-family rental units and single-family for-purchase homes in communities with populations fewer than 60,000 people.

University of Kansas economic development $35,000,000

Provided, That the expenditures from the university of Kansas economic development account shall be used by the above agency for the purpose of supplementing private donations, public-private partnerships and revenues to fund strategic initiative projects at the university of Kansas that develop and strengthen local and national partnerships.

Kansas state university agriculture innovation $25,000,000

Provided, That the expenditures from the Kansas state university agriculture innovation account shall be used by the above agency for the purpose of funding projects at Kansas state university that address current and emerging problems in the biosciences field, advance countermeasures for disease, drive economic revitalization and provide training.

University challenge grant funding projects $75,000,000

Provided, That expenditures shall be made from the university challenge grant funding projects account to state educational institutions as defined in K.S.A. 76-711, and amendments thereto, upon written application by the chief executive officer of the institution to the governor and approval of such application at the discretion of the governor: *Provided further*, That each application for award by such state educational institution shall: (1) Be projects that attract and recruit students and aid in the retention of such students; and (2) build the state work force through increased enrollment: *And provided further*, That applications shall be submitted to the governor on or before March 1, 2023: *And provided further*, That the grant recipients shall be notified on or before June 30, 2023: *And provided further*, That expenditures from this account for university challenge grant funding projects shall be made only upon certification by the chief executive officer of such institution to the director of accounts and reports

that private moneys are available to match the expenditure of state moneys on a $3 of private moneys to $1 of state moneys basis.

Business closure rebates $50,000,000

Provided, That expenditures from the business closure rebates account shall be used by the above agency for the purpose of funding payments to businesses shut down or restricted as a result of certain governmental actions related to contagious or infectious disease in humans: *Provided further,* That the maximum amount of a rebate that may be claimed by a claimant pursuant to this subsection shall be $5,000: *And provided further,* That as used in this subsection, "claimant" means a for-profit business, regardless of legal structure, who has filed for a rebate under the provisions of this subsection and who: (A) Conducts a majority of its retail sales through customers' physical, on-site presence at a retail storefront property; (B) was in operation on or prior to July 1, 2019, and filed a 2019 tax return; (C) had at least $10,000 in annual revenues, including gross sales and receipts, in 2019; (D) received less gross revenue in 2020 or 2021, as applicable, compared to 2019; (E) was in active operations as of March 1, 2020; and (F) has not received more than a total of $150,000 in prior COVID-19-related local, state or federal funding or any combination thereof.

Cloud county CC project grant $4,000,000

Provided, That all moneys in the Cloud county CC project grant account shall be for building a technical education and innovation center to house academic programs of renewable energy, nursing and allied health, agriculture and industrial technology to meet workforce needs: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Cowley county CC project grant $4,000,000

Provided, That all moneys in the Cowley county CC project grant account shall be for building a career and technical education facility in Arkansas city to expand carpentry and construction trades, welding, electromechanical maintenance and other high-wage, high-demand programs: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Fort Scott CC project grant.....$800,103

Provided, That all moneys from the Fort Scott CC project grant account shall be for establishing a training program for heavy equipment operators in partnership with industry to serve multiple southeast Kansas counties and school districts to meet the workforce shortage in such industry:

Provided further, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Garden City CC project grant $1,499,913

Provided, That all moneys in the Garden City CC project grant account shall be for expanding a facility to increase agricultural technology, farm equipment mechanic, industrial machinery mechanic and welding programs to serve more students and meet local industry workforce demands: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Highland CC project grant $425,375

Provided, That all moneys in the Highland CC project grant account shall be for expanding the welding program in Atchison and purchasing equipment for computer support specialist and other high-wage high-demand information technology programs in the highland CC service area: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Hutchinson CC project grant $999,786

Provided, That all moneys in the Hutchinson CC project grant account shall be for expanding facilities to allow for additional lab space for use by 20 additional registered nursing education students to meet a healthcare workforce shortage: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Johnson county CC project grant $2,538,502

Provided, That all moneys in the Johnson county CC project grant account shall be for expanding the class A commercial driver's license program to meet supply chain and logistics workforce shortages and offer additional courses for students during the day, night and weekends: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Kansas City Kansas CC project grant.....$12,000,000

Provided, That all moneys in the Kansas City Kansas CC project grant account shall be for the construction and equipment of the Kansas City, Kansas community, education, health and wellness center that will be an education, workforce, behavioral and physical health center to house programs that do not currently exist in downtown Kansas City, Kansas and provide high-wage, high-demand training in various industries: *Provid-*

ed further, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Neosho county CC project grant.....$1,498,987

Provided, That all moneys in the Neosho county CC project grant account shall be for expanding the technical education center to provide various technical education programs including healthcare, aerostructures, electrical technology and industrial maintenance technology programs: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Pratt CC project grant.....$788,445

Provided, That all moneys in the Pratt CC project grant account shall be for expanding the welding program to serve more students, purchase additional robotic welding and technology equipment: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Community colleges, technical colleges and
Washburn project grant.....$10,000,000

Provided, That the expenditures from the community colleges, technical colleges and Washburn project grant account shall be used by the above agency for the purpose of funding projects at community colleges, technical colleges and Washburn university: *Provided however,* That any community college receiving a grant from the American rescue plan – state fiscal relief federal fund pursuant to this section shall not be eligible to apply for a grant from this account: *Provided further,* That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a $1-for-$1 basis from either the college or private industry partner.

Private and independent college project grant.....$10,000,000

Provided, That expenditures from the private and independent college project grant account shall be used by the above agency for the purpose of funding projects at private and independent colleges that have a physical presence in Kansas: *Provided further*, That expenditures from this account for such projects shall be made only upon certification by the chief executive officer of such institution to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a $3 of private moneys to $1 of state moneys basis: *Provided however,* That such private money matches shall not be existing college funds and shall be new moneys.

Sec. 29.

GOVERNOR'S DEPARTMENT

(a) Any unencumbered balance in the university challenge grant funding projects account of the American rescue plan – state fiscal relief federal fund (252-00-3756) of the governor's department in excess of $100 as of June 30, 2023 is hereby reappropriated for fiscal year 2024: *Provided,* That expenditures shall be made from such account to state educational institution grant recipients notified in fiscal year 2023 and certified, on or before December 31, 2023, by the chief executive officer of such institution to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a $3 of private moneys to $1 of state moneys basis.

Sec. 30.

ATTORNEY GENERAL

(a) On the effective date of this act, of the $464,282 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 38(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the office of inspector general account (082-00-1000-0300), the sum of $211,384 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 $235,000 from the scrap metal theft reduction fee fund (082-00-2085-2100) of the attorney general to the state general fund.

Sec. 31.

ATTORNEY GENERAL

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

Operating expenditures (082-00-1000-0103).....$4,568,111

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from this account for official hospitality shall not exceed $2,000.

Litigation costs (082-00-1000-0040).....$78,000

Provided, That any unencumbered balance in the litigation costs account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Abuse, neglect and exploitation unit (082-00-1000-0500).....$349,999

Provided, That any unencumbered balance in the abuse, neglect and exploitation unit account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures may be made by the attorney general from the abuse, neglect and ex-

ploitation unit account pursuant to contracts with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect or exploitation.

Child abuse grants (082-00-1000-0400) $67,500
Child exchange and visitation centers (082-00-1000-0450) $115,200

Provided, That notwithstanding the provisions of K.S.A. 74-7334, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, the above agency may use moneys in the child exchange and visitation centers account for matching funds.

Protection from abuse (082-00-1000-0900) $519,000
Office of inspector general (082-00-1000-0300) $618,920

Provided, That any unencumbered balance in the office of inspector general account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Private detective fee fund (082-00-2029-2029) ..... No limit
Court cost fund (082-00-2012-2000) ..... No limit
Bond transcript review fee fund (082-00-2254-2300) ..... No limit
Conversion of materials and
equipment fund (082-00-2405-2040) ..... No limit
Attorney general's antitrust special
revenue fund (082-00-2506-2050) ..... No limit
Private gifts fund (082-00-7300-7000) ..... No limit
Medicaid fraud reimbursement fund (082-00-9034-9040) ..... No limit
Medicaid fraud control unit (082-00-3060-3080) ..... No limit
Attorney general's antitrust
suspense fund (082-00-9002-9000) ..... No limit
Attorney general's consumer protection
clearing fund (082-00-9003-9010) ..... No limit
Attorney general's committee on crime
prevention fee fund (082-00-2113-2090) ..... No limit

Provided, That expenditures may be made from the attorney general's committee on crime prevention fee fund for operating expenditures directly or indirectly related to conducting training seminars organized by the attorney general's committee on crime prevention, including official hospitality: *Provided further,* That the attorney general is hereby authorized to fix, charge and collect fees for conducting training seminars organized by the attorney general's committee on crime prevention: *And*

provided further, That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting such seminars, including official hospitality: *And provided further,* That all fees received for conducting such seminars shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the attorney general's committee on crime prevention fee fund.

Tort claims fund (082-00-2613-2080).....No limit
Crime victims compensation fund (082-00-2563-2060).....No limit

Provided, That expenditures from the crime victims compensation fund for state operations shall not exceed $536,550: *Provided further,* That any expenditures for payment of compensation to crime victims are authorized to be made from this fund regardless of when the claim was awarded.

Crime victims assistance fund (082-00-2598-2070).....No limit
Protection from abuse fund (082-00-2239-2030).....No limit
Crime victims grants and gifts fund (082-00-7340-7010).....No limit

Provided, That all private grants and gifts received by the crime victims compensation board shall be deposited to the credit of the crime victims grants and gifts fund.

Kansas attorney general batterer intervention program
certification fund (082-00-2103-2103).....No limit
Debt collection administration cost
recovery fund (082-00-2305-2240).....No limit

Provided, That the attorney general shall deposit in the state treasury to the credit of the debt collection administration cost recovery fund all moneys remitted to the attorney general as administrative costs under contracts entered into pursuant to K.S.A. 75-719, and amendments thereto.

Medicaid fraud prosecution
revolving fund (082-00-2641-2280).....No limit

Provided, That all moneys recovered by the medicaid fraud and abuse division of the attorney general's office in the enforcement of state and federal law which are in excess of any restitution for overcharges and interest, including all moneys recovered as recoupment of expenses of investigation and prosecution, shall be deposited in the state treasury to the credit of the medicaid fraud prosecution revolving fund: *Provided further,* That, notwithstanding the provisions of K.S.A. 2021 Supp. 21-5933, and amendments thereto, or any other statute, expenditures may be made from the medicaid fraud prosecution revolving fund for other operating expenditures of the attorney general's office other than for medicaid fraud prosecution costs.

Interstate water litigation fund (082-00-2311-2295) ..... No limit

Provided, That, in addition to the other purposes authorized by K.S.A. 82a-1802, and amendments thereto, expenditures may be made from the interstate water litigation fund for: (1) Litigation costs for the case of Kansas v. Colorado No. 105, Original in the Supreme Court of the United States, including repayment of past contributions; (2) expenses related to the appointment of a river master or such other official as may be appointed by the Supreme Court to administer, implement or enforce its decree or other orders of the Supreme Court related to this case; and (3) expenses incurred by agencies of the state of Kansas to monitor actions of the state of Colorado and its water users and to enforce any settlement, decree or order of the Supreme Court related to this case.

Suspense fund (082-00-9112-9030) ..... No limit
Children's advocacy center fund (082-00-2654-2610) ..... No limit
Abuse, neglect and exploitation of
people with disabilities unit grant
acceptance fund (082-00-2482-2500) ..... No limit
Concealed weapon licensure fund (082-00-2450-2400) ..... No limit
Tobacco master settlement agreement
compliance fund (082-00-2383-2320) ..... No limit
Sexually violent predator expense fund (082-00-2379-2310) ..... No limit
County law enforcement equipment fund (082-00-2470-2470) ... No limit
Child exchange and visiting centers fund (082-00-2579-2250) ..... No limit
Roofing contractor registration fund (082-00-2774-2774) ..... No limit
State medicaid fraud control unit –
federal fund (082-00-3060-3060) ..... No limit
Com def sol – violence against women
federal fund (082-00-3082-3082) ..... No limit
Crime victims compensation federal fund (082-00-3133-3020).... No limit
Ed Byrne state/local law enforcement
federal fund (082-00-3213-3213) ..... No limit
Violence against women – ARRA
federal fund (082-00-3214-3212) ..... No limit
Comm prsct/project safe neighborhood
federal fund (082-00-3217-3217) ..... No limit
Public safety prtnt/comm pol fund (082-00-3218-3218). ..... No limit
Anti-gang initiative federal fund (082-00-3229-3229) ..... No limit
Alcohol impaired driving cntrmsr
federal fund (082-00-3247-3247) ..... No limit
Children's justice grant federal fund (082-00-3381-3381)..... No limit
Sexual assault kit initiative federal fund (082-00-3416-3416)..... No limit
Ed Byrne memorial JAG – ARRA
federal fund (082-00-3455-3455) ..... No limit

Medicaid indirect cost federal fund (082-00-3919-3919).....No limit
Federal forfeiture fund (082-00-3940-3940).....No limit
SSA fraud prevention federal fund (082-00-2174-2175).....No limit
False claims litigation revolving fund (082-00-2650-2600).....No limit

Provided, That expenditures may be made from the false claims litigation revolving fund for costs associated with litigation under the Kansas false claims act, K.S.A. 75-7501 et seq., and amendments thereto.

Ed Byrne memorial justice assistance grant
federal fund (082-00-3057-3057).....No limit
911 state maintenance fund (082-00-2747-2447).....No limit
DOT prohibit racial profiling (082-00-3566-3566).....No limit
Human trafficking victim assistance fund (082-00-2775-2775).....No limit
Criminal appeals cost fund (082-00-2779-2779).....No limit
Attorney general's open government fund (082-00-2497-2497).....No limit
Scrap metal theft reduction fee fund (082-00-2085-2100).....No limit
Bail enforcement agents fee fund (082-00-2259-2259).....No limit
Fraud and abuse criminal
prosecution fund (082-00-2262-2262).....No limit
Attorney general's state agency
representation fund (082-00-6125-6125).....No limit
State medicaid fraud forfeiture fund.....No limit
Charitable organizations fee fund (082-00-2863-2863).....No limit
Kansas fights addiction fund (082-00-2826-2826).....No limit
Municipalities fight addiction fund (082-00-2838-2838).....No limit
Coronavirus relief fund (082-00-3753-3753).....No limit

(c) During the fiscal year ending June 30, 2023, grants made pursuant to K.S.A. 74-7325, and amendments thereto, from the protection from abuse fund (082-00-2239-2030) and grants made pursuant to K.S.A. 74-7334, and amendments thereto, from the crime victims assistance fund (082-00-2598-2070) shall be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control as the official domestic violence or sexual assault coalition.

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

(e) Notwithstanding the provisions of any other statute, during the fiscal year ending June 30, 2023, in addition to the other purposes for

which expenditures may be made by the above agency from the tobacco master settlement agreement compliance fund (082-00-2383-2320), expenditures may be made by the above agency from such fund for the purposes of performing the powers, duties and functions pursuant to K.S.A. 75-772, and amendments thereto.

(f) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $460,593 from the Kansas endowment for youth fund (365-00-7000-2000) to the tobacco master settlement agreement compliance fund (082-00-2383-2320) of the attorney general.

(g) Notwithstanding the provisions of K.S.A. 75-769, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, no expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2023 as authorized by this or other appropriation act of the 2022 regular session of the legislature, to set legal representation charges for state agencies at a rate exceeding $100 per hour.

Sec. 32.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Cemetery and funeral audit fee fund (622-00-2225-2100) ..... No limit
HAVA ELVIS fund (622-00-2353-2150)..... No limit
Conversion of materials and
equipment fund (622-00-2418-2200)..... No limit
Information and services fee fund (622-00-2430-2300) ..... No limit

Provided, That expenditures from the information and services fee fund for official hospitality shall not exceed $2,533.

State register fee fund (622-00-2619-2500) ..... No limit
Uniform commercial code fee fund (622-00-2664-2600)..... No limit
State flag and banner fund (622-00-5130-4600) ..... No limit
Secretary of state fee refund fund (622-00-9047-9100) ..... No limit
Electronic voting machine
examination fund (622-00-9101-9200)..... No limit
Credit card clearing fund (622-00-9434-9400) ..... No limit
Suspense fund (622-00-9046-9000)..... No limit
Prepaid services fund (622-00-9114-9300) ..... No limit
Athlete agent registration fee fund (622-00-2674-2700) ..... No limit
Democracy fund (622-00-2702-2400) ..... No limit

Provided, That all expenditures from the democracy fund shall be to provide matching funds to implement title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.

Technology communication fee fund (622-00-2672-2900) ..... No limit
Help America vote act federal fund (622-00-3091) ..... No limit
HAVA title I federal fund (622-00-3283-3283) ..... No limit
HAVA election security fraud 2018 (622-00-3956-3956) ..... No limit

(b) During the fiscal year ending June 30, 2023, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from any special revenue fund or funds for fiscal year 2023 by the above agency by this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such special revenue fund or funds to provide a report to the house appropriations committee and the senate ways and means committee detailing the costs of publication in a newspaper in each county pursuant to K.S.A. 64-103, and amendments thereto, of any constitutional amendment that is introduced by the legislature during the 2023 regular session of the legislature and detailing costs to local units of governments for conducting elections that include proposed constitutional amendments.

(c) On or before the 10th day of each month commencing July 1, 2022, during fiscal year 2023, the director of accounts and reports shall transfer from the state general fund to the democracy fund interest earnings based on:

(1) The average daily balance of moneys in the democracy fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 33.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State treasurer operating fund (670-00-2374-2300) $1,890,376

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 during fiscal year 2023, the state treasurer is hereby authorized and directed to credit the first amount equal to the expenditure limitation approved by this or other appropriation act of the legislature received and deposited in the state treasury to the state treasurer operating fund: *Provided*

further, Notwithstanding any provision of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, on June 30, 2023, the state treasurer shall certify any remaining unencumbered balance in the state treasurer operating fund exceeding $100,000 to the director of accounts and reports, who shall transfer such certified amount from the state treasurer operating fund to the state general fund on June 30, 2023: *And 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 2023 shall be credited as prescribed under the uniform unclaimed property act: *And provided further,* That all moneys credited to the state treasurer operating fund during fiscal year 2023 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed to administer the provisions of the uniform unclaimed property act that are not otherwise reimbursed under any other provision of law.

Fiscal agency fund (670-00-7754-6400) ..... No limit
Bond services fee fund (670-00-2061-2500) ..... No limit
City bond finance fund (670-00-7654) ..... No limit
Local ad valorem tax reduction fund (670-00-7394-4800) ..... No limit
County and city revenue sharing fund (670-00-7395-4900) ..... No limit
Suspense fund (670-00-9054-9000) ..... No limit
County and city retailers' sales tax fund (670-00-7608-6000) ..... No limit
County and city compensating use tax fund (670-00-7667-6200) ..... No limit
Local alcoholic liquor fund (670-00-7665-6100) ..... No limit
Local alcoholic liquor equalization fund (670-00-7759-6500) ..... No limit
Unclaimed property claims fund (670-00-7758-7700) ..... No limit
Unclaimed property expense fund (670-00-2362-2200) ..... No limit

Provided, That expenditures from the unclaimed property expense fund for official hospitality shall not exceed $2,000.

County and city transient guest tax fund (670-00-7602-6600) ..... No limit
Racing admissions tax fund (670-00-7670-6300) ..... No limit
Rental motor vehicle excise tax fund (670-00-7681-6800) ..... No limit
Transportation development district sales tax fund (670-00-7601-7000) ..... No limit
Redevelopment bond fund (670-00-7683-6900) ..... No limit
Special qualified industrial manufacturer fund (670-00-9525-9525) ..... No limit
Kansas postsecondary education savings program trust fund (670-00-7241-7100) ..... No limit
Kansas postsecondary education savings expense fund (670-00-2096-2000) ..... No limit

Conversion of materials and
equipment fund (670-00-2461-2700).....No limit
Tax increment financing revenue
replacement fund (670-00-7391-4700).....No limit
Spirit bonds fund (670-00-9515-9515).....No limit

Provided, That, on the 15th day of each month that commences during fiscal year 2023, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 74-50,136, and amendments thereto, and for which the Spirit bonds fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further,* That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Spirit bonds fund: *And provided further,* That, on or before the 10th day of each month commencing during fiscal year 2023, the director of accounts and reports shall transfer from the state general fund to the Spirit bonds fund interest earnings based on: (1) The average daily balance of moneys in the Spirit bonds fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further,* That the moneys credited to the Spirit bonds fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Spirit bonds fund to the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 74-50,136, and amendments thereto.

Business machinery and equipment tax reduction
assistance fund (670-00-7684-7680) $0
Telecommunications and railroad
machinery and equipment tax reduction
assistance fund (670-00-7685-7690) $0
Community improvement district sales
tax fund (670-00-7610-7650).....No limit
Special economic revitalization fund (670-00-9520-9520) .....No limit
Bioscience development and
investment fund (670-00-9510-9510) .....No limit
KS ABLE savings expense fund (670-00-2177-2177).....No limit
Other federal grants fund (670-00-3878-3878).....No limit

(b) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 75-1514, and amendments thereto, or any other stat-

ute, the commissioner of insurance shall remit all moneys received by the commissioner under K.S.A. 75-1508, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided,* That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury: *Provided, however,* That, for each such remittance deposited in the state treasury during fiscal year 2023, the state treasurer shall not credit such deposit pursuant to K.S.A. 75-1514, and amendments thereto, but shall credit such deposit in accordance with the provisions of this subsection: *Provided further,* That the state treasurer shall credit 10% of each such deposit to the state general fund and the state treasurer shall credit the remainder of each such deposit as follows: (1) The amount equal to 64% of the remainder of such deposit shall be credited to the fire marshal fee fund (234-00-2330-2000) of the state fire marshal; (2) the amount equal to 20% of the remainder of such deposit shall be credited to the emergency medical services board operating fund (206-00-2326-4000) of the emergency medical services board; and (3) the amount equal to 16% of the remainder of such deposit shall be credited to the fire service training program fund (682-00-2123-2170) of the university of Kansas: *And provided further,* That the amount of each such deposit that is credited to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state fire marshal, the emergency medical services board, and the fire service training program of the university of Kansas by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further,* That, whenever in fiscal year 2023 the aggregate amount that the 10% credit to the state general fund prescribed by this subsection is equal to $100,000, then: (1) The provisions of this subsection prescribing the 10% credit to the state general fund no longer shall apply to moneys received pursuant to K.S.A. 75-1508, and amendments thereto; and (2) for the remainder of fiscal year 2023, the state treasurer shall credit the full 100% so received of each such deposit as follows: (A) The amount equal to 64% of such deposit shall be credited to the fire marshal fee fund of the state fire marshal; (B) the amount equal to 20% of such deposit shall be credited to the emergency medical services board operating fund of the emergency medical services board; and (C) the amount equal to 16% of such deposit shall be credited to the fire service training program fund of the university of Kansas.

(c) Notwithstanding the provisions of K.S.A. 75-648, and amendments thereto, or any other statute, on July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer

$50,000 from the Kansas postsecondary education savings expense fund (670-00-2096-2000) of the state treasurer to the KS ABLE savings expense fund (670-00-2177-2177) of the state treasurer.

Sec. 34.

INSURANCE DEPARTMENT

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 43(a) of chapter 98 of the 2021 Session Laws of Kansas on the securities act fee fund (331-00-2162-0100) of the insurance department is hereby increased from $3,416,292 to no limit.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State flexibility to stabilize the market grant program fund (331-00-3648-3648).....No limit

Sec. 35.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Insurance department service regulation fund (331-00-2270-2400).....No limit

Provided, That expenditures from the insurance department service regulation fund for official hospitality shall not exceed $2,500.

Insurance company examination fund (331-00-2055-2000).....No limit
Insurance company annual statement examination fund (331-00-2056-2100).....No limit
Insurance company examiner training fund (331-00-2057-2200).....No limit
Workers compensation fund (331-00-7354-7000).....No limit

Provided, That expenditures from the workers compensation fund for attorney fees and other costs and benefit payments may be made regardless of when services were rendered or when the initial award of benefits was made.

State firefighters relief fund (331-00-7652-7130).....No limit
Insurance company tax and fee refund fund (331-00-9017-9100).....No limit

Group-funded workers' compensation pools
fee fund (331-00-7374-7120) ..... No limit
Municipal group-funded pools fee fund (331-00-7356-7100)..... No limit
Uninsurable health insurance plan fund (331-00-2328-2500)..... No limit
Private grants and gifts fund (331-00-7301-7301) ..... No limit
Insurance education and training fund (331-00-2367-2600)..... No limit

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

Monumental life settlement fund (331-00-7360-7360)..... No limit

Provided, That all expenditures from the monumental life settlement fund shall be made for scholarship purposes: *Provided further,* That the scholarship recipients shall be African-American students who are currently enrolled and are attending an accredited higher education institution in the state of Kansas and who have designated a major in mathematics, computer science or business.

Fines and penalties fund (331-00-2351-2510) ..... No limit

Provided, That, notwithstanding the provisions of K.S.A. 40-2606, and amendments thereto, or any other statute, all moneys received during fiscal year 2023 for penalties imposed pursuant to K.S.A. 40-2606, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the fines and penalties fund.

Settlements fund (331-00-2523-2520)..... No limit

Provided, That moneys may be transferred or otherwise credited to the settlements fund as the result of or pursuant to court orders under K.S.A. 40-3644, and amendments thereto, court-ordered settlements, or legislative authority: *Provided further,* That expenditures from the settlements fund shall be made for the purpose of providing consumer education and outreach or for costs that the insurance department may incur in closeout of any troubled insurance company matters.

Professional employer organization
fee fund (331-00-2678-2678) ..... No limit

Pharmacy benefits manager
registration fund (331-00-2665-2665).....No limit
Securities act fee fund (331-00-2162-0100).....No limit

Provided, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed $2,000.

Investor education and protection fund (331-00-2242-2240).....No limit

Provided, That expenditures from the investor education and protection fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed $5,000.

Captive insurance regulatory and
supervision fund (331-00-2309-2309).....No limit
State flexibility to stabilize the market grant
program fund (331-00-3648-3648).....No limit
Coronavirus relief fund (331-00-3753-3753).....No limit

(b) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance company examination fund (331-00-2055-2000) for fiscal year 2023 as authorized by K.S.A. 40-223, and amendments thereto, notwithstanding the provisions of K.S.A. 40-223, and amendments thereto, or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2023 for the examination of annual statements filed with the commissioner of insurance, regardless of when the services were rendered, when the expenses were incurred or when any claim was submitted or processed for payment and regardless of whether or not the services were rendered or the expenses were incurred prior to the effective date of this act.

Sec. 36.

HEALTH CARE STABILIZATION
FUND BOARD OF GOVERNORS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Conference fee fund (270-00-2453-2453).....No limit
Health care stabilization fund (270-00-7404-2000).....No limit

(b) Expenditures from the health care stabilization fund for the fiscal year ending June 30, 2023, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures (270-00-7404-2100).....No limit

Provided, That expenditures may be made from the operating expenditures account for official hospitality.

Legal services and other claims expenses (270-00-7404-2300).....No limit
Claims and benefits (270-00-7404-2400) .....No limit

Sec. 37.

POOLED MONEY INVESTMENT BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Municipal investment pool fund (671-00-7537-7000).....No limit
Pooled money investment portfolio
fee fund (671-00-2319-2000) .....No limit

Provided, That, on or before the fifth day of each month of the fiscal year ending June 30, 2023, the state treasurer shall certify to the pooled money investment board an accounting of the banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during such month: *Provided further,* That, prior to the 10th day of each month during the fiscal year ending June 30, 2023, the pooled money investment board shall review the certification from the state treasurer and shall make expenditures from the pooled money investment portfolio fee fund (671-00-2319-2000) to pay the amount of banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during the second preceding month, as determined by the pooled money investment board: *And provided further,* That expenditures from the pooled money investment portfolio fee fund for official hospitality shall not exceed $800.

Sec. 38.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Judicial council fund (349-00-2127-2100).....No limit
Grants and gifts fund (349-00-7326-7000).....No limit

Provided, That all private grants and gifts received by the judicial council, other than moneys received as grants, gifts or donations for the preparation, publication or distribution of legal publications, shall be deposited to the credit of the grants and gifts fund.

Publications fee fund (349-00-2297-2000).....No limit
Coronavirus relief fund (349-00-3753-3772) .....No limit

Sec. 39.

STATE BOARD OF INDIGENTS'
DEFENSE SERVICES

(a) On the effective date of this act, of the $2,760,665 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 48(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the litigation support account (328-00-1000-0510), the sum of $786,337 is hereby lapsed.

(b) On the effective date of this act, of the $13,239,335 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 48(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the assigned counsel expenditures account (328-00-1000-0700), the sum of $3,801,559 is hereby lapsed.

(c) On the effective date of this act, of the $18,057,609 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 48(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures account (328-00-1000-0603), the sum of $46,967 is hereby lapsed.

(d) On the effective date of this act, of the $3,104,114 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 48(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the capital defense operations account (328-00-1000-0800), the sum of $4,645 is hereby lapsed.

Sec. 40.

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, 2023, the following:

Operating expenditures (328-00-1000-0603).....$22,112,262

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures for indigents' defense services are authorized to be made from the operating expenditures account regardless of when services were rendered: *Provided further,* That expenditures may be made from the operating expenditures account for negotiated contracts for malpractice insurance for public defenders and deputy or assistant public defenders: *And provided further,* That all contracts for malpractice insurance for public defenders and deputy or assistant public defenders shall be negotiated and purchased by the state board of indigents' defense services, shall not be subject to approval or

purchase by the committee on surety bonds and insurance under K.S.A. 75-4114 and 75-6111, and amendments thereto, and shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto.

Assigned counsel expenditures (328-00-1000-0700) $17,741,473

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures for indigents' defense services are authorized to be made from the assigned counsel expenditures account regardless of when services were rendered: *And provided further,* That, notwithstanding the provisions of K.S.A. 22-4507, and amendments thereto, or any other statute, expenditures shall be made by the above agency from such account for fiscal year 2023 to set the maximum rate of compensation of assigned counsel in fiscal year 2023 at $120 per hour.

Capital defense operations (328-00-1000-0800).....$3,099,512

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the capital defense operations account is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures for indigents' defense services are authorized to be made from the capital defense operations account regardless of when services were rendered.

Legal services for prisoners (328-00-1000-0500).....$289,592
Indigents' defense services operations (328-00-1000-0610) $156,847

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the indigents' defense services operations account is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures may be made from the indigents' defense services operations account for the purpose of assigned counsel and other professional services related to contract cases.

Litigation support (328-00-1000-0510).....$2,327,691

Provided, That any unencumbered balance in the litigation support account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Capital litigation training grant fund (328-00-3211-3211) .....No limit
Indigents' defense services fund (328-00-2119-2000).....No limit

Provided, That expenditures may be made from the indigents' defense services fund for the purpose of assigned counsel and other professional services related to contract cases.

Inservice education workshop fee fund (328-00-2186-2100).....No limit

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

(c) During the fiscal year ending June 30, 2023, the executive director of the state board of indigents' defense services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2023, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2023 from the state general fund for the state board of indigents' defense services. The executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) 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 2023 as authorized by this act or other appropriation act of the 2022 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 2023 to classify public defenders based on the level of cases such public defenders are assigned.

Sec. 41.

JUDICIAL BRANCH

(a) On the effective date of this act, of the $114,356,817 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 50(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the judiciary operations account (677-00-1000), the sum of $252,966 is hereby lapsed.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Ed Byrne memorial justice assistance
grant fund (677-00-3057) ..... No limit

Sec. 42.

JUDICIAL BRANCH

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

Judiciary operations (677-00-1000) $148,296,991

Provided, That any unencumbered balance in the judiciary operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That contracts for computer input of judicial opinions and all purchases thereunder shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto: *And provided further,* That expenditures may be made from the judiciary operations account for contingencies without limitation at the discretion of the chief justice: *And provided further,* That expenditures from the judiciary operations account for such contingencies shall not exceed $25,000: *And provided further,* That expenditures from the judiciary operations account for official hospitality shall not exceed $4,000: *And provided further,* That expenditures shall be made from the judiciary operations account for the travel expenses of panels of the court of appeals for travel to cities across the state to hear appealed cases.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Library report fee fund (677-00-2106-2000) ..... No limit
State and community highway safety –
federal fund (677-00-3815-3815) ..... No limit
Dispute resolution fund (677-00-2126-3500) ..... No limit
Judicial branch education fund (677-00-2324-1900) ..... No limit

Provided, That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, educating and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: *Provided further,* That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further,* That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services

and programs, including official hospitality: *And provided further,* That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch education fund.

Child welfare federal grant fund (677-00-3942-3300).....No limit
Child support enforcement contractual agreement fund (677-00-2681-2400).....No limit
SJI grant fund (677-00-2714-2714).....No limit
Bar admission fee fund (677-00-2724-2500).....No limit
Permanent families account – family and children investment fund (677-00-7317-7000).....No limit
Duplicate law book fund (677-00-2543-2300).....No limit
Court reporter fund (677-00-2725-2600).....No limit
Judicial branch nonjudicial salary initiative fund (677-00-2229-2800).....No limit
Judicial branch nonjudicial salary adjustment fund (677-00-2389-3200).....No limit
Federal grants fund (677-00-3082-3100).....No limit
District magistrate judge supplemental compensation fund (677-00-2398-2390).....No limit
Correctional supervision fund (677-00-2465-2465).....No limit
Violence against women grant fund – ARRA (677-00-3214-3214).....No limit
Judicial branch docket fee fund (677-00-2158-2158).....No limit
Electronic filing and management fund (677-00-2791-2791).....No limit
Coronavirus emergency supplemental fund (677-00-3671-3671).....No limit
Coronavirus relief fund (677-00-3753).....No limit
Ed Byrne memorial justice assistance grant fund (677-00-3057).....No limit

Sec. 43.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas public employees retirement fund (365-00-7002-7000) ...No limit

Provided, That no expenditures may be made from the Kansas public employees retirement fund other than for benefits, investments, refunds

authorized by law, and other purposes specifically authorized by this or other appropriation act.

Kansas public employees deferred compensation fees fund (365-00-2376) ..... No limit
Group insurance reserve fund (365-00-7358-9200) ..... No limit
Optional death benefit plan reserve fund (365-00-7357-9100) ..... No limit
Kansas endowment for youth fund (365-00-7000-2000) ..... No limit
Senior services trust fund (365-00-7550-7600) ..... No limit
Family and children endowment account – family and children investment fund (365-00-7010-4000) ..... No limit
Non-retirement administration fund (365-00-2277) ..... No limit

(b) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund (365-00-7002-7000) for the fiscal year ending June 30, 2023, for the following specified purposes:

Agency operations (365-00-7002-7400) $25,193,171

Provided, That expenditures from the agency operations account may be made for official hospitality.

Investment-related expenses (365-00-7002-8000) ..... No limit

(c) On July 1, 2022, 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, 2022, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby increased to $52,254,520.

[†]

Sec. 44.

KANSAS HUMAN RIGHTS COMMISSION

(a) On the effective date of this act, of the $1,036,042 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 52(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures account (058-00-1000-0103), the sum of $1,587 is hereby lapsed.

Sec. 45.

KANSAS HUMAN RIGHTS COMMISSION

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

Operating expenditures (058-00-1000-0103) $1,036,106

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from this ac-

count for official hospitality shall not exceed $200: *Provided further,* That expenditures for mediation services contracted with Kansas legal services shall be made only upon certification by the executive director of the human rights commission to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a $1 of private moneys to $3 of state moneys basis.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State and local fair employment practices –
federal fund (058-00-3016-3000) ..... No limit
Conversion of materials and
equipment fund (058-00-2404-1300) ..... No limit
Education and training fund (058-00-2282-2000) ..... No limit

Provided, That expenditures may be made from the education and training fund for operating expenditures for the commission's education and training programs for the general public, including official hospitality: *Provided further,* That the executive director is hereby authorized to fix, charge and collect fees for such programs: *And provided further,* That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further,* That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund.

Sec. 46.

STATE CORPORATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Public service regulation fund (143-00-2019-0100) ..... No limit
Motor carrier license fees fund (143-00-2812-5500) ..... No limit
Conservation fee fund (143-00-2130-2000) ..... No limit

Provided, That any expenditure made from the conservation fee fund for plugging abandoned wells, cleanup of pollution from oil and gas activities and testing of wells shall be in addition to any expenditure limitation imposed on this fund: *Provided further,* That expenditures may be made from this fund for debt collection and set-off administration: *And provided*

further, That a percentage of the fees collected, not to exceed 27%, shall be transferred from the conservation fee fund to the accounting services recovery fund (173-00-6105-4010) of the department of administration for services rendered in collection efforts: *And provided further,* That all expenditures made from the conservation fee fund for debt collection and set-off administration shall be in addition to any expenditure limitation imposed on this fund: *And provided further,* That the state corporation commission shall include as part of the fiscal year 2023 budget estimates for the state corporation commission submitted pursuant to K.S.A. 75-3717, and amendments thereto, a three-year projection of receipts to and expenditures from the conservation fee fund for fiscal years 2023, 2024 and 2025.

Natural gas underground storage fee fund (143-00-2181-2120)...No limit
Gas pipeline inspection fee fund (143-00-2023-1100) .....No limit
Special one-call – federal fund (143-00-3477-3477).....No limit
Abandoned oil and gas well fund (143-00-2143-2100) .....No limit
Gas pipeline safety program –
federal fund (143-00-3632-3000).....No limit
Underground injection control class II –
federal fund (143-00-3768-3700).....No limit
One call – federal fund (143-00-3633-3120).....No limit
Inservice education workshop fee fund (143-00-2316-2300).....No limit

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

Unified carrier registration clearing fund (143-00-9062-9100).....No limit
Credit card clearing fund (143-00-9401-9400) .....No limit
Suspense fund (143-00-9007-9000).....No limit
Facility conservation improvement
program fund (000-00-2432-2400).....No limit
Energy grants management fund (000-00-2667-4000).....No limit
Energy conservation plan – federal fund (000-00-3682-3500).....No limit
Energy efficiency revolving loan program –
ARRA federal fund (000-00-3161-3160) .....No limit

Provided, That expenditures may be made from the energy efficiency revolving loan program – ARRA federal fund for the energy efficiency revolving loan program pursuant to vouchers approved by the chairperson of the state corporation commission or by a person or persons designated by the chairperson: *Provided further,* That the state corporation commission is hereby authorized to establish the energy efficiency revolving loan program for the purpose of making loans for energy conservation and other energy-related activities: *And provided further,* That loans under such program shall be made at an interest rate established by the state corporation commission: *And provided further,* That the state corporation commission is hereby authorized to enter into contracts with other state agencies and with persons, as may be necessary, to administer the energy efficiency revolving loan program: *And provided further,* That any person who agrees to receive money from the energy efficiency revolving loan program – ARRA federal fund shall enter into an agreement requiring such person to submit a written report to the state corporation commission detailing and accounting for all expenditures and receipts related to the use of the moneys received from the energy efficiency revolving loan program – ARRA federal fund: *And provided further,* That moneys repaid to the energy efficiency revolving loan program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the energy efficiency revolving loan program – ARRA federal fund: *And provided further,* That, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the energy efficiency revolving loan program – ARRA federal fund interest earnings based on: (1) The average daily balance of repaid moneys in the energy efficiency revolving loan program – ARRA federal fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(b) Expenditures for the fiscal year ending June 30, 2023, by the state corporation commission from the conservation fee fund (143-00-2130-2000) or the abandoned oil and gas well fund (143-00-2143-2100) may be made for the service of independent on-site supervision of well plugging contracts: *Provided,* That all such expenditures from the conservation fee fund or the abandoned oil and gas well fund for the purpose of plugging of abandoned oil and gas wells during fiscal year 2023 shall be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto, and shall not be exempt from such competitive bidding requirements on the basis of the estimated amount of such purchases.

(c) During the fiscal year ending June 30, 2023, notwithstanding the provisions of any other statute, the chairperson of the state corporation commission, with the approval of the director of the budget, may transfer funds from any special revenue fund or funds of the state cor-

poration commission to any other special revenue fund or funds of the state corporation commission. The chairperson of the state corporation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) Expenditures for the fiscal year ending June 30, 2023, by the state corporation commission from the public service regulation fund (143-00-2019-0100) for official hospitality shall not exceed $2,030.

(e) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, or any other statute, all moneys received from civil fines and penalties charged and collected by the state corporation commission under K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, in the conservation fee fund (143-00-2130-2000), the public service regulation fund (143-00-2019-0100) and the motor carrier license fees fund (143-00-2812-5500) shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury and credited to the state general fund.

(f) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $100,000 from the public service regulation fund (143-00-2019-0100) of the state corporation commission to the state general fund.

Sec. 47.

CITIZENS' UTILITY RATEPAYER BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund (122-00-2030-2000).....$1,197,623

(b) During the fiscal year ending June 30, 2023, in addition to other purposes for which expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund (122-00-2030-2000) for fiscal year 2023 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2022 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, if the total expenditures authorized to be expended on contracts for professional services by the citizens' utility ratepayer board by the expenditure limitation prescribed by subsection (a) are not expended or encumbered for fiscal year 2022, then the amount equal to the remaining amount of such expenditure authority for fiscal year 2022 may be expended from the utility regulatory fee fund for fiscal year 2023 pursuant to contracts for professional services and any such expenditure for fiscal year 2023 shall be

in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2023.

Sec. 48.

DEPARTMENT OF ADMINISTRATION

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

Office of the public advocates (173-00-1000) $200,000

(b) On the effective date of this act, of the $4,445,476 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 56(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures account (173-00-1000-0200) the sum of $10,293 is hereby lapsed.

(c) On the effective date of this act, of the $1,615,339 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 56(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the budget analysis account (173-00-1000-0520), the sum of $3,826 is hereby lapsed.

(d) On the effective date of this act, of the $264,919 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 56(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the long-term care ombudsman account (173-00-1000-0580), the sum of $560 is hereby lapsed.

(e) On the effective date of this act, of the $28,750,000 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 28(a) of chapter 116 of the 2021 Session Laws of Kansas from the state general fund in the KPERS bonds debt service account (173-00-1000-0440), the sum of $4,570,203 is hereby lapsed.

(f) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Preventive health care program fund (173-00-2556-2550) .....No limit

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 56(c) of chapter 98 of the 2021 Session Laws of Kansas on the health benefits administration clearing fund – remit admin service org (173-00-7746-7746) for salaries and wages and other operating expenditures of the department of administration is hereby increased from $11,215,900 to $14,065,900.

(h) On the effective date of this act, the director of accounts and reports shall transfer $500,000,000 from the state general fund to the budget stabilization fund (173-00-1600-1600).

Sec. 49.

DEPARTMENT OF ADMINISTRATION

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

Operating expenditures (173-00-1000-0200).....$4,439,119

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from this account for official hospitality shall not exceed $2,000: *Provided further,* That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the operating expenditures account for three employees in the unclassified service under the Kansas civil service act.

Budget analysis (173-00-1000-0520).....$1,611,661

Provided, That any unencumbered balance in the budget analysis account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the budget analysis account for eight employees in the unclassified service under the Kansas civil service act: *And provided further,* That expenditures from this account for official hospitality shall not exceed $1,000.

Gubernatorial transition (173-00-1000).....$150,000
Cedar crest transition reimbursement (173-00-1000).....$15,000

Provided, That expenditures shall be made from the cedar crest transition reimbursement account to reimburse the friends of cedar crest association for gubernatorial transition-related expenses.

Office of public advocates (173-00-1000).....$989,628

Provided, That any unencumbered balance in the office of public advocates account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from this account for official hospitality shall not exceed $1,000.

KPERS bonds debt service (173-00-1000-0440).....$88,180,029

Any unencumbered balance in the following account as of June 30, 2022, is hereby reappropriated for fiscal year 2023: Long-term care ombudsman (173-00-1000-0580).

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

KPERS bond debt service (173-00-1700-1704).....$36,110,453

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

Department of administration
audit services fund (173-00-2819-2819) .....No limit
Budget stabilization fund (173-00-1600-1600) $0
Federal cash management fund (173-00-2001-2200).....No limit
State leave payment reserve fund (173-00-7730-7350) .....No limit
Building and ground fund (173-00-2028-2000) .....No limit
General fees fund (173-00-2197-2020) .....No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the division of personnel services, including human resources programs and official hospitality: *Provided further,* That the director of personnel services is hereby authorized to fix, charge and collect fees: *And provided further,* That fees shall be fixed in order to recover all or part of the operating expenses incurred, including official hospitality: *And provided further,* That all fees received, including fees received under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Human resource information systems cost
recovery fund (173-00-6103-5700) .....No limit
Budget fees fund (173-00-2191-2100).....No limit

Provided, That expenditures may be made from the budget fees fund for operating expenditures for the division of the budget, including training programs, special projects and official hospitality: *Provided further,* That the director of the budget is hereby authorized to fix, charge and collect fees for such training programs: *And provided further,* That fees for such training programs and special projects shall be fixed in order to recover all or part of the operating expenses incurred for such training programs and special projects, including official hospitality: *And provided further,* That all fees received for such training programs and special projects and all fees received by the division of the budget under the open records act for providing access to or furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the budget fees fund.

Purchasing fees fund (173-00-2017-2130) .....No limit

Provided, That expenditures may be made from the purchasing fees fund for operating expenditures of the division of purchases, including training seminars and official hospitality: *Provided further,* That the director of purchases is hereby authorized to fix, charge and collect fees for operating expenditures incurred to reproduce and disseminate purchasing information, administer vendor applications, administer state contracts and conduct training seminars, including official hospitality: *And provided further,* That such fees shall be fixed in order to recover all or part of such operating expenses: *And provided further,* That all fees received for such operating expenses shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the purchasing fees fund.

Architectural services fee fund (173-00-2075-2110).....No limit

Provided, That expenditures may be made from the architectural services fee fund for operating expenditures for distribution of architectural information: *Provided further,* That the director of facilities management is hereby authorized to fix, charge and collect fees for reproduction and distribution of architectural information: *And provided further,* That such fees shall be fixed in order to recover all or part of the operating expenses incurred for reproducing and distributing architectural information: *And provided further,* That all fees received for such reproduction and distribution of architectural information shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services fee fund.

Budget equipment conversion fund (173-00-2434-2090) .....No limit
Conversion of materials and
equipment fund (173-00-2408-2030).....No limit
Architectural services equipment
conversion fund (173-00-2401-2170).....No limit
Property contingency fund (173-00-2640-2060).....No limit
Flood control emergency – federal fund (173-00-3024-3020).....No limit
INK special revenue fund (173-00-2764-2702) .....No limit
State buildings operating fund (173-00-6148-4100).....No limit

Provided, That the secretary of administration is hereby authorized to fix, charge and collect a real estate property leasing services fee at a reasonable rate per square foot of space leased by state agencies as approved by the secretary of administration under K.S.A. 75-3765, and amendments thereto, to recover the costs incurred by the department of administration in providing services to state agencies relating to leases of real property: *Provided further,* That each state agency that is party to a lease of real property that is approved by the secretary of administration under K.S.A. 75-3765, and amendments thereto, shall remit to the secretary of

administration the real estate property leasing services fee upon receipt of the billing therefor: *And provided further,* That all moneys received for real estate property leasing services fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund (173-00-2028-2000), as determined and directed by the secretary of administration: *And provided further,* That the net proceeds from the sale of all or any part of the Topeka state hospital property, as defined by K.S.A. 75-37,123(a), and amendments thereto, shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further,* That the secretary of administration is hereby authorized to fix, charge and collect a surcharge against all state agency leased square footage in Shawnee county, including both state-owned and privately owned buildings: *And provided further,* That all moneys received for such surcharge shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration.

Accounting services recovery fund (173-00-6105-4010) .....No limit

Provided, That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospitality, of the department of administration: *Provided further,* That the secretary of administration is hereby authorized to fix, charge and collect fees for services or sales provided by the department of administration that are not specifically authorized by any other statute: *And provided further,* That all fees received for such services or sales shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the accounting services recovery fund.

Architectural services recovery fund (173-00-6151-5500) .....No limit

Provided, That expenditures may be made from the architectural services recovery fund for operating expenditures for the division of facilities management: *Provided further,* That the director of facilities management is hereby authorized to fix, charge and collect fees for services provided to other state agencies not directly related to the construction of a capital improvement project: *And provided further,* That all fees received for all such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.

Motor pool service fund (173-00-6109-4020) .....No limit

Intragovernmental printing service fund (173-00-6165-9800).....No limit
Intragovernmental printing service depreciation
reserve fund (173-00-6167-9810).....No limit
Municipal accounting and training services
recovery fund (173-00-2033-1850) .....No limit

Provided, That expenditures may be made from the municipal accounting and training services recovery fund to provide general ledger, payroll reporting, utilities billing, data processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: *Provided further,* That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further,* That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further,* That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the municipal accounting and training services recovery fund.

Canceled warrants payment fund (173-00-2645-2070) .....No limit
State emergency fund (173-00-2581-2150).....No limit
Bid and contract deposit fund (173-00-7609-7060).....No limit
Federal withholding tax clearing fund (173-00-7701-7080).....No limit
Financial management system
development fund (173-00-6135-6130).....No limit

Provided, That the secretary of administration may establish fees and make special assessments in order to finance the costs of developing the financial management system: *Provided further,* That all moneys received for such fees and special assessments shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial management system development fund.

