

# Journal of the Senate

FIFTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 29, 2021, 1:30 p.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 39 senators present.  
Senator Suellentrop was excused.  
Invocation by Reverend Cecil T. Washington:

Balancing Law And Love  
3 John 1:1-4, Proverbs 13:24

Spirit of the Living God, You prompted Your messenger John; 3 John 1:1-4, to communicate both the compassion of love and the firmness of truth. And Lord, we thank You for faithfully guiding us with the firmness of Your truth and protecting us with the compassion of Your love. Thank You for the balance of both.

You hold us to the codes necessary to regulate our behavior, the regulations needed for successful living. But You balance the restraining discipline of Your laws with the liberating power of Your love. For in Proverbs 13:24, You show that the compassion of love and the restraint of discipline are both needed.

So, help us to be like You. For law or policy without love is just empty regulation, while love or empathy without law is just weak flexibility. Help each one of us to be an example, a model of both Your law and Your love, Help us pour into others that balance that You pour into us.

I come to You in the Name of Him Who disciplines us, yet loved us to death. Amen!

The Pledge of Allegiance was led by President Masterson.

## POINT OF PERSONAL PRIVILEGE

Paris Cunningham and Blake Warrior were entered into the journal as guests of Senator Faust-Goudeau.

## CHANGE OF REFERENCE

The President withdrew **SB 286** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Judiciary**.

## MESSAGES FROM THE GOVERNOR

**SB 13** approved on March 26, 2021

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2176**.

The House concurs in Senate amendments to **HB 2072**.

The House adopts the Conference Committee report on **HB 2022**.

The House nonconcur in Senate amendments to **HB 2104**, requests a conference and has appointed Representatives Adam Smith, Mason and Gartner as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 58** and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 103** and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 107** and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 175** and has appointed Representatives Landwehr, Eplee and Parker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Sub SB 238** and has appointed Representatives Landwehr, Eplee and Parker as conferees on the part of the House.

**ORIGINAL MOTION**

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **S Sub HB 2104**.

The President appointed Senators Tyson, Alley and Holland as conferees on the part of the Senate.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2176** were thereupon introduced and read by title.

**CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator Olson moved the Senate concur in House amendments to **SB 65**.

**SB 65**, AN ACT concerning economic development; relating to the high performance incentive fund; workforce training program participation requirements; transferability of tax credits; amending K.S.A. 74-50,133 and 79-32,160a and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Peck.

Absent or Not Voting: Suellentrop.

The Senate concurred.

Senator Olson moved the Senate concur in House amendments to **SB 66**.

**SB 66**, AN ACT concerning income taxation; relating to the Kansas angel investor tax credit act; qualified securities; tax credit limitations and amounts; investor requirements; qualified Kansas business designation requirements; bioscience businesses; program expiration date; expenditures to make principal dwelling accessible to persons with a disability; amending K.S.A. 74-8132, 74-8133, 74-8136 and 79-32,176a and repealing the existing sections.

On roll call, the vote was: Yeas 29; Nays 9; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Ryckman, Sykes, Ware, Wilborn.

Nays: Baumgardner, Erickson, Hilderbrand, McGinn, Peck, Steffen, Straub, Thompson, Tyson.

Present and Passing: Warren.

Absent or Not Voting: Suellentrop.

The Senate concurred.

Senator Olson moved the Senate concur in House amendments to **SB 90**.

**SB 90**, AN ACT concerning the Kansas rural housing incentive district act; {amending the definition of "city";} permitting the use of bond proceeds for vertical renovations of certain buildings for residential purposes; amending K.S.A. 12-5249 {and K.S.A. 2020 Supp. 12-5242} and repealing the existing {sections}.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Baumgardner, Hilderbrand, Steffen, Straub, Tyson.

Absent or Not Voting: Suellentrop.

The Senate concurred.

## FINAL ACTION ON CONSENT CALENDAR

**HB 2050, HB 2162, HB 2214, HB 2367** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**HB 2050**, AN ACT concerning the legislative division of post audit; removing the requirement to submit certain documents thereto; amending K.S.A. 22-4514a, 75-3728c, 76-721 and 79-3233b and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson,

Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed.

**HB 2162**, AN ACT concerning census data; relating to data used in adopting senatorial and representative district boundaries; conforming law with certain amendments to the Kansas constitution and repealing certain obsolete provisions; making conforming revisions to certain references; amending K.S.A. 11-210 and K.S.A. 2020 Supp. 11-201, 17-2205 and 45-229 and repealing the existing sections; also repealing K.S.A. 11-204, 11-205, 11-206, 11-207, 11-208, 11-301, 11-302, 11-303, 11-304, 11-305, 11-306 and 11-307.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Tyson.

Absent or Not Voting: Suellentrop.

The bill passed.

#### EXPLANATION OF VOTE

Mr. President: I vote "AYE" on **HB 2162**. This bill makes the necessary amendments in state law to require that the actual U.S. census enumeration data be used for reapportionment of legislative and State Board of Education districts. Prior to the adoption of the state constitutional amendment in 2019, Article 10 of the Kansas Constitution required that the population data provided by the U.S. Census Bureau be adjusted for college students and military personnel. With the adoption of that constitutional amendment, our statutory references to those adjustments should be repealed.—MARCI FRANCISCO

**HB 2214**, AN ACT concerning state property; authorizing the secretary of administration on behalf of the department of corrections to convey land in Mitchell county to the city of Beloit; providing the procedure for the conveyance; relating to the payment of costs; requiring approval by the attorney general.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Tyson.

Absent or Not Voting: Suellentrop.

The bill passed.

**HB 2367**, AN ACT concerning the state corporation commission; relating to public

utilities; authorizing regulation of certain wire stringing activities; amending K.S.A. 66-104 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed.

### COMMITTEE OF THE WHOLE

On motion of Senator Alley, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Hilderbrand in the chair.

On motion of Senator Hilderbrand the following report was adopted:

**SB 290** be passed.

**HB 2134, HB 2165, HB 2167, HB 2203, HB 2218** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**HCR 5015** be adopted.

**SB 181** be amended by the adoption of the committee amendments, be further amended by motion of Senator Alley; on page 10, following line 12, by inserting:

"(c) This section shall not apply to any elevator located in a city or county that has adopted requirements or standards that meet or exceed the requirements or standards of this act and any rules and regulations adopted pursuant thereto."

and **SB 181** be passed as further amended.

### REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 263** be amended on page 1, in line 25, by striking "(i) for the taxable years commencing before January 1, 2021,"; in line 30, by striking "and"; by striking all in lines 31 through 36;

On page 2, in line 6, by striking "(i) for the taxable years commencing before January 1, 2021,"; in line 11, by striking "and"; by striking all in lines 12 through 17;

On page 1, in the title, in line 2, by striking all after the semicolon; in line 3, by striking all before "providing"; and the bill be passed as amended.

Also, **HB 2106** be amended on page 2, following line 3, by inserting:

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

On page 4, following line 15, by inserting:

"New Sec. 2. (a) Notwithstanding any other provision of law, for any individual

whose identity was fraudulently used to secure any type of compensation, if such individual never received such compensation, such compensation shall not be considered gross income and shall not be taxable for Kansas income tax purposes after determination by the department of revenue that the compensation was obtained fraudulently by another individual.

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

Sec. 3. K.S.A. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction, except that the federal net operating loss deduction shall not be added to an individual's federal adjusted gross income for tax years beginning after December 31, 2016.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income

below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to K.S.A. 79-32,117(c)(xv), and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and

amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal individual income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income tax return.

(xxi) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2020 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2020 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-99a07, and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to

the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2017, the cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary that are contributed to: (1) A family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary; or (2) an achieving a better life experience (ABLE) account established under the Kansas ABLE savings program or a qualified ABLE program established and maintained by another state or agency or instrumentality thereof pursuant to section 529A of the internal revenue code of 1986, as amended, for the purpose of saving private funds to support an individual with a

disability. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 75-643 and 75-652, and amendments thereto, and the provisions of such sections are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised

thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b)(xix) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term "livestock" shall not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city's home rule authority.

(xxiv) For taxable years beginning after December 31, 2013, and ending before January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(xxv) For all taxable years beginning after December 31, 2020, amounts received by retired individuals under all retirement plans to the extent included in federal adjusted gross income.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

(f) No taxpayer shall be assessed penalties and interest from the underpayment of taxes due to changes to this section that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.";

Also on page 4, in line 16, by striking "is" and inserting "and 79-32,117 are"; in line 18, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "corporate"; in line 2, by striking "tax" and inserting "corporate"; also in line 2, after "filed" by inserting "; providing conformity with the federal return due date for returns other than corporate returns; relating to adjusted gross income; exempting compensation income attributable as a result of identity fraud; providing a subtraction modification for amounts received from retirement plans"; in line 3, after "79-3221" by inserting "and 79-32,117"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2196** be amended by substituting a new bill to be designated as "Senate Substitute for Substitute for HOUSE BILL NO. 2196," as follows:

"Senate Substitute for Substitute for HOUSE BILL NO. 2196

By Committee on Commerce

"AN ACT concerning employment security; creating the unemployment compensation modernization and improvement council; providing for an audit to be conducted by the council; providing for development of a new unemployment insurance information technology system; claimant tax information website publication of trust fund data; maximum benefit period; charging of employer accounts for benefits paid; employment security board of review and emergency expansion thereof; employer contribution rate determination and schedules; crediting employer accounts for fraudulent or erroneous payments; services performed by petroleum landmen; lessor employment unit employee leasing restrictions; disclosure of information; shared work compensation program; establishing the my reemployment plan providing job search and job matching assistance to claimants and employers; providing for workforce training program availability for claimants; making and concerning appropriations for fiscal years 2021 through 2028; changing the benefit disqualification period for fraud; amending K.S.A. 44-758 and K.S.A. 2020 Supp. 44-703, 44-704, 44-705, 44-706, 44-709, 44-710, 44-710a, 44-710b, 44-714 and 44-757 and repealing the existing sections.";

And the substitute bill be passed.

Also, Committee on **Commerce** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

*Secretary, Kansas Department of Labor: K.S.A. 75-5701*

Amber Shultz, to serve at the pleasure of the Governor

Committee on **Federal and State Affairs** recommends **HB 2332**, as amended by House Committee, be amended on page 1, following line 8, by inserting:

"New Section 1. (a) The governor shall not have any authority to modify election laws or procedures by issuance of an executive order.

(b) Except as provided in subsection (c), neither the executive branch nor the judicial branch of state government shall have any authority to modify the state election laws.

(c) The secretary of state shall not enter into any consent decree or other agreement with any state or federal court regarding the enforcement of any election law or the alteration of any election procedure without specific approval of such consent decree by the legislative coordinating council.

(d) Nothing in this section shall be construed to limit or otherwise restrict the

judicial branch of state government in the exercise of any powers granted by article 3 of the constitution of the state of Kansas.

(e) If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of the section that can be given effect without the invalid provision or application, and, to this end, the provisions of this section are severable.

New Sec. 2. The secretary of state shall record and maintain a residential address and a mailing address for each registered voter. The residential address of a registered voter shall correspond to a physical location where the registered voter resides and shall not be a post office box or other address that cannot be used as a residence. The mailing address may be the same as the residential address but shall be recorded separately as the mailing address of the registered voter. The secretary shall record such information in any electronic database of registered voter information maintained by the secretary that is accessible by county election officers.";

On page 5, in line 4, after "(2)" by inserting "The application for an advance voting ballot included in such mailing shall be the official application for advance ballot by mail provided by the secretary of state. No portion of such application shall be completed prior to mailing such application to the registered voter.

(3) An application for an advance ballot shall include an envelope addressed to the appropriate county election office for the mailing of such advance ballot. In no case shall the person who mails the application direct that the completed advanced ballot application be returned to such person.

(4)";

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

Also on page 5, following line 30, by inserting:

"Sec. 4. K.S.A. 2020 Supp. 25-2423 is hereby amended to read as follows: 25-2423. (a) Election tampering is;:

(1) ~~While being charged with no election duty,~~ Making or changing any election record ~~unless the person is lawfully carrying out an election duty;~~

(2) ~~changing or attempting to change, alter, destroy or conceal any vote cast by paper ballot, election machine or computer;~~

(3) ~~changing or attempting to change any vote by manipulating computer hardware, computer software, election machine, wireless or cellular transmission or vote tabulation methods; or~~

(4) ~~knowingly producing false vote totals.~~

(b) Election tampering is a severity level 7, nonperson felony.";

Also on page 5, in line 31, by striking "is" and inserting "and 25-2423 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "relating to advance voting ballots" and inserting "prohibiting the governor, the executive branch and the judicial branch from modifying election laws; limiting the authority of the secretary of state to enter into certain consent decrees in court without legislative coordinating council approval; directing the secretary of state to include mailing addresses for registered voters in electronic databases maintained by the secretary; expanding the crime of election tampering"; in line 5, after "25-1122" by inserting "and 25-2423"; in line 6, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 304** be passed.

