

# Journal of the Senate

SIXTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, April 28, 2023, 10:00 a.m.

The Senate was called to order by President Ty Masterson.

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

“Let us enter His presence with thanksgiving;  
Let us make a joyful noise to Him in song.” Psalm 95:2

How Can I Say Thanks, for the things You have done for me?  
Things so undeserved, yet You gave to prove Your love for me.  
The voices of a million angels could not express my gratitude.

All that I am or ever hope to be, I owe it all to Thee  
To God Be The Glory! To God Be The Glory! To God Be The Glory!  
For the things You have done!

Just let me live my life that it be pleasing Lord to Thee  
And should I gain any praise, let it go to Calvary  
With Your Love, You have saved me.

With Your power, You have raised me.  
To God Be The Glory! To God Be The Glory! To God Be The Glory!  
For the things You have done! Amen!

The Pledge of Allegiance was led by President Masterson.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Bowers and Billinger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1726—

A RESOLUTION honoring the legendary Kansas  
sculptor Pete Felten on his 90<sup>th</sup> birthday.

WHEREAS, The legendary sculptor, iconic artist and lifelong Kansan Pete Felten Jr., was born in April 1933 in Hays, Kansas; and

WHEREAS, While attending Hays High School, Felten was recognized as a track star and expert swimmer; and

WHEREAS, After graduating high school, Felten enrolled in courses at Fort Hays State University and served in the U.S. Navy from 1952 through 1956; and

WHEREAS, Shortly after serving his country, Felten started sculpting limestone in

1957 at the age of 24; and

WHEREAS, Felten is described as a gracious, sharing and contributing member of the Hays community; and

WHEREAS, Felten's limestone works have made him a cultural, historic and renowned icon in Hays, the State of Kansas and the United States of America; and

WHEREAS, With just a hammer and a chisel, Felten has crafted hundreds of limestone landmarks, monuments and symbols throughout Kansas; and

WHEREAS, In 1961, Felten finished Buffalo Bill Cody, Felten's first large commissioned piece, located in front of the Hays Public Library; and

WHEREAS, In 1967, Felten completed Monarch of the Plains, a monstrous 8-foot-high, 24-ton sculpture at the historic Fort Hays, just off U.S. Highway 183, to commemorate the centennial of the City of Hays; and

WHEREAS, In 1976, Felten created the Hereford Bull, located at the Kansas State University Agricultural Research Center, to commemorate the center's 75<sup>th</sup> anniversary celebration in 1976; and

WHEREAS, In the early 1980s, Felten was commissioned to carve for the Kansas State Capitol the likeness of four prominent Kansans, namely, former U.S. President Dwight D. Eisenhower, aviation pioneer Amelia Earhart, Topeka journalist and former U.S. Senator Arthur Capper and Emporia journalist William Allen White; and

WHEREAS, In Hays, Felten meticulously carved the sculptures of the same four famous Kansans out of Silverdale limestone, which came from southeastern Kansas, during a three-year span; and

WHEREAS, Later, the sculptures of the four famous Kansans were moved east 200-some miles down Interstate 70, to be displayed in the rotunda of the Kansas State Capitol; and

WHEREAS, Kansas State Capitol visitors will be able to enjoy, learn and appreciate Felten's four famous Kansans sculptures for generations to come: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the sculptor Pete Felten on his 90<sup>th</sup> birthday; and

*Be it further resolved:* That we celebrate the hundreds of limestone creations sculpted by Felten, including his four famous Kansans in the Kansas State Capitol; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Bowers.

On emergency motion of Senator Bowers **SR 1726** was adopted by voice vote.

Senator Haley introduced the following Senate resolution, which was read:  
SENATE RESOLUTION No. 1727—

A RESOLUTION commemorating the 100<sup>th</sup> anniversary of the  
Kansas state capitol cage elevator and its historical significance for the state.

WHEREAS, The year 2023 marks the 100<sup>th</sup> anniversary of the installation and operation of the Kansas state capitol cage elevator; and

WHEREAS, The Kansas Legislature envisioned and appropriated \$35,000 for the construction of the innovation of an elevator in 1923; and

WHEREAS, It is critical that historical items of lasting interest are preserved; and

WHEREAS, There is a particular age for objects to be considered outdated and yet not rare enough to be considered worth of preservation; and

WHEREAS, Every day, school children can be seen closely studying the mechanical operation of the historic cage elevator; and

WHEREAS, Kansas is unique in many ways. This state is the heart of the nation and the crossroads of the continent, born out of a struggle for human freedom; and

WHEREAS, Few can criticize this state for any lag in mechanical advances, as many of the airplanes that operate around the world hail from the plains of Kansas; and

WHEREAS, In 1976, Senate Concurrent Resolution No. 1650 was sponsored by Senator Bill Mulich. This resolution declared the Kansas state capitol cage elevator to be a historic item and requested state officials to preserve it in operating condition; and

WHEREAS, In 1989, the Kansas state capitol cage elevator was showcased in the film *Cross of Fire*, which narrated the rise and fall of the 1920's Ku Klux Klan leader D.C. Stephenson; and

WHEREAS, In 2016, Senate Bill No. 443, sponsored by Senator David Haley and the entirety of the Kansas Senate, designated the Kansas state capitol cage elevator as the official cage elevator for the state of Kansas and enforced that the elevator continue to be maintained in operating condition: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate and honor the historical importance of the Kansas state capitol cage elevator and celebrate its 100<sup>th</sup> anniversary of operation; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy to the Kansas Historical Society, the Kansas State Architect, the Elevator Safety Advisory Board, Ben Voloch and Senator Haley.

On emergency motion of Senator Haley **SR 1727** was adopted by voice vote.

### **SPECIAL REMARKS**

Mr. President, Gentle Colleagues: Today I am personally elevated to bestow special recognition on a unique and treasured mechanical feature of our exquisite Statehouse. **SR 1727** commemorates the 100th Anniversary of the Kansas State Capitol's cage elevator, located on the East wing of the "Senate side." David Haley, and much of the Haley family, have long admired and respected history. As many of you know, my late uncle, Alex Haley, explored America's personal history by tracing a part of our family back to the Gambia, West Africa in the epic saga *ROOTS* and, on a more direct look back, my late father, George Haley, was sworn in to this very Chamber as the first Black person elected to the Kansas Senate. A picture of that day, with me as his young son in attendance, is always on my desk on the floor. That was in January 1965 and the elevator had already been here over 40 years. The cage elevator greatly fascinated me then as it has fascinated, no doubt, hundreds of thousands of Capitol visitors over its 100 year existence. Appropriated at \$35,000 in 1923 by the Legislature, the wonder of it, the functionality and mechanics and the discovery within and riding on it was a bargain considering how our beautiful edifice stands out in minds of so many by its very existence. Few states have any nuance like it at all. In 1976, America's Bicentennial year of Independence, another Wyandotte County Senator, Bill Mulich, sponsored with near unanimous cosponsors, a resolution requesting that state officials preserve the elevator in operating condition. Half a century later in 2016, after visiting a Smithsonian exhibit in Washington, D.C. and seeing the wonder of a non-operational (except for its sliding door) ornate cage elevator, I, with unanimous support of all other 39 Senators, sponsored **Senate Bill 443** which requires now that the State maintains the

elevator in operating condition. (Although posted inside the cage elevator currently, Administration intends to post the Law on the walls outside the doors on each floor this Spring.) Beyond nostalgia or even sentimentality, Mr. President, this tireless carriage transporting thousands of people about business and pleasure over five stories is obviously taken for granted over time. A part of those of us here regularly, it becomes pretty routine; maybe even “ho-hum.” Too often we mistakenly believe that we, here in this moment, here in this time, have no cognizant link to our own history; in a stellar realm of service. But the cage elevator was here, doing what it’s supposed to do to render service and aid to countless people, well before any of us got here. And, if our laws are followed, the cage elevator will be here in this magnificent Statehouse doing what it uniquely does to serve, long after we’re all gone. Thank you for joining in the recognition of a century by our yet often admired mechanical marvel; Kansas’ own Statehouse Cage Elevator!—DAVID HALEY

### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Joint Committee on State-Tribal Relations introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1725—

A RESOLUTION approving an amendment to the gaming compact between the Prairie Band Potawatomi Nation and the State of Kansas.

*Be it resolved by the Senate of the State of Kansas:* That the amendment to the gaming compact between the Prairie Band Potawatomi Nation and the State of Kansas submitted by the Governor to the Joint Committee on State-Tribal Relations on April 27, 2023, is hereby approved; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to the Governor, the Secretary of State and the chairperson of the Prairie Band Potawatomi Nation.

### **STANDING COMMITTEE REPORT**

The **Joint Committee on State-Tribal Relations** introduces Senate Resolution No. 1725, "A RESOLUTION approving an amendment to the gaming compact between the Prairie Band Potawatomi Nation and the State of Kansas" and recommends adoption of the resolution.

### **AMENDMENT TO THE PRAIRIE BAND POTAWATOMI NATION - KANSAS GAMING COMPACT**

This Amendment to the Prairie Band Potawatomi Nation – Kansas Gaming Compact (the "Amendment") is entered into by the Prairie Band Potawatomi Nation, a sovereign federally recognized Indian nation (the "Nation"), and the State of Kansas. This Amendment shall take effect on the date on which this Amendment has been executed by the Nation and the State of Kansas, approved by the Secretary of the Interior or approved by operation of law, and notice of such approval is published the Federal Register in accordance with applicable law. In consideration of the covenants and agreements of the parties hereinbelow, and in accordance with Sections 33 and 35 of the

Compact, the current Tribal-State Gaming Compact between the parties, effective as of July 6, 1995 (the "Compact") is hereby amended as follows:

1. Unless the context requires otherwise, capitalized terms used but not defined in this Amendment shall have the respective meanings given for such terms in the Compact.

2. Throughout the Compact, all references to "Prairie Band Potawatomi Nation in Kansas" are deleted and replaced with "Prairie Band Potawatomi Nation."

3. Section 3 (Authorized Class III Gaming) is amended as follows:

a. In subsection (A):

i. the word "and" at the end of clause (10) is deleted;

ii. the following text is added after clause (10): "(11) Sports Wagering; and

iii. existing clause (11) is renumbered as clause (12).

b. In subsection (B), clause (1), the phrase "sports betting," is deleted.

c. In subsection (F), the existing text is deleted in its entirety and replaced with the following:

(F) (1) Subject to Subsection (F)(2), all Class III gaming authorized under this Compact shall be conducted at a facility established by the Tribe on its Reservation.

(2) Remote sports wagers shall be accepted on a server or other computer equipment at a facility established by the Tribe on its Reservation. The parties agree (a) that in accordance with and for purposes of State and Tribal law, remote sports wagers originating within the boundaries of the State but outside of the Tribe's Indian lands within the meaning of the Indian Gaming Regulatory Act ("Indian lands") are sports wagers that take place on, and within the boundaries of, the Tribe's Indian lands where the server accepting remote sports wagers is located, and (b) that the sports wagers described in clause (a) shall be referred to as "Hub-and-Spoke remote sports wagers" and the general model of sports wagering described in clause (a) shall be referred to as the "Hub-and-Spoke Model." The Tribe shall regulate all remote sports wagers pursuant to Tribal Law. Notwithstanding any provision of this Compact to the contrary, the Tribe (y) shall not accept any remote sports wager where the player initiating the remote sports wager is located on another Indian tribe's

Indian lands or where such remote sports wager is otherwise specifically prohibited by Federal law, and (z) shall not accept any Hub-and-Spoke remote sports wager unless the Hub-and-Spoke Model is expressly found to comply with the Indian Gaming Regulatory Act by any of the United States District Court for the District of Kansas, the United States Court of Appeals for the Tenth Circuit, the United States Court of Appeals for the District of Columbia Circuit, or the United States Supreme Court in a judgment that is final and not appealable; provided, however, that the Tribe shall not accept any Hub-and-Spoke remote sports wager if the Hub- and-Spoke Model is expressly found not to comply with the Indian Gaming Regulatory Act by any federal court of competent jurisdiction in a judgment that has not been reversed, overruled, or superseded. Nothing in this Compact precludes remote sports wagers received and accepted by the Tribe on the Tribe's Indian lands where the player initiating the remote sports wager is also located on the Tribe's Indian lands.

- d. In subsection (G), after the period insert the following:

This Subsection shall not prohibit the use of wagering accounts pursuant to the terms of the Tribal Gaming Regulations, where such wagering accounts do not extend or advance funds to the account holder.

4. Section 5 (Definitions) is amended as follows:

- a. In subsection (C), after the final occurrence of "Compact" and before the period, insert ", as amended from time to time".
- b. In subsection (H), after the word "conducted" and before the period, insert "including, solely with respect to remote sports wagering, the location of any server or other computer equipment used for receiving remote sports wagers".
- c. At the end of such Section 5 (Definitions), insert the following:

**(AH) Sporting Event.** "Sporting Event" means any professional or collegiate sport or athletic event, motor race event, or any other special event authorized by the Tribal Gaming Commission that has not occurred at the time wagers are placed on such event.

**(AI) Sports Wagering.** "Sports Wagering" means placing a wager or bet on one or more Sporting Events, or any portion thereof, or in the individual performance statistics of athletes participating in a Sporting Event, or

combination of Sporting Events, by any system or method of wagering, including remote sports wagering originating within the boundaries of the State; provided, however, that "Sports Wagering" does not include a fee to play a fantasy contest or an entry fee to participate in e-sports.

5. Subsection A (Adoption of Tribal Gaming Regulations) of Section 7 (Tribal Gaming Regulations) is amended by inserting a new clause (3) as follows:

(3) Additional regulations adopted by the Tribal Gaming Commission in accordance with clauses (1) and (2) above for the purpose of regulating the operation and management of sports wagering shall include, at a minimum, regulations addressing the topics set forth on Appendix E.

6. A new Appendix E, as set forth on the attached Schedule 6, shall be appended to the Compact.

7. Section 21 (Denial of License Application for Cause) is amended as follows:

a. In subsection (K), the existing text is deleted in its entirety and replaced with the following:

(K) has had a license to conduct gaming in another jurisdiction canceled or revoked for any reason.

8. Section 22 (Revocation or Suspension of License for Cause) is amended as follows:

a. In subsection (K), the existing text is deleted in its entirety and replaced with the following:

(K) has had a license to conduct gaming in another jurisdiction canceled or revoked for any reason.

9. Section 26 (Public Health and Safety) is amended as follows:

a. In subsection (C), the first sentence is deleted in its entirety.

10. Section 30 (Notices) is amended as follows:

a. Delete all text beginning with "Notice to the Tribe" through and including "Oskaloosa, Kansas 66066" and replace with the following:

Notice to the Tribe shall be sent to:

Prairie Band Potawatomi Nation  
Attn: Chairman  
16281 Q Road

Mayetta, KS 66509

Prairie Band Potawatomi Nation  
Attn: Tribal Attorney  
16281 Q Road  
Mayetta, KS 66509

11. The terms and conditions of Sections 31 (Dispute Resolution) and 39 (Severability) of the original Compact are incorporated herein by reference and shall apply with respect to this Amendment.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed as indicated below.

**Prairie Band Potawatomi Nation**

**State of Kansas**

\_\_\_\_\_  
Joseph P. Rupnick, Chairman

\_\_\_\_\_  
Laura Kelly, Governor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved this day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Assistant Secretary – Indian Affairs  
United States Department of the Interior

**SCHEDULE 6**

(NEW APPENDIX E)

**APPENDIX E**

**MANDATORY REGULATORY TOPICS FOR SPORTS WAGERING**

1. Licensee will take reasonable measures to prohibit athletes, coaches, referees, team owners, player and referee union personnel, or employees of a sports governing body or its member teams, from placing wagers on any sporting event overseen by such sports governing body.
2. Licensee will take reasonable measures to prohibit any person with access to nonpublic confidential information regarding a sporting event or wager in the possession of a licensee from placing wagers on such sporting event with such licensee.
3. Licensee will take reasonable measures to prohibit persons from placing sports wagers as agents or proxies for other persons.
4. Licensee will take reasonable measures to prohibit any person convicted of any felony or misdemeanor offense involving sports wagering, including, but not limited to, the use of funds derived from illegal activity to make sports wagers, placing sports wagers to conceal money derived from illegal activity, the use of other individuals to place sports wagers as part of any wagering scheme to circumvent any provision of applicable Tribal, federal



- or state law and the use of false identification to facilitate the placement of any sports wager or the collection of any prize in violation of applicable Tribal, federal or state law, from placing sports wagers.
5. Requirements for maintaining the security of sports wagering data, sports wagering customer data and other confidential information from unauthorized access and dissemination, provided that nothing in such regulations shall preclude the use of internet or cloud-based hosting of such data and information or disclosure as required by court order or applicable Tribal, state or federal law.
  6. Requirements that upon request by an individual, such individual shall be restricted from placing sports wagers with a licensee and that such licensee shall take reasonable measures to prevent such individual from placing sports wagers.
  7. Prohibition on sports wagers on any sporting or athletic event where a majority of the participants are less than 18 years of age.
  8. To the extent applicable, initial technical standards with respect to sports wagering shall be based upon Gaming Laboratories International GLI-33, Standards for Event Wagering Systems, Version 1.1, dated May 14, 2019.

#### **ORIGINAL MOTION**

Senator Alley motioned to advance **SR 1725** to Emergency Final Action, subject to amendment, debate and roll call. Motion carried.

#### **FINAL ACTION ON SENATE RESOLUTION**

**SR 1725**, A RESOLUTION approving an amendment to the gaming compact between the Prairie Band Potawatomi Nation and the State of Kansas.

On roll call, the vote was: Yeas 27; Nays 8; Present and Passing 2; Absent or Not Voting 3.

Yeas: Alley, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Petersen, Pittman, Reddi, Ryckman, Thompson, Wilborn.

Nays: Baumgardner, Erickson, Peck, Pyle, Shallenburger, Steffen, Straub, Tyson.

Present and Passing: McGinn, Warren.

Absent or Not Voting: Pettey, Sykes, Ware.

The resolution was adopted.

On motion of Senator Alley, the Senate recessed until 2:00 p.m.

#### **AFTERNOON SESSION**

The Senate met pursuant to recess with President Masterson in the chair.

#### **CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2285** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 36;

By striking all on pages 2 through 8;

On page 9, by striking all in lines 1 through 9; following line 9, by inserting:

"New Section 1. (a) As used in this section:

(1) "Data" means all facts, information, records of interviews, written reports, statements, notes or memorandums secured in connection with an authorized medical research study.

(2) "Overdose" means injury to the body that happens when one or more drugs are taken in excessive amounts. "Overdose" includes fatal and nonfatal injuries.

(3) "Secretary" means the secretary of health and environment.

(b) The secretary shall:

(1) Identify drug overdose deaths;

(2) review autopsy reports, death certificates, medical records and other relevant data;

(3) review interactions with the healthcare system, behavioral health system, social services, educational institutions, children and family services, the criminal justice system and any other systems with which a decedent had contact prior to a drug overdose death;

(4) contact family members and other affected or involved persons to collect additional relevant data;

(5) make determinations regarding the preventability of drug overdose death cases and develop recommendations to prevent such deaths, including recommendations for changes to statutes, rules and regulations, policies and procedures; and (6) disseminate findings and recommendations to the governor, the legislature, healthcare providers and facilities, behavioral health professionals, law enforcement and the general public.

(c) The secretary shall have access to the following identifiable data sources and records therein:

(1) Law enforcement reports directly relating to events leading up to a drug overdose death and information leading to the conclusion that the death may have been a drug overdose death. The law enforcement agency may redact names and other personally identifiable information of individuals contained in such law enforcement reports or exclude information that would reveal an ongoing investigation of drug violations or any criminal history information prohibited by law to be released;

(2) autopsy records and coroner's investigative records regarding a drug overdose death in Kansas;

(3) medical records or emergency medical services records regarding a drug overdose death or previous overdose by a decedent;

(4) a decedent's controlled substance dispensation records from the prescription monitoring program established by the prescription monitoring program act, K.S.A. 65-1681 et seq., and amendments thereto; and

(5) records, data and reports from any other applicable entity that has provided services to a decedent.

(d) (1) The secretary may apply to the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any relevant data or information requested by the secretary under this section. Any data or information received by the secretary pursuant to the subpoena shall be confidential and privileged information and not subject to disclosure.

(2) The provisions of this subsection providing for confidentiality of records shall expire on July 1, 2028, unless the legislature acts prior to July 1, 2028, to continue such provisions in accordance with K.S.A. 45-229, and amendments thereto.

(e) (1) All proceedings and activities of the secretary or representatives of the secretary under this section, opinions of the secretary or representatives of the secretary formed as a result of such proceedings and activities and records obtained, created or maintained pursuant to this section, including records of interviews, written reports and statements procured by the secretary or any other person, agency or organization acting jointly or under contract with the department of health and environment in connection with the requirements of this section, shall be confidential and not subject to the provisions of the open records act or the open meetings act or subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. Nothing in this section shall be construed to limit or otherwise restrict the right to discover or use in any civil or criminal proceeding any document or record that is available and entirely independent of proceedings and activities of the secretary or representatives of the secretary under this section.

(2) The secretary or representatives of the secretary shall not be questioned in any civil or criminal proceeding regarding the information presented in or opinions formed as a result of an investigation. Nothing in this section shall be construed to prevent the secretary or representatives of the secretary from testifying to information obtained independently of this section or that is public information.

(3) The provisions of this subsection providing for confidentiality of records shall expire on July 1, 2028, unless the legislature acts to continue such provisions. The legislature shall review the provisions of this subsection pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2028.

Sec. 2. K.S.A. 2022 Supp. 65-101 is hereby amended to read as follows: 65-101.

(a) The secretary of health and environment shall exercise general supervision of the health of the people of the state and may:

(1) Where authorized by any other statute, require reports from appropriate persons relating to the health of the people of the state so a determination of the causes of sickness and death among the people of the state may be made through the use of these reports and other records;

(2) investigate the causes of disease, including especially, epidemics and endemics, the causes of mortality and effects of locality, employments, conditions, food, water supply, habits and other circumstances affecting the health of the people of this state and the causes of sickness and death;

(3) advise other offices and agencies of government concerning location, drainage, water supply, disposal of excreta and heating and ventilation of public buildings;

(4) make sanitary inspection and survey of such places and localities as the secretary deems advisable;

(5) take action to prevent the introduction of infectious or contagious disease into this state and to prevent the spread of infectious or contagious disease within this state; and

(6) provide public health outreach services to the people of the state including educational and other activities designed to increase the individual's awareness and appropriate use of public and other preventive health services.

(b) The secretary of health and environment may adopt rules and regulations

necessary to carry out the provisions of subsection (a). In addition to other remedies provided by law, the secretary is authorized to apply to the district court, and such court shall have jurisdiction upon a hearing and for cause shown to grant a temporary or permanent injunction to compel compliance with such rules and regulations.

(c) The secretary of health and environment shall not carry out the provisions of subsection (a) or (b) in a manner that conflicts with any other statute or otherwise expands the authority of the secretary.

(d) In the event of a state of disaster emergency declared by the governor pursuant to K.S.A. 48-924, and amendments thereto, or a state of local disaster emergency declared pursuant to K.S.A. 48-932, and amendments thereto, the legislature may revoke an order issued by the secretary to take action related to such disaster emergency as provided in this subsection. Such order may be revoked at any time by concurrent resolution of the legislature or, when the legislature is not in session or is adjourned during session for three or more days, such order may be revoked by the legislative coordinating council with the affirmative vote of five members thereof.