State gaming revenues fund (173-00-9011-9100).....No limit
Financial management system development
fund – on budget (173-00-2689-2689).....No limit
Construction defects recovery fund (173-00-2632-2615).....No limit
Facilities conservation improvement fund (173-00-8745-4912) ...No limit
State revolving fund services fee fund (173-00-2038-2700).....No limit
Conversion of materials and equipment – recycling
program fund (173-00-2435-2031).....No limit
Curtis office building maintenance
reserve fund (173-00-2010-2190).....No limit

Equipment lease purchase program administration clearing fund (173-00-8701-8000) ..... No limit
Suspense fund (173-00-9075-9220) ..... No limit
Electronic funds transfer suspense fund (173-00-9175-9490) ..... No limit
Surplus property program fund – on budget (173-00-2323-2300) ..... No limit
Surplus property program fund – off budget (173-00-6150-6150) ..... No limit
Older Americans act title IIIB long-term care ombudsman federal fund (173-00-3287-3287) ..... No limit
Older Americans act title VII long-term care ombudsman federal fund (173-00-3358-3140) ..... No limit
Long-term care ombudsman gift and grant fund (173-00-7258-7280) ..... No limit
CRRSA 2021 LTC ombudsman fund (173-00-3680) ..... No limit
Title XIX – long-term care ombudsman medical assistance program federal fund (173-00-3414-3414) ..... No limit
Wireless enhanced 911 grant fund (173-00-2577-2570) ..... No limit
Bioscience development fund (173-00-2765-2703) ..... No limit
Dwight D Eisenhower statue fund (173-00-7243-7243) ..... No limit
Digital imaging program fund (173-00-6121-6121) ..... No limit

Provided, That expenditures may be made from the digital imaging program fund for grants to state agencies for digital document imaging projects.

Preventive healthcare program fund (173-00-2556-2550) ..... No limit
Cafeteria benefits fund (173-00-7720-7723) ..... No limit
State workers compensation self-insurance fund (173-00-6170-6170) ..... No limit

Provided, That expenditures from the state workers compensation self-insurance fund for the fiscal year ending June 30, 2023, for salaries and wages and other operating expenditures shall not exceed $4,709,909.

Dependent care assistance program fund (173-00-7740-7799) .... No limit

Provided, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2023, for salaries and wages and other operating expenditures shall not exceed $257,284.

Non-state employer group benefit fund (173-00-7707-7710) ..... No limit
Health benefits administration clearing fund – remit admin service org (173-00-7746-7746) ..... No limit

Provided, That expenditures from the health benefits administration clearing fund – remit admin service org for the fiscal year ending June 30, 2023, for salaries and wages and other operating expenditures shall not exceed $14,173,400.

Health insurance premium reserve fund (173-00-7350-7350).....No limit
Coronavirus relief fund (173-00-3753).....No limit

(d) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2023 by this or other appropriation act of the 2022 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2023, for the secretary of administration, as part of the system of payroll accounting formulated under K.S.A. 75-5501, and amendments thereto, to establish a payroll deduction plan, for the purpose of allowing insurers, who are authorized to do business in the state of Kansas, to offer to state employees accident, disability, specified disease and hospital indemnity products, which may be purchased by such employees: *Provided, however,* That any such insurer and indemnity product shall be approved by the Kansas state employees health care commission prior to the establishment of such payroll deduction: *Provided,* That upon notification of an employing agency's receipt of written authorization by any state employee, the director of accounts and reports shall make periodic deductions of amounts as specified in such authorization from the salary or wages of such state employee for the purpose of purchasing such indemnity products: *Provided further,* That, subject to the approval of the secretary of administration, the director of accounts and reports may prescribe procedures, limitations and conditions for making payroll deductions pursuant to this section.

(e) On July 1, 2022, the director of accounts and reports shall transfer $210,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the state general fund for the purpose of reimbursing the state general fund for the cost of providing purchasing services to the department of transportation.

(f) During the fiscal year ending June 30, 2023, the secretary of administration is hereby authorized to approve refinancing of equipment being financed by state agencies through the department's equipment financing program. Such refinancing project is hereby approved for the purposes of K.S.A. 74-8905(b), and amendments thereto.

(g) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any capital improvement account of any special revenue fund or funds or in any capital improvement account of the state general fund for the above agency for fiscal year 2023 by this or other appropriation act of the 2022 regular session of the legislature, expenditures may be made by the above agency from any such capital improvement account of any special revenue fund or funds or any such capital improvement account of the state general

fund for fiscal year 2023 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: *Provided,* That the secretary of administration shall make a full report on such repairs and expenditures to the director of the budget and the director of legislative research.

(h) (1) On July 1, 2022, 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, 2023, except that such amount shall be proportionally adjusted during fiscal year 2023 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2023. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2023 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2023, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state economic development initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the state economic development initiatives fund during fiscal year 2023.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the state economic development initiatives fund pursuant to this subsection and all reductions and adjustments thereto made 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 economic development initiatives fund by the state treasurer in accordance with the notice thereof.

(i) (1) On July 1, 2022, the director of accounts and reports shall record a debit to the state treasurer's receivables for the correctional institutions building fund and shall record a corresponding credit to the correctional institutions building fund in an amount certified by the director of the budget that shall be equal to 80% of the amount estimated by the director of the budget to be transferred and credited to the correctional institutions building fund during the fiscal year ending June 30, 2023, except that such amount shall be proportionally adjusted during fiscal year 2023 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2023. All

moneys transferred and credited to the correctional institutions building fund during fiscal year 2023 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2023, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the correctional institutions building fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the correctional institutions building fund during fiscal year 2023.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the correctional institutions building fund pursuant to this subsection and all reductions and adjustments thereto made 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 correctional institutions building fund by the state treasurer in accordance with the notice thereof.

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

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

SIBF – state building insurance (173-00-8100-8920).....$325,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the SIBF – state building insurance account of the state institutions building fund for state building insurance premiums.

(l) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2023, the following:

CIBF – state building insurance (173-00-8600-8930).....$400,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b09, and amendments thereto, expenditures may be made by the above agency from the CIBF – state building insurance account of the correctional institutions building fund for state building insurance premiums.

(m) On July 1, 2022, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2023, the director of accounts and

reports shall transfer an amount or amounts from the appropriate federal fund or funds of the Kansas department for aging and disability services to the older Americans act title IIIB long-term care ombudsman federal fund (173-00-3287-3287) of the department of administration: *Provided*, That the aggregate of such amount or amounts transferred during fiscal year 2023 shall be equal to and shall not exceed the older Americans act title VII: ombudsman award and 4.38% of the Kansas older Americans act title III: part B supportive services award.

(n) (1) (A) Prior to August 15, 2022, 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, 2022, 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 2023 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, 2023, by this or other appropriation act of the 2022 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 circum-

stances and unanticipated reductions in expenditures or unanticipated and required expenditures by the regents agencies for fiscal year 2023.

(3) 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.

(4) 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

(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.

(5) 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.

(o) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2023 by this or other appropriation act of the 2022 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2023, for the secretary of administration to fix, charge and collect fees for architectural, engineering and management services provided for capital improvement projects of the state board of regents or any state educational institution, as defined by K.S.A. 76-711, and amendments thereto, for

which the department of administration provides such services and which are financed in whole or in part by gifts, bequests or donations made by one or more private individuals or other private entities: *Provided,* That such fees for such services are hereby authorized to be fixed, charged and collected in accordance with the provisions of K.S.A. 75-1269, and amendments thereto, notwithstanding any provisions of K.S.A. 75-1269, and amendments thereto, to the contrary: *Provided further,* That all such fees received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.

(p) (1) On July 1, 2022, the director of accounts and reports shall record a debit to the state treasurer's receivables for the expanded lottery act revenues fund and shall record a corresponding credit to the expanded lottery act revenues fund in an amount certified by the director of the budget that shall be equal to the amount estimated by the director of the budget to be transferred and credited to the expanded lottery act revenues fund during the fiscal year ending June 30, 2023, except that such amount shall be proportionally adjusted during fiscal year 2023 with respect to any change in the moneys to be transferred and credited to the expanded lottery act revenues fund during fiscal year 2023. All moneys transferred and credited to the expanded lottery act revenues fund during fiscal year 2023 shall reduce the amount debited and credited to the expanded lottery act revenues fund under this subsection.

(2) On June 30, 2023, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the expanded lottery act revenues fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the expanded lottery act revenues fund during fiscal year 2023.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the expanded lottery act revenues fund pursuant to this subsection and all reductions and adjustments thereto made 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 expanded lottery act revenues fund by the state treasurer in accordance with the notice thereof.

(q) (1) On July 1, 2022, the director of accounts and reports shall record a debit to the state treasurer's receivables for the children's initiatives fund and shall record a corresponding credit to the children's initiatives fund in an amount certified by the director of the budget that shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the children's initiatives fund during the fiscal year ending June 30, 2023, except that such amount shall be proportional-

ly adjusted during fiscal year 2023 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2023. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts and interest earnings of the Kansas endowment for youth fund for fiscal year 2022 and fiscal year 2023 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2023 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2023, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the children's initiatives fund pursuant to this subsection to reflect all moneys actually transferred and credited to the children's initiatives fund during fiscal year 2023.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the children's initiatives fund pursuant to this subsection and all reductions and adjustments thereto made 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 children's initiatives fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund shall be made after the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (r) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund.

(r) (1) On July 1, 2022, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas endowment for youth fund and shall record a corresponding credit to the Kansas endowment for youth fund in an amount certified by the director of the budget that shall be equal to 75% of the amount approved for expenditure by the children's cabinet during the fiscal year ending June 30, 2023, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2023 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2023, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the Kansas endowment for youth fund pursuant to this subsection to

reflect all moneys actually transferred and credited to the Kansas endowment for youth fund during fiscal year 2023.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas endowment for youth fund pursuant to this subsection and all reductions and adjustments thereto made 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 Kansas endowment for youth fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund shall be made before the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (q) for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund.

(s) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $500,000 from the state general fund to the digital imaging program fund (173-00-6121-6121) of the department of administration.

Sec. 50.

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, 2023, the following:

Rehabilitation and repair (335-00-1000-0050).....$4,250,000

Provided, That any unencumbered balance in the rehabilitation and repair account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Information technology fund (335-00-6110-4030) .....No limit

Provided, That any moneys collected from a fee increase for information services recommended by the governor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the information technology fund.

Information technology reserve fund (335-00-6147-4080) .....No limit

Public safety broadband services fund (335-00-2125-2125).....No limit
GIS contracting services fund (335-00-2163-2163).....No limit
GIS contracting services fund (335-00-6009-6009).....No limit
State and local implementation grant –
federal fund (335-00-3576-3576).....No limit
Coronavirus relief fund (335-00-3753-3772).....No limit

Sec. 51.

KANSAS INFORMATION SECURITY OFFICE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Information technology fund (335-00-6110-4030).....No limit

Provided, That any moneys collected from a fee increase for information services recommended by the governor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the information technology fund.

Information technology reserve fund (335-00-6147-4080).....No limit

Sec. 52.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) On the effective date of this act, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2022, by section 61(a) of chapter 98 of the 2021 Session Laws of Kansas on the administrative hearings office fund (178-00-2582-2584) of the office of administrative hearings is hereby increased from $20 to $50.

Sec. 53.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Administrative hearings office fund (178-00-2582).....No limit

Provided, That expenditures from the administrative hearings office fund for official hospitality shall not exceed $50.

Sec. 54.

STATE BOARD OF TAX APPEALS

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

Operating expenditures (562-00-1000-0103).....$42,999

Sec. 55.

STATE BOARD OF TAX APPEALS

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

Operating expenditures (562-00-1000-0103).....$873,554

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Duplicating fees fund (562-00-2219-2200).....$3,000
BOTA filing fee fund (562-00-2240-2240).....$1,132,162

Sec. 56.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, of the $14,443,154 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 65(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures accounts (565-00-1000-0303), the sum of $26,011 is hereby lapsed.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 65(b) of chapter 98 of the 2021 Session Laws of Kansas on the division of vehicles operating fund (565-00-2089-2020) of the department of revenue is hereby decreased from $50,832,862 to $50,436,214.

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, 2023, the following:

Operating expenditures (565-00-1000-0303).....$14,800,540

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022 is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from this account for official hospitality shall not exceed $1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund (565-00-2087-2010).....No limit
Division of vehicles operating fund (565-00-2089-2020) $51,031,404

Provided, That all receipts collected under authority of K.S.A. 74-2012, and amendments thereto, shall be credited to the division of vehicles operating fund: *Provided further,* That any expenditure from the division of vehicles operating fund of the department of revenue to reimburse the audit services fund (540-00-9204-9000) of the division of post audit for a financial-compliance audit in an amount certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the division of vehicles operating fund for the fiscal year ending June 30, 2023: *And provided further,* That, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, expenditures may be made from this fund for the administration and operation of the department of revenue.

Vehicle dealers and manufacturers
fee fund (565-00-2189-2030) .....No limit
Kansas qualified agricultural ethyl alcohol
producer incentive fund (565-00-2215).....No limit
Division of vehicles modernization fund (565-00-2390-2390) .....No limit
Kansas retail dealer incentive fund (565-00-2387-2380).....No limit
Conversion of materials and
equipment fund (565-00-2417-2050).....No limit
Forfeited property fee fund (565-00-2428-2200) .....No limit
Setoff services revenue fund (565-00-2617-2080) .....No limit
Publications fee fund (565-00-2663-2090).....No limit
Child support enforcement contractual
agreement fund (565-00-2683-2110).....No limit
County treasurers' vehicle licensing
fee fund (565-00-2687-2120) .....No limit
Tax amnesty recovery fund (565-00-2462-2462).....No limit
Reappraisal reimbursement fund (565-00-2693-2130) .....No limit

Provided, That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund: *Provided further,* That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the state board of tax appeals under K.S.A. 79-1479, and amendments thereto.

Special training fund (565-00-2016-2000).....No limit

Provided, That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars, workshops and examinations: *Provided further,* That the secretary of revenue is hereby authorized to fix, charge

and collect fees for conferences, training seminars, workshops and examinations sponsored or cosponsored by the department of revenue: *And provided further,* That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: *And provided further,* That all fees received for conferences, training seminars, workshops and examinations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special training fund.

Recovery fund for enforcement actions and attorney fees (565-00-2021-2060) ..... No limit
Commercial vehicle information systems/network federal fund (565-00-3244-3244) ..... No limit
Highway planning construction federal fund (565-00-3333-3333) ..... No limit
State and community highway safety fund (565-00-3815-3815) ... No limit
Microfilming fund (565-00-2281-2270) ..... No limit

Provided, That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: *Provided further,* That all moneys received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilming fund.

Miscellaneous trust bonds fund (565-00-7556-5180) ..... No limit
Liquor excise tax guarantee bond fund (565-00-7604-5190) ..... No limit
Non-resident contractors cash bond fund (565-00-7605-5200) .... No limit
Bond guaranty fund (565-00-7606-5210) ..... No limit
Interstate motor fuel user cash bond fund (565-00-7616-5220) ... No limit
Motor fuel distributor cash bond fund (565-00-7617-5230) ..... No limit
Special county mineral production tax fund (565-00-7668-5280) ..... No limit
County drug tax fund (565-00-7680-5310) ..... No limit
Escheat proceeds suspense fund (565-00-7753-5290) ..... No limit
Privilege tax refund fund (565-00-9031-9300) ..... No limit
Suspense fund (565-00-9032-9310) ..... No limit
Cigarette tax refund fund (565-00-9033-9330) ..... No limit
Motor-vehicle fuel tax refund fund (565-00-9035-9350) ..... No limit
Cereal malt beverage tax refund fund (565-00-9036-9360) ..... No limit
Income tax refund fund (565-00-9038-9370) ..... No limit
Sales tax refund fund (565-00-9039-9380) ..... No limit
Compensating tax refund fund (565-00-9040-9390) ..... No limit
Alcoholic liquor tax refund fund (565-00-9041-9400) ..... No limit

Cigarette/tobacco products
regulation fund (565-00-2294-2190).....No limit
Motor carrier tax refund fund (565-00-9042-9410).....No limit
Car company tax fund (565-00-9043-9420).....No limit
Protested motor carrier taxes fund (565-00-9044-9430).....No limit
Tobacco products refund fund (565-00-9045-9440).....No limit
Transient guest tax refund fund (established by
K.S.A. 12-1694a) (565-00-9066-9450).....No limit
Interstate motor fuel taxes clearing fund (565-00-9070-9710).....No limit
Motor carrier permits escrow
clearing fund (565-00-7581-5400).....No limit
Transient guest tax refund fund (established by
K.S.A. 12-16,100) (565-00-9074-9480).....No limit
Interstate motor fuel taxes refund fund (565-00-9069-9010).....No limit
Interfund clearing fund (565-00-9096-9510).....No limit
Local alcoholic liquor clearing fund (565-00-9100-9700).....No limit
International registration plan distribution
clearing fund (565-00-9103-9520).....No limit
Rental motor vehicle excise tax
refund fund (565-00-9106-9730).....No limit
International fuel tax agreement
clearing fund (565-00-9072-9015).....No limit
Mineral production tax refund fund (565-00-9121-9540).....No limit
Special fuels tax refund fund (565-00-9122-9550).....No limit
LP-gas motor fuels refund fund (565-00-9123-9560).....No limit
Local alcoholic liquor refund fund (565-00-9124-9570).....No limit
Sales tax clearing fund (565-00-9148-9580).....No limit
Rental motor vehicle excise tax
clearing fund (565-00-9187-9640).....No limit
VIPS/CAMA technology hardware fund (565-00-2244-2170).....No limit

Provided, That, notwithstanding the provisions of K.S.A. 74-2021, and amendments thereto, or of any other statute, expenditures may be made from the VIPS/CAMA technology hardware fund for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties and for administration and operation of the department of revenue.

County and city retailers sales tax clearing fund – county
and city sales tax (565-00-9190-9610).....No limit
City and county compensating use tax
clearing fund (565-00-9191-9620).....No limit
County and city transient guest tax
clearing fund (565-00-9192-9630).....No limit
Automated tax systems fund (565-00-2265-2265).....No limit

Dyed diesel fuel fee fund (565-00-2286-2280) ..... No limit
Electronic databases fee fund (565-00-2287-2180) ..... No limit

Provided, That, notwithstanding the provisions of K.S.A. 74-2022, and amendments thereto, or any other statute, expenditures may be made from the electronic databases fee fund for the purposes of operating expenditures, including expenditures for capital outlay; of operating, maintaining or improving the vehicle information processing system (VIPS), the Kansas computer assisted mass appraisal system (CAMA) and other electronic database systems of the department of revenue, including the costs incurred to provide access to or to furnish copies of public records in such database systems and for the administration and operation of the department of revenue.

Photo fee fund (565-00-2084-2140) ..... No limit

Provided, That, notwithstanding the provisions of K.S.A. 2021 Supp. 8-299, and amendments thereto, or any other statute, expenditures may be made from the photo fee fund for administration and operation of the driver license program and related support operations in the division of administration of the department of revenue, including costs of administering the provisions of K.S.A. 8-240, 8-243, 8-267, 8-1324 and 8-1325, and amendments thereto, relating to drivers licenses, instruction permits and identification cards.

Estate tax abatement refund fund (565-00-9082-9501) ..... No limit
Distinctive license plate fund (565-00-2232-2230) ..... No limit
Repossessed certificates of title fee fund (565-00-2015-2070) ..... No limit
Hazmat fee fund (565-00-2365-2300) ..... No limit
Intra-governmental service fund (565-00-6132-6101) ..... No limit
Community improvement district sales tax
administration fund (565-00-7675-5300) ..... No limit
Community improvement district sales tax
refund fund (565-00-9049-9455) ..... No limit
Community improvement district sales tax
clearing fund (565-00-9189-9655) ..... No limit
Drivers license first responders indicator
federal fund (565-00-3179-3179) ..... No limit
Enforcing underage drinking federal fund (565-00-3219-3219) ... No limit
FDA tobacco program federal fund (565-00-3330-3330) ..... No limit
Commercial vehicle administrative
system fund (565-00-2098-2098) ..... No limit
State charitable gaming regulation fund (565-00-2381-2385) ..... No limit
Charitable gaming refund fund (565-00-9001-9001) ..... No limit
Commercial driver's license drive test
fee fund (565-00-2816-2816) ..... No limit
DUI-IID designation fund (565-00-2380-2370) ..... No limit
MSA compliance fund (565-00-2274-2274) ..... No limit

Alcoholic beverage control
modernization fund (565-00-2299-2299).....No limit
Native American veterans' income tax refund fund .....No limit
Fleet rental vehicle administration fund (565-00-2799-2799) .....No limit
Fleet rental vehicle clearing fund (565-00-9089-9089) .....No limit
Taxpayer notification costs fund (565-00-2852-2852).....No limit

(c) On July 1, 2022, October 1, 2022, January 1, 2023, and April 1, 2023, the director of accounts and reports shall transfer $12,325,000 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 for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.

(d) On August 1, 2022, the director of accounts and reports shall transfer $77,250 from the accounting services recovery fund (173-00-6105-4010) of the department of administration to the setoff services revenue fund (565-00-2617-2080) of the department of revenue for reimbursing costs of recovering amounts owed to state agencies under K.S.A. 75-6201 et seq., and amendments thereto.

(e) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $1,000,000 from the state general fund to the division of vehicles modernization fund (565-00-2390-2390) of the department of revenue.

(f) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $1,200,000 from the Kansas endowment for youth fund (365-00-7000-2000) to the MSA compliance fund (565-00-2274-2274) of the department of revenue.

(g) During the fiscal year ending June 30, 2023, no expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2023 as authorized by this or other appropriation act of the 2022 regular session, to apply the provisions of K.S.A. 79-3603(k), and amendments thereto, on or after July 7, 2018, to an internet-based subscription service providing subscriber access only to a content library.

Sec. 58.

KANSAS LOTTERY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Lottery prize payment fund (450-00-7381).....No limit
Lottery operating fund (450-00-5123).....No limit

Provided, That expenditures from the lottery operating fund for official hospitality shall not exceed $5,000.

Expanded lottery receipts fund (450-00-5128).....No limit
Lottery gaming facility manager fund (450-00-5129-5150).....No limit
Expanded lottery act revenues fund (450-00-5127-5120).....$0

(b) Notwithstanding the provisions of K.S.A. 74-8711, and amendments thereto, and subject to the provisions of this subsection: (1) An amount of not less than $2,300,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before July 15, 2022; and (2) an amount of not less than $4,700,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before August 15, 2022, and on or before the 15th of each month thereafter through June 15, 2023: *Provided,* That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) and shall credit such amount to the state gaming revenues fund (173-00-9011-9100) for the fiscal year ending June 30, 2023: *Provided, however,* That, after the date that an amount of $54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2023 pursuant to this subsection, the executive director of the Kansas lottery shall continue to certify amounts to the director of accounts and reports on or before the 15th of each month through June 15, 2023, except that the amounts certified after such date shall not be subject to the minimum amount of $4,700,000: *Provided further,* That the amounts certified by the executive director of the Kansas lottery to the director of accounts and reports, after the date an amount of $54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2023 pursuant to this subsection, shall be determined by the executive director so that an aggregate of all amounts certified pursuant to this subsection for fiscal year 2023 is equal to or more than $67,990,000: *And provided further,* That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2023 pursuant to this subsection shall be equal to or more than $67,990,000: *And provided further,* That the transfers prescribed by this subsection shall be the maximum amount possible while maintaining an adequate cash balance necessary to make expenditures for prize payments and operating costs: *And provided further,* That the transfers prescribed in this subsection shall include the total profit attributed to the special veterans benefit game under K.S.A. 74-8724, and amendments thereto: *And provided further,* That the transfers prescribed by this subsection shall be made in lieu of transfers under K.S.A. 74-8711(d), and amendments thereto, for fiscal year 2023.

(c) In addition to the purposes for which expenditures of moneys in the lottery operating fund (450-00-5123-5100) may be made, as authorized by provisions of K.S.A. 74-8711, and amendments thereto, in fiscal year 2023, moneys in the lottery operating fund may be used for payment of all costs incurred in the operation and administration of the Kansas lottery, the Kansas lottery act and the Kansas expanded lottery act.

(d) Notwithstanding the provisions of K.S.A. 74-8724, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, the director of accounts and reports shall transfer from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2023: *Provided,* That, the transfer to the veterans benefit lottery game fund (694-00-2303-2303) of the Kansas commission on veterans affairs office for the fiscal year ending June 30, 2023, authorized by section 59(f) represents the total profits derived from the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto: *Provided further,* That on or before August 1, 2023, the executive director of the lottery shall report the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2023 to the director of the budget and the director of legislative research.

(e) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 74-8720, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2023 as authorized by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agency from such moneys to provide the name and address of all persons who claim a Kansas lottery prize of $10,000 or more to the office of inspector general established under K.S.A. 75-7427, and amendments thereto: *Provided,* That the office of inspector general shall use information received pursuant to this subsection solely for the purposes of carrying out the powers, duties and functions prescribed by K.S.A. 75-7427, and amendments thereto: *Provided further,* That the office of inspector general shall not publicly disclose the identity of any lottery prize winner, including recipients for whom such prize affects such recipient's eligibility for or receipt of medical assistance.

Sec. 59.

KANSAS RACING AND
GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund

or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund (553-00-5131-5000).....No limit
Racing reimbursable expense fund (553-00-2616-2600).....No limit
Racing applicant deposit fund (553-00-7383-7000).....No limit
Kansas horse breeding development fund (553-00-2516-2300) ...No limit
Kansas greyhound breeding development fund (553-00-2601-2500).....No limit

Provided, That notwithstanding K.S.A. 74-8831, and amendments thereto, all moneys transferred into this fund pursuant to K.S.A. 74-8767(b), and amendments thereto, shall be deposited to a separate account established for the purpose described in this proviso and moneys in this account shall be expended only to supplement special stake races and to enhance the amount per point paid to owners of Kansas-whelped greyhounds that win live races at Kansas greyhound tracks and pursuant to rules and regulations adopted by the Kansas racing and gaming commission: *Provided further,* That transfers from this account to the live greyhound racing purse supplement fund may be made in accordance with K.S.A. 74-8767(b), and amendments thereto.

Racing investigative expense fund (553-00-2570-2400) .....No limit
Horse fair racing benefit fund (553-00-2296-3000).....No limit
Tribal gaming fund (553-00-2320-3700) .....No limit

Provided, That expenditures from the tribal gaming fund for official hospitality shall not exceed $1,000.

Expanded lottery regulation fund (553-00-2535) .....No limit

Provided, That expenditures from the expanded lottery regulation fund for official hospitality shall not exceed $1,500.

Live horse racing purse supplement fund (553-00-2546-2800) ....No limit
Live greyhound racing purse supplement fund (553-00-2557-2900).....No limit
Greyhound promotion and development fund (553-00-2561-3100).....No limit
Gaming background investigation fund (553-00-2682-2680).....No limit
Gaming machine examination fund (553-00-2998-2990).....No limit
Education and training fund (553-00-2459-2450) .....No limit

Provided, That expenditures may be made from the education and training fund for operating expenditures, including official hospitality, incurred for hosting or providing training, in-service workshops and conferences: *Provided further,* That the Kansas racing and gaming commission is hereby authorized to fix, charge and collect fees for hosting or providing training, in-service workshops and conferences: *And provided further,* That such

fees shall be fixed in order to recover all or part of the operating expenditures incurred for hosting or providing such training, in-service workshops and conferences: *And provided further,* That all fees received for hosting or providing such training, in-service workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund.

Illegal gambling enforcement fund (553-00-2734-2690).....No limit

Provided, That expenditures may be made from the illegal gambling enforcement fund for direct or indirect operating expenditures incurred for investigatory seizure and forfeiture activities, including, but not limited to: (1) Conducting investigations of illegal gambling operations or activities; (2) participating in illegal gaming in order to collect or purchase evidence as part of an undercover investigation into illegal gambling operations; and (3) acquiring information or making contacts leading to illegal gaming activities: *Provided, however,* That all moneys that are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund: *Provided further,* That any moneys received or awarded to the Kansas racing and gaming commission for such enforcement activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund.

(b) On July 1, 2022, the director of accounts and reports shall transfer $450,000 from the state general fund to the tribal gaming fund (553-00-2320-3700) of the Kansas racing and gaming commission.

(c) During the fiscal year ending June 30, 2023, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the state general fund: *Provided,* That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the net amount obtained by subtracting (1) the aggregate of any costs incurred by the state gaming agency during fiscal year 2023 for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (2) the aggregate of the amounts transferred to the tribal gaming fund (553-00-2320-3700) of the Kansas racing and gaming commission during fiscal year 2023 for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.

(d) During the fiscal year ending June 30, 2023, all payments for services provided by the Kansas bureau of investigation shall be paid by the Kansas racing and gaming commission in accordance with K.S.A. 75-5516(b), and amendments thereto, pursuant to bills that are presented in a timely manner by the Kansas bureau of investigation for services rendered.

(e) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the tribal gaming fund (553-00-2320-3700) for fiscal year 2023 for the Kansas racing and gaming commission by this or other appropriation act of the 2022 regular session of the legislature, expenditures, which are hereby authorized, may be made from the tribal gaming fund for fiscal year 2023 for the state gaming agency regulatory oversight of class III gaming, including, but not limited to, the regulatory oversight and law enforcement activities of monitoring compliance with tribal-state gaming compacts and conducting investigations of violations of tribal-state gaming compacts, investigations of criminal violations of the laws of this state at tribal gaming facilities, criminal violations of the tribal gaming oversight act, background investigations of applicants and vendors and investigations of other criminal activities related to tribal gaming.

(f) Notwithstanding the provisions of K.S.A. 74-8831, and amendments thereto, or any other statute, the director of accounts and reports shall not make the transfer from the Kansas greyhound breeding development fund (553-00-2601-2500) of the Kansas racing and gaming commission to the greyhound tourism fund of the Kansas department of wildlife and parks that is directed to be made on or before June 30, 2023, by K.S.A. 74-8831(b)(1), and amendments thereto, and shall transfer on or before June 30, 2023, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2023, from the Kansas greyhound breeding development fund to the greyhound promotion and development fund (553-00-2561-3100) of the Kansas racing and gaming commission.

(g) During the fiscal year ending June 30, 2023, notwithstanding the provisions of any other statute, the Kansas racing and gaming commission is hereby authorized to fix, charge and collect additional fees to recover all or part of the direct and indirect costs or operating expenses incurred or expected to be incurred by the Kansas racing and gaming commission for the regulation of racing activities that are not otherwise recovered from a parimutuel facility licensee under authority of any other statute: *Provided,* That such fees shall be in addition to all taxes and other fees otherwise authorized by law: *Provided further,* That such costs or operating expenses shall include all or part of any auditing, drug testing, accounting, security and law enforcement, licensing of any office or other facility for use by a parimutuel facility licensee or projects to update and upgrade information technology software or facilities of the commission and shall specifically include any general op-

erating expenses that are associated with regulatory activities attributable to the entity upon which any such fee is imposed and all expenses related to reopening any race track or other racing facility: *And provided further,* That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state racing fund (553-00-5131-5000).

Sec. 60.

DEPARTMENT OF COMMERCE

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

Moderate income housing (300-00-1000).....$20,000,000

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2022, the following:

Build up Kansas.....$500,000

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Technology-enabled fiduciary financial institutions fund (300-00-2839).....No limit
Economic adjustment assistance fund (300-00-3415).....No limit
Pathway home 2 – federal fund (300-00-3734).....No limit

Sec. 61.

DEPARTMENT OF COMMERCE

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

Advantage Kansas (300-00-1000).....$125,000

Any unencumbered balance in the following accounts in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: KBA grant commitments account; and moderate income housing account.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2023, the following:

Main street program (300-00-1900-1175).....$825,000

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the main street program account is hereby reappropriated for fiscal year 2023.

Older Kansans employment program (300-00-1900-1140).....$503,164

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the older Kansans employment program account is hereby reappropriated for fiscal year 2023.

Rural opportunity zones program (300-00-1900-1150).....$1,008,583

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the rural opportunity zones program account is hereby reappropriated for fiscal year 2023.

Senior community service
employment program (300-00-1900-1160) $7,941

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the senior community service employment program account is hereby reappropriated for fiscal year 2023.

Strong military bases program (300-00-1900-1170) $195,880

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the strong military bases program account is hereby reappropriated for fiscal year 2023.

Governor's council of economic advisors (300-00-1900-1185).....$193,795

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the governor's council of economic advisors account is hereby reappropriated for fiscal year 2023.

Creative arts industries commission (300-00-1900-1188) $502,084

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the creative arts industries commission account is hereby reappropriated for fiscal year 2023.

Operating grant (including
official hospitality) (300-00-1900-1110).....$9,088,882

Provided, That any unencumbered balance in the operating grant (including official hospitality) account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures may be made from the operating grant (including official hospitality) account for certified development companies that have been determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce.

Public broadcasting grants (300-00-1900-1190) $500,000

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the public broadcasting grants account is hereby reappropriated for fiscal year 2023.

Build up Kansas (300-00-1900-1230) $2,625,000

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the build up Kansas account is hereby reappropriated for fiscal year 2023.

Community development (300-00-1900-1240).....$644,061

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the community development account is hereby reappropriated for fiscal year 2023.

International trade (300-00-1900-1250).....$203,771

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the international trade account is hereby reappropriated for fiscal year 2023.

Travel and tourism
operating expenditures (300-00-1900-1901) $2,601,576

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the travel and tourism operating expenditures account is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures from this account for official hospitality shall not exceed $4,000.

Reemployment implementation (300-00-1900-1260) $94,300

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the reemployment implementation account is hereby reappropriated for fiscal year 2023.

KIT/KIR programs (300-00-1900).....$2,000,000
Registered apprenticeship (300-00-1900).....$500,000
Office of broadband development (300-00-1900) $1,000,000
Small business R&D grants (300-00-1900).....$1,000,000
Work-based learning (300-00-1900).....$714,000

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Job creation program fund (300-00-2467-2467).....No limit
Kan-grow engineering fund – KU (300-00-2494-2494) $3,500,000
Kan-grow engineering fund – KSU (300-00-2494-2495) $3,500,000
Kan-grow engineering fund – WSU (300-00-2494-2496) $3,500,000
Kansas creative arts industries commission special
gifts fund (300-00-7004-7004).....No limit
Governor's council of economic advisors private
operations fund (300-00-2761-2701) .....No limit

Publication and other sales fund (300-00-2048) ..... No limit
Conversion of equipment and
materials fund (300-00-2411-2220) ..... No limit
Conference registration and disbursement fund (300-00-2049) ... No limit
Reimbursement and recovery fund (300-00-2275) ..... No limit
Community development block grant –
federal fund (300-00-3669) ..... No limit
National main street center fund (300-00-7325-7000) ..... No limit
IMPACT program services fund (300-00-2176) ..... No limit
IMPACT program repayment fund (300-00-7388) ..... No limit
Kansas partnership fund (300-00-7525-7020) ..... No limit
Publication and other sales fund (300-00-2399-2399) ..... No limit

Provided, That in addition to other purposes for which expenditures may be made by the above agency from moneys appropriated from the publication and other sales fund for fiscal year 2023, expenditures may be made from such fund for the purpose of compensating federal aid program expenditures, if necessary, in order to comply with the requirements established by the United States fish and wildlife service for utilization of federal aid funds: *Provided further,* That all such expenditures shall be in addition to any expenditures made from the publication and other sales fund for fiscal year 2023: *And provided further,* That the secretary of commerce shall report all such expenditures to the governor and legislature as appropriate.

General fees fund (300-00-2310) ..... No limit

Provided, That expenditures may be made from the general fees fund for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under programs of the department.

Athletic fee fund (300-00-2599-2500) ..... No limit
WIOA adult – federal fund (300-00-3270) ..... No limit
WIOA youth activities – federal fund (300-00-3039) ..... No limit
WIOA dislocated workers – federal fund (300-00-3428) ..... No limit
Trade adjustment assistance – federal fund (300-00-3273) ..... No limit
Disabled veterans outreach program –
federal fund (300-00-3274-3242) ..... No limit
Local veterans employment representative program –
federal fund (300-00-3274-3240) ..... No limit
Wagner Peyser employment services –
federal fund (300-00-3275) ..... No limit
Senior community service employment program –
federal fund (300-00-3100-3510) ..... No limit

Indirect cost – federal fund (300-00-2340-2300).....No limit
Temporary labor certification foreign workers –
federal fund (300-00-3448).....No limit
Work opportunity tax credit –
federal fund (300-00-3447-3447).....No limit
American job link alliance – federal fund (300-00-3100-3516).....No limit
American job link alliance job corps –
federal fund (300-00-3100-3512).....No limit
Child care/development block grant –
federal fund (300-00-3028-3028).....No limit
Enterprise facilitation fund (300-00-2378-2710).....No limit
Unemployment insurance – federal fund (300-00-3335).....No limit
State small business credit initiative –
federal fund (300-00-3567).....No limit
Creative arts industries commission gifts, grants and bequests –
federal fund (300-00-3210-3218).....No limit
Kansas creative arts industries commission
checkoff fund (300-00-2031-2031).....No limit
Workforce data quality initiative –
federal fund (300-00-3237-3237).....No limit
AJLA special revenue fund (300-00-2190-2190).....No limit
RETAIN extension – federal fund (300-00-3770).....No limit
Coronavirus relief fund – federal fund (300-00-3753).....No limit
Workforce innovation – federal fund (300-00-3581).....No limit
Reemployment connections initiative –
federal fund (300-00-3585).....No limit
SBA STEP grant – federal fund (300-00-3573-3573).....No limit
Apprenticeship USA state – federal fund (300-00-3949).....No limit
Kansas health profession opportunity project –
federal fund (300-00-3951).....No limit
Second chance grant – federal fund (300-00-3895).....No limit
H-1B technical skills training grant –
federal fund (300-00-3400).....No limit
State broadband data development grant –
federal fund (300-00-3782-3700).....No limit
Transition assistance program grant –
federal fund (300-00-3451-3451).....No limit
Technology-enabled fiduciary financial
institutions development and
expansion fund (300-00-2839).....No limit
Economic adjustment assistance fund (300-00-3415).....No limit
Pathway home 2 – federal fund (300-00-3734).....No limit
Economic development rural Kansas housing grant fund.....$5,000,000

Provided, That the expenditures from the economic development rural Kansas housing grant fund shall be used by the above agency for the purpose of providing grants to housing projects intended to accommodate expansion due to recent economic development in a Kansas county with a population greater than 40,000 and less than 60,000 as of the 2020 census: *Provided further,* That the recent economic development will create over 500 new jobs and the housing project includes over $50,000,000 in capital investments: *And provided further,* That all moneys in the economic development rural Kansas housing grant fund expended for fiscal year 2023 shall be matched by nonstate moneys on a $1-to-$1 basis.

(d) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2023, for: (1) The provision and administration of conferences held for the purposes of programs and activities of the department of commerce and for which fees are not specifically prescribed by statute; (2) sale of publications of the department of commerce and for sale of educational and other promotional items and for which fees are not specifically prescribed by statute; and (3) promotional and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce: *Provided,* That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services, conferences, publications and items, advertising and other economic development activities and services provided under economic development programs and activities of the department of commerce for which fees are not specifically prescribed by statute: *Provided further,* That all such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to one or more special revenue fund or funds of the department of commerce as specified by the secretary of commerce: *And provided further,* That expenditures may be made from such special revenue fund or funds of the department of commerce for fiscal year 2023, in accordance with the provisions of this or other appropriation act of the 2022 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development activities and services provided under economic development programs and activities of the department of commerce.

(e) In addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund or funds for fiscal year 2023 for the department of commerce as authorized by this or other appropriation act of the 2022 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures may be made by the department of commerce

from moneys appropriated in any special revenue fund or funds for fiscal year 2023 for official hospitality.

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

(g) During the fiscal year ending June 30, 2023, upon certification by the secretary of commerce to the director of accounts and reports and the director of the budget that the unencumbered balance of the KBA grant commitments account of the state general fund is insufficient to pay an amount necessary to meet contractual obligations for fiscal year 2023, and upon approval of the director of the budget, the director of accounts and reports shall transfer an amount equal to such certified amount from the state general fund to the KBA grant commitments account of the state general fund of the department of commerce: *Provided,* That the secretary shall transmit a copy of each such certification to the director of legislative research at the same time that the secretary submits a certification to the director of accounts and reports and the director of the budget.

(h) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to consult with the director of the budget who shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for providing grants to housing projects intended to accommodate expansion due to recent economic development, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided,* That, of such identified moneys, the director of the budget shall determine the remaining moneys available in special revenue funds: *Provided further,* That if the above agency, in consultation with the director of the budget, determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2023 to be used for such grant project, the director of the budget shall certify the amount of such federal coronavirus relief moneys from each fund to the director of accounts and reports

and upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount equal to $5,000,000 as available from such funds to the economic development rural Kansas housing grant fund of the department of commerce for the purpose of providing such grants: *And provided further,* That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(i) On July 1, 2022, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2023, by subsection (a) from the state general fund in the KBA grant commitments account, the sum of $240,880 is hereby lapsed.

Sec. 62.

KANSAS HOUSING RESOURCES CORPORATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State housing trust fund (175-00-7370-7000) ..... No limit

Provided, That all expenditures from the state housing trust fund shall be made by the Kansas housing resources corporation for the purposes of administering and supporting housing programs of the Kansas housing resources corporation.

Sec. 63.

DEPARTMENT OF LABOR

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

Operating expenditures (296-00-1000-0503) $233,407

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

American rescue plan state relief fund (296-00-3756-3536) ..... No limit

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 149(d) of chapter 98 of the 2021 Session Laws of Kansas on the workmen's compensation fee fund (296-00-2124-2228) for capital improvement purposes is hereby increased from $1,025,000 to $1,475,000.

Sec. 64.

DEPARTMENT OF LABOR

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

Operating expenditures (296-00-1000-0503).....$3,654,579

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That in addition to the other purposes for which expenditures may be made by the above agency from this account for the fiscal year ending June 30, 2023, expenditures may be made from this account for the costs incurred for court reporting under K.S.A. 72-2218 et seq. and 75-4321 et seq., and amendments thereto: *And provided further,* That expenditures from this account for official hospitality by the secretary of labor shall not exceed $2,000.

Amusement ride safety (296-00-1000-0513).....$257,985

Provided, That any unencumbered balance in the amusement ride safety account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Any unencumbered balance in the unemployment insurance modernization account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen's compensation fee fund (296-00-2124-2220).....$13,263,070
Occupational health and safety –
federal fund (296-00-3339-3210).....No limit
Employment security interest
assessment fund (296-00-2771-2700).....No limit
Special employment security fund (296-00-2120-2000).....No limit
Employment security administration fund (296-00-3335).....No limit

Provided, That in addition to the other purposes for which expenditures may be made by the department of labor from the employment security administration fund for fiscal year 2023 as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures may be made by the department of labor from the employment security administration fund for fiscal year 2023 from moneys made available to the state under section 903 of the federal social security act for the purpose of unemployment insurance modernization: *Provided further,* That expenditures from such fund for fiscal year 2023 of moneys made available to the

state under section 903 of the federal social security act for such unemployment insurance modernization purposes shall not exceed $4,821,302: *And provided further,* That all expenditures from the employment security administration fund for any such unemployment insurance modernization purposes shall be in addition to any expenditure limitation imposed on the employment security administration fund for fiscal year 2023.

Wage claims assignment fee fund (296-00-2204-2240) ..... No limit
Department of labor special projects fund (296-00-2041-2105) ... No limit
Federal indirect cost offset fund (296-00-2302-2280) ..... No limit

Provided, That, notwithstanding the provisions of K.S.A. 44-716a, and amendments thereto, or any statute to the contrary, during fiscal year 2023, the secretary of labor, with the approval of the director of the budget, may transfer from the special employment security fund of the Kansas department of labor to the department of labor federal indirect cost offset fund the portion of such amount that is determined necessary to be in compliance with the employment security law: *Provided further,* That, upon approval of any such transfer by the director of the budget, notification will be provided to the Kansas legislative research department.

Employment security fund (296-00-7056-7200) ..... No limit
Labor force statistics federal fund (296-00-3742-3742) ..... No limit
Compensation and working conditions
federal fund (296-00-3743-3743) ..... No limit
Employment services Wagner-Peyser funded
activities federal fund (296-00-3275-3275) ..... No limit
Dispute resolution fund (296-00-2587-2270) ..... No limit

Provided, That all moneys received by the secretary of labor for reimbursement of expenditures for the costs incurred for mediation under K.S.A. 72-2232, and amendments thereto, and for fact-finding under K.S.A. 72-2233, and amendments thereto, shall be deposited in the state treasury and credited to the dispute resolution fund: *Provided further,* That expenditures may be made from this fund to pay the costs incurred for mediation under K.S.A. 72-2232, and amendments thereto, and for fact-finding under K.S.A. 72-2233, and amendments thereto, subject to full reimbursement therefor by the board of education and the professional employees' organization involved in such mediation and fact-finding procedures.

Indirect cost fund (296-00-2781-2781) ..... No limit
Workforce data quality initiative –
federal fund (296-00-3237-3237) ..... No limit
Employment security fund
clearing account (296-00-7055-7100) ..... No limit
Employment security fund
benefit account (296-00-7054-7000) ..... No limit

Employment security fund – special
suspense account (296-00-7057-7300).....No limit
Employment security fund trust account (296-00-7056-7200).....No limit
Special wage payment clearing trust fund (296-00-7362-7500).....No limit
Economic adjustment assistance –
federal fund (296-00-3415-3415).....No limit
Social security administration disability –
federal fund (296-00-3309-3309).....No limit
Amusement ride safety fund (296-00-2224-2250).....No limit
KDOL off-budget fund (296-00-6112-6100).....No limit
Renovation bond fund (296-00-8432-8411).....No limit
SNAP employment and training pilot –
federal fund (296-00-3321-3350).....No limit
Anti-human trafficking – federal fund (296-00-3644-3644).....No limit
Coronavirus relief fund (296-00-3753).....No limit
American rescue plan state relief fund (296-00-3756-3536).....No limit

Sec. 65.

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, 2022, the following:

Operating expenditures – administration (694-00-1000-0103).....$36,625
Operating expenditures –
veteran services (694-00-1000-0203).....$335,130
Operating expenditures – Kansas
veterans' home (694-00-1000-0503).....$500,000

(b) On the effective date of this act, of the $611,447 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 76(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operations – state veterans cemeteries account (694-00-1000-0703), the sum of $8,407 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, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

American rescue plan state relief fund (694-00-3756-3536).....No limit

Sec. 66.

KANSAS COMMISSION ON
VETERANS AFFAIRS OFFICE

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

Operating expenditures –
administration (694-00-1000-0103) $5,059,325

Provided, That any unencumbered balance in the operating expenditures – administration account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Operating expenditures –
veteran services (694-00-1000-0203) $1,559,184

Provided, That any unencumbered balance in the operating expenditures – veteran services account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from this account for official hospitality shall not exceed $2,500.

Operations – state
veterans cemeteries (694-00-1000-0703).....$598,689

Provided, That any unencumbered balance in the operations – state veterans cemeteries account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures from this account for official hospitality shall not exceed $1,500.

Operating expenditures – Kansas
soldiers' home (694-00-1000-0403) $1,866,741

Provided, That any unencumbered balance in the operating expenditures – Kansas soldiers' home account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Operating expenditures – Kansas
veterans' home (694-00-1000-0503) $531,890

Provided, That any unencumbered balance in the operating expenditures – Kansas veterans' home account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Veterans claim assistance program –
service grants (694-00-1000-0903).....$700,000

Provided, That any unencumbered balance in the veterans claim assistance program – service grants account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures from the veterans claim assistance program – service grants account shall be made only for the purpose of awarding service grants to veterans service organizations for the purpose of aiding veterans in obtaining federal benefits: *Provided, however,* That no expenditures shall be made by the Kansas commission on veterans affairs office from the veterans claim assistance program – service grants account for operating expenditures or overhead for administering the grants in accordance with the provisions of K.S.A. 73-1234, and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Soldiers' home fee fund (694-00-2241-2100).....No limit
Soldiers' home benefit fund (694-00-7903-5400).....No limit
Soldiers' home work therapy fund (694-00-7951-5600).....No limit
Soldiers' home medicare fund (694-00-3168-3100).....No limit
Soldiers' home medicaid fund (694-00-2464-2464).....No limit
Veterans' home medicare fund (694-00-3893-3893).....No limit
Veterans' home medicaid fund (694-00-2469-2469).....No limit
Veterans' home fee fund (694-00-2236-2200).....No limit
Veterans' home canteen fund (694-00-7809-5300).....No limit
Veterans' home benefit fund (694-00-7904-5500).....No limit
Soldiers' home outpatient clinic fund (694-00-2258-2300).....No limit
State veterans cemeteries fee fund (694-00-2332-2600).....No limit
State veterans cemeteries donations and
contributions fund (694-00-7308-5200).....No limit
Outpatient clinic patient federal reimbursement
fund – federal (694-00-3205-3300).....No limit
VA burial reimbursement fund – federal (694-00-3212-3310).....No limit
Federal domiciliary per diem fund (694-00-3220).....No limit
Federal long term care per diem fund (694-00-3232).....No limit
Commission on veterans affairs
federal fund (694-00-3241-3340).....No limit
American rescue plan state relief fund (694-00-3756-3536).....No limit
Kansas veterans memorials fund (694-00-7332-5210).....No limit
Vietnam war era veterans' recognition
award fund (694-00-7017-7000).....No limit
Kansas hometown heroes fund (694-00-7003-7001).....No limit
Persian gulf war veterans health
initiatives fund (694-00-2304-2500).....No limit
Construction state home facilities fund (694-00-3018-3000).....No limit
State cemetery grants fund (694-00-3048).....No limit
Kansas soldier home construction grant fund (694-00-3075).....No limit
Winfield veterans home acquisition
construction fund (694-00-8806-8200).....No limit
Coronavirus relief fund (694-00-3753).....No limit
CARES provider relief fund (694-00-3754).....No limit
Veterans benefit lottery game fund (694-00-2303).....No limit

Provided, That expenditures from the veterans benefit lottery game fund shall be in an amount equal to 50% for operating expenditures and cap-

ital 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.