Committee on **Public Health and Welfare** recommends **SB 212** be amended on page 1, following line 7, by inserting:

"New Section 1. (a) Notwithstanding any other provision of law, except as provided in subsection (b), a person shall be immune from civil liability for damages, administrative fines or penalties for exposing, potentially exposing or causing another to be exposed to infectious or contagious disease arising from such person's:

- (1) Lack of immunization against such infectious or contagious disease;
- (2) decision not to require employees to be immunized against such infectious disease; or
- (3) decision to permit another who lacks immunization against such disease to enter any premises under the control of such person that is operated for any religious, civic, governmental, business or commercial purpose, whether for-profit or not-for-profit.

(b) The provisions of this section shall not apply to:

- (1) (A) Immunizations required by federal law or regulation; or
- (B) immunizations related to military service as defined in K.S.A. 48-3406, and amendments thereto; or
- (2) civil liability when it is established that the act, omission or decision constituted gross negligence or willful, wanton or reckless conduct.

New Sec. 2. (a) It is an unlawful employment practice to engage in any adverse employment action against a person because of such person's decision to either receive or not receive a particular immunization.

(b) As used in this section:

- (1) "Adverse employment action" means an ultimate employment decision involving hiring, firing, compensation, benefits or the failure to promote or grant leave.
- (2) "Employer" means the same as in K.S.A. 44-1112, and amendments thereto.
- (3) "Person" means individual, partnership, association, organization, corporation, legal representative, trustee, trustee in bankruptcy or receiver.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "public health" and inserting "immunizations; granting immunity from civil liability for exposure to disease resulting from lack of immunization; prohibiting an employer from taking adverse employment actions based upon an employee's immunization status"; and the bill be passed as amended.

Also, **HB 2151** be amended on page 1, in line 34, by striking the second "or"; in line 35, after "(G)" by inserting "a representative of the area agencies on aging; or (H)"; and the bill be passed as amended.

**HB 2209**, as amended by House Committee, be amended on page 23, in line 4, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Transparency and Ethics** recommends **HB 2096** be passed.

Also, **HB 2090**, as amended by House Committee, be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2020 Supp. 25-3801 is hereby amended to read as follows: 25-3801. (a) At each primary election, the members of the party residing in each precinct in each county of the state shall elect a man of their number as precinct committeeman and a woman of their number as precinct committeewoman. No person shall be eligible to

be a candidate for or hold the office of precinct committeeman or precinct committeewoman of a party in any precinct unless ~~such the~~ person actually ~~lives,~~ resides and occupies a place of abode in ~~such the~~ precinct, and is in all other respects a qualified elector and is shown as a member of ~~such the~~ party on the party affiliation list, in the office of the county election officer. Except as provided in subsection (b), any vacancy occurring in the office of precinct committeeman or committeewoman shall be promptly filled by appointment by the county chairperson, except that any vacancy which occurs because the party had no candidate at ~~such the~~ primary election shall not be filled until the county central committee has elected or reelected its chairperson. Not later than three days after appointment of precinct committeemen and committeewomen, the county chairperson making the appointments shall notify the county election officer of ~~such the~~ appointments. The county election officer shall make ~~such the~~ appointments public immediately upon receipt thereof. As used in this act, "primary election" means the statewide election held in August of even-numbered years.

(b) When a convention is to be held under article 39 of chapter 25 of Kansas Statutes Annotated, and amendments thereto, to fill a vacancy, no appointments shall be made under subsection (a): (1) After the county chairperson has received notice from the county election officer of a vacancy or a pending vacancy in a county elected office; or (2) after the county chairperson in each county, all or a part of which, is located within a legislative district has received notice from the secretary of state of a vacancy or a pending vacancy in a legislative office.

After the vacancy has been filled by a person elected at a convention held under article 39 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, any vacancy in the office of precinct committeeman or committeewoman shall be filled as provided by subsection (a).

(c) All precinct committeemen, committeewomen and appointees shall report to the county election officer within three days after the election or appointment of such committeeman, committeewoman or appointee their address, phone number and, if available, such person's email address.;

On page 3, in line 28, after "73-219" by inserting "and K.S.A. 2020 Supp. 25-3801";  
And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the first semicolon by inserting "requiring precinct committeemen and committeewomen to report certain information to the county clerk;"; in line 3, after the second "and" by inserting "K.S.A. 2020 Supp. 25-3801 and"; and the bill be passed as amended.

**HB 2390** be amended on page 18, following line 23, by inserting:

"Sec. 9. K.S.A. 2020 Supp. 45-217 is hereby amended to read as follows: 45-217. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "Clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person, including information that may pose a risk to a person or property and is not of legitimate concern to the public.

(c) "Criminal investigation records" means: (1) Every audio or video recording made and retained by law enforcement using a body camera or vehicle camera as

defined by K.S.A. 2020 Supp. 45-254, and amendments thereto; and (2) records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701, and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto.

(d) "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian of this act.

(e) "Cybersecurity assessment" means an investigation undertaken by a person, governmental body or other entity to identify vulnerabilities in cybersecurity plans.

(f) "Cybersecurity plan" means information about a person's information systems, network security, encryption, network mapping, access control, passwords, authentication practices, computer hardware or software or response to cybersecurity incidents.

(g) "Cybersecurity vulnerability" means a deficiency within computer hardware or software, or within a computer network or information system, that could be exploited by unauthorized parties for use against an individual computer user or a computer network or information system.

(h) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

(f)(i) (1) "Public agency" means the state or any political or taxing subdivision of the state or any office, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" ~~shall does~~ not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; or (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court.

~~(g)(j)~~ (1) "Public record" means any recorded information, regardless of form, characteristics or location, which is made, maintained or kept by or is in the possession of:

(A) Any public agency; or

(B) any officer or employee of a public agency pursuant to the officer's or employee's official duties and which is related to the functions, activities, programs or operations of any public agency.

(2) "Public record" ~~shall include~~ includes, but is not ~~be~~ limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.

(3) Notwithstanding the provisions of subsection ~~(g)(j)~~(1), "public record" ~~shall does~~ not include:

(A) Records ~~which that~~ are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds. As used in this subparagraph, "private person" ~~shall does~~ not include an officer or employee of a public agency who is acting pursuant to the officer's or employee's official duties;

(B) records ~~which that~~ are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state; or

(C) records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subparagraph shall not apply to records of employers of lump-sum payments for contributions as described in this subparagraph paid for any group, means, division or section of an agency.

~~(H)~~(k) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.