Sec. 3. K.S.A. 65-116g is hereby amended to read as follows: 65-116g. (a) It shall be unlawful for any person who violates to:

(1) Violate any provision of this act relating to tuberculosis, or any associated rules or regulations of the secretary of health and environment for the enforcement of this act;

(2) violates violate any of the rules or regulations of any an institution while a patient therein; or

(3) conducts himself in a engage in disorderly manner, shall be guilty of conduct, as described in K.S.A. 21-6203, and amendments thereto.

(b) Violation of this section is a class C nonperson misdemeanor.

(c) As used in this section, "this act" means K.S.A. 65-116a through 65-116m, and amendments thereto.

Sec. 4. K.S.A. 65-119 is hereby amended to read as follows: 65-119. (a) Any county or joint board of health or local health officer having knowledge of any infectious or contagious disease, or of a death from such disease, within their jurisdiction, shall immediately exercise and maintain a supervision over such case or cases during their continuance, seeing that all such cases are properly cared for and that the provisions of this act ~~as relating~~ to isolation, restriction of communication, quarantine and disinfection are duly enforced. The county or joint board of health or local health officer shall communicate without delay all information ~~as relating~~ to existing conditions to the secretary of health and environment. The local health officer shall confer personally, if practicable, otherwise by letter, with the person in attendance upon the case, as to its future management and control. ~~The county or joint board of health or local health officer is hereby empowered and authorized to prohibit public gatherings when necessary for the control of any and all infectious or contagious disease.~~

(b) Any disclosure or communication of information relating to infectious or contagious diseases required to be disclosed or communicated under subsection (a) ~~of this section~~ shall be confidential and shall not be disclosed or made public beyond the requirements of subsection (a) ~~of this section~~ or subsection (a) of K.S.A. 65-118(a), and amendments thereto, except as otherwise permitted by subsection (e) of K.S.A. 65-118(c), and amendments thereto.

Sec. 5. K.S.A. 65-128 is hereby amended to read as follows: 65-128. (a) For the protection of the public health and for the control of infectious or contagious diseases, the secretary of health and environment ~~by rules and regulations shall~~ adopt rules and regulations to designate such diseases as that are infectious or contagious in their nature ~~and, prior to adopting amendments to such rules and regulations, submit a report with the proposed amendments to the speaker of the house of representatives and the president of the senate.~~

(b) The secretary of health and environment is authorized to ~~issue such orders and adopt rules and regulations as may be medically necessary and reasonable~~ recommend to the public and provide education on ways to prevent the spread and dissemination of diseases injurious to the public health, ~~including, but not limited to, providing for the testing for such diseases and the isolation and quarantine of persons afflicted with or exposed to such diseases.~~

(c) ~~No later than January 1, 2014, The secretary shall develop and adopt rules and regulations providing for~~ make recommendations for preventing the introduction and spread of infectious or contagious disease within this state and the protection of individuals who provide medical or nursing services, clinical or forensic laboratory services, emergency medical services and firefighting, law enforcement and correctional services, or who provide any other service, or individuals who receive any such services or are in any other employment where the individual may encounter occupational exposure to blood and other potentially infectious materials.

Sec. 6. K.S.A. 65-129b is hereby amended to read as follows: 65-129b. (a) Notwithstanding the provisions of K.S.A. 65-119, 65-122, 65-123, ~~65-126~~ and 65-128, and amendments thereto, and any rules or regulations adopted thereunder, in investigating actual or potential exposures to an infectious or contagious disease that is potentially life-threatening, the local health officer ~~or the secretary:~~

(1) ~~(A)(a)~~ May issue an order requiring ~~recommend~~ an individual ~~who whom~~ the local health officer ~~or the secretary~~ has reason to believe has been exposed to an infectious or contagious disease to seek appropriate and necessary evaluation and treatment;

~~(B)(b)~~ when the local health officer ~~or the secretary~~ determines that it is medically necessary and reasonable to prevent or reduce the spread of the disease or outbreak believed to have been caused by the exposure to an infectious or contagious disease, ~~may order~~ recommend an individual or group of individuals to go to and remain in places of isolation or quarantine until the local health officer ~~or the secretary~~ determines that the individual no longer poses a substantial risk of transmitting the disease or condition to the public;

~~(C)(c)~~ if a competent individual ~~of who is~~ 18 years of age or older or an emancipated minor ~~refuses vaccination,~~ medical examination, treatment or testing under this section, ~~may require~~ recommend the individual to go to and remain in a place of isolation or quarantine until the local health officer ~~or the secretary~~ determines that the individual no longer poses a substantial risk of transmitting the disease or condition to the public; and

~~(D)(d)~~ if, on behalf of a minor child or ward, a parent or guardian ~~refuses vaccination,~~ medical examination, treatment or testing under this section, ~~may require~~ recommend the minor child or ward to go to and remain in a place of isolation or quarantine and ~~must shall~~ allow the parent or guardian to accompany the minor child or

ward until the local health officer ~~or the secretary~~ determines that the minor child or ward no longer poses a substantial risk of transmitting the disease or condition to the public; ~~and~~

~~(2) may order any sheriff, deputy sheriff or other law enforcement officer of the state or any subdivision to assist in the execution or enforcement of any order issued under this section.~~

Sec. 7. K.S.A. 65-129d is hereby amended to read as follows: 65-129d. ~~It shall be unlawful for any A public or private employer to shall not~~ discharge an employee solely because the employee or an immediate family member of the employee is ~~under an order of following an~~ isolation or quarantine recommendation from a local health officer. The violation of this section is punishable as a violation of K.S.A. 65-129, and amendments thereto. In an action against an employer for a violation of this section, the court shall award a prevailing plaintiff the actual damages such person sustained, costs and reasonable attorney fees.

Sec. 8. K.S.A. 2022 Supp. 65-202 is hereby amended to read as follows: 65-202. (a) The local health officer in each county throughout the state, immediately after such officer's appointment, shall:

(1) Take the same oath of office prescribed by law for the county officers, shall;  
 (2) give bond of \$500 conditioned for the faithful performance of the officer's duties, shall;

(3) keep an accurate record of all the transactions of such office, shall;  
 (4) turn over to the successor in office or to the county or joint board of health selecting such officer, on the expiration of such officer's term of office, all records, documents and other articles belonging to the office; and shall

(5) faithfully account to the board of county commissioners and to the county and state for all moneys coming into the office. Such officer shall notify the secretary of health and environment of such officer's appointment and qualification, and provide the secretary with such officer's contact information.

(b) Such officer shall receive and distribute without delay in the county all forms from the secretary of health and environment to the rightful persons, all returns from persons licensed to practice medicine and surgery, assessors and local boards to said secretary, shall keep an accurate record of all of the transactions of such office and shall turn over all records and documents kept by such officer, the successor in office, or to the county or joint board electing such officer, on the expiration of the term of office.

(c) The local health officer shall upon the opening of the fall term of school, make a sanitary inspection of each school building and grounds, and shall make such additional inspections as are necessary to protect the public health of the students of the school.

~~(d)~~ (1) Such officer shall make an investigation of each case of smallpox, diphtheria, typhoid fever, scarlet fever, acute anterior poliomyelitis (infantile paralysis), epidemic cerebro-spinal meningitis and such other acute infectious, contagious or communicable diseases as may be required, and shall use all-known medically necessary and reasonable measures to prevent the spread of any such infectious, contagious or communicable disease, and shall perform such other duties as this act, the county or joint board; or board of health or the secretary of health and environment may require.

(2) ~~Any order issued by the local health officer, including Orders issued as a result of an executive order of the governor, on behalf of a county regarding the remediation~~

of any infectious disease may be reviewed, amended or revoked by the board of county commissioners of any county affected by such order in the manner provided by K.S.A. 65-201(b), and amendments thereto.

(e) Such officer shall receive compensation as set by the board and, with the approval of the board of health, may employ a skilled professional nurse and other additional personnel whenever deemed necessary for the protection of the public health.

(f) For any failure or neglect of the local health officer to perform any of the duties prescribed in this act, the officer may be removed from office by the county board of health. In addition to removal from office; for any failure or neglect to perform any of the duties prescribed by this act, the local health officer shall be deemed guilty of a misdemeanor and, upon conviction, be fined not less \$10 nor more than \$100 for each and every offense.

Sec. 9. K.S.A. 65-508 is hereby amended to read as follows: 65-508. (a) ~~Any~~ A maternity center or child care facility subject to the provisions of this act shall:

- (1) Be properly heated, plumbed, lighted and ventilated;
- (2) have plumbing, water and sewerage systems ~~which~~ that conform to all applicable state and local laws; and
- (3) be operated with strict regard to the health, safety and welfare of any woman or child.

(b) Every maternity center or child care facility shall furnish or cause to be furnished for the use of each resident and employee individual towel, ~~wash cloth~~ washcloth, comb and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all other than infants, and shall keep or require such articles to be kept at all times in a clean and sanitary condition. Every maternity center or child care facility shall comply with all applicable fire codes and rules and regulations of the state fire marshal.

(c) (1) The secretary of health and environment with the cooperation of the secretary for children and families shall develop and adopt rules and regulations for the operation and maintenance of maternity centers and child care facilities. The rules and regulations for operating and maintaining maternity centers and child care facilities shall be designed to promote the health, safety and welfare of any woman or child served in such facilities by ensuring safe and adequate physical surroundings, healthful food, adequate handwashing, safe storage of toxic substances and hazardous chemicals, sanitary diapering and toileting, home sanitation, supervision and care of the residents by capable, qualified persons of sufficient number, after-hour care, an adequate program of activities and services, sudden infant death syndrome and safe sleep practices training, prohibition on corporal punishment, crib safety, protection from electrical hazards, protection from swimming pools and other water sources, fire drills, emergency plans, safety of outdoor playground surfaces, door locks, safety gates and transportation and such appropriate parental participation as may be feasible under the circumstances. Boarding schools are excluded from requirements regarding the number of qualified persons who must supervise and provide care to residents.

(2) Rules and regulations developed under this subsection shall include provisions for the competent supervision and care of children in day care facilities. For purposes of such rules and regulations, competent supervision as this term relates to children less than five years of age includes, but is not limited to, direction of activities, adequate oversight including sight or sound monitoring, or both, physical proximity to children,

diapering and toileting practices; and for all children, competent supervision includes, but is not limited to, planning and supervision of daily activities, safe sleep practices, including, but not limited to, visual or sound monitoring, periodic checking, emergency response procedures and drills, illness and injury response procedures, food service preparation and sanitation, playground supervision, pool and water safety practices.

(d) In addition to any rules and regulations adopted under this section for safe sleep practices, child care facilities shall ensure that all of the following requirements are met for children under 12 months of age:

(1) A child shall only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment;

(2) the sleep surface shall be free from soft or loose bedding, including, but not limited to, blankets, bumpers and pillows; and

(3) the sleep surface shall be free from toys, including mobiles and other types of play equipment or devices.

(e) Child care facilities shall ensure that children over 12 months of age only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment.

(f) The secretary of health and environment may exercise discretion to make exceptions to requirements in subsections (d) and (e) where special health needs exist.

(g)(1) Each child cared for in a child care facility, including children of the person maintaining the facility, shall be required to have current such immunizations as the secretary of health and environment considers necessary. The person maintaining a child care facility shall maintain a record of each child's immunizations and shall provide to the secretary of health and environment such information relating thereto, in accordance with rules and regulations of the secretary, but the person maintaining a child care facility shall not have such person's license revoked solely for the failure to have or to maintain the immunization records required by this subsection.

(2) (A) The secretary of health and environment shall not require a child cared for in a child care facility to receive a COVID-19 vaccine.

(B) As used in this paragraph, "COVID-19 vaccine" means an immunization, vaccination or injection against disease caused by the novel coronavirus identified as SARS-CoV-2 or disease caused by a variant of the virus.

(h) The immunization requirement of subsection (g) shall not apply if one of the following is obtained:

(1) Certification from a licensed physician stating that the physical condition of the child is such that immunization would endanger the child's life or health; or

(2) a written statement signed by a parent or guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.

Sec. 10. K.S.A. 2022 Supp. 72-5180 is hereby amended to read as follows: 72-5180. (a) ~~Commencing in the 2021-2022 school year,~~ Except as otherwise provided in this section, no school district shall provide or offer to any student enrolled in the district more than a total of 40 school term hours of remote learning unless:

(1) The board of education of the school district has authorized a student to temporarily attend school through remote learning in excess of the 40-hour limitation pursuant to a temporary individual exemption granted pursuant to subsection (b); or

(2) due to a disaster, the state board of education has authorized the school district to conduct remote learning in excess of the 40-hour limitation pursuant to subsection (c)



or has waived the limitations provided in subsection (d).

(b) The board of education of a school district may temporarily suspend the remote learning limitation provided in subsection (a) on an individual student basis for any student who cannot reasonably attend school in person due to an illness, medical condition, injury or any other extraordinary circumstance that would necessitate remote learning to allow the student to continue to receive an education during the existence of such circumstance. The board of education of the school district shall notify the state board of any individual exemptions provided pursuant to this subsection and the reason for such exemption.

(c) The state board of education may authorize a school district to exceed the 40-hour remote learning limitation upon application by the school district. The application may be granted by the state board of education upon:

(1) Certification by a school district that, due to a disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an inordinate period of time; and

(2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with the requirements of this section unless remote learning is conducted for a period of time not to exceed 240 school term hours, unless such limitation is waived by the state board pursuant to subsection (d).

(d) The state board of education may waive the requirements of law relating to the remote learning limitations pursuant to subsection (c) in any school year upon application for such waiver by a school district. The waiver may be granted by the state board of education upon:

(1) Certification by a board of education that, due to a disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an inordinate period of time; and

(2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with such requirements of law and that remote learning beyond the limitations provided in subsection (c) is necessary to allow the school district to continue to provide education to students during such conditions.

(e) (1) Any student who attends a school of a school district through remote learning in excess of the remote learning limitations provided pursuant to this section shall be deemed a remote learning student and shall be counted as a remotely enrolled student for state aid purposes.

(2) On or before June 30 of each school year:

(A) A school district that offers remote learning during the school year shall determine the remote enrollment of the district based on the number of students remotely enrolled in accordance with this section;

(B) the clerk or superintendent of each school district shall certify under oath to the state board a report showing the remote enrollment of the school district determined pursuant to this subsection by the grades maintained in the schools of the school district. The state board shall examine such reports upon receipt, and if the state board finds any errors in any such report, the state board shall consult with the school district officer furnishing the report and make any necessary corrections in the report; and

(C) the state board shall determine the number of students who were included in the

remote enrollment of each school district and recompute the enrollment of the school district as required pursuant to this subsection.

(3) A school district that offers remote learning and is determined to have remotely enrolled students pursuant to this section shall receive remote enrollment state aid. The state board shall determine the amount of remote enrollment state aid a school district is to receive by multiplying the remote enrollment of the school district by \$5,000. No remote enrollment state aid shall be provided for any student who participates in remote learning on a part-time basis during the school day.

(4) The state board shall notify each school district of the amount of remote enrollment state aid the district shall receive pursuant to this section and, pursuant to K.S.A. 72-5136, and amendments thereto, shall:

(A) Require the district to remit any such amount of overpayment made to the district in the current school year; or

(B) deduct the excess amounts paid to the district from future payments made to the school district.

(5) If a student is included in the remote enrollment of a district pursuant to this subsection, such student shall not be included in the adjusted enrollment of the district in the current school year.

(f) Each school district that determines remote enrollment pursuant to this section shall submit any documentation or information required by the state board.

(g) As used in this section, "disaster" means a state of disaster emergency declared by proclamation of the governor pursuant to K.S.A. 48-924, and amendments thereto, closure of schools by order issued by a county or joint board of health, a local health officer pursuant to K.S.A. 65-119, and amendments thereto, ~~or the secretary of health and environment pursuant to K.S.A. 65-126, and amendments thereto,~~ or occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, tornado, wind, storm, an epidemic, air contamination, blight, drought, infestation or explosion.

(h) This section shall be a part of and supplemental to the Kansas school equity and enhancement act.

~~(i) This section shall take effect and be in force from and after July 1, 2021.~~

Sec. 11. K.S.A. 72-6262 is hereby amended to read as follows: 72-6262. (a) ~~(1)~~ In each school year, every ~~pupil student~~ enrolling or enrolled in any school for the first time in this state, and each child enrolling or enrolled for the first time in a preschool or day care program operated by a school, and such other ~~pupils students~~ as may be designated by the secretary, prior to admission to and attendance at school, shall present to the appropriate school board certification from a physician or local health department that the ~~pupil student~~ has received such tests and inoculations as are deemed necessary by the secretary by such means as are approved by the secretary. ~~Pupils Students~~ who have not completed the required inoculations may enroll or remain enrolled while completing the required inoculations if a physician or local health department certifies that the ~~pupil student~~ has received the most recent appropriate inoculations in all required series. Failure to timely complete all required series shall be deemed non-compliance.

(2) (A) The secretary of health and environment shall not require a student described in paragraph (1) to receive a COVID-19 vaccine.

(B) As used in this paragraph, "COVID-19 vaccine" means an immunization.

vaccination or injection against disease caused by the novel coronavirus identified as SARS-CoV-2 or disease caused by a variant of the virus.

(b) As an alternative to the certification required under subsection (a), a ~~pupil~~ student shall present:

(1) An annual written statement signed by a licensed physician stating the physical condition of the child ~~to be is~~ such that the tests or inoculations would seriously endanger the life or health of the child; or

(2) a written statement signed by at least one parent or guardian stating that the child is an adherent of a religious denomination whose religious teachings are opposed to such tests or inoculations.

(c) On or before May 15 of each school year, the school board of every school affected by this act shall notify the parents or guardians of all known ~~pupils~~ students who are enrolled or who will be enrolling in the school of the provisions this act and any policy regarding the implementation of the provisions of this act adopted by the school board.

(d) If a ~~pupil~~ student transfers from one school to another, the school from which the ~~pupil~~ student transfers shall forward with the ~~pupil's~~ student's transcript the certification or statement showing evidence of compliance with the requirements of this act to the school to which the ~~pupil~~ student transfers.";

Also on page 9, in line 10, by striking "40-201, 40-216, 40-241 and 40-955" and inserting "65-116g, 65-119, 65-126, 65-127, 65-128, 65-129, 65-129b, 65-129c, 65-129d, 65-508 and 72-6262 and K.S.A. 2022 Supp. 65-101, 65-202 and 72-5180"; in line 13, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in line 2; in line 3, by striking all before the second "and" and inserting "concerning the secretary of health and environment; relating to drug overdoses; requiring the secretary of health and environment to study overdose deaths; providing for the confidentiality of acquired and compiled records; restricting the powers of the secretary of health and environment and local health officers to control the introduction and spread of infectious or contagious diseases; revoking the authority of the secretary to order individuals to isolate or quarantine and impose penalties for violations thereof; prohibiting the secretary of health and environment from requiring a COVID-19 vaccination in order to attend a child care facility or school; amending K.S.A. 65-116g, 65-119, 65-128, 65-129b, 65-129d, 65-508 and 72-6262 and K.S.A. 2022 Supp. 65-101, 65-202 and 72-5180"; also in line 3 after "sections" by inserting "; also repealing K.S.A. 65-126, 65-127, 65-129 and 65-129c";

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

BEVERLY GOSSAGE

RENEE ERICKSON

*Conferees on part of Senate*

WILL CARPENTER

SUSAN HUMPHRIES

*Conferees on part of House*

Senator Gossage moved the Senate adopt the Conference Committee Report on **HB 2285**.

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Claeys, Erickson, Fagg, Gossage, Kloos, Masterson, Olson, Peck, Petersen, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Kerschen, Longbine, McGinn, O'Shea, Pettey, Pittman, Reddi, Sykes, Ware.

The Conference Committee Report was adopted.

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2021**.

The House concurs in Senate amendments to **S Sub HB 2010**, and requests return of the bill.

On motion of Senator Alley, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Wilborn in the chair.

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **H Sub SB 113**.

**ORIGINAL MOTION**

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **H Sub SB 113**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 113** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 113, as follows:

On page 1, in line 35, by striking "\$11,368,175" and inserting "\$5,929,175"; following line 35 by inserting:

"Supplemental state aid (652-00-1000-0840).....\$541,000";

On page 2, in line 4, by striking "\$6,546,460" and inserting "\$8,039,460"; in line 9, by striking "\$76,276,834" and inserting "\$79,307,834"; in line 15, by striking "\$14,797,912" and inserting "\$14,712,912"; in line 18, by striking all after "2024"; by striking all in lines 19 through 35; in line 36, by striking all before the period;

On page 3, in line 8, by striking "\$32,018,273" and inserting "\$29,810,273"; in line 13, by striking "\$537,372,516" and inserting "\$531,880,516"; by striking all in lines 19 through 23; following line 23, by inserting:

"Special education services aid (652-00-1000-0700).....\$528,018,516

*Provided*, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized

child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisos, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3422, and amendments thereto.";

Also on page 3, in line 41, after the semicolon by inserting "acquisition of naloxone hydrochloride products for use by approved professionals;"

On page 4, in line 22, by striking "\$101,388,069" and inserting "\$47,899,069"; in line 23, by striking "\$2,423,309" and inserting "\$577,309";

On page 8, in line 27, by striking "\$8,437,635" and inserting "\$9,437,635"; following line 34, by inserting:

"*Provided*, That any unencumbered balance in the pre-K pilot account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.";

Also on page 8, following line 35, by inserting:

"*Provided*, That any unencumbered balance in the early childhood infrastructure account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.";

Also on page 8, following line 36, by inserting:

"*Provided*, That any unencumbered balance in the imagination library account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.";

On page 10, following line 15, by inserting:

"(l) During the fiscal year ending June 30, 2024, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2024 as authorized by this or other appropriation act of the 2023 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2024 to survey school districts and submit to the senate committee on education and the house of representatives committees on education and K-12 education budget a list of all school districts that used curriculum and training materials that include the three cueing systems model of reading or visual memory program in the preceding school year.";

Also on page 10, in line 20, by striking "\$2,795,337,000" and inserting "\$2,825,725,000"; in line 24, by striking "\$602,200,000" and inserting "\$590,000,000"; in line 28, by striking "\$592,740,238" and inserting "\$535,518,818";

On page 11, by striking all in lines 9 through 43;

By striking all on pages 12 through 15;

On page 16, by striking all in lines 1 through 36; following line 36, by inserting:

"New Sec. 4. (a) Within 30 days after the board of education of a school district adopts a resolution to dispose of a school district building pursuant to K.S.A. 72-3216, and amendments thereto, such board of education shall submit written notice of its intention to dispose of such building to the legislature. Such notice shall be filed with the chief clerk of the house of representatives and the secretary of the senate and shall contain the following:

(1) A description of the school district's use of such building immediately prior to the decision to dispose of such building;

(2) the reason for such building's disuse and the decision to dispose of such building;

(3) the legal description of the real property to be disposed of; and

(4) a copy of the resolution adopted by the board of education.

(b) (1) If the notice required under subsection (a) is received by the legislature during a regular legislative session, then the legislature shall have 45 days to adopt a concurrent resolution in accordance with subsection (c) stating the legislature's intention for the state to acquire such building.

(2) If the notice required under subsection (a) is received when the legislature is not in regular session, then the legislature shall have 45 days from the commencement of the next regular session to adopt a concurrent resolution in accordance with subsection (c) stating the legislature's intention for the state to acquire such building.