(c) (1) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 73-1231, 73-1233, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or any other statute, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs office to another special revenue fund of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(2) As used in this subsection, "special revenue fund" means the soldiers' home fee fund (694-00-2241-2100), veterans' home fee fund (694-00-2236-2200), soldiers' home outpatient clinic fund (694-00-2258-2300), soldiers' home benefit fund (694-00-7903-5400), soldiers' home work therapy fund (694-00-7951-5600), veterans' home canteen fund (694-00-7809-5300), veterans' home benefit fund (694-00-7904-5500), Persian Gulf War veterans health initiative fund (694-00-2304-2500), state veterans cemeteries fee fund (694-00-2332-2600), state veterans cemeteries donations and contributions fund (694-00-7308-5200) and Kansas veterans memorials fund (694-00-7332-5210).

(d) During the fiscal year ending June 30, 2023, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2023, from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office to another item of appropriation for fiscal year 2023 from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) During the fiscal year ending June 30, 2023, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2023, from the state general fund for the Kansas commission on veterans affairs office to the Vietnam war era

veterans' recognition award fund (694-00-7017-7000). The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) On July 1, 2022, 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 (694-00-2303-2303) of the Kansas commission on veterans affairs office.

Sec. 67.

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, 2022, the following:

Breast cancer screening program (264-00-1000-1300).....$362,213
Operating expenditures (including official hospitality) – health (264-00-1000-0270).....$246,140

(b) On the effective date of this act, of the $4,157,704 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 78(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account (264-00-1000-0202), the sum of $4,070 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, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

American rescue plan state relief fund (264-00-3756-3536).....No limit
Community health workers for COVID response and resilient communities fund (264-00-3832-3832).....No limit
Maternal deaths due to violence fund (264-00-3724-3724).....No limit
SHIP COVID testing and mitigation fund (264-00-3651-3651)...No limit
Adult viral hepatitis prevention and control fund (264-00-3641-3641).....No limit
COVID 19 health disparities fund (264-00-3683-3683).....No limit
Kansas environmental health capacity program fund (264-00-3660-3660).....No limit

Sec. 68.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF PUBLIC HEALTH

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

Operating expenditures (including official hospitality) (264-00-1000-0202).....$5,545,578

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

Operating expenditures (including official hospitality) – health (264-00-1000-0270).....$4,077,187

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

Vaccine purchases (264-00-1000-0900).....$329,607

Provided, That any unencumbered balance in the vaccine purchases account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Aid to local units (264-00-1000-0350).....$6,605,709

Provided, That any unencumbered balance in the aid to local units account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That, except as provided in subsection (k), all expenditures from this account for state financial assistance to local health departments shall be in accordance with the formula prescribed by K.S.A. 65-241 through 65-246, and amendments thereto.

Aid to local units – primary health projects (264-00-1000-0460).....$12,750,690

Provided, That any unencumbered balance in the aid to local units – primary health projects account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That prescription support expenditures shall be made from the aid to local units – primary health projects account for: (1) Purchasing drug inventory under section 340B of the federal public health service act for community health center grantees and federally qualified health center look-alikes who qualify; (2) increasing access to prescription drugs by subsidizing a portion of the costs for the benefit of patients at section 340B participating clinics on a sliding fee scale; and (3) expanding access to prescription medication assistance programs by making expenditures to support operating costs of assistance programs: *And provided further,* That funded clinics shall be not-for-profit or publicly funded primary care clinics or dental clinics, including federally qualified community health centers and federally qualified community health center look-alikes, as defined by 42 U.S.C. § 330, that provide comprehensive primary health care or dental services, offer sliding fee discounts based upon household income and serve any person regardless of ability to pay and have a unique patient panel that, at

a minimum, represents the income-based disparities of the community: *And provided further,* That policies determining patient eligibility due to income or insurance status may be determined by each community but must be clearly documented and posted: *And provided further,* That of the moneys appropriated in the aid to local units – primary health projects account, not less than $12,750,690 shall be distributed for community-based primary care grants and services provided by the community care network of Kansas.

Infant and toddler program (264-00-1000-0570).....$6,000,000
Aid to local units – women's wellness (264-00-1000-0610) $94,296

Provided, That any unencumbered balance in the aid to local units – women's wellness account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That all expenditures from the aid to local units – women's wellness account shall be in accordance with grant agreements entered into by the secretary of health and environment and grant recipients.

Immunization programs (264-00-1000-1400).....$397,418

Provided, That any unencumbered balance in the immunization programs account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Breast cancer screening program (264-00-1000-1300).....$1,219,336

Provided, That any unencumbered balance in the breast cancer screening program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Pregnancy maintenance initiative (264-00-1000-1100).....$338,846

Provided, That any unencumbered balance in the pregnancy maintenance initiative account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Cerebral palsy posture seating (264-00-1000-1500).....$303,537

Provided, That any unencumbered balance in the cerebral palsy posture seating account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2022: *Provided further,* That expenditures may be made by the above agency from the cerebral palsy posture seating account for posture seating for adults.

PKU treatment (264-00-1000-1710) $199,274

Provided, That any unencumbered balance in the PKU treatment account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Teen pregnancy prevention activities (264-00-1000-0650) $338,846

Provided, That any unencumbered balance in the teen pregnancy pre-

vention activities account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

State trauma fund (264-00-1000-1720) $300,000

Provided, That any unencumbered balance in the state trauma fund in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Lyme disease prevention and research (264-00-1000-0670).....$140,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Disease control and prevention investigations
and technical assistance – federal fund (264-00-3150) .....No limit
Health and environment training
fee fund – health (264-00-2183-2160) .....No limit

Provided, That expenditures may be made from the health and environment training fee fund – health for acquisition and distribution of division of public health program literature and films and for participation in or conducting training seminars for training employees of the division of public health of the department of health and environment, for training recipients of state aid from the division of public health of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of public health: *Provided further,* That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further,* That such fees may be fixed in order to recover all or part of such costs: *And provided further,* That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund – health: *And provided further,* That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of public health from moneys appropriated from the health and environment training fee fund – health for fiscal year 2023, expenditures may be made by the department of health and environment from the health and environment training fee fund – health for fiscal year 2023 for agency operations for the division of public health.

Health facilities review fund (264-00-2505-2250) .....No limit
Insurance statistical plan fund (264-00-2243-2840) .....No limit

Health and environment publication
fee fund – health (264-00-2541-2190) ..... No limit

Provided, That expenditures from the health and environment publication fee fund – health shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.

District coroners fund (264-00-2653-2320) ..... No limit
Sponsored project overhead fund – health (264-00-2912-2710)... No limit
Tuberculosis elimination and laboratory –
federal fund (264-00-3559-3559) ..... No limit
Maternity centers and child care facilities licensing
fee fund (264-00-2731-2731) ..... No limit
Child care and development block grant –
federal fund (264-00-3028-3450) ..... No limit
Federal supplemental funding for tobacco prevention
and control – federal fund (264-00-3574-3574) ..... No limit
Coordinated chronic disease prevention
and health promotion program –
federal fund (264-00-3575-3575) ..... No limit
Office of rural health – federal fund (264-00-3031-3640) ..... No limit
Emergency medical services for children –
federal fund (264-00-3292-3292) ..... No limit
Primary care offices – federal fund (264-00-3293-3293) ..... No limit
Injury intervention – federal fund (264-00-3294-3294) ..... No limit
Oral health workforce activities –
federal fund (264-00-3297-3297) ..... No limit
Rural hospital flex program – federal fund (264-00-3298-3298)... No limit
Hospital bioterrorism preparedness –
federal fund (264-00-3398-3398) ..... No limit
Kansas coalition against sexual and domestic violence –
federal fund (264-00-3907-3907) ..... No limit
ARRA collaborative component I –
federal fund (264-00-3890-3891) ..... No limit
ARRA collaborative component III –
federal fund (264-00-3890-3892) ..... No limit
ARRA ambulatory surgical center ASC/HAI medicare –
federal fund (264-00-3486-3486) ..... No limit
Medicare – federal fund (264-00-3064-3062) ..... No limit

Provided, That transfers of moneys from the medicare – federal fund to the state fire marshal may be made during fiscal year 2023 pursuant to a contract, which is hereby authorized to be entered into by the secretary of health and environment and the state fire marshal to provide fire and safety inspections for hospitals.

Migrant health program – federal fund (264-00-3069-3070).....No limit
Tuberculosis prevention – federal fund (264-00-3071-4610).....No limit
Strengthen public health immunization infrastructure –
federal fund (264-00-3568-3568).....No limit
Healthy homes and lead poisoning prevention –
federal fund (264-00-3572-3572).....No limit
Children's mercy hospital lead program –
federal fund (264-00-3152-3154).....No limit
Women, infants and children health program –
federal fund (264-00-3077-3103).....No limit
Immunization and vaccines for children grants –
federal fund (264-00-3747-3741).....No limit
Home visiting grant – federal fund (264-00-3503-3503).....No limit
Preventive health block grant –
federal fund (264-00-3614-3200).....No limit
Maternal and child health block grant –
federal fund (264-00-3616-3210).....No limit
National center for health statistics –
federal fund (264-00-3617-3220).....No limit
Title X family planning services program –
federal fund (264-00-3622-3271).....No limit
Comprehensive STD prevention systems –
federal fund (264-00-3070-3080).....No limit
Make a difference information network –
federal fund (264-00-3234-3234).....No limit
Ryan White title II – federal fund (264-00-3328-3310).....No limit
Bicycle helmet distribution –
federal fund (264-00-3815-3815).....No limit
Bicycle helmet revolving fund (264-00-2575-2630).....No limit
SSA fee fund (264-00-2269-2030).....No limit
Childhood lead poisoning prevention program –
federal fund (264-00-3296-3296).....No limit
State implementation projects for prevention
of secondary conditions – federal fund (264-00-3087-4405).....No limit
Title IV-E – federal fund (264-00-3326-3900).....No limit
HIV prevention projects – federal fund (264-00-3740-3521).....No limit
HIV/AIDS surveillance – federal fund (264-00-3399-3399).....No limit
Infants & toddlers Prt C – federal fund (264-00-3516-3171).....No limit
Universal newborn hearing screening –
federal fund (264-00-3459-3459).....No limit
State loan repayment program –
federal fund (264-00-3760-3755).....No limit
Opt-out testing initiative – federal fund (264-00-3801-3801).....No limit

Adult lead surveillance data –
federal fund (264-00-3496-3496) ..... No limit
Medical reserve corps contract –
federal fund (264-00-3502-3502) ..... No limit
Trauma fund (264-00-2513-2230) ..... No limit

Provided, That expenditures may be made by the department of health and environment for fiscal year 2023 from the trauma fund of the department of health and environment – division of public health for the stroke prevention project: *Provided further,* That expenditures from the trauma fund for official hospitality shall not exceed $3,000.

Homeland security – federal fund (264-00-3329-3319) ..... No limit
Refugee assistance – federal fund (264-00-3378-3345) ..... No limit
Personal responsibility education program –
federal fund (264-00-3494-3494) ..... No limit
Kansas vital records for quality improvement –
federal fund (264-00-3098-3098) ..... No limit
Kansas early detection works breast & cervical
cancer screening services –
federal fund (264-00-3099-3099) ..... No limit
Kansas public health approaches for
ensuring quitline capacity –
federal fund (264-00-3097-3097) ..... No limit
Diagnostic x-ray program – federal fund (264-00-3511-3160) ..... No limit
HRSA small hospital improvement grant program –
federal fund (264-00-3371-3371) ..... No limit
State indoor radon grant – federal fund (264-00-3884-3930) ..... No limit
Gifts, grants and donations fund – health (264-00-7311-7090) ..... No limit
Special bequest fund – health (264-00-7366-7050) ..... No limit
Civil registration and health statistics
fee fund (264-00-2291-2295) ..... No limit
Power generating facility fee fund (264-00-2131-2130) ..... No limit
Nuclear safety emergency preparedness special
revenue fund (264-00-2415-2280) ..... No limit

Provided, That all moneys received by the department of health and environment – division of public health from the nuclear safety emergency management fee fund (034-00-2081-2200) of the adjutant general shall be credited to the nuclear safety emergency preparedness special revenue fund of the department of health and environment – division of public health: *Provided further,* That expenditures from the nuclear safety emergency preparedness special revenue fund for official hospitality shall not exceed $2,500.

Radiation control operations fee fund (264-00-2531-2530) ..... No limit

Provided, That expenditures from the radiation control operations fee fund for official hospitality shall not exceed $2,000.

Strengthening public health infrastructure –
federal fund (264-00-3547-3547) ..... No limit
Improving minority health – federal fund (264-00-3548-3548) .... No limit
Abstinence education – federal fund (264-00-3549-3549) ..... No limit
Affordable care act – federal fund (264-00-3546-3546) ..... No limit
Carbon monoxide detector/fire injury prevention –
federal fund (264-00-3508-3508) ..... No limit
Health information exchange –
federal fund (264-00-3493-3493) ..... No limit
Kansas newborn screening fund (264-00-2027-2027) ..... No limit
Actions to prevent and control diabetes,
heart disease, and obesity –
federal fund (264-00-3749-3742) ..... No limit
Healthy start initiative – federal fund (264-00-3751-3751) ..... No limit
Immunization capacity building assistance –
federal fund (264-00-3744-3744) ..... No limit
Hospital preparedness and response program for Ebola –
federal fund (264-00-3033-3033) ..... No limit
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
Cancer registry federal fund (264-00-3008-3040) ..... No limit
Hospital preparedness Ebola –
federal fund (264-00-3093-3093) ..... No limit
Kansas survivor care quality initiative –
federal fund (264-00-3101-3610) ..... No limit
Zika birth defects surveillance & referral –
federal fund (264-00-3102-3620) ..... No limit
IDEA infant toddler-part C-ARRA –
federal fund (264-00-3282-3282) ..... No limit
SAMHSA project launch intv. –
federal fund (264-00-3284-3284) ..... No limit
Immunization grant –
federal fund (264-00-3372-3150) ..... No limit
Small hospital improvement program –
federal fund (264-00-3392-3392) ..... No limit
Cardiovascular health program –
federal fund (264-00-3401-3407) ..... No limit

Kansas senior farmers market nutrition program –
federal fund (264-00-3406-3406) ..... No limit
Lead poisoning preventive health –
federal fund (264-00-3626-4132) ..... No limit
ARRA – WIC grants to states –
federal fund (264-00-3750-3750) ..... No limit
Census of trauma occp fatal. –
federal fund (264-00-3797-3670) ..... No limit
Homeland security grant-KHP –
federal fund (264-00-3199-3199) ..... No limit
Refugee health – federal fund (264-00-3393-3393) ..... No limit
ARRA – migrant – federal fund (264-00-3396-3396) ..... No limit
ARRA – transfer from SRS – federal fund (264-00-3471-3471) ... No limit
Public health crisis response –
federal fund (264-00-3602-3602) ..... No limit
Diabetes & heart disease & stroke prevention programs –
federal fund (264-00-3603-3603) ..... No limit
Innovative state & local public health
strategies to prevent & manage
diabetes and heart disease and stroke –
federal fund (264-00-3604-3604) ..... No limit
Kansas actions to improve oral health outcomes –
federal fund (264-00-3921-3921) ..... No limit
ARRA – survey, licensure and epidemiology –
federal fund (264-00-3746-3746) ..... No limit
Campus sexual assault prevention grant –
federal fund (264-00-3035-3035) ..... No limit
Alzheimer's association inclusion –
federal fund (264-00-3607-3607) ..... No limit
ESSA preschool development grants birth through
five – federal fund (264-00-3608-3608) ..... No limit
Preventing maternal deaths –
federal fund (264-00-3896-3896) ..... No limit
Right-to-know fee fund (264-00-2325-2325) ..... No limit
Child care criminal background and
fingerprint fund (264-00-2313-2313) ..... No limit
Kansas tobacco control program –
federal fund (264-00-3598-3598) ..... No limit
Colorectal cancer screening –
federal fund (264-00-3599-3599) ..... No limit
Arthritis evidence based interventions –
federal fund (264-00-3755-3756) ..... No limit
Coronavirus relief fund (264-00-3753) ..... No limit

Rural hospital innovation grant fund.....No limit
American rescue plan state relief fund (264-00-3756-3536).....No limit
Community health workers for COVID response and resilient communities fund (264-00-3832-3832).....No limit
Maternal deaths due to violence fund (264-00-3724-3724).....No limit
SHIP COVID testing and mitigation fund (264-00-3651-3651)...No limit
Adult viral hepatitis prevention and control fund (264-00-3641-3641).....No limit
COVID 19 health disparities fund (264-00-3683-3683).....No limit
Kansas environmental health capacity program fund (264-00-3660-3660).....No limit

(c) On July 1, 2022, and on other occasions during fiscal year 2023, when necessary as determined by the secretary of health and environment, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment that constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs from specified special revenue funds of the department of health and environment – division of public health or of the department of health and environment – division of environment to the sponsored project overhead fund – health (264-00-2912-2715) of the department of health and environment – division of public health.

(d) During the fiscal year ending June 30, 2023, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment – division of public health that have available moneys to the sponsored project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health for expenditures, as the case may be, for administrative expenses.

(e) During the fiscal year ending June 30, 2023, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment – division of public health to the sponsored project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health pursuant to this section may include amounts not to exceed 25% of the expenditures from such special revenue fund or funds, excepting expenditures for contractual services.

(f) During the fiscal year ending June 30, 2023, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2023 from the state general fund for the department of health and environment – division of public health or the department of health and environment

– division of environment to another item of appropriation for fiscal year 2023 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the district coroners fund for fiscal year 2023, as authorized by this or other appropriation act of the 2022 regular session of the legislature, and notwithstanding the provisions of K.S.A. 22a-245, and amendments thereto, or any other statute, expenditures may be made by the department of health and environment – division of public health from such moneys appropriated from the district coroners fund (264-00-2653-2320) of the department of health and environment – division of public health for fiscal year 2023 pursuant to K.S.A. 22a-242, and amendments thereto.

(h) On July 1, 2022, the director of accounts and reports shall transfer $200,000 from the health care stabilization fund (270-00-7404-2100) of the health care stabilization fund board of governors to the health facilities review fund (264-00-2505-2250) of the department of health and environment – division of public health for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 et seq., and amendments thereto.

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

Healthy start (264-00-2000-2105) $1,650,000

Provided, That any unencumbered balance in the healthy start account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Infants and toddlers program (264-00-2000-2107).....$5,800,000

Provided, That any unencumbered balance in the infants and toddlers program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Smoking prevention (264-00-2000-2109).....$1,001,960

Provided, That any unencumbered balance in the smoking prevention account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

SIDS network grant (264-00-2000-2115).....$96,374

Provided, That any unencumbered balance in the SIDS network grant account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Any unencumbered balance in the newborn hearing aid loaner program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(j) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health during fiscal year 2023 from moneys appropriated from the state general fund or any special revenue fund or funds by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made from such moneys to contract for the services of one or more persons to survey and certify dialysis treatment facilities located in the state of Kansas: *Provided,* That, if the above agency has not surveyed a newly constructed dialysis treatment facility within one year after the operator of the facility notifies the above agency that the facility is operational, then the above agency may charge the cost of any survey performed on the facility to the operator of such facility: *Provided further,* That any expenditure of moneys and any survey conducted pursuant to this subsection shall comply with requirements imposed by federal law.

(k) Notwithstanding the provisions of K.S.A. 65-242, and amendments thereto, or any other statute to the contrary, during the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to distribute to each local health department an amount not less than $12,000 upon application therefor in accordance with K.S.A. 65-242, and amendments thereto: *Provided,* That any remaining moneys appropriated for such purpose, if any, after making distributions in accordance with this subsection shall be distributed in accordance with K.S.A. 65-242, and amendments thereto: *Provided, however,* That, if sufficient funds are not available to make a minimum distribution of $12,000, then the provisions of K.S.A. 65-242, and amendments thereto, shall control.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the moneys that are identified as moneys from the federal government for coronavirus relief aid to the state of Kansas and appropriated in any special revenue fund or funds for fiscal year 2023, as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys appropriated from such special revenue fund or funds

for fiscal year 2023 to reimburse for testing certified testing laboratories that have entered into an agreement with the above agency and are providing community COVID-19 testing to the general public.

Sec. 69.

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, 2022, the following:

Health policy operating expenditures (264-00-1000-0010).....$129,836
Special enhanced FMAP (264-00-1000).....$2,000,000

(b) On the effective date of this act, of the $759,750,000 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 80(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the other medical assistance account (264-00-1000-3026), the sum of $67,684,442 is hereby lapsed.

Sec. 70.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH CARE FINANCE

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

Health policy operating expenditures (264-00-1000-0010).....$31,420,596

Provided, That any unencumbered balance in the health policy operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures shall be made from the health policy operating expenditures account of the above agency for the drug utilization review board to perform an annual review of the approved exemptions to the current single source limit by program.

Children's health insurance program (264-00-1000-0060).....$51,836,512

Provided, That any unencumbered balance in the children's health insurance program in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Other medical assistance (264-00-1000-3026).....$692,680,872

Provided, That any unencumbered balance in the other medical assistance account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures may be made from the other medical assistance account by the above agency for the purpose of implementing or expanding any prior authorization project: *And provided further,* That an evaluation of the automated implementation, savings obtained from implementation, and other outcomes of the implementation or expansion shall be submitted to the Robert G.

(Bob) Bethell joint committee on home and community based services and KanCare oversight prior to the start of the regular session of the legislature in 2023: *And provided further,* That, on July 1, 2022, or as soon thereafter as moneys are available, if legislation that expands or expressly consents to expand eligibility for the receipt of medical assistance benefits as provided in the federal patient protection and affordable care act, public law 111-148, and the federal health care and education reconciliation act of 2010, public law 111-152, has been passed by the legislature during the 2022 regular session and enacted into law, then, of the moneys appropriated in the other medical assistance account, the sum of $68,500,000 is hereby lapsed.

Wichita center for graduate
medical education (264-00-1000-3027) $2,950,000

Provided, That any unencumbered balance in the Wichita center for graduate medical education account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Graduated medical education (264-00-1000-3028) $1,300,000

Provided, That any unencumbered balance in the graduated medical education account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Special enhanced FMAP (264-00-1000) $4,000,000

Provided, That any unencumbered balance in the special enhanced FMAP account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Division of health care finance special
revenue fund (264-00-2360-2350) ..... No limit

Provided, That expenditures from the division of health care finance special revenue fund for the fiscal year ending June 30, 2023, for official hospitality shall not exceed $1,000.

Health committee insurance fund (264-00-2569-2500) ..... No limit
Health care database fee fund (264-00-2578-2570) ..... No limit
Association assistance plan fund (264-00-2391-2391) ..... No limit
Medical programs fee fund (264-00-2395-0110) $126,123,554

Provided, That, on July 1, 2022, if legislation that expands or expressly consents to expand eligibility for the receipt of medical assistance benefits as provided in the federal patient protection and affordable care act,

public law 111-148, and the federal health care and education reconciliation act of 2010, public law 111-152, has been passed by the legislature during the 2022 regular session and enacted into law, then the expenditure limitation established for the fiscal year ending June 30, 2023, on the medical programs fee fund is hereby increased from $126,123,554 to $128,323,554.

Medical assistance fee fund (264-00-2185-2185).....No limit
Other state fees fund (264-00-2440-0100).....No limit
Health care access improvement fund (264-00-2443-2215).....No limit
Children's health insurance program
federal fund (264-00-3424-0540).....No limit
State planning – health care –
uninsured fund (264-00-3483-3483).....No limit
HIV care formula grant federal fund (264-00-3328-3311).....No limit
Medical assistance program federal fund (264-00-3414-0440).....No limit
Quality based community
assessment fund (264-00-2760-2760).....No limit
KEES interagency transfer fund (264-00-6001-6001).....No limit
Energy assistance block grant (264-00-3305-3305).....No limit
Temporary assistance for needy families (264-00-3323-3530).....No limit
Title IV-E – adoption assistance (264-00-3357-3357).....No limit

(c) During the fiscal year ending June 30, 2023, any moneys donated or granted to the division of health care finance of the department of health and environment and any federal funds received as match to such donations or grants by the division of health care finance of the department of health and environment for the fiscal year ending June 30, 2023, shall only be expended by the division of health care finance of the department of health and environment to assist the clearinghouse in reducing any backlogs or waiting lists, unless otherwise specified by the donor or grantor: *Provided*, That any donated or granted moneys, and the matching moneys received therefor from the federal centers for medicare and medicaid services, shall not be used to supplant or replace funds already budgeted for the clearinghouse or to restore any other reductions in funding to the clearinghouse or the agency, unless otherwise specified by the donor or grantor.

(d) During the fiscal year ending June 30, 2023, 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 2023 by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to set the monthly protected income level for purposes of determining the person's client obligation at an amount equal to 300% of federal supplemental security income for any person in Kansas receiving

home and community-based services administered under section 1915(c) of the federal social security act and any person in Kansas receiving services from a program of all-inclusive care for the elderly administered by the Kansas department for aging and disability services.

(e) During the fiscal year ending June 30, 2023, 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 2023 by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement analytical and publicly available reporting that is compliant with the privacy rule of the administrative simplification subtitle of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191), and any federal regulations adopted thereunder, to measure outcomes and effectiveness of the health homes program known as onecare Kansas and to assist providers with the provisions of the health homes program.

(f) During the fiscal year ending June 30, 2023, 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 2023 by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to submit to the United States centers for medicare and medicaid services a waiver request to allow for medicaid reimbursement for inpatient psychiatric acute care.

(g) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023, as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023, to suspend, and not terminate medicaid coverage of inmates in the custody of the department of corrections during the period of such inmate's incarceration for the purposes of reinstating coverage for such inmate during any period of time during fiscal year 2023 that such inmate is eligible for coverage.

(h) During the fiscal year ending June 30, 2023, notwithstanding the provisions of any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be

made by the above agency from such moneys to pay hospitals and physicians at the medicaid rate established in fiscal year 2022: *Provided,* That such rate shall not be adjusted prior to January 1 or July 1 immediately following the publication in the Kansas register of the approval of the hospital provider assessment rate adjustments made to K.S.A. 65-6208, and amendments thereto, by section 9 of chapter 10 of the 2020 Session Laws of Kansas.

(i) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 38-2001, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency to provide coverage under the state children's health insurance program for children residing in a household that has a gross household income not to exceed 250% of the federal poverty guidelines.

Sec. 71.

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, 2022, the following:

Operating expenditures (including official hospitality) (264-00-1000-0300) $216,680

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Increasing technical assistance for regenerative agriculture peer mentoring programs fund (264-00-3083-3083) ..... No limit
Sewer overflow municipal grants program fund (264-00-3707-3707) ..... No limit
American rescue plan state relief fund (264-00-3756-3536) ..... No limit
Lead-based paint hazard fee fund (264-00-2289-2140) ..... No limit
Gulf of Mexico program fund (264-00-3703-3703) ..... No limit

Sec. 72.

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, 2023, the following:

Operating expenditures (including official hospitality) (264-00-1000-0300).....$4,168,056

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Mined-land conservation and reclamation fee fund (264-00-2233-2220) .....No limit
Solid waste management fund (264-00-2271-2075) .....No limit

Provided, That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2023, for official hospitality: *Provided further,* That such expenditures for official hospitality shall not exceed $2,500.

Public water supply fee fund (264-00-2284-2085).....No limit
Voluntary cleanup fund (264-00-2288-2120) .....No limit
Storage tank fee fund (264-00-2293-2090) .....No limit
Air quality fee fund (264-00-2020-2830).....No limit
Hazardous waste collection fund (264-00-2099-2010) .....No limit
Health and environment training fee fund – environment (264-00-2175-2170) .....No limit

Provided, That expenditures may be made from the health and environment training fee fund – environment for acquisition and distribution of division of environment program literature and films and for participation in or conducting training seminars for training employees of the division of environment of the department of health and environment, for training recipients of state aid from the division of environment of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of environment: *Provided further,* That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further,* That such fees may be fixed in order to recover all or part of such costs: *And provided further,* That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund – environment: *And provided further,* That, in addition to the other purposes for which expen-

ditures may be made by the department of health and environment for the division of environment from moneys appropriated from the health and environment training fee fund – environment for fiscal year 2023, expenditures may be made by the department of health and environment from the health and environment training fee fund – environment for fiscal year 2023 for agency operations for the division of environment.

Driving under the influence fund (264-00-2101-2020) ..... No limit
Waste tire management fund (264-00-2635-2820) ..... No limit
Health and environment publication fee fund –
environment (264-00-2544-2195) ..... No limit

Provided, That expenditures from the health and environment publication fee fund – environment shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.

Local air quality control authority regulation
services fund (264-00-2657-2330) ..... No limit
Environmental response fund (264-00-2662-2400) ..... No limit
Sponsored project overhead
fund – environment (264-00-2911-2720) ..... No limit
Chemical control fee fund (264-00-2212-2360) ..... No limit
QuantiFERON TB laboratory fund (264-00-2458-2460) ..... No limit
Resource conservation and recovery act –
federal fund (264-00-3586-3190) ..... No limit
Water supply – federal fund (264-00-3295-3130) ..... No limit
Air quality section 103 – federal fund (264-00-3248-3246) ..... No limit
EPA – core support – federal fund (264-00-3040-3000) ..... No limit
Network exchange grant – federal fund (264-00-3267-3267) ..... No limit
Kansas clean diesel grant – federal fund (264-00-3249-3250) ..... No limit
Air quality program – federal fund (264-00-3072-3090) ..... No limit
Sec. 106 monitoring initiative –
federal fund (264-00-3619-3240) ..... No limit
Air quality section 105 – federal fund (264-00-3249-3249) ..... No limit
Leaking underground storage tank trust –
federal fund (264-00-3812-3700) ..... No limit
Surface mining control and reclamation act –
federal fund (264-00-3820-3760) ..... No limit
Abandoned mined-land – federal fund (264-00-3821-3770) ..... No limit
Department of defense and state cooperative
agreement – federal fund (264-00-3067-3031) ..... No limit
EPA non-point source – federal fund (264-00-3889-3940) ..... No limit
Pollution prevention program –
federal fund (264-00-3908-3990) ..... No limit
EPA water monitoring – federal fund (264-00-3086-4200) ..... No limit

Gifts, grants and donations
fund – environment (264-00-7314-7095) ..... No limit
Special bequest fund – environment (264-00-7367-7040) ..... No limit
Aboveground petroleum storage tank release
trust fund (264-00-7398-7070) ..... No limit
Underground petroleum storage tank release
trust fund (264-00-7399-7060) ..... No limit
Drycleaning facility release trust fund (264-00-7407-7250) ..... No limit
Public water supply loan fund (264-00-7539-7800) ..... No limit
Public water supply loan operations fund (264-00-3295-3295) ..... No limit
Kansas water pollution control
revolving fund (264-00-7530-7400) ..... No limit

Provided, That the proceeds from revenue bonds issued by the Kansas development finance authority to provide matching grant payments under the federal clean water act of 1987 (P.L. 92-500) shall be credited to the Kansas water pollution control revolving fund: *Provided further,* That expenditures from this fund shall be made to provide for the payment of such matching grants.

Kansas water pollution control
operations fund (264-00-7960-8300) ..... No limit
Cost of issuance fund for Kansas water
pollution control revolving fund
revenue bonds (264-00-7531-7600) ..... No limit
Surcharge fund for Kansas water
pollution control revolving fund
revenue bonds (264-00-7539-7805) ..... No limit
Surcharge operations fund for Kansas
water pollution control revolving
fund revenue bonds (264-00-7531-7620) ..... No limit
Subsurface hydrocarbon storage fund (264-00-2228-2380) ..... No limit
Natural resources damages trust fund (264-00-7265-7265) ..... No limit
Hazardous waste management fund (264-00-2519-2290) ..... No limit
Brownfields revolving loan program –
federal fund (264-00-3278-3278) ..... No limit
Mined-land reclamation fund (264-00-2685-2560) ..... No limit
Operator outreach training program –
federal fund (264-00-3259-3259) ..... No limit
Underground storage tank –
federal fund (264-00-3732-3510) ..... No limit
EPA underground injection control –
federal fund (264-00-3295-3288) ..... No limit
Laboratory medicaid cost recovery fund –
environment (264-00-2092-2060) ..... No limit

EPA state response program –
federal fund (264-00-3370-3915) ..... No limit
Environmental use control fund (264-00-2292-2310) ..... No limit
Environmental response remedial activity specific
sites – federal fund (264-00-3040-3003) ..... No limit
Emergency environmental response – nonspecific
sites federal fund (264-00-3067-3030) ..... No limit
Medicare program – environment –
federal fund (264-00-3096-3050) ..... No limit
EPA pollution prevention – federal fund (264-00-3619-3240) ..... No limit
Inspections Kansas infrastructure projects –
federal fund (264-00-3910-3950) ..... No limit
Salt solution mining well plugging fund (264-00-2247-2390) ..... No limit
Water program management fund (264-00-2798-2798) ..... No limit
UST redevelopment fund (264-00-7397-7080) ..... No limit

Provided, That, in addition to the other purposes authorized by K.S.A. 65-34,132, and amendments thereto, notwithstanding the provisions of K.S.A. 65-34,139(a)(3), and amendments thereto, expenditures shall be made from the above fund for fiscal year 2023 for the purposes of reimbursing eligible owners of underground storage tanks, if, pursuant to K.S.A. 65-34,139, and amendments thereto, the owner replaces all components of a single-wall storage tank system with a secondary containment system that complies with K.S.A. 65-34,138, and amendments thereto, after August 8, 2005.

Office of laboratory services
operating fund (264-00-2161-2161) ..... No limit
Risk management fund (264-00-7402-7402) ..... No limit
Intoxilyzer replacement – federal fund (264-00-3092-3092) ..... No limit
Environmental stewardship fund (264-00-7396-7096) ..... No limit
EPA multi-purpose grant – federal fund (264-00-3103-3630) ..... No limit
Volkswagen environmental fund (264-00-7269-7269) ..... No limit
USDA conservation partnership –
federal fund (264-00-3022-3022) ..... No limit
Environmental response – federal fund (264-00-3066-3010) ..... No limit
Other federal grants – federal fund (264-00-3095-5450) ..... No limit
Alcohol impaired driving countermeasures incentive grants –
federal fund (264-00-3247-3247) ..... No limit
Air quality program – federal fund (264-00-3253-3253) ..... No limit
Water related grants – federal fund (264-00-3254-3260) ..... No limit
EPA nonpoint source implementation –
federal fund (264-00-3915-3915) ..... No limit
Water protection state grants –
federal fund (264-00-3264-3264) ..... No limit

Multi-media capacity building –
federal fund (264-00-3277-3277) ..... No limit
Health watershed initiative – federal fund (264-00-3558-3558) ... No limit
Small employer cafeteria plan
development program (264-00-2386-2382) ..... No limit
Environmental response RMDL act –
federal fund (264-00-3005-3010) ..... No limit
Ticket to work grant – federal fund (264-00-3417-4367) ..... No limit
Demo to maintenance-indep. employer –
federal fund (264-00-3419-3419) ..... No limit
EPA underground injection control –
federal fund (264-00-3618-3230) ..... No limit
104G outreach training program –
federal fund (264-00-3722-3500) ..... No limit
Drinking water lead testing in school and child care programs –
federal fund (264-00-3670-3601) ..... No limit
Brownfields revolving loan program
fund (264-00-7526-7103) ..... No limit
Certification of environmental
liability fund (264-00-7527-7230) ..... No limit
P/C safety net clinic loan guarantee fund (264-00-7551-7595) ..... No limit
KWPC surcharge services fees (264-00-7961-8400) ..... No limit
KPWS revolving fund (264-00-7968-8500) ..... No limit
KPWS surcharge service fees (264-00-7969-8600) ..... No limit
Asbestos remediation fund (264-00-7342-7342) ..... No limit

Provided, That, notwithstanding the provisions of K.S.A. 65-5309, and amendments thereto, or any other statute, all fees or other moneys collected by the above agency during fiscal year 2023 related to asbestos remediation, as certified by the secretary of health and environment, shall be credited to the asbestos remediation fund.

Increasing technical assistance for
regenerative agriculture peer mentoring
programs fund (264-00-3083-3083) ..... No limit
Sewer overflow municipal grants
program fund (264-00-3707-3707) ..... No limit
American rescue plan state relief fund (264-00-3756-3536) ..... No limit
Lead-based paint hazard fee fund (264-00-2289-2140) ..... No limit
Gulf of Mexico program fund (264-00-3703-3703) ..... No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2023, for the state water plan project or projects specified as follows:

Contamination remediation (264-00-1800-1802) $1,088,301

Provided, That any unencumbered balance in the contamination remediation account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

TMDL initiatives and use
attainability analysis (264-00-1800-1805) $380,738

Provided, That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Watershed restoration and
protection plan (264-00-1800-1808) $1,000,000

Provided, That any unencumbered balance in the watershed restoration and protection plan account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Nonpoint source program (264-00-1800-1804) $403,208

Provided, That any unencumbered balance in the nonpoint source program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Milford and Marion reservoirs harmful algae
bloom pilot (264-00-1800-1810) $150,000

Provided, That any unencumbered balance in the Milford and Marion reservoirs harmful algae bloom pilot account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Drinking water protection (264-00-1800-1806).....$800,000

Provided, That any unencumbered balance in the drinking water protection account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(d) During the fiscal year ending June 30, 2023, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2023 from the state water plan fund for the department of health and environment – division of environment to another item of appropriation for fiscal year 2023 from the state water plan fund for the department of health and environment – division of environment: *Provided,* That the secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research, the chairperson of the house of representatives agriculture and natural resources budget committee and the chairperson of the subcommittee on health and environment/human resources of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 65-3024, and amendments thereto, the director of

accounts and reports shall not make the transfers of amounts of interest earnings from the state general fund to the air quality fee fund (264-00-2020-2830) of the department of health and environment, which are directed to be made on or before the 10th day of each month by K.S.A. 65-3024, and amendments thereto.

(f) On July 1, 2022, and on other occasions during fiscal year 2023 when necessary, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment that constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue fund or funds of the department of health and environment – division of public health or of the department of health and environment – division of environment, to the sponsored project overhead fund – environment (264-00-2911-2720) of the department of health and environment – division of environment.

(g) During the fiscal year ending June 30, 2023, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue fund or funds of the department of health and environment – division of environment that have available moneys to the sponsored project overhead fund – environment (264-00-2911-2720) of the department of health and environment – division of environment or to the sponsored project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health, as the case may be, for expenditures for administrative expenses.

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

(i) During the fiscal year ending June 30, 2023, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment – division of environment to the sponsored project overhead fund – environment (264-00-2911-2720) of the department of health and environment – division of environment pursuant to this section may include amounts equal to

not more than 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(j) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made from such moneys in fiscal year 2023 to maintain the above agency's staffing levels of professional and associate engineers in the livestock waste section of the bureau of environmental field services at or above the staffing levels in fiscal year 2021: *Provided, however,* That the above agency shall reduce staffing levels among either the environmental specialist staff or inspection staff within the bureau of field services as necessary to not exceed the expenditures of such moneys appropriated for fiscal year 2023.

(k) During the fiscal year ending June 30, 2023, notwithstanding the provisions of any other statute, 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 2023 as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made from such moneys in fiscal year 2023 to increase the salaries and wages, and associated fringe benefits, of a vacant professional engineer position in the livestock waste section of the bureau of environmental field services in an amount not to exceed $95,000 in order to hire such engineer.

Sec. 73.

KANSAS DEPARTMENT FOR
AGING AND DISABILITY SERVICES

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

BH community aid (039-00-1000-3004) $2,000,000
Larned state hospital –
operating expenditures (410-00-1000-0103) $797,814
Rehabilitation and repair projects (039-00-8100-8240).....$1,734,000

(b) On the effective date of this act, of the $460,285,911 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 84(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the KanCare caseloads account (039-00-1000-0610), the sum of $85,106,743 is hereby lapsed.

(c) On the effective date of this act, of the $27,470,000 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 84(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the non-KanCare caseloads account (039-00-1000-0611), the sum of $4,392,145 is hereby lapsed.

(d) On the effective date of this act, of the $344,483,617 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 84(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the KanCare non-caseloads account (039-00-1000-0612), the sum of $20,453,258 is hereby lapsed.

(e) On the effective date of this act, of the $12,977,490 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 84(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the state operations account (039-00-1000-0801), the sum of $23,625 is hereby lapsed.

(f) On the effective date of this act, of the $10,192,906 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 84(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the Kansas neurological institute – operating expenditures account (363-00-1000-0303), the sum of $17,901 is hereby lapsed.

(g) On the effective date of this act, of the $28,106,240 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 84(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the Osawatomie state hospital – operating expenditures account (494-00-1000-0100), the sum of $56,035 is hereby lapsed.

(h) On the effective date of this act, of the $11,066,800 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 84(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the Parsons state hospital and training center – operating expenditures account (507-00-1000-0100), the sum of $25,076 is hereby lapsed.

(i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 84(b) of chapter 98 of the 2021 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 $4,746,563 to $4,741,973.

(j) On the effective date of this act, of the money reappropriated for the above agency for the fiscal year ending June 30, 2022, by section 200 of chapter 98 of the 2021 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 $333,896 is hereby lapsed.

(k) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 84(b) of chapter 98 of the 2021 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 increased from $6,959,093 to $7,348,124.

Sec. 74.

KANSAS DEPARTMENT FOR
AGING AND DISABILITY SERVICES

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

RSI crisis center base services (039-00-1000-0110) $3,576,100
Comcare crisis center base services (039-00-1000-0120).....$1,300,000
Valeo crisis center base services (039-00-1000-0130).....$500,000
Salina crisis center base services (039-00-1000-0140).....$85,000
Administration official hospitality (039-00-1000-0204) $1,748

Provided, That any unencumbered balance in the administration official hospitality account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

PASRR (039-00-1000-0210).....$903,780

Provided, That any unencumbered balance in the PASRR account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Senior care act (039-00-1000-0260) $5,515,000

Provided, That any unencumbered balance in the senior care act account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That each grant agreement with an area agency on aging for a grant from the senior care act account shall require the area agency on aging to submit to the secretary for aging and disability services a report for fiscal year 2022 by the area agency on aging, which shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2022: *And provided further,* That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2023 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2022: *And provided further,* That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services that are determined to be the most economical services available with regard to state general fund expenditures.

Program grants – nutrition –
state match (039-00-1000-0280) $4,045,725

Provided, That any unencumbered balance in the program grants – nutrition – state match account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That each

grant agreement with an area agency on aging for a grant from the program grants – nutrition – state match account shall require the area agency on aging to submit to the secretary for aging and disability services a report for federal fiscal year 2022 by the area agency on aging, which shall include information about the kinds of services provided and the number of persons receiving each kind of service during federal fiscal year 2022: *And provided further,* That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2023 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2022: *And provided further,* That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services that are determined to be the most economical services available with regard to state general fund expenditures.

Community services and programs (039-00-1000-0520).....$4,114,860

Provided, That any unencumbered balance in the community services and programs account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

KanCare caseloads (039-00-1000-0610).....$431,984,882

Provided, That any unencumbered balance in the KanCare caseloads account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Non-KanCare caseloads (039-00-1000-0611).....$44,169,770

Provided, That any unencumbered balance in the non-KanCare caseloads account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That all people receiving or applying for services that are funded, either partially or entirely, from the non-KanCare caseloads account shall be placed in appropriate services that are determined to be the most economical services available with regard to state general fund expenditures.

KanCare non-caseloads (039-00-1000-0612).....$403,669,621

Provided, That any unencumbered balance in the KanCare non-caseloads account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That the above agency shall make expenditures from the KanCare non-caseloads account during fiscal year 2023 to increase provider reimbursement rates for the specialized medical care services code (T1000) under the home and community-based services technology assisted waiver and intellectual and developmental disability waiver to $47 per hour for in-home registered nurse and li-

censed practical nurse nursing services under such waiver: *And provided further,* That the above agency shall make expenditures from the KanCare non-caseloads account during fiscal year 2023 to provide a report to the legislative budget committee during the 2022 interim concerning salary and wage information for providers of home and community based services under the intellectual and developmental disability waiver.

Nursing facilities regulation (039-00-1000-0710) $1,776,927

Provided, That any unencumbered balance in the nursing facilities regulation account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Nursing facilities regulation – title XIX (039-00-1000-0712) $1,805,515

Provided, That any unencumbered balance in the nursing facilities regulation – title XIX account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

State operations (039-00-1000-0801) $31,808,869

Provided, That any unencumbered balance in the state operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01, and amendments thereto.

Alcohol and drug abuse services grants (039-00-1000-1010) $2,915,447

Provided, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Community mental health centers
supplemental funding (039-00-1000-3001) $53,884,328

Provided, That any unencumbered balance in the community mental health centers supplemental funding account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Regional beds funding (039-00-1000-3003).....$29,650,000

Provided, That any unencumbered balance in the regional beds funding account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

BH community aid (039-00-1000-3004) $29,103,530

Provided, That any unencumbered balance in the BH community aid account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

CDDO support (039-00-1000-4001).....$10,974,857

Provided, That any unencumbered balance in the CDDO support account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Kansas neurological institute – operating expenditures (363-00-1000-0303) $13,974,796

Provided, That any unencumbered balance in the Kansas neurological institute – operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the Kansas neurological institute – operating expenditures account for official hospitality by the superintendent shall not exceed $150: *Provided further,* That expenditures shall be made from this account to assist residents of the institution to take personally used items that are constructed for use by such residents and which are hereby authorized to be transferred to such residents from the institution to communities when such residents leave the institution to reside in the communities.

Larned state hospital – operating expenditures (410-00-1000-0103) $39,167,333

Provided, That any unencumbered balance in the Larned state hospital – operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the Larned state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed $150: *Provided further,* That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by Larned state hospital with unified school districts or other public educational services providers: *And provided further,* That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto.

Larned state hospital – SPTP new crimes reimbursement (410-00-1000-0110) $5,000

Provided, That any unencumbered balance in the Larned state hospital – SPTP new crimes reimbursement account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Larned state hospital – sexual predator treatment program (410-00-1000-0200) $23,242,652

Provided, That any unencumbered balance in the Larned state hospital – sexual predator treatment program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Osawatomie state hospital – operating expenditures (494-00-1000-0100) $32,029,087

Provided, That any unencumbered balance in the Osawatomie state hospital – operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the Osawatomie state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed $150.

Osawatomie state hospital – certified
care expenditures (494-00-1000-0101) $6,718,128

Provided, That any unencumbered balance in the Osawatomie state hospital – certified care expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Osawatomie state hospital –
SPTP MiCo (494-00-1000-0200) $1,119,976

Provided, That any unencumbered balance in the Osawatomie state hospital – SPTP MiCo account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Parsons state hospital and training center –
operating expenditures (507-00-1000-0100) $15,693,713

Provided, That any unencumbered balance in the Parsons state hospital and training center – operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the Parsons state hospital and training center – operating expenditures account for official hospitality by the superintendent shall not exceed $150: *And provided further,* That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: *And provided further,* That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto: *And provided further,* That expenditures shall be made from this account to assist residents of the institution to take personally used items that are constructed for use by such residents and which are hereby authorized to be transferred to such residents from the institution to communities when such residents leave the institution to reside in the communities.

Parsons state hospital and training center – sexual predator
treatment program (507-00-1000-0200).....$2,037,289

Provided, That any unencumbered balance in the Parsons state hospital and training center – sexual predator treatment program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Any unencumbered balance in the other medical assistance account (039-00-1000-3002) in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund (039-00-2595-4130).....No limit

Provided, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and intellectual disabilities may be credited to the title XIX fund: *Provided further,* That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act and for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance.

Kansas neurological institute title XIX
reimbursements fund (363-00-2060-2200).....No limit
Larned state hospital title XIX
reimbursements fund (410-00-2074-2200).....No limit
Osawatomie state hospital title XIX
reimbursements fund (494-00-2080-4300).....No limit
Osawatomie state hospital certified care title XIX
reimbursements fund (494-00-2080-4301).....No limit
Parsons state hospital title XIX
reimbursements fund (507-00-2083-2300).....No limit
Kansas neurological institute fee fund (363-00-2059-2000).....$1,324,436
Kansas neurological institute – foster grandparents program –
federal fund (363-00-3115-3200).....No limit
Kansas neurological institute – FGP gifts, grants,
donations fund (363-00-7125-7400).....No limit
Kansas neurological institute – patient
benefit fund (363-00-7910-7100).....No limit
Kansas neurological institute – work therapy patient
benefit fund (363-00-7940-7200).....No limit
Larned state hospital fee fund (410-00-2073-2100).....$4,443,456
Larned state hospital – canteen fund (410-00-7806-7000).....No limit
Larned state hospital – patient
benefit fund (410-00-7912-7100).....No limit
Larned state hospital – work therapy patient
benefit fund (410-00-7938-7200).....No limit
Osawatomie state hospital fee fund (494-00-2079-4200).....$1,647,130

Provided, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomie state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing fee account of the Osawatomie state hospital fee fund: *Provided further,* That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomie state hospital: *And provided further,* That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomie state hospital fee fund.