Sec. 10. K.S.A. 2020 Supp. 45-221 is hereby amended to read as follows: 45-221.

(a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records ~~which that~~ are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records ~~which that~~ pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information ~~which that~~ would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information ~~which that~~ would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records ~~which that~~ show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in

an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

- (A) Is in the public interest;
- (B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;
- (C) would not reveal the identity of any confidential source or undercover agent;
- (D) would not reveal confidential investigative techniques or procedures not known to the general public;
- (E) would not endanger the life or physical safety of any person; and
- (F) would not reveal the name, address, phone number or any other information ~~which that~~ specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of ~~paragraphs~~ subparagraphs (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, if disclosure would jeopardize public safety, including records of cybersecurity plans, cybersecurity assessments and cybersecurity vulnerabilities or procedures related to cybersecurity plans, cybersecurity assessments and cybersecurity vulnerabilities, or plans, drawings, specifications or related information for any building or facility ~~which that~~ is used for purposes requiring security measures in or around the building or facility or ~~which that~~ is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence ~~which that~~ is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or ~~which that~~ is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

- (A) The information ~~which that~~ the agency maintains on computer facilities; and
- (B) the form in which the information can be made available using existing

computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications ~~which that~~ are prepared by a person other than an employee of a public agency or records ~~which that~~ are the property of a private person.

(19) Well samples, logs or surveys ~~which that~~ the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body ~~which that~~ has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body ~~which that~~ has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records ~~which that~~ pertain to identifiable individuals.

(24) Records ~~which that~~ are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records ~~which that~~ represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations;

conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record ~~which that~~ is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and ~~which that~~ is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information ~~which that~~ would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to K.S.A. 40-409(b), and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under K.S.A. 40-2,156(a), and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third-party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital ~~which that~~ the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers, DD Form 214. Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with K.S.A. 44-532(h)(1), and amendments thereto. This exemption shall not be construed to

preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's e-mail address, cell phone number and other contact information ~~which~~that has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.

(50) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act, and amendments thereto, upon request of the party submitting such records.

(51) Records of a public agency on a public website ~~which~~that are searchable by a keyword search and identify the home address or home ownership of a law enforcement officer as defined in K.S.A. 2020 Supp. 21-5111, and amendments thereto, parole officer, probation officer, court services officer or community correctional services officer. Such individual officer shall file with the custodian of such record a request to have such officer's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such officer's identifying information from such public access. Such restriction shall expire after five years and such officer may file with the custodian of such record a new request for restriction at any time.

(52) Records of a public agency on a public website ~~which~~that are searchable by a keyword search and identify the home address or home ownership of a federal judge, a justice of the supreme court, a judge of the court of appeals, a district judge, a district magistrate judge, a municipal judge, the United States attorney for the district of Kansas, an assistant United States attorney, a special assistant United States attorney, the attorney general, an assistant attorney general, a special assistant attorney general, a county attorney, an assistant county attorney, a special assistant county attorney, a district attorney, an assistant district attorney, a special assistant district attorney, a city attorney, an assistant city attorney or a special assistant city attorney. Such person shall file with the custodian of such record a request to have such person's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such person's identifying information from such public access. Such restriction shall expire after five years and such person may file with the custodian of such record a new request for restriction at any time.

(53) Records of a public agency that would disclose the name, home address, zip code, e-mail address, phone number or cell phone number or other contact information for any person licensed to carry concealed handguns or of any person who enrolled in or completed any weapons training in order to be licensed or has made application for such license under the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, shall not be disclosed unless otherwise required by law.

(54) Records of a utility concerning information about cyber security threats, attacks or general attempts to attack utility operations provided to law enforcement agencies, the state corporation commission, the federal energy regulatory commission, the department of energy, the southwest power pool, the North American electric reliability corporation, the federal communications commission or any other federal, state or regional organization that has a responsibility for the safeguarding of telecommunications, electric, potable water, waste water disposal or treatment, motor fuel or natural gas energy supply systems.

(55) Records of a public agency containing information or reports obtained and prepared by the office of the state bank commissioner in the course of licensing or examining a person engaged in money transmission business pursuant to K.S.A. 9-508 et seq., and amendments thereto, shall not be disclosed except pursuant to K.S.A. 9-513c, and amendments thereto, or unless otherwise required by law.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer ~~which that~~ may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" ~~shall does~~ not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material ~~which that~~ is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record ~~which that~~ is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions ~~which that~~ are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record ~~which that~~ pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record ~~which that~~ has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.;

On page 28, in line 25, after "40-4913," by inserting "45-217, 45-221,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "creating exemptions in the open records act for cybersecurity assessments, plans and vulnerabilities,;" in line 5, after the comma by inserting "45-217, 45-221,;" and the bill be passed as amended.

**HB 2391**, as amended by House Committee, be amended on page 1, following line 19, by inserting:

"New Section 1. Notwithstanding the provisions of K.S.A. 75-1005(a), and

amendments thereto, for the purpose of fulfilling public printing and binding requirements provided by law, the secretary of state may utilize the printing or binding services of the division of printing or, in the discretion of the secretary of state, may acquire printing or binding services in accordance with the purchasing and procurement laws applicable to state agencies.";

On page 12, in line 14, before "business" by inserting "past due"; also in line 14, by striking all after "for"; in line 15, by striking all before "and" and inserting "the immediately preceding 10 years";

On page 24, following line 29, by inserting:

"Sec. 24. On and after January 1, 2023, K.S.A. 2020 Supp. 17-76,146 is hereby amended to read as follows: 17-76,146. (a) A domestic limited liability company whose articles of organization or a foreign limited liability company whose authority to do business has been canceled or forfeited pursuant to K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, or whose articles of organization or authority to do business has been forfeited pursuant to K.S.A. 17-76,139(d), and amendments thereto, may be reinstated by filing with the secretary of state a certificate of reinstatement accompanied by the payment of the fee required by K.S.A. 17-76,136(d), and amendments thereto, and payment of the annual business entity information report fees due under K.S.A. 17-76,139(c), and amendments thereto, ~~and all penalties and interest thereon due at the time of the cancellation or forfeiture of its articles of organization or authority to do business for all past due reports for the immediately preceding 10 years, and payment to the secretary of state an amount equal to all fees and any penalties due.~~ The certificate of reinstatement shall set forth:

(1) The name of the limited liability company at the time its articles of organization or authority to do business was canceled or forfeited and, if such name is not available at the time of reinstatement, the name under which the limited liability company is to be reinstated;

(2) the address of the limited liability company's registered office in the state of Kansas and the name and address of the limited liability company's resident agent in the state of Kansas;

(3) a statement that the certificate of reinstatement is filed by one or more persons authorized to execute and file the certificate of reinstatement to reinstate the limited liability company; and

(4) any other matters the persons executing the certificate of reinstatement determine to include therein.