(3) If the legislature does not adopt a concurrent resolution in accordance with subsection (c) within the 45-day period, then the school district may proceed with the disposition of such school district building in accordance with state law.

(c) The legislature may adopt a concurrent resolution stating the legislature's intention that the state acquire the school district building. Such concurrent resolution shall include:

(1) The name of the school district that owns such building;

(2) the information contained in the written notice as described in subsection (a)(1) through (3); and

(3) the state agency that intends to acquire such building and the intended use of such building upon acquisition.

(d) Upon adoption of a concurrent resolution in accordance with subsection (c), the state agency named in such resolution shall have 180 days to complete the acquisition of such school district building and take title to the real property. Upon request of the state agency acquiring the school district building, the legislative coordinating council may extend the 180-day period for a period of not more than 60 days. The board of education of the school district shall not sell, gift, lease or otherwise convey such building or any of the real property described in the written notice or take any action or refrain from taking any action that would diminish the value of such property during the 180-day period or any extension thereof. If the state agency does not take title to the property within the 180-day period or any extension thereof, then the school district may proceed with disposition of such school district building in accordance with state law and any written agreements entered into between such state agency and the school district.

(e) For purposes of this section, the term "state agency" means any state agency, department, authority, institution, division, bureau or other state governmental entity.";

On page 17, in line 19, by striking all after "(A)"; by striking all in line 20; in line 21, by striking "(B)"; in line 24, after "affidavit" by inserting "or transcript"; in line 25, by striking "subparagraphs" and inserting "subparagraph"; in line 26, by striking all before the period; following line 39, by inserting:

"(e) This section shall take effect on and after July 1, 2023.";

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

Also on page 17, in line 40, before "The" by inserting "(a)";

On page 18, following line 1, by inserting:

"(b) This section shall take effect on and after July 1, 2023.";

Also on page 18, by striking all in lines 2 through 26; following line 26, by inserting:  
"New Sec. 7. (a) There is hereby established the special education and related services funding task force. The task force shall be composed of 11 members, as follows:

- (1) Two members appointed by the speaker of the house of representatives;
- (2) two members appointed by the president of the senate;
- (3) one member appointed by the minority leader of the house of representatives;
- (4) one member appointed by the minority leader of the senate;
- (5) one member appointed by the state board of education;
- (6) two members appointed by the state department of education who are professionals in the field of special education and related services;
- (7) one member appointed by the state department of education who is a professional in early childhood developmental services and provides services for a tiny-K program; and

(8) one member who shall be a parent of a student who receives special education services. In calendar year 2023, and every second succeeding calendar year thereafter, such member shall be appointed by the speaker of the house of representatives. In calendar year 2024, and every second succeeding calendar year thereafter, such member shall be appointed by the president of the senate.

(b) Members shall be appointed to the task force on or before July 1, 2023. The speaker of the house of representatives shall designate one member appointed by the speaker of the house of representatives to call the first meeting of the task force. Any vacancy in the membership of the task force shall be filled by appointment in the same manner prescribed by this section for the original appointment.

(c) (1) If approved by the legislative coordinating council, members of the task force attending meetings authorized by the task force shall be paid amounts for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.

(2) The members of the task force shall select a chairperson and vice chairperson from the membership of the task force.

(3) The task force may meet at any time and at any place within the state on the call of the chairperson. A quorum of the task force shall be six members. All actions of the task force shall be by motion adopted by a majority of those voting members present when there is a quorum.

(4) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the task force.

(5) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the task force. The state board of education shall provide consultants and assistance when requested by the task force. The state board of education and school districts shall provide any information or documentation requested by the task force.

(d) The special education and related services funding task force shall:

(1) Study and make recommendations for changes in the existing formula for funding of special education and related services;

(2) conduct hearings and receive and consider suggestions from teachers, parents, the department of education, the state board of education, other governmental officers and agencies and the general public concerning funding for special education and related services; and

(3) make and submit reports to the legislature on the work of the task force concerning recommendations of the task force. Such reports shall include recommendations for legislative changes and be submitted to the legislature on or before January 14 of each year.";

On page 19, in line 41, after "(2)" by inserting "Subject to capacity, school districts shall give priority to any nonresident student who is a military student as defined in K.S.A. 72-5139, and amendments thereto. Priority shall be given when the military student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such military student shall not be subject to the open seat lottery.

(3)";

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

On page 22, following line 19, by inserting:

"Sec. 11. K.S.A. 72-3216 is hereby amended to read as follows: 72-3216. (a) (1) ~~Subject to provision paragraph (2) of this subsection,~~ every unified school district shall maintain, offer and teach kindergarten and grades one through 12 and shall offer and teach at least 30 units of instruction for ~~pupils~~ students enrolled in grades nine through 12 in each high school operated by the board of education. The units of instruction, to qualify for the purpose of this section, shall have the prior approval of the state board of education.

(2) Any unified school district which has discontinued kindergarten, any grade or unit of instruction under authority of K.S.A. 72-13,101, and amendments thereto, and has entered into an agreement with another unified school district for the provision of kindergarten or any such grade or unit of instruction has complied with the kindergarten, grade and unit of instruction requirements of this section.

(b) The board of education shall adopt all necessary rules and regulations for the government and conduct of its schools, consistent with the laws of the state.

(c) The board of education may divide the district into subdistricts for purposes of attendance by pupils.

(d) The board of education shall have the title to and the care and keeping of all school buildings and other school property belonging to the district. The board may open any or all school buildings for community purposes and may adopt rules and regulations governing use of school buildings for those purposes. School buildings and other school properties no longer needed by the school district may be disposed of by the board upon the affirmative recorded vote of not less than a majority of the members of the board at a regular meeting. Subject to the provisions of section 4, and amendments thereto, the board may dispose of the property in such manner and upon such terms and conditions as the board deems to be in the best interest of the school district. Conveyances of school buildings and other school properties shall be executed by the president of the board and attested by the clerk.



(e) The board shall have the power to acquire personal and real property by purchase, gift or the exercise of the power of eminent domain in accordance with K.S.A. 72-1144, and amendments thereto.

Sec. 12. On and after July 1, 2023, K.S.A. 2022 Supp. 72-4352 is hereby amended to read as follows: 72-4352. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

(1) Resides in Kansas; and

(2) (A) (i) ~~Is eligible for free or reduced-price meals under the national school lunch act~~ Has an annual family income that is less than or equal to 250% of the federal poverty guidelines as determined annually in the federal register by the United States department of health and human services under 42 U.S.C. § 9902(2); and

(ii) (a) was enrolled in kindergarten or any of the grades one through eight in any public school in the previous school year in which an educational scholarship is first sought for the child; or

(b) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is seven years of age or under; or

(B) has received an educational scholarship under the program and has not graduated from high school or reached the age of 21 years.

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program established in K.S.A. 72-4351 through 72-4357, and amendments thereto.

(g) "Public school" means any school operated by a unified school district under the laws of this state.

(h) "Qualified school" means any nonpublic school that:

(1) Provides education to elementary or secondary students;

(2) is accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure or is working in good faith toward such accreditation;

(3) has notified the state board of its intention to participate in the program; and

(4) complies with the requirements of the program.

(i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to eligible students or to qualified schools in which parents have enrolled eligible students.

(j) "School district" or "district" means any unified school district organized and operating under the laws of this state.

(k) "School year" means the same as in K.S.A. 72-5132, and amendments thereto.

(l) "Secretary" means the secretary of revenue.

(m) "State board" means the state board of education.

Sec. 13. On and after July 1, 2023, K.S.A. 72-4357 is hereby amended to read as follows: 72-4357. (a) (1) There shall be allowed a credit against the corporate income tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax liability imposed upon a taxpayer pursuant to the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and the premium tax liability imposed upon a taxpayer pursuant to the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, for tax years commencing after December 31, 2014, and ending before January 1, 2017, an amount equal to 70% of the amount contributed to a scholarship granting organization authorized pursuant to K.S.A. 72-4351 et seq., and amendments thereto.

(2) There shall be allowed a credit against the tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax liability imposed upon a taxpayer pursuant to the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and the premium tax liability imposed upon a taxpayer pursuant to the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto.;

(A) For tax years commencing after December 31, 2016, and ending before January 1, 2022, an amount equal to 70% of the amount contributed to a scholarship granting organization authorized pursuant to K.S.A. 72-4351 et seq., and amendments thereto; and

(B) for tax years commencing after December 31, 2022, an amount equal to 75% of the amount contributed to a scholarship granting organization authorized pursuant to K.S.A. 72-4351 et seq., and amendments thereto.

(3) In no event shall the total amount of contributions for any taxpayer allowed under this subsection exceed \$500,000 for any tax year.

(b) The credit shall be claimed and deducted from the taxpayer's tax liability during the tax year in which the contribution was made to any such scholarship granting organization.

(c) For each tax year, in no event shall the total amount of credits allowed under this section exceed \$10,000,000 for any one tax year. Except as otherwise provided, the allocation of such tax credits for each scholarship granting organization shall be determined by the scholarship granting organization in consultation with the secretary, and such determination shall be completed prior to the issuance of any tax credits pursuant to this section.

(d) If the amount of any such tax credit claimed by a taxpayer exceeds the taxpayer's income, privilege or premium tax liability, such excess amount may be carried over for deduction from the taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability.

(e) The secretary shall adopt rules and regulations regarding filing of documents that support the amount of credit claimed pursuant to this section.";

On page 24, in line 7, after "(B)" by inserting "except as provided in paragraph (4),"; in line 19, after the semicolon, by inserting "or"; in line 20, by striking all after "(C)"; by striking all in lines 21 through 35; in line 36, by striking "(D)";

On page 25, in line 1, by striking the comma and inserting "or"; also in line 1, by striking "or (C)"; following line 27, by inserting:

"(4) If a school district closed any school building pursuant to K.S.A. 72-1431, and amendments thereto, in the preceding school year, such school district shall determine enrollment pursuant to paragraph (1)(A) in the current school year.";

On page 31, following line 4, by inserting:

"Sec. 16. On and after July 1, 2023, K.S.A. 72-5149 is hereby amended to read as follows: 72-5149. (a) Except as provided in subsection (c), the low enrollment weighting of each school district shall be determined by the state board as follows:

(1) For school districts with an enrollment of fewer than 100 students, multiply the enrollment of the school district by 1.014331. The resulting product is the low enrollment weighting of the school district;

(2) for school districts with an enrollment of at least 100 students, but fewer than 300 students:

(A) Subtract 100 from the enrollment of the school district;

(B) multiply the difference obtained under subsection (a)(2)(A) by 9.655;

(C) subtract the product obtained under subsection (a)(2)(B) from 7,337;

(D) divide the difference obtained under subsection (a)(2)(C) by 3,642.4;

(E) subtract one from the quotient obtained under subsection (a)(2)(D); and

(F) multiply the difference obtained under subsection (a)(2)(E) by the enrollment of the school district. The resulting product is the low enrollment weighting of the school district;

(3) for school districts with an enrollment of at least 300 students, but fewer than 1,622 students:

(A) Subtract 300 from the enrollment of the school district;

(B) multiply the difference obtained under subsection (a)(3)(A) by 1.2375;

(C) subtract the product obtained under subsection (a)(3)(B) from 5,406;

(D) divide the difference obtained under subsection (a)(3)(C) by 3,642.4;

(E) subtract one from the quotient obtained under subsection (a)(3)(D); and

(F) multiply the difference obtained under subsection (a)(3)(E) by the enrollment of the school district. The resulting product is the low enrollment weighting of the school district.

(b) For school districts with an enrollment of at least 1,622 students, multiply the enrollment of the school district by 0.03504. The resulting product is the high enrollment weighting of the school district.

(c) Any school district that receives the low enrollment weighting and attaches territory of all or part of a disorganized school district or accepts students in the current school year who attended a school building that was closed by another school district pursuant to K.S.A. 72-1431, and amendments thereto, in the preceding school year shall maintain the low enrollment weighting factor such school district received in the school year immediately preceding such attachment or acceptance for the next three succeeding school years or may receive the low enrollment weighting factor determined

pursuant to subsection (a), whichever is greater.

Sec. 17. On and after July 1, 2023, K.S.A. 2022 Supp. 72-5151 is hereby amended to read as follows: 72-5151. (a) The at-risk student weighting of each school district shall be determined by the state board as follows:

(1) Determine the number of at-risk students included in the enrollment of the school district; and

(2) multiply the number determined under subsection (a)(1) by 0.484. The resulting sum is the at-risk student weighting of the school district.

(b) Except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:

(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;

(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and

(iii) multiply the product determined under subsection (b)(1)(A)(ii) by the number of at-risk students included in the enrollment of the school district; or

(B) if the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or

(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;

(ii) multiply the difference determined under subsection (b)(2)(A)(i) by 0.7; and

(iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such school; or

(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and

(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.

(3) The high-density at-risk student weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).

(4) School districts that qualify to receive the high-density at-risk student weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk student weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk student weighting does not spend such money on such best practices, the state board shall notify the school district that it shall repay such money to the school district's at-risk education fund. On or before January 15 of each year, the state board shall notify the house and senate standing committees on education, or any successor committees, which school districts had to repay such money and the amount of money such school district repaid for the preceding school year. If a school district does not spend such money on such best practices for three consecutive years, the school district shall not qualify to receive the high-density at-risk student

weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, ~~2024~~ 2027.

(c) The purpose of the at-risk student weighting and the high-density at-risk student weighting is to provide students identified as eligible to receive at-risk programs and services with evidence-based educational services in addition to regular instructional services.

(d) Upon a school district's receipt of state foundation aid, that portion of such state foundation aid that is directly attributable to such school district's at-risk student weighting and high-density at-risk student weighting, if any, shall be transferred to the district's at-risk education fund established under K.S.A. 72-5153, and amendments thereto.";

On page 38, in line 23, after the comma by inserting "and 72-3216"; in line 25, after the first "K.S.A." by inserting "72-4357, 72-5149 and"; in line 26, after "Supp." by inserting "72-4352,"; also in line 26, by striking "and" and inserting a comma; also in line 26, after "72-5142" by inserting "and 72-5151";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking all after the semicolon; by striking all in lines 4 through 6; in line 7, by striking all before the semicolon and inserting "requiring school districts to submit a notice of intent to dispose of a school district building to the legislature; establishing a state option to acquire such school district buildings"; in line 11, by striking all after the semicolon; in line 12 by striking all before "authorizing"; in line 15, after the semicolon by inserting "requiring school districts to give priority to nonresident military students under the school district's open seat lottery process,"; in line 19, after the semicolon by inserting "providing for additional student eligibility and increasing the tax credit for contributions made pursuant to the tax credit for low income students scholarship program; establishing the special education and related services funding task force; extending the high-density at-risk student weighting sunset date,"; in line 20, after "current-year" by inserting "or preceding year"; in line 21, after the semicolon by inserting "continuing a district's low enrollment weighting factor if the district accepts students from another school district under certain circumstances,"; in line 26, after the first comma by inserting "72-3216, 72-4357, 72-5149"; also in line 26, after the second comma by inserting "72-4352,"; in line 27, after "72-5142" by inserting ", 72-5151";

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

MOLLY BAUMGARDNER

RENEE ERICKSON

*Conferees on part of Senate*

KRISTEY WILLIAMS

BRENDA LANDWEHR

*Conferees on part of House*

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **H Sub SB 113**.

Upon the showing of 10 hands a motion to Call the Question was offered. By voice vote the motion prevailed.

On roll call, the vote was: Yeas 23; Nays 16; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Petersen, Pittman, Ryckman, Thompson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Holland, Holscher, Olson, Peck, Pettey, Pyle, Reddi, Shallenburger, Steffen, Straub, Sykes, Tyson, Ware.

Present and Passing: Haley.

The Conference Committee Report was adopted.

#### **MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2285**.

On motion of Senator Alley, the Senate recessed until 9:00 p.m.

#### **EVENING SESSION**

The Senate met pursuant to recess with President Masterson in the chair.

#### **MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **SB 25**

The House adopts the Conference Committee report on **SB 106**.

Announcing adoption of **HCR 5016**.

**HCR 5016**, A CONCURRENT RESOLUTION relating to the adjournment sine die of the Senate and House of Representatives during the 2023 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Alley, **HCR 5016** was adopted by voice vote.

#### **ORIGINAL MOTION**

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 106**.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 25** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 6 through 31; following line 31, by inserting:

"Section 1. (a) For the fiscal years ending June 30, 2023, June 30, 2024, June 30, 2025, June 30, 2026, June 30, 2027, and June 30, 2028, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 2023 and shall constitute the omnibus reconciliation spending limit bill for the 2023 regular session of the legislature for purposes of K.S.A. 75-6702(a), and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.

Sec. 2.

STATE BANK COMMISSIONER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Bank commissioner fee fund (094-00-2811)

For the fiscal year ending June 30, 2024.....\$12,809,736

*Provided*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2024, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000: *Provided further*; That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2024, for official hospitality for the division of banking shall not exceed \$1,000.

For the fiscal year ending June 30, 2025.....\$12,720,158

*Provided*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2025, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000: *Provided further*; That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2025, for official hospitality for the division of banking shall not exceed \$1,000.

Bank examination and investigation fund (094-00-2013-1010)

For the fiscal year ending June 30, 2024.....No limit

For the fiscal year ending June 30, 2025.....No limit

Consumer education settlement fund (094-00-2560-2500)

For the fiscal year ending June 30, 2024.....No limit

*Provided*, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2024, for consumer education purposes, which may be in accordance with contracts for such activities, which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

For the fiscal year ending June 30, 2025.....No limit

*Provided*, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2025, for consumer education purposes, which may be in accordance with contracts for such activities, which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

Litigation expense fund (094-00-2499-2499)

For the fiscal year ending June 30, 2024.....No limit

*Provided*, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2024, for costs, fees and

expenses associated with administrative or judicial proceedings regarding the enforcement of laws administered by the consumer and mortgage lending division and the enforcement and collection of assessed fines, fees and consumer refunds: *Provided further*; That, during the fiscal year ending June 30, 2024, a portion of the moneys collected as a result of fines and investigative fees collected by the consumer and mortgage lending division, as determined by the deputy of the consumer and mortgage lending division, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and credited to the litigation expense fund.

For the fiscal year ending June 30, 2025.....No limit

*Provided*, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2025, for costs, fees and expenses associated with administrative or judicial proceedings regarding the enforcement of laws administered by the consumer and mortgage lending division and the enforcement and collection of assessed fines, fees and consumer refunds: *Provided further*; That, during the fiscal year ending June 30, 2025, a portion of the moneys collected as a result of fines and investigative fees collected by the consumer and mortgage lending division, as determined by the deputy of the consumer and mortgage lending division, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and credited to the litigation expense fund.

(b) On July 1, 2023, the provisions of section 12(a) of 2023 House Bill No. 2184 are hereby declared to be null and void and shall have no force and effect.

Sec. 3.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 2023, if Substitute for Senate Bill No. 131 has been passed by the legislature during the 2023 regular session and enacted into law, then the expenditure limitation established for the fiscal year ending June 30, 2024, by section 15(a) of 2023 House Bill No. 2184 on the behavioral sciences regulatory board fee fund (102-00-2730-0100) of the behavioral sciences regulatory board is hereby increased from \$1,050,908 to \$1,147,260.

(b) On July 1, 2023, if Substitute for Senate Bill No. 131 has been passed by the legislature during the 2023 regular session and enacted into law, then the expenditure limitation established for the fiscal year ending June 30, 2025, by section 15(a) of 2023 House Bill No. 2184 on the behavioral sciences regulatory board fee fund (102-00-2730-0100) of the behavioral sciences regulatory board is hereby increased from \$1,073,817 to \$1,170,169.

Sec. 4.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 14(b) of chapter 81 of the 2022 Session Laws of Kansas on the hearing instrument board fee fund (266-00-2712-9900) of the Kansas board of examiners in fitting and dispensing of hearing instruments is hereby increased from \$34,010 to \$36,510.

(b) On July 1, 2023, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 21(a) of 2023 House Bill No. 2184 on the hearing



instrument board fee fund (266-00-2712-9900) of the Kansas board of examiners in fitting and dispensing of hearing instruments is hereby increased from \$37,695 to \$42,695.

(c) On July 1, 2023, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 21(a) of 2023 House Bill No. 2184 on the hearing instrument board fee fund (266-00-2712-9900) of the Kansas board of examiners in fitting and dispensing of hearing instruments is hereby increased from \$37,695 to \$42,695.

Sec. 5.

STATE BOARD OF PHARMACY

(a) During the fiscal year ending June 30, 2023, notwithstanding the provisions of K.S.A. 2022 Supp. 65-16,130, and amendments thereto, or any other statute to the contrary, no expenditures shall be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2023 as authorized by section 18 of chapter 116 or section 21 of chapter 98 of the 2021 Session Laws of Kansas, section 17 of chapter 81 of the 2022 Session Laws of Kansas, this or any other appropriation act of the 2023 regular session of the legislature to prohibit or enforce a prohibition against an arrangement between payors and selected pharmacies to ship a patient's pharmaceutical medication directly to a site of care or directly to the patient for administration at the site of care: *Provided, however,* That the above agency may implement or enforce such prohibition if such agency requires that an alternative pharmaceutical medication provided by the site of care not exceed the cost to the patient or payor of the pharmaceutical medication if such pharmaceutical medication were provided by the payor and a selected pharmacy shipping such pharmaceutical medication directly to the patient at the patient's home or the site of care.

Sec. 6.

STATE BOARD OF PHARMACY

(a) During the fiscal years ending June 30, 2024, and June 30, 2025, notwithstanding the provisions of K.S.A. 2022 Supp. 65-16,130, and amendments thereto, or any other statute to the contrary, no expenditures shall be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2024 or 2025 as authorized by section 26 of 2023 House Bill No. 2184, this or any other appropriation act of the 2024 or 2025 regular session of the legislature to prohibit or enforce a prohibition against an arrangement between payors and selected pharmacies to ship a patient's pharmaceutical medication directly to a site of care or directly to the patient for administration at the site of care: *Provided, however,* That the above agency may implement or enforce such prohibition if such agency requires that an alternative pharmaceutical medication provided by the site of care not exceed the cost to the patient or payor of the pharmaceutical medication if such pharmaceutical medication were provided by the payor and a selected pharmacy shipping such pharmaceutical medication directly to the patient at the patient's home or the site of care.

Sec. 7.

GOVERNMENTAL ETHICS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures (247-00-1000-0103)

For the fiscal year ending June 30, 2024.....\$13,000

For the fiscal year ending June 30, 2025.....\$13,000  
Sec. 8.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Domestic violence

prevention grants (252-00-1000-0600).....\$4,550,000  
Child advocacy centers (252-00-1000-0610).....\$450,000

(b) During the fiscal years ending June 30, 2024, and June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency, expenditures shall be made by the above agency from moneys appropriated for fiscal year 2024 and fiscal year 2025 by section 38 of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 or 2024 regular session of the legislature to post on a searchable website accessible to the public, pursuant to the Kansas taxpayer transparency act, K.S.A. 74-72,123, and amendments thereto, and as allowable by federal regulations, any grant applied for or awarded by any agency related to the American Rescue Plan Act – state fiscal recovery fund related to the four programmatic areas of connectivity, efficiency and modernization, health and education, and economic revitalization, as well as awards applied for and made through the building a stronger economy grants program and building a stronger economy 2.0 grants programs: *Provided*, That the list of all such awards shall include: (1) Such organization name; (2) the county where the grant project is located; (3) a brief description of the grant project; (4) the dollar amount awarded; and (5) the date that the above agency awarded the grant: *Provided further*; That information required to be included on the website pursuant to this paragraph shall be posted within 30 business days after the date of awarding the grant.