Osawatomie state hospital certified
care fund (494-00-2079-4201).....$5,370,468
Osawatomie state hospital – cottage revenue and
expenditures fund (494-00-2159-2159) .....No limit
Osawatomie state hospital – training fee
revolving fund (494-00-2602-2000) .....No limit

Provided, That all moneys received as fees for training activities for Osawatomie state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Osawatomie state hospital – training fee revolving fund: *Provided further,* That the superintendent of Osawatomie state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomie state hospital: *And provided further,* That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomie state hospital.

Osawatomie state hospital – motor pool
revolving fund (494-00-6164-5200) .....No limit
Osawatomie state hospital –
canteen fund (494-00-7807-5600).....No limit
Osawatomie state hospital – patient
benefit fund (494-00-7914-5700).....No limit
Osawatomie state hospital – work therapy patient
benefit fund (494-00-7939-5800).....No limit
Parsons state hospital and training center
fee fund (507-00-2082-2200) $1,050,000

Provided, That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing fee account of the Parsons state hospital and training center fee fund: *Provided further,* That all moneys credited to the video telecon-

ferencing fee account shall be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: *And provided further,* That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund.

Parsons state hospital and training center – canteen fund (507-00-7808-5500).....No limit
Parsons state hospital and training center – patient benefit fund (507-00-7916-5600).....No limit
Parsons state hospital and training center – work therapy patient benefit fund (507-00-7941-5700).....No limit
DADS social welfare fund (039-00-2141-2195).....No limit
Indirect cost fund (039-00-2193-2193).....No limit
Health occupations credentialing fee fund (039-00-2315-2315)...No limit
Community mental health center improvement fund (039-00-2336-2336).....No limit
Community crisis stabilization centers fund (039-00-2337-2337).....No limit
Clubhouse model program fund (039-00-2338-2338).....No limit
Medical resources and collection fund (039-00-2363-2100).....No limit

Provided, That all moneys received or collected by the secretary for aging and disability services due to medicaid overpayments shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the medical resources and collection fund: *Provided further,* That expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: *And provided further,* That all moneys received or collected by the secretary for aging and disability services due to civil monetary penalty assessments against adult care homes shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the medical resources and collection fund: *And provided further,* That expenditures from such fund shall be made to protect the health or property of adult care home residents as required by federal law.

Problem gambling and addictions grant fund (039-00-2371-2371).....$7,248,619
State licensure fee fund (039-00-2373-2370).....No limit
General fees fund (039-00-2524-2500).....No limit

Provided, That the secretary for aging and disability services is hereby authorized to collect: (1) Fees from the sale of surplus property; (2) fees charged for searching, copying and transmitting copies of public records;

(3) fees paid by employees for personal long distance calls, postage, faxed messages, copies and other authorized uses of state property; and (4) other miscellaneous fees: *Provided further,* That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further,* That expenditures shall be made from this fund to meet the obligations of the Kansas department for aging and disability services or to benefit and meet the mission of the Kansas department for aging and disability services.

Senior citizen nutrition check-off fund (039-00-2660-2610).....No limit
Other state fees fund – community
alcohol treatment (039-00-2661-0000).....No limit
Quality care services fund (039-00-2999-2902).....No limit

Provided, That the secretary for aging and disability services, acting as the agent of the secretary of health and environment, is hereby authorized to collect the quality care assessment under K.S.A. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 75-7435, and amendments thereto, all moneys received for such quality care assessments shall be deposited in the state treasury to the credit of the quality care services fund: *Provided further,* That all moneys in the quality care services fund shall be used to finance initiatives to maintain or improve the quantity and quality of skilled nursing care in skilled nursing care facilities in Kansas in accordance with K.S.A. 75-7435, and amendments thereto.

Opioid abuse treatment & prevention –
federal fund (039-00-3023-3024).....No limit
Kansas national background check program –
federal fund (039-00-3032-3132).....No limit
Money follows the person grant –
federal fund (039-00-3054-4000).....No limit
Money follows the person rebalancing demonstration –
federal fund (039-00-3054-4041).....No limit
Survey & certification – federal fund (039-00-3064-3064).....No limit

Provided, That transfers of moneys from the survey & certification – federal fund to the state fire marshal may be made during fiscal year 2023 pursuant to a contract, which is hereby authorized to be entered into by the secretary for aging and disability services with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals.

Substance abuse/mental health services – partnership for success –
federal fund (039-00-3284-1327).....No limit
Substance abuse/mental health supported employment –
federal fund (039-00-3284-1329).....No limit

Coop agreement to benefit homeless –
federal fund (039-00-3284-1321).....No limit
Special program for aging IIID –
federal fund (039-00-3286-3285).....No limit
Special program for aging IIIB –
federal fund (039-00-3287-3281).....No limit
Special program for aging IV & II –
federal fund (039-00-3288-3297).....No limit
National family caregiver support program IIIE –
federal fund (039-00-3289-3201).....No limit
Nutrition services incentives –
federal fund (039-00-3291-3305).....No limit
Prevention/treatment substance abuse –
federal fund (039-00-3301-0310).....No limit
Social service block grant fund (039-00-3307-3371).....$4,499,999

Provided, That each grant agreement with an area agency on aging for a grant from the social service block grant fund shall require the area agency on aging to submit to the secretary for aging and disability services a report for fiscal year 2022 by the area agency on aging, which shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2022: *Provided further,* That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2023 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2022: *And provided further,* That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this fund shall be placed in appropriate services that are determined to be the most economical services available.

Community mental health block grant –
federal fund (039-00-3310-0460).....No limit
Temporary assistance for needy families –
federal fund (039-00-3323-3323).....No limit
PATH – federal fund (039-00-3347-4316).....No limit
Special program for aging VII-2 –
federal fund (039-00-3358-3072).....No limit
TBI partnership
program fund (039-00-3376-3376).....No limit
Disaster response for Children –
federal fund (039-00-3385-3591).....No limit
Special program for aging VII-3 –
federal fund (039-00-3402-3000).....No limit

Center for medicare/medicaid service –
federal fund (039-00-3408-3300) ..... No limit
Medicare fund – oasis (039-00-3408-3350) ..... No limit

Provided, That all nonfederal reimbursements received by the Kansas department for aging and disability services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and credited to the nonfederal reimbursements fund.

Medicare fund – SHICK (039-00-3408-3400) ..... No limit
Medical assistance program –
federal fund (039-00-3414-0442) ..... No limit
Children's health insurance – federal fund (039-00-3424-3420) ... No limit
Special program for aging IIIC –
federal fund (039-00-3425-3423) ..... No limit
Medicare enrollment assistance program
fund – federal (039-00-3468-3450) ..... No limit
Systems of care grant – federal fund (039-00-3595-3595) ..... No limit
SAMSHA covid-19 supplemental –
federal fund (039-00-3672-3997) ..... No limit
SSA xx ombudsman cares FFY21 –
federal fund (039-00-3680-3083) ..... No limit
KS assisted outpatient treatment –
federal fund (039-00-3733-3101) ..... No limit
ADAS data collection grant – federal fund (039-00-3887-3887) ... No limit
Long-term care loan and grant fund (039-00-5110-5100) ..... No limit
KDFA refunding revenue bond 2013B fund (039-00-7111) ..... No limit
Trust fund (039-00-7299) ..... No limit
Gifts and donations fund (039-00-7309-7000) ..... No limit

Provided, That the secretary for aging and disability services is hereby authorized to receive gifts and donations of money for services to senior citizens or purposes related thereto: *Provided further,* That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund.

Larned state security hospital
KDFA 02N-1 fund (039-00-8703) ..... No limit
SRS state of Kansas KDFA 04A-1 project fund (039-00-8704) .... No limit
State of Kansas projects KDFA 2010E-F fund (039-00-8705) ..... No limit
Parking deduction clearing fund (039-00-9233-9200) ..... No limit
Medical assistance recovery clearing fund (039-00-9300) ..... No limit
Credit card clearing fund (039-00-9400) ..... No limit

(c) On July 1, 2022, and at other times during fiscal year 2023, when necessary as determined by the secretary for aging and disability services,

the director of accounts and reports shall transfer amounts specified by the secretary for aging and disability services, which amounts constitute reimbursements, credits and other amounts received by the Kansas department for aging and disability services for activities related to federal programs from specified special revenue funds of the Kansas department for aging and disability services to the indirect cost fund of the Kansas department for aging and disability services.

(d) On July 1, 2022, the superintendent of Osawatomie state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomie state hospital – canteen fund (494-00-7807-5600) to the Osawatomie state hospital – patient benefit fund (494-00-7914-5700).

(e) On July 1, 2022, the superintendent of Parsons state hospital, upon approval from the director of accounts and reports, shall transfer an amount specified by the superintendent from the Parsons state hospital and training center – canteen fund (507-00-7808-5500) to the Parsons state hospital and training center – patient benefit fund (507-00-7916-5600).

(f) On July 1, 2022, the superintendent of Larned state hospital, upon approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Larned state hospital – canteen fund (410-00-7806-7000) to the Larned state hospital – patient benefit fund (410-00-7912-7100).

(g) During the fiscal year ending June 30, 2023, no moneys paid by the Kansas department for aging and disability services from the CDDO support account (039-00-1000-4001) of the state general fund shall be expended by the entity receiving such moneys to pay membership dues and fees to any entity that does not provide the Kansas department for aging and disability services, the legislative division of post audit or another state agency, access to its financial records upon request for such access.

(h) During the fiscal year ending June 30, 2023, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2023 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services to another item of appropriation for fiscal year 2023 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(i) During the fiscal year ending June 30, 2023, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2023 from the state institutions building fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services to another item of appropriation for fiscal year 2023 from the state institutions building fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(j) 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 state general fund or any special revenue fund or funds for fiscal year 2023 for the Kansas department for children and families and in addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 for the department of health and environment – division of public health, as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures may be made by the secretary for children and families and the secretary of health and environment for fiscal year 2023 to enter into a contract with the secretary for aging and disability services, which is hereby authorized and directed to be entered into by such secretaries, to provide for the secretary for aging and disability services to perform the powers, duties, functions and responsibilities prescribed by and to conduct investigations pursuant to K.S.A. 39-1404, and amendments thereto, in conjunction with the performance of such powers, duties, functions, responsibilities and investigations by the secretary for children and families and the secretary of health and environment under such statute, with respect to reports of abuse, neglect or exploitation of residents or reports of residents in need of protective services on behalf of the secretary for children and families or the secretary of health and environment, as the case may be, in accordance with and pursuant to K.S.A. 39-1404, and amendments thereto, during fiscal year 2023: *Provided,* That, 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 any special revenue fund or funds for fiscal year 2023 for the Kansas department for aging and disability services, as authorized by this or other appropriation act of the 2022 regular session

of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2023 to provide for the performance of such powers, duties, functions and responsibilities and to conduct such investigations: *Provided further,* That, the words and phrases used in this subsection shall have the meanings respectively ascribed thereto by K.S.A. 39-1401, and amendments thereto.

(k) On October 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $550,000 from the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the domestic violence grant fund (252-00-2014-2014) of the governor's department.

(l) On October 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $150,000 from the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the child advocacy center grants fund (252-00-2024-2024) of the governor's department.

(m) On October 1, 2022, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 79-4805, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $500,000 from the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the community corrections special revenue fund (521-00-2447-2447) of the department of corrections.

(n) During the fiscal year ending June 30, 2023, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2023 from the title XIX fund (039-00-2595-4130) of the Kansas department for aging and disability services to any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(o) Notwithstanding the provisions of K.S.A. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary for aging and disability services may provide rate increases for nursing facilities for fiscal year 2023.

(p) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agency from such moneys to operate, or contract for the operation of, eight acute inpatient psychiatric care beds for children in the city of Hays,

Kansas, or the surrounding area: *Provided, however,* That expenditures for such purposes during fiscal year 2023 shall not exceed $4,000,000.

(q) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds as authorized by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agency from such moneys to implement a process for certification and funding for certified community behavioral health clinics: *Provided,* That such agency shall certify as a certified community behavioral health clinic any community behavioral health center licensed by such agency that provides the following services: Crisis services; screening, assessment and diagnosis, including risk assessment; person-centered treatment planning; outpatient mental health and substance use services; primary care screening and monitoring of key indicators of health risks; targeted case management; psychiatric rehabilitation services; peer support and family supports; medication-assisted treatment; assertive community treatment; and community-based mental healthcare for military servicemembers and veterans.

(r) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds as authorized by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agency from such moneys to submit a report on a quarterly basis, in collaboration with the Kansas department of health and environment, to the Robert G. (Bob) Bethell joint committee on home and community based services regarding the home and community-based services brain injury waiver, including the:

(1) Number of members enrolled in such waiver at the end of the month prior to the committee meeting;

(2) unduplicated number of such members over the course of the calendar year;

(3) number of such members receiving services for a period longer than 2 years and longer than 4 years;

(4) number of such members who did not receive services within a period of 60, 90 or 120 or more days after being enrolled;

(5) number of such members who did not receive a specific waiver service within a period of 30, 60, 90 or 120 or more days prior to the date such member was officially unenrolled from such waiver;

(6) amount of the per-member, per-month enhanced dollar rate provided to a managed care organization for each member enrolled in such waiver;

(7) total number of members enrolled in the waiver disaggregated by county and the per capita enrollment in such waiver disaggregated by county; and

(8) agency's progress toward new policy implementation.

(s) During the fiscal year ending June 30, 2023, in addition to the other purposes for which the above agency may make expenditures from moneys appropriated from the state general fund or in any special revenue fund or funds as authorized by this or any other appropriation act of the 2022 regular session of the legislature, the above agency shall make expenditures from such moneys to establish guidelines for nursing facilities, as defined in K.S.A. 39-923, and amendments thereto, to request a waiver from staffing requirements and to study establishing similar guidelines for other adult care homes, as defined in K.S.A. 39-923, and amendments thereto: *Provided,* That any such guidelines shall be compatible with rules established by the United States centers for medicare and medicaid services.

(t) During the fiscal year ending June 30, 2023, in addition to the other purposes for which the above agency may make expenditures from moneys appropriated from the state general fund or in any special revenue fund or funds as authorized by this or any other appropriation act of the 2022 regular session of the legislature, the above agency shall make expenditures from such moneys to enter into agreements with community mental health centers for the purpose of establishing rates for conducting mobile competency evaluations.

Sec. 75.

KANSAS DEPARTMENT FOR
CHILDREN AND FAMILIES

(a) On the effective date of this act, of the $115,556,059 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 87(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the state operations (including official hospitality) account (629-00-1000-0013), the sum of $200,246 is hereby lapsed.

(b) On the effective date of this act, of the $220,433,685 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 87(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the youth services aid and assistance account (629-00-1000-7020), the sum of $17,313,441 is hereby lapsed.

Sec. 76.

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, 2023, the following:

State operations (including
official hospitality) (629-00-1000-0013).....$126,324,931

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

Cash assistance (629-00-1000-2010).....$10,508,441

Provided, That any unencumbered balance in the cash assistance account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Vocational rehabilitation aid
and assistance (629-00-1000-5010).....$4,266,974

Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *And provided further,* That expenditures may be made from this account by the secretary for children and families for the purchase of workers compensation insurance for consumers of vocational rehabilitation services and assessments at work sites and job tryout sites throughout the state.

Youth services aid and assistance (629-00-1000-7020).....$235,276,149

Provided, That any unencumbered balance in the youth services aid and assistance account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures shall be made from this account by the above agency for workforce recruitment and retention incentives for child placing agencies and licensed facilities, including qualified residential treatment programs: *And provided further,* That expenditures shall be made from this account by the secretary for children and families to submit a status report on expansion of the safe families for children – Kansas program to the Kansas City and Wichita metro areas and the southeast Kansas area to the house of representatives committee on social services budget on or before January 1, 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Social welfare fund (629-00-2195-0110).....No limit
Project maintenance reserve fund (629-00-2214-0150).....No limit
Other state fees fund (629-00-2220).....No limit
Child care discretionary –
federal fund (629-00-3028-0522).....No limit

Title IV-B promoting safe/stable families –
federal fund (629-00-3302) ..... No limit
Low-income home energy assistance –
federal fund (629-00-3305-0350) ..... No limit
Child welfare services state grants –
federal fund (629-00-3306-0341) ..... No limit
Social services block grant – federal fund (629-00-3307-0370) ..... No limit
Commodity supp food program –
federal fund (629-00-3308-3215) ..... No limit
Social security – disability insurance –
federal fund (629-00-3309-0390) ..... No limit
Supplemental nutrition assistance program –
federal fund (629-00-3311) ..... No limit
Emergency food assistance program –
federal fund (629-00-3313-2310) ..... No limit
Rehabilitation services – vocational rehabilitation –
federal fund (629-00-3315) ..... No limit
Child support enforcement – federal fund (629-00-3316) ..... No limit
Child care and development mandatory and matching –
federal fund (629-00-3318-0523) ..... No limit
Temporary assistance to needy families –
federal fund (629-00-3323-0530) ..... No limit
SNAP technology project for success –
federal fund (629-00-3327-3327) ..... No limit
Title IV-E foster care – federal fund (629-00-3337-0419) ..... No limit
Chafee education and training vouchers program –
federal fund (629-00-3338-0425) ..... No limit
Adoption incentive payments –
federal fund (629-00-3343-0426) ..... No limit
Adoption assistance – federal fund (629-00-3357-0418) ..... No limit
Chafee foster care independence program –
federal fund (629-00-3365-0417) ..... No limit
Refugee and entrant assistance – federal fund (629-00-3378) ..... No limit
Headstart – federal fund (629-00-3379-6323) ..... No limit
Developmental disabilities basic support –
federal fund (629-00-3380-4360) ..... No limit
Children's justice grants to states –
federal fund (629-00-3381-7320) ..... No limit
Child abuse and neglect state grants –
federal fund (629-00-3382-7210) ..... No limit
Independent living state grants – federal fund (629-00-3387) ..... No limit
Independent living services for older blind –
federal fund (629-00-3388-5313) ..... No limit

Supported employment for individuals with severe disabilities – federal fund (629-00-3389) ..... No limit
TEFAP trade mitigation program (629-00-3409-2315) ..... No limit
Medical assistance program – federal fund (629-00-3414) ..... No limit
Children's health insurance program – federal fund (629-00-3424-0541) ..... No limit
SNAP employment and training exchange – federal fund (629-00-3452-3452) ..... No limit
Child-care disaster – federal fund (629-00-3597-3597) ..... No limit
ESSA preschool development grant – federal fund (629-00-3608-0525) ..... No limit
Randolph sheppard FRRP – federal fund (629-00-3647-3647) ..... No limit
SNAP pandemic ebt admin grant – federal fund (629-00-3661-0431) ..... No limit
SNAP data grant – federal fund (629-00-3674-3674) ..... No limit
Adult protective services crrsa21 – federal fund (629-00-3680-3680) ..... No limit
Title IV-E kinship navigator – federal fund (629-00-3712-0429) ..... No limit
Coronavirus relief fund (629-00-3753) ..... No limit
Prevention services grant fund (629-00-3813-0428) ..... No limit
SRS enterprise fund (629-00-5105) ..... No limit
Receipt suspense clearing fund (629-00-9212-0910) ..... No limit
Client assistance payment clearing fund (629-00-9214-0930) ..... No limit
Child support collections clearing fund (629-00-9218-0970) ..... No limit
EBT settlement fund (629-00-9219-0980) ..... No limit
CAP settlement fund (629-00-9219-0990) ..... No limit
Credit card clearing fund (629-00-9405-9400) ..... No limit

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

(d) During the fiscal year ending June 30, 2023, the secretary for children and families, with the approval of the director of the budget and subject to the provisions of federal grant agreements, may transfer moneys received under a federal grant that are credited to a federal fund of the Kansas department for children and families to another federal fund of the Kansas department for children and families. The secretary for

children and families shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

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

Child care (629-00-2000-2406).....$5,033,679

Provided, That any unencumbered balance in the child care account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Family preservation (629-00-2000-2413).....$3,241,062

Provided, That any unencumbered balance in the family preservation account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(f) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 39-709, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to apply for a waiver from the United States department of agriculture for the time-limited assistance provisions for able-bodied adults between 18 and 49 years of age without dependents in the household under the food assistance program if the secretary can establish that there are insufficient jobs for the employment for such individuals using criteria that is not less restrictive than the criteria established under 7 C.F.R. § 273.24.

(g) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 39-709, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to allow any single parent of a child who is between three months and one year of age to fulfill work participation requirements under the cash assistance program by engaging in in-home parenting skills training.

(h) During the fiscal year ending June 30, 2023, if the children's alliance receives moneys from the federal government received by the state of Kansas for aid for coronavirus relief for workforce recruitment and retention incentives for child placing agencies and licensed facilities, including qualified residential treatment programs, then on the date following approval by the state finance council, of the $235,276,149 appropriated

for the above agency for the fiscal year ending June 30, 2023, by subsection (a) from the state general fund in the youth services aid and assistance account (629-00-1000-7020), the sum of $7,500,000 is hereby lapsed.

(i) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2023 as authorized by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agency from such moneys to award a grant to the cerebral palsy research foundation of Kansas in the amount of $125,000 for the purpose of purchasing and providing durable medical equipment for individuals with disabilities in the state of Kansas.

Sec. 77.

KANSAS GUARDIANSHIP PROGRAM

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

Kansas guardianship program (261-00-1000-0300).....$1,375,959

Provided, That any unencumbered balance in the Kansas guardianship program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Sec. 78.

STATE LIBRARY

(a) On the effective date of this act, of the $1,293,285 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 93(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures account (434-00-1000-0300), the sum of $3,062 is hereby lapsed.

Sec. 79.

STATE LIBRARY

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

Operating expenditures (434-00-1000-0300).....$1,325,411

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the operating expenditures account for official hospitality shall not exceed $755.

Grants to libraries and library systems – grants in aid (434-00-1000-0410).....$1,067,914

Provided, That any unencumbered balance in the grants to libraries and library systems – grants in aid account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Grants to libraries and library systems – interlibrary loan development (434-00-1000-0420).....$1,133,467

Provided, That any unencumbered balance in the grants to libraries and library systems – interlibrary loan development account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Grants to libraries and library systems – talking book services (434-00-1000-0430).....$433,985

Provided, That any unencumbered balance in the grants to libraries and library systems – talking book services account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State library fund (434-00-2076-2500).....No limit
Federal library services and technology act – fund (434-00-3257-3000).....No limit
Grants and gifts fund (434-00-7304-7000).....No limit
Statewide database contribution (434-00-7304-7003).....No limit
Coronavirus relief fund (434-00-3753).....No limit

Sec. 80.

KANSAS STATE SCHOOL FOR THE BLIND

(a) On the effective date of this act, of the $5,707,392 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 95(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures account (604-00-1000-0303), the sum of $530 is hereby lapsed.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Covid-19 federal relief fund.....No limit

Sec. 81.

KANSAS STATE SCHOOL FOR THE BLIND

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

Operating expenditures (604-00-1000-0303).....$5,801,622

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for

fiscal year 2023: *Provided, however,* That expenditures from the operating expenditures for official hospitality shall not exceed $2,000.

Arts for the handicapped (604-00-1000-0502).....$133,847

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Local services reimbursement fund (604-00-2088-2500).....No limit

Provided, That the Kansas state school for the blind is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: *Provided further,* That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.

General fees fund (604-00-2093).....No limit
Student activity fees fund (604-00-2146).....No limit
Special education state grants – federal fund (604-00-3234).....No limit
School breakfast program – federal fund (604-00-3529).....No limit
Federal school lunch – federal fund (604-00-3530).....No limit
Child and adult care food program –
federal fund (604-00-3531).....No limit
Safe schools – federal fund (604-00-3569).....No limit
Deaf-blind project – federal fund (604-00-3583).....No limit
Summer food service program –
federal fund (604-00-3591).....No limit
American rescue plan-state relief –
federal fund (604-00-3756).....No limit
Education improvement – federal fund (604-00-3898).....No limit
Elementary and secondary school emergency relief fund –
federal fund.....No limit
Gift fund (604-00-7329-5100).....No limit
Special bequest fund (604-00-7333).....No limit
Nine month payroll clearing fund (604-00-7714-5200).....No limit
Covid-19 federal relief fund.....No limit

Sec. 82.

KANSAS STATE SCHOOL FOR THE DEAF

(a) On the effective date of this act, of the $9,600,683 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 97(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures account (610-00-1000-0303), the sum of $5,498 is hereby lapsed.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Covid-19 federal relief fund.....No limit

Sec. 83.

KANSAS STATE SCHOOL FOR THE DEAF

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

Operating expenditures (610-00-1000-0303).....$10,249,757

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the operating expenditures account for official hospitality shall not exceed $2,000: *Provided further,* That for the fiscal year ending June 30, 2023, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the implementation of the language assessment program for children age birth through two, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *And provided further,* That, of such identified moneys, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further,* That if the above agency, in consultation with the director of the budget, determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2023 to be used for such language assessment program, the director of the budget shall certify the amount of such federal coronavirus relief moneys from each fund to the director of accounts and reports and upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount up to $386,000 as available from such funds to the special revenue fund of the Kansas state school for the deaf and as designated by the superintendent of the Kansas state school for the deaf for the purpose of funding such language assessment program: *And provided further,* That on the effective date of such transfer, of the $10,249,757 appropriated for the above agency for the fiscal year ending June 30, 2023, in the operating expenditures account, the aggregate amount transferred is hereby lapsed: *And provided further,* That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director

of the budget shall transmit a copy of such certification to the director of legislative research.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Local services reimbursement fund (610-00-2091-2200).....No limit

Provided, That the Kansas state school for the deaf is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: *Provided further,* That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.

General fees fund (610-00-2094).....No limit
Student activity fees fund (610-00-2147-2100).....No limit
Special education state grants – federal fund (610-00-3234).....No limit
Universal newborn screening – federal fund (610-00-3459).....No limit
School breakfast program – federal fund (610-00-3529).....No limit
School lunch program – federal fund (610-00-3530).....No limit
Special education preschool grants –
federal fund (610-00-3535).....No limit
Summer food service program – federal fund (610-00-3591).....No limit
American rescue plan – state relief –
federal fund (604-00-3756).....No limit
Special bequest fund (610-00-7321).....No limit
Gift fund (610-00-7330).....No limit
Special workshop fund (610-00-7504).....No limit
Nine month payroll clearing fund (610-00-7715-5700).....No limit
Language assessment fee fund.....No limit

Provided, That expenditures shall be made from the language assessment fee fund for operating expenditures to implement a fee-for-service model to fund the implementation of a language assessment program for children ages three through eight: *Provided further,* That the above agency is hereby authorized to fix, charge and collect fees from unified school districts, special education cooperatives and interlocals to fund the operations of the language assessment program authorized pursuant to K.S.A. 75-5397e, and amendments thereto: *And provided further,* That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the language assessment fee fund: *And provided further,* That all expenditures from the language assessment fee fund shall

be only for the operations of the language assessment program: *And provided further,* That expenditures from the language assessment fee fund for the fiscal year ending June 30, 2023, for such program shall not exceed $493,157.

Covid-19 federal relief fund.....No limit

Sec. 84.

STATE HISTORICAL SOCIETY

(a) On the effective date of this act, of the $3,793,494 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 99(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures account (288-00-1000-0083), the sum of $6,497 is hereby lapsed.

Sec. 85.

STATE HISTORICAL SOCIETY

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

Operating expenditures (288-00-1000-0083).....$4,246,260

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Humanities Kansas (288-00-1000-0600).....$50,501

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Vehicle repair and replacement fund (288-00-6116-6000).....No limit
General fees fund (288-00-2047-2300).....No limit
Archeology fee fund (288-00-2638-2350).....No limit

Provided, That expenditures may be made from the archeology fee fund for operating expenses for providing archeological services by contract: *Provided further,* That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further,* That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing archeological services by contract: *And provided further,* That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the archeology fee fund.

Conversion of materials and
equipment fund (288-00-2436-2700).....No limit

Soil/water conservation fund (288-00-3083-3110).....No limit
Microfilm fees fund (288-00-2246-2370).....No limit

Provided, That expenditures may be made from the microfilm fees fund for operating expenses for providing imaging services: *Provided further,* That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further,* That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing imaging services: *And provided further,* That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilm fees fund.

Records center fee fund (288-00-2132-2100).....No limit

Provided, That expenditures may be made from the records center fee fund for operating expenses for state records and for the trusted digital repository for electronic government records.

Historic properties fee fund (288-00-2164-2310).....No limit
Historic preservation grants in aid fund (288-00-3089-3700).....No limit
Historic preservation overhead fees fund (288-00-2916-2380).....No limit
National historic preservation act
fund – local (288-00-3089-3000).....No limit
Private gifts, grants and bequests fund (288-00-7302-7000).....No limit
Museum and historic sites visitor
donation fund (288-00-2142-2250).....No limit
Insurance collection replacement/
reimbursement fund (288-00-2182-2320).....No limit
Heritage trust fund (288-00-7379-7600).....No limit

Provided, That expenditures from the heritage trust fund for state operations shall not exceed $90,000.

Land survey fee fund (288-00-2234-2330).....No limit

Provided, That, notwithstanding the provisions of K.S.A. 58-2011, and amendments thereto, expenditures may be made by the above agency from the land survey fee fund for the fiscal year 2023 for operating expenditures that are not related to administering the land survey program.

National trails fund (288-00-3553-3353).....No limit
State historical society facilities fund (288-00-2192-2420).....No limit
Historic properties fund (288-00-2144-2400).....No limit
Law enforcement memorial fund (288-00-7344-7300).....No limit
Highway planning/ construction fund (288-00-3333-3333).....No limit
Coronavirus relief fund (288-00-3753).....No limit
Save America's treasures fund (288-00-3923-4000).....No limit
Archeology federal fund (288-00-3083-3110).....No limit

Property sale proceeds fund (288-00-2414-2500).....No limit

Provided, That proceeds from the sale of property pursuant to K.S.A. 75-2701, and amendments thereto, shall be deposited in the state treasury and credited to the property sale proceeds fund.

(c) Notwithstanding the provisions of K.S.A. 75-2721, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2023, as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2023 to fix admission fees at constitution hall in Lecompton, Kansas, at $3 per adult single admission, $1 per student single admission, $2 per student for guided tours and $3 per adult for guided tours: *Provided, however,* That such admission fees may be increased by the above agency during fiscal year 2023 if all moneys from such admission fees are invested in constitution hall and the total amount of such admission fees exceeds the amount of the Lecompton historical society's constitution hall promotional expenses as determined by the average of such promotional expenses for the preceding three calendar years: *Provided further,* That the state historical society may request annual financial statements from the Lecompton historical society for the purpose of calculating such three-year average of promotional expenses.

Sec. 86.

FORT HAYS STATE UNIVERSITY

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

Operating expenditures (including official hospitality) (246-00-1000-0013).....$33,052

Sec. 87.

FORT HAYS STATE UNIVERSITY

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

Operating expenditures (including official hospitality) (246-00-1000-0013).....$35,431,391

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

Master's-level nursing capacity (246-00-1000-0100).....$135,393

Kansas wetlands education center at Cheyenne bottoms (246-00-1000-0200).....$255,845

Provided, That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Kansas academy of math and science (246-00-1000-0300).....$734,520

Provided, That any unencumbered balance in the Kansas academy of math and science account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (246-00-5185-5050).....No limit

Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund (246-00-2035-2000).....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further,* That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (246-00-2510-2040).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Special events; technology equipment; Gross coliseum services; capital improvements; performing arts center services; farm income; choral music clinic; yearbook; off-campus tours; memorial union activities; student activity (unallocated); tiger media; conferences, clinics and workshops – noncredit; summer laboratory school; little theater; library services; student affairs; speech and debate; student government; counseling center services; interest on local funds; student identification cards; nurse education programs; athletics; placement fees; virtual college classes; speech and hearing; child care services for dependent students; computer services; interactive television contributions; midwestern student exchange; departmental receipts for all sales, refunds and other collections not specifically enumerated above: *Provided, however,* That the state board of regents, with the approval of 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, may amend or change this list of restricted fees: *Provided further,* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That expenditures may be made from this fund to purchase insurance

for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further,* That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: *And provided further,* That expenditures may be made from the restricted fees fund for official hospitality.

Education opportunity act – federal fund (246-00-3394-3500) ....No limit
Service clearing fund (246-00-6000) .....No limit

Provided, That the service clearing fund shall be used for the following service activities: Computer services, storeroom for official supplies including office supplies, paper products, janitorial supplies, printing and duplicating, car pool, postage, copy center, and telecommunications and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Commencement fees fund (246-00-2511-2050).....No limit
Health fees fund (246-00-5101-5000) .....No limit

Provided, That expenditures from the health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Student union fees fund (246-00-5102-5010).....No limit

Provided, That expenditures may be made from the student union fees fund for official hospitality.

Kansas career work study program fund (246-00-2548-2060) .....No limit
Economic opportunity act – federal fund (246-00-3034-3000).....No limit
Faculty of distinction matching fund (246-00-2471-2400).....No limit
Nine month payroll clearing account fund (246-00-7709-7060)...No limit
Federal Perkins student loan fund (246-00-7501-7050).....No limit
Housing system revenue fund (246-00-5103-5020).....No limit

Provided, That expenditures may be made from the housing system revenue fund for official hospitality.

Institutional overhead fund (246-00-2900-2070).....No limit
Oil and gas royalties fund (246-00-2036-2010).....No limit
Housing system suspense fund (246-00-5707-5090) .....No limit
Sponsored research overhead fund (246-00-2914-2080).....No limit
Kansas distinguished scholarship fund (246-00-7204-7000) .....No limit
Temporary deposit fund (246-00-9013-9400) .....No limit
Federal receipts suspense fund (246-00-9105-9410).....No limit
Suspense fund (246-00-9134-9420).....No limit

Mandatory retirement annuity
clearing fund (246-00-9136-9430) ..... No limit
Voluntary tax shelter annuity
clearing fund (246-00-9163-9440) ..... No limit
Agency payroll deduction clearing fund (246-00-9197-9450) ..... No limit
Pre-tax parking clearing fund (246-00-9220-9200) ..... No limit
University payroll fund (246-00-9800) ..... No limit
University federal fund (246-00-3141-3140) ..... No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *Provided further,* That expenditures may be made by the above agency from this fund to procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in the senior companion program against loss in accordance with specifications of federal grant guidelines as provided in K.S.A. 75-4101, and amendments thereto.

Coronavirus relief federal fund (246-00-3753) ..... No limit
Governor's emergency education relief fund (246-00-3638) ..... No limit

(c) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Fort Hays state university of not to exceed $125,000 from the general fees fund (246-00-2035-2000) to the federal Perkins student loan fund (246-00-7501-7050).

Sec. 88.

KANSAS STATE UNIVERSITY

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

Operating expenditures (including
official hospitality) (367-00-1000-0003) $137,528
Kansas state university polytechnic campus (including
official hospitality) (367-00-1000-0150) $234,641

Sec. 89.

KANSAS STATE UNIVERSITY

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

Operating expenditures (including
official hospitality) (367-00-1000-0003) $99,550,631

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

Midwest institute for comparative stem cell biology (367-00-1000-0170).....$127,178

Provided, That any unencumbered balance in the midwest institute for comparative stem cell biology account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Global food systems (367-00-1000-0190).....$4,897,768

Provided, That unencumbered balance in the global food systems account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That all moneys in the global food systems account expended for fiscal year 2023 shall be matched by Kansas state university on a $1-for-$1 basis from other moneys of Kansas state university: *And provided further,* That Kansas state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how the global food systems-related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2023.

Kansas state university polytechnic campus (including official hospitality) (367-00-1000-0150).....$7,022,758

Provided, That any unencumbered balance in the Kansas state university polytechnic campus (including official hospitality) account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (367-00-5181) .....No limit

Provided, That expenditures may be made from the parking fees fund for capital improvement projects for parking improvements.

Faculty of distinction matching fund (367-00-2472-2500).....No limit
General fees fund (367-00-2062-2000) .....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further,* That expenditures may be made from the general fees fund for official hospitality.

Interest on endowment fund (367-00-7100-7200) .....No limit
Restricted fees fund (367-00-2520-2080).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Technology equipment; flight services; communications and marketing; computer services; copy centers; standardized test fees; placement center; recreational services; polytechnic campus; motor pool; music; professorships; student activities fees; biology sales and services;

chemistry; field camps; physics storeroom; sponsored research, sponsored instruction, sponsored public service, equipment and facility grants; contract-post office; library collections; sponsored construction or improvement projects; attorney, educational and personal development, human capital services; student financial assistance; application for undergraduate programs; speech and hearing; gifts; human development and family research and training; college of education – publications and services; guaranteed student loan application processing; auditorium receipts; catalog sales; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; college of health and human sciences storeroom; college of health and human sciences sales; application for post baccalaureate programs; art exhibit fees; college of education – Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations – construction; speech receipts; art museum; exchange program; flight training lab fees; administrative reimbursements; parking fees; printing; short courses and conferences; student government association receipts; late registration fee; engineering equipment fee; architecture equipment fee; biotechnology facility; English language program; international programs; Bramlage coliseum; planning and analysis; telecommunications; comparative medicine; Marlatt memorial park; departmental student organization receipts; other specifically designated receipts not available for general operations of the university: *Provided, however,* That the state board of regents, with the approval of 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, may amend or change this list of restricted fees: *Provided further,* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for operation of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages: *And provided further,* That expenditures may be made from this fund for official hospitality.

Kansas career work study program fund (367-00-2540-2090) .....No limit
Service clearing fund (367-00-6003-7000) .....No limit

Provided, That the service clearing fund shall be used for the following service activities: Supplies stores; telecommunications services; photo-

graphic services; K-State printing services; postage; facilities services; facilities carpool; public safety services; facility planning services; facilities storeroom; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Sponsored research overhead fund (367-00-2901-2160).....No limit

Provided, That expenditures may be made from the sponsored research overhead fund for official hospitality.

Housing system suspense fund (367-00-5708-4830) .....No limit
Housing system operations fund (367-00-5163).....No limit

Provided, That expenditures may be made from the housing system operations fund for official hospitality.

State emergency fund – building repair (367-00-2451-2451) .....No limit
Housing system repair, equipment and
improvement fund (367-00-5641-4740) .....No limit
Coliseum system repair, equipment and
improvement fund (367-00-5642-4750) .....No limit
Mandatory retirement annuity
clearing fund (367-00-9137-9310) .....No limit
Student health fees fund (367-00-5109-4410) .....No limit

Provided, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Scholarship funds fund (367-00-7201-7210).....No limit
Perkins student loan fund (367-00-7506-7260) .....No limit
Federal award advance payment – U.S. department of education
awards fund (367-00-3855-3350) .....No limit
State agricultural university fund (367-00-7400-7250).....No limit
Salina – student union fees fund (367-00-5114-4420).....No limit
Salina – housing system revenue fund (367-00-5117-4430).....No limit
Salina – housing system suspense fund (367-00-5724-4890) .....No limit
Kansas comprehensive grant fund (367-00-7223-7300).....No limit
Temporary deposit fund (367-00-9020-9300) .....No limit
Business procurement card clearing fund (367-00-9102-9400)....No limit
Suspense fund (367-00-9146-9320).....No limit
Voluntary tax shelter annuity
clearing fund (367-00-9164-9330) .....No limit
Agency payroll deduction clearing fund (367-00-9186-9360).....No limit
Pre-tax parking clearing fund (367-00-9221-9200).....No limit
Salina student life center revenue fund (367-00-5111-5120).....No limit
Child care facility revenue fund (367-00-5125-5101).....No limit

University federal fund (367-00-3142).....No limit
Animal health research fund (367-00-2053-2053).....No limit
National bio agro-defense facility fund (367-00-2058-2058).....No limit

Provided, That all expenditures from the national bio agro-defense facility fund shall be approved by the president of Kansas state university.

Kan-grow engineering fund – KSU (367-00-2154-2154).....No limit
Payroll clearing fund (367-00-9801-9000).....No limit
Fed ext emp clearing fund –
employee deduct (367-00-9182-9340).....No limit
Fed ext emp clearing fund –
employer deduct (367-00-9183-9350).....No limit
Temp dep fund external source (367-00-9065-9305).....No limit
Nine month payroll clearing fund (367-00-7710-7270).....No limit
Interest bearing grants fund (367-00-2630-2630).....No limit

Provided, That, on or before the 10th day of each month commencing during fiscal year 2023, the director of accounts and reports shall transfer from the state general fund to the interest bearing grants fund interest earnings based on: (1) The average daily balance in the interest bearing grants fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Student union renovation expansion
revenue fund (367-00-5191-4650).....No limit
Coronavirus relief federal fund (367-00-3753).....No limit
Governor's emergency education relief fund (367-00-3638).....No limit

(c) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by Kansas state university from such moneys for fiscal year 2023 to conduct a study of the Kansas state university polytechnic campus in Salina, Kansas: *Provided,* That such study shall include a review of: (1) The mission and extent of the polytechnic campus; (2) degree offerings at the polytechnic campus; and (3) the financial structure of the polytechnic campus: *Provided further,* That Kansas state university shall submit a report on such study to the house of representatives committee on appropriations and the senate committee on ways and means on or before November 1, 2022.

Sec. 90.

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, 2022, the following:

Cooperative extension service (including official hospitality) (369-00-1000-1020).....$35,736
Agricultural experiment stations (including official hospitality) (369-00-1000-1030).....$53,929

Sec. 91.

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, 2023, the following:

Cooperative extension service (including official hospitality) (369-00-1000-1020).....$19,348,711

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

Agricultural experiment stations (including official hospitality) (369-00-1000-1030).....$30,728,893

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

Wildfire suppression/state forest service (369-00-1000-1040).....$636,710

Provided, That any unencumbered balance in the wildfire suppression/state forest service account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund (369-00-2697-1100).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Plant pathology; Kansas artificial breeding service unit; technology equipment; professorships; agricultural experiment station, director's office; agronomy – Ashland farm; KSU agricultural research center – Hays; KSU southeast agricultural research center; KSU southwest research extension center; agronomy – general; agronomy – experimental field crop sales; entomology sales; grain science and industry – Kansas state university; food and nutrition research; extension services and publication; sponsored construction or improvement projects; gifts; comparative medicine; sales and services of educational programs; animal sciences and industry livestock and product sales; horticulture greenhouse and farm products sales; Konza prairie operations; departmental receipts for

all sales, refunds and other collections; institutional support fee; KSU northwest research extension center operations; sponsored research, public service, equipment and facility grants; statistical laboratory; equipment/pesticide storage building; miscellaneous renovation – construction; other specifically designated receipts not available for general operations of the university: *Provided, however,* That the state board of regents, with the approval of 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, may amend or change this list of restricted fees: *Provided further,* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That expenditures may be made from the Kansas agricultural mediation service account of the restricted fees fund during fiscal year 2023: *And provided further,* That expenditures may be made from this fund for official hospitality.

Fertilizer research fund (369-00-2263-1150).....No limit
Sponsored research overhead fund (369-00-2921-1200).....No limit

Provided, That expenditures may be made from the sponsored research overhead fund for official hospitality.

Federal awards – advance payment
fund (369-00-3872-1360).....No limit
Smith-Lever special program grant –
federal fund (369-00-3047-1330).....No limit
Faculty of distinction matching fund (369-00-2479-1190).....No limit
Agricultural land use-value fund (369-00-2364-1180).....No limit
University federal fund (369-00-3144).....No limit
Coronavirus relief federal fund (369-00-3753).....No limit

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2023, the following:

Agricultural experiment stations (369-00-1900-1900).....$307,939

Sec. 92.

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, 2022, the following:

Operating expenditures (including
official hospitality) (368-00-1000-5003).....$26,978

Sec. 93.

KANSAS STATE UNIVERSITY
VETERINARY MEDICAL CENTER

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

Operating expenditures (including official hospitality) (368-00-1000-5003).....$10,423,727

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

Operating enhancement (368-00-1000-5023).....$4,757,733

Provided, That any unencumbered balance in the operating enhancement account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That all expenditures from the operating enhancement account shall be expended in accordance with the plan submitted by the board of regents for improving the rankings of the Kansas state university veterinary medical center and shall be approved by the president of Kansas state university.

Veterinary training program for rural Kansas (368-00-1000-5013).....$378,000

Provided, That any unencumbered balance in the veterinary training program for rural Kansas account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (368-00-2129-5500).....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further,* That expenditures may be made from the general fees fund for official hospitality.

Vet health center revenue fund (including official hospitality) (368-00-5160-5300).....No limit
Faculty of distinction matching fund (368-00-2478-5220).....No limit
Restricted fees fund (368-00-2590-5530).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Sponsored research, instruction, public service, equipment and facility grants; sponsored construction or improvement projects; technology equipment; pathology fees; laboratory test fees; miscellaneous renovations or construction; dean of veterinary medicine receipts; gifts; application for postbaccalaureate programs; professor-

ship; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; comparative medicine; storerooms; departmental receipts for all sales, refunds and other collections; departmental student organization receipts; other specifically designated receipts not available for general operation of the Kansas state university veterinary medical center: *Provided, however,* That the state board of regents, with the approval of 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, may amend or change this list of restricted fees: *Provided further,* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That expenditures may be made from this fund for official hospitality.

Health professions student loan fund (368-00-7521-5710).....No limit
University federal fund (368-00-3143-5140).....No limit
Coronavirus relief federal fund (368-00-3753).....No limit
Governor's emergency education relief fund (368-00-3638).....No limit

(c) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed a total of $15,000 from the general fees fund (368-00-2129-5500) to the health professions student loan fund (368-00-7521-5710).

Sec. 94.

EMPORIA STATE UNIVERSITY

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

Operating expenditures (including official hospitality) (379-00-1000-0083).....$61,940

Sec. 95.

EMPORIA STATE UNIVERSITY

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

Operating expenditures (including official hospitality) (379-00-1000-0083).....$33,761,427

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

Reading recovery program (379-00-1000-0100).....$174,150

Provided, That expenditures may be made from the reading recovery program account for official hospitality.

Nat'l board cert/future teacher academy (379-00-1000-0200).....$148,664

Provided, That expenditures may be made from the nat'l board cert/future teacher academy account for official hospitality.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (379-00-5186) .....No limit

Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund (379-00-2069-2010) .....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further,* That expenditures may be made from the general fees fund for official hospitality.

Interest on state normal school fund (379-00-7101-7000) .....No limit
Restricted fees fund (379-00-2526-2040).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services, student activity; technology equipment; student union; sponsored research; computer services; extension classes; gifts and grants (for teaching, research and capital improvements); capital improvements; business school contributions; state department of education (vocational); library services; library collections; interest on local funds; receipts from conferences, clinics, and workshops held on campus for which no college credit is given; physical plant reimbursements from auxiliary enterprises; midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however,* That the state board of regents, with the approval of 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, may amend or change this list of restricted fees: *Provided further,* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further,* That all

amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: *And provided further,* That expenditures may be made from the restricted fees fund for official hospitality.

Service clearing fund (379-00-6004) ..... No limit

Provided, That the service clearing fund shall be used for the following service activities: Telecommunications services; state car operation; ESU press including duplicating and reproducing; postage; physical plant storeroom including motor fuel inventory; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Commencement fees fund (379-00-2527-2050) ..... No limit
Kansas career work study program fund (379-00-2549-2060) ..... No limit
Student health fees fund (379-00-5115-5010) ..... No limit

Provided, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Faculty of distinction matching fund (379-00-2473-2400) ..... No limit
Bureau of educational
measurements fund (379-00-5118-5020) ..... No limit
National direct student loan fund (379-00-7507-7040) ..... No limit
Economic opportunity act – work study –
federal fund (379-00-3128-3000) ..... No limit
Educational opportunity grants –
federal fund (379-00-3129-3010) ..... No limit
Basic opportunity grant program –
federal fund (379-00-3130-3020) ..... No limit
Research and institutional overhead fund (379-00-2902-2070) .... No limit
Kansas comprehensive grant fund (379-00-7224-7060) ..... No limit
Housing system suspense fund (379-00-5701-5130) ..... No limit
Housing system operations fund (379-00-5169-5050) ..... No limit
Kansas distinguished scholarship fund (379-00-2762-2700) ..... No limit
University federal fund (379-00-3145) ..... No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Twin towers project revenue fund (379-00-5120-5030) ..... No limit
Nine month payroll clearing fund (379-00-7712-7050) ..... No limit

Temporary deposit fund (379-00-9022-9510) ..... No limit
Federal receipts suspense fund (379-00-9085-9520) ..... No limit
Suspense fund (379-00-9021) ..... No limit
Mandatory retirement annuity
clearing fund (379-00-9138-9530) ..... No limit
Voluntary tax shelter annuity
clearing fund (379-00-9165-9540) ..... No limit
Agency payroll deduction clearing fund (379-00-9196-9550) ..... No limit
Pre-tax parking clearing fund (379-00-9222-9200) ..... No limit
University payroll fund (379-00-9802) ..... No limit
Leveraging educational assistance partnership
federal fund (379-00-3224-3200) ..... No limit
National direct student loan fund (379-00-7507-7040) ..... No limit
Student union refurbishing fund (379-00-5161-5040) ..... No limit
Housing system repairs, equipment and
improvement fund (379-00-5650-5120) ..... No limit
Coronavirus relief federal fund (379-00-3753) ..... No limit
Governor's emergency education relief fund (379-00-3638) ..... No limit

Sec. 96.

PITTSBURG STATE UNIVERSITY

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

Operating expenditures (including
official hospitality) (385-00-1000-0063) $72,564

Sec. 97.