(b) The certificate of reinstatement shall be deemed to be an amendment to the articles of organization or application for registration of the limited liability company, and the limited liability company shall not be required to take any further action to amend its articles of organization or application for registration under K.S.A. 17-7674 or K.S.A. 2020 Supp. 17-7935, and amendments thereto, with respect to the matters set forth in the certificate of reinstatement.

(c) Upon the filing of a certificate of reinstatement, a limited liability company and all series thereof that have been formed and whose certificate of designation has not been canceled prior to the cancellation of the articles of organization shall be reinstated with the same force and effect as if its articles of organization or authority to do business had not been canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto. Such

reinstatement shall validate all contracts, acts, matters and things made, done and performed by the limited liability company, its members, managers, employees and agents during the time when its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, with the same force and effect and to all intents and purposes as if the articles of organization or authority to do business had remained in full force and effect. All real and personal property, and all rights and interests, which belonged to the limited liability company at the time its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, or which were acquired by the limited liability company following the cancellation or forfeiture of its articles of organization or authority to do business pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, and which were not disposed of prior to the time of its reinstatement, shall be vested in the limited liability company after its reinstatement as fully as they were held by the limited liability company at, and after, as the case may be, the time its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto. After its reinstatement, the limited liability company shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its members, managers, employees and agents prior to its reinstatement as if its articles of organization or authority to do business had at all times remained in full force and effect.";

Also on page 24, in line 37, by striking all after the third comma; by striking all in line 38; in line 39, by striking "designation" and inserting "for all past due reports for the immediately preceding 10 years, and payment to the secretary of state an amount equal to all fees and any penalties due";

On page 32, in line 25, by striking "29" and inserting "31";

On page 33, following line 33, by inserting:

"Sec. 34. K.S.A. 45-106 is hereby amended to read as follows: 45-106. The secretary of state shall dispose of the laws passed at each session of the legislature, immediately after their publication, as follows:

*First.* Deposit in the state library such numbers of copies as are needed for use in the state library, for the purposes of the publication collection and depository system established under K.S.A. 75-2566, and amendments thereto, and for the purpose of making exchanges with the libraries of the several states and territories.

*Second.* Distribute: (a) One copy to the governor, lieutenant governor, each member of the state legislature, attorney general, secretary of state; and state historical society library, upon request therefor; (b) to each organized city of the first, second and third classes in this state requesting the same; (c) one copy each to the clerk of the United States court of appeals for the 10<sup>th</sup> circuit, to the clerk of the United States district court for Kansas and to the United States marshal for the district of Kansas, upon request therefor; (d) to the law department of the university of Kansas, not more than 10 copies and to the Washburn university school of law, not more than 10 copies, upon request therefor; (e) to the director of legislative administrative services such number of copies as such director shall request for use by the legislature; (f) to the office of revisor of statutes such number of copies as the revisor of statutes shall request for use in such

office; (g) to the legislative research department such number of copies as the director of legislative research shall request for use in such office; (h) to the division of post audit such number of copies as the post auditor shall request for use in such office; (i) to the several offices of the judicial branch of state government such number of copies as the chief justice of the supreme court shall request for use in such offices; and (j) to the supreme court law library such number of copies as the state law librarian shall request for use in the law library and for the purpose of maintaining exchanges for books, documents and publications of a legal nature for use in the law library.

*Third.* To the clerk of the board of county commissioners of each county, upon request therefor, a sufficient number of copies of the laws to be distributed by such clerk to each of the following officers in such county, allowing one for each: The district attorney or county attorney, register of deeds, county clerk, county treasurer, sheriff; and the board of county commissioners.

*Fourth.* Copies of the laws passed at each session of the legislature shall be deposited with the state librarian and such librarian is hereby authorized to furnish one copy to each high school, college, university; and public library in the state of Kansas, upon written application of its managing officer to the state librarian.

Sec. 35. K.S.A. 2020 Supp. 45-107 is hereby amended to read as follows: 45-107. (a) The secretary of state shall sell copies of the session laws at the per volume price for such copies fixed by the secretary of state under this section. The secretary of state shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and services fee fund of the secretary of state.

(b) Whenever the inventory of copies of any volume of the session laws exceeds 100 and a later volume of the session laws has been published, the secretary of state may dispose of copies of such volume without making a charge therefor until the inventory of such volume is reduced to 100 copies. When the inventory of any volume of the session laws is 100 copies or less, the secretary of state, with the approval of the revisor of statutes, may dispose of copies from such inventory without making a charge therefor.

(c) The secretary of state shall fix ~~by rules and regulations~~ the per volume price for copies of the session laws sold under this section to recover the costs of ~~printing, binding, publishing~~ and storing such volumes, whether published in print or electronic form. The secretary of state shall revise all such prices from time to time as necessary for the purposes of covering and recovering such costs.";

On page 38, following line 4, by inserting:

"Sec. 37. K.S.A. 45-315 is hereby amended to read as follows: 45-315. ~~The secretary of state shall furnish to the state printer, within twenty (20) days after the sine die adjournment of each legislative session occurring in odd-numbered years and within forty (40) days after the sine die adjournment of the legislative session occurring in even-numbered years, a copy of all acts, resolutions and other matters except the index which are required to be published and bound in the session laws, and in the form required by K.S.A. 45-301. Thereupon~~ After the sine die adjournment of each legislative session, the state printer and the secretary of state shall complete preparation and printing of at least a limited number of each volume of the session laws for publication on or before July 1 of such year. The state printer shall thereafter, as rapidly as

practicable, print and deliver to the secretary of state bound copies as provided by law.";

On page 41, in line 33, by striking all after "state"; in line 34, by striking all before the period and inserting ", and all past due business entity information reports for the immediately preceding 10 years, and payment to the secretary an amount equal to all fees and any penalties due";

On page 43, in line 9, by striking all after "state"; in line 10, by striking all before the period and inserting ", and all past due business entity information reports for the immediately preceding 10 years, and payment to the secretary of state an amount equal to all fees and any penalties due";

On page 46, in line 21, by striking all after "state"; in line 22, by striking all before the period and inserting ", and all past due business entity information reports for the immediately preceding 10 years, and payment to the secretary an amount equal to all fees and any penalties due";