(c) On July 1, 2023, section 143 of 2023 House Bill No. 2184 is hereby declared null and void and shall have no force and effect.

Sec. 9.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (082-00-1000-0103).....\$1,741,564

*Provided*, That if 2023 Senate Bill No. 174, or other legislation that authorizes the attorney general to prosecute any crime that is part of an alleged course of criminal conduct that occurred in two or more counties, is not passed by the legislature during the 2023 regular session and enacted into law, then on July 1, 2023, of the \$1,741,564 appropriated for the above agency for the fiscal year ending June 30, 2024, by this section from the state general fund in the operating expenditures account, the sum of \$252,825 is hereby lapsed.

Sec. 10.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Presidential preference primary.....\$4,700,000

Sec. 11.

STATE TREASURER

(a) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund in the water supply storage debt payment for Milford and Perry reservoirs account (039-00-1000-0610) of the above agency for fiscal years 2023, 2024, 2025, 2026, 2027 and 2028 as authorized by sections 41 through 46 of 2023 House Bill No. 2184, this or any other appropriation act of the 2023, 2024, 2025, 2026 or 2027 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated in fiscal years 2023, 2024, 2025, 2026, 2027 and 2028 to direct, in the state treasurer's discretion, the pooled money investment board to invest all moneys in the water supply storage debt payment for Milford and Perry reservoirs account in United States treasury bills that may be purchased by the state treasurer pursuant to section 41 of 2023 House Bill No. 2184.

(b) On the effective date of this act, the provisions of the proviso on section 1(a) and the provisions of section 2 of 2023 Senate Substitute for House Bill No. 2302 are hereby declared to be null and void and shall have no force and effect.

(c) On the effective date of this act, the \$52,000,000 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 1(a) of 2023 Senate Substitute for House Bill No. 2302 from the state general fund in the water supply storage debt payment for Milford and Perry reservoirs account (039-00-1000-0610) is hereby lapsed.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Build Kansas matching grant fund.....No limit

*Provided*, That during the fiscal year ending June 30, 2024, no expenditures shall be made from or obligation incurred against the build Kansas matching grant fund without the requesting state agency advising and consulting with the build Kansas advisory committee, subject to the provisions of these provisos: *Provided further*, That the build Kansas advisory committee shall be composed of nine members of the legislature appointed as follows: (1) One member appointed by the governor; (2) three members appointed by the speaker of the house of representatives; (3) three members appointed by the president of the senate; (4) one member appointed by the minority leader of the house of representatives; and (5) one member appointed by the minority leader of the senate: *And provided further*, That the chairperson of such committee shall be a senate member appointed by the president of the senate, and the vice chairperson shall be a representative member appointed by the speaker of the house of representatives: *And provided further*, That any state agency named in 2023 House Bill No. 2184 that is knowledgeable concerning potential infrastructure projects that may be funded by the infrastructure investment and jobs act, public law 117-58, shall inform and educate local communities of the funding opportunities available in such act: *And provided further*, That such state agencies shall provide assistance as necessary to interested local communities: *And provided further*, That such state agencies shall form a steering committee to meet regularly in order to coordinate efforts and develop a process to ensure that local communities are informed and connected with the coordinating state agency: *And provided further*, That the steering committee, after advising and consulting with the build Kansas advisory committee, shall establish a means test to

determine whether the local community is an eligible entity pursuant to the infrastructure investment and jobs act and has demonstrated a need for such grant: *And provided further*, That a grant funding application requesting matching funds for the purposes of the infrastructure investment and jobs act shall be approved by the coordinating state agency, in consultation with the steering committee, prior to submission to the build Kansas advisory committee: *And provided further*, That the grant funding application requested by eligible entities from the build Kansas matching grant fund and approved by the coordinating state agency shall be submitted to the build Kansas advisory committee: *And provided further*, That as soon as practicable, the build Kansas advisory committee shall meet and review each request and report such committee's advice to the state treasurer, the eligible entity submitting the grant application and the coordinating state agency that is providing assistance to the eligible entity in the local community: *Provided however*, That other than operating expenditures, no expenditures shall be made from the build Kansas matching grant fund without written documentation to the state treasurer that such grant funding application has been approved by the federal government pursuant to the infrastructure investment and jobs act: *And provided further*, That, after the requesting state agency advises and consults with the build Kansas advisory committee and receives notification of federal approval, the above agency shall expend matching grant funds to the eligible entity that has been awarded such grant subject to the provisions of the grant: *And provided further*, That such matching grant funds shall be used by eligible entities to support projects funded by the infrastructure investment and jobs act: *And provided further*, That such projects shall include, but not be limited to, water, transportation, energy, cyber security and broadband infrastructure: *And provided further*, That no expenditures from the build Kansas matching grant fund for the fiscal year ending June 30, 2024, shall be made for salaries and wages and other operating expenditures, including, but not limited to, hiring grant writers and consultants to provide technical assistance and educational opportunities: *And provided however*, That if during fiscal year 2024, the build Kansas advisory committee determines that the unencumbered balance in the build Kansas matching grant fund is insufficient to pay an amount that is necessary to finance grant applications approved by such committee pursuant to this proviso, such committee may request approval from the state finance council to transfer an amount equal to the insufficient amount from the state general fund to the build Kansas matching grant fund: *And provided however*, That no such transfer shall be made from the state general fund to the build Kansas matching grant fund without approval from the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That the state finance council is hereby authorized to approve such transfers: *And provided further*, That, if approved, the director of accounts and reports shall make such transfer: *And provided however*, That the total of all amounts transferred from the state general fund to the build Kansas matching grant fund pursuant to this proviso shall not exceed \$215,000,000: *And provided further*, That approved grant applications shall be distributed geographically based on the department of commerce's Kansas economic development districts and, for the purposes of this proviso, the Mo-Kan district shall be combined with those counties that are not associated with any Kansas economic development district: *And provided further*, That

the build Kansas advisory committee may meet to advise and consult on any such request while the legislature is in session and in person or through the use of telephone or any other medium for interactive communication.

(e) On July 1, 2023, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000,000 from the state general fund to the build Kansas matching grant fund.

Sec. 12.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Build Kansas matching grant fund.....No limit

*Provided*, That during the fiscal year ending June 30, 2025, no expenditures shall be made from or obligation incurred against the build Kansas matching grant fund without the requesting state agency advising and consulting with the build Kansas advisory committee, as established in section 11, subject to the provisions of these provisos:

*Provided, however*, That during the fiscal year ending June 30, 2025, the chairperson of such committee shall be a representative member appointed by the speaker of the house of representatives and the vice chairperson shall be a senate member appointed by the president of the senate: *And provided further*, That any state agency named in 2023 House Bill No. 2184 that is knowledgeable concerning potential infrastructure projects that may be funded by the infrastructure investment and jobs act, public law 117-58,

shall inform and educate local communities of the funding opportunities available in such act: *And provided further*, That such state agencies shall provide assistance as necessary to interested local communities: *And provided further*, That such state agencies shall form a steering committee to meet regularly in order to coordinate efforts and develop a process to ensure that local communities are informed and connected with the coordinating state agency: *And provided further*, That the steering committee, after advising and consulting with the build Kansas advisory committee, shall establish a means test to determine whether the local community is an eligible entity pursuant to the infrastructure investment and jobs act and has demonstrated a need for such grant:

*And provided further*, That a grant funding application, requesting matching funds for the purposes of the infrastructure investment and jobs act, shall be approved by the coordinating state agency, in consultation with the steering committee, prior to submission to the build Kansas advisory committee: *And provided further*, That the grant funding application requested by eligible entities from the build Kansas matching grant fund and approved by the coordinating state agency shall be submitted to the build Kansas advisory committee: *And provided further*, That as soon as practicable, the build Kansas advisory committee shall meet and review each request and shall report such committee's advice to the state treasurer, the eligible entity submitting the grant application and the coordinating state agency that is providing assistance to the eligible entity in the local community: *Provided however*, That other than operating expenditures, no expenditures shall be made from the build Kansas matching grant fund without written documentation to the state treasurer that such grant funding application has been approved by the federal government pursuant to the infrastructure investment and jobs act: *And provided further*, That, after the requesting state agency advises and

consults with the build Kansas advisory committee and receives notification of federal approval, the above agency shall expend matching grant funds to the eligible entity that has been awarded such grant subject to the provisions of the grant: *And provided further*, That such matching grant funds shall be used by eligible entities to support projects funded by the infrastructure investment and jobs act: *And provided further*, That such projects shall include, but not be limited to, water, transportation, energy, cyber security and broadband infrastructure: *And provided further*, That expenditures from the build Kansas matching grant fund for the fiscal year ending June 30, 2025, for salaries and wages and other operating expenditures, including, but not limited to, hiring grant writers and consultants to provide technical assistance and educational opportunities, shall not exceed \$5,000,000 and are subject to advice and consultation with the build Kansas advisory committee: *And provided however*, That if during fiscal year 2025, the build Kansas advisory committee determines that the unencumbered balance in the build Kansas matching grant fund is insufficient to pay an amount that is necessary to finance grant applications approved by such committee pursuant to this proviso, such committee may request approval from the state finance council to transfer an amount equal to the insufficient amount from the state general fund to the build Kansas matching grant fund: *And provided however*, That no such transfer shall be made from the state general fund to the build Kansas matching grant fund without approval from the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That the state finance council is hereby authorized to approve such transfers: *And provided further*, That if approved, the director of accounts and reports shall make such transfer: *And provided however*, That the total of all amounts transferred from the state general fund to the build Kansas matching grant fund pursuant to this proviso and the provisions of section 11 shall not exceed \$215,000,000: *And provided further*, That approved grant applications shall be distributed geographically based on the department of commerce's Kansas economic development districts and, for the purposes of this proviso, the Mo-Kan district shall be combined with those counties that are not associated with any Kansas economic development district: *And provided further*, That the build Kansas advisory committee may meet to advise and consult on any such request while the legislature is in session and in person or through the use of telephone or any other medium for interactive communication: *And provided further*, That on or before the first day of the 2025 regular session of the legislature, any coordinating state agency providing assistance to local communities shall submit a report on all expenditures, grant applications and approved grant applications from the build Kansas matching grant fund for the preceding fiscal year to the house of representatives committee on appropriations and the senate committee on ways and means.

(b) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$55,000,000 from the state general fund to the build Kansas matching grant fund: *Provided, however*, That if in the aggregate, the amount transferred from the state general fund to the build Kansas matching grant fund pursuant to any previous state finance council action is equal to \$215,000,000, then the provisions of this subsection are null and void.

Sec. 13.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2026, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Build Kansas matching grant fund.....No limit

*Provided*, That during the fiscal year ending June 30, 2026, no expenditures shall be made from or obligation incurred against the build Kansas matching grant fund without the requesting state agency advising and consulting with the build Kansas advisory committee, as established in section 11, subject to the provisions of these provisos:

*Provided, however*, That during the fiscal year ending June 30, 2026, the chairperson of such committee shall be a senate member appointed by the president of the senate, and the vice chairperson shall be a representative member appointed by the speaker of the house of representatives: *And provided further*, That any state agency named in 2023 House Bill No. 2184 that is knowledgeable concerning potential infrastructure projects that may be funded by the infrastructure investment and jobs act, public law 117-58,

shall inform and educate local communities of the funding opportunities available in such act: *And provided further*, That such state agencies shall provide assistance as necessary to interested local communities: *And provided further*, That such state agencies shall form a steering committee to meet regularly in order to coordinate efforts and develop a process to ensure that local communities are informed and connected with the coordinating state agency: *And provided further*, That the steering committee,

after advising and consulting with the build Kansas advisory committee, shall establish a means test to determine whether the local community is an eligible entity pursuant to the infrastructure investment and jobs act and has demonstrated a need for such grant: *And provided further*, That a grant funding application, requesting matching funds for the purposes of the infrastructure investment and jobs act, shall be approved by the coordinating state agency, in consultation with the steering committee, prior to submission to the build Kansas advisory committee: *And provided further*, That the grant funding application requested by eligible entities from the build Kansas matching grant fund and approved by the coordinating state agency shall be submitted to the build Kansas advisory committee: *And provided further*, That as soon as practicable, the build Kansas advisory committee shall meet and review each request and shall report such committee's advice to the state treasurer, the eligible entity submitting the grant application and the coordinating state agency that is providing assistance to the eligible entity in the local community: *Provided however*, That other than operating expenditures, no expenditures shall be made from the build Kansas matching grant fund without written documentation to the state treasurer that such grant funding application has been approved by the federal government pursuant to the infrastructure investment and jobs act: *And provided further*, That, after the requesting state agency advises and consults with the build Kansas advisory committee and receives notification of federal approval, the above agency shall expend matching grant funds to the eligible entity that has been awarded such grant subject to the provisions of the grant: *And provided further*, That such matching grant funds shall be used by eligible entities to support projects funded by the infrastructure investment and jobs act: *And provided further*, That such projects shall include, but not be limited to, water, transportation, energy, cyber security and broadband infrastructure: *And provided further*, That expenditures from the

build Kansas matching grant fund for the fiscal year ending June 30, 2026, for salaries and wages and other operating expenditures, including, but not limited to, hiring grant writers and consultants to provide technical assistance and educational opportunities, shall not exceed \$5,000,000 and are subject to advice and consultation with the build Kansas advisory committee: *And provided however*, That if during fiscal year 2026, the build Kansas advisory committee determines that the unencumbered balance in the build Kansas matching grant fund is insufficient to pay an amount that is necessary to finance grant applications approved by such committee pursuant to this proviso, such committee may request approval from the state finance council to transfer an amount equal to the insufficient amount from the state general fund to the build Kansas matching grant fund: *And provided however*, That no such transfer shall be made from the state general fund to the build Kansas matching grant fund without approval from the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That the state finance council is hereby authorized to approve such transfers: *And provided further*, That if approved, the director of accounts and reports shall make such transfer: *And provided however*, That the total of all amounts transferred from the state general fund to the build Kansas matching grant fund pursuant to this proviso and the provisions of sections 11 and 12 shall not exceed \$215,000,000: *And provided further*, That approved grant applications shall be distributed geographically based on the department of commerce's Kansas economic development districts, and for the purposes of this proviso, the Mo-Kan district shall be combined with those counties that are not associated with any Kansas economic development district: *And provided further*, That expenditures shall be made by the above agency from such fund during fiscal year 2026 to review the location of all grants awarded in each Kansas economic development district including the combined counties Mo-Kan district: *And provided further*, That during fiscal year 2026, the above agency shall collaborate with the coordinating state agencies to ensure that each Kansas economic development district and the combined counties Mo-Kan district does not have less than \$10,000,000 allocated to grant projects in such district from the build Kansas matching grant fund: *And provided further*, That the build Kansas advisory committee may meet to advise and consult on any such request while the legislature is in session and in person or through the use of telephone or any other medium for interactive communication: *And provided further*, That on or before the first day of the 2026 regular session of the legislature, any coordinating state agency providing assistance to local communities shall submit a report on all expenditures, grant applications and approved grant applications from the build Kansas matching grant fund for the preceding fiscal year to the house of representatives committee on appropriations and the senate committee on ways and means.

(b) On July 1, 2025, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$55,000,000 from the state general fund to the build Kansas matching grant fund: *Provided, however*, That if in the aggregate, the amount transferred from the state general fund to the build Kansas matching grant fund pursuant to any previous state finance council action is equal to \$215,000,000, then the provisions of this subsection are null and void.

Sec. 14.



STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2027, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Build Kansas matching grant fund.....No limit

*Provided*, That during the fiscal year ending June 30, 2027, no expenditures shall be made from or obligation incurred against the build Kansas matching grant fund without the requesting state agency advising and consulting with the build Kansas advisory committee, as established in section 11, subject to the provisions of these provisos: *Provided, however*, That during the fiscal year ending June 30, 2027, the chairperson of such committee shall be a representative member appointed by the speaker of the house of representatives, and the vice chairperson shall be a senate member appointed by the president of the senate: *And provided further*, That any state agency named in 2023 House Bill No. 2184 that is knowledgeable concerning potential infrastructure projects that may be funded by the infrastructure investment and jobs act, public law 117-58, shall inform and educate local communities of the funding opportunities available in such act: *And provided further*, That such state agencies shall provide assistance as necessary to interested local communities: *And provided further*, That such state agencies shall form a steering committee to meet regularly in order to coordinate efforts and develop a process to ensure that local communities are informed and connected with the coordinating state agency: *And provided further*, That the steering committee, after advising and consulting with the build Kansas advisory committee, shall establish a means test to determine whether the local community is an eligible entity pursuant to the infrastructure investment and jobs act and has demonstrated a need for such grant: *And provided further*, That a grant funding application requesting matching funds for the purposes of the infrastructure investment and jobs act, shall be approved by the coordinating state agency, in consultation with the steering committee, prior to submission to the build Kansas advisory committee: *And provided further* That the grant funding application requested by eligible entities from the build Kansas matching grant fund and approved by the coordinating state agency shall be submitted to the build Kansas advisory committee: *And provided further*, That as soon as practicable, the build Kansas advisory committee shall meet and review each request and shall report such committee's advice to the state treasurer, the eligible entity submitting the grant application and the coordinating state agency that is providing assistance to the eligible entity in the local community: *Provided however*, That other than operating expenditures, no expenditures shall be made from the build Kansas matching grant fund without written documentation to the state treasurer that such grant funding application has been approved by the federal government pursuant to the infrastructure investment and jobs act: *And provided further*, That, after the requesting state agency advises and consults with the build Kansas advisory committee and receives notification of federal approval, the above agency shall expend matching grant funds to the eligible entity that has been awarded such grant subject to the provisions of the grant: *And provided further*, That such matching grant funds shall be used by eligible entities to support projects funded by the infrastructure investment and jobs act: *And provided further*, That such projects shall include, but not be limited to, water, transportation, energy, cyber security and broadband infrastructure: *And provided further*, That expenditures from the

build Kansas matching grant fund for the fiscal year ending June 30, 2027, for salaries and wages and other operating expenditures, including, but not limited to, hiring grant writers and consultants to provide technical assistance and educational opportunities, shall not exceed \$5,000,000 and are subject to advice and consultation with the build Kansas advisory committee: *And provided however*, That if during fiscal year 2027, the build Kansas advisory committee determines that the unencumbered balance in the build Kansas matching grant fund is insufficient to pay an amount that is necessary to finance grant applications approved by such committee pursuant to this proviso, such committee may request approval from the state finance council to transfer an amount equal to the insufficient amount from the state general fund to the build Kansas matching grant fund: *And provided however*, That no such transfer shall be made from the state general fund to the build Kansas matching grant fund without approval from the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That the state finance council is hereby authorized to approve such transfers: *And provided further*, That if approved, the director of accounts and reports shall make such transfer: *And provided however*, That the total of all amounts transferred from the state general fund to the build Kansas matching grant fund pursuant to this proviso and the provisions of sections 11, 12 and 13 shall not exceed \$215,000,000: *And provided further*, That approved grant applications shall be distributed geographically based on the department of commerce's Kansas economic development districts, and for the purposes of this proviso, the Mo-Kan district shall be combined with those counties that are not associated with any Kansas economic development district: *And provided further*, That expenditures shall be made by the above agency from such fund during fiscal year 2027 to review the location of all grants awarded in each Kansas economic development district including the combined counties Mo-Kan district: *And provided further*, That during fiscal year 2027, the above agency shall collaborate with the coordinating state agencies to ensure that each Kansas economic development district and the combined counties Mo-Kan district does not have less than \$10,000,000 allocated to grant projects in such district from the build Kansas matching grant fund: *And provided further*, That the build Kansas advisory committee may meet to advise and consult on any such request while the legislature is in session and in person or through the use of telephone or any other medium for interactive communication: *And provided further*, That on or before the first day of the 2027 regular session of the legislature, any coordinating state agency providing assistance to local communities shall submit a report on all expenditures, grant applications and approved grant applications from the build Kansas matching grant fund for the preceding fiscal year to the house of representatives committee on appropriations and the senate committee on ways and means.

(b) On July 1, 2026, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$55,000,000 from the state general fund to the build Kansas matching grant fund: *Provided, however*, That if in the aggregate, the amount transferred from the state general fund to the build Kansas matching grant fund pursuant to any previous state finance council action is equal to \$215,000,000, then the provisions of this subsection are null and void.

Sec. 15.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2028, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Build Kansas matching grant fund.....No limit

*Provided*, That during the fiscal year ending June 30, 2028, no expenditures shall be made from or obligation requested to be incurred against the build Kansas matching grant fund without advising and consulting with build Kansas advisory committee, as established in section 11, subject to the provisions of section 14(a): *Provided, however*, That during the fiscal year ending June 30, 2028, the chairperson of such committee shall be a senate member appointed by the president of the senate, and the vice chairperson shall be a representative member appointed by the speaker of the house of representatives: *And provided further*, That on or before September 30, 2027, any coordinating state agency providing assistance to local communities shall submit a report on all expenditures, grant applications and approved grant applications from the build Kansas matching grant fund for the preceding fiscal year to the house of representatives committee on appropriations and the senate committee on ways and means.

(b) On September 30, 2027, the director of accounts and reports shall transfer all moneys in the build Kansas matching grant fund to the state general fund. On September 30, 2027, all liabilities of the build Kansas matching grant fund are hereby transferred to and imposed on the state general fund and the build Kansas matching grant fund is hereby abolished.

Sec. 16.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Group-funded pools refund fund.....No limit

(b) During the fiscal years ending June 30, 2023, and June 30, 2024, notwithstanding the provisions of K.S.A. 40-103, and amendments thereto, or any other statute to the contrary, no expenditures shall be made by the above agency from moneys appropriated from any special revenue fund or funds for the above agency for fiscal year 2023 or 2024 as authorized by chapter 81 of the 2022 Session Laws of Kansas, section 47 of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 regular session of the legislature to enhance, support, plan, implement or impose federal market reforms, changes or additions to essential health benefits under part A of title XXVII of the federal public health service act, including, but not limited to, the imposition of new health insurance mandates or consumer benefits on a health plan of any individual, group, governmental agency or entity, whether such health plan is insured or self-insured unless the legislature expressly consents to and approves of such action or actions by an act of the legislature.

(c) On the effective date of this act, the provisions of section 47(c) of 2023 House Bill No. 2184 are hereby declared to be null and void and shall have no force and effect.

Sec. 17.

HEALTH CARE STABILIZATION  
FUND BOARD OF GOVERNORS

(a) Notwithstanding the provisions of K.S.A. 40-3401, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2024, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds of the above agency for fiscal year 2024 as authorized by section 48 of 2023 House Bill No. 2184, this or other appropriation act of the 2023 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2024 to deem a maternity center as a "healthcare provider" for the purposes of the healthcare provider insurance availability act, K.S.A. 40-3401 et seq., and amendments thereto, if such maternity center: (1) Has been granted accreditation by the commission for accreditation of birth centers; and (2) is a maternity center as defined in K.S.A. 65-503, and amendments thereto.

Sec. 18.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (349-00-1000).....\$696,664

Sec. 19.

STATE BOARD OF INDIGENTS'  
DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (328-00-1000-0603).....\$1,781,626

Sec. 20.