PITTSBURG STATE UNIVERSITY

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

Operating expenditures (including
official hospitality) (385-00-1000-0063) $36,276,198

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

School of construction (385-00-1000-0200) $751,493

Provided, That any unencumbered balance in the school of construction account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Polymer science program (385-00-1000-0300) $1,009,386

Provided, That any unencumbered balance in the polymer science program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (385-00-5187-5060).....No limit

Provided, That expenditures may be made from the parking fees fund for capital improvement projects for parking lot improvements.

General fees fund (385-00-2070-2010).....No limit

Provided, That all moneys received for tuition received from students participating in the gorilla advantage program or the midwestern student exchange program shall be deposited in the state treasury to the credit of the general fees fund: *Provided further,* That expenditures may be made from the general fees fund to match federal grant moneys: *And provided further,* That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (385-00-2529-2040).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services; capital improvements; instructional technology fee; technology equipment; student activity fee accounts; commencement fees; ROTC activities; continuing education receipts; vocational auto parts and service fees; receipts from camps, conferences and meetings held on campus; library service collections and fines; grants from other state agencies; Midwest Quarterly; chamber music series; contract – post office; gifts and grants; intensive English program; business and technology institute; public sector radio station activities; economic opportunity – state match; Kansas career work study; regents supplemental grants; departmental receipts, and other specifically designated receipts not available for general operations of the university: *Provided, however,* That the state board of regents, with the approval of 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, may amend or change this list of restricted fees: *Provided further,* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further,* That surplus restricted fees moneys generated by the music department may be transferred to the Pittsburg state university

foundation, inc., for the express purpose of awarding music scholarships: *And provided further,* That expenditures may be made from this fund for official hospitality.

Service clearing fund (385-00-6005) ..... No limit

Provided, That the service clearing fund shall be used for the following service activities: Duplicating and printing services; instructional media division; office stationery and supplies; motor carpool; postage services; photo services; telephone services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Hospital and student health fees fund (385-00-5126-5010) ..... No limit

Provided, That expenditures from the hospital and student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center: *Provided further,* That expenditures may be made from this fund for capital improvement projects for hospital and student health center improvements.

Suspense fund (385-00-9024-9510) ..... No limit
Faculty of distinction matching fund (385-00-2474-2400) ..... No limit
Perkins student loan fund (385-00-7509-7020) ..... No limit
Sponsored research overhead fund (385-00-2903-2903) ..... No limit
College work study federal fund (385-00-3498-3030) ..... No limit
Nursing student loan fund (385-00-7508-7010) ..... No limit
Housing system suspense fund (385-00-5703-5170) ..... No limit
Housing system operations fund (385-00-5165-5050) ..... No limit
Housing system repairs, equipment and
improvement fund (385-00-5646-5160) ..... No limit
Kansas comprehensive grant fund (385-00-7227-7200) ..... No limit
Kansas career work study program fund (385-00-2552-2060) ..... No limit
Nine month payroll clearing fund (385-00-7713-7030) ..... No limit
Payroll clearing fund (385-00-9023-9500) ..... No limit
Temporary deposit fund (385-00-9025-9520) ..... No limit
Federal receipts suspense fund (385-00-9104-9530) ..... No limit
BPC clearing fund (385-00-9109-9570) ..... No limit
Mandatory retirement annuity
clearing fund (385-00-9139-9540) ..... No limit
Voluntary tax shelter annuity
clearing fund (385-00-9166-9550) ..... No limit
Agency payroll deduction clearing fund (385-00-9195-9560) ..... No limit
Pre-tax parking clearing fund (385-00-9223-9200) ..... No limit
University payroll fund (385-00-9803) ..... No limit
University federal fund (385-00-3146) ..... No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Overman student center renovation fund (385-00-2820-2820) ....No limit
Student health center revenue fund (385-00-2828-2851).....No limit
Horace Mann building renovation fund (385-00-2833) .....No limit
Revenue 2014A fund (385-00-5106-5105).....No limit
Nurse faculty loan program federal fund (385-00-3596-3596) .....No limit
Coronavirus relief federal fund (385-00-3753) .....No limit
Governor's emergency education relief fund (385-00-3638).....No limit

(c) During the fiscal year ending June 30, 2023, the director of accounts and reports shall transfer amounts specified by the president of Pittsburg state university of not to exceed a total of $145,000 for all such amounts, from the general fees fund (385-00-2070-2010) to the following specified funds and accounts of funds: Perkins student loan fund (385-00-7509-7020); nursing student loan fund (385-00-7508-7010); and nurse faculty loan program federal fund (385-00-3596-3596).

Sec. 98.

UNIVERSITY OF KANSAS

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

Operating expenditures (including official hospitality) (682-00-1000-0023).....$310,492
Geological survey (including official hospitality) (682-00-1000-0170).....$9,648

Sec. 99.

UNIVERSITY OF KANSAS

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

Operating expenditures (including official hospitality) (682-00-1000-0023).....$136,020,163

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

Geological survey (682-00-1000-0170).....$6,156,241

Provided, That any unencumbered balance in the geological survey account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That in addition to the other purposes for which expenditures may be made by the above agency from the geological survey account of the state general fund for fiscal year 2023, ex-

penditures shall be made by the above agency from the geological survey account of the state general fund for fiscal year 203 for seismic surveys in an amount not less than $100,000.

Umbilical cord matrix project (682-00-1000-0370) $132,705

Provided, That any unencumbered balance in the umbilical cord matrix project account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking facilities revenue fund (682-00-5175-5070).....No limit

Provided, That expenditures may be made from the parking facilities revenue fund for capital improvement projects for parking improvements.

Faculty of distinction matching fund (682-00-2475-2500).....No limit
General fees fund (682-00-2107-2000) .....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Interest fund (682-00-7103-7000) .....No limit
Sponsored research overhead fund (682-00-2905-2160).....No limit
Law enforcement training center fund (682-00-2133-2020).....No limit

Provided, That expenditures may be made from the law enforcement training center fund to cover the costs of tuition for students enrolled in the law enforcement training program in addition to the costs of salaries and wages and other operating expenditures for the program: *Provided further,* That expenditures may be made from the law enforcement training center fund for the acquisition of tracts of land.

Law enforcement training center
fees fund (682-00-2763-2700).....No limit

Provided, That all moneys received for tuition from students enrolling in the basic law enforcement training program for undergraduate or graduate credit shall be deposited in the state treasury and credited to the law enforcement training center fees fund.

Restricted fees fund (682-00-2545).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Institute for policy and social research; technology equipment; capital improvements; concert course; speech, language and hearing clinic; perceptual motor clinic; application for admission fees; named professorships; summer institutes and workshops; dramatics; economic opportunity act; executive management; continuing education programs;

geology field trips; gifts and grants; extension services; counseling center; investment income from bequests; reimbursable salaries; music and art camp; child development lab preschools; orientation center; educational placement; press publications; Rice estate educational project; sponsored research; student activities; sale of surplus books and art objects; building use charges; Kansas applied remote sensing program; executive master's degree in business administration; applied English center; cartographic services; economic education; study abroad programs; computer services; recreational activities; animal care activities; geological survey; midwestern student exchange; department commercial receipts for all sales, refunds, and all other collections or receipts not specifically enumerated above: *Provided, however,* That the state board of regents, with the approval of 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, may amend or change this list of restricted fees: *Provided further,* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That moneys received for student fees in any account of the restricted fees fund may be transferred to one or more other accounts of the restricted fees fund.

Service clearing fund (682-00-6006) ..... No limit

Provided, That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Health service fund (682-00-5136-5030) ..... No limit
Kansas career work study program fund (682-00-2534-2050) ..... No limit
Student union fund (682-00-5137-5040) ..... No limit
Federal Perkins loan fund (682-00-7512-7040) ..... No limit
Health professions student loan fund (682-00-7513-7050) ..... No limit
Housing system suspense fund (682-00-5704-5150) ..... No limit
Housing system operations fund (682-00-5142-5050) ..... No limit
Housing system repairs, equipment and
improvement fund (682-00-5621-5110) ..... No limit
Educational opportunity act –
federal fund (682-00-3842-3020) ..... No limit
Loans for disadvantaged students fund (682-00-7510-7100) ..... No limit
Prepaid tuition fees clearing fund (682-00-7765) ..... No limit
Kansas comprehensive grant fund (682-00-7226-7110) ..... No limit

Fire service training fund (682-00-2123-2170) ..... No limit
University federal fund (682-00-3147) ..... No limit
Johnson county education research
triangle fund (682-00-2393-2390) ..... No limit
Temporary deposit fund (682-00-9061-9020) ..... No limit
Suspense fund (682-00-9060-9010) ..... No limit
BPC clearing fund (682-00-9119-9050) ..... No limit
Mandatory retirement annuity
clearing fund (682-00-9142-9030) ..... No limit
Voluntary tax shelter annuity
clearing fund (682-00-9167-9040) ..... No limit
Agency payroll deduction clearing fund (682-00-9193-9060) ..... No limit
Pre-tax parking clearing fund (682-00-9224-9200) ..... No limit
University payroll fund (682-00-9806) ..... No limit
GTA/GRA emp health insurance
clearing fund (682-00-9063-9070) ..... No limit
Standard water data repository fund (682-00-2463-2463) ..... No limit
Multicultural rescr center
construction fund (682-00-2890-2890) ..... No limit
Kan-grow engineering fund – KU (682-00-2153-2153) ..... No limit
Child care facility revenue bond fund (682-00-2372) ..... No limit
Student recreation fitness center
KDFA fund (682-00-2864-2860) ..... No limit
Student union renovation revenue fund (682-00-5171-5060) ..... No limit
Parking facility KDFA 1993G
revenue fund (682-00-5175-5070) ..... No limit
Student health facility maintenance, repair and equipment
fee fund (682-00-5640-5120) ..... No limit
Coronavirus relief federal fund (682-00-3753) ..... No limit
Governor's emergency education relief fund (682-00-3638) ..... No limit

(c) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of $325,000 for all such amounts, from the general fees fund (682-00-2107-2000) to the following specified funds and accounts of funds: Federal Perkins loan fund (682-00-7512-7040); educational opportunity act – federal fund (682-00-3842-3020); university federal fund (682-00-3147-3140); health professions student loan fund (682-00-7513-7050); loans for disadvantaged students fund (682-00-7510-7100).

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2023, for the water plan project or projects specified, the following:

Geological survey (682-00-1800-1810) $26,841

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the geological survey account is hereby reappropriated for fiscal year 2023.

Sec. 100.

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, 2022, the following:

Operating expenditures (including official hospitality) (683-00-1000-0503).....$247,171

(b) On the effective date of this act, of the $30,000 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 112(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the rural health bridging psychiatry account (683-00-1000-1015), the sum of $29,921 is hereby lapsed.

Sec. 101.

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, 2023, the following:

Operating expenditures (including official hospitality) (683-00-1000-0503).....$105,902,974

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures from this account may be used to reimburse medical residents in residency programs located in Kansas City at the university of Kansas medical center for the purchase of health insurance for residents' dependents.

Medical scholarships and loans (683-00-1000-0600).....$4,488,171

Provided, That any unencumbered balance in the medical scholarships and loans account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Midwest stem cell therapy center (683-00-1000-0800).....$749,822

Provided, That any unencumbered balance in the midwest stem cell therapy center account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Rural health bridging (683-00-1000-1010).....$140,000

Medical scholarships and loans psychiatry (683-00-1000-0610).....$970,000

Provided, That any unencumbered balance in the medical scholarships and loans psychiatry account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Rural health bridging psychiatry (683-00-1000-1015).....$30,000

Provided, That any unencumbered balance in the rural health bridging psychiatry account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (683-00-2108-2500) .....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Midwest stem cell therapy center fund (683-00-2072-2072) $0
Faculty of distinction matching fund (683-00-2476-2400).....No limit
Restricted fees fund (683-00-2551).....No limit

Provided, That restricted fees shall be limited to the following accounts: Technology equipment; capital improvements; computer services; expenses reimbursed by the Kansas university endowment association; postgraduate fees; pathology fees; student health insurance premiums; gift receipts; designated research collaboration; facilities use; photography; continuing education; student activity fees; student application fees; department duplicating; student health services; student identification badges; student transcript fees; loan administration fees; fitness center fees; occupational health fees; employee health; telekid care fees; area outreach fees; police fees; endowment payroll reimbursement; rental property; e-learning fees; surplus property sales; outreach air travel; student loan legal fees; hospital authority salary reimbursements; graduate medical education contracts; Kansas university physicians inc., salaries reimbursements; housestaff activity fees; anatomy cadavers; biotechnology services; energy center funded depreciation; biostatistics; electron microscope services; Wichita faculty contracts; physical therapy services; legal fee reimbursements; sponsored research; departmental commercial receipts for all sales, refunds and all other collections of receipts not specifically enumerated above; Kansas department for children and families cost-sharing: *Provided, however,* That the state board of regents, with the approval of 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, may amend or change this list of restricted fees: *Provided further,* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected:

And provided further, That expenditures may be made from this fund to purchase health insurance coverage for all students enrolled in the school of allied health, school of nursing and school of medicine.

Scientific research and development – special revenue fund (683-00-2926).....No limit
Kansas breast cancer research fund (683-00-2671-2660).....No limit
Sponsored research overhead fund (683-00-2907-2800).....No limit
Parking facility revenue fund – KC campus (683-00-5176-5550).....No limit

Provided, That expenditures may be made from the parking facility revenue fund – KC campus for capital improvement projects for parking improvements.

Parking fee fund – Wichita campus (683-00-5180-5590).....No limit

Provided, That expenditures may be made from the parking fee fund – Wichita campus for capital improvement projects for parking improvements.

Services to hospital authority fund (683-00-2915-2900).....No limit
Direct medical education reimbursement fund (683-00-2918-3000).....No limit
Service clearing fund (683-00-6007).....No limit

Provided, That the service clearing fund shall be used for the following service activities: Printing services; purchasing storeroom; university motor pool; physical plant storeroom; photo services; telecommunications services; facilities operations discretionary repairs; animal care; instructional services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Educational nurse faculty loan program fund (683-00-7505-7540).....No limit
Federal college work study fund (683-00-3256-3520).....No limit
AMA education and research grant fund (683-00-7207-7500).....No limit
Federal health professions/primary care student loan fund (683-00-7516-7560).....No limit
Federal nursing student loan fund (683-00-7517-7570).....No limit
Suspense fund (683-00-9057-9500).....No limit
Federal student educational opportunity grant fund (683-00-3255-3510).....No limit
Federal Pell grant fund (683-00-3252-3500).....No limit
Federal Perkins student loan fund (683-00-7515-7550).....No limit
Medical loan repayment fund (683-00-7214-7520).....No limit

Provided, That expenditures from the medical loan repayment fund for attorney fees and litigation costs associated with the administration of the

medical scholarship and loan program shall be in addition to any expenditure limitation imposed on the operating expenditures account of the medical loan repayment fund.

Medical student loan programs provider assessment fund (683-00-2625-2650) ..... No limit
Graduate medical education administration reserve fund (683-00-5652-5640) ..... No limit
University of Kansas medical center private practice foundation reserve fund (683-00-5659-5660) ..... No limit
Robert Wood Johnson award fund (683-00-7328-7530) ..... No limit
Federal scholarship for disadvantaged students fund (683-00-3094-3100) ..... No limit
Temporary deposit fund (683-00-9058-9510) ..... No limit
Mandatory retirement annuity clearing fund (683-00-9143-9520) ..... No limit
Voluntary tax shelter annuity clearing fund (683-00-9168-9530) ..... No limit
Agency payroll deduction clearing fund (683-00-9194-9600) ..... No limit
Pre-tax parking clearing fund (683-00-9225-9200) ..... No limit
University payroll fund (683-00-9807) ..... No limit
University federal fund (683-00-3148) ..... No limit
Leveraging educational assistance partnership federal fund (683-00-3223-3200) ..... No limit
Johnson county education research triangle fund (683-00-2394-2390) ..... No limit
Psychiatry medical loan repayment fund (683-00-7233-7233) ..... No limit
Rural health bridging psychiatry fund (683-00-2218-2218) ..... No limit
Cancer center research (683-00-2551-2700) ..... No limit
Graduate medical education reimbursement fund (683-00-2918-3050) ..... No limit
Coronavirus relief federal fund (683-00-3753) ..... No limit
Governor's emergency education relief fund (683-00-3638) ..... No limit

(c) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of $125,000 for all such amounts, from the general fees fund (683-00-2108-2500) to the following funds: Federal nursing student loan fund (683-00-7517-7570); federal student education opportunity grant fund (683-00-3255-3510); federal college work study fund (683-00-3256-3520); educational nurse faculty loan program fund (683-00-7505-7540); federal health professions/primary care student loan fund (683-00-7516-7560).

(d) During the fiscal year ending June 30, 2023, and within the limits of appropriations therefor, the university of Kansas medical center

may enter into contracts to purchase additional malpractice insurance for medical students enrolled at the university of Kansas medical center while in clinical training at the university of Kansas medical center or at other health care institutions.

Sec. 102.

WICHITA STATE UNIVERSITY

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

Operating expenditures (including official hospitality) (715-00-1000-0003).....$173,103

Sec. 103.

WICHITA STATE UNIVERSITY

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

Operating expenditures (including official hospitality) (715-00-1000-0003).....$67,538,799

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

Aviation research (715-00-1000-0015) $9,799,000

Provided, That any unencumbered balance in the aviation research account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That all moneys in the aviation research account expended for fiscal year 2023 shall be matched by Wichita state university on a $1-for-$1 basis from other moneys of Wichita state university: *And provided further,* That Wichita state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how aviation research-related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2023.

Technology transfer facility (715-00-1000-0005) $1,959,700

Provided, That any unencumbered balance in the technology transfer account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Aviation infrastructure (715-00-1000-0010).....$5,095,500

Provided, That any unencumbered balance in the aviation infrastructure account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That during the fiscal year ending June 30, 2022, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the avia-

tion infrastructure account for fiscal year 2023 by Wichita state university by this or other appropriation act of the 2022 regular session of the legislature, the moneys appropriated in the aviation infrastructure account for fiscal year 2023 may only be expended for training and equipment expenditures of the national center for aviation training.

Digital transformation program.....$7,000,000

Provided, That all expenditures from the digital transformation program account shall be made only upon certification by the president of Wichita state university that new private moneys from either individuals or corporate entities are available to match the expenditure of state moneys on a $1-for-$1 basis: *Provided further,* That no existing private moneys of Wichita state university shall be used for such match: *And provided further,* That Wichita state university shall submit a report to the house of representatives committee on appropriations and the senate committee on ways and means on or before January 9, 2023, on the progress of the digital transformation program and the economic development attributable to the program, including, but not limited to, new jobs created by the program.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (715-00-2112).....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further,* That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (715-00-2558).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants (for teaching, research, and capital improvements); capital improvements; testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however,* That the state board of regents, with the approval of 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, may amend or change this list of restricted fees: *Provided*

further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further,* That expenditures from this fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff at the student health center: *And provided further,* That expenditures may be made from this fund for official hospitality.

Service clearing fund (715-00-6008) ..... No limit

Provided, That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunications; computer services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Faculty of distinction matching fund (715-00-2477-2400) ..... No limit
Kansas career work study program fund (715-00-2536-2020) ..... No limit
Scholarship funds fund (715-00-7211-7000) ..... No limit
Sponsored research overhead fund (715-00-2908-2080) ..... No limit
Economic opportunity act – federal fund (715-00-3265-3100) ..... No limit
Educational opportunity grant – federal fund (715-00-3266-3110) ..... No limit
Nine month payroll clearing account fund (715-00-7717-7030) ... No limit
Pell grants federal fund (715-00-3366-3120) ..... No limit
Housing system suspense fund (715-00-5705-5160) ..... No limit
WSU housing system depreciation and replacement fund (715-00-5800-5260) ..... No limit
National direct student loan fund (715-00-7519-7010) ..... No limit
WSU housing systems revenue fund (715-00-5100-5250) ..... No limit
WSU housing system surplus fund (715-00-5620-5270) ..... No limit
University federal fund (715-00-3149-3140) ..... No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Center of innovation for biomaterials in orthopaedic research – Wichita state university fund (715-00-2750-2700) ..... No limit
Kan-grow engineering fund – WSU (715-00-2155-2155) ..... No limit

Aviation research fund (715-00-2052-2052).....No limit
Temporary deposit fund (715-00-9059-9500).....No limit
Suspense fund (715-00-9077).....No limit
Mandatory retirement annuity
clearing fund (715-00-9144-9520).....No limit
Voluntary tax shelter annuity
clearing fund (715-00-9169-9530).....No limit
Agency payroll deduction clearing fund (715-00-9198-9400).....No limit
Pre-tax parking clearing fund (715-00-9226-9200).....No limit
Parking system project KDFA bond
revenue fund (715-00-5148-5000).....No limit
Parking system project maintenance KDFA revenue
bond fund (715-00-5159-5040).....No limit
Coronavirus relief federal fund (715-00-3753).....No limit
Governor's emergency education relief fund (715-00-3638).....No limit

Sec. 104.

WICHITA STATE UNIVERSITY

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

Digital transformation program.....$7,000,000

Provided, That all expenditures from the digital transformation program account shall be made only upon certification by the president of Wichita state university that new private moneys from either individuals or corporate entities are available to match the expenditure of state moneys on a $1-for-$1 basis: *Provided further,* That no existing private moneys of Wichita state university shall be used for such match: *And provided further,* That Wichita state university shall submit a report to the house of representatives committee on appropriations and the senate committee on ways and means on or before January 8, 2024, on the progress of the digital transformation program and the economic development attributable to the program, including, but not limited to, new jobs created by the program.

Sec. 105.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Digital transformation program.....$7,000,000

Provided, That all expenditures from the digital transformation program account shall be made only upon certification by the president of Wichita state university that new private moneys from either individuals or corporate entities are available to match the expenditure of state moneys on a $1-for-$1 basis: *Provided further,* That no existing private moneys

of Wichita state university shall be used for such match: *And provided further,* That Wichita state university shall submit a report to the house of representatives committee on appropriations and the senate committee on ways and means on or before January 13, 2025, on the progress of the digital transformation program and the economic development attributable to the program, including, but not limited to, new jobs created by the program.

Sec. 106.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2026, the following:

Digital transformation program.....$7,000,000

Provided, That all expenditures from the digital transformation program account shall be made only upon certification by the president of Wichita state university that new private moneys from either individuals or corporate entities are available to match the expenditure of state moneys on a $1-for-$1 basis: *Provided further,* That no existing private moneys of Wichita state university shall be used for such match: *And provided further,* That Wichita state university shall submit a report to the house of representatives committee on appropriations and the senate committee on ways and means on or before January 12, 2026, on the progress of the digital transformation program and the economic development attributable to the program, including, but not limited to, new jobs created by the program.

Sec. 107.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2027, the following:

Digital transformation program.....$7,000,000

Provided, That all expenditures from the digital transformation program account shall be made only upon certification by the president of Wichita state university that new private moneys from either individuals or corporate entities are available to match the expenditure of state moneys on a $1-for-$1 basis: *Provided further,* That no existing private moneys of Wichita state university shall be used for such match: *And provided further,* That Wichita state university shall submit a report to the house of representatives committee on appropriations and the senate committee on ways and means on or before January 11, 2027, on the progress of the digital transformation program and the economic development attributable to the program, including, but not limited to, new jobs created by the program.

Sec. 108.

STATE BOARD OF REGENTS

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

Operating expenditures (including official hospitality) (561-00-1000-0103).....$8,457

Sec. 109.

STATE BOARD OF REGENTS

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

Operating expenditures (including official hospitality) (561-00-1000-0103).....$4,789,174

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That, during fiscal year 2023, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2023 by the state board of regents as authorized by this or other appropriation act of the 2022 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2023 for attendance at an in-state meeting by members of the state board of regents for participation in matters of educational interest to the state of Kansas, upon approval of such attendance and participation by the state board of regents: *And provided further,* That each member of the state board of regents attending an in-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: *And provided further,* That, during fiscal year 2023, notwithstanding the provisions of any other statute and in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2023 by the state board of regents as authorized by this or other appropriation act of the 2022 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2023 for attendance at an out-of-state meeting by members of the state board of regents whenever under any provision of law such members of the state board of regents are authorized to attend the out-of-state meeting or whenever the state board of regents authorizes such members to attend the out-of-state meeting for participation in matters of educational interest to the state of Kansas: *And provid-*

ed further, That each member of the state board of regents attending an out-of-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.

Midwest higher education commission (561-00-1000-0250) $95,000
State scholarship program (561-00-1000-4300).....$1,035,919

Provided, That any unencumbered balance in the state scholarship program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures may be made from the state scholarship program account for the state scholarship program under K.S.A. 74-32,239, and amendments thereto, and for the Kansas distinguished scholarship program under K.S.A. 74-3278 through 74-3283, and amendments thereto: *And provided further,* That, of the total amount appropriated in the state scholarship program account, the amount dedicated for the Kansas distinguished scholarship program shall not exceed $25,000.

Comprehensive grant program (561-00-1000-4500) $35,258,338

Provided, That any unencumbered balance in the comprehensive grant program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That $19,000,000 of such expenditures from such account shall require a match of local nonstate or private moneys on a $1-for-$1 basis.

Ethnic minority scholarship program (561-00-1000-2410) $296,498

Provided, That any unencumbered balance in the ethnic minority scholarship program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Kansas work-study program (561-00-1000-2000).....$546,813

Provided, That any unencumbered balance in the Kansas work-study program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work-study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 et seq., and amendments thereto: *And provided further,* That all moneys transferred from this account to the Kansas career work-study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

ROTC service scholarships (561-00-1000-4600) $175,335

Provided, That any unencumbered balance in the ROTC service scholarships account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Military service scholarships (561-00-1000-1310) $500,314

Provided, That any unencumbered balance in the military service scholarships account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That all expenditures from the military service scholarships account shall be made for scholarships awarded under the military service scholarship program act, K.S.A. 74-32,227 through 74-32,232, and amendments thereto.

Teachers scholarship program (561-00-1000-0800).....$3,094,046

Provided, That any unencumbered balance in the teachers scholarship program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

National guard educational assistance (561-00-1000-1300).....$5,400,000

Provided, That any unencumbered balance in the national guard educational assistance account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That moneys in the national guard educational assistance account represent and include the profits derived from the veterans benefit game pursuant to K.S.A. 74-8724, and amendments thereto.

Career technical workforce grant (561-00-1000-2200) $114,075

Provided, That any unencumbered balance in the career technical workforce grant account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Nursing student scholarship program (561-00-1000-4100).....$417,255

Provided, That any unencumbered balance in the nursing student scholarship program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Optometry education program (561-00-1000-1100) $107,089

Provided, That any unencumbered balance in the optometry education program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Postsecondary education operating grant (including official hospitality) (561-00-1000-0770).....$25,000,000

Provided, however, That notwithstanding the provisions of K.S.A. 76-719 and 76-817, and amendments thereto, or any other statute, during fiscal year 2023, in order to receive any money from the postsecondary education operating grant (including official hospitality) account, the above agency shall receive a signed written agreement from each state educational institution, as defined in K.S.A. 76-711, and amendments thereto, certifying that tuition assessed for fiscal year 2023 by such institution shall not increase above the amount of such tuition that was fixed and collected

in fiscal year 2022: *Provided further,* That upon receipt of such agreement, the board of regents shall certify to the director of accounts and reports that such agreement meets the requirements of this proviso: *And provided further,* That at the same time as the board of regents transmits this certification to the director of accounts and reports, the board of regents shall transmit a copy of such certification to the director of the budget and the director of legislative research.

Municipal university operating grant (561-00-1000-1010).....$14,000,000
Adult basic education (561-00-1000-0900) $1,457,031
Postsecondary tiered technical education
state aid (561-00-1000-0760).....$66,064,478

Provided, That, notwithstanding the provisions of K.S.A. 71-1801 through 71-1810, and amendments thereto, or any other statute, the above agency shall distribute the moneys in the postsecondary tiered technical education state aid account in fiscal year 2023 so that each eligible institution shall receive an amount of moneys not less than such eligible institution received from the postsecondary tiered technical education state aid account in fiscal year 2022.

Non-tiered course credit hour grant (561-00-1000-0550).....$95,407,915

Provided, That the above agency shall distribute the moneys in the non-tiered course credit hour grant account in fiscal year 2023 so that each eligible institution shall receive an amount of moneys not less than such eligible institution received from the non-tired course credit hour grant account in fiscal year 2022.

Technology equipment at community colleges and
Washburn university (561-00-1000-0500) $398,475

Provided, That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of regents.

Career technical education capital
outlay aid (561-00-1000-0310) $4,871,585

Provided, That expenditures shall be made by the above agency from the career technical education capital outlay aid account during fiscal year 2023 so that $3,800,000 of such moneys are divided equally among the seven technical colleges and the nine community colleges that are associated with technical education requiring a local match of nonstate moneys on a $1-for-$1 basis from either the college or private donations, including moneys or equipment.

Tuition waivers (561-00-1000-1650).....$350,000
Nurse educator grant program (561-00-1000-4120).....$188,126

Provided, That any unencumbered balance in the nurse educator grant program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That all expenditures from the nurse educator grant program account shall be made for scholarships awarded under the nurse educator service scholarship program act.

Nursing faculty and supplies
grant program (561-00-1000-4130).....$1,787,193

Provided, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That the state board of regents is hereby authorized to make grants to Kansas postsecondary educational institutions with accredited nursing programs from the nursing faculty and supplies grant program account for expansion of nursing faculty and laboratory supplies: *And provided further,* That such grants shall be either need-based or competitive and shall be matched on the basis of $1 from the nursing faculty and supplies grant program account for $1 from the postsecondary educational institution receiving the grant.

Tuition for technical education (561-00-1000-0120).....$39,850,000

Provided, That, any unencumbered balance in the tuition for technical education account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2023, expenditures shall be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2023 for the payment of technical education tuition for adult students who are enrolled in technical education classes while obtaining a high school equivalency (HSE) credential using the accelerating opportunity program and for the postsecondary education institution to provide a transcript to each student who completes such technical education course: *And provided further,* That, such expenditures shall be in an amount not less than $500,000: *And provided further,* That during the fiscal year ending June 30, 2023, not later than 60 days following the class start date, expenditures shall be made by the above agency from such account for tuition reimbursement.

Governor's scholars program (561-00-1000-0950).....$20,000

Provided, That any unencumbered balance in the governor's scholars program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

State universities information technology infrastructure and cybersecurity $20,000,000

Provided, That any expenditures made by the board of regents or a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, from such account during fiscal year 2023 shall be for nonrecurring commitments for the purpose of upgrading information technology infrastructure including hardware, software, network, cybersecurity and equipment to keep pace with demands for usage and to ensure the safety and security of sensitive employee and student data.

[†]

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Osteopathic medical service scholarship repayment fund (561-00-7216-6300) ..... No limit
KAN-ED services fee fund (561-00-2814-2814) ..... No limit
Earned indirect costs fund – federal (561-00-3642-3600) ..... No limit
Faculty of distinction program fund (561-00-7200-7050) ..... No limit
Paul Douglas teacher scholarship fund – federal (561-00-3879-3950) ..... No limit
GED credentials processing fees fund (561-00-2151-2100) ..... No limit
Tuition waiver gifts, grants and reimbursements fund (561-00-7230-7230) ..... No limit
Adult basic education – federal fund (561-00-3042-3000) ..... No limit
Truck driver training fund (561-00-2172-4900) ..... No limit
State scholarship discontinued attendance fund (561-00-7213-6100) ..... No limit
Kansas ethnic minority fellowship program fund (561-00-7238-7600) ..... No limit
Private postsecondary educational institution degree authorization expense reimbursement fee fund (561-00-2643-3300) ..... No limit
Nursing service scholarship program fund (561-00-7220-6800) ... No limit
Clearing fund (561-00-9029-9100) ..... No limit
Conversion of materials and equipment fund (561-00-2433-3200) ..... No limit
Motorcycle safety fund (561-00-2366-2360) ..... No limit
Financial aid services fee fund (561-00-2280-2800) ..... No limit

Provided, That expenditures may be made from the financial aid services fee fund for operating expenditures directly or indirectly related to the operating costs associated with student financial assistance programs ad-

ministered by the state board of regents: *Provided further,* That the chief executive officer of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications and other activities related to student financial assistance programs administered by the state board of regents: *And provided further,* That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such programs: *And provided further,* That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial aid services fee fund.

Inservice education workshop fee fund (561-00-2266) ..... No limit
Optometry education repayment fund (561-00-7203-7100) ..... No limit
Teacher scholarship repayment fund (561-00-7205-7200) ..... No limit
Nursing service scholarship
repayment fund (561-00-7210-7400) ..... No limit
Nurse educator service scholarship
repayment fund (561-00-7231-7300) ..... No limit
ROTC service scholarship
repayment fund (561-00-7232-7232) ..... No limit
Carl D. Perkins vocational and technical education –
federal fund (561-00-3539-3539) ..... No limit
Kansas national guard educational assistance program
repayment fund (561-00-7228-7000) ..... No limit
Grants fund (561-00-2525-2500) ..... No limit
Regents clearing fund (561-00-9052-9200) ..... No limit
Private and out-of-state postsecondary educational institution
fee fund (561-00-2614-2610) ..... No limit
USAC E-rate program federal fund (561-00-3920-3920) ..... No limit
Temporary assistance for needy families
federal fund (561-00-3323-3323) ..... No limit
Postsecondary education performance-based
incentives fund (561-00-2777-2777) ..... No limit
Private donations, gifts, grants
bequest fund (561-00-7262-7700) ..... No limit
Coronavirus relief federal fund (561-00-3753) ..... No limit
Governor's emergency education relief fund (561-00-3638) ..... No limit
Kansas high school equivalency credential
processing fee fund (561-00-2832-2832) ..... No limit

(c) During the fiscal year ending June 30, 2023, the chief executive officer of the state board of regents, with the approval of the director of the budget, may transfer any part of any item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2023, to another item of appropriation in an account of the state general fund

for fiscal year 2023. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research. As used in this subsection, "account": (1) Means the operating expenditures (including official hospitality) account of the state board of regents (561-00-1000-0103), the university of Kansas (682-00-1000-0023), the university of Kansas medical center (683-00-1000-0503), Kansas state university (367-00-1000-0003), Kansas state university polytechnic campus (367-00-1000-0150), Kansas state university veterinary medical center (368-00-1000-5003), Kansas state university extension systems and agriculture research programs (369-00-1000-1020) and (369-00-1000-1030), Wichita state university (715-00-1000-0003), Emporia state university (379-00-1000-0083), Pittsburg state university (385-00-1000-0063) and Fort Hays state university (246-00-1000-0013); and (2) includes each other account of the state general fund of the state board of regents. The provisions of this subsection shall not apply to the tuition for technical education account (561-00-1000-0120).

(d) (1) In addition to the provisions of subsection (c), during the fiscal year ending June 30, 2023, the chief executive officer of the state board of regents, with the approval of the director of the budget, may transfer any part of any item of appropriation in an account of the state general fund of a state educational institution for the fiscal year ending June 30, 2023, to another item of appropriation in an account of the state general fund of a state educational institution for the fiscal year ending June 30, 2023, for the purposes of restoring any reductions in funding to such account that occurred during the fiscal year ending June 30, 2022. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(2) As used in this subsection, "state educational institution" includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto.

(3) In addition to the other purposes for which expenditures may be made by any state educational institution from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 for such state educational institution as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures may be made by such state educational institution from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 for the purposes of capital improvement projects making energy and other conservation improvements: *Provided,* That such capital improvement projects are hereby approved for such state educational institution for the purposes of K.S.A.

74-8905(b), and amendments thereto, and the authorization of issuance of one or more series of bonds by the Kansas development finance authority in accordance with that statute from time to time during fiscal year 2023: *Provided, however,* That no such bonds shall be issued until the state board of regents has first advised and consulted on any such project with the joint committee on state building construction: *Provided further,* That the amount of the bond proceeds that may be utilized for any such capital improvement project shall be subject to approval 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. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further,* That, in addition to such project costs, any such amount of bond proceeds may include costs of issuance, capitalized interest and any required reserves for the payment of principal and interest on such 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 payments relating to principal and interest on such bonds shall be subject to and dependent upon annual appropriations therefor to the state educational institution for which the bonds are issued: *And provided further,* That each energy conservation capital improvement project for which bonds are issued for financing under this subsection shall be designed and completed in order to have cost savings sufficient to be equal to or greater than the cost of debt service on such bonds: *And provided further,* That the state board of regents shall prepare and submit a report to the committee on appropriations of the house of representatives and the committee on ways and means of the senate on the savings attributable to energy conservation capital improvements for which bonds are issued for financing under this subsection at the beginning of the 2023 regular session of the legislature.

(4) As used in this subsection, "state educational institution" includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto.

(e) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2023, the following:

SEDIF – career technical education capital outlay aid (561-00-1900-1950) $2,547,726

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the SEDIF – career technical education capital outlay aid account is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures from the SEDIF – career technical education capital outlay aid account for each grant of career technical education capital outlay aid

shall be matched by the postsecondary institution awarded such grant in an amount which is equal to 50% of the grant.

SEDIF – technology innovation and internship program (561-00-1900-1960) $179,284

Provided, That any unencumbered balance in excess of $100 as of June 30, 2022, in the SEDIF – technology innovation and internship program account is hereby reappropriated for fiscal year 2023.

SEDIF – EPSCOR (561-00-1900-1970).....$993,265

Community and technical college competitive grants (561-00-1900-1980).....$500,000

Provided, That all moneys in the community and technical college competitive grants account shall be for grants awarded to community and technical colleges under a competitive grant program administered by the secretary of commerce: *Provided further,* That all expenditures from such account shall be for competitive grants to community and technical colleges that require a local match of nonstate moneys on a $1-for-$1 basis, from either the college or private industry partner, and that will develop innovative programs with private companies needing specific job skills or will meet other industry needs that cannot be addressed with current funding streams.

(f) During the fiscal year ending June 30, 2023, in addition to the other purpose for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2023 as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2023 to implement the legislative intent: For fiscal year 2024, to implement the funding formula for the community colleges and technical colleges concerning the postsecondary tiered technical education state aid and non-tiered course credit hour grants so that those community colleges and technical colleges who were overfunded in fiscal year 2023 will receive 50% of the amount of such overfunding and the remaining 50% will be distributed based on each eligible institution's calculated gap; and for fiscal year 2025, to fully implement the funding formula for the community colleges and technical colleges concerning the postsecondary tiered technical education state aid and non-tiered course credit hour grants.

(g) During the fiscal year ending June 30, 2023, in addition to the other purpose for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2023 as authorized by this or other appropriation act of the 2022 regular ses-

sion of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2023 to create a working group to review the plan in subsection (f) and formula-related issues for community colleges and technical colleges: *Provided,* That such working group shall have 13 members as follows: Three members representing community colleges appointed by the Kansas association of community college trustees; two members representing technical colleges appointed by the Kansas association of technical colleges; a member of the board of regents or a designee appointed by the state board of regents; the chairperson of the senate education committee; the chairperson of the senate ways and means committee; the ranking minority member of the senate ways and means committee; the chairperson of the house of representatives appropriations committee; the ranking minority member of the house of representatives appropriations committee; the chairperson of the house of representatives higher education budget committee; and the ranking minority member of the house of representatives higher education budget committee: *Provided further,* That the working group shall report such group's recommendation to the senate ways and means committee and the house of representatives higher education budget committee on or before January 9, 2023.

Sec. 110.

STATE BOARD OF REGENTS

(a) Any unencumbered balance in the career technical education capital outlay aid account (561-00-1000-0310) of the state general fund for the above agency in excess of $100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

Sec. 111.

DEPARTMENT OF CORRECTIONS

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

Operating expenditures (521-00-1000-0603).....$1,331,411
Evidence-based programs (521-00-1000-0050).....$21,095,320

Provided, That, notwithstanding the provisions of K.S.A. 75-52,164, and amendments thereto, or any other statute, expenditures may be made by the above agency from the evidence-based programs account for the jobs for America's graduates-Kansas programs: *Provided, however,* That the expenditures for such programs shall not exceed $3,500,000: *Provided further,* That if such expenditures are made for the jobs for America's graduates-Kansas programs, expenditures shall be made by the above agency from the evidence-based programs account to require jobs for America's graduates-Kansas to submit a report to the juvenile justice oversight committee established by K.S.A. 75-52,161, and amendments thereto, on or be-

fore October 20, 2022: *And provided further,* That such report shall include the number of youths served and performance outcomes.

Treatment and programs –
offender programs (521-00-1000-0151).....$747,651
Community corrections (521-00-1000-0220).....$2,558,550
Pathways for success (521-00-1000).....$6,665,392

Provided, That notwithstanding section 63 of chapter 116 of the 2021 Session Laws of Kansas, or any other statute, for the fiscal year ending June 30, 2022, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for technical education equipment at correctional institutions, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided further,* That, of such identified moneys, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further,* That if the above agency, in consultation with the director of the budget, determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2022 to be used for such technical education equipment, the director of the budget shall certify the amount of such federal coronavirus relief moneys from each fund to the director of accounts and reports and upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount up to $6,665,392 as available from such funds to the special revenue fund of the department of corrections and as designated by the secretary of corrections for the purpose of funding such technical education equipment: *And provided further,* That on the effective date of such transfer, of the amount appropriated for the above agency for the fiscal year ending June 30, 2022, in the pathways for success account, the aggregate amount transferred is hereby lapsed: *And provided further,* That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

El Dorado correctional facility –
facilities operations (195-00-1000-0303) $30,474
Hutchinson correctional facility –
facilities operations (313-00-1000-0303) $17,477
Norton correctional facility (581-00-1000-0303) $4,501

(b) On the effective date of this act, of the $17,281,796 appropriated for the above agency for the fiscal year ending June 30, 2022, by section

117(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the Ellsworth correctional facility – facilities operations account (177-00-1000-0303), the sum of $4,481 is hereby lapsed.

(c) On the effective date of this act, of the $21,128,884 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 117(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the Kansas juvenile correctional complex – facilities operations account (352-00-1000-0303), the sum of $36,222 is hereby lapsed.

(d) On the effective date of this act, of the $33,049,804 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 117(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the Lansing correctional facility – facilities operations account (400-00-1000-0303), the sum of $1,728 is hereby lapsed.

(e) On the effective date of this act, of the $13,460,854 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 117(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the Larned correctional mental health facility – facilities operations account (408-00-1000-0303), the sum of $9,541 is hereby lapsed.

(f) On the effective date of this act, of the $18,120,951 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 117(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the Topeka correctional facility – facilities operations account (660-00-1000-0303), the sum of $38 is hereby lapsed.

(g) On the effective date of this act, of the $15,069,380 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 117(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the Winfield correctional facility – facilities operations account (712-00-1000-0303), the sum of $1,212 is hereby lapsed.

Sec. 112.

DEPARTMENT OF CORRECTIONS

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

Operating expenditures (521-00-1000-0603).....$47,829,331

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the operating expenditures account for official hospitality shall not exceed $2,000.

Community corrections (521-00-1000-0220).....$28,547,573

Provided, That any unencumbered balance in the community corrections account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That no expenditures may be made

by any county from any grant made to such county from the community corrections account for either half of state fiscal year 2023 that supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

Local jail payments (521-00-1000-0510).....$1,550,000

Provided, That any unencumbered balance in the local jail payments account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That, notwithstanding the provisions of K.S.A. 19-1930, and amendments thereto, payments by the department of corrections under K.S.A. 19-1930(b), and amendments thereto, for the cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate programs, for the department of corrections.

Treatment and programs –
offender programs (521-00-1000-0151).....$16,674,473

Provided, That any unencumbered balance in the treatment and programs – offender programs account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Treatment and programs – medical
and mental (521-00-1000-0152).....$77,404,279

Provided, That any unencumbered balance in the treatment and programs – medical and mental account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Department of corrections
hepatitis C treatment (521-00-1000-0153).....$6,000,000

Provided, That any unencumbered balance in the department of corrections hepatitis C treatment account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Treatment and programs –
KUMC contract (521-00-1000-0154).....$2,062,308

Provided, That any unencumbered balance in the treatment and programs – KUMC contract account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Operating expenditures –
juvenile services (521-00-1000-0103).....$1,771,917

Provided, That any unencumbered balance in the operating expenditures – juvenile services account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Evidence-based programs (521-00-1000-0050).....$12,521,500

Provided, That any unencumbered balance in the evidence-based programs account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That, notwithstanding the provisions of K.S.A. 75-52,164, and amendments thereto, or any other statute, expenditures may be made from this account to conduct research into, and development of, evidence-based practices to reduce offender behavior and recidivism among juveniles: *Provided, however,* That the expenditures for such research and development shall not exceed $1,000,000: *And provided further,* That, notwithstanding the provisions of K.S.A. 75-52,164, and amendments thereto, or any other statute, expenditures may be made by the above agency from the evidence-based programs account for the jobs for America's graduates-Kansas programs: *Provided, however,* That the expenditures for such programs shall not exceed $3,500,000.

Prevention and graduated sanctions
community grants (521-00-1000-0221).....$19,311,197

Provided, That any unencumbered balance in the prevention and graduated sanctions community grants account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That moneys awarded as grants from the prevention and graduated sanctions community grants account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Purchase of services (521-00-1000-0300).....$906,795

Provided, That any unencumbered balance in the purchase of services account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Debt service payments – data
systems replacement (521-00-1000-0702).....$2,704,498
Topeka correctional facility –
facilities operations (660-00-1000-0303).....$17,767,757

Provided, That any unencumbered balance in the Topeka correctional facility – facilities operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the Topeka correctional facility – facilities operations account for official hospitality shall not exceed $500.

Hutchinson correctional facility –
facilities operations (313-00-1000-0303).....$37,688,373

Provided, That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the Hutchinson correctional facility – facilities operations account for official hospitality shall not exceed $500.

Lansing correctional facility –
facilities operations (400-00-1000-0303) $32,854,096

Provided, That any unencumbered balance in the Lansing correctional facility – facilities operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the Lansing correctional facility – facilities operations account for official hospitality shall not exceed $500.

Ellsworth correctional facility –
facilities operations (177-00-1000-0303) $17,296,979

Provided, That any unencumbered balance in the Ellsworth correctional facility – facilities operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the Ellsworth correctional facility – facilities operations account for official hospitality shall not exceed $500.

Winfield correctional facility –
facilities operations (712-00-1000-0303) $14,443,295

Provided, That any unencumbered balance in the Winfield correctional facility – facilities operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the Winfield correctional facility – facilities operations account for official hospitality shall not exceed $500.

Norton correctional facility –
facilities operations (581-00-1000-0303) $18,002,787

Provided, That any unencumbered balance in the Norton correctional facility – facilities operations account in excess of $100 as of June 30, 2022 is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the Norton correctional facility – facilities operations account for official hospitality shall not exceed $500.

El Dorado correctional facility –
facilities operations (195-00-1000-0303) $33,831,697

Provided, That any unencumbered balance in the El Dorado correctional facility – facilities operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023 *Provided, however,* That expenditures from the El Dorado correctional facility – facilities operations account for official hospitality shall not exceed $500.

Larned correctional mental health facility –
facilities operations (408-00-1000-0303) $13,479,391

Provided, That any unencumbered balance in the Larned correctional mental health facility – facilities operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided,*

however, That expenditures from the Larned correctional mental health facility – facilities operations account for official hospitality shall not exceed $500.

Kansas juvenile correctional complex –
facilities operations (352-00-1000-0303) $21,154,592

Provided, That any unencumbered balance in the Kansas juvenile correctional complex –facilities operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the Kansas juvenile correctional complex – facilities operations account for official hospitality shall not exceed $500: *Provided further,* That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other accredited educational services providers.

Facilities operations (521-00-1000-0303).....$49,285,769

Provided, That any unencumbered balance in the facilities operations account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Juvenile crime community prevention (521-00-1000-0051) $1,500,000

Provided, That, expenditures shall be made by such agency from such account during fiscal year 2023 to provide grants to communities for evidence-based juvenile crime prevention programs: *Provided further,* That, at least $500,000 of such grants shall require a $1-for-$1 local or private match.

Any unencumbered balance in excess of $100 as of June 30, 2022, in each of the following accounts is hereby reappropriated for fiscal year 2023: Pathways for success (521-00-1000).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Supervision fees fund (521-00-2116-2100) .....No limit
Justice reinvestment technical assistance
for state governments project –
federal fund (521-00-3758-3758).....No limit
Residential substance abuse treatment –
federal fund (521-00-3006) .....No limit
Department of corrections forensic
psychologist fund (521-00-2492-2492).....No limit

Provided, That expenditures may be made from the department of corrections forensic psychologist fund for general health care contract expenses.

Ed Byrne memorial justice assistance grants – federal fund (521-00-3057) ..... No limit
Violence against women – federal fund (521-00-3214) ..... No limit
Title VI-B special education – federal fund (521-00-3234) ..... No limit
Department of corrections state asset forfeiture fund (521-00-2460-2400) ..... No limit
Prisoner reentry intv demo – federal fund (521-00-3063) ..... No limit
Federal asset forfeiture – federal fund (521-00-3063-3713) ..... No limit
Victims of crime act – federal fund (521-00-3260) ..... No limit
Correctional industries fund (522-00-6126-7300) ..... No limit

Provided, That expenditures may be made from the correctional industries fund for official hospitality.

Ed Byrne state and local law assistance – federal fund (521-00-3213-3213) ..... No limit
Bulletproof vest partnership – federal fund (521-00-3216-3216) ..... No limit
Workforce investment act – federal fund (521-00-3237-3237) ..... No limit
USMS reimbursement – federal fund (521-00-3562-3562) ..... No limit
Second chance act – federal fund (521-00-3895-3895) ..... No limit
Alcohol and drug abuse treatment fund (521-00-2339-2110) ..... No limit

Provided, That expenditures may be made from the alcohol and drug abuse treatment fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.