On page 47, in line 31, by striking all after "state"; by striking all in line 32; in line 33, by striking "state" and inserting ", and all past due business entity information reports for the immediately preceding 10 years, and payment to the secretary of state an amount equal to all fees and any penalties due"; following line 35, by inserting:

"Sec. 47. K.S.A. 64-103 is hereby amended to read as follows: 64-103. (a) All acts of the legislature ~~which that~~ shall provide for their taking effect on publication in any newspaper or in the Kansas register shall be published in the Kansas register, which shall be deemed the official publication. Publication of the Kansas register may be in print or electronic form. Except as otherwise provided in this subsection, all proclamations, orders, notices and advertisements authorized by any state officer shall be printed and published in the Kansas register. Payment for such publication shall be made by the state at the rates prescribed by law. The provisions of this subsection shall not apply to: (1) Resolutions making propositions to amend the constitution; or (2) proclamations issued by the governor ~~which that~~ are not required by law to be issued by the governor. All proclamations issued by the governor ~~which that~~ are not published in the Kansas register shall be published on the official Kansas ~~internet~~ website.

(b) ~~(1)~~ For the purpose of informing the electors of the propositions to be voted on at the election thereon, the secretary of state shall cause resolutions making propositions to amend the constitution to be published in ~~one newspaper in each county of the state where a newspaper is published, one newspaper in each county of the state where a newspaper is published, or, if no newspaper is published in a county, then in a Kansas-published newspaper of general circulation in each county once each week for three consecutive weeks immediately preceding the election at which the proposition is to be submitted.~~

(2) After such publication, the secretary of state shall certify the amount of moneys expended on such publication and shall transmit a copy of such certification to the director of accounts and reports. Upon receipt of such certification, the director of accounts and reports shall transfer an amount of moneys equal to such certified amounts from the state general fund to the information services fee fund of the secretary of state and shall transmit a notification of such transfer to the director of legislative research and the director of the budget.

Sec. 48. K.S.A. 75-430 is hereby amended to read as follows: 75-430. (a) The secretary of state shall compile, index and publish a publication to be known as the Kansas register. Such register shall contain:

(1) All acts of the legislature required to be published in the Kansas register;  
 (2) all executive orders and directives of the governor ~~which that~~ are required to be filed in the office of the secretary of state;

(3) summaries of all opinions of the attorney general interpreting acts of the legislature as prepared by the office of the attorney general;

(4) notice of any public comment period on contemplated modification of an existing rule and regulation, and, in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto, all notices of hearings on proposed administrative rules and regulations and the full text of all administrative rules and regulations that have been adopted and filed with the secretary of state;

(5) the full text of all administrative rules and regulations ~~which that~~ have been adopted and filed in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto, except that the secretary of state may publish a summary of any rule and regulation together with the address of the state agency from which a copy of the full text of the proposed rules and regulations may be received, if such rule and regulation is lengthy and expensive to publish and otherwise available in published form and a summary will, in the opinion of the secretary, properly notify the public of the contents of such rule and regulation;

(6) a cumulative index of all administrative rules and regulations ~~which that~~ have been adopted and filed in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto;

~~(7) all notices of hearings of special legislative interim study committees, descriptions of all prefiled bills and resolutions and descriptions of all bills and resolutions introduced in the legislature during any session of the legislature, and other legislative information which is approved for publication by the legislative coordinating council;~~

~~(8) the hearings docket of the Kansas supreme court and the court of appeals;~~

(9) summaries of all orders of the state board of tax appeals ~~which that~~ have statewide application;

~~(10)~~(9) all advertisements for contracts for construction, repairs, improvements or purchases by the state of Kansas or any agency thereof for which competitive bids are required; and

~~(11)~~(10) any other information ~~which that~~ the secretary of state deems to be of sufficient interest to the general public to merit its publication or which is required by law to be published in the Kansas register.

(b) The secretary of state shall publish such register at regular intervals, but not less than weekly.

(c) Each ~~issue publication~~ of the register shall contain a table of contents.

(d) A cumulative index to all information required by K.S.A. 75-430 through 75-434, and amendments thereto, to be published during the previous year shall be published at least once each year.

(e) The secretary of state may omit from the register any information the publication of which the secretary deems cumbersome, expensive, or otherwise inexpedient, if the information is made available in printed or processed form by the adopting agency on application for it, and if the register contains a notice stating the general subject matter of the information and the manner in which a copy of it may be

obtained.

(f) ~~One copy of each issue of~~ A subscription to the register shall be made available without charge on request to each officer, board, commission, and department of the state having statewide jurisdiction, to each member of the legislature, to each county clerk in the state, and to the supreme court, court of appeals and each district court.

(g) The secretary of state shall make ~~paper copies of a subscription to~~ the register available upon payment of a fee to be fixed by the secretary of state under K.S.A. 75-433, and amendments thereto.

Sec. 49. K.S.A. 75-433 is hereby amended to read as follows: 75-433. (a) The secretary of state may fix, charge and collect publication fees from state agencies for the publication of documents and information required or authorized by law to be published in the Kansas register.

(b) The secretary of state ~~shall~~ may sell annual subscriptions to the Kansas register and ~~shall~~ may fix, charge and collect subscription fees from subscribers.

(c) ~~On and after July 1, 1984, Fees established under this section shall be fixed in amounts adequate to recover the costs of printing, binding, postage and handling attributable to the preparation and distribution of~~ producing and distributing the Kansas register.

(d) The secretary of state shall remit all moneys received by the secretary under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the state register fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person or persons designated by the secretary.

Sec. 50. K.S.A. 75-436 is hereby amended to read as follows: 75-436. (a) The secretary of state shall fix, charge and collect fees to recover the costs of delivery, including postage and handling, which are incurred in connection with the sale of volumes of the session laws, volumes and sets of the Kansas Statutes Annotated, including the cumulative supplements thereto, volumes of the permanent journals of the senate and house of representatives and volumes and sets of the Kansas administrative regulations, including the annual supplements thereto. ~~All such fees shall be fixed by rules and regulations adopted by the secretary of state.~~

(b) The secretary of state shall remit all moneys received from fees and charges 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 information and services fee fund of the secretary of state.";

Also on page 47, following line 42, by inserting:

"Sec. 52. K.S.A. 75-1005 is hereby amended to read as follows: 75-1005. (a) Except as provided by subsection (b), the division of printing shall do all of the public printing and binding required by the legislature, the supreme court, the governor or any state agency. Any state institution where a printing plant is already established may be permitted to do printing for the institution when approved by the director of printing. When the director of printing is of the opinion that a particular printing job should be obtained in the commercial market, such director, unless otherwise instructed by the secretary of administration, may authorize any state agency to so obtain such printing in

accordance with laws relating to purchasing. ~~The provisions of this section shall not apply to contracts entered into under K.S.A. 76-392 or as otherwise provided by law.~~

(b) The secretary of state may obtain printing or binding services as provided by section 1, and amendments thereto, in the commercial market in accordance with laws related to purchasing and procurement by state agencies. The secretary of state shall not be required to obtain the authorization of the director of printing or of the secretary of administration otherwise required for state agencies under subsection (a) to obtain such printing or binding services."