KANSAS PUBLIC EMPLOYEES  
RETIREMENT SYSTEM

(a) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund (365-00-7002-7000) for the fiscal year ending June 30, 2024, for the following specified purposes:

Agency operations (365-00-7002-7400).....\$166,421

(b) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the investment-related expenses account (365-00-7002-8000) of the Kansas public employees retirement fund (365-00-7002-7000) for fiscal year 2024 as authorized by section 56(b) of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 regular session of the legislature, expenditures shall be made from such account for fiscal year 2024, in an amount not to exceed \$450,000, for a contract for proxy voting services: *Provided*, That such contract shall be executed on or before October 1, 2023.

Sec. 21.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Licensing verification portal.....\$84,000

(b) On July 1, 2023, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2024, by section 63(a) of 2023 House Bill No. 2184

on the budget analysis account (173-00-1000-0520) of the state general fund of the department of administration is hereby decreased from \$2,000 to \$1,000.

(c) On July 1, 2023, of the \$1,997,630 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 63(a) of 2023 House Bill No. 2184 from the state general fund in the budget analysis account (173-00-1000-0520), the sum of \$40,670 is hereby lapsed.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- 1<sup>st</sup> Kansas (colored) voluntary infantry regiment mural fund.....No limit
- Ad astra sculpture fund.....No limit

(e) During the fiscal year ending June 30, 2024, notwithstanding the provisions of K.S.A. 2022 Supp. 48-3406, as amended by section 2 of 2023 Senate Bill No. 66, or any other statute, no expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2024 as authorized by section 63 of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 regular session of the legislature to require the board of accountancy, board of barbering, board of examiners in optometry, state board of veterinary examiners, governmental ethics commission, Kansas dental board or the state board of mortuary arts to comply with a central electronic record system developed and implemented by the secretary of administration.

Sec. 22.

OFFICE OF INFORMATION TECHNOLOGY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

- Vendor contract (335-00-1000).....\$2,500,000

Sec. 23.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

- Gage park improvement district.....\$2,000,000

(b) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2024 as authorized by section 73 of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 regular session of the legislature, expenditures shall be made by the above agency from such moneys to modernize driver's licenses to allow electronic use as a digital driver's license that can be stored on mobile device applications: *Provided*, That such digital driver's license shall be compatible with federal transportation security administration checkpoints.

Sec. 24.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 74(a) of 2023 House Bill No. 2184 to be transferred from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) during the fiscal year ending June 30, 2023, is hereby increased from \$69,490,000 to \$73,740,000.

Sec. 25.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

World cup planning and area improvements.....\$10,000,000

Sec. 26.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Statewide marketing campaign for high demand and high wage career fields.....\$2,500,000

Provided, That expenditures shall be made by the above agency from statewide marketing campaign for high demand and high wage career fields account for a contract with Level Up Kansas, a Kansas nonprofit, for the purpose of providing a statewide marketing campaign to underskilled adult learners about training opportunities available at Kansas postsecondary educational institutions in high demand and high wage career fields.

Any unencumbered balance in the world cup planning and area improvements account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas nonprofit apprenticeship grant program fund.....No limit

Kansas educator registered apprenticeship grant program fund.....No limit

Engineering graduate incentive fund.....No limit

Kansas film and digital media production development act education fund.....No limit

Kansas film and digital media production development act workforce training and business direct investment fund.....No limit

(c) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2024 as authorized by section 77 of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 regular session of the legislature, expenditures shall be made from such moneys to define, for the purposes of section 77(j)(1) of 2023 House Bill No. 2184, "amusement rides" to mean the same as defined in K.S.A. 44-1601, and amendments thereto, and includes such amusement rides and further includes buildings necessary to house and operate such amusement park ride, buildings immediately adjacent and attached to such amusement park ride and a building necessary to house a conference center within the major amusement park area.

(d) On the effective date of this act, the provisions of section 77(j)(2)(A) of 2023 House Bill No. 2184 are hereby declared to be null and void and shall have no force and effect.

Sec. 27.

DEPARTMENT OF COMMERCE

(a) Any unencumbered balance in statewide marketing campaign for high demand and high wage career fields account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided*, That the above agency shall submit a report on the campaign to the house of representatives committee on commerce, labor and economic development and the senate committee on commerce on or before February 1, 2025.

Sec. 28.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (296-00-1000-0503).....\$23,000

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 64(b) of chapter 81 of the 2022 Session Laws of Kansas on the workmen's compensation fee fund (296-00-2124-2220) of the department of labor is hereby decreased from \$13,263,070 to \$12,067,209.

(c) On the effective date of this act, the provisions of section 80(c) of 2023 House Bill No. 2184 are hereby declared to be null and void and shall have no force and effect.

Sec. 29.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (296-00-1000-0503).....\$890,000

(b) On July 1, 2023, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 81(b) of 2023 House Bill No. 2184 on the workmen's compensation fee fund (296-00-2124-2220) of the department of labor is hereby increased from \$12,321,935 to \$12,375,379.

(c) During the fiscal year ending June 30, 2024, notwithstanding the provisions of K.S.A. 44-710a, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds as authorized by section 81 of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 regular session of the legislature, expenditures shall be made by the above agency from such moneys to recalculate the rate of both employers in a full or partial successorship pursuant to K.S.A. 44-710a(b)(4)(A), and amendments thereto, on the first day of the next calendar year following the date of transfer of trade or business.

(d) During the fiscal year ending June 30, 2024, notwithstanding the provisions of K.S.A. 44-703, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds as authorized by section 81 of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 regular session of the legislature, expenditures shall be made by the above agency from such moneys to determine the benefit year, including any subsequent benefit year, under K.S.A. 44-703(d), and amendments thereto, with respect to an individual as beginning with the Sunday of the first week for which such individual files a valid claim for benefits.

Sec. 30.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Child abuse review and evaluation (264-00-1000-1550).....	\$117,653
Operating expenditures (including official hospitality) – health (264-00-1000-0270).....	\$21,250

Sec. 31.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF HEALTH CARE FINANCE

(a) On the effective date of this act, of the \$692,680,872 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 70(a) of chapter 81 of the 2022 Session Laws of Kansas from the state general fund in the other medical assistance account (264-00-1000-3026), the sum of \$28,000,000 is hereby lapsed.

Sec. 32.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF HEALTH CARE FINANCE

(a) On July 1, 2023, of the \$700,032,680 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 86(a) of 2023 House Bill No. 2184 from the state general fund in the other medical assistance account (264-00-1000-3026), the sum of \$18,282,680 is hereby lapsed.

Sec. 33.

KANSAS DEPARTMENT FOR  
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Non-KanCare caseloads (039-00-1000-0611).....	\$540,000
Larned state hospital – operating expenditures (410-00-1000-0103).....	\$10,360,000

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 74(b) of chapter 81 of the 2022 Session Laws of Kansas on the Kansas neurological institute fee fund (363-00-2059-2000) of the Kansas department for aging and disability services is hereby increased from \$1,324,436 to \$1,500,793.

(c) On the effective date of this act, of the \$431,984,882 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 74(a) of chapter 81 of the 2022 Session Laws of Kansas from the state general fund in the KanCare caseloads account (039-00-1000-0610), the sum of \$32,000,000 is hereby lapsed.

(d) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (039-00-8100-8240).....	\$715,000
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Sec. 34.

KANSAS DEPARTMENT FOR  
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the



fiscal year ending June 30, 2024, the following:

Community services and programs account (039-00-1000-0520).....	\$200,000
Non-KanCare caseloads (039-00-1000-0611).....	\$5,500,000
Program for all-inclusive care for the elderly.....	\$2,500,000
<i>Provided</i> , That expenditures shall be made by the above agency from the program for all-inclusive care for the elderly account to expand the PACE program to additional Kansas counties.	
Counties and hospitals reimbursement.....	\$5,000,000
Program grants – nutrition – state match (039-00-1000-0280).....	\$1,500,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

County competency expense fund.....No limit

(c) On July 1, 2023, of the \$551,600,000 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 89(a) of 2023 House Bill No. 2184 from the state general fund in the KanCare caseloads account (039-00-1000-0610), the sum of \$18,600,000 is hereby lapsed.

Sec. 35.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Youth services aid and assistance account (629-00-1000-7020).....	\$5,640,000
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Sec. 36.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

State operations (including official hospitality) (629-00-1000-0013).....	\$511,288
Youth services aid and assistance account (629-00-1000-7020).....	\$867,444

(b) On July 1, 2023, of the \$134,710,032 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 91(a) of 2023 House Bill No. 2184 from the state general fund in the state operations (including official hospitality) account (629-00-1000-0013), the sum of \$3,550,000 is hereby lapsed.

(c) On July 1, 2023, the provisions of section 91(g) of 2023 House Bill No. 2184 are hereby declared to be null and void and shall have no force and effect.

Sec. 37.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Mental health intervention

team pilot (652-00-1000-0150).....\$13,534,722

*Provided*, That any unencumbered balance in the mental health intervention team pilot account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024: *Provided further*, That expenditures shall be made from the mental health intervention team pilot to continue the mental health intervention team program: *And provided further*, That such program shall be a continuation of the mental health intervention team pilot program first established pursuant to section 1 of chapter 57 and section 3 of chapter 70 of the 2018 Session Laws of Kansas and continued and expanded through subsequent appropriation acts of the legislature: *And Provided further*, That the purposes of the mental health intervention team program are to: Provide greater access to behavioral health services for students enrolled in kindergarten or any of the grades one through 12 and establish a coherent structure between school districts and community mental health centers to optimize scarce behavioral health resources and workforce; identify students, communicate with families and link students and their families to the statewide behavioral health systems and resources within the network of community mental health centers; alleviate the shortage of staff with specialized degrees or training such as school counselors, psychologists and social workers and reduce the competition for such staff between school districts and other private and governmental service providers to provide broader-based and collaborative services to students, especially in rural districts that do not have enough students to justify a full-time staff position; provide and coordinate mental health services to students throughout the calendar year, not only during school hours over nine months of the school year; and reduce barriers that families experience to access mental health services and maintain consistency for a child to attend recurring sessions and provide coordination between the child's classroom schedule and the provision of such services: *And provided further*, That the program shall focus on the following students: Any student who has been adjudicated as a child in need of care and is in the custody of the secretary for children and families or has been referred for a families first program or family preservation program; and any other student who is in need of mental health support services: *And provided further*, That the state department of education shall oversee and implement the mental health intervention team program in accordance with the requirements of this subsection and the policies and procedures established by the department pursuant to such subsection: *And provided further*, That, in each school year, the board of education of a school district may apply to the department to establish or maintain a mental health intervention team program within such school district: *And provided further*, That the application shall be in such form and manner as the department requires and submitted at a time determined and specified by the department: *And provided further*, That each application submitted by a school district shall specify the community mental health center that the school intends to coordinate with to provide school-based services to students who need assistance during the applicable school year: *And provided further*, That, if a school district is approved to establish or maintain a mental health intervention team program, the school district shall enter into a memorandum of understanding with a partnering community mental health center: *And provided further*, That, if the school district chooses to partner with more than one community mental health center, the school district shall enter into a separate memorandum of understanding with each such community mental health center: *And provided further*, That the department may establish requirements for a memorandum of

understanding, including contractual provisions that are required to be included in each memorandum of understanding and that are optional and subject to agreement between the school district and the community mental health center: *And provided further*; That each memorandum of understanding shall be submitted to the department for final approval: *And provided further*; That, subject to appropriations therefor, a school district that has been approved by the department to establish or maintain a mental health intervention team program shall be eligible to receive a mental health intervention team program grant and a community mental health center pass-through grant: *And provided further*; That, except as otherwise provided in this subsection, the amount of a school district's mental health intervention team program grant shall be determined in each school year by calculating the total amount of the salary and fringe benefits paid by the school district to each school liaison, not to exceed \$50,000 for any such school liaison: *And provided further*; That the amount of a school district's community mental health center pass-through grant shall be an amount equal to 33% of the amount of the school district's mental health intervention team grant, and moneys provided to a school district for the community mental health center pass-through grant shall be paid to any community mental health center that partners with the school district: *And provided further*; That, if the amount of appropriations are insufficient to pay in full the amount of all grants that school districts are entitled to receive for the school year, the department shall prorate the amount appropriated among all districts: *And provided further*; That the department shall be responsible for the allocation and distribution of grants in accordance with appropriation acts: *And provided further*; That the department may make grant payments in installments and may provide for payments in advance or by way of reimbursement and may make any necessary adjustments for any overpayment to a school district: *And provided further*; That the department shall not award any grant to a school district unless such school district has entered into a memorandum of understanding with a partnering community mental health center in accordance with this subsection: *And provided further*; That the department may waive the requirement that a school district employ a school liaison and may instead authorize a community mental health center that partners with the school district to employ a school liaison: *And provided further*; That such waiver shall only be granted by the department in limited circumstances: *And provided further*; That a school district that is granted a waiver pursuant to this subsection shall continue to be eligible to receive the mental health intervention team program grant and the community mental health center pass-through grant authorized pursuant to this section: *And provided further*; That the amount of the mental health intervention team program grant shall be determined in the same manner as provided under this subsection as though the school liaison was employed by such school district: *And provided further*; That upon receipt of any moneys awarded pursuant to the mental health intervention team program grant to any such school district, the school district shall direct payment of such amount to the community mental health center that employs the school liaison: *And provided further*; That, on or before January 8, 2024, the department shall prepare and submit a report on the mental health intervention team program for the preceding school year to the house of representatives standing committees on appropriations, social services budget and K-12 education budget and the senate standing committees on ways and means, public health and welfare and education: *And provided further*; That such report shall provide a summary of the program, including, but not limited to, the school districts that applied

to participate or continued participating under the program, the participating community mental health centers, the grant amount each such school district received and the payments made by school districts from the mental health intervention team program fund of each school district: *And provided further*, That the staff required for the establishment and maintenance of a mental health intervention team program shall include a combination of one or more behavioral health liaisons employed by the school district and one or more case managers and clinical therapists employed by the partnering community mental health center: *And provided further*, That all staff working together under a school district's program shall be known as the behavioral health intervention team of the school district: *And provided further*, That the school district and the community mental health center shall cooperate and work together to identify needs specific to the students in the school district and the families of such students and shall develop an action plan to implement a school-based program that is tailored to meet such needs: *And provided further*, That a school district that participates in the program shall employ one or more school liaisons who will help students in need and coordinate services between the school district, the student, the student's family and the community mental health center: *And provided further*, That a school liaison shall have a bachelor's degree in any field of study. A school liaison's roles and responsibilities include, but are not limited to: Identifying appropriate student referrals for which the team shall engage; act as a liaison between the school district and the community mental health center and be the primary point of contact for communications between the school district and the community mental health center; assist with community mental health center staff understanding of the school district's system and procedures, including the school calendar, professional development, drills and crisis plan protocols; triage prospective student referrals and help decide how to prioritize interventions; help the community mental health center and other school personnel understand the roles and responsibilities of the behavioral health intervention team; facilitate communications and connections between families of identified students and the community mental health center's staff; coordinate a student's treatment schedule with building administrators and classroom teachers to optimize clinical therapist's productivity; troubleshoot problems that arise and work with the community mental health center to resolve such problems; track and compile outcomes to monitor the effectiveness of the program; maintain and update the mental health intervention team database as directed by the department; follow up with child welfare contacts if a student has moved schools to get the child's educational history; be an active part of the school intervention team and relay information back to community mental health center staff, including student observations, intervention feedback from teachers, communications with family and other relevant information; work with school administration to identify and provide confidential space for a community mental health center therapist; and assist in planning continuity of care through summer services: *And provided further*, That a community mental health center that partners with a school district shall employ one or more master's level clinical therapists who will collaborate with the school district to assist students in need and provide services to such students under the program: *And provided further*, That a clinical therapist's roles and responsibilities under the program include, but are not limited to: Assisting the school liaison with the identification of appropriate student referrals to the program; triaging student referrals with the school liaison to prioritize treatment interventions for

identified students; working with the school liaison to connect with families or child welfare contacts to obtain consent to commence treatment; conducting a clinical assessment of the identified student and make appropriate treatment recommendations; engaging with the student, family or child welfare contacts in clinical interventions as identified on the treatment plan and providing individual and family therapy; administering scales or tests to detect areas of concern with depression, anxiety, self-harm or other areas as identified; making referrals to other treatment modalities as appropriate; communicating educationally appropriate information to the school liaison, such as interventions and strategies for use by classroom and school staff; gathering outcome data to monitor the effectiveness of the program; coordinating with the case manager by the student's treatment plan to identify ways to support the student and family; providing therapy services as determined by a students' treatment plan; and maintaining the treatment plan and necessary treatment protocols required by the community mental health center: *And provided further*, That a community mental health center that partners with a school district shall employ one or more case managers who will collaborate with the school district to assist students in need and coordinate services under the program: *And provided further*, That a case manager's roles and responsibilities under the program include, but are not limited to: Working with the school liaison and clinical therapist to identify students and triage priorities for treatment; providing outreach to students, families and child welfare contacts to help engage in treatment; participating in the treatment planning process; communicating with the school liaison and other school district personnel about student needs, interventions and progress; helping maintain communication between all entities, including the family, student, school, clinical therapist, child welfare contacts and the community; maintaining the treatment plan and necessary treatment protocols required by the community mental health center; making referrals to appropriate community resources; helping reconnect students and families when they are not following through with the treatment process; helping families negotiate barriers to treatment; and engaging with the student in the classroom, the home or the community to help build skills wherever needed: *And provided further*, That, as used in this subsection, "community mental health center" means a center organized pursuant to article 40 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto, or a mental health clinic organized pursuant to article 2 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(b) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2024 as authorized by this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from such moneys appropriated in fiscal year 2024 to authorize the children's cabinet to establish a nonprofit corporation organized under section 501(c)(3) of the internal revenue code of 1986: *Provided*, That the board of directors of the nonprofit corporation shall consist of the members of the children's cabinet, the executive director of the children's cabinet and other directors designated by the children's cabinet: *Provided further*, That the children's cabinet shall receive gifts, donations, grants and other moneys and engage in fundraising projects for the benefit of the Dolly Parton's imagination library book gifting program to develop, implement, promote and sustain reading by the children of Kansas.

Sec. 38.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Blind information access program.....\$30,000

*Provided*, That expenditures shall be made by the above agency from the blind information access program account to contract with an organization that delivers on-demand information access services to persons who are blind, visually impaired, deafblind, print disabled or who have another disability: *Provided further*, That such services shall provide access to digital content through audio, electronic text and braille reading technologies and other related services, including, but not limited to, Kansas specific publications, national publications, international publications, breaking news sources and localized emergency weather alerts: *And provided further*, That such on-demand information access services shall be provided using telecommunications services or internet services.

Sec. 39.

STATE LIBRARY

(a) Any unencumbered balance in the blind information access program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025:

*Provided*, That expenditures shall be made by the above agency from the blind information access program account to contract with an organization that delivers on-demand information access services to persons who are blind, visually impaired, deafblind, print disabled or who have another disability: *Provided further*, That such services shall provide access to digital content through audio, electronic text and braille reading technologies and other related services, including, but not limited to, Kansas specific publications, national publications, international publications, breaking news sources and localized emergency weather alerts: *And provided further*, That such on-demand information access services shall be provided using telecommunications services or internet services.

Sec. 40.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Quindaro ruins archaeological park project.....\$250,000

*Provided*, That expenditures shall be made by the above agency from the Quindaro ruins archaeological park project account to issue a request for proposals for a master plan for the Quindaro ruins archaeological park in Wyandotte county, Kansas.

Sec. 41.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, for the capital improvement project or projects specified, the following:

Student success center.....\$6,000,000

Sec. 42.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including official hospitality) (367-00-1000-0003).....	\$252,800
Kansas state university polytechnic campus (including official hospitality) (367-00-1000-0150).....	\$1,250,000

*Provided*, That in addition to the other purposes for which expenditure may be made from this account for fiscal year 2024 as authorized by section 100(a) of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 regular session of the legislature, expenditures shall be made from this account for fiscal year 2024 to support the turbine transition program and increase the number of career-ready pilots positively impacting the current industry crisis.

Sec. 43.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Global center for STEM.....	\$2,000,000
Center for emerging technologies.....	\$2,000,000

Sec. 44.

UNIVERSITY OF KANSAS

(a) During the fiscal years ending June 30, 2023, and June 30, 2024, notwithstanding the provisions of any statute to the contrary, no expenditures shall be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal years 2023 and 2024 as authorized by chapter 81 or chapter 97 of the 2022 Session Laws of Kansas, section 109 or 160 of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 regular session of the legislature, to demolish or raze Smith hall and move or place in storage any related artwork, including, but not limited to, the statue of Moses, on the Lawrence campus until the above agency has submitted a written revised and updated 2024 master plan for the Lawrence campus to the state board of regents: *Provided*, That such plan shall include the justification for such demolition or razing of Smith hall and the plan for the use of the land currently occupied by Smith hall: *Provided further*, That such plan shall be presented to the state board of regents at a public meeting where members of the public shall be allowed to present testimony: *And provided further*, That if such plan is approved by a majority of the members of the state board of regents in a public meeting, then the above agency may expend moneys during fiscal years 2023 and 2024 to demolish or raze Smith hall: *And provided further*, That during fiscal years 2023 and 2024, nothing in this subsection shall authorize the above agency to use any private moneys for the demolition or razing of Smith hall and the above agency is prohibited from using any private moneys for such purposes prior to the approval of the state board of regents as provided for in this subsection.

(b) If 2023 House Bill No. 2089, 2023 House Substitute for Senate Bill No. 113 or any other legislation that transfers moneys from the legislature employment security fund of the legislative coordinating council is passed by the legislature during the 2023 regular session and enacted into law, then on July 1, 2023, the amount of \$71,000,000 authorized by section 33(c) of 2023 House Bill No. 2184 to be transferred by the director of accounts and reports from the legislature employment security fund of the legislative coordinating council to the university of Kansas and Wichita state university

health collaboration fund of the university of Kansas is hereby decreased by 50% of the total amount transferred by any such legislation as certified by the director of the budget to the director accounts and reports: *Provided*, That upon receipt of such certification, on July 1, 2023, the director of accounts and reports shall transfer such certified amount, not to exceed \$15,000,000, from the state general fund to the university of Kansas and Wichita state university health collaboration fund of the university of Kansas: *Provided further*, That the director of the budget shall transmit a copy of each such certification to the director of legislative research.

Sec. 45.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including official hospitality) (683-00-1000-0503).....	\$27,000
OBGYN medical student loan.....	\$943,000
OBGYN medical residency bridging loan.....	\$30,000
Health science center KUMed and WSU.....	\$6,500,000

(b) During the fiscal year ending June 30, 2024, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds of the above agency for fiscal year 2024 as authorized by section 112 of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 regular session of the legislature, expenditures shall be made by the above agency from such moneys to review funding for the university of Kansas cancer center building, including, but not limited to, the need for additional state moneys to leverage private funding required for construction of such cancer center to advance and to submit a report on such agency's findings from such review to the legislature during the 2024 regular session of the legislature.

Sec. 46.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Health science center WSU.....	\$6,500,000
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(b) If 2023 House Bill No. 2089, 2023 House Substitute for Senate Bill No. 113 or any other legislation that transfers moneys from the legislature employment security fund of the legislative coordinating council is passed by the legislature during the 2023 regular session and enacted into law, then on July 1, 2023, the amount of \$71,000,000 authorized by section 33(d) of 2023 House Bill No. 2184 to be transferred by the director of accounts and reports from the legislature employment security fund of the legislative coordinating council to the Wichita state university and university of Kansas health collaboration fund of Wichita state university is hereby decreased by 50% of the total amount transferred by any such legislation as certified by the director of the budget to the director accounts and reports: *Provided*, That upon receipt of such certification, on July 1, 2023, the director of accounts and reports shall transfer such certified amount, not to exceed \$15,000,000, from the state general fund to the Wichita state university and university of Kansas health collaboration fund of Wichita state university: *Provided further*, That the director of the budget shall transmit a copy of each such certification to the director of legislative research.