State of Kansas – department of corrections inmate benefit fund (521-00-7950-5350) ..... No limit
Department of corrections – alien incarceration grant fund – federal (521-00-3943-3800) ..... No limit
Department of corrections – general fees fund (521-00-2427-2450) ..... No limit

Provided, That expenditures may be made from the department of corrections – general fees fund for operating expenditures for training programs for correctional personnel, including official hospitality: *Provided further,* That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: *And provided further,* That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further,* That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the department of corrections – general fees fund.

Juvenile justice delinquency prevention
federal fund (521-00-3351) ..... No limit
Juvenile alternatives to detention fund (521-00-2250) ..... No limit

Provided, That notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, or any other statute, expenditures may be made by the above agency from the juvenile alternatives to detention fund for per diem payments to detention centers: *Provided, however,* That expenditures from the juvenile alternatives to detention fund for per diem payments to detention centers shall not exceed $100,000: *And provided further,* That the department of corrections is hereby authorized and directed to make expenditures from the juvenile alternatives to detention fund for fiscal year 2023 for purchase of services: *And provided further,* That notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, or any other statute, expenditures may be made by the above agency from the juvenile alternatives to detention fund for graduated sanctions.

Juvenile justice fee fund central office (521-00-2257) ..... No limit
Title IV-E fund (521-00-3337) ..... No limit
Juvenile delinquency prevention
trust fund (521-00-7322-7000) ..... No limit
Title I program for neglected and
delinquent children – federal fund (521-00-3009) ..... No limit
Topeka correctional facility – community
development block grant –
federal fund (660-00-3669-3669) ..... No limit
Topeka correctional facility – bureau of prisons contract –
federal fund (660-00-3582-3200) ..... No limit
Topeka correctional facility – general
fees fund (660-00-2090-2090) ..... No limit
Hutchinson correctional facility – general
fees fund (313-00-2051-2000) ..... No limit
Lansing correctional facility – general
fees fund (400-00-2040-2040) ..... No limit
Ellsworth correctional facility – general
fees fund (177-00-2227-2000) ..... No limit
Winfield correctional facility – general
fees fund (712-00-2237-2000) ..... No limit
Norton correctional facility – general
fees fund (581-00-2238-2000) ..... No limit
El Dorado correctional facility – general
fees fund (195-00-2252-2000) ..... No limit
Larned correctional mental health facility – general
fees fund (408-00-2145-2000) ..... No limit

Kansas juvenile correctional complex – fee fund (352-00-2321-2300).....No limit
Kansas juvenile correctional complex – gifts, grants and donations fund (352-00-7016-7000).....No limit
Kansas juvenile correctional complex – title I neglected and delinquent children – federal fund (352-00-3009).....No limit
Byrne grant – federal fund – Kansas juvenile correctional complex (352-00-3057-3057).....No limit
National school breakfast program – federal fund – Kansas juvenile correctional complex (352-00-3529-3529).....No limit
National school lunch program – federal fund – Kansas juvenile correctional complex (352-00-3530-3530).....No limit
Community corrections supervision fund (521-00-2748-2748) ....No limit
Community corrections special revenue fund (521-00-2447-2447) .....No limit
Medical assistance program – federal fund (521-00-3414) .....No limit
Byrne grant – federal fund (521-00-3353-3200).....No limit
ICJR – federal fund.....No limit
Second chance act reentry initiative – federal fund.....No limit
Coronavirus relief fund – federal fund (521-00-3753) .....No limit
Prison rape elimination act (PREA) justice assistance grant – federal fund (521-00-3758) .....No limit
Violence against women – federal fund (521-00-3082) .....No limit
Distance learning and telemedicine – federal fund.....No limit
Elementary & secondary schools emergency relief – federal fund.....No limit
Economic adjustment assistance – federal fund.....No limit
Detection & mitigation of COVID-19 in confinement facilities – federal fund .....No limit

(c) During the fiscal year ending June 30, 2023, the secretary of corrections, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2023, from the state general fund for the department of corrections or any correctional institution or correctional facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2023 from the state general fund for the department of corrections or any correctional institution or correctional facility under the general supervision and management of the secretary of corrections. The secretary of corrections shall certify each such transfer to

the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the secretary of corrections any duly authorized claim to be paid from the local jail payments account (521-00-1000-0510) of the state general fund during fiscal year 2023 for costs pursuant to K.S.A. 19-1930(b), and amendments thereto, even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act.

(e) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the director of Kansas correctional industries any duly authorized claim to be paid from the correctional industries fund (522-00-6126-7300) during fiscal year 2023 for operating or manufacturing costs even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act. The director of Kansas correctional industries shall provide to the director of the budget on or before September 15, 2022, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2022.

(f) During the fiscal year ending June 30, 2023, the secretary of corrections, with the approval of the director of the budget, may make transfers from the correctional industries fund (522-00-6126-7300) to the department of corrections – general fees fund (521-00-2427-2450). The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) During the fiscal year ending June 30, 2023, all expenditures made by the department of corrections from the correctional industries fund (522-00-6126-7300) shall be made on budget for all purposes of state accounting and budgeting for the department of corrections.

(h) Notwithstanding the provisions of K.S.A. 75-52,164, and amendments thereto, or any other statute, during fiscal year 2023, the director of accounts and reports shall transfer the amount certified pursuant to K.S.A. 75-52,164(b), and amendments thereto, 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 of the department of corrections: *Provided,* That the secretary of corrections shall transmit a copy of each such certification to the director of legislative research.

(i) On July 1, 2022, the juvenile delinquency preservation trust fund (521-00-7322-7000) of the department of corrections is hereby redesignated as the juvenile delinquency prevention trust fund (521-00-7322-7000) of the department of corrections.

Sec. 113.

ADJUTANT GENERAL

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

Disaster relief (034-00-1000-0200).....$2,000,000
Deferred maintenance (034-00-1000-0700) $319,480
Rehabilitation and repair projects (034-00-1000-8000).....$83,333

(b) On the effective date of this act, of the unencumbered balance reappropriated for the above agency for the fiscal year ending June 30, 2022, by section 119(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the emergency management account (034-00-1000-0600), the sum of $1,767,947 is hereby lapsed.

(c) On the effective date of this act, of the $5,510,157 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 119(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures account (034-00-1000-0053), the sum of $7,896 is hereby lapsed.

(d) On the effective date of this act, the $268,725 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 167(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the debt service – rehabilitation and repair of the statewide armories (034-00-1000-8010) account is hereby lapsed.

(e) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $8,600,052 from the state emergency fund (034-00-2437-2400) of the adjutant general to the state general fund.

Sec. 114.

ADJUTANT GENERAL

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

Operating expenditures (034-00-1000-0053).....$6,035,500

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from this account for official hospitality shall not exceed $2,500.

Civil air patrol – operating
expenditures (034-00-1000-0103) $42,236

Disaster relief (034-00-1000-0200).....$3,332,034

Provided, That any unencumbered balance in the disaster relief account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Military activation payments (034-00-1000-0300).....$6,000

Provided, That any unencumbered balance in the military activation payments account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That all expenditures from the military activation payments account shall be for military activation payments authorized by and subject to the provisions of K.S.A. 75-3228, and amendments thereto.

Kansas military emergency relief (034-00-1000-0400).....$9,881

Provided, That expenditures may be made from the Kansas military emergency relief account for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further,* That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further,* That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief account shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief account.

Office of emergency communication $122,481

Any unencumbered balance in excess of $100 as of June 30, 2022, in each of the following accounts is hereby reappropriated for fiscal year 2023: Force protection (034-00-1000-0500); and calibrators decommission and replacement (034-00-1000-0110).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas intelligence fusion center fund.....No limit
General fees fund (034-00-2102) .....No limit

Provided, That the adjutant general is hereby authorized to fix, charge and collect fees agreed upon in memorandums of understanding with other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further,* That such fees shall be fixed in order to recover all or part of the expenses incurred under the provisions of the memorandums of understanding with other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further,* That all fees received pursuant to such memorandums of understanding shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Office of emergency communications
fund (034-00-2496-2496) ..... No limit

Provided, That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further,* That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further,* That all fees received for use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the office of emergency communications fund.

Conversion of materials and equipment fund –
military division (034-00-2400-2030) ..... No limit
Adjutant general expense fund (034-00-2357) ..... No limit
State asset forfeiture fund (034-00-2498-2498) ..... No limit
State emergency fund (034-00-2437) ..... No limit
State emergency fund weather
disasters 5/4/2007 (034-00-2441) ..... No limit
State emergency fund weather
disasters 12/06, 7/07 (034-00-2445) ..... No limit
Disaster grants – public assistance
federal fund (034-00-3005) ..... No limit
National guard military operations/maintenance
federal fund (034-00-3055-3300) ..... No limit
Econ adjustment/military installation
federal fund (034-00-3196-3196) ..... No limit
Disaster assistance to individual/household
federal fund (034-00-3405-3405) ..... No limit

Interoperability communication
equipment fund (034-00-3449-3449).....No limit
Pre-disaster mitigation – federal fund (034-00-3268-3269).....No limit
Hazard material training and planning –
federal fund (034-00-3121-3310).....No limit
State homeland security program
federal fund (034-00-3629-3629).....No limit
Nuclear safety emergency management
fee fund (034-00-2081-2200).....No limit

Provided, That, notwithstanding the provisions of any other statute, the adjutant general may make transfers of moneys from the nuclear safety emergency management fee fund to other state agencies for fiscal year 2023 pursuant to agreements, which are hereby authorized to be entered into by the adjutant general with other state agencies to provide appropriate emergency management plans to administer the Kansas nuclear safety emergency management act, K.S.A. 48-940 et seq., and amendments thereto.

Military fees fund – federal (034-00-2152).....No limit

Provided, That all moneys received by the adjutant general from the federal government for reimbursement for expenditures made under agreements with the federal government shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military fees fund – federal.

Armories and units general fees fund (034-00-2171-2010).....No limit
Emergency systems for advanced registration
for volunteer health professionals –
federal fund (034-00-3748-3748).....No limit
Civil air patrol – grants and contributions –
federal fund (034-00-7315-7000).....No limit
Coronavirus relief fund – federal fund (034-00-3753).....No limit
Emergency management performance grant –
federal fund (034-00-3342-3342).....No limit
NG – federal forfeiture fund (034-00-2184-2100).....No limit
Inaugural expense fund (034-00-2003-2300).....No limit
Kansas military emergency relief fund (034-00-2658-2650).....No limit

Provided, That expenditures may be made from the Kansas military emergency relief fund for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents,

during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further,* That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further,* That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief fund shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief fund.

Emergency management assistance compact
federal fund (034-00-3609-3605) ..... No limit
Public safety interoperable communications grant program
federal fund (034-00-3340-3340) ..... No limit
Military construction national guard
federal fund (034-00-3192-3192) ..... No limit
National guard civilian youth opportunities
federal fund (034-00-3193-3193) ..... No limit
Hazard mitigation grant federal fund (034-00-3019) ..... No limit
Citizen corps federal fund (034-00-3341-3341) ..... No limit
Law enforcement terrorism prevention program
federal fund (034-00-3613-3600) ..... No limit
Safe and drug-free schools and communities national programs
federal fund (034-00-3569-3569) ..... No limit
National guard museum assistance fund (034-00-8306-8300) ..... No limit

Provided, That all expenditures from the national guard museum assistance fund shall be made for an expansion of the 35th infantry division museum and education center facility.

Great plains joint regional training center
fee fund (034-00-2688-2688) ..... No limit

Provided, That expenditures may be made from the great plains joint regional training center fee fund for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further,* That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further,* That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And*

provided further, That all fees received for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the great plains joint regional training center fee fund.

State and local implementation grant program –
federal fund (034-00-3576-3576) ..... No limit
Military honors funeral fund (034-00-2789-2789) ..... No limit

Provided, That the adjutant general is hereby authorized to accept gifts and donations of money during fiscal year 2023 for military funeral honors or purposes related thereto: *Provided further,* That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military honors funeral fund.

Fire management assistance grant –
federal fund (034-00-3320-3320) ..... No limit
Kansas national guard counter drug state forfeiture fund ..... No limit

(c) In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures may be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023, notwithstanding the provisions of K.S.A. 48-205, and amendments thereto, or any other statute, in addition to other positions within the adjutant general's department in the unclassified service as prescribed by law for additional positions in the unclassified service under the Kansas civil service act: *Provided,* That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the adjutant general may appoint a deputy adjutant general, who shall have no military command authority, and who may be a civilian and shall have served at least five years as a commissioned officer with the Kansas national guard, who will perform such duties as the adjutant general shall assign, and who will serve in the unclassified service under the Kansas civil service act: *Provided further,* That the position of such deputy adjutant general in the unclassified service under the Kansas civil service act shall be established by the adjutant general within the position limitation established for the adjutant general on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year

2023 made by this or other appropriation act of the 2022 regular session of the legislature.

(d) During the fiscal year ending June 30, 2023, the adjutant general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2023, from the state general fund for the adjutant general to another item of appropriation for fiscal year 2023 from the state general fund for the adjutant general: *Provided,* That the adjutant general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) Any unencumbered balance from the state general fund in the SDB remodel account (034-00-1000-8030) in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided,* That all expenditures from the SDB remodel account shall be for the design and construction cost of remodeling the state defense building.

Sec. 115.

STATE FIRE MARSHAL

(a) Notwithstanding section 63 of chapter 116 of the 2021 Session Laws of Kansas, or any other statute, for the fiscal year ending June 30, 2022, the director of the budget shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for personal protective equipment, including structural fire bunker gear and wildland fire fighting gear, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided,* That, of such identified moneys, the director of the budget shall determine the remaining moneys available in special revenue funds: *Provided further,* That if the above agency, in consultation with the director of the budget, determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2022 to be used for such personal protective equipment, the director of the budget shall certify the amount of such federal coronavirus relief moneys from each fund to the director of accounts and reports and upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount equal to $1,200,000 if available from such funds to the special revenue fund of the state fire marshal and as designated by the state fire marshal for the purpose of funding such personal protective equipment: *And provided further,* That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research: *Provided, however,* That the local units of govern-

ment receiving moneys for such personal protective equipment shall not be required to provide matching funds as a condition for receiving any moneys pursuant to this subsection.

Sec. 116.

STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Fire marshal fee fund (234-00-2330-2000).....$6,015,655

Provided, That expenditures from the fire marshal fee fund for official hospitality shall not exceed $1,000.

Boiler inspection fee fund (234-00-2128-2128).....No limit

Provided, That, during the fiscal year ending June 30, 2023, notwithstanding the provisions of any statute, in addition to the other purposes for which expenditures may be made from the boiler inspection fee fund for fiscal year 2023 by the above agency by this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from the boiler inspection fee fund for operating expenses of the above agency.

Gifts, grants and donations fund (234-00-7405-7400).....No limit
Intragovernmental service fund (234-00-6160-6000).....No limit
Explosives regulatory and training fund (234-00-2361-2361).....No limit
State fire marshal liquefied petroleum gas
fee fund (234-00-2608-2600).....No limit
Emergency response fund (234-00-2589).....No limit

Provided, That expenditures may be made by the state fire marshal from the emergency response fund for fiscal year 2023 for the purposes of responding to specific incidences of emergencies related to hazardous materials or search and rescue incidents without prior approval of the state finance council: *Provided, however,* That expenditures from the emergency response fund during fiscal year 2023 for the purposes of responding to any specific incidence of an emergency related to hazardous materials or search and rescue incidents without prior approval by the state finance council shall not exceed $25,000, except upon approval 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. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session.

Fire safety standard and firefighter protection act enforcement fund (234-00-2694-2620) ..... No limit
Cigarette fire safety standard and firefighter protection act fund (234-00-2696-2630) ..... No limit
Non-fuel flammable or combustible liquid aboveground storage tank system fund (234-00-2626-2610) ..... No limit
FFY12 HMEP grant – federal fund (234-00-3121-3121) ..... No limit
Contract inspections fund (234-00-6122-6122) ..... No limit

(b) During the fiscal year ending June 30, 2023, notwithstanding the provisions of any other statute, the state fire marshal, with the approval of the director of the budget, may transfer funds from the fire marshal fee fund (234-00-2330-2000) to the emergency response fund (234-00-2589) of the state fire marshal. The state fire marshal shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research and the director of the budget: *Provided,* That the aggregate amount of such transfers for the fiscal year ending June 30, 2023, shall not exceed $500,000.

(c) During the fiscal year ending June 30, 2023, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund (234-00-2330-2000) during fiscal year 2023, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2023 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2023 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the emergency response fund (234-00-2589) to the fire marshal fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the fire marshal fee fund for the remainder of fiscal year 2023 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(d) During the fiscal year ending June 30, 2023, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund (234-00-2330-2000) and any other resources available to the fire marshal fee fund during the fiscal year 2023, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered

balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2023 are insufficient to meet in full the estimated expenditures for fiscal year 2023 as they become due to meet the financial obligations imposed by law on the fire marshal fee fund as a result of a cash flow shortfall, within the authorized budgeted expenditures in accordance with the provisions of appropriation acts, the director of the budget is authorized and directed to certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of money specified in such certification from the state general fund to the fire marshal fee fund in order to maintain the cash flow of the fire marshal fee fund for such purposes for fiscal year 2023: *Provided,* That the aggregate amount of such transfers during fiscal year 2023 pursuant to this subsection shall not exceed $500,000. Within one year from the date of each such transfer to the fire marshal fee fund pursuant to this subsection, the director of accounts and reports shall transfer the amount equal to the amount transferred from the state general fund to the fire marshal fee fund from the fire marshal fee fund to the state general fund in accordance with a certification for such purpose by the director of the budget. At the same time as the director of the budget transmits any certification under this subsection to the director of accounts and reports during fiscal year 2023, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(e) During the fiscal year ending June 30, 2023, notwithstanding the provisions of any other statute, the state fire marshal, may transfer funds from the contract inspections fund (234-00-6122-6122) of the state fire marshal to the fire marshal fee fund (234-00-2330-2000) of the state fire marshal. The state fire marshal shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

Sec. 117.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made by the above agency from the aircraft fund – on budget (280-00-2368-2360) for fiscal year 2022, as authorized by section 122(a) of chapter 98 of the 2021 Session Laws of Kansas, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from the aircraft fund – on budget for fiscal year 2022 to purchase one new helicopter with a forward-looking infrared radar and one new Cessna C208 caravan airplane with a forward-looking infrared radar: *Provided,* That expenditures shall be made from such fund to sell the above agency's 1978 Cessna R182 aircraft and 2005 Bell 407 helicopter: *Provided, however*, That, such acquisition shall not exceed $11,200,000.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the executive aircraft fund (280-00-6144-6120) for fiscal year 2022, as authorized by section 122(a) of chapter 98 of the 2021 Session Laws of Kansas, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from the executive aircraft fund for fiscal year 2022 to acquire by lease, purchase or otherwise a new or used aircraft: *Provided, however,* That, such acquisition shall not exceed $9,000,000: *Provided further,* That expenditures shall be made from the executive aircraft fund by the above agency to request through the appropriate strengthening people and revitalizing Kansas executive committee advisory panel from the moneys from the federal government received by the state of Kansas for aid for coronavirus relief an amount not to exceed $9,000,000 for the acquisition of such aircraft: *Provided, however*, That the above agency shall sell the King Air aircraft owned by such agency at or prior to the delivery of a new or used aircraft.

(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 $11,200,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the aircraft fund – on budget (280-00-2368-2360) of the Kansas highway patrol.

(d) 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 $9,000,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the executive aircraft fund (280-00-6144-6120) of the Kansas highway patrol for the purpose of acquiring a new or used aircraft: *Provided, however,* That if the above agency receives moneys from the federal government received by the state of Kansas for aid for coronavirus relief for such aircraft, then following approval by the state finance council: (1) The director of accounts and reports shall not transfer $9,000,000 from the state highway fund of the department of transportation to the executive aircraft fund of the Kansas highway patrol, pursuant to this subsection; and (2) on the effective date of such state finance council action, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.

Sec. 118.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund

or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (280-00-2179-2200) ..... No limit

Provided, That all moneys received from the sale of used equipment, recovery of and reimbursements for expenditures and any other source of revenue shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund, except as otherwise provided by law: *Provided further,* That notwithstanding the provisions of article 66 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, in addition to the other purposes for which expenditures may be made by the above agency from the general fees fund, expenditures shall be made by the above agency from such fund to sell the personal sidearm, with a trigger lock, of a part-time state law enforcement officer, who has 10 years or more of service, to such officer, subject to the following: (1) Such officer is resigning; (2) the sale of such personal sidearm shall be for the amount equal to the total of the fair market value of the sidearm, as fixed by the superintendent, plus the cost of the trigger lock; and (3) no sale of a personal sidearm shall be made to any resigning officer unless the superintendent determines that the employment record and performance evaluations of each such officer are satisfactory: *And provided further,* That all proceeds from the sale of personal sidearms and trigger locks shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

For patrol of Kansas turnpike fund (280-00-2514-2500) ..... No limit

Provided, That expenditures shall be made from the for patrol of Kansas turnpike fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Highway patrol motor vehicle fund (280-00-2317-2800) ..... No limit
State forfeiture fund – pending (280-00-2264-2264)..... No limit
Kansas highway patrol state
forfeiture fund (280-00-2413-2100)..... No limit

Provided, That, notwithstanding the provisions of K.S.A. 60-4117, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, expenditures may be made from the Kansas highway patrol state forfeiture fund for salaries and wages, and associated fringe benefits of non-supervisory personnel.

Disaster grants – public assistance –
federal fund (280-00-3005-3005)..... No limit
Edward Byrne memorial assistance grant –
state and local law enforcement –
federal fund (280-00-3213-3213)..... No limit

Bulletproof vest partner – federal fund (280-00-3216-3216) ..... No limit
Performance registration information system management – federal fund (280-00-3239-3239) ..... No limit
Commercial vehicle information system network – federal fund (280-00-3244-3244) ..... No limit
Highway planning and construction – federal fund (280-00-3333-3333) ..... No limit
KHP federal forfeiture – federal fund (280-00-3545) ..... No limit

Provided, That expenditures may be made from the KHP federal forfeiture – fund by the above agency for the capital improvement project or projects for troop F headquarters.

High intensity drug trafficking areas – federal fund (280-00-3615-3000) ..... No limit
Homeland security program – federal fund (280-00-3629) ..... No limit
Edward Byrne memorial justice assistance grant – federal fund (280-00-3057) ..... No limit
Emergency ops cntr – federal fund (280-00-3808-3808) ..... No limit
State and community highway safety – federal fund (280-00-3815-3815) ..... No limit
Gifts and donations fund (280-00-7331) ..... No limit

Provided, That expenditures from the gifts and donations fund for official hospitality shall not exceed $1,000.

Motor carrier safety assistance program state fund (280-00-2208) ..... No limit

Provided, That expenditures shall be made from the motor carrier safety assistance program state fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

National motor carrier safety assistance program – federal fund (280-00-3073) ..... No limit

Provided, That expenditures shall be made from the national motor carrier safety assistance program – federal fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Aircraft fund – on budget (280-00-2368-2360) ..... No limit
Highway safety fund (280-00-2217-2250) ..... No limit
Capitol area security fund (280-00-6143-6100) ..... No limit
Vehicle identification number fee fund (280-00-2213) ..... No limit
Motor vehicle fuel and storeroom sales fund (280-00-6155-6200) ..... No limit

Provided, That expenditures may be made from the motor vehicle fuel and storeroom sales fund to acquire and sell commodities and to provide services to local governments and other state agencies: *Provided further,*

That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: *And provided further,* That such fees shall be fixed in order to recover all or part of the expenses incurred in acquiring or providing and selling such commodities and services: *And provided further,* That all fees received for such commodities and services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the motor vehicle fuel and storeroom sales fund.

Kansas highway patrol
operations fund (280-00-2034-1100) $62,511,388

Provided, That expenditures from the Kansas highway patrol operations fund for official hospitality shall not exceed $3,000: *Provided further,* That expenditures may be made from the Kansas highway patrol operations fund for the purchase of civilian clothing for members of the Kansas highway patrol assigned to duties pursuant to K.S.A. 74-2105, and amendments thereto: *And provided further,* That the superintendent shall make expenditures from the Kansas highway patrol operations fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto: *And provided further,* That expenditures of $5,000,000 shall be made from the Kansas highway patrol operations fund by the above agency for fiscal year 2023 to enhance the agency's career progression plan and implement salary and wage parity within the same career progression plan pay matrix for all law enforcement officer and troopers of the Kansas highway patrol: *And provided further,* That all law enforcement officer I positions shall be moved to the same pay grade and step of trooper within such pay matrix: *And provided further,* That all law enforcement officer II positions shall be moved to the same pay grade and step of master/technical trooper within such pay matrix: *And provided further,* That all law enforcement officer III positions shall be moved to the same pay grade and step of lieutenant within such pay matrix: *Provided, however,* That if the above agency does not implement such salary and wage parity and enhancement, then on July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by this section on expenditures from the Kansas highway patrol operations fund is hereby decreased from $62,511,388 to $57,511,388: *And provided further,* That the superintendent shall make expenditures from the Kansas highway patrol operations fund to return the 1959 corvette in the possession of the Kansas highway patrol to the individual from whom the vehicle was seized: *And provided further,* That expenditures shall be made from the Kansas highway patrol operations fund by the above agency in an amount not to exceed $20,000 to reimburse such owner for any repairs to the vehicle upon proof of receipt of such repairs.

Highway patrol training center fund (280-00-2306).....No limit

Provided, That expenditures may be made from the highway patrol training center fund for use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *Provided further,* That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *And provided further,* That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the highway patrol training center by other state or local government agencies: *And provided further,* That all fees received for use of the highway patrol training center by other state agencies, local government agencies or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the highway patrol training center fund.

Executive aircraft fund (280-00-6144-6120).....No limit

Provided, That expenditures may be made from the executive aircraft fund to provide aircraft services to other state agencies and to purchase liability and property damage insurance for state aircraft: *Provided further,* That the superintendent of the highway patrol is hereby authorized to fix, charge and collect fees for such aircraft services to other state agencies: *And provided further,* That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further,* That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the executive aircraft fund: *And provided further,* That expenditures shall be made from the executive aircraft fund by the above agency in an amount not to exceed $1,500,000 for the maintenance and operations of any aircraft of the above agency.

1122 program clearing fund (280-00-7280).....No limit
Kansas highway patrol staffing and
training fund (280-00-2211-2211).....No limit
BAU fund (280-00-3092).....No limit
Homeland sec grant prog fund.....No limit

(b) On or before the 10th of each month during the fiscal year ending June 30, 2023, the director of accounts and reports shall transfer from the state general fund to the 1122 program clearing fund (280-00-7280-7280) interest earnings based on: (1) The average daily balance of moneys in the 1122 program clearing fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(c) On July 1, 2022, and January 1, 2023, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer an amount specified by the executive director of the state corporation commission, with the approval of the director of the budget, of not more than $1,000,000 from the motor carrier license fees fund (143-00-2812-5500) of the state corporation commission to the motor carrier safety assistance program state fund (280-00-2208) of the Kansas highway patrol: *Provided, however,* that such transfers shall not result in an ending balance of less than $2,800,000 in the motor carrier license fees fund of the state corporation commission during the fiscal year ending June 30, 2023.

(d) Except as provided further, on July 1, 2022, October 1, 2022, January 1, 2023, and April 1, 2023, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer $15,627,847 from the state highway fund (276-00-4100-4100) 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 financing the Kansas highway patrol operations: *Provided, however,* That if the above agency does not implement salary and wage parity within the same pay matrix for all law enforcement officers and troopers of the Kansas highway patrol, then the amount of $15,627,847 authorized by this subsection 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 of the Kansas highway patrol on July 1, 2022, October 1, 2022, January 1, 2023, and April 1, 2023, is hereby decreased to $14,377,847. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2023 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2023 for support and maintenance of the Kansas highway patrol.

(e) On July 1, 2022, 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 $295,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the highway safety fund (280-00-2217-2250) of the Kansas highway patrol for the purpose of financing the motorist assistance program of the Kansas highway patrol.

(f) On July 1, 2022, 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 (276-00-4100-4100) of the department of transportation to the general fees fund (280-00-2179-2200) of the

Kansas highway patrol for the purpose of financing operating expenditures of the Kansas highway patrol.

(g) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $1,300,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the aircraft fund – on budget (280-00-2368-2360) of the Kansas highway patrol.

(h) 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 or from any special revenue fund or funds for fiscal year 2023, as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 to issue a Kansas highway patrol card, the same card that is issued to a retiring full-time state law enforcement officer, to a retired part-time state law enforcement officer, who has 10 years or more of service, if the superintendent determines that the employment record and performance evaluations of each such officer are satisfactory: *Provided,* That the provisions of this subsection shall apply to all part-time state law enforcement officers who retired on or after January 1, 2020.

(i) On July 1, 2022, 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 $1,500,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the executive aircraft fund (280-00-6144-6120) of the Kansas highway patrol for the purpose of maintaining and operating the executive aircraft.

Sec. 119.

ATTORNEY GENERAL – KANSAS
BUREAU OF INVESTIGATION

(a) On the effective date of this act, of the $22,138,481 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 124(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures account (083-00-1000-0083), the sum of $2,851 is hereby lapsed.

Sec. 120.

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, 2023, the following:

Operating expenditures (083-00-1000-0083).....$27,845,025

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated to the operating expenditures account for fiscal year 2023: *Provided, however,* That expenditures from the operating expenditures account for official hospitality shall not exceed $750.

Meth lab cleanup (083-00-1000-0200).....$50,000

Provided, That any unencumbered balance in the meth lab cleanup account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That the above agency is hereby authorized to make expenditures from the meth lab cleanup account to contract for services for remediation of sites determined by law enforcement as hazardous resulting from the production of methamphetamine.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas bureau of investigation state
forfeiture fund (083-00-2283).....No limit

Provided, That expenditures made from the Kansas bureau of investigation state forfeiture fund shall not be considered a source of revenue to meet normal operating expenses, but for such special, additional law enforcement purposes including direct or indirect operating expenditures incurred for conducting educational classes and training for special agents and other personnel, including official hospitality.

Federal forfeiture fund (083-00-3940).....No limit

Provided, That expenditures made from the federal forfeiture fund shall not be considered a source of revenue to meet normal operating expenses, but for such special, additional law enforcement purposes including direct or indirect operating expenditures incurred for conducting educational classes and training for special agents and other personnel, including official hospitality.

High intensity drug trafficking area –
federal fund (083-00-3349-3100).....No limit
Federal grants – marijuana eradication –
federal fund (083-00-3350).....No limit
eCitation national priority safety program –
federal fund (083-00-3092).....No limit
Ncs-x grant – federal fund (083-00-3580-3580).....No limit
Criminal justice information system
line fund (083-00-2457).....No limit

Provided, That in addition to the other purposes for which expenditures may be made from the criminal justice information system line fund pursuant to K.S.A. 74-5707, and amendments thereto, expenditures may be made from the criminal justice information system line fund for salaries and wages, contractual services, commodities and capital outlay for the maintenance and support of the Kansas criminal justice information system.

DNA database fund (083-00-2676-2700).....No limit

Kansas bureau of investigation motor vehicle fund (083-00-2344-2050).....No limit

Provided, That expenditures may be made from the Kansas bureau of investigation motor vehicle fund to acquire and sell motor vehicles for the Kansas bureau of investigation: *Provided further,* That all moneys received for sale of motor vehicles of the Kansas bureau of investigation shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas bureau of investigation motor vehicle fund.

Forensic laboratory and materials fee fund (083-00-2077).....No limit

Provided, That expenditures may be made from the forensic laboratory and materials fee fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic laboratory of the Kansas bureau of investigation: *Provided, however,* That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to K.S.A. 28-176, and amendments thereto, shall be for the purposes authorized by K.S.A. 28-176(e), and amendments thereto: *Provided further,* That all fees received for such laboratory tests, including all moneys received pursuant to K.S.A. 28-176(a), and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the forensic laboratory and materials fee fund.

General fees fund (083-00-2140).....No limit

Provided, That expenditures may be made from the general fees fund for direct or indirect operating expenditures incurred for the following activities: (1) Conducting education and training classes for special agents and other personnel, including official hospitality; (2) purchasing illegal drugs, making contacts and acquiring information leading to illegal drug outlets, contraband and stolen property, and conducting other activities for similar investigatory purposes; (3) conducting investigations and related activities for the Kansas lottery or the Kansas racing and gaming commission; (4) conducting DNA forensic laboratory tests and related activities; (5) preparing, publishing and distributing crime prevention materials; and

(6) conducting agency operations: *Provided, however,* That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses incurred, except as otherwise hereinafter provided, for the following: (1) Education and training services made available to local law enforcement personnel in classes conducted for special agents and other personnel of the Kansas bureau of investigation; (2) investigations and related activities conducted for the Kansas lottery or the Kansas racing and gaming commission, except that the fees fixed for these activities shall be fixed in order to recover all of the direct and indirect expenses incurred for such investigations and related activities; (3) DNA forensic laboratory tests and related activities; and (4) sale and distribution of crime prevention materials: *Provided further,* That all fees received for such activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further,* That all moneys that are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further,* That all moneys received as gifts, grants or donations for the preparation, publication or distribution of crime prevention materials shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further,* That expenditures from any moneys received from the division of alcoholic beverage control and credited to the general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures: *And provided further,* That expenditures from any moneys received from the Kansas criminal justice information system committee and credited to the general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for training activities and official hospitality.

Record check fee fund (083-00-2044-2010) .....No limit

Provided, That the director of the Kansas bureau of investigation is authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses for criminal history record checks conducted for noncriminal justice entities including government agencies and private organizations: *Provided, however,* That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the record check fee fund: *Provided further,* That expendi-

tures may be made from the record check fee fund for operating expenditures of the Kansas bureau of investigation.

Intergovernmental service fund (083-00-6119-6100).....No limit
Agency motor pool fund (083-00-6117).....No limit
National criminal history improvement program
federal fund (083-00-3189-3189).....No limit
Public safety partnership and community policing
federal fund (083-00-3218-3218).....No limit
Forensic DNA backlog reduction
federal fund (083-00-3226-3226).....No limit
Coverdell forensic sciences improvement
federal fund (083-00-3227-3227).....No limit
Anti-gang initiative federal fund (083-00-3229-3229).....No limit
Homeland security federal fund (083-00-3199).....No limit
State homeland security program
federal fund (083-00-3629-3629).....No limit
Convicted/arrestee DNA backlog reduction
federal fund (083-00-3489-3489).....No limit
Disaster grants – public assistance
federal fund (083-00-3005-3005).....No limit
Ed Byrne memorial justice assistance
federal fund (083-00-3057).....No limit
Ed Byrne state/local law enforcement
federal fund (083-00-3213-3213).....No limit
Violence against women – ARRA federal fund (083-00-3214).....No limit
AWA implementation grant program
federal fund (083-00-3228-3228).....No limit
Ed Byrne memorial JAG – ARRA
federal fund (083-00-3455-3455).....No limit
Convicted offender/arrestee DNA backlog reduction
federal fund (083-00-3489-3489).....No limit
KBI-FBI reimbursement federal fund (083-00-3506-3506).....No limit
Project safe neighborhoods fund (083-00-3217-3217).....No limit
Social security administration reimbursement –
federal fund (083-00-3560-3560).....No limit
Bulletproof vest partnership –
federal fund (083-00-3216-3211).....No limit
Sexual assault kit grant – federal fund (083-00-3146-3146).....No limit
Crime victim assistance
discretionary grant (083-00-3250-3260).....No limit
Opioid summit fund.....No limit

(c) During the fiscal year ending June 30, 2023, the attorney general may authorize full-time non-FTE unclassified permanent positions and

regular part-time non-FTE unclassified permanent positions for the Kansas bureau of investigation that are paid from appropriations for the attorney general – Kansas bureau of investigation for fiscal year 2023 made by this act or other appropriation act of the 2022 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for fiscal year 2023 for the attorney general – Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

Sec. 121.

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Emergency medical services
operating fund (206-00-2326-4000).....$1,814,249

Provided, That the emergency medical services board is hereby authorized to fix, charge and collect fees in order to recover costs incurred for distributing educational videos, replacing lost educational materials and mailing labels of those licensed by the board: *Provided further,* That such fees may be fixed in order to recover all or part of such costs: *And provided further,* That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the emergency medical services operating fund: *And provided further,* That, notwithstanding the provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board: *And provided further,* That expenditures from the emergency medical services operating fund for official hospitality shall not exceed $2,000.

Education incentive grant payment fund (206-00-2396-2510).....No limit

Provided, That the priority for award of education incentive grants shall be to award such grants to rural areas.

EMS revolving fund (206-00-2449-2400) .....No limit

Provided, That, if an organization agrees to receive money from the EMS revolving fund, the organization shall enter into a grant agreement requiring such organization to submit a written report to the emergency medical services board detailing and accounting for all expenditures and receipts related to the use of the moneys received from the EMS revolving fund: *Provided further,* That the emergency medical services board shall prepare a written report specifying and accounting for all moneys allocated to and expended from the EMS revolving fund: *And provided further,* That such report shall be submitted to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2023.

EMS criminal history and
fingerprinting fund (206-00-2806-2806).....No limit

(b) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the emergency medical services operating fund (206-00-2326-4000) for fiscal year 2023 by this or other appropriation act of the 2022 regular session of the legislature, expenditures may be made by the emergency medical services board from the emergency medical services operating fund for fiscal year 2023 for the purpose of implementing a grant program for emergency medical services training and educational assistance for persons in underserved areas: *Provided,* That when issuing such grants, first priority shall be given to ambulance services submitting applications seeking grants to pay the cost of recruiting volunteers and cost of the initial courses of training for attendants and instructor-coordinators: *Provided further,* That the second priority shall be given to ambulance services submitting applications seeking grants to pay the cost of continuing education for attendants and instructor-coordinators: *And provided further,* That the third priority shall be given to ambulance services submitting applications seeking grants to pay the cost of education for attendants and instructor-coordinators who are obtaining a postsecondary education degree.

(c) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the moneys appropriated from the state general fund or from any special revenue fund or funds for the emergency medical services board for fiscal year 2023, as authorized by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the emergency medical services board from moneys appropriated from the state general fund or from any special revenue fund or funds for the emergency medical services board for fiscal year 2023 to require emergency medical services agencies in each of the six EMS regions of the state to prepare and submit a report of the expenditures made and moneys received in each of the

EMS regions that are related to the operation and administration of the Kansas emergency medical services regional operations to the emergency medical services board: *Provided,* That the report for each EMS region shall specify and account for all moneys appropriated from the state treasury for the emergency medical services board and disbursed to each such EMS region for the operation of the education and training of emergency medical attendants in each such EMS region.

(d) On July 1, 2022, and January 1, 2023, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer $150,000 from the emergency medical services operating fund (206-00-2326-4000) to the educational incentive grant payment fund (206-00-2396-2510) of the emergency medical services board.

(e) During the fiscal year ending June 30, 2023, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the emergency medical services operating fund (206-00-2326-4000) during fiscal year 2023, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2023 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2023 in accordance with the provisions of appropriation acts, the director of the budget shall certify such funding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the education incentive grant payment fund (206-00-2396-2510) to the emergency medical services operating fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the emergency medical services operating fund for the remainder of fiscal year 2023 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(f) During the fiscal year ending June 30, 2023, if any EMS regional council enters into a grant agreement with the emergency medical services board, such council shall be required to submit pursuant to such grant agreement a written report detailing and accounting for all expenditures and receipts of such council during such fiscal year. The emergency medical services board shall prepare a written report specifying and accounting for all moneys received by and expended by each individual council that has reported to the emergency medical services board pursuant to such grant agreement and submit such report to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2023.

Sec. 122.

KANSAS SENTENCING COMMISSION

(a) On the effective date of this act, of the $961,734 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 127(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures account (626-00-1000-0303), the sum of $2,621 is hereby lapsed.

(b) On the effective date of this act, of the $7,834,019 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 127(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the substance abuse treatment programs account (626-00-1000-0600), the sum of $3,754,626 is hereby lapsed.

Sec. 123.

KANSAS SENTENCING COMMISSION

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

Operating expenditures (626-00-1000-0303).....$1,092,681

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from the operating expenditures account for official hospitality shall not exceed $900.

Substance abuse treatment
programs (626-00-1000-0600).....$8,778,903

Provided, That any unencumbered balance in the substance abuse treatment programs account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That, notwithstanding the provisions of K.S.A. 2021 Supp. 21-6824, and amendments thereto, or any other statute, in addition to other purposes for which expenditures may be made by the above agency from the substance abuse treatment program account of the state general fund during fiscal year 2023, expenditures may be made from such account for operating costs: *Provided however,* That expenditures from such account for operating costs shall not exceed $344,596.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (626-00-2201).....No limit
Statistical analysis – federal fund (626-00-3600).....No limit
Coronavirus relief fund (626-00-3753).....No limit

Sec. 124.

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, 2022, by section 129(a) of chapter 98 of the 2021 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 $711,904 to $778,312.

Sec. 125.

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas commission on peace officers' standards and training fund (529-00-2583-2580).....$750,259

Provided, That expenditures from the Kansas commission on peace officers' standards and training fund for official hospitality shall not exceed $1,000.

Local law enforcement training reimbursement fund (529-00-2746-2700).....No limit

Sec. 126.

KANSAS DEPARTMENT OF AGRICULTURE

(a) On the effective date of this act, of the $9,006,155 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 131(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures account (046-00-1000-0053), the sum of $20,134 is hereby lapsed.

(b) During the fiscal year ending June 30, 2022, the secretary of agriculture, with the approval of 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, or upon specific authorization in an appropriation act of the legislature, may transfer any part of any item of appropriation for fiscal year 2022 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2022 from the state water plan fund for the Kansas department of agriculture: *Provided,* That the secretary of agriculture shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each

such certification to: (1) The director of the budget; (2) the director of legislative research; (3) the chairperson of the house of representatives agriculture and natural resources budget committee; and (4) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.

Sec. 127.

KANSAS DEPARTMENT OF AGRICULTURE

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

Operating expenditures (046-00-1000-0053).....$10,338,243

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated to the operating expenditures account for fiscal year 2023: *Provided further,* That expenditures from this account for official hospitality shall not exceed $10,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Dairy fee fund (046-00-2105-1015).....No limit
Meat and poultry inspection fee fund (046-00-2004-0700).....No limit
Plant protection fee fund (046-00-2006-0900).....No limit
Laboratory equipment fund (046-00-2710-2700).....No limit
Water structures – state highway fund (046-00-2043-1080).....No limit
Soil amendment fee fund (046-00-2117-1100).....No limit
Agricultural liming materials fee fund (046-00-2118-1200).....No limit
Weights and measures fee fund (046-00-2165-1500).....No limit
Water appropriation certification fund (046-00-2168-1600).....No limit
Water resources cost fund (046-00-2110-1020).....No limit

Provided, That all moneys received by the secretary of agriculture from any governmental or nongovernmental source to implement the provisions of the Kansas water banking act, K.S.A. 82a-761 through 82a-773, and amendments thereto, which are hereby authorized to be applied for and received, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the water resources cost fund.

Agriculture seed fee fund (046-00-2187-2720).....No limit
Chemigation fee fund (046-00-2194-1800).....No limit
Petroleum inspection fee fund (046-00-2550-2550).....No limit
Kansas agricultural remediation fund (046-00-2095-1090).....No limit
Warehouse fee fund (046-00-2809-4700).....No limit

U.S. geological survey cooperative gauge agreement grants fund (046-00-2629-2800).....No limit

Provided, That the secretary of agriculture is hereby authorized to enter into a cooperative gauge agreement with the United States geological survey: *Provided further,* That all moneys collected for the construction or operation of river water intake gauges shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the U.S. geological survey cooperative gauge agreement grants fund: *And provided further,* That expenditures may be made from this fund to pay the costs incurred in the construction or operation of river water intake gauges.

Agricultural chemical fee fund (046-00-2800-2900).....No limit
Feeding stuffs fee fund (046-00-2801-4000) .....No limit
Fertilizer fee fund (046-00-2802-4100).....No limit
Plant pest emergency response fund (046-00-2210-1805).....No limit
Pesticide use fee fund (046-00-2804-4300).....No limit
Egg fee fund (046-00-2808-4600) .....No limit
Water structures fund (046-00-2037-1075).....No limit
Meat and poultry inspection fund – federal (046-00-3013) .....No limit
EPA pesticide performance partnership grant – federal fund (046-00-3295-3290).....No limit
FEMA dam safety – federal fund (046-00-3362-3353) .....No limit
State trade and export promotion – federal fund (046-00-3573-3576).....No limit
Conversion of materials and equipment fund (046-00-2402-2200).....No limit
Trademark fund (046-00-2333-2360) .....No limit
Water structures USGS LIDAR grant (046-00-3080-3080).....No limit
Water structures NRCS LIDAR grant (046-00-3081-3081) .....No limit
Specialty crop block grant fund (046-00-3463-3300) .....No limit
Market development fund (046-00-2331-2351).....No limit

Provided, That expenditures may be made from the market development fund for official hospitality: *Provided further,* That expenditures may be made from the market development fund for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of agriculture: *And provided further,* That all moneys received by the department of agriculture for repayment of loans made under the agricultural value added center program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the market development fund.

Reimbursement and recovery fund (046-00-2773-2294) .....No limit

Provided, That expenditures may be made from the reimbursement and recovery fund for official hospitality.

Conference registration and
disbursement fund (046-00-2772-2101) ..... No limit

Provided, That expenditures may be made from the conference registration and disbursement fund for official hospitality.

Buffer participation incentive fund (046-00-2517-2510)..... No limit
Land reclamation fee fund (046-00-2542-2090)..... No limit
Livestock brand fee fund (046-00-2011-2030)..... No limit
Livestock market brand inspection
fee fund (046-00-2007-2010) ..... No limit
Veterinary inspection fee fund (046-00-2009-2020)..... No limit
Animal dealers fee fund (046-00-2207-2050) ..... No limit

Provided, That expenditures from the animal dealers fee fund for official hospitality shall not exceed $300: *Provided further,* That expenditures shall be made from the animal dealers fee fund by the livestock commissioner for operating expenditures for an educational course regarding animals and their care and treatment as authorized by K.S.A. 47-1707, and amendments thereto, to be provided through the internet or printed booklets.

Animal disease control fund (046-00-2202-2500)..... No limit

Provided, That expenditures from the animal disease control fund for official hospitality shall not exceed $450.

Health and human services retail food audit –
federal fund (046-00-3429-3410)..... No limit
Publications fee fund (046-00-2322-2000)..... No limit

Provided, That expenditures may be made from the publications fee fund for operating expenditures related to preparation and publication of informational or educational materials related to the programs or functions of the Kansas department of agriculture: *Provided further,* That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, to the contrary, the secretary of agriculture is hereby authorized to enter into a contract with a commercial publisher for the printing, distribution and sale of such materials: *And provided further,* That the secretary of agriculture is hereby authorized to collect fees from such commercial publisher pursuant to contract with the publisher for the sale of such materials: *And provided further,* That the secretary of agriculture is hereby authorized to receive and accept grants, gifts, donations or funds from any non-federal source for the printing, publication and distribution of such materials: *And provided further,* That all moneys received from such fees or for such grants, gifts, donations or other funds received for such purpose shall be

deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the publications fee fund.

Homeland security grant – federal fund (046-00-3199-3436).....No limit
National floodplain insurance assistance (CAP) –
federal fund (046-00-3445-3330).....No limit
Cooperating technical partners –
federal fund (046-00-3203-3210).....No limit
Plant and animal disease & pest control –
federal fund (046-00-3360).....No limit
Market protection/promotion fund (046-00-3104-3315).....No limit
USDA Kansas forestry service –
federal fund (046-00-3426-3380).....No limit
Food safety fee fund (046-00-2813-4805).....No limit
Gifts and donations fund (046-00-7305-7000).....No limit

Provided, That the secretary of agriculture is hereby authorized to receive gifts and donations of resources and money for services for the benefit and support of agriculture and purposes related thereto: *Provided further,* That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund.

General fees fund (046-00-2346-2100).....No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the regulatory programs of the Kansas department of agriculture and for official hospitality: *Provided further,* That the director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture from any special revenue fund or funds of the department of agriculture that have available moneys to the general fees fund: *And provided further,* That the director of accounts and reports shall transmit a copy of such transfer request to the director of legislative research.

Lodging fee fund (046-00-2456-2400).....No limit
Watershed protect approach/WTR RSRCE
MGT fund (046-00-3889).....No limit
NRCS contribution agreement farm bill –
federal fund (046-00-3917-3800).....No limit
Compliance education fee fund (046-00-2757-2757).....No limit

Provided, That all expenditures from the compliance education fee fund shall be for the purposes of compliance education: *Provided further,* That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2023, the secretary of agriculture is hereby authorized to remit and designate amounts of moneys collected for civil fines and penalties by the

department of agriculture to the state treasurer for deposit in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the compliance education fee fund: *And provided further,* That, upon receipt of each such remittance and designation, the state treasurer shall credit the entire amount of such remittance to the compliance education fee fund.

Laboratory testing services fee fund (046-00-2752-2752).....No limit

Provided, That expenditures may be made from the laboratory testing services fee fund for administrative operating expenditures of the agriculture laboratory of the Kansas department of agriculture: *Provided further,* That the director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture from any special revenue fund or funds of the department of agriculture that have available moneys to the laboratory testing services fee fund: *And provided further,* That the director of accounts and reports shall transmit a copy of such transfer request to the director of legislative research.