On page 49, following line 23, by inserting:

"Sec. 54. K.S.A. 77-138 is hereby amended to read as follows: 77-138. (a) Volumes of the Kansas Statutes Annotated shall be printed and bound by the director of printing and delivered to the secretary of state who shall dispose of them as follows:

*First*, the secretary of state shall deposit in the supreme court law library and in the state library such number of copies as the state law librarian and the state librarian, respectively, shall request for use in the law library and the state library, for the purposes of the publication collection and depository system established under K.S.A. 75-2566, and amendments thereto, and for the purpose of making exchanges with the various states and territories, and the secretary of state shall retain one set for the secretary's use in the secretary's office.

*Second*, (1) the secretary of state shall distribute ~~two~~ one complete ~~sets~~ set of the Kansas Statutes Annotated to each new member of the legislature at each regular session, ~~one set of which shall have the respective member's name and if requested by the new member, the new member's name shall be printed thereon.~~

(2) The secretary of state shall distribute such number of complete sets and individual volumes of the Kansas Statutes Annotated: (A) To the office of revisor of statutes as the revisor of statutes shall request; (B) to the legislative research department as the director of legislative research shall request; (C) to the division of post audit as the post auditor shall request; (D) to the division of legislative administrative services as the director of legislative administrative services shall request; and (E) to the judicial branch of state government as the chief justice of the supreme court shall request.

(3) The secretary of state shall distribute: (A) Two sets to each representative in congress and United States senator from the state of Kansas, upon request by such representative or senator; (B) one set each to the governor, lieutenant governor and attorney general; (C) to Washburn university school of law, the number of sets, not to exceed 60 sets, that the librarian of the school of law certifies to the secretary of state as necessary for the purpose of exchanging with other states and territories and to be kept in the library for the use of faculty and students of the university; (D) to the school of law of the university of Kansas, the number of sets, not to exceed 60 sets, that the librarian of the school of law certifies to the secretary of state as necessary for the purpose of exchanging with other states and territories and to be kept in the library for the use of faculty and students of the university; (E) to the clerk of the district court of the United States for the state of Kansas, the number of sets, not to exceed five sets, as are requested by such clerk; (F) one set to each county law library in the state, upon request by the librarian thereof; (G) to each county clerk, the number of sets requested by the county clerk, not to exceed seven sets, to be distributed not more than one set each to the county or district attorney, the county clerk, the county counselor, if any, the register of deeds, the sheriff, the county treasurer, and the board of county

commissioners, which set shall be retained by the county clerk for use by such board; (H) not more than one set to each city of the third class, one set to each city of the second class and two sets to each city of the first class, upon request by the city clerk; and (I) one set to the state historical society library.

*Third*, the balance of statute books, after the above distribution shall be kept by the secretary of state for sale.

(b) The secretary of state shall sell each volume of the Kansas Statutes Annotated, including replacement volumes, at the per volume price fixed therefor by the legislative coordinating council under this section. General index volumes, when sold separately and not as a part of a set of cumulative supplements, shall be sold at the per volume price fixed therefor by the legislative coordinating council. The secretary of state shall remit all moneys received from such sales 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 state general fund.

(c) The legislative coordinating council shall fix the per volume price of each volume of the Kansas Statutes Annotated, including replacement volumes, sold under this section to recover the costs of printing and binding such volumes. The legislative coordinating council shall revise such prices from time to time for the purposes of covering and recovering such costs.

Sec. 55. K.S.A. 77-417 is hereby amended to read as follows: 77-417. (a) The secretary of state shall:

(1) Endorse on each rule and regulation filed, the ~~time and~~ date of the filing thereof;

(2) maintain a file of such rules and regulations for public inspection;

(3) keep a complete record of all amendments and revocations of rules and regulations;

(4) index the rules and regulations so filed; and

(5) publish the rules and regulations as hereinafter provided.

(b) The secretary of state shall have the discretion to return to the appropriate state agency or to otherwise dispose of any document or other material ~~which~~ that had been adopted previously by reference and filed with the secretary of state.

Sec. 56. K.S.A. 77-430 is hereby amended to read as follows: 77-430. (a) The secretary of state shall publish the Kansas administrative regulations in an electronic or paper medium. The secretary of state shall make the Kansas administrative regulations available by request to the following:

(1) The supreme court law library and the state library;

(2) the law schools and law libraries of the university of Kansas and Washburn university;

(3) each member of the legislature at the time of taking office, after election or appointment, for the member's first term of office as a member of either house of the legislature ~~which~~ that commences on or after the second Monday of January in 1991, except that a term of office as a member of either house of the legislature, whether a complete or partial term of office, shall not be construed for purposes of this distribution to be the member's first term of office if such term of office is part of a continuous period of service as a member of either house of the legislature or both houses of the legislature, in any combination of consecutive terms of office;

- (4) each member of the joint committee on administrative rules and regulations;
- (5) the governor, lieutenant governor, attorney general and state historical society library;
- (6) the judicial branch of state government;
- (7) each county law library;
- (8) the city library in each city of the first and second class;
- (9) each county library;
- (10) the office of revisor of statutes;
- (11) the legislative research department;
- (12) the division of post audit; and
- (13) the division of legislative administrative services.

(b) The Kansas administrative regulations may be purchased in complete sets or in single volumes. Single volumes of the Kansas administrative regulations shall be sold by the secretary of state at the per volume price fixed by the secretary of state under this section. Complete sets of the Kansas administrative regulations shall be sold by the secretary of state at the per set price fixed therefor by the secretary of state under this section.

(c) All moneys received from such sales 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 information and services fee fund of the secretary of state.

(d) The secretary of state shall fix ~~by rules and regulations~~ the per volume and complete set prices of the Kansas administrative regulations sold under this section to recover the costs of publishing and storing such volumes, whether in printed or electronic form. The secretary of state shall revise such prices from time to time for the purposes of covering and recovering such costs.