Sec. 47.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

NISS academic playbook.....	\$8,500,000
Washburn ensuring student pathways to success.....	\$600,000
Technical colleges operating grants.....	\$10,500,000
Hero's act scholarships.....	\$700,000
Independent colleges comprehensive grant program.....	\$5,000,000

*Provided*, That all expenditures from such account shall be made to provide that all moneys shall be distributed in the same proportionate amount as such moneys were distributed to each such independent college in fiscal year 2023 from the comprehensive grant program account (561-00-1000-4500): *Provided further*, That, as used in this subsection, "independent college" means a not-for-profit independent institution of higher education which is accredited by the north central association of colleges and secondary schools accrediting agency based on its requirements as of April 1, 1985, or by the higher learning commission of the north central association of colleges and schools based on its requirements as of January 1, 2006, is operated independently and not controlled or administered by the state or any agency or subdivision thereof, maintains open enrollment and the main campus or principal place of operation of which is located in Kansas.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas adult learner grant program fund.....	No limit
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(c) On July 1, 2023, of the amount of money appropriated for the university of Kansas, university of Kansas medical center, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university, Fort Hays state university and Washburn university in such universities' student aid for financial need accounts for the fiscal year ending June 30, 2024, by 2023 House Bill No. 2184 from the state general fund, the aggregated sum of \$5,000,000 is hereby lapsed: *Provided*, That the above agency shall determine the specific amounts to be lapsed from each such university's student aid for financial need accounts in an aggregate amount not to exceed \$5,000,000.

(d) On the effective date of this act, the provisions of the proviso under section 115(a) of 2023 House Bill No. 2184 for the community college capital outlay aid account are hereby declared to be null and void and shall have no force and effect.

(e) During fiscal year 2024, all expenditures from the community college capital outlay aid account shall be distributed to any community college not eligible for career technical education capital outlay aid in K.S.A. 74-32,413(c), and amendments thereto, based upon the number of technical education full-time equivalent students at each community college in academic year 2022.

(f) On the effective date of this act, the provisions of the proviso under section 115(a) of 2023 House Bill No. 2184 for the two year college apprenticeship act account are hereby declared to be null and void and shall have no force and effect.

(g) During fiscal year 2024, all expenditures from the two year college

apprenticeship act account shall be distributed to the community colleges and technical colleges based on the number of full-time equivalent students enrolled at each such college during academic year 2022 to be used for the development of registered apprenticeships, business and industry outreach and development of programing to meet the emerging needs of Kansas businesses.

(h) On July 1, 2023, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the Kansas adult learner grant program fund of the state board of regents.

Sec. 48.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

State scholarship program (561-00-1000-4300).....\$1,035,919

*Provided*, That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures may be made from the state scholarship program account for the state scholarship program under K.S.A. 74-32,239, and amendments thereto, and for the Kansas distinguished scholarship program under K.S.A. 74-3278 through 74-3283, and amendments thereto: *And provided further*, That, of the total amount appropriated in the state scholarship program account, the amount dedicated for the Kansas distinguished scholarship program shall not exceed \$25,000.

Sec. 49.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Hutchinson correctional facility –

facilities operations (313-00-1000-0303).....\$227,377

Winfield correctional facility –

facilities operations (712-00-1000-0303).....\$57,895

Sec. 50.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (521-00-1000-0603).....\$1,124,113

Sec. 51.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Rehabilitation and

repair projects (034-00-1000-8000).....\$410,913

Sec. 52.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, for the capital improvement project or projects specified, the following:

Rehabilitation and

repair projects (034-00-1000-8000).....\$1,208,100  
Sec. 53.

STATE FIRE MARSHAL

(a) During the fiscal years ending June 30, 2023, and June 30, 2024, notwithstanding the provisions of any statute to the contrary, no expenditures shall be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal years 2023 and 2024 as authorized by section 116 of chapter 81 and section 40 of chapter 97 of the 2022 Session Laws of Kansas, sections 123 and 124 of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 or 2024 regular session of the legislature, to regulate or impose any restrictions, including, but not limited to, fire suppression system, on agribusiness farm wineries: *Provided*, That, as used in this subsection, "agribusiness farm wineries" means a business that holds a farm winery license pursuant to K.S.A. 41-308a, and amendments thereto, is a registered agritourism operator pursuant to K.S.A. 32-1430 et seq., and amendments thereto, and engages in agritourism activities.

Sec. 54.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2024, as authorized by this or other appropriation act of the 2023 regular session of the legislature, expenditures shall be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2024 to issue a Kansas highway patrol card, the same card that is issued to a retiring full-time state law enforcement officer, to a retired part-time state law enforcement officer who has 10 years or more of service, if the superintendent determines that the employment record and performance evaluations of each such officer are satisfactory: *Provided*, That the provisions of this subsection shall apply to all part-time state law enforcement officers who retired on or after January 1, 2020.

Sec. 55.

ATTORNEY GENERAL – KANSAS  
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Substance use disorder federal fund.....No limit

Sec. 56.

ATTORNEY GENERAL – KANSAS  
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (083-00-1000-0083).....\$592,515

*Provided however*, That, if 2023 Senate Substitute for House Bill No. 2010 is not passed by the legislature during the 2023 regular session and enacted into law, then on the effective date of this act, of the \$592,515 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, by this section in the

operating expenditures account, \$182,180 is hereby lapsed.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Substance use disorder federal fund.....No limit  
Sec. 57.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Substance abuse  
treatment programs (626-00-1000-0600) .....\$1,800,000  
*Provided however*, That, if 2023 Senate Substitute for House Bill No. 2010 is not passed by the legislature during the 2023 regular session and enacted into law, then on the effective date of this act, the \$1,800,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, by this section in the substance abuse treatment account is hereby lapsed.

Sec. 58.

KANSAS COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 131(a) of 2023 House Bill No. 2184 on the Kansas commission on peace officers' standards and training fund (529-00-2583-2580) of the Kansas commission on peace officers' standards and training is hereby increased from \$822,153 to \$844,161.

Sec. 59.

KANSAS COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING

(a) On July 1, 2023, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 131(a) of 2023 House Bill No. 2184 on the Kansas commission on peace officers' standards and training fund (529-00-2583-2580) of the Kansas commission on peace officers' standards and training is hereby increased from \$916,965 to \$938,973.

Sec. 60.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (046-00-1000-0053).....\$1,955,405

(b) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal years 2023 and 2024 as authorized by section 127 of chapter 81 and section 46 of chapter 97 of the 2022 Session Laws of Kansas, sections 133 and 134 of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 or 2024 regular session of the legislature, expenditures shall be made by the above agency from such moneys appropriated in fiscal years 2023 and 2024 to study the issues surrounding the regulation of agribusiness farm wineries: *Provided*, That, as used in this subsection, "agribusiness farm wineries" means a business that holds a farm winery

license pursuant to K.S.A. 41-308a, and amendments thereto, is a registered agritourism operator pursuant to K.S.A. 32-1430 et seq., and amendments thereto, and engages in agritourism activities: *Provided further*, That on or before January 8, 2024, the above agency shall submit a report to the house of representatives committee on commerce, labor and economic development and the senate committee on commerce.

(c) On the effective date of this act, any unencumbered balance in the dairy industry expansion needs assessment account (046-00-1000-0060) of the state general fund of the above agency is hereby lapsed.

Sec. 61.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2024, for the state water plan project or projects specified, the following:

HB 2302 projects.....\$18,000,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Water projects grant fund.....No limit

Water technical assistance fund.....No limit

(c) During the fiscal year ending June 30, 2024, the director of the Kansas water office, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may transfer moneys from any account of the state water plan fund for fiscal year 2024 for the Kansas water office to any account of the state water plan fund for fiscal year 2024 for the Kansas department of wildlife and parks, the university of Kansas, the Kansas department of agriculture or the department of health and environment – division of environment: *Provided*, That the state finance council is hereby authorized to approve such transfers: *Provided further*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and upon receipt of such certification, the director of accounts and reports shall transfer such certified amount to the certified account: *And provided further*, That, when the director of the Kansas water office provides certification to the director of accounts and reports under this subsection, the director shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *And provided further*, That all moneys transferred to such accounts of the state water plan fund for such state agencies are appropriated for the fiscal year ending June 30, 2024, and shall be expended by such state agency for the state water plan project or projects specified by such accounts: *And provided further*, That the total of such transfers for fiscal year 2024 shall not exceed \$18,000,000.

Sec. 62.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

(a) On July 1, 2023, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 138(c) of 2023 House Bill No. 2184 on the boating fee fund (710-00-2245-2813) of the Kansas department of wildlife and parks is hereby increased from \$1,103,187 to \$1,134,548.

(b) On July 1, 2023, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 138(c) of 2023 House Bill No. 2184 on the wildlife fee fund (710-00-2300-2890) of the Kansas department of wildlife and parks is hereby increased from \$37,021,157 to \$38,664,650.

(c) On July 1, 2023, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 138(b) of 2023 House Bill No. 2184 on the state parks operating expenditures account (710-00-1900-1920) of the state economic development initiatives fund of the Kansas department of wildlife and parks is hereby increased from \$1,787,952 to \$1,857,177.

(d) On July 1, 2023, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 138(c) of 2023 House Bill No. 2184 on the parks fee fund (710-00-2122-2053) of the Kansas department of wildlife and parks is hereby increased from \$12,857,301 to \$13,454,031.

(e) On July 1, 2023, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 138(c) of 2023 House Bill No. 2184 on the department access roads fund (710-00-2178-2761) of the Kansas department of wildlife and parks is hereby increased from \$1,746,736 to \$1,815,961.

Sec. 63.

DEPARTMENT OF TRANSPORTATION

(a) On July 1, 2023, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 140(b) of 2023 House Bill No. 2184 on the agency operations account (276-00-4100-0403) of the state highway fund (276-00-4100-4100) of the department of transportation is hereby increased from \$319,084,889 to \$319,213,529.

Sec. 64. (a) On the effective date of this act, the provisions of section 144(a) and (b) of 2023 House Bill No. 2184 are hereby declared to be null and void and shall have no force and effect.

Sec. 65.

STATE FINANCE COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

State employee pay increase.....\$46,000,000

*Provided*, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state general fund of the salary increase, including associated employer contributions, during fiscal year 2024.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2024, the following:

State employee pay increase.....\$578,211

*Provided*, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state economic development initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2024.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2024, the following:

State employee pay increase.....\$75,459

*Provided*, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state water plan fund

of the salary increase, including associated employer contributions, during fiscal year 2024.

(d) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2024, the following:

State employee pay increase.....\$7,739

*Provided*, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the children's initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2024.

(e) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2024, the following:

State employee pay increase.....\$7,999

*Provided*, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the Kansas endowment for youth fund of the salary increase, including associated employer contributions, during fiscal year 2024.

(f) Upon recommendation of the director of the budget, the state finance council, acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts and increase the transfers between special revenue funds as necessary to pay the salary increases under this section for the fiscal year ending June 30, 2024. The director of accounts and reports is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts and increase the transfers between special revenue funds in accordance with such approval for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases and other amounts specified for the fiscal year ending June 30, 2024.

(g) (1) Based on the department of administration's 2022 market survey summary, effective with the first payroll period chargeable to the fiscal year ending June 30, 2024, the following executive branch benefits-eligible employees shall receive a salary increase, as close as possible based on the closest available step for classified employees, as follows:

(A) If an employee's class/job title is under market pay by 15% or greater, such employee's salary shall be increased by the percentage that equals the difference between such under market pay percentage and 10% under market.

(B) If an employee's class/job title is under market pay by less than 15% and not greater than 10% over market pay, such employee's salary shall be increased by 5%.

(C) If an employee's class/job title is over market pay by greater than 10%, such employee's salary shall be increased by 2.5%.

(2) Effective with the first payroll period chargeable to the fiscal year ending June 30, 2024, an executive branch benefits-eligible employee whose class/job title is not listed in such market survey summary shall be eligible for a salary increase of two steps for employees in the classified service, including associated employer contributions, and each pay grade of the classified pay matrix shall be extended upward by two steps.

(3) Effective with the first payroll period chargeable to the fiscal year ending June 30, 2024, an executive branch benefits-eligible employee whose class/job title is not

listed in such market survey summary and is in the unclassified service shall receive a salary increase of 5.0%.

(4) Effective with the first payroll period chargeable to the fiscal year ending June 30, 2024, all legislative branch state agencies shall receive a sum equivalent to the total of 5.0%, rounded to the nearest penny, of the salaries of all benefits-eligible unclassified employees in such agency, to be distributed as a merit pool.

(5) Effective with the first payroll period chargeable to the fiscal year ending June 30, 2024, the judicial branch shall receive a sum equivalent to the total of 5.0%, rounded to the nearest penny, of the salaries of all benefits-eligible non-judge judicial branch employees in such agency, to be distributed as a merit pool.

(6) Effective with the first payroll period chargeable to the fiscal year ending June 30, 2024, the state board of regents and the universities shall receive a sum equivalent to the total of 2.5%, rounded to the nearest penny, of the salaries of all benefits-eligible employees in such agency, to be distributed as a merit pool.

(7) In addition to any market salary adjustment pursuant to subsection (g)(1), corrections officers and parole officers of the department of corrections and employees at Osawatomie state hospital, Larned state hospital, Larned mental health correctional facility, Parsons state hospital and training center, the Kansas neurological institute, Kansas soldiers' home and the Kansas veteran's home shall receive a salary increase of 5.0%.

(8) In addition to any formal, written career progression plan implemented by executive directive, employees assigned to a trooper or officer classification, including the capitol police, of the Kansas highway patrol and Kansas bureau of investigation commissioned officers and forensic scientists shall receive a salary increase of 2.5%.

(h) (1) Notwithstanding the provisions of K.S.A. 46-137a and 46-137b, and amendments thereto, or any other statute, the provisions of subsection (g) shall not apply to the compensation or bi-weekly allowance paid to each member of the legislature.

(2) Notwithstanding the provisions of K.S.A. 75-3111a, and amendments thereto, or any other statute, the provisions of subsection (g) shall not apply to state officers elected on a statewide basis.

(3) Notwithstanding the provisions of K.S.A. 75-31201, and amendments thereto, or any other statute, the provisions of subsection (g) shall not apply to justices of the supreme court, judges of the court of appeals, district court judges or district magistrate judges.

(4) The provisions of subsection (g) shall not apply to:

(A) Teachers and licensed personnel and employees at the Kansas state school for the deaf or the Kansas state school for the blind.

(B) Any other employees on a formal, written career progression plan implemented by executive directive.

Sec. 66.

#### DEPARTMENT OF ADMINISTRATION

(a) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2024 as authorized by section 63 of 2023 House Bill No. 2184, this or any other appropriation act of the 2023 regular session of the legislature, expenditures shall be made by the above agency from such



moneys appropriated in fiscal year 2024 to review and analyze the job market at the different locations of state agencies and state institutions across the state.

Sec. 67. On and after July 1, 2023, K.S.A. 2022 Supp. 75-2263, as amended by section 178 of 2023 House Bill No. 2184, is hereby amended to read as follows: 75-2263. (a) Subject to the provisions of subsection (j), the board of trustees is responsible for the management and investment of that portion of state moneys available for investment by the pooled money investment board that is certified by the state treasurer to the board of trustees as being equivalent to the aggregate net amount received for unclaimed property and shall discharge the board's duties with respect to such moneys solely in the interests of the state general fund and shall invest and reinvest such moneys and acquire, retain, manage, including the exercise of any voting rights and disposal of investments of such moneys within the limitations and according to the powers, duties and purposes as prescribed by this section.

(b) Moneys specified in subsection (a) shall be invested and reinvested to achieve the investment objective, which is preservation of such moneys and accordingly providing that the moneys are as productive as possible, subject to the standards set forth in this section. No such moneys shall be invested or reinvested if the sole or primary investment objective is for economic development or social purposes or objectives.

(c) In investing and reinvesting moneys specified in subsection (a) and in acquiring, retaining, managing and disposing of investments of the moneys, the board of trustees shall exercise the judgment, care, skill, prudence and diligence under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the moneys so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar moneys, considering the probable income as well as the probable safety of their capital.

(d) In the discharge of such management and investment responsibilities the board of trustees may contract for the services of one or more professional investment advisors or other consultants in the management and investment of such moneys and otherwise in the performance of the duties of the board of trustees under this section.

(e) The board of trustees shall require that each person contracted with under subsection (d) to provide services shall obtain commercial insurance that provides for errors and omissions coverage for such person in an amount to be specified by the board of trustees. The amount of such coverage specified by the board of trustees shall be at least the greater of \$500,000 or 1% of the funds entrusted to such person up to a maximum of \$10,000,000. The board of trustees shall require a person contracted with under subsection (d) to provide services to give a fidelity bond in a penal sum as may be fixed by law or, if not so fixed, as may be fixed by the board of trustees, with corporate surety authorized to do business in this state. Such persons contracted with the board of trustees pursuant to subsection (d) and any persons contracted with such persons to perform the functions specified in subsection (b) shall be deemed to be fiduciary agents of the board of trustees in the performance of contractual obligations.

(f) (1) Subject to the objective set forth in subsection (b) and the standards set forth in subsection (c), the board of trustees shall formulate and adopt policies and objectives

for the investment and reinvestment of such moneys and the acquisition, retention, management and disposition of investments of the moneys. Such policies and objectives shall be in writing and shall include:

- (A) Specific asset allocation standards and objectives;
- (B) establishment of criteria for evaluating the risk versus the potential return on a particular investment; and
- (C) a requirement that all investment advisors, and any managers or others with similar duties and responsibilities as investment advisors, shall immediately report all instances of default on investments to the board of trustees and provide such board of trustees with recommendations and options, including, but not limited to, curing the default or withdrawal from the investment.

(2) The board of trustees shall review such policies and objectives, make changes considered necessary or desirable and readopt such policies and objectives on an annual basis.

(g) Except as provided in subsection (d) and this subsection, the custody of such moneys shall remain in the custody of the state treasurer, except that the board of trustees may arrange for the custody of such moneys as it considers advisable with one or more member banks or trust companies of the federal reserve system or with one or more banks in the state of Kansas, or both, to be held in safekeeping by the banks or trust companies for the collection of the principal and interest or other income or of the proceeds of sale. All such moneys shall be considered moneys in the state treasury for purposes of K.S.A. 75-6704, and amendments thereto.

(h) All interest or other income of the investments of the moneys invested under this section, after payment of any management fees, shall be deposited in the state treasury to the credit of the state general fund.

(i) The state treasurer shall certify to the board of trustees a portion of state moneys available for investment by the pooled money investment board that is equivalent to the aggregate net amount received for unclaimed property. The state treasurer shall transfer the amount certified to the board of trustees. ~~During fiscal years 2023, 2024 and 2025, the state treasurer shall not certify or transfer any state moneys available for investment pursuant to this subsection.~~

(j) As used in this section:

(1) "Board of trustees" means the board of trustees of the Kansas public employees retirement system established by K.S.A. 74-4905, and amendments thereto.

(2) "Fiduciary" means a person who, with respect to the moneys invested under this section:

(A) Exercises any discretionary authority with respect to administration of the moneys;

(B) exercises any authority to invest or manage such moneys or has any authority or responsibility to do so;

(C) provides investment advice for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so;

(D) provides actuarial, accounting, auditing, consulting, legal or other professional services for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so; or

(E) is a member of the board of trustees or of the staff of the board of trustees.

Sec. 68. K.S.A. 2022 Supp. 75-6707, as amended by section 179 of 2023 House

Bill No. 2184, is hereby amended to read as follows: 75-6707. (a) For the fiscal years ending June 30, 2023, June 30, 2024, and June 30, 2025, the director of the budget, in consultation with the director of legislative research, shall certify, at the end of each such fiscal year, the amount of actual tax receipt revenues to the state general fund that is in excess of, or is less than, the amount of estimated tax receipt revenues to the state general fund pursuant to the most recent joint estimate of revenue under K.S.A. 75-6701, and amendments thereto, for such fiscal year, and shall transmit such certification to the director of accounts and reports.

(b) (1) Except as provided in paragraph (2), upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer 50% of such certified excess amount from the state general fund for the fiscal years ending June 30, 2023, June 30, 2024, and June 30, 2025, to the budget stabilization fund established by K.S.A. 75-6706, and amendments thereto.

(2) During the fiscal years ending June 30, 2023, June 30, 2024, and June 30, 2025, if the balance of the budget stabilization fund is ~~45%~~ 20% or greater of the amount of actual tax receipt revenues to the state general fund at the end of each such fiscal year, no transfers from the state general fund to the budget stabilization fund shall be made pursuant to this subsection.

(c) If the amount of actual tax receipt revenues to the state general fund is less than the amount of estimated tax receipt revenues to the state general fund, then no transfers shall be made pursuant to this section.

Sec. 69. K.S.A. 2022 Supp. 75-6707, as amended by section 179 of 2023 House Bill No. 2184, is hereby repealed.

Sec. 70. On and after July 1, 2023, K.S.A. 2022 Supp. 75-2263, as amended by section 178 of 2023 House Bill No. 2184, is hereby repealed.

Sec. 71. *Severability.* If any provision or clause of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 72. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

Sec. 73. If any fund or account name described by words and the numerical accounting code that follows such fund or account name do not match, it shall be conclusively presumed that the legislature intended that the fund or account name described by words is the correct fund or account name, and such fund or account name described by words shall control over a contradictory or incorrect numerical accounting code.";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 and 3 and inserting "making and concerning appropriations for the fiscal years ending June 30, 2023, June 30, 2024, June 30, 2025, June 30, 2026, June 30, 2027, and June

30, 2028, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2022 Supp. 75-2263, as amended by section 178 of 2023 House Bill No. 2184, and 75-6707, as amended by section 179 of 2023 House Bill No. 2184, and repealing the existing sections.";

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

TROY WAYMASTER

KYLE HOFFMAN

HENRY HELGERSON

*Conferees on part of House*

RICK BILLINGER

J R CLAEYS

PAT PETTEY

*Conferees on part of Senate*

Senator Billinger moved the Senate adopt the Conference Committee Report on **SB 25**.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Petersen, Pettey, Pittman, Reddi, Ryckman, Shallenburger, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Baumgardner, Blasi, Erickson, O'Shea, Olson, Peck, Pyle, Steffen, Straub, Tyson.

Present and Passing: Francisco.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 106** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 14 through 34;

By striking all on page 2;

On page 3, by striking all in lines 1 through 13; following line 13, by inserting:

"Section 1. On and after January 1, 2024, K.S.A. 8-1103, as amended by section 1 of 2023 House Bill No. 2042, is hereby amended to read as follows: 8-1103. (a) (1) Whenever any person providing wrecker or towing service, as defined by K.S.A. 66-1329, and amendments thereto, while lawfully in possession of a vehicle, at the direction of a law enforcement officer, the owner or, if a city ordinance or county resolution authorizes the towing of vehicles by a wrecker or towing service, a self-service storage facility operator as provided by K.S.A. 58-817, and amendments thereto, or as otherwise provided by a city ordinance or county resolution, renders any

service to the owner thereof by the recovery, transportation, protection, storage or safekeeping thereof, a first and prior lien on the vehicle is hereby created in favor of such person rendering such service and the lien shall amount to the full amount and value of the service rendered. The lien may be foreclosed in the manner provided in this act.