Arkansas river gaging fund (046-00-2751-2751).....No limit
Food/drug administration/research (046-00-3462).....No limit
Biofuel infrastructure program (046-00-3579-3579).....No limit
AMS farmers market promotion program (046-00-3588-3588)....No limit
Grain commodity commission
services fund (046-00-2018-1070).....No limit
Commercial industrial hemp act licensing
fee fund (046-00-2343-2343).....No limit
Plant/animal disease and pest control (046-00-3360).....No limit
Service member ag grant (046-00-3185-3185).....No limit
NRCS grant CFDA 10.932 fund (046-00-3022-3903).....No limit
NRCS grant CFDA 10.931 fund (046-00-3228-3220).....No limit
Ag stats report fund (046-00-3427-3390).....No limit
NRCS grant CFDA 10.069 fund (046-00-3952-3901).....No limit
NRCS grant CFDA 10.924 fund (046-00-3953-3902).....No limit
Flx fnding mdl coop agrmt fund (046-00-3954-3905).....No limit
NRCS grant CFDA 10.912 fund (046-00-3955-3904).....No limit
Coronavirus relief fund – federal fund (046-00-3753).....No limit
Water structures emergency fund.....No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2023, for the water plan project or projects specified, the following:

Water resources cost share (046-00-1800-1205).....$2,698,289

Provided, That any unencumbered balance in the water resources cost share account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That the initial allocation for grants

to conservation districts for fiscal year 2023 shall be made on a priority basis, as determined by the secretary of agriculture and the provisions of the state water plan: *And provided further,* That expenditures from this account for contractual technical expertise and/or non-salary administration expenditures for the division of conservation of the Kansas department of agriculture shall not exceed the amount equal to 6.0% of the budget amount for fiscal year 2023 for the water resources cost share account.

Nonpoint source pollution assistance (046-00-1800-1210) $1,860,104

Provided, That any unencumbered balance in the nonpoint source pollution assistance account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Conservation district aid (046-00-1800-1220).....$2,473,373

Provided, That any unencumbered balance in the conservation district aid account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Watershed dam construction (046-00-1800-1240) $550,000

Provided, That any unencumbered balance in the watershed dam construction account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the secretary of agriculture.

Kansas water quality buffer initiatives (046-00-1800-1250).....$200,000

Provided, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices: *And provided further,* That such expenditures may be made from this account from the approved budget amount for fiscal year 2023 in accordance with contracts, which are hereby authorized to be entered into by the secretary of agriculture, for such grants or incentives.

Riparian and wetland program (046-00-1800-1260).....$154,024

Provided, That any unencumbered balance in the riparian and wetland program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Basin management (046-00-1800-0080) $621,651

Provided, That any unencumbered balance in the basin management account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Water use (046-00-1800-0075) $100,000

Provided, That any unencumbered balance in the water use account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Interstate water issues (046-00-1800-0070) $499,481

Provided, That any unencumbered balance in the interstate water issues account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Kansas conservation reserve enhancement program fund (046-00-1800-1225).....$546,593

Provided, That any unencumbered balance in the Kansas conservation reserve enhancement program fund account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Streambank stabilization projects (046-00-1800-1290) $750,000

Provided, That any unencumbered balance in the streambank stabilization projects account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Irrigation technology (046-00-1800-0088) $350,000

Provided, That any unencumbered balance in the irrigation technology account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Crop and livestock research (046-00-1800-0089) $250,000

Provided, That any unencumbered balance in the crop and livestock research account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Soil health initiative (046-00-1800) $100,000

(d) During the fiscal year ending June 30, 2023, the secretary of agriculture, with the approval of 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, or upon specific authorization in an appropriation act of the legislature, may transfer any part of any item of appropriation for fiscal year 2023 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2023 from the state water plan fund for the Kansas department of agriculture: *Provided,* That the secretary of agriculture shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to: (1) The director of the budget; (2) the director of legislative research; (3) the chairperson of the house of representatives agriculture and natural resources budget committee; and (4) the appropriate

chairperson of the subcommittee on agriculture of the senate committee on ways and means.

(e) On July 1, 2022, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $128,379 from the state highway fund (276-00-4100-4100) of the department of transportation to the water structures – state highway fund (046-00-2043-1080) of the Kansas department of agriculture.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2023, the following:

Agriculture marketing program (046-00-1900-1110) $983,664

Provided, That expenditures may be made from the agriculture marketing program account for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of agriculture in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary of agriculture therefor under the agricultural value added center program.

(g) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $50,000 from the state general fund to the water structures emergency fund of the Kansas department of agriculture.

Sec. 128.

KANSAS DEPARTMENT OF AGRICULTURE

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

Operating expenditures (046-00-1000-0053).....$60,000

Sec. 129.

STATE FAIR BOARD

(a) On the effective date of this act, the $850,500 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 168(c) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the state fair debt service account (373-00-1000-0700), is hereby lapsed.

Sec. 130.

STATE FAIR BOARD

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

Operating expenditures (373-00-1000-0103).....$135,000

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for

fiscal year 2023: *Provided further,* That the above agency shall make expenditures from the operating expenditures account during the fiscal year 2023 to request assistance from other state agencies to negotiate with the city of Hutchinson on the increase of storm water charges and the electric company on how electricity is calculated.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

State fair fee fund (373-00-5182-5100) ..... No limit

Provided, That expenditures from the state fair fee fund for official hospitality shall not exceed $10,000.

State fair special cash fund (373-00-9088-9000) ..... No limit
State fair debt service special
revenue fund (373-00-2267-2200) ..... No limit

Sec. 131.

KANSAS WATER OFFICE

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

Water resources operating expenditures $80,024,061

Provided, That expenditures of $80,000,000 shall be made from this account for fiscal year 2022 for the payment of water supply storage debt for Big Hill, Clinton and Hillsdale reservoirs.

Sec. 132.

KANSAS WATER OFFICE

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

Water resources operating
expenditures (709-00-1000-0303) $1,027,686

Provided, That any unencumbered balance in the water resources operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from this account for official hospitality shall not exceed $1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Local water project match fund (709-00-2620-3200) ..... No limit

Provided, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local water project match fund: *Provided further,* That all moneys credited to this fund shall be used to match state funds or federal funds, or both, for water projects.

Water supply storage assurance fund (709-00-2631).....No limit

Provided, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2023, unless a contract is entered into under the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, to supply water to users that is not held under contract in such reservoirs.

State conservation storage water
supply fund (709-00-2502-2600).....No limit
Water marketing fund (709-00-2255-2100) .....No limit

Provided, That expenditures may be made from the water marketing fund for the purchase of vessel liability insurance: *Provided further,* That, notwithstanding any provision of the state water plan storage act, K.S.A. 82a-1301 through 82a-1320, and amendments thereto, or any other statute, expenditures shall be made from the water marketing fund from moneys previously obligated for the payment of water supply storage debt for Big Hill, Clinton and Hillsdale reservoirs for fiscal year 2023 for payment of water supply storage debt for all other reservoirs for fiscal year 2023.

General fees fund (709-00-2022-2000) .....No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the Kansas water office, including training and informational programs and official hospitality: *Provided further,* That the director of the Kansas water office is hereby authorized to fix, charge and collect fees for such programs: *And provided further,* That fees for such programs shall be fixed in order to recover all or part of the operating expenses incurred for such programs, including official hospitality: *And provided further,* That all fees received for such programs and all fees received for providing access to or for furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Indirect cost fund (709-00-2419-2419) .....No limit
Motor pool vehicle replacement fund (709-00-6120-6100) .....No limit
Reservoir storage beneficial use fund (709-00-2673-2630).....No limit

Provided, That expenditures may be made by the above agency from the reservoir storage beneficial use fund to call water into service for beneficial uses or to complete studies or take actions necessary to ensure reser-

voir storage sustainability, subject to the availability of moneys credited to the reservoir storage beneficial use fund.

Republican river water conservation projects – Nebraska moneys fund (709-00-2690-2640) ..... No limit
Republican river water conservation projects – Colorado moneys fund (709-00-2691-2680) ..... No limit
Lower Smoky Hill water supply access fund (709-00-2772-2700) ..... No limit
Milford RCPP federal fund (709-00-3022-3022) ..... No limit
Lower Smoky Hill water supply access fund (709-00-2203-2203) ..... No limit
EPA wetland development grant fund (709-00-3914-3990) ..... No limit
Distribution management plan – CDFA 97.042 ..... No limit
Emergency management performance grant (709-00-3342-3342) ..... No limit
HHPD rehabilitation – CDFA 97.041 (709-00-3362-3362) ..... No limit
Multipurpose grant – CDFA 66-204 (709-00-3103-3103) ..... No limit
South fork Republican river water conservation projects fund (709-00-2824-2824) ..... No limit

Provided, That during the fiscal year ending June 30, 2023, the above agency shall pay an amount equal to the amount certified pursuant to subsection (b) from the south fork Republican river water conservation projects fund as a grant pursuant to the grant agreement entered into by the Kansas water office and the Cheyenne county conservation district, and amendments thereto: *Provided further*, That in accordance with the grant agreement, such moneys shall be used exclusively for the purposes of paying all or a portion of the costs of the projects specified in K.S.A. 82a-1804(g), and amendments thereto, in the area lying in the south fork of the upper Republican river basin in northwest Kansas in all or parts of Cheyenne and Sherman counties: *And provided further*, That in accordance with the grant agreement, all expenditures of such moneys shall be approved by the Cheyenne county conservation district and the Kansas water office: *And provided further*, That, in accordance with the grant agreement, such moneys shall be administered by the Cheyenne county conservation district and any interest earned on such moneys shall be used for the purposes prescribed by this subsection: *And provided further*, That in accordance with the grant agreement, all expenditures and the status of new projects approved by the Cheyenne county conservation district shall be reported not later than November 1 of each calendar year to the Kansas water office.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2023, for the state water plan project or projects specified, the following:

Assessment and evaluation (709-00-1800-1110) $834,078

Provided, That any unencumbered balance in the assessment and evaluation account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

MOU – storage operations
and maintenance (709-00-1800-1150).....$530,464

Provided, That any unencumbered balance in the MOU – storage operations and maintenance account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Stream gaging (709-00-1800-1190).....$413,580

Provided, That any unencumbered balance in the stream gaging account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Technical assistance to water users (709-00-1800-1200).....$325,000

Provided, That any unencumbered balance in the technical assistance to water users account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Milford lake watershed regional conservation
partnership program (709-00-1800-1280).....$50,000

Provided, That any unencumbered balance in the Milford lake watershed regional conservation partnership program account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Best management
practices implementation (709-00-1800-1286).....$1,000,000

Provided, That any unencumbered balance in the best management practices implementation account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Water vision education (709-00-1800-1281).....$250,000

Provided, That any unencumbered balance in the water vision education account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Reservoir bathymetric surveys and
biological research (709-00-1800-1275).....$350,000

Provided, That any unencumbered balance in the reservoir bathymetric surveys and biological research account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Water technology farms (709-00-1800-1282).....$200,000

Provided, That any unencumbered balance in the water technology farms account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Water injection dredging (709-00-1800-1290).....$1,025,000

Provided, That any unencumbered balance in the water injection dredging account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Arbuckle study (709-00-1800-1289).....$150,000

Provided, That any unencumbered balance in the arbuckle study account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Equus beds aquifer chloride
plume project (709-00-1800-1287).....$50,000

Provided, That any unencumbered balance in the equus beds aquifer chloride plume project account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Flood study (709-00-1800-1288).....$200,000

Provided, That any unencumbered balance in the flood study account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(d) During the fiscal year ending June 30, 2023, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2023 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2023 from the state water plan fund for the Kansas water office: *Provided,* That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to: (1) The director of legislative research; (2) the chairperson of the house of representatives agriculture and natural resources budget committee; and (3) the appropriate chairperson of the subcommittee on natural resources of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2023, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund (709-00-2255-2100) of the Kansas water office as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to maintain the cash flow of the water marketing fund upon approval of each such loan 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. 75-3711c(c), and amendments thereto. No such loan shall be made unless the terms have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of legislative research. The pooled money investment board is authorized

and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid without interest within one year from the date of the loan.

(f) During the fiscal year ending June 30, 2023, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund (709-00-2255-2100) of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have 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. 75-3711c(c), and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall bear interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification to the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.

(g) During the fiscal year ending June 30, 2023, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2023, from the water marketing fund (709-00-2255-2100) to the state general fund, in accordance with the provisions of the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, and rules and regulations adopted thereunder, for the purposes of making repayments to the state general fund for moneys advanced for annual capital cost payments for water supply storage space in reservoirs.

(h) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the Kansas water office from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2023 by this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the Kansas water office from the state general fund or from any special revenue fund or funds for fiscal year 2023 to provide for the Kansas water office to lead database coordination of water quality and quantity data for all state water agencies and cooperating federal agencies to facilitate policy-making and such other matters relating thereto.

(i) During the fiscal year ending June 30, 2023, 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 the 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.

(j) During the fiscal year ending June 30, 2023, the director of the Kansas water office shall certify the amount of moneys in the Republican river water conservation projects – Colorado moneys fund and shall transmit such certification, along with the amount to be transferred, to the director of accounts and reports. Upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount specified by the director of the Kansas water office from the Republican river water conservation projects – Colorado moneys fund to the south fork Republican river water conservation projects fund: *Provided,* That the director of the Kansas water office shall transmit a copy of such certification to the director of the budget and to the director of legislative research.

Sec. 133.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

(a) On the effective date of this act, of the $1,829,733 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 136(a) of chapter 98 of the 2021 Session Laws of Kansas from the state economic development initiatives fund in the operating expenditures account (710-00-1900-1910), the sum of $34,749 is hereby lapsed.

(b) On the effective date of this act, of the $1,611,299 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 136(a) of chapter 98 of the 2021 Session Laws of Kansas from the state economic development initiatives fund in the state parks operating expenditures account (710-00-1900-1920), the sum of $7,371 is hereby lapsed.

(c) On the effective date of this act, of the $36,342 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 136(a) of chapter 98 of the 2021 Session Laws of Kansas from the state economic development initiatives fund in the reimbursement for annual licenses issued to national guard members account (710-00-1900-1930), the sum of $21,228 is hereby lapsed.

(d) On the effective date of this act, of the $17,922 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 136(a) of chapter 98 of the 2021 Session Laws of Kansas from the state economic development initiatives fund in the reimbursement for annual park permits issued to national guard members account (710-00-1900-1940), the sum of $10,191 is hereby lapsed.

(e) On the effective date of this act, of the $69,827 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 136(a) of chapter 98 of the 2021 Session Laws of Kansas from the state economic development initiatives fund in the reimbursement for annual licenses issued to disabled veterans account (710-00-1900-1950), the sum of $35,517 is hereby lapsed.

(f) On the effective date of this act, the $10,603 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 169(a) of chapter 98 of the 2021 Session Laws of Kansas from the state economic development initiatives fund in the debt service – Kansas City district office (710-00-1900-1960) account is hereby lapsed.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 136(b) of chapter 98 of the 2021 Session Laws of Kansas on the wildlife fee fund (710-00-2300-2890) of the Kansas department of wildlife and parks is hereby increased from $34,732,891 to $37,127,850.

(h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 136(b) of chapter 98 of the 2021 Session Laws of Kansas on the parks fee fund (710-00-2122-2053) of the Kansas department of wildlife and parks is hereby increased from $10,752,461 to $13,899,617.

(i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 136(b) of chapter 98 of the 2021 Session Laws of Kansas on the boating fee fund (710-00-2245-2813) of the Kansas department of wildlife and parks is hereby decreased from $1,221,474 to $1,187,530.

(j) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 169(n) of chapter 98 of the 2021 Session Laws of Kansas on the recreational trails program (710-00-3238-3238) of the Kansas department of wildlife and parks is hereby increased from $700,000 to $1,680,400.

(k) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Economic adjustment assistance fund ..... No limit
Law enforcement agency support fund..... No limit

Sec. 134.

KANSAS DEPARTMENT OF
WILDLIFE AND PARKS

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

Stream monitoring (710-00-1800-1801).....$224,457

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (710-00-1900-1910).....$1,829,737

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided, however,* That expenditures from this account for official hospitality shall not exceed $2,500: *Provided further,* That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2023, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2023 to include a provision on the calendar year 2023 applications for hunting licenses, fishing licenses and annual park permits for the applicant to make a voluntary contribution of $2 or more to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members: *And provided further,* That all moneys received as voluntary contributions to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the free licenses and permits fund.

State parks operating expenditures (710-00-1900-1920).....$1,611,295

Provided, That any unencumbered balance in the state parks operating expenditures account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Reimbursement for annual licenses issued to national guard members (710-00-1900-1930) $36,342

Provided, That any unencumbered balance in the reimbursement for annual licenses issued to national guard members account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That all moneys in the reimbursement for annual licenses issued to national guard members account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2023 to Kansas army or air national guard members, which licenses are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to national guard members account to pay the wildlife fee fund for such licenses.

Reimbursement for annual park permits issued to national guard members (710-00-1900-1940) $17,922

Provided, That any unencumbered balance in the reimbursement for annual park permits issued to national guard members account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That all moneys in the reimbursement for annual park permits issued to national guard members account shall be expended to pay the parks fee fund for the cost of fees for annual park vehicle permits issued for the calendar year 2023 to Kansas army or air national guard members, which annual park vehicle permits are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual park permits issued to national guard members account to pay the parks fee fund for such permits: *Provided further,* That not more than one annual park vehicle permit per family shall be eligible to be paid from this account.

Reimbursement for annual licenses issued to Kansas disabled veterans (710-00-1900-1950).....$69,827

Provided, That any unencumbered balance in the reimbursement for annual licenses issued to Kansas disabled veterans account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further,* That all moneys in the reimbursement for annual licenses

issued to Kansas disabled veterans account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2023 to Kansas disabled veterans, which licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to Kansas disabled veterans account to pay the wildlife fee fund for such licenses: *Provided, however,* That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions, have a disability certified by the Kansas commission on veterans affairs as being service connected and such service-connected disability is equal to or greater than 30%: *And provided further,* That no other hunting or fishing licenses or permits shall be eligible to be paid from this account.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund (710-00-2300-2890).....$35,767,049

Provided, That additional expenditures may be made from the wildlife fee fund for fiscal year 2023 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further,* That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2023: *And provided further,* That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further,* That expenditures from the wildlife fee fund for official hospitality shall not exceed $4,000.

Parks fee fund (710-00-2122-2053).....$11,433,220

Provided, That additional expenditures may be made from the parks fee fund for fiscal year 2023 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further,* That all such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2023: *And provided further,* That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.

Boating fee fund (710-00-2245-2813).....$1,200,236

Provided, That additional expenditures may be made from the boating fee fund for fiscal year 2023 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further,* That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2023: *And provided further,* That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.

Central aircraft fund (710-00-6145-6100).....No limit

Provided, That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies and for the purchase of state aircraft insurance: *Provided further,* That the secretary of wildlife and parks is hereby authorized to fix, charge and collect fees for the provision of aircraft services to other state agencies: *And provided further,* That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further,* That all fees received for such services shall be credited to the central aircraft fund.

Department access roads fund (710-00-2178-2761).....$1,703,677
Wildlife and parks nonrestricted fund (710-00-2065-2120).....No limit
Prairie spirit rails-to-trails fee fund (710-00-2025-2030).....No limit
Plant and animal disease and pest control fund (710-00-3360-3361).....No limit
Nongame wildlife improvement fund (710-00-2593-3300).....No limit
Wildlife conservation fund (710-00-2100-2020).....No limit
Federally licensed wildlife areas fund (710-00-2670-3400).....No limit
State agricultural production fund (710-00-2050-5100).....No limit
Land and water conservation fund – state (710-00-3794-3920).....No limit
Land and water conservation fund – local (710-00-3794-3795).....No limit
Development and promotions fund (710-00-2097-2010).....No limit
Department of wildlife and parks private gifts and donations fund (710-00-7335-7000).....No limit
Fish and wildlife restitution fund (710-00-2166-2750).....No limit
Parks restitution fund (710-00-2156-2100).....No limit
Nonfederal grants fund (710-00-2063-2090).....No limit
Disaster grants – public assistance fund (710-00-3005-3005).....No limit
Soil/water conservation fund (710-00-3083-3083).....No limit
Navigation projects fund (710-00-3191-3191).....No limit
Recreation resource management fund (710-00-3197-3197).....No limit
Cooperative endangered species conservation fund (710-00-3198-3198).....No limit

Landowner incentive program fund (710-00-3200-3210) ..... No limit
Bulletproof vest partnership fund (710-00-3216-3216) ..... No limit
Recreational trails program fund (710-00-3238-3238) ..... No limit
Highway planning/ construction fund (710-00-3333-3333) ..... No limit
Americorps – ARRA fund (710-00-3404-3405) ..... No limit
Cooperative forestry assistance fund (710-00-3426-3426) ..... No limit
North America wetland
conservation fund (710-00-3453-3453) ..... No limit
Wildlife services fund (710-00-3485-3485) ..... No limit
Fish/wildlife management assistance
fund (710-00-3495-3495) ..... No limit
Fish/wildlife core act fund (710-00-3513-3513) ..... No limit
Great plains LCC ..... No limit
USDA grant manual update ..... No limit
Watershed protection/flood
prevention fund (710-00-3906-3906) ..... No limit
Suspense fund (710-00-9159-9000) ..... No limit
Employee maintenance deduction
clearing fund (710-00-9120-9100) ..... No limit
Cabin revenue fund (710-00-2668-2660) ..... No limit
Feed the hungry fund (710-00-2642-2640) ..... No limit
State wildlife grants fund (710-00-3204-3204) ..... No limit
Boating safety financial assistance fund (710-00-3251-3250) ..... No limit
Wildlife restoration fund (710-00-3418-3418) ..... No limit
Sport fish restoration fund (710-00-3490-3490) ..... No limit
Outdoor recreation acquisition, development and
planning fund (710-00-3794-3794) ..... No limit
Publication and other sales fund (710-00-2399-2399) ..... No limit

Provided, That in addition to other purposes for which expenditures may be made by the above agency from moneys appropriated from the publication and other sales fund for fiscal year 2023, expenditures may be made from such fund for the purpose of compensating federal aid program expenditures, if necessary, in order to comply with the requirements established by the United States fish and wildlife service for utilization of federal aid funds: *Provided further,* That all such expenditures shall be in addition to any expenditures made from the publication and other sales fund for fiscal year 2023: *And provided further,* That the secretary of wildlife and parks shall report all such expenditures to the governor and legislature as appropriate.

Free licenses and permits fund (710-00-2493-2493) ..... No limit
Enforce underage drinking law fund (710-00-3219-3219) ..... No limit
Migratory bird monitoring (710-00-3504-3504) ..... No limit
Voluntary public access (710-00-3557-3557) ..... No limit

Energy efficiency/conservation block grant fund (710-00-3157-3157).....No limit
Endangered species – recovery fund (710-00-3209-3209).....No limit
Wetlands reserve program fund (710-00-3007-3060).....No limit
Adaptive science fund (710-00-3015-3050).....No limit
Economic adjustment assistance fund.....No limit
Law enforcement agency support fund.....No limit

(c) During the fiscal year ending June 30, 2023 in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2023, from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2022 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 2023, 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 and parks: *Provided, however,* That notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the secretary of wildlife and parks shall not require such officer to transfer into the unclassified service in order to progress within the existing pay structure pursuant to this subsection.

(d) Notwithstanding the provisions of K.S.A. 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 and parks from moneys appropriated from the wildlife fee fund (710-00-2300-2880) of the Kansas department of wildlife and parks for the fiscal year ending June 30, 2023, by this or any other appropriation act of the 2022 regular session of the legislature, expenditures may be made by the above agency from such moneys during fiscal year 2023 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 and parks: *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. 135.

DEPARTMENT OF TRANSPORTATION

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

moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Categorical aid NHTSA national priority (276-00-4100-3035).....No limit
Unmanned aerial systems –
UAS aviation only (276-00-4100-6400).....No limit

Sec. 136.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State highway fund (276-00-4100-4100) .....No limit

Provided, That no expenditures may be made from the state highway fund other than for the purposes specifically authorized by this or other appropriation act.

Special city and county highway fund (276-00-4220-4220) .....No limit
County equalization and
adjustment fund (276-00-4210-4210) $2,500,000
Highway special permits fund (276-00-2576-2576).....$0
Highway bond debt service fund (276-00-4707-9000) .....No limit
Rail service improvement fund (276-00-2008-2100).....No limit
Transportation revolving fund (276-00-7511-1000).....No limit
Rail service assistance program loan
guarantee fund (276-00-7502-7200) .....No limit
Railroad rehabilitation loan
guarantee fund (276-00-7503-7500) .....No limit

Provided, That expenditures from the railroad rehabilitation loan guarantee fund shall not exceed the amount that the secretary of transportation is obligated to pay during the fiscal year ending June 30, 2023, in satisfaction of liabilities arising from the unconditional guarantee of payment that was entered into by the secretary of transportation in connection with the mid-states port authority federally taxable revenue refunding bonds, series 1994, dated May 1, 1994, authorized by K.S.A. 12-3420, and amendments thereto, and guaranteed pursuant to K.S.A. 75-5031, and amendments thereto.

Interagency motor vehicle fuel sales fund (276-00-2298-2400)....No limit

Provided, That expenditures may be made from the interagency motor vehicle fuel sales fund to provide and sell motor vehicle fuel to other state agencies: *Provided further,* That the secretary of transportation is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to other state agencies: *And provided further,* That such fees shall be fixed

in order to recover all or part of the expenses incurred in providing motor vehicle fuel to other state agencies: *And provided further,* That all fees received for such sales of motor vehicle fuel shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the interagency motor vehicle fuel sales fund.

Coordinated public transportation assistance fund (276-00-2572-0300) ..... No limit
Public use general aviation airport development fund (276-00-4140-4140) ..... No limit
Highway bond proceeds fund (276-00-4109-4110) ..... No limit
Communication system revolving fund (276-00-7524-7700) ..... No limit
Traffic records enhancement fund (276-00-2356-2000) ..... No limit
Other federal grants fund (276-00-3122-3100) ..... No limit
Kansas intermodal transportation revolving fund (276-00-7552-7551) ..... No limit
Conversion of materials and equipment fund (276-00-2256-2256) ..... No limit
Seat belt safety fund (276-00-2216-2216) ..... No limit
Driver's education scholarship grant fund (276-00-2851-2851) ..... No limit
Transportation technology development fund (276-00-2835-2835) ..... No limit

Provided, That notwithstanding the provisions of K.S.A. 2021 Supp. 75-5093, and amendments thereto, or any other statute, expenditures shall be made by the above agency for the fiscal year ending June 30, 2023, from the transportation technology development fund to allow postsecondary educational institutions, as defined in K.S.A. 74-3201b, and amendments thereto, and private postsecondary educational institutions, as defined in K.S.A. 74-32,163, and amendments thereto, to apply for grants from such fund: *Provided further*, That postsecondary educational institutions, private postsecondary educational institutions and local units of government may use state moneys as a match for such grants.

Broadband infrastructure construction grant fund (276-00-2836-2836) ..... No limit
Short line rail improvement fund (276-00-2837-2837) ..... No limit

(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2023, from the state highway fund (276-00-4100-4100) for the following specified purposes: *Provided,* That expenditures from the state highway fund for fiscal year 2023, other than refunds authorized by law for the following specified purposes, shall not exceed the limitations prescribed therefor as follows:

Agency operations (276-00-4100-0403) $305,591,473

Provided, That expenditures from the agency operations account of the state highway fund for official hospitality by the secretary of transportation shall not exceed $5,000: *Provided further,* That expenditures may be made from this account for engineering services furnished to counties for road and bridge projects under K.S.A. 68-402e, and amendments thereto.

Conference fees (276-00-4100-2200).....No limit

Provided, That the secretary of transportation is hereby authorized to fix, charge and collect conference, training and workshop attendance and registration fees for conferences, training seminars and workshops sponsored or cosponsored by the department: *Provided further,* That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the conference fees account of the state highway fund: *And provided further,* That expenditures may be made from this account to defray all or part of the costs of the conferences, training seminars and workshops.

Categorical aid NHTSA national priority (276-00-4100-3035).....No limit
Unmanned aerial systems –
UAS aviation only (276-00-4100-6400).....No limit
Substantial maintenance (276-00-4100-0700).....No limit
Claims (276-00-4100-1150).....No limit
Payments for city connecting links (276-00-4100-6200).....$5,360,000
Federal local aid programs (276-00-4100-3000).....No limit
Bond services fees (276-00-4100-0580).....No limit
Other capital improvements (276-00-4100-8075).....No limit

Provided, That the secretary of transportation is authorized to make expenditures from the other capital improvements account to undertake a program to assist cities and counties with railroad crossings of roads not on the state highway system.

(c) (1) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund (276-00-4100-4100) for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings – rehabilitation and repair (276-00-4100-8005).....$4,200,000
Buildings – reroofing (276-00-4100-8010).....$527,117
Buildings – other construction, renovation
and repair (276-00-4100-8070).....$18,248,376
Buildings – purchase land (276-00-4100-8065).....$45,000

(2) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund (276-00-4100-

4100) for fiscal year 2023, expenditures may be made by the above agency from the state highway fund for fiscal year 2023 from the unencumbered balance as of June 30, 2022, in each capital improvement project account for a building or buildings in the state highway fund for one or more projects approved for prior fiscal years: *Provided,* That all expenditures from the unencumbered balance in any such project account of the state highway fund for fiscal year 2023 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2022, subject to the provisions of subsection (d): *Provided further,* That all expenditures from any such project account shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2023.

(d) During the fiscal year ending June 30, 2023, the secretary of transportation, with the approval of the director of the budget, may transfer any part of any item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2023 from the state highway fund (276-00-4100-4100) for the department of transportation to another item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2023 from the state highway fund for the department of transportation: *Provided,* That the secretary of transportation shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) On April 1, 2023, the director of accounts and reports shall transfer from the motor pool service fund (173-00-6109-4020) of the department of administration to the state highway fund (276-00-4100-4100) of the department of transportation an amount determined to be equal to the sum of the annual vehicle registration fees for each vehicle owned or leased by the state or any state agencies in accordance with K.S.A. 75-4611, and amendments thereto.

(f) During the fiscal year ending June 30, 2023, upon notification from the secretary of transportation that an amount is due and payable from the railroad rehabilitation loan guarantee fund (276-00-7503-7500), the director of accounts and reports shall transfer from the state highway fund (276-00-4100-4100) to the railroad rehabilitation loan guarantee fund the amount certified by the secretary as due and payable.

(g) Any payment for services during the fiscal year ending June 30, 2023, from the state highway fund (276-00-4100-4100) to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2023.

(h) Notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2023, the secretary of transportation shall apportion and distribute quarterly, on the first day of January, April, July and October, to cities on the

state highway system from the state highway fund moneys at the rate of $5,000 per year per lane per mile for the maintenance of streets and highways in cities designated by the secretary as city connecting links: *Provided,* That all moneys so distributed shall be used solely for the maintenance of city connecting links: *Provided further,* That such apportionment shall apply only to those city connecting link lanes maintained by the city, and shall not apply to city connecting link lanes maintained by the secretary pursuant to agreement with the city: *And provided further,* That, as used in this subsection, "lane" means the portion of the roadway for use of moving traffic of a standard width prescribed by the secretary.

(i) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $100,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the driver's education scholarship grant fund (276-00-2851-2851) of the department of transportation: *Provided,* That the secretary of transportation is hereby authorized to transfer additional moneys from the state highway fund to the driver's education scholarship grant fund during the fiscal year ending June 30, 2023: *Provided further,* That the secretary shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 137. In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2023, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2023 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by K.S.A. 46-137a(c), and amendments thereto, an aggregate amount of allowance: (a) Equal to $354.15 for the two-week period that coincides with the first biweekly payroll period, which is chargeable to fiscal year 2023 and for each of the 14 ensuing two-week periods thereafter; and (b) equal to $354.15 for the two-week period that coincides with the biweekly payroll period, which includes March 19, 2023, which is chargeable to fiscal year 2023 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2023, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided,* That all expenditures under this section for such purposes shall be made otherwise in the same manner that such allowance is payable to such members

of the legislature for such two-week periods, for which such allowance is payable in accordance with this section and which are chargeable to fiscal year 2023.

Sec. 138. (a) On June 30, 2023, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the expanded lottery act revenues fund to the state general fund: *Provided,* That the transfer of such amount shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law.

(b) On June 30, 2023, the director of accounts and reports shall determine and notify the director of the budget if the amount of revenue collected in the expanded lottery act revenues fund for the fiscal year ending June 30, 2023, is insufficient to fund the appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2023, in accordance with the provisions of appropriation acts. The director of the budget shall certify to the director of accounts and reports the amount necessary to be transferred from the state general fund to the expanded lottery act revenues fund in order to fund all such appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2023. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the expanded lottery act revenues fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 139. (a) During the fiscal year ending June 30, 2023, in addition to the requirements of K.S.A. 75-6701, and amendments thereto, and in addition to the other purposes for which expenditures may be made by the division of the budget, the department of health and environment, the Kansas department for children and families, the Kansas department for aging and disability services and the legislative research department from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 as authorized by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agencies from such moneys to advise and consult with the chairperson and ranking minority member of the house of representatives committee on social services budget and the chairperson of and a member of the minority party serving on the appropriate subcommittee of the senate committee on ways and means in the development and revision of human services consensus caseload estimates: *Provided,* That

nothing in this subsection shall be construed to require the release of any information that is made confidential by state or federal law.

Sec. 140.

STATE FINANCE COUNCIL

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

State employee pay increase.....$49,100,000

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 2023.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2023, the following:

State employee pay increase.....$578,211

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 2023.

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

State employee pay increase.....$75,459

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 2023.

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

State employee pay increase.....$7,739

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 2023.

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

State employee pay increase.....$7,999

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 Kansas endowment for youth fund of the salary increase, including associated employer contributions, during fiscal year 2023.

(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: (1) 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, 2023; and (2) the expenditure of any remaining moneys in any account appropriated in subsections (a) through (e) to address salary inequities in any state agency as identified by the director of the budget in consultation with the director of personnel services. 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, 2023.

(g) (1) Except as provided in subsection (h) of this section, effective with the first payroll period chargeable to the fiscal year ending June 30, 2023, a benefits-eligible employee shall be eligible for a salary increase of two steps for employees in the classified service, including associated employer contributions, and each pay grade of the classified pay matrix shall be extended upward by two steps.

(2) Except as provided in subsection (h) of this section, effective with the first payroll period chargeable to the fiscal year ending June 30, 2023, all state agencies shall receive a sum equivalent to the total of 5.0 percent, rounded to the nearest penny, of the salaries of all benefits eligible unclassified employees in said agency, to be distributed as a merit pool.

(h) (1) Notwithstanding the provisions of K.S.A. 46-137a and 46-137b, and amendments thereto, or any other statute, the provisions of subsection (g) 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 (g) shall not apply to state officers elected on a statewide basis.

(3) The provisions of subsection (g) shall not apply to:

(A) Teachers and licensed personnel and employees at the Kansas state school for the deaf or the Kansas state school for the blind.

(B) Employees assigned to a trooper or officer classification of the Kansas highway patrol.

(C) Employees who are hourly employees who received salary increases pursuant to the 24/7 pay plan adopted by the state finance council.

(D) Kansas bureau of investigation commissioned officers and forensic scientists who received an agency salary enhancement in fiscal year 2022, are anticipated to receive an agency salary enhancement in fiscal year 2023, or may receive such salary enhancements in both fiscal years.

(E) Employees of the following agencies who received an agency salary enhancement in fiscal year 2022, are anticipated to receive an agency salary enhancement in fiscal year 2023, or may receive such salary enhancements in both fiscal years: State board of indigents' defense services, office of administrative hearings, state fire marshal and Kansas sentencing commission.

(F) Any other employees on a formal, written career progression plan implemented by executive directive.

Sec. 141.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for
state facilities (173-00-1000-8500).....$3,449,493

Provided, That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Docking state office building
rehabilitation and repair (173-00-1000).....$60,000,000

Provided, That if the above agency, in consultation with the director of the budget, determines that federal moneys received by the state that are identified as moneys from the federal government for aid to the state of Kansas for coronavirus relief are eligible to be used for any such capital improvement projects in addition to the federal funds currently encumbered for such capital improvement project, may be expended at the discretion of the state, in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, are unencumbered during fiscal year 2023 and may be used for the purposes of this proviso, the director of the budget shall certify the amount of any such additional federal moneys to the director of accounts and reports and then, on the date of such certification, of the $60,000,000 appropriated for the above agency for the fiscal year ending June 30, 2023, by this section from the state general fund in the Docking state office building rehabilitation and repair account (173-00-1000), an amount equal to such certified amount is hereby lapsed: *Provided further,* That at the same

time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Debt service refunding – 2016H (173-00-1000-0464) $6,289,875
Debt service refunding – 2019F/G (173-00-1000-0465).....$6,575,466
Debt service refunding – 2020R (173-00-1000) $12,047,450
Debt service refunding – 2020S (173-00-1000).....$774,000
Debt service refunding – 2021P (173-00-1000).....$5,764,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans memorial fund (173-00-7253-7250) .....No limit
State facilities gift fund (173-00-7263-7290).....No limit
Master lease program fund (173-00-8732).....No limit
State buildings depreciation fund (173-00-6149-4500).....No limit
Executive mansion gifts fund (173-00-7257-7270) .....No limit
Topeka state hospital cemetery memorial
gift fund (173-00-7337-7240) .....No limit
Capitol area plaza authority planning fund (173-00-7121-7035) ..No limit

Provided, That the secretary of administration may accept gifts, donations and grants of money, including payments from local units of city and county government, for the development of a new master plan for the capitol plaza and the state zoning area described in K.S.A. 75-3619, and amendments thereto: *Provided further,* That all such gifts, donations and grants shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the capitol area plaza authority planning fund.

Statehouse debt service – state
highway fund (173-00-2861-2861).....No limit
Debt service refunding – 2019F/G –
state highway fund (173-00-2823-2823) .....No limit
Debt service refunding – 2020R –
state highway fund (173-00-2865-2865) .....No limit
Debt service refunding – 2020S –
state highway fund (173-00-2866-2866) .....No limit

(c) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the building and ground fund (173-00-2028) for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parking improvements and repair (173-00-2028-2085).....No limit

(d) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund (173-00-6149) for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

State of Kansas facilities projects –
debt service (173-00-6149-4520) .....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the state buildings depreciation fund for fiscal year 2023.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund (173-00-6148) for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Eisenhower building purchase and renovation –
debt service (173-00-6148-4610) .....No limit

(f) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund (173-00-2028), the state buildings depreciation fund (173-00-6149), and the state buildings operating fund (173-00-6148) for fiscal year 2023, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2023 from the unencumbered balance as of June 30, 2022, in each existing capital improvement account of each such special revenue fund: *Provided,* That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2022: *Provided further,* That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2023 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2023.

Sec. 142.

DEPARTMENT OF COMMERCE

(a) In addition to the other purposes for which expenditures may be made by the above agency from the reimbursement and recovery fund

(300-00-2275) for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the reimbursement and recovery fund during the fiscal year 2023, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (300-00-2275).....No limit

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser employment services – federal fund (300-00-3275) for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser employment services – federal fund during the fiscal year 2023, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (300-00-3275).....No limit

Sec. 143.

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, 2023, for the capital improvement project or projects specified, the following:

KDHE lab (264-00-1000).....$32,500,000

Provided, That if the above agency, in consultation with the director of the budget, determines that federal moneys received by the state that are identified as moneys from the federal government for aid to the state of Kansas for coronavirus relief are eligible to be used for any such capital improvement projects in addition to the federal funds currently encumbered for such capital improvement project, may be expended at the discretion of the state, in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, are unencumbered during fiscal year 2023 and may be used for the purposes of this proviso, the director of the budget shall certify the amount of any such additional federal moneys to the director of accounts and reports and then, on the date of such certification, of the $32,500,000 appropriated for the above agency for the fiscal year ending June 30, 2023, by this section from the state general fund in the KDHE lab account (264-00-1000), an amount equal to such certified amount is hereby lapsed: *Provided further,* That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 144.

KANSAS DEPARTMENT FOR
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (039-00-8100-8240).....$11,335,142

Provided, That the secretary for aging and disability services is hereby authorized to transfer moneys during fiscal year 2023 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01, and amendments thereto, for projects approved by the secretary for aging and disability services: *Provided further,* That expenditures also may be made from this account during fiscal year 2023 for the purposes of rehabilitation and repair for facilities of the Kansas department for aging and disability services other than any institution, as defined by K.S.A. 76-12a01, and amendments thereto.

Debt service – state hospitals
rehabilitation and repair (039-00-8100-8325) $2,586,200
Ligature resistant furniture (410-00-8100) $80,926
Larned state hospital – city of Larned
wastewater treatment (410-00-8100-8300).....$129,620

Provided, That notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the Larned state hospital – city of Larned wastewater treatment account of the state institutions building fund for payment of Larned state hospital's portion of the city of Larned's wastewater treatment system.

Sec. 145.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Employment security administration property
sale fund (296-00-3336-3110) .....No limit

Provided, That the secretary of labor is hereby authorized to make expenditures from the employment security administration property sale fund during fiscal year 2023 for the unemployment insurance program: *Provided, however,* That no expenditures shall be made from this fund for the proposed purchase or other acquisition of additional real estate to provide space for the unemployment insurance program of the department

of labor until such proposed purchase or other acquisition, including the preliminary plans and program statement for any capital improvement project that is proposed to be initiated and completed by or for the department of labor have been reviewed by the joint committee on state building construction.

(b) In addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated from any special revenue fund or funds for fiscal year 2023 as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2023 from the moneys appropriated from any special revenue fund for the expenses of the sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor: *Provided,* That such expenditures may be made and such sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor may be executed or otherwise effectuated only upon specific authorization 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. 75-3711c(c), and amendments thereto, and acting after receiving the recommendations of the joint committee on state building construction: *Provided, however,* That no such sale, exchange or other disposition conveying title for any portion of the real estate of the department of labor shall be executed until the proposed sale, exchange or other disposition conveying title for such real estate has been reviewed by the joint committee on state building construction: *Provided further,* That the net proceeds from the sale of any of the real estate of the department of labor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the employment security administration property sale fund of the department of labor: *And provided further,* That expenditures from the employment security administration property sale fund shall not exceed the limitation established for fiscal year 2023 by this or other appropriation act of the 2022 regular session of the legislature except upon approval of the state finance council.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the workmen's compensation fee fund (296-00-2124) for fiscal year 2023, expenditures may be made by the above agency from the workmen's compensation fee fund for fiscal year 2023 for the following capital improvement projects: Payment of rehabilitation and repair projects: *Provided,* That expenditures from the workmen's compensation fee fund (296-00-2124-2228) for fiscal year 2023 for such capital improvement purposes shall not exceed $1,555,000.

Sec. 146.

KANSAS COMMISSION ON
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Veterans cemetery program rehabilitation and
repair projects (694-00-1000-0904) $127,000

Provided, That any unencumbered balance in the veterans cemetery program rehabilitation and repair projects account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and
repair projects (694-00-8100-7100) $785,359
Veterans' home rehabilitation and
repair projects (694-00-8100-8250) $1,040,856

Sec. 147.

KANSAS STATE SCHOOL FOR THE BLIND

(a) During the fiscal year ending June 30, 2022, 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 2022 as authorized by section 95 or section 151 of chapter 98 of the 2021 Session Laws of Kansas, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made from such moneys in fiscal year 2022 to request through the appropriate strengthening people and revitalizing Kansas executive committee advisory panel from the moneys from the federal government received by the state of Kansas for aid for coronavirus relief an amount of not more than $919,504 for capital improvement projects: *Provided,* That if the above agency receives such federal funds for the capital improvement projects following authorization by the state finance council pursuant to section 63 of chapter 116 of the 2021 Session Laws of Kansas, then on the effective date of such authorization, the amounts appropriated and reappropriated for the above agency for the fiscal year ending June 30, 2022, by section 151(a) or section 200 of chapter 98 of the 2021 Session Laws of Kansas from the following accounts in the state institutions building fund are hereby lapsed as specified for each account pursuant to such authorization: Rehabilitation and repair projects account (604-00-8100-8108), security system upgrade project account (604-00-8100-8130), and campus boiler and HVAC upgrade account (604-00-8100-8145).

Sec. 148.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (604-00-8100-8108).....$278,250
Security system upgrade project (604-00-8100-8130).....$144,545
Campus boilers and HVAC upgrades (604-00-8100-8145).....$300,234
Walk-in refrigerator replacement.....$215,266
Electrical safety upgrade.....$48,300
Brighton building elevator.....$283,235

(b) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 as authorized by this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made from such moneys in fiscal year 2023 to request through the appropriate strengthening people and revitalizing Kansas executive committee advisory panel from the moneys from the federal government received by the state of Kansas for aid for coronavirus relief an amount of not more than $1,269,830 for capital improvement projects: *Provided,* That if the above agency receives such federal funds for the capital improvement projects following authorization by the state finance council pursuant to section 22(d), then on the effective date of such authorization, the amounts appropriated for the above agency for the fiscal year ending June 30, 2023, by section 76(a) from the following accounts in the state institutions building fund are hereby lapsed as specified for each account pursuant to such authorization: Rehabilitation and repair projects account (604-00-8100-8108), security system upgrade project account (604-00-8100-8130), and campus boiler and HVAC upgrade account (604-00-8100-8145).

Sec. 149.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (610-00-8100-8108).....$325,238
Campus boilers and HVAC upgrades (610-00-8100-8145).....$571,230
Campus life safety and security (610-00-8100-8130).....$194,495
Foltz gym wall.....$70,000
Roberts building classroom renovation.....$114,035
Walk-in refrigerator replacement.....$254,910

Sec. 150.

STATE HISTORICAL SOCIETY

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

Rehabilitation and repair projects (288-00-1000-8088).....$375,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund (288-00-7302) for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the private gifts, grants and bequests fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair projects .....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the private gifts, grants and bequests fund for fiscal year 2023.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the historical preservation grant in aid fund (288-00-3089) for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the historical preservation grant in aid fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair projects .....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the historical preservation grant in aid fund for fiscal year 2023.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund, historic properties fee fund, state historical facilities fund, save America's treasures fund, historical society capital improvement fund, law enforcement memorial fund and historical preservation grant in aid fund for fiscal year 2023, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2023 from the unencumbered balance as of June 30, 2022, in each existing capital improvement account of each such special revenue fund: *Provided,* That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2022: *Provided further,* That all expenditures from the unencum-

bered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2023 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2023.

Sec. 151.

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, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Memorial union project –
debt service 2020F (379-00-5161-5040).....No limit
Student housing projects –
debt service 2017D (379-00-5169-5050).....No limit
Twin towers housing project –
debt service 2017D (379-00-5120-5030).....No limit
Parking maintenance projects (379-00-5186-5060).....No limit
Rehabilitation and repair projects (379-00-2526-2040).....No limit
Rehabilitation and repair projects (379-00-2069-2010).....No limit
Student housing projects (379-00-5650-5120).....No limit
Deferred maintenance projects (379-00-2485-2485).....No limit

(b) During the fiscal year ending June 30, 2023, the above 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 account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2022 regular session of the legislature: *Provided,* That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2021.

Sec. 152.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Lewis field renovation –
debt service 2016B (246-00-5103-5020).....No limit
Memorial union renovation –
debt service 2005G (246-00-5102-5010).....No limit

Memorial union addition –
debt service 2020C (246-00-2510-2040).....No limit
Memorial union project (246-00-2510-2040).....No limit
Energy conservation – debt service (246-00-2035-2000).....No limit
Wiest hall replacement –
debt service 2016B (246-00-5103-5020).....No limit
Deferred maintenance projects (246-00-2483-2483).....No limit
Forsyth library renovation (246-00-2035-2000).....No limit
Rarick hall renovation (246-00-2035-2000).....No limit
Akers energy center project (246-00-2035-2000).....No limit
Student union rehabilitation and
repair projects (246-00-5102-5010).....No limit
Rehabilitation and repair projects (246-00-2035-2000).....No limit
Rehabilitation and repair projects (246-00-2510-2040).....No limit
Student housing rehabilitation and
repair projects (246-00-5103-5020).....No limit
Parking maintenance projects (246-00-5185-5050).....No limit

(b) During the fiscal year ending June 30, 2023, the above 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 account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2022 regular session of the legislature: *Provided,* That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2021.

Sec. 153.

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, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Energy conservation projects –
debt service 2021A, 2012F/H, 2017B
(367-00-2062-2000; 367-00-5163-4500).....No limit
Research initiative debt service 2021A (367-00-2901-2106).....No limit
Chiller plant project – debt service 2015B (367-00-2062-2000)...No limit
Recreation complex project – debt service
2021A, 2010G1/2 (367-00-2520-2080).....No limit
Student union renovation project –
debt service 2016A (367-00-2520-2080).....No limit

Electrical upgrade project – debt service 2017E
(367-00-2520-2080; 367-00-2484-2484) ..... No limit
Salina student life center project – debt service
2008D (367-00-5111-5101) ..... No limit
Childcare development center project –
debt service 2019C (367-00-5125-5101) ..... No limit
Jardine housing project – debt service 2022D/
2014D/2015B/2011G-1 (367-00-5163-4500) ..... No limit
Wefald dining and residence hall project – debt
service 2022D/2014D-2 (367-00-5163-4500) ..... No limit
Union parking – debt service 2016A (367-00-5181-4630) ..... No limit
Seaton hall renovation –
debt service 2016A (367-00-2520-2080) ..... No limit
Chemical landfill – debt service
refunding 2011G-2 (367-00-2901-2160) ..... No limit
Derby dining center project – debt
service 2019C (367-00-5163-4500) ..... No limit
Capital lease – debt service (367-00-2062-2000) ..... No limit
Capital lease – debt service (367-00-2520-2080) ..... No limit
Capital lease – debt service (367-00-5117-4430) ..... No limit
Rehabilitation and repair projects
(367-00-2062-2000; 367-00-2062-2080) ..... No limit
Deferred maintenance projects (367-00-2484-2484) ..... No limit
Parking maintenance projects (367-00-5181-4638) ..... No limit
Student housing projects (367-00-5163-4500) ..... No limit

(b) During the fiscal year ending June 30, 2023, the above 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 account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2022 regular session of the legislature: *Provided,* That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2021.