Sec. 57. K.S.A. 77-430a is hereby amended to read as follows: 77-430a. (a) The secretary of state shall edit and prepare for publication volumes of rules and regulations ~~which~~ that replace existing volumes of the Kansas administrative regulations within the limitations of available appropriations therefor. Replacement volumes shall be published in the same format and in accordance with the same specifications used in the volume replaced and shall be authenticated as required by K.S.A. 77-429, and amendments thereto. Replacement volumes of the Kansas administrative regulations shall be published by the secretary of state who shall distribute and sell such replacement volumes in the same manner as provided in K.S.A. 77-430, and amendments thereto, for the distribution and sale of other volumes of the Kansas administrative regulations, except that each member of the senate or house of representatives shall receive, upon request, one copy of each replacement volume for the purpose of updating the set of the Kansas administrative regulations received at the time of taking office for the member's first term of office as a member of either house of the legislature as provided in K.S.A. 77-430, and amendments thereto.

(b) Moneys received from the sale of replacement volumes under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and services fee fund of the secretary of state.

(c) The secretary of state shall fix ~~by rules and regulations~~ the per volume price, or the complete set price if more than one replacement volume is published, of any replacement volume of the Kansas administrative regulations sold under this section to recover the costs of publishing and storing such volumes, whether in printed or electronic form. The secretary of state shall revise such prices from time to time for the purposes of covering and recovering such costs.

Sec. 58. K.S.A. 77-431 is hereby amended to read as follows: 77-431. (a) The secretary of state shall publish and make available the annual supplements to the Kansas administrative regulations. The secretary of state shall transmit the same number of copies of each annual supplement in the same manner as provided in ~~subsection (a) of~~ K.S.A. 77-430(a), and amendments thereto, for distribution of Kansas administrative regulations, except that each member of the senate or house of representatives shall receive, upon request, one copy of each annual supplement for the purpose of updating the set of the Kansas administrative regulations received at the time of taking office for the member's first term of office as a member of either house of the legislature as provided in K.S.A. 77-430, and amendments thereto.

The secretary of state may publish the supplements to the Kansas administrative regulations in an electronic or paper medium.

(b) Moneys received from the sale of supplements under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and services fee fund of the secretary of state.

(c) The secretary of state shall fix ~~by rules and regulations~~ the per volume price, or the complete set price if more than one volume is published, for each annual supplement to the Kansas administrative regulations sold under this section to recover the costs of publishing and storing such volumes, whether published in an electronic or paper medium. The secretary of state shall revise such prices from time to time for the purposes of covering and recovering such costs.

Sec. 59. K.S.A. 77-438 is hereby amended to read as follows: 77-438. (a) (1) A state agency may issue a guidance document without following the procedures set forth in this act for the adoption of rules and regulations.

(2) For the purposes of this section, "guidance document" means a record of general applicability that:

- (A) Is designated by a state agency as a guidance document;
- (B) lacks the force of law; and
- (C) states:
  - (i) The agency's current approach to, or interpretation of, law; or
  - (ii) general statements of policy that describe how and when the agency will exercise discretionary functions.

(b) A guidance document may contain binding instructions to state agency staff members except officers who preside in adjudicatory proceedings.

(c) If a state agency proposes to act in an adjudication at variance with a position expressed in a guidance document, the state agency shall provide a reasonable explanation for the variance. If an affected person in an adjudication claims to have reasonably relied on the agency's position, the state agency's explanation for the variance shall include a reasonable justification for the agency's conclusion that the

need for the variance outweighs the affected person's reliance interests.

(d) Each state agency shall:

- (1) Maintain an index of all of its currently effective guidance documents;
- (2) publish the index on its website; and
- (3) make all guidance documents available to the public; ~~and~~
- (4) ~~file the index in the manner prescribed by the secretary of state.~~

(e) A guidance document may be considered by a presiding officer or agency head in an agency adjudication, but such guidance document shall not bind any party, the presiding officer or the agency head.

(f) Any agency that issues a guidance document shall provide a copy of such document to the joint committee on administrative rules and regulations. Such document may be submitted electronically.";

Also on page 49, in line 24, after the comma by inserting "45-106, 45-315,"; also in line 24, by striking the first "and" and inserting a comma; also in line 24, after "56a-101" by inserting ", 64-103, 75-430, 75-433, 75-436, 75-1005, 77-138, 77-417, 77-430, 77-430a, 77-431 and 77-438"; in line 25, after the third comma by inserting "45-107,"; in line 31, after "17-76,139," by inserting "17-76,146,"; in line 32, by striking "29" and inserting "31";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "business entities" and inserting "the secretary of state; relating to duties and responsibilities thereof"; also in line 1, by striking "biannual" and inserting "biennial"; in line 8, after the semicolon by inserting "publication and distribution of session laws, the Kansas register, proposed amendments to the constitution of the state of Kansas and Kansas administrative rules and regulations; permitting use of printing and binding services from the commercial market;"; in line 9, after the fourth comma by inserting "45-106, 45-315,"; in line 10, after the first comma by inserting "64-103, 75-430, 75-433, 75-436,"; also in line 10, by striking the first "and" and inserting ", 75-1005,"; also in line 10, after "75-3520" by inserting ", 77-138, 77-417, 77-430, 77-430a, 77-431 and 77-438"; in line 13, after "17-76,139," by inserting "17-76,146,"; in line 14, by striking "29" and inserting "31"; in line 15, after the first comma by inserting "45-107,"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **Substitute for HB 2094** be passed.

Also, **HB 2021**, as amended by House Committee of the Whole, be amended on page 1, in line 8, after "in" by inserting "northeast Kansas, including, but not limited to,"; in line 9, by striking "or" and inserting "and"; also in line 9, by striking "county" and inserting "counties"; in line 28, after the second comma by inserting "prior to the issuance of any bonds pursuant to this section,"; in line 34, after "thereto" by inserting ", and the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given when the legislature is in session";

On page 1, in the title, in line 3, by striking the second "and" and inserting a comma; in line 4, after "administration" by inserting "and the state finance council"; and the bill be passed as amended.

**HB 2248** be amended on page 1, in line 16, by striking "\$15,000" and inserting "\$12,000"; and the bill be passed as amended.

Committee on **Ways and Means** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

*Member, Kansas Development Finance Authority: K.S.A. 74-8903*

Suchitra Padmanabhan, to fill a term expiring on January 15, 2025

**REPORT ON ENROLLED BILLS**

**H Sub SB 63; SB 64, SB 118** reported correctly enrolled, properly signed and presented to the Governor on March 26, 2021.

On motion of Senator Alley, the Senate adjourned until 1:30 p.m., Tuesday, March 30, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