(2) If the name of the owner of the vehicle is known to the person in possession of such vehicle, then within 15 days, notice shall be given to the owner that the vehicle is being held subject to satisfaction of the lien. Any vehicle remaining in the possession of a person providing wrecker or towing service for a period of 30 days after such wrecker or towing service was provided may be sold to pay the reasonable or agreed charges for such recovery, transportation, protection, storage or safekeeping of such vehicle and personal property therein, the costs of such sale, the costs of notice to the owner of the vehicle and publication after giving the notices required by this act, unless a court order has been issued to hold such vehicle for the purpose of a criminal investigation or for use as evidence at a trial.

(3) If a court orders any vehicle to be held for the purpose of a criminal investigation or for use as evidence at a trial, then such order shall be in writing, and the court shall assess as costs the reasonable or agreed charges for the protection, storage or safekeeping accrued while the vehicle was held pursuant to such written order.

(4) Any personal property within the vehicle need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid, or satisfactory arrangements for payment have been made, except as provided under subsection (c) or for personal medical supplies which shall be released to the owner thereof upon request. The person in possession of such vehicle and personal property shall be responsible only for the reasonable care of such property. Any personal property within the vehicle not returned to the owner shall be sold at the auction authorized by this act.

(5) A person providing wrecker or towing service shall provide a certification of compliance to a purchaser pursuant to section 1 of 2023 House Bill No. 2147, and amendments thereto, upon the sale and transfer of a vehicle authorized by this section.

(b) At the time of providing wrecker or towing service, any person providing such wrecker or towing service shall give written notice to the driver, if available, of the vehicle being towed that a fee will be charged for storage of such vehicle. Failure to give such written notice shall invalidate any lien established for such storage fee.

(c) A city ordinance or county resolution authorizing the towing of vehicles from private property shall specify in such ordinance or resolution:

(1) The maximum rate such wrecker or towing service may charge for such wrecker or towing service and storage fees;

(2) that an owner of a vehicle towed shall have access to personal property in such vehicle for 48 hours after such vehicle has been towed and such personal property shall be released to the owner; and

(3) that the wrecker or towing service shall report the location of such vehicle to local law enforcement within two hours of such tow.

(d) A person providing towing services shall not tow a vehicle to a location outside of Kansas without the consent of either:

(1) The driver or owner of the motor vehicle;

(2) a motor club of which the driver or owner of the motor vehicle is a member; or

(3) the insurance company processing a claim with respect to the vehicle or an agent of such insurance company.

Sec. 2. K.S.A. 2022 Supp. 21-6614 is hereby amended to read as follows: 21-6614.

(a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, any nongrid felony or felony ranked in severity levels 6 through 10 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(3) Notwithstanding the provisions of subsection (a)(1), and except as provided in subsections (b), (c), (d), (e) and (f), any person who has completed the requirements of a specialty court program established pursuant to K.S.A. 2022 Supp. 20-173, and amendments thereto, may petition the district court for the expungement of the conviction and related arrest records. The court may waive all or part of the docket fee imposed for filing a petition pursuant to this subsection.

(b) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its repeal, convicted of a violation of K.S.A. 2022 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) Except as provided in subsections (e) and (f), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any felony ranked in severity levels 1 through 5 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or

after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 2022 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state that is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state that is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state that is in substantial conformity with that statute;

(4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state that is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1603, prior to its repeal, or K.S.A. 8-1602 or 8-1604, and amendments thereto, or required by a law of another state that is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(d) (1) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a first violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation.

(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of K.S.A. 8-1567, and amendments thereto.

(3) Except as provided further, the provisions of this subsection shall apply to all violations committed on or after July 1, 2006. The provisions of subsection (d)(2) shall not apply to violations committed on or after July 1, 2014, but prior to July 1, 2015.

(e) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2022 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 2022 Supp. 21-5506, and amendments thereto;

(3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or K.S.A. 2022 Supp. 21-5504(a)(3) or (a)(4), and amendments thereto;

(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2022 Supp. 21-5504, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2022 Supp. 21-5508, and amendments thereto;

(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2022 Supp. 21-5510, and amendments thereto;

(7) internet trading in child pornography or aggravated internet trading in child pornography, as defined in K.S.A. 2022 Supp. 21-5514, and amendments thereto;

(8) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2022 Supp. 21-5604, and amendments thereto;

(9) endangering a child or aggravated endangering a child, as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2022 Supp. 21-5601, and amendments thereto;

(10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 2022 Supp. 21-5602, and amendments thereto;

(11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2022 Supp. 21-5401, and amendments thereto;

(12) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2022 Supp. 21-5402, and amendments thereto;

(13) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2022 Supp. 21-5403, and amendments thereto;

(14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2022 Supp. 21-5404, and amendments thereto;

(15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2022 Supp. 21-5405, and amendments thereto;

(16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2022 Supp. 21-5505, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2022 Supp. 21-5505, and amendments thereto;

(18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(19) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(f) Except as provided in K.S.A. 22-4908, and amendments thereto, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(C) defendant's sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant's arrest, conviction or diversion; and



(F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$176. On and after July 1, 2019, through June 30, 2025, the supreme court may impose a charge, not to exceed \$19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) (A) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner if the petition is filed under subsection (a)(1) or (a)(2); or

(B) no proceeding involving a felony is presently pending or being instituted against the petitioner if the petition is filed under subsection (a)(3);

(2) the circumstances and behavior of the petitioner warrant the expungement;

(3) the expungement is consistent with the public welfare; and

(4) with respect to petitions seeking expungement of a felony conviction, possession of a firearm by the petitioner is not likely to pose a threat to the safety of the public.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation that shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency that may have a record of the arrest, conviction or diversion. If the case was appealed from municipal court, the clerk of the district court shall send a certified copy of the order of expungement to the municipal court. The municipal court shall order the case expunged once the certified copy of the order of expungement is received. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and

disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) to aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A. 2022 Supp. 50-6,141, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense that requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(j) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) (1) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance

as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime.

(2) A person whose arrest record, conviction or diversion of a crime that resulted in such person being prohibited by state or federal law from possessing a firearm has been expunged under this statute shall be deemed to have had such person's right to keep and bear arms fully restored. This restoration of rights shall include, but not be limited to, the right to use, transport, receive, purchase, transfer and possess firearms. The provisions of this paragraph shall apply to all orders of expungement, including any orders issued prior to July 1, 2021.

(1) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
- (10) the Kansas racing and gaming commission, or a designee of the commission,

and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto;

(16) (A) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A. 2022 Supp. 50-6,141, and amendments thereto; or

(B) the attorney general for any other purpose authorized by law, except that an expungement record shall not be the basis for denial of a license to carry a concealed handgun under the personal and family protection act; or

(17) the Kansas bureau of investigation, for the purpose of completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto.

(m) (1) The provisions of subsection (l)(17) shall apply to records created prior to, on and after July 1, 2011.

(2) Upon the issuance of an order of expungement that resulted in the restoration of a person's right to keep and bear arms, the Kansas bureau of investigation shall report to the federal bureau of investigation that such expunged record be withdrawn from the national instant criminal background check system. The Kansas bureau of investigation shall include such order of expungement in the person's criminal history record for purposes of documenting the restoration of such person's right to keep and bear arms.

Sec. 3. K.S.A. 25-1122, as amended by section 1 of 2023 House Bill No. 2053, is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where ~~the such~~ person is a resident, or where ~~the such~~ person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted

in person, the voter shall provide identification pursuant to K.S.A. 25-2908, and amendments thereto.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, the voter shall provide with the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or a photocopy of any other identification provided by K.S.A. 25-2908, and amendments thereto.

(d) A voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto, if:

(1) The voter is unable or refuses to provide current and valid identification; or  
(2) the name and address of the voter provided on the application for an advance voting ballot do not match the voter's name and address on the registration book. The voter shall provide a valid form of identification as defined in K.S.A. 25-2908, and amendments thereto, to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) No county election officer shall provide an advance voting ballot to a person who is requesting an advance voting ballot to be transmitted by mail unless:

(1) The county election official verifies that the signature of the person matches that on file in the county voter registration records, except that verification of the voter's signature shall not be required if a voter has a disability preventing the voter from signing. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person who is requesting an advance voting ballot does not match that on file, the county election officer shall attempt to contact the person and shall offer the person another opportunity to provide the person's signature for the purposes of verifying the person's identity. If the county election officer is unable to reach the person, the county election officer may transmit a provisional ballot, however, such provisional ballot may not be counted unless a signature is included therewith that can be verified; and

(2) the person provides such person's full Kansas driver's license number, Kansas nondriver's identification card number issued by the division of vehicles, or submits such person's application for an advance voting ballot and a copy of identification provided by K.S.A. 25-2908, and amendments thereto, to the county election officer for verification. If a person applies for an advance voting ballot to be transmitted by mail but fails to provide identification pursuant to this subsection or the identification of the person cannot be verified by the county election officer, the county election officer shall provide information to the person regarding the voter rights provisions of subsection (d) and shall provide the person an opportunity to provide identification pursuant to this subsection. For the purposes of this act, Kansas state offices and offices of any subdivision of the state will allow any person seeking to vote by an advance voting ballot the use of a photocopying device to make one photocopy of an identification document at no cost.

(f) (1) Applications for advance voting ballots to be transmitted to the voter by mail

shall be filed only at the following times:

(A) For the primary election occurring on the first Tuesday in August in both even-numbered and odd-numbered years, between April 1 of such year and the Tuesday of the week preceding such primary election;

(B) for the general election occurring on the Tuesday following the first Monday in November in both even-numbered and odd-numbered years, between 90 days prior to such election and the Tuesday of the week preceding such general election;

(C) for the presidential preference primary election held pursuant to K.S.A. 25-4501a, and amendments thereto, between January 1 of the year in which such election is held and 30 days prior to the day of such election;

(D) for question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election;

(E) for question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the Tuesday of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the final date for mailing of advance voting ballots shall be one week before such election; and

(F) for any special election of officers, at such time as is specified by the secretary of state.

(2) The county election officer of any county may receive applications prior to the time specified in this subsection and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(g) (1) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person ~~in the office of the county election officer~~ shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

(2) An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

(3) The county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots. Ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(h) Any person having a permanent disability or an illness that has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information that establishes the voter's right to permanent advance voting status.

(i) On receipt of any application filed under the provisions of this section, the

county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which the persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of the applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make the inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by the officer stating the person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(j) If a person on the permanent advance voting list fails to vote in four consecutive general elections ~~held on the Tuesday succeeding the first Monday in November of each even-numbered and odd-numbered year~~, the county election officer may mail a notice to such voter. The notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(k) (1) Any person who solicits by mail a registered voter to file an application for an advance voting ballot and includes an application for an advance voting ballot in such mailing shall include on the exterior of such mailing, and on each page contained therein, except the application, a clear and conspicuous label in 14-point font or larger that includes:

(A) The name of the individual or organization that caused such solicitation to be mailed;

(B) if an organization, the name of the president, chief executive officer or executive director of such organization;

(C) the address of such individual or organization; and

(D) the following statement: "Disclosure: This is not a government mailing. It is from a private individual or organization."

(2) 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 voting ballot shall include an envelope addressed

to the appropriate county election office for the mailing of such application. In no case shall the person who mails the application to the voter direct that the completed application be returned to such person.

(4) The provisions of this subsection shall not apply to:

(A) The secretary of state or any election official or county election office; or

(B) the official protection and advocacy for voting access agency for this state as designated pursuant to the federal help America vote act of 2002, public law 107-252, or any other entity required to provide information concerning elections and voting procedures by federal law.

(5) A violation of this subsection is a class C nonperson misdemeanor.

(1) (1) No person shall mail or cause to be mailed an application for an advance voting ballot, unless such person is a resident of this state or is otherwise domiciled in this state.

(2) Any individual may file a complaint in writing with the attorney general alleging a violation of this subsection. Such complaint shall include the name of the person alleged to have violated this subsection and any other information as required by the attorney general. Upon receipt of a complaint, the attorney general shall investigate and may file an action against any person found to have violated this subsection.

(3) Any person who violates the provisions of this subsection is subject to a civil penalty of \$20. Each instance in which a person mails an application for an advance voting ballot in violation of this section shall constitute a separate violation.

(m) A county election officer shall not mail a ballot to a voter unless such voter has submitted an application for an advance voting ballot, except that a ballot may be mailed to a voter if such voter has permanent advance voting ballot status pursuant to subsection (h) or if the election is conducted pursuant to the mail ballot election act, K.S.A. 25-431 et seq., and amendments thereto.

(n) The secretary of state may adopt rules and regulations in order to implement the provisions of this section and to define valid forms of identification.

Sec. 4. K.S.A. 2022 Supp. 25-3009, as amended by section 48 of 2023 Senate Bill No. 221, is hereby amended to read as follows: 25-3009. (a) After an election and prior to the meeting of the county board of canvassers to certify the official election results for any election in which the canvassers certify the results, the county election officer shall conduct a manual audit or tally of each vote cast, regardless of the method of voting, in 1% of all precincts, with a minimum of one precinct located within the county. The precinct or precincts shall be randomly selected and the selection shall take place after the election.

(b) (1) The audit shall be performed manually and shall review all paper ballots selected pursuant to subsection (a). The audit shall be performed by a sworn election board consisting of bipartisan trained board members. The county election officer shall determine the members of the sworn election board who will conduct the audit.

(2) The audit shall review contested races as follows:

(A) In presidential election years:

(i) One federal race;

(ii) one state legislative race;

(iii) one county race; and

(iv) one constitutional amendment question, if any.

(B) In even-numbered, non-presidential election years:



- (i) One federal race;
- (ii) one statewide race;
- (iii) one state legislative race;
- (iv) one county race; and
- (v) one constitutional amendment question, if any.

(C) In even-numbered election years, any federal, statewide or state legislative race that is within 1% of the total number of votes cast tallied on election night, as determined by the secretary of state, shall be audited. The county election officer shall conduct the audit in the manner set forth in subsection (a) in 10% of all county precincts in the specified race, with a minimum of one precinct in the county. The precincts audited pursuant to this subsection shall be in addition to the precincts audited under subparagraphs (2)(A) and (B).

(D) In odd-numbered election years, two local races will be randomly selected, and the selection shall take place after the election.

(E) Any presidential preference primary election held pursuant to K.S.A. 25-4501a, and amendments thereto.

(c) At least five days prior to the audit, notice of the time and location of the audit shall be provided to the public on the official county website. The audit shall be conducted in a public setting. Any candidate or entity who is authorized to appoint a poll agent may appoint a poll agent for the audit.

(d) The results of the audit shall be compared to the unofficial election night returns and a report shall be submitted to the county election office and to the secretary of state's office prior to the meeting of the county board of canvassers. If a discrepancy is reported between the audit and the unofficial returns and cannot be resolved, the county election officer or the secretary of state may require audits of additional precincts. Once the audit has been completed, the results of the audit shall be used by the county board of canvassers when certifying the official election results.

(e) Upon publication of the notice of the audit pursuant to subsection (c), the signed and certified official abstracts required by K.S.A. 25-3006, and amendments thereto, shall be made available by the county election office for review by any authorized poll agent. Such abstracts shall be from all precincts and shall not be limited to those precincts that are subject to the audit. The abstracts shall be available for review until commencement of the original canvass.

(f) The secretary of state shall adopt rules and regulations governing the conduct and procedure of the audit, including the random selection of the precincts and offices involved in the audit.

Sec. 5. K.S.A. 2022 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act:

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

(1) A practitioner or pursuant to the lawful direction of a practitioner; or  
 (2) the patient or research subject at the direction and in the presence of the practitioner.

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

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

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

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

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

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

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

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

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

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

(A) A controlled substance;

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

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

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

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

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

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

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

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with

K.S.A. 65-28a08(b), and amendments thereto.

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

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

(p) (1) "Drug" means substances:

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

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

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

(D) ~~substances~~—intended for use as a component of any article specified in subparagraph (A), (B) or (C).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or opiate;

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

(3) opium poppy and poppy straw;

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

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

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

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

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

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

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

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

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

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

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

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

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for

administering to an animal owned by such person or by a member of such person's household.

Sec. 6. K.S.A. 75-7240, as amended by section 15 of 2023 House Bill No. 2019, is hereby amended to read as follows: 75-7240. (a) The executive branch agency heads shall:

(1) Be solely responsible for security of all data and information technology resources under such agency's purview, irrespective of the location of the data or resources. Locations of data may include:

- (A) Agency sites;
- (B) agency real property;
- (C) infrastructure in state data centers;
- (D) third-party locations; and
- (E) in transit between locations;

(2) ensure that an agency-wide information security program is in place;

(3) designate an information security officer to administer the agency's information security program that reports directly to executive leadership;

(4) participate in CISO-sponsored statewide cybersecurity program initiatives and services;

(5) implement policies and standards to ensure that all the agency's data and information technology resources are maintained in compliance with applicable state and federal laws and rules and regulations;

(6) implement appropriate cost-effective safeguards to reduce, eliminate or recover from identified threats to data and information technology resources;

(7) include all appropriate cybersecurity requirements in the agency's request for proposal specifications for procuring data and information technology systems and services;

(8) (A) submit a cybersecurity self-assessment report to the CISO by October 16 of each even-numbered year, including an executive summary of the findings, that assesses the extent to which the agency is vulnerable to unauthorized access or harm, including the extent to which the agency's or contractor's electronically stored information is vulnerable to alteration, damage, erasure or inappropriate use;

(B) ensure that the agency conducts annual internal assessments of its security program. Internal assessment results shall be considered confidential and shall not be subject to discovery by or release to any person or agency, outside of the KISO or CISO, without authorization from the executive branch agency director or head. ~~This provision regarding confidentiality shall expire on July 1, 2023, unless the legislature reviews and reenacts such provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023; and~~

(C) prepare or have prepared a financial summary identifying cybersecurity expenditures addressing the findings of the cybersecurity self-assessment report required in subparagraph (A), excluding information that might put the data or information resources of the agency or its contractors at risk and submit such report to the house of representatives committee on appropriations and the senate committee on ways and means; and

(9) ensure that if an agency owns, licenses or maintains computerized data that includes personal information, confidential information or information, the disclosure of which is regulated by law, such agency shall, in the event of a breach or suspected

breach of system security or an unauthorized exposure of that information:

(A) Comply with the notification requirements set out in K.S.A. 2022 Supp. 50-7a01 et seq., and amendments thereto, and applicable federal laws and rules and regulations, to the same extent as a person who conducts business in this state; and

(B) not later than 48 hours after the discovery of the breach, suspected breach or unauthorized exposure, notify: (i) The CISO; and (ii) if the breach, suspected breach or unauthorized exposure involves election data, the secretary of state.

(b) The director or head of each state agency shall:

(1) Participate in annual agency leadership training to ensure understanding of:

(A) The potential impact of common types of cyberattacks and data breaches on the agency's operations and assets;

(B) how cyberattacks and data breaches on the agency's operations and assets may impact the operations and assets of other governmental entities on the state enterprise network;

(C) how cyberattacks and data breaches occur; and

(D) steps to be undertaken by the executive director or agency head and agency employees to protect their information and information systems;

(2) ensure that all information technology login credentials are disabled the same day that any employee ends their employment with the state; and

(3) require that all employees with access to information technology receive a minimum of one hour of information technology security training per year.

(c) (1) The CISO, with input from the joint committee on information technology and the joint committee on Kansas security, shall develop a self-assessment report template for use under subsection (a)(8)(A). The most recent version of such template shall be made available to state agencies prior to July 1 of each even-numbered year. The CISO shall aggregate data from the self-assessments received under subsection (a) (8)(A) and provide a summary of such data to the joint committee on information technology and the joint committee on Kansas security.

(2) Self-assessment reports made to the CISO pursuant to subsection (a)(8)(A) shall be confidential and shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2028, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2028.

Sec. 7. K.S.A. 75-7242, as amended by section 16 of 2023 House Bill No. 2019, is hereby amended to read as follows: 75-7242. Information collected to effectuate this act shall be considered confidential by all state and local governmental organizations unless all data elements or information that specifically identifies a target, vulnerability or weakness that would place the organization at risk have been redacted, including: (a) System information logs; (b) vulnerability reports; (c) risk assessment reports; (d) system security plans; (e) detailed system design plans; (f) network or system diagrams; and (g) audit reports. ~~The provisions of this section shall expire on July 1, 2023, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023.~~

Sec. 8. K.S.A. 2022 Supp. 79-3234, as amended by section 72 of 2023 Senate Bill No. 244, is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or K.S.A. 46-1106(e), 46-1114 or 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary's designee may:

(1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of K.S.A. 46-1106(e) or 46-1114, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 74-50,215, and amendments thereto;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the Kansas department of wildlife, ~~and parks and tourism~~ to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross



income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department for children and families for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported compensation is in compliance with the Kansas public employees retirement act, K.S.A. 74-4901 et seq., and amendments thereto;

(13) (A) provide taxpayer information of persons suspected of violating K.S.A. 44-766, and amendments thereto, to the secretary of labor or such secretary's designee for the purpose of determining compliance by any person with the provisions of K.S.A. 44-703(i)(3)(D) and 44-766, and amendments thereto. The information to be provided shall include all relevant information in the possession of the department of revenue necessary for the secretary of labor to make a proper determination of compliance with the provisions of K.S.A. 44-703(i)(3)(D) and 44-766, and amendments thereto, and to calculate any unemployment contribution taxes due. Such information to be provided by the department of revenue shall include, but not be limited to, withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto, and the results or status of such audit or investigation;

(B) any person receiving tax information under the provisions of this paragraph shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality; and

(C) each of the secretary of labor and the secretary of revenue may adopt rules and regulations necessary to effect the provisions of this paragraph;

(14) provide such information to the state treasurer for the sole purpose of carrying out the provisions of K.S.A. 58-3934, and amendments thereto. Such information shall be limited to current and prior addresses of taxpayers or associated persons who may have knowledge as to the location of an owner of unclaimed property. For the purposes of this paragraph, "associated persons" includes spouses or dependents listed on income tax returns;

(15) after receipt of information pursuant to subsection (f), forward such information and provide the following reported Kansas individual income tax information for each listed defendant, if available, to the state board of indigents' defense services in an electronic format and in the manner determined by the secretary: (A) The defendant's name; (B) social security number; (C) Kansas adjusted gross income; (D) number of exemptions claimed; and (E) the relevant tax year of such records. Any social security number provided to the secretary and the state board of indigents' defense services pursuant to this section shall remain confidential; and

(16) disclose taxpayer information that is received from income tax returns to the department of commerce that may be disclosed pursuant to the provisions of K.S.A. 2022 Supp. 74-50,227, and amendments thereto, for the purpose of including such information in the database required by K.S.A. 2022 Supp. 74-50,227, and amendments thereto.

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) For the purpose of determining whether a defendant is financially able to employ legal counsel under the provisions of K.S.A. 22-4504, and amendments thereto, in all felony cases with appointed counsel where the defendant's social security number is accessible from the records of the district court, the court shall electronically provide the defendant's name, social security number, district court case number and county to the secretary of revenue in the manner and format agreed to by the office of judicial administration and the secretary.

(g) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal law.";

Also on page 3, in line 14, by striking "8-1723 is" and inserting "8-1103, as amended by section 4 of 2023 House Bill No. 2147, 25-1122, as amended by section 1 of 2023 House Bill No. 2053, 25-1122, as amended by section 28 of 2023 Senate Bill No. 221, 32-837, as amended by section 35 of 2023 House Bill No. 2332, 32-906, as amended by

section 52 of 2023 House Bill No. 2332, 75-1253, as amended by section 127 of 2023 House Bill No. 2332, 75-7240, as amended by section 15 of 2023 House Bill No. 2019, 75-7240, as amended by section 8 of 2023 House Bill No. 2395, 75-7242, as amended by section 16 of 2023 House Bill No. 2019, and 75-7242, as amended by section 9 of 2023 House Bill No. 2395, and K.S.A. 2022 Supp. 21-6614, 21-6614i, 25-3009, as amended by section 48 of 2023 Senate Bill No. 221, 25-3009, as amended by section 3 of 2023 House Bill No. 2053, 65-4101, 65-4101d, 79-3234, as amended by section 72 of 2023 Senate Bill No. 244, and 79-3234, as amended by section 141 of 2023 House Bill No. 2332, are"; following line 14, by inserting:

"Sec. 11. On and after January 1, 2024, K.S.A. 8-1103, as amended by section 1 of 2023 House Bill No. 2042, is hereby repealed.";

Also on page 3, in line 16, by striking "Kansas register" and inserting "statute book";  
And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 10; in line 11, by striking "section" and inserting "reconciling multiple amendments to certain statutes; amending K.S.A. 8-1103, as amended by section 1 of 2023 House Bill No. 2042, 25-1122, as amended by section 1 of 2023 House Bill No. 2053, 75-7240, as amended by section 15 of 2023 House Bill No. 2019, and 75-7242, as amended by section 16 of 2023 House Bill No. 2019, and K.S.A. 2022 Supp. 21-6614, 25-3009, as amended by section 48 of 2023 Senate Bill No. 221, 65-4101 and 79-3234, as amended by section 72 of 2023 Senate Bill No. 244, and repealing the existing sections; also repealing K.S.A. 8-1103, as amended by section 4 of 2023 House Bill No. 2147, 25-1122, as amended by section 28 of 2023 Senate Bill No. 221, 32-837, as amended by section 35 of 2023 House Bill No. 2332, 32-906, as amended by section 52 of 2023 House Bill No. 2332, 75-1253, as amended by section 127 of 2023 House Bill No. 2332, 75-7240, as amended by section 8 of 2023 House Bill No. 2395, 75-7242, as amended by section 9 of 2023 House Bill No. 2395, and K.S.A. 2022 Supp. 21-6614i, 25-3009, as amended by section 3 of 2023 House Bill No. 2053, 65-4101d and 79-3234, as amended by section 141 of 2023 House Bill No. 2332";

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

TROY WAYMASTER

KYLE HOFFMAN

HENRY HELGERSON

*Conferees on part of House*

RICK BILLINGER

J R CLAEYS

PAT PETTEY

*Conferees on part of Senate*

Senator Claeys moved the Senate adopt the Conference Committee Report on  
**SB 106.**

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

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson,

Tyson, Ware, Warren, Wilborn.

Nays: Olson.

The Conference Committee Report was adopted.

#### REPORT ON ENROLLED BILLS

**SR 1721, SR 1722, SR 1723, SR 1724, SR 1725, SR 1726, SR 1727** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 28, 2023.

#### TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of April 24 through April 28, 2023:

Senator Billinger: congratulating the Goodland High School Girls Basketball Team on winning back-to-back state championships;

Senator Bowers: congratulating Ella Pachta on being named the 2023 North Central District FFA Star Farmer, congratulating Makenna Elliott on receiving an artist of the week award, congratulating Preston Beckman on achieving the rank of Eagle Scout, congratulating Ashley Mai on receiving the 2023 CCMFOA Rookie of the Year Award, celebrating Gladys Ehm's 100th Birthday, congratulating Nikki Flinn on receiving the 2023 District Principal of the Year Award, celebrating the 100th Anniversary of the Rooks County Courthouse;

Senator Faust Goudeau: thanking Darlene Allen for her service to the Kansas Legislature;

Senator Holscher: congratulating the Blue Valley North Girls Basketball Team on winning the 2023 6A State Championship;

Senator McGinn: commending Ronald Braun on his service as mayor of North Newton and wishing him well in retirement; and

Senator Warren: congratulating Todd Dain on receiving the 2023 Principal of the Year Award.

As provided by **HCR 5016**, Senator Alley moved the Senate adjourn Sine Die. The motion carried.

President Masterson thereupon announced: "The 2023 Session of the Kansas Senate is adjourned Sine Die."

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*



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#### REPORT ON ENROLLED BILLS

**SB 8, SB 25, SB 106; Sub SB 131; SB 174** reported correctly enrolled, properly signed and presented to the governor on May 5, 2023.

**H Sub SB 113** reported correctly enrolled, properly signed and presented to the governor on May 8, 2023.

**MESSAGE FROM THE GOVERNOR**

**SB 106, SB 131** approved on May 9, 2023

**SB 174** approved on May 11, 2023

**MESSAGE FROM THE GOVERNOR**

**REGARDING VETO OF SENATE BILL 8**

After years of fiscal mismanagement and budget deficits, I am proud that we have balanced the budget four years in a row. As a result, we have seen record economic growth and have delivered over \$1 billion in tax cuts for working families, property owners, veterans, farmers, and ranchers. Instead of sticking with this fiscally responsible and bipartisan path, this bill prioritizes tax breaks for big business over everyday Kansans and would harm the budgets of local governments and schools.

While **Senate Bill 8** includes tax cuts and personal property tax reforms that I support, by bundling 12 bill together the legislature has made it possible to sort out the bad from the good.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 8**.

THE GOVERNOR'S OFFICE  
THE GOVERNOR  
LAURA KELLY  
DATED May 12, 2023

The message was received on May 12, 2023. The veto message having been received after the Senate adjourned Sine Die, there was no opportunity to reconsider **SB 8**.

**REGARDING SENATE BILL 25**

**Senate Bill 25** includes many worthy bipartisan initiatives, including increased funding for mental health, economic development, infrastructure, and higher education. The state matching funds and technical assistance that I proposed in my budget for communities applying for federal grant programs could lead to transportation, energy, water, and broadband improvements that will benefit Kansans for years to come if administered effectively. The Omnibus Budget also contains well deserved pay increases for public employees who work every day to ensure the efficient and effective delivery of public safety, education, health care, emergency response, and business and family services throughout Kansas.

Many of the appropriations and related provisions contained in Senate Bill 25 were passed through the regular process, in which public hearings are followed by debate and amendment in committee and the full House and Senate. This process provides needed scrutiny and input. However, there are many items in this bill that were added after this process ended, some of which I have line-item vetoed below.

Adding sections of funding and related policy at the last minute does not provide legislators with the opportunity to understand and weigh the merits of each proposal. For the sake of all Kansans having a voice in the budget through their elected

representatives, we should return to greater adherence to the regular process.

I look forward to continuing to work with the Legislature to provide fiscally responsible budgets that invest in our future and protect us from returning to the days when, in order to take care of one group, we had to sacrifice the needs of another.

Therefore, pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return **Senate Bill 25** with my signature approving the bill, except for the items enumerated below.

**Board of Pharmacy Provisos**

Sec. 5 and Sec. 6 have been line-item vetoed in their entirety.

As I have said previously, legislators can address rules and regulations they disagree with through the regular legislative process. This ensures that any law enacted in the state of Kansas has received proper input from interested parties and that Kansas taxpayers are guaranteed transparency. The funding restriction in Sec. 5(a) and Sec. 6(a) impedes the Board of Pharmacy's ability to regulate issues related to the practice of pharmacy. This language was not properly vetted by any stakeholder, including patients and providers, who would be most affected by the changes in this line item.

**Excluding Providers of Mental Health Treatment from Mental Health Intervention Team Program**

The provisions of Sec. 37(a) that read as follows have been line-item vetoed:

*And provided further*, That the purposes of the mental health intervention team program are to: Provide greater access to behavioral health services for students enrolled in kindergarten or any of the grades one through 12 and establish a coherent structure between school districts and community mental health centers to optimize scarce behavioral health resources and workforce; identify students, communicate with families and link students and their families to the statewide behavioral health systems and resources within the network of community mental health centers; alleviate the shortage of staff with specialized degrees or training such as school counselors, psychologists and social workers and reduce the competition for such staff between school districts and other private and governmental service providers to provide broader-based and collaborative services to students, especially in rural districts that do not have enough students to justify a full-time staff position; provide and coordinate mental health services to students throughout the calendar year, not only during school hours over nine months of the school year; and reduce barriers that families experience to access mental health services and maintain consistency for a child to attend recurring sessions and provide coordination between the child's classroom schedule and the provision of such services: *And provided further*, That the program shall focus on the following students: Any student who has been adjudicated as a child in need of care and is in the custody of the secretary for children and families or has been referred for a families first program or family preservation program; and any other student who is in need of mental health support services: *And provided further*, That the state department of education shall oversee and implement the mental health intervention team program in accordance with the requirements of this subsection and the policies and procedures established by the department pursuant to such subsection: *And provided further*, That, in each school year, the board of education of a school district may apply to the department to establish or maintain a mental health intervention team program within such school district: *And provided further*, That the application shall be in such form and manner as the department requires and submitted at a time determined and specified by

the department: *And provided further*, That each application submitted by a school district shall specify the community mental health center that the school intends to coordinate with to provide school-based services to students who need assistance during the applicable school year: *And provided further*, That, if a school district is approved to establish or maintain a mental health intervention team program, the school district shall enter into a memorandum of understanding with a partnering community mental health center: *And provided further*, That, if the school district chooses to partner with more than one community mental health center, the school district shall enter into a separate memorandum of understanding with each such community mental health center: *And provided further*, That the department may establish requirements for a memorandum of understanding, including contractual provisions that are required to be included in each memorandum of understanding and that are optional and subject to agreement between the school district and the community mental health center: *And provided further*, That each memorandum of understanding shall be submitted to the department for final approval: *And provided further*, That, subject to appropriations therefor, a school district that has been approved by the department to establish or maintain a mental health intervention team program shall be eligible to receive a mental health intervention team program grant and a community mental health center pass-through grant: *And provided further*, That, except as otherwise provided in this subsection, the amount of a school district's mental health intervention team program grant shall be determined in each school year by calculating the total amount of the salary and fringe benefits paid by the school district to each school liaison, not to exceed \$50,000 for any such school liaison: *And provided further*, That the amount of a school district's community mental health center pass-through grant shall be an amount equal to 33% of the amount of the school district's mental health intervention team grant, and moneys provided to a school district for the community mental health center pass-through grant shall be paid to any community mental health center that partners with the school district: *And provided further*, That, if the amount of appropriations are insufficient to pay in full the amount of all grants that school districts are entitled to receive for the school year, the department shall prorate the amount appropriated among all districts: *And provided further*, That the department shall be responsible for the allocation and distribution of grants in accordance with appropriation acts: *And provided further*, That the department may make grant payments in installments and may provide for payments in advance or by way of reimbursement and may make any necessary adjustments for any overpayment to a school district: *And provided further*, That the department shall not award any grant to a school district unless such school district has entered into a memorandum of understanding with a partnering community mental health center in accordance with this subsection: *And provided further*, That the department may waive the requirement that a school district employ a school liaison and may instead authorize a community mental health center that partners with the school district to employ a school liaison: *And provided further*, That such waiver shall only be granted by the department in limited circumstances: *And provided further*, That a school district that is granted a waiver pursuant to this subsection shall continue to be eligible to receive the mental health intervention team program grant and the community mental health center pass-through grant authorized pursuant to this section: *And provided further*, That the amount of the mental health intervention team program grant shall be determined in the same manner as provided under this subsection as though the school liaison was

employed by such school district: *And provided further*, That upon receipt of any moneys awarded pursuant to the mental health intervention team program grant to any such school district, the school district shall direct payment of such amount to the community mental health center that employs the school liaison: *And provided further*, That, on or before January 8, 2024, the department shall prepare and submit a report on the mental health intervention team program for the preceding school year to the house of representatives standing committees on appropriations, social services budget and K12 education budget and the senate standing committees on ways and means, public health and welfare and education: *And provided further*, That such report shall provide a summary of the program, including, but not limited to, the school districts that applied to participate or continued participating under the program, the participating community mental health centers, the grant amount each such school district received and the payments made by school districts from the mental health intervention team program fund of each school district: *And provided further*, That the staff required for the establishment and maintenance of a mental health intervention team program shall include a combination of one or more behavioral health liaisons employed by the school district and one or more case managers and clinical therapists employed by the partnering community mental health center: *And provided further*, That all staff working together under a school district's program shall be known as the behavioral health intervention team of the school district: *And provided further*, That the school district and the community mental health center shall cooperate and work together to identify needs specific to the students in the school district and the families of such students and shall develop an action plan to implement a school-based program that is tailored to meet such needs: *And provided further*, That a school district that participates in the program shall employ one or more school liaisons who will help students in need and coordinate services between the school district, the student, the student's family and the community mental health center: *And provided further*, That a school liaison shall have a bachelor's degree in any field of study. A school liaison's roles and responsibilities include, but are not limited to: Identifying appropriate student referrals for which the team shall engage; act as a liaison between the school district and the community mental health center and be the primary point of contact for communications between the school district and the community mental health center; assist with community mental health center staff understanding of the school district's system and procedures, including the school calendar, professional development, drills and crisis plan protocols; triage prospective student referrals and help decide how to prioritize interventions; help the community mental health center and other school personnel understand the roles and responsibilities of the behavioral health intervention team; facilitate communications and connections between families of identified students and the community mental health center's staff; coordinate a student's treatment schedule with building administrators and classroom teachers to optimize clinical therapist's productivity; troubleshoot problems that arise and work with the community mental health center to resolve such problems; track and compile outcomes to monitor the effectiveness of the program; maintain and update the mental health intervention team database as directed by the department; follow up with child welfare contacts if a student has moved schools to get the child's educational history; be an active part of the school intervention team and relay information back to community mental health center staff, including student observations, intervention feedback from teachers,



communications with family and other relevant information; work with school administration to identify and provide confidential space for a community mental health center therapist; and assist in planning continuity of care through summer services: *And provided further*, That a community mental health center that partners with a school district shall employ one or more master's level clinical therapists who will collaborate with the school district to assist students in need and provide services to such students under the program: *And provided further*, That a clinical therapist's roles and responsibilities under the program include, but are not limited to: Assisting the school liaison with the identification of appropriate student referrals to the program; triaging student referrals with the school liaison to prioritize treatment interventions for identified students; working with the school liaison to connect with families or child welfare contacts to obtain consent to commence treatment; conducting a clinical assessment of the identified student and make appropriate treatment recommendations; engaging with the student, family or child welfare contacts in clinical interventions as identified on the treatment plan and providing individual and family therapy; administering scales or tests to detect areas of concern with depression, anxiety, self-harm or other areas as identified; making referrals to other treatment modalities as appropriate; communicating educationally appropriate information to the school liaison, such as interventions and strategies for use by classroom and school staff; gathering outcome data to monitor the effectiveness of the program; coordinating with the case manager by the student's treatment plan to identify ways to support the student and family; providing therapy services as determined by a students' treatment plan; and maintaining the treatment plan and necessary treatment protocols required by the community mental health center: *And provided further*, That a community mental health center that partners with a school district shall employ one or more case managers who will collaborate with the school district to assist students in need and coordinate services under the program: *And provided further*, That a case manager's roles and responsibilities under the program include, but are not limited to: Working with the school liaison and clinical therapist to identify students and triage priorities for treatment; providing outreach to students, families and child welfare contacts to help engage in treatment; participating in the treatment planning process; communicating with the school liaison and other school district personnel about student needs, interventions and progress; helping maintain communication between all entities, including the family, student, school, clinical therapist, child welfare contacts and the community; maintaining the treatment plan and necessary treatment protocols required by the community mental health center; making referrals to appropriate community resources; helping reconnect students and families when they are not following through with the treatment process; helping families negotiate barriers to treatment; and engaging with the student in the classroom, the home or the community to help build skills wherever needed: *And provided further*, That, as used in this subsection, "community mental health center" means a center organized pursuant to article 40 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto, or a mental health clinic organized pursuant to article 2 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

The Legislature should work in a bipartisan manner to codify and make permanent the current Mental Health Intervention Team Pilot Program. This program is vital to ensuring Kansas children have the mental health support they need as they progress

through our public school system. I'm proud to support this program, and I have routinely increased its funding so that more schools can provide these services to our students. As written, this proviso would limit the type of mental health providers and practitioners who can participate in the programming—hampering our school districts' ability to contract with a variety of professionals and preventing certain mental health professionals from assisting our students. If we truly want to address the youth mental health crisis and support our young people, we need to ensure that students have access to every resource available. We cannot leave dedicated, experienced mental health professionals on the sidelines as our students remain in need of care.

**Quindaro Ruins**

Sec. 40 is line-item vetoed in its entirety.

This request for funding for a master plan for the Quindaro Ruins historic site was not considered by the Legislature until the final moments of the 2023 session. As a result, there was no opportunity to vet this proposal to ensure that it truly serves the needs of the community for whom the site is named. My administration recognizes the importance of this culturally significant site, and I will support efforts to elevate this fundamental piece of Kansas history and honor the surrounding community. Advocates should work through the proper channels to seek funding for this measure and ensure that it receives the recognition it deserves.

**Inequitable Distribution of Need-Based Aid**

The portion of Sec. 47(a) that reads as follows has been line-item vetoed:

Independent colleges comprehensive grant program.....\$5,000,000  
*Provided*, That all expenditures from such account shall be made to provide that all moneys shall be distributed in the same proportionate amount as such moneys were distributed to each such independent college in fiscal year 2023 from the comprehensive grant program account (561-00-1000-4500): *Provided further*, That, as used in this subsection, "independent college" means a not-for-profit independent institution of higher education which is accredited by the north central association of colleges and secondary schools accrediting agency based on its requirements as of April 1, 1985, or by the higher learning commission of the north central association of colleges and schools based on its requirements as of January 1, 2006, is operated independently and not controlled or administered by the state or any agency or subdivision thereof, maintains open enrollment and the main campus or principal place of operation of which is located in Kansas.

Sec. 47(c) has been line-item vetoed in its entirety.

The Kansas Comprehensive Grant already provides a significant financial advantage for Kansas independent colleges on a per pupil basis. Publicly funded student financial aid should be targeted for its intended purpose by all institutions that receive it—providing aid to qualified Kansas residents who show exceptional financial need. It is vital that this funding is allocated in a manner that provides access to higher education for as many Kansas students as possible.

**State Fire Marshal Proviso**

Sec. 53 has been line-item vetoed in its entirety.

Completely prohibiting the State Fire Marshal from ensuring adequate safety regulations on an entire category of businesses is a heavy-handed approach to addressing state and local fire safety requirements and is bound to have unintended consequences. Stakeholders should work together to identify a regulatory solution that

balances the business needs of farm wineries with fire safety.

THE GOVERNOR'S OFFICE  
THE GOVERNOR  
LAURA KELLY  
DATED May 15, 2023

The message was received on May 15, 2023. The veto message having been received after the Senate adjourned Sine Die, there was no opportunity to reconsider the line-item vetoes on **SB 25**.

### REGARDING HOUSE SUBSTITUTE FOR SENATE BILL 113

I first ran to be the “Education Governor” because I was committed to ensuring Kansas students receive the world-class education to which they are entitled. I knew that young Kansans deserved better than crowded classrooms, four-day school weeks, and sliding test scores – and that if we wanted to build a stronger workforce and economy for generations to come, we needed to get back to investing in our students. Over the past five years, I’ve worked with the Legislature to do exactly that: we’ve fully funded our schools every year I’ve been in office, defended against attacks on public schools, and empowered parents and teachers to help our students succeed. Now, it’s clear—Kansas is back on the right track.

We have the opportunity to continue that progress with elements of House Substitute for **Senate Bill 113**. It extends the high-density at-risk weighting and the 20 mills school statewide property tax levy—both of which are vital to providing adequate funding for Kansas students. **SB 113** also provides essential funding for school safety that will allow districts to purchase communications equipment to better coordinate with law enforcement agencies and naloxone to combat the fentanyl crisis affecting too many of our young people. Through the omnibus budget bill, Senate Bill 25, I also was proud to secure new funding for the Mental Health Intervention Team Pilot Program, which provides crucial mental health services to our students.

However, I’m disappointed that this bill fails to provide substantial increases to special education, something that’s critical to the success of every Kansas student. As the state continues not to meet its statutory obligation to fully fund special education, districts must move funding from their general fund budgets to pay for critical services for special education students, in essence limiting their ability to invest in teacher salary increases, create innovative approaches to curriculum, and expand career and technical education opportunities. While I’ll continue to push the federal government to keep its end of the bargain, the Legislature should have done more to increase special education funding in the meantime. When legislators return in 2024, they need to correct their mistake and put Kansas on track to fully fund special education.

The process by which **SB 113** was passed also raises concerns. The Legislature continues a pattern of bundling appropriations and policy provisions into one bill, limiting the ability for the public and their elected representatives to weigh in on each individual element of legislation. The appropriations for our public school system belong with the remainder of the state’s budget and should be evaluated through the normal appropriations process. Instead, the Legislature has decided to “logroll” unpopular provisions into this bill—provisions that would not withstand scrutiny or

pass muster on their own. The Legislature included provisions in this bill that never received a public hearing, were never worked by a legislative committee, nor passed through even one chamber of the Legislature prior to being included in this bill. This process lacks public transparency and prevents the collaboration that could prevent unintended consequences of hastily crafted legislation. The Legislature must end its practice of “logrolling” education funding bills that have such critical consequences for our children, families, and the state.

The “logrolling” process resulted in the inclusion of several elements of this bill that would harm public students and schools. The provisions permitting nonpublic school students to participate in public school activities and expanding the low-income tax credit scholarship program are not policies widely supported by Kansans and would not receive the same support if not tied to education funding. The measure that gives the Legislature the first right of refusal to purchase school buildings creates significant constitutional and local control questions and will likely lead to litigation. Of most concern, though, are changes in appropriations caused by altering the school finance distribution to schools in Section 14.

The current school finance formula was approved by the Kansas Supreme Court in the *Gannon* case. Changes to this formula run the risk of noncompliance and jeopardize our track record of constitutionally funding schools. **SB 113** specifically changes the method by which school districts must determine their enrollment and thus the amount of funding appropriated by the state. Under current law, school districts may use the enrollment of one of the two preceding years to determine the level of state aid they are subject to receive. This essential element of our finance formula was crafted to ensure that districts with declining enrollment, especially rural districts, can properly account for this decline and make financial plans to ensure their own sustainability. SB 113 changes the formula so that districts must use the current year or the previous year’s enrollment when determining state aid.

For districts experiencing declining enrollment, this change precipitates immediate funding adjustments that districts would be required to make in the upcoming school year rather than over the next few years as is dictated by current law. This provision would be enacted after many school districts have finalized their budget and signed contracts with teachers based on existing appropriations. These districts are already preparing for the budget impacts of declining enrollment, but the decision to rapidly speed up the fiscal effect of declining enrollment leaves districts in an untenable situation where they must significantly cut budgets in a matter of weeks. These districts have been operating in good faith and within the bounds of current law when determining their budgets and enrollment for the upcoming school year. This provision pulls the rug out from underneath rural school districts at the 11<sup>th</sup> hour. If this provision were enacted, it would bring dangerous and devastating consequences for our rural districts.

I will not allow this to happen to our rural schools, which are essential to the fabric of Kansas. As Governor, I have always been committed to ensuring that our rural schools