Sec. 154.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Capital lease – debt service (369-00-2697-1100) ..... No limit
Capital lease – debt service (369-00-2921-1200) ..... No limit

Sec. 155.

KANSAS STATE UNIVERSITY
VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Capital lease – debt service (368-00-5160-5300) ..... No limit

Sec. 156.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Building renovations – debt service 2014A1
(385-00-2833-2831; 385-00-5106-5105) ..... No limit
Overman student center –
debt service 2014A2 (385-00-2820-2820) ..... No limit
Deferred maintenance projects (385-00-2486-2486) ..... No limit
Student health center –
debt service 2009G (385-00-2828-2851) ..... No limit
Overman student center project (385-00-2820-2820) ..... No limit
Rehabilitation and repair projects (385-00-2833-2831) ..... No limit
Student housing maintenance projects (385-00-5646-5160) ..... No limit
Parking maintenance projects (385-00-5187-5060) ..... No limit
Energy conservation projects – debt service 2011D/D3, 2015M,
2014A-1 (385-00-5165-5050) ..... No limit
Student housing project – debt
service 2011D1 (385-00-2833-2830) ..... No limit
Student housing projects – debt service 2014A2, 2011D1/D3,
2014A1, 2020H (385-00-5165-5050) ..... No limit
Student housing projects – debt
service 2011D1 (385-00-5646-5160) ..... No limit
Parking facility – debt service 2020H (385-00-5187-5060) ..... No limit
Tyler scientific research center – debt
service 2015K (385-00-2903-2903) ..... No limit

(b) During the fiscal year ending June 30, 2023, the above 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 account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2022 regular session of the legislature: *Provided,* That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2021.

Sec. 157.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student housing projects – debt service 2014C, 2017A, 2020B, 2021D (682-00-5142-5050) ..... No limit
Engineering facility – debt service 2021D (682-00-2153-2153; 682-00-2545-2080) ..... No limit
Student recreation center – debt service 2017A (682-00-2864-2860) ..... No limit
Parking facilities – debt service 2014C, 2017A (682-00-5175-5070) ..... No limit
McCollum hall parking – debt service 2014C (682-00-5175-5070) ..... No limit
Energy conservation projects – debt service 2020B (682-00-2107-2000) ..... No limit
Energy conservation projects – debt service (682-00-2545-2080) ..... No limit
Earth, energy and environment center – debt service 2017A (682-00-2545-2080) ..... No limit
Parking maintenance projects (682-00-5175-5070) ..... No limit
Student housing maintenance projects (682-00-5621-5110) ..... No limit
Rehabilitation and repair projects (682-00-2107-2000) ..... No limit
Kansas law enforcement training center projects (682-00-2133-2020) ..... No limit
Rehabilitation and repair projects (682-00-2545-2080) ..... No limit
Deferred maintenance projects (682-00-2487-2487) ..... No limit

(b) During the fiscal year ending June 30, 2023, the above 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 account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2022

regular session of the legislature: *Provided,* That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2021.

Sec. 158.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Health education building –
debt service 2017A (683-00-2108-2500).....No limit
Energy conservation –
debt service 2020B (683-00-2108-2500).....No limit
Hemenway research initiative – debt service
2020B (683-00-2907-2800; 683-00-2108).....No limit
KUMC research institute – debt service
2020B (683-00-2907-2800; 683-00-2108).....No limit
Parking garage 3 – debt service
2014C (683-00-5176-5550).....No limit
Parking garage 4 – debt service
2020B (683-00-5176-5550).....No limit
Parking garage 5 – debt service
2016C (683-00-5176-5550).....No limit
Deferred maintenance projects (683-00-2488-2488).....No limit
Rehabilitation and repair projects (683-00-2108-2500).....No limit
Rehabilitation and repair projects (683-00-2394-2390).....No limit
Rehabilitation and repair projects (683-00-2551-2600).....No limit
Rehabilitation and repair projects (683-00-2907-2800).....No limit
Rehabilitation and repair projects (683-00-2915-2915).....No limit
Parking maintenance projects (683-00-5176-5550).....No limit

(b) During the fiscal year ending June 30, 2023, the above 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 account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2022 regular session of the legislature: *Provided,* That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2021.

Sec. 159.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Energy conservation – debt service (715-00-2112-2000) ..... No limit
Rhatigan student center –
debt service 2012A1 (715-00-2558-2030) ..... No limit
Engineering research lab – debt
service 2012A-2 (715-00-2558-2030) ..... No limit
Shocker residence hall –
debt service 2021L (715-00-5100-5250) ..... No limit
Parking garage – debt service 2016J (715-00-5148-5000) ..... No limit
Fairmont towers – debt service 2012A2 (715-00-5620-5270) ..... No limit
Woolsey hall – school of business
debt service 2020P (715-00-2112-2000) ..... No limit
Flats and suites – debt service 2020P (715-00-5100-5250) ..... No limit
Deferred maintenance projects (715-00-2489-2489) ..... No limit
Rehabilitation and repair projects
(715-00-2558-2558; 715-00-2908-2080) ..... No limit
Parking maintenance projects (715-00-5159-5040) ..... No limit
Clinton hall – debt service (715-00-2558) ..... No limit
Convergence sciences 2 – debt service 2021L (715-00-2558) ..... No limit
Marcus welcome center project (715-00-2558) ..... No limit
Student housing projects (715-00-5100-5250) ..... No limit
Pandemic-related projects (715-00-3149; 715-00-3753) ..... No limit

(b) During the fiscal year ending June 30, 2023, the above 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 account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2022 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2021.

(c) In addition to the other purposes for which expenditures may be made by Wichita state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023, or fiscal year 2024, as authorized by this or other appropriation act of the 2022 or 2023 regular session of the legislature, expenditures

may be made by Wichita state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023, or fiscal year 2024 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for the renovation and equipment of Clinton hall on the campus of Wichita state university: *Provided,* That such capital improvement project is hereby approved for Wichita state university for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further,* That Wichita state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however,* That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $16,400,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the renovation of such 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 any appropriate special revenue fund or funds: *And provided further,* That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further,* That Wichita state university shall make provisions for the maintenance of the building.

Sec. 160.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

State universities facilities capital
renewal initiative (561-00-1000) $35,000,000

Provided, That any expenditures made by the board of regents or a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, from such account during fiscal year 2023 shall be for nonrecurring commitments for the purpose of increasing annual investment in deferred maintenance to eliminate the backlog and adequately

maintain state educational institution campuses in a state of good repair: *Provided further,* That all expenditures from such account shall require a match of nonstate moneys on a $1-for-$1 basis, from either the state educational institution or private moneys.

Demolition of buildings $10,000,000

Provided, That all expenditures from the demolition of buildings account in fiscal year 2023 shall be only for the demolition or razing of buildings on the campus of postsecondary educational institutions as defined by K.S.A. 74-3201b, and amendments thereto: *Provided further,* That expenditures of $750,000 shall be made in fiscal year 2023 for demolition of buildings at Washburn university in Topeka, Kansas.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas educational building fund.....No limit

Provided, That the state board of regents is hereby authorized to transfer moneys from the Kansas educational building fund to an account or accounts of the Kansas educational building fund of any institution under the control and supervision of the state board of regents to be expended by the institution for projects, including planning, new construction and razing, approved by the state board of regents: *Provided, however,* That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction: *Provided further,* That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the Kansas educational building fund: *And provided further,* That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

Sec. 161.

STATE BOARD OF REGENTS

(a) Any unencumbered balance in the demolition of buildings account of the state general fund for the above agency in excess of $100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024: *Provided,* That expenditures may be made from the demolition of buildings account in fiscal year 2024 for demolition of buildings at Washburn university in Topeka, Kansas.

Sec. 162.

STATE BOARD OF REGENTS

(a) Any unencumbered balance in the demolition of buildings account of the state general fund for the above agency in excess of $100 as

of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided,* That expenditures may be made from the demolition of buildings account in fiscal year 2025 for demolition of buildings at Washburn university in Topeka, Kansas.

Sec. 163.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Honor camp demolition (521-00-1000).....$508,865

Provided, That expenditures shall be made by the above agency from the honor camp demolition account for fiscal year 2023 to raze any buildings at the honor camps in El Dorado and Toronto.

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Capital improvements – rehabilitation and repair of correctional institutions (521-00-8600-8240) $4,708,896

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2023 from the capital improvements – rehabilitation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 2023 by the institution or facility for capital improvement projects and for security improvement projects including acquisition of security equipment: *Provided further,* That expenditures shall be made by the above agency from the capital improvements – rehabilitation and repair of correctional institutions account of the correctional institutions building fund for fiscal year 2023 to raze any buildings at the honor camps in El Dorado and Toronto.

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Capital improvements – rehabilitation and repair of juvenile correctional facilities (521-00-8100-8000)..... $664,264

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2023 from the capital improvements – rehabilitation and repair account of the state institutions building fund to any account or accounts of the state institutions building fund of any juvenile correctional facility or institution under the general supervision and

management of the secretary of corrections to be expended during fiscal year 2023 for capital improvement projects approved by the secretary: *Provided further,* That the secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Correctional facility infrastructure project (521-00-2834) .....No limit
Correctional industries fund capital unit (522-00-6126-7301).....No limit

Sec. 164.

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, 2023, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (083-00-1000-0100).....$100,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

KBI lab – debt service (083-00-1000-0820).....$4,322,800

Sec. 165.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 2023, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair – training
center – Salina (280-00-2306-2004).....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the highway patrol training center fund for fiscal year 2023.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2023, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2023 for the following capital

improvement project or projects, subject to the expenditure limitations prescribed therefor:

Training academy rehabilitation
and repair (280-00-2213-2401) ..... No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the vehicle identification number fee fund for fiscal year 2023.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2023, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Scale replacement and rehabilitation and
repair of buildings (280-00-2034-1115) $324,510

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the Kansas highway patrol operations fund for fiscal year 2023.

(d) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $324,510 from the state highway fund (276-00-4100-4100) of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1115). In addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2023 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2023 for support and maintenance of the Kansas highway patrol.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the KHP federal forfeiture – federal fund for fiscal year 2023, expenditures may be made by the above agency from the following account or accounts of the KHP federal forfeiture – federal fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Training academy rehabilitation
and repair (280-00-3545-3548) .....No limit
Troop F storage building (280-00-3545-3545).....No limit
KHP federal forfeiture – new construction .....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the KHP federal forfeiture – federal fund for fiscal year 2023.

Sec. 166.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (034-00-1000-8000).....$1,160,034

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Deferred maintenance (034-00-1000-0700) $2,500,000

Provided, That any unencumbered balance in the deferred maintenance account in excess of $100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Hays armory $18,135,000

Provided, That all expenditures from the Hays armory account shall be for the design, construction and land purchase costs for a new Hays armory.

Sec. 167.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State fair capital improvements fund (373-00-2533-2500).....No limit

(b) On or before the 10th day of each month during the fiscal year ending June 30, 2023, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund interest earnings based on: (1) The average daily balance of moneys in the state fair capital improvements fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 168.

KANSAS DEPARTMENT OF
WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund (710-00-2178-2760) .....No limit

Provided, That, in addition to the other purposes for which expenditures may be made by the above agency from the department access road fund,

expenditures may be made from this fund for road improvement projects administered by the department of transportation in state parks and on public lands.

Bridge maintenance fund (710-00-2045-2070).....No limit
Office of the secretary building fund.....No limit

(b) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $3,402,545 from the state highway fund (276-00-4100-4100) of the department of transportation to the department access road fund (710-00-2178-2760) of the Kansas department of wildlife and parks.

(c) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $200,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the bridge maintenance fund (710-00-2045-2070) of the Kansas department of wildlife and parks.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the state agricultural production fund for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the state agricultural production fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvement.....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the state agricultural production fund for fiscal year 2023.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parks rehabilitation and repair projects (710-00-2122-2066)....$2,300,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the parks fee fund for fiscal year 2023.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects (710-00-2245-2840).....$75,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the boating fee fund for fiscal year 2023.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Shooting range development (710-00-2300-2301) $300,000
Land acquisition (710-00-2300-3040) $400,000
Federally mandated boating access (710-00-2300-4360) $945,000
Rehabilitation and repair (710-00-2300-3262).....$4,279,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the wildlife fee fund for fiscal year 2023.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Cabin site preparation (710-00-2668-2660) $300,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the cabin revenue fund for fiscal year 2023.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (710-00-3418-3422).....$2,947,500

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the wildlife restoration fund for fiscal year 2023.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the sport fish restoration program fund for fiscal year 2023 for the following capital

improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (710-00-3490-3491).....$500,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the sport fish restoration program fund for fiscal year 2023.

(k) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the migratory waterfowl propagation and protection fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition (710-00-2600-3330).....$200,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the migratory waterfowl propagation and protection fund for fiscal year 2023.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the outdoor recreation acquisition, development and planning fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land and water conservation
development (710-00-3794-3794).....$1,500,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the outdoor recreation acquisition, development and planning fund for fiscal year 2023.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the recreational trails program fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Recreational trails program (710-00-3238-3238).....$1,680,400

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the recreational trails program fund for fiscal year 2023.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the federally licensed wildlife areas fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

FLW-AG land capital improvements.....$50,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the federally licensed wildlife areas fund for fiscal year 2023.

(o) In addition to the other purposes for which expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2023, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating safety and financial assistance fund for fiscal year 2023 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects (710-00-3251-3251).....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the boating safety and financial assistance fund for fiscal year 2023.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund, boating fee fund, boating safety and financial assistance fund, wildlife fee fund, wildlife conservation fund, cabin revenue fund, wildlife restoration fund, sport fish restoration program fund, migratory waterfowl propagation and protection fund, nongame wildlife improvement fund, plant and animal disease and pest control fund, land and water conservation fund – local, outdoor recreation acquisition, development and planning fund, recreational trails program fund, federally licensed wildlife areas fund, department of wildlife and parks gifts and donations fund, highway planning/construction fund, state wildlife grants fund, disaster grants – public assistance, nonfederal grants fund, bridge maintenance fund, state agricultural production fund, department access road fund, navigation projects fund, other federal grants fund and recreation resource management fund for fiscal year 2023, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2023 from the unencumbered balance as of June 30, 2022, in each existing capital improvement account of each such special revenue fund: *Provided,* That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such ac-

count on June 30, 2022: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2023 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2023.

Sec. 169. (a) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund or from any special revenue fund or funds for the state board of regents for fiscal year 2022 by chapter 98 or chapter 116 of the 2021 Session Laws of Kansas, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the state board of regents from such moneys, for and on behalf of Emporia state university, to sell and convey all of the rights, title and interest subject to all easements and appurtenances in the following described real estate, 1601 State Street, located in the city of Emporia, Lyon county, Kansas:

SITE DESCRIPTION

The subject site is located on the west side of State Street, approximately 380 feet north of the intersection of Fifteenth Avenue and State Street. The subject site is irregular in shape and contains approximately 2 acres. The site has approximately 50 feet of frontage along State Street for a drive that extends west approximately 130 feet, and then the site is mostly rectangular. The street that fronts the subject is paved. The site is level at street grade and has all public utilities available. There are paved parking lots on the north, south and east sides of the property.

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

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

Sec. 170. (a) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the state

board of regents from moneys appropriated from the state general fund or from any special revenue fund or funds for the state board of regents for fiscal year 2022 by chapter 98 or chapter 116 of the 2021 Session Laws of Kansas, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the state board of regents from such moneys, for and on behalf of the university of Kansas, to exchange and convey the real property described in subsection (b) to the Kansas university endowment association in consideration for which the Kansas university endowment association is hereby authorized to exchange and convey the real property described in subsection (c) to the university of Kansas.

(b) In accordance with the provisions of this section, the state board of regents is hereby authorized to exchange and convey the following described real property in Douglas county, Kansas, to the Kansas university endowment association:

(1) OREAD ADD BLK 4 S 23 FT LT 1 & ALL LT 2; ALSO THAT PART OF LOUISIANA ST ADJ TO SD LTS VAC 7-23-91 BK 459/1274; ALSO E 4 FT LT 11;

(2) COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 88° 07'24" WEST (THIS AND ALL THE FOLLOWING BEARINGS ARE BASED ON THE KANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE 1983) COINCIDENT WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1174.02 FEET; THENCE SOUTH 01° 34'35" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BOB BILLING PARKWAY AS IT EXISTS TODAY, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 01° 34'35" EAST, A DISTANCE OF 42.69 FEET; THENCE NORTH 88° 25'25" EAST, A DISTANCE OF 21.50 FEET; THENCE SOUTH 01° 34'35" EAST, A DISTANCE OF 135.00 FEET; THENCE SOUTH 88 07'24" WEST A DISTANCE OF 553.36 FEET; THENCE SOUTH 75° 25'18" WEST, A DISTANCE OF 169.99 FEET; THENCE NORTH 14 33'31" WEST, A DISTANCE OF 120.00 FEET; THENCE NORTH 01° 52'36" WEST, A DISTANCE OF 98.10 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF BOB BILLINGS PARKWAY; THENCE NORTH 88° 07'24" EAST COINCIDENT WITH SAID SOUTH LINE, A DISTANCE OF 724.96 FEET TO THE POINT OF BEGINNING; and

(3) A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 13 SOUTH, RANGE 19, EAST OF THE 6TH P.M. IN DOUGLAS COUNTY, KANSAS, AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE NORTH 01 DEGREE 32 MINUTES 58 SECONDS WEST, A DISTANCE OF

1323.44 FEET TO A POINT IN THE CENTER OF THE INTERSECTION OF 21ST AND IOWA STREET; THENCE SOUTH 88 DEGREES 27 MINUTES 02 SECONDS WEST, A DISTANCE OF 100.00 FEET, TO THE SOUTHEAST CORNER OF A TRACT OF LAND RECORDED IN BOOK 488, PAGE 1001 IN THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE ON MARCH 4, 1993 AND THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 06 MINUTES 10 SECONDS WEST, ALONG THE SOUTH LINE OF SAID TRACT OF LAND RECORDED IN BOOK 488, PAGE 1001 IN THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE, A DISTANCE OF 189.11 FEET; THENCE NORTH 58 DEGREES 47 MINUTES 58 SECONDS WEST, ALONG THE SOUTHWESTERLY LINE OF SAID TRACT OF LAND RECORDED IN BOOK 488, PAGE 1001 IN THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE, A DISTANCE OF 63.84 FEET; THENCE NORTH 26 DEGREES 44 MINUTES 14 SECONDS EAST, A DISTANCE OF 177.28 FEET; THENCE NORTH 87 DEGREES 35 MINUTES 26 SECONDS EAST, TO THE EAST LINE OF SAID TRACT OF LAND RECORDED IN BOOK 488, PAGE 1001 IN THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE, A DISTANCE OF 158.46 FEET; THENCE SOUTH 01 DEGREE 32 MINUTES 58 SECONDS EAST, ALONG THE EAST LINE OF SAID TRACT OF LAND RECORDED IN BOOK 488, PAGE 1001 IN THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE, A DISTANCE OF 204.39 FEET, TO THE SOUTHEAST CORNER OF SAID TRACT AND TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 40,000 SQUARE FEET, MORE OR LESS, OR 0.918 ACRES, MORE OR LESS AND IS SUBJECT TO ANY OR ALL EASEMENTS, RIGHTS OF WAY AND ENCUMBRANCES, IF ANY.

(c) In accordance with the provisions of this section, the university of Kansas is hereby authorized to accept title to the following described real property in Douglas county, Kansas, conveyed to the university of Kansas by the Kansas university endowment association:

95.06A 2-13-19 NW 1/4, LESS 2.5A IN SW COR NW QR, LESS 5.12A D 271/587, LESS 19.19A D 438/503, LESS 0.423A D 619/996, LESS 0.279A D 619/997, LESS 0.27A D 619/998, LESS 12.856A D 271/588, LESS 8.947A PLATTED TO KUEA STORAGE FACILITY ADD FILED 09/21/2006 BK P 18/65, LESS 2-13-19 NW 1/4, LESS 2.5A IN SW COR NW QR, LESS 5.12A D 271/587, LESS 19.19A D 438/503, LESS 0.423A D 619/996, LESS 0.279A D 619/997, LESS 0.27A D 619/998, LESS 12.856A D 271/588, LESS 8.947A PLATTED TO KUEA STORAGE FACILITY ADD FILED 09/21/2006 BK P 18/65, LESS 4.058A D 1024/4393, LESS D 1060/5423 104.277A, LESS THAT

PART OF .771A TR D 1102/249 (U15540F & G SPLIT 2013) 4.058A D 1024/4393, LESS D 1060/5423, LESS A PORTION DESC AS; COM AT SW COR OF NW1/4; TH N88DEG08'30"E (BEARING BASED O).

(d) The exchange and conveyance of real property by the state board of regents under this section shall be executed in the name of the state board of regents by its chairperson and executive officer. The deed for such conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the state board of regents in consultation with the attorney general. No exchange and conveyance of real estate and improvements thereon as authorized by this section shall be made by the state board of regents until the deeds and conveyances have been reviewed and approved by the attorney general and, if warranty deeds are to be the instruments of conveyance, title reviews have been performed or title insurance has been obtained and the title opinion or the certificates of title insurance, as the case may be, have been approved by the attorney general. In the event that the state board of regents determines that the legal description of the real estate described in this section is incorrect, the state board of regents may convey the property utilizing the correct legal description, but the deed conveying the property shall be subject to the approval of the attorney general. The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-6609, and amendments thereto.

Sec. 171. (a) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund or from any special revenue fund or funds for the state board of regents for fiscal year 2022 by chapter 98 or chapter 116 of the 2021 Session Laws of Kansas, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the state board of regents from such moneys, for and on behalf of Kansas state university, to sell and convey all of the rights, title and interest subject to all easements and appurtenances in the following described real estate located in Riley county, Kansas: A tract of land located in the southeast quarter of Section 1, Township 10 South, Range 7 East of the 6th P.M., in the City of Manhattan, Riley county, Kansas, more particularly described as follows:

Commencing at the south quarter corner of said Section 1; Thence along the south line of the southeast quarter of said Section 1 N. 87°05'38" E. 87.63 feet; Thence perpendicular to the south line of the southeast quarter of said Section 1 N. 02°54'22" W. 60.00 feet to the point of beginning on the north right of way line of Kimball Avenue, a public street in the City of Manhattan; Thence along the north right of way line of said Kimball Avenue, being parallel with and 60.00 feet north of the south line of the southeast quarter of said Section 1 N. 87°05'38" E. 1654.83 feet; Thence N.

02°54'22" W. 305.36 feet; Thence N. 52°37'24" W. 132.17 feet; Thence on a curve to the left with a radius of 170.00 feet, an arc length of 57.08 feet, the chord of said curve bears 56.81 feet N. 62°14'30" W.; Thence on a curve to the right with a radius of 130.00 feet, an arc length of 84.94 feet, the chord of said curve bears 83.44 feet N. 53°08'29" W.; Thence S. 56°37'29" W. 111.02 feet; Thence on a curve to the right with a radius of 230.00 feet, an arc length of 121.64 feet, the chord of said curve bears 120.23 feet S. 71°46'32" W.; Thence S. 86°55'36" W. 127.23 feet; Thence on a curve to the right with a radius of 230.00 feet, an arc length of 12.34 feet, the chord of said curve bears 12.34 feet S. 88°27'48" W.; Thence N. 90°00'00" W. 243.05 feet; Thence on a curve to the left with a radius of 120.00 feet, an arc length of 57.07 feet, the chord of said curve bears 56.53 feet S. 76°22'34" W.; Thence on a curve to the right with a radius of 180.00 feet, an arc length of 85.60 feet, the chord of said curve bears 84.80 feet S. 76°22'34" W.; Thence N. 90°00'00" W. 349.93 feet; Thence on a curve to the right with a radius of 280.00 feet, an arc length of 216.28 feet, the chord of said curve bears 210.94 feet N. 67°52'18" W.; Thence N. 45°44'35" W. 15.50 feet; Thence on a curve to the left with a radius of 120.00 feet, an arc length of 94.25 feet, the chord of said curve bears 91.84 feet N. 68°14'35" W.; Thence S. 89°15'25" W. 88.72 feet to the east right of way line of College Avenue, a public street in the City of Manhattan; Thence along the east right of way line of said College Avenue S. 00°43'29" E. 393.45 feet; Thence continuing along the east right of way line of said College Avenue S. 15°11'47" E. 141.19 feet to the point of beginning, containing 15.71 acres.

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

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

Sec. 172. (a) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund or from any special revenue fund or funds for the state board of regents

for fiscal year 2022 by chapter 98 or chapter 116 of the 2021 Session Laws of Kansas, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the state board of regents from such moneys, for and on behalf of Kansas state university, to sell and convey all of the rights, title and interest subject to all easements and appurtenances in the following described real estate located in Cherokee county, Kansas:

Commencing at a point on the southeast corner of Section 28, Township 34, South of Range 22 East; Thence North 330 feet; Thence West 660 feet; Thence South 330 feet; Thence East 660 feet, to the place of beginning, containing 5 acres, in Cherokee county, Kansas.

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

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

Sec. 173. (a) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund or from any special revenue fund or funds for the state board of regents for fiscal year 2022 by chapter 98 or chapter 116 of the 2021 Session Laws of Kansas, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the state board of regents from such moneys, for and on behalf of Kansas state university, to sell and convey all of the rights, title and interest subject to all easements and appurtenances in the following described real estate located in Douglas county, Nebraska:

Parcel 1

Lot 1, in PACIFIC PLAZA REPLAT 2, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.

Parcel 2

Lot 2, in PACIFIC PLAZA REPLAT 2, an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska.

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

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

Sec. 174. (a) During the fiscal year ending June 30, 2022, in addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund or from any special revenue fund or funds for the state board of regents for fiscal year 2022 by chapter 98 or chapter 116 of the 2021 Session Laws of Kansas, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the state board of regents from such moneys, for and on behalf of Pittsburg state university, to sell and convey all of the rights, title and interest subject to all easements and appurtenances in the following described real estate, located in the city of Pittsburg, Crawford county, Kansas:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 30 SOUTH, RANGE 25 EAST OF THE 6TH PRINCIPAL MERIDIAN, CRAWFORD COUNTY, KANSAS, FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, HILLSIDE ADDITION TO THE CITY OF PITTSBURG; THENCE N89º48'57"W ON THE SOUTH LINE OF FORD AVENUE TO THE POINT OF BEGINNING A DISTANCE OF 70.00 FEET; THENCE S00°31'41"W A DISTANCE OF 173.88 FEET; THENCE N89°50'36"W TO THE EAST LINE OF JOPLIN AVENUE A DISTANCE OF 129.87 FEET; THENCE N00°32'40"E ON SAID EAST LINE A DISTANCE OF 167.91 FEET; THENCE N52°36'07"E ON SAID EAST LINE TO THE SOUTH LINE OF FORD AVENUE A DISTANCE OF 9.90 FEET; THENCE S89°48'57"E ON SAID SOUTH LINE TO THE POINT OF BEGINNING A DISTANCE OF 122.02 FEET. TRACT 2 CONTAINS 0.52 ACRES, MORE OR LESS.

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

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

Sec. 175. K.S.A. 2021 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. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) Except as provided further, 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. ~~During the fiscal year ending June 30, 2021, no moneys shall be transferred from the state fair fee fund to the state fair capital improvement fund pursuant to this subsection.~~ For the fiscal year ending June 30, 2022, notwithstanding the other provisions of this section, on March 1, 2022, 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 2022 from state fair activities and non-fair days activities through March 1, 2022, except that, subject to approval by the director of the budget prior to March 1, 2022, 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, 2022, the state fair board may certify an amount on March 1, 2022, 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, 2022, 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 2022. 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. *For the fiscal year ending June 30, 2023, notwithstanding the other provisions of this section, on March 1, 2023, 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 2023 from state fair activities and non-fair days activities through March 1, 2023, except that, subject to approval by the director of the budget prior to March 1, 2023, 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, 2023, the state fair board may certify an amount on March 1, 2023, 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, 2023, 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 2023. 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.*

Sec. 176. K.S.A. 2021 Supp. 12-1775a is hereby amended to read as follows: 12-1775a. (a) Prior to December 31, 1996, the governing body of each city that, 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. 72-5142, and amendments thereto, within such redevelopment district. Except as provided further, 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 ~~2021,~~ 2022 ~~and~~, 2023 *and 2024*, 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. 177. K.S.A. 2021 Supp. 12-5256 is hereby amended to read as follows: 12-5256. (a) All expenditures from the state housing trust fund made for the purposes of K.S.A. 2021 Supp. 12-5253 through 12-5255, and amendments thereto, 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 Kansas housing resources corporation.

(b) (1) On ~~July 1, 2020,~~ July 1, 2021, ~~and~~ July 1, 2022, *and July 1, 2023*, the director of accounts and reports shall transfer $2,000,000 from the state economic development initiatives fund to the state housing trust fund established by K.S.A. 74-8959, and amendments thereto.

(2) Notwithstanding the provisions of K.S.A. 74-8959, and amendments thereto, to the contrary, during ~~fiscal year 2021,~~ fiscal year 2022 ~~and~~, fiscal year 2023 *and fiscal year 2024*, moneys in the state housing trust fund shall be used solely for the purpose of loans or grants to cities or counties for infrastructure or housing development in rural areas. During such fiscal years, on or before ~~January 10, 2022,~~ January 9, 2023, ~~and~~ Jan-

uary 8, 2024, *and January 13, 2025,* the president of the Kansas housing resources corporation shall submit a report concerning the activities of the state housing trust fund to the house of representatives committee on appropriations and the senate committee on ways and means.

Sec. 178. K.S.A. 2021 Supp. 65-180 is hereby amended to read as follows: 65-180. The secretary of health and environment shall:

(a) Institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases detectable with the same specimen. This educational program shall include information about the nature of such conditions and examinations for the detection thereof in early infancy in order that measures may be taken to prevent intellectual disability or morbidity resulting from such conditions.

(b) Provide recognized screening tests for phenylketonuria, galactosemia, hypothyroidism and such other diseases as may be appropriately detected with the same specimen. The initial laboratory screening tests for these diseases shall be performed by the department of health and environment or its designee for all infants born in the state. Such services shall be performed without charge.

(c) Provide a follow-up program by providing test results and other information to identified physicians; locate infants with abnormal newborn screening test results; with parental consent, monitor infants to assure appropriate testing to either confirm or not confirm the disease suggested by the screening test results; with parental consent, monitor therapy and treatment for infants with confirmed diagnosis of congenital hypothyroidism, galactosemia, phenylketonuria or other genetic diseases being screened under this statute; and establish ongoing education and support activities for individuals with confirmed diagnosis of congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases being screened under this statute and for the families of such individuals.

(d) Maintain a registry of cases including information of importance for the purpose of follow-up services to prevent intellectual disability or morbidity.

(e) Provide, within the limits of appropriations available therefor, the necessary treatment product for diagnosed cases for as long as medically indicated, when the product is not available through other state agencies. In addition to diagnosed cases under this section, diagnosed cases of maple syrup urine disease shall be included as a diagnosed case under this subsection. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual meets medicaid eligibility, such individuals' needs shall be covered under the medicaid state plan. Where the applicable income of the person or persons who have legal responsibility

for the diagnosed individual is not medicaid eligible, but is below 300% of the federal poverty level established under the most recent poverty guidelines issued by the United States department of health and human services, the department of health and environment shall provide reimbursement of between 50% to 100% of the product cost in accordance with rules and regulations adopted by the secretary of health and environment. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual exceeds 300% of the federal poverty level established under the most recent poverty guidelines issued by the United States department of health and human services, the department of health and environment shall provide reimbursement of an amount not to exceed 50% of the product cost in accordance with rules and regulations adopted by the secretary of health and environment.

(f) Provide state assistance to an applicant pursuant to subsection (e) only after it has been shown that the applicant has exhausted all benefits from private third-party payers, medicare, medicaid and other government assistance programs and after consideration of the applicant's income and assets. The secretary of health and environment shall adopt rules and regulations establishing standards for determining eligibility for state assistance under this section.

(g) (1) Except for treatment products provided under subsection (e), if the medically necessary food treatment product for diagnosed cases must be purchased, the purchaser shall be reimbursed by the department of health and environment for costs incurred up to $1,500 per year per diagnosed child age 18 or younger at 100% of the product cost upon submission of a receipt of purchase identifying the company from which the product was purchased. For a purchaser to be eligible for reimbursement under this subsection, the applicable income of the person or persons who have legal responsibility for the diagnosed child shall not exceed 300% of the poverty level established under the most recent poverty guidelines issued by the federal department of health and human services.

(2) As an option to reimbursement authorized under subsection (g) (1), the department of health and environment may purchase food treatment products for distribution to diagnosed children in an amount not to exceed $1,500 per year per diagnosed child age 18 or younger. For a diagnosed child to be eligible for the distribution of food treatment products under this subsection, the applicable income of the person or persons who have legal responsibility for the diagnosed child shall not exceed 300% of the poverty level established under the most recent poverty guidelines issued by the federal department of health and human services.

(3) In addition to diagnosed cases under this section, diagnosed cases of maple syrup urine disease shall be included as a diagnosed case under this subsection.

(h) The department of health and environment shall continue to receive orders for both necessary treatment products and necessary food treatment products, purchase such products, and shall deliver the products to an address prescribed by the diagnosed individual. The department of health and environment shall bill the person or persons who have legal responsibility for the diagnosed patient for a pro-rata share of the total costs, in accordance with the rules and regulations adopted pursuant to this section.

(i) The secretary of health and environment shall adopt rules and regulations as needed to require, to the extent of available funding, newborn screening tests to screen for treatable disorders listed in the core uniform panel of newborn screening conditions recommended in the 2005 report by the American college of medical genetics entitled "Newborn Screening: Toward a Uniform Screening Panel and System" or another report determined by the department of health and environment to provide more appropriate newborn screening guidelines to protect the health and welfare of newborns for treatable disorders.

(j) In performing the duties under subsection (i), the secretary of health and environment shall appoint an advisory council to advise the department of health and environment on implementation of subsection (i).

(k) The department of health and environment shall periodically review the newborn screening program to determine the efficacy and cost effectiveness of the program and determine whether adjustments to the program are necessary to protect the health and welfare of newborns and to maximize the number of newborn screenings that may be conducted with the funding available for the screening program.

(l) There is hereby established in the state treasury the Kansas newborn screening fund that shall be administered by the secretary of health and environment. All expenditures from the fund shall be for the newborn screening program. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee. On July 1 of each year, the director of accounts and reports shall determine the amount credited to the medical assistance fee fund pursuant to K.S.A. 40-3213, and amendments thereto, and shall transfer the estimated portion of such amount that is necessary to fund the newborn screening program for the ensuing fiscal year as certified by the secretary of health and environment or the secretary's designee to the Kansas newborn screening fund. Such amount shall not exceed $2,500,000 in any one fiscal year, except that such amount shall not exceed $5,000,000 in fiscal years ~~2021 and~~ 2022 *and 2023*.

Sec. 179. K.S.A. 2021 Supp. 74-50,107 is hereby amended to read as follows: 74-50,107. (a) Commencing on July 1, ~~2020~~ *2021*, and on the first day of each month thereafter during ~~fiscal year 2021,~~ fiscal year 2022

~~and~~, fiscal year 2023 *and fiscal year 2024*, the secretary of revenue shall apply a rate of 2% to that portion of moneys withheld from the wages of individuals and collected under the Kansas withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto. The amount so determined shall be credited on a monthly basis as follows: (1) An amount necessary to meet obligations of the debt services for the IMPACT program repayment fund; ~~and~~ (2) an amount to the IMPACT program services fund as needed for program administration; and (3) any remaining amounts to the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto. *During fiscal year 2022, the aggregate amount that is credited to the job creation program fund pursuant to this subsection shall not exceed $8,500,000 for each such fiscal year.* During ~~fiscal year 2021, fiscal year 2022 and~~ fiscal year 2023 ~~and~~ *fiscal year 2024*, the aggregate amount that is credited to the job creation program fund pursuant to this subsection shall not exceed ~~$3,500,000~~ *$20,000,000* for each such fiscal year.

(b) Commencing on July 1, ~~2023~~ *2024*, and on an annual basis thereafter, the secretary of revenue shall estimate the amount equal to the amount of net savings realized from the elimination, modification or limitation of any credit, deduction or program pursuant to the provisions of this act as compared to the expense deduction provided for in K.S.A. 79-32,143a, and amendments thereto. Whereupon such amount of savings in accordance with appropriation acts 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 to the credit of the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto. In addition, such other amount or amounts of money may be transferred from the state general fund or any other fund or funds in the state treasury to the job creation program fund in accordance with appropriation acts.

Sec. 180. K.S.A. 2021 Supp. 74-99b34 is hereby amended to read as follows: 74-99b34. (a) The bioscience development and investment fund is hereby created. The bioscience development and investment fund shall not be a part of the state treasury and the funds in the bioscience development and investment fund shall belong exclusively to the authority.

(b) Distributions from the bioscience development and investment fund shall be for the exclusive benefit of the authority, under the control of the board and used to fulfill the purpose, powers and duties of the authority pursuant to the provisions of K.S.A. 74-99b01 et seq., and amendments thereto.

(c) The secretary of revenue and the authority shall establish the base year taxation for all bioscience companies and state universities. The secretary of revenue, the authority and the board of regents shall establish

the number of bioscience employees associated with state universities and report annually and determine the increase from the taxation base annually. The secretary of revenue and the authority may consider any verifiable evidence, including, but not limited to, the NAICS code assigned or recorded by the department of labor for companies with employees in Kansas, when determining which companies should be classified as bioscience companies.

(d) (1) Except as provided in subsection (h), for a period of 15 years from the effective date of this act, the state treasurer shall pay annually 95% of withholding above the base, as certified by the secretary of revenue, upon Kansas wages paid by bioscience employees to the bioscience development and investment fund. Such payments shall be reconciled annually. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the bioscience development and investment fund interest earnings based on:

(A) The average daily balance of moneys in the bioscience development and investment fund for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

(2) There is hereby established in the state treasury the center of innovation for biomaterials in orthopaedic research – Wichita state university fund, which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the center of innovation for biomaterials in orthopaedic research – Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.

(3) There is hereby established in the state treasury the national bio agro-defense facility fund, which shall be administered by Kansas state university in accordance with the strategic plan adopted by the governor's national bio agro-defense facility steering committee. All moneys credited to the fund shall be used in accordance with the governor's national bio agro-defense facility steering committee's plan with the approval of the president of Kansas state university. All expenditures from the national bio agro-defense facility fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the steering committee and the president of Kansas state university or by the person or persons designated by the president of Kansas state university.

(e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed $581,800,000.

(f) The division of post audit is hereby authorized to conduct a post audit in accordance with the provisions of the legislative post audit act, K.S.A. 46-1106 et seq., and amendments thereto.

(g) At the direction of the authority, the fund may be held in the custody of and invested by the state treasurer, provided that the bioscience development and investment fund shall at all times be accounted for in a separate report from all other funds of the authority and the state.

(h) During fiscal years ~~2021,~~ 2022 ~~and~~, 2023 *and 2024*, no moneys shall be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1).

Sec. 181. K.S.A. 2021 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 that 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) 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 ~~2021,~~ 2022 ~~and~~, 2023 *and 2024*, the state treasurer shall not certify or transfer any state moneys available for investment pursuant to this subsection.

(j) 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:

(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. 182. K.S.A. 2021 Supp. 75-6707 is hereby amended to read as follows: 75-6707. (a) For the fiscal years ending June 30, 2022, ~~and~~ June 30, 2023, *and June 30, 2024,* 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 50% of such certified excess amount from the state general fund for the fiscal years ending June 30, 2022, ~~and~~ June 30, 2023, *and June 30, 2024,* to the budget stabilization fund established by K.S.A. 75-6706, and amendments thereto.

(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. 183. K.S.A. 2021 Supp. 76-775 is hereby amended to read as follows: 76-775. (a) Subject to the other provisions of this act, on the first day of the first state fiscal year commencing after receiving a certification of receipt of a qualifying gift under K.S.A. 76-774, and amendments thereto, the director of accounts and reports shall transfer from the state general fund the amount determined by the director of accounts and reports to be the earnings equivalent award for such qualifying gift for the period of time between the date of certification of the qualifying gift and the first day of the ensuing state fiscal year to either: (1) The endowed professorship account of the faculty of distinction matching fund of the eligible educational institution, in the case of a certification of a qualifying gift to an eligible educational institution that is a state educational institution; or (2) the faculty of distinction program fund of the state board of regents, in the case of a certification of a qualifying gift to an eligible institution that is not a state educational institution. Subject to the other provisions of this act, on each July 1 thereafter, the director of accounts and reports shall make such transfer from the state general fund of the earnings equivalent award for such qualifying gift for the period of the preceding state fiscal year. All transfers made in accordance with the provisions of this subsection shall be considered demand transfers from the state general fund, except that all such transfers during the fiscal years ending ~~June 30, 2021,~~ June 30, 2022, ~~and~~ June 30, 2023, *and June 30, 2024,* shall be considered to be revenue transfers from the state general fund.

(b) There is hereby established in the state treasury the faculty of distinction program fund, which shall be administered by the state board of regents. All moneys transferred under this section to the faculty of distinction program fund of the state board of regents shall be paid to eligible educational institutions that are not state educational institutions for earnings equivalent awards for qualifying gifts to such eligible educational institutions. The state board of regents shall pay from the faculty of distinction program fund the amount of each such transfer to the eligible educational institution for the earnings equivalent award for which such transfer was made under this section.

(c) The earnings equivalent award for an endowed professorship shall be determined by the director of accounts and reports and shall be the amount of interest earnings that the amount of the qualifying gift certified by the state board of regents would have earned at the average net earnings rate of the pooled money investment board portfolio for the period for which the determination is being made.

(d) The total amount of new qualifying gifts that may be certified to the director of accounts and reports under this act during any state fiscal year for all eligible educational institutions shall not exceed $30,000,000. The total amount of new qualifying gifts that may be certified to the director of accounts and reports under this act during any state fiscal year for any individual eligible educational institution shall not exceed $10,000,000. No additional qualifying gifts shall be certified by the state board of regents under this act when the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts pursuant to this section, and amendments thereto, for a fiscal year is equal to or greater than $8,000,000 in fiscal year 2011 and in each fiscal year thereafter.

Sec. 184. K.S.A. 2021 Supp. 76-7,107 is hereby amended to read as follows: 76-7,107. (a) (1) On July 1, 2008, or as soon thereafter as sufficient moneys are available, $7,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 76-7,104, and amendments thereto.

(2) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 76-7,104, and amendments thereto, during the fiscal years ending ~~June 30, 2021,~~ June 30, 2022, ~~and~~ June 30, 2023, *and June 30, 2024*, pursuant to this section.

(b) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(c) All moneys credited to the infrastructure maintenance fund shall be expended or transferred only for the purpose of paying the cost of projects approved by the state board pursuant to the state educational institution long-term infrastructure maintenance program.

Sec. 185. K.S.A. 2021 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts that in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years ~~2021,~~ 2022 ~~and~~, 2023 *and 2024*; and (2) the amount of the transfer on each such date shall be $27,000,000 during fiscal year ~~2024~~

2025 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be revenue transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) 65% of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year; and (2) 35% of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 186. K.S.A. 2021 Supp. 79-2964 is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts that in the aggregate equal 2.823% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that no moneys shall be transferred from the state general fund to the county and city revenue sharing fund during state fiscal years ~~2021,~~ 2022 ~~and~~, 2023 *and 2024*. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 187. K.S.A. 2021 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and annual commercial vehicle fees collected pursuant to K.S.A. 2021 Supp. 8-143m, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; (2) no moneys shall be transferred from the state general fund to the special city and county highway fund during ~~state fiscal year 2021,~~ state fiscal year 2022 ~~or~~, state fiscal year 2023 *or state fiscal year 2024*;

and (3) all transfers under this section shall be considered to be demand transfers from the state general fund.

Sec. 188. K.S.A. 2021 Supp. 79-34,171 is hereby amended to read as follows: 79-34,171. (a) On January 1, 2009, and quarterly thereafter, the director of accounts and reports shall transfer $400,000 from the state general fund to the Kansas retail dealer incentive fund, except that no moneys shall be transferred pursuant to this section from the state general fund to the Kansas retail dealer incentive fund during the fiscal years ending ~~June 30, 2021,~~ June 30, 2022, ~~or~~ June 30, 2023, *or June 30, 2024*. On and after July 1, 2009, the unobligated balance in the Kansas retail dealer incentive fund shall not exceed $1.5 million. If the unobligated balance of the fund exceeds $1.1 million at the time of a quarterly transfer, the transfer shall be limited to the amount necessary for the fund to reach a total of $1.5 million.

(b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions of K.S.A. 79-34,170 through 79-34,175, and amendments thereto.

(c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of K.S.A. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.

Sec. 189. K.S.A. 2021 Supp. 79-4804 is hereby amended to read as follows: 79-4804. (a) After the transfer of moneys pursuant to K.S.A. 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 ½ 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 or for state fiscal years 2022 ~~and~~, 2023 *and 2024*, to an account or accounts of the fund created by appropriation acts.

(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 that in the aggregate equal $2,000,000 from the state economic development initiatives fund to the state water plan fund cre-

ated by K.S.A. 82a-951, and amendments thereto. ~~In state fiscal year 2021, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 that in the aggregate equal $913,325 from the state economic development initiatives fund to the state water plan fund.~~ In state fiscal year 2022, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 that in the aggregate equal $1,719,264 from the state economic development initiatives fund to the state water plan fund. ~~In state fiscal year 2023, 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 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 that meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

Sec. 190. K.S.A. 2021 Supp. 2-223, 12-1775a, 12-5256, 65-180, 74-50,107, 74-99b34, 75-2263, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171 and 79-4804 are hereby repealed.

Sec. 191. 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. 192. *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 this 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. 193. *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 initiative fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any such funds.

Sec. 194. *Savings.* (a) Any unencumbered balance as of June 30, 2022, in any special revenue fund, or account thereof, of any state agency named in this act that is not otherwise specifically appropriated or limit-

ed for fiscal year 2023 by this or any other appropriation act of the 2022 regular session of the legislature is hereby appropriated for the fiscal year ending June 30, 2023, for the same use and purpose as the same was heretofore appropriated.

(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, the Kansas endowment for youth fund, the Kansas educational building fund, the state institutions building fund or the correctional institutions building fund, or to any account of any of such funds.

Sec. 195. During the fiscal year ending June 30, 2023, all moneys that are lawfully credited to and available in any bond special revenue fund and that are not otherwise specifically appropriated or limited by this or other appropriation act of the 2022 regular session of the legislature are hereby appropriated for the fiscal year ending June 30, 2023, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this section, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority for the payment of debt service for bonds issued by the Kansas development finance authority or for any related purpose in accordance with applicable bond covenants.

Sec. 196. *Federal grants.* (a) During the fiscal year ending June 30, 2023, each federal grant or other federal receipt that is received by a state agency named in this act and that is not otherwise appropriated to that state agency for fiscal year 2023 by this or other appropriation act of the 2022 regular session of the legislature is hereby appropriated for fiscal year 2023 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt that has not been previously appropriated or reappropriated or approved for expenditure by the governor until the governor has authorized the state agency to make expenditures therefrom.

(b) In addition to the other purposes for which expenditures may be made by any state agency that is named in this act and that is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2023 by this act or any other appropriation act of the 2022 regular session of the legislature to apply for and receive federal grants during fiscal year 2023, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided,* That no expenditure

shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt that has not been previously appropriated or reappropriated or approved for expenditure by the governor until the governor has authorized the state agency to make expenditures therefrom.

(c) During the fiscal year ending June 30, 2023, the provisions of this section shall not apply to expenditures from the American rescue plan – state fiscal relief federal fund of the governor's department. Such expenditures are subject to the provisions of section 28(d) and (f).

Sec. 197. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2022 regular session of the legislature and having an unencumbered balance as of June 30, 2022, in excess of $100 is hereby reappropriated for the fiscal year ending June 30, 2023, for the same uses and purposes as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2021.

Sec. 198. (a) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2022 regular session of the legislature and having an unencumbered balance as of June 30, 2022, in excess of $100 is hereby reappropriated for the fiscal year ending June 30, 2023, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2021.

Sec. 199. (a) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2022 regular session of the legislature and having an unencumbered balance as of June 30, 2022, in excess of $100 is hereby reappropriated for the fiscal year ending June 30, 2023, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2021.

Sec. 200. Any transfers of moneys during the fiscal year ending June 30, 2023, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under

K.S.A. 46-1121, and amendments thereto, shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2023.

Sec. 201. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 19, 2022.

Published in the *Kansas Register* April 29, 2022.

† Section 43(d) was line-item vetoed.

† A portion of section 109(a) was line-item vetoed.

(See Messages from the Governor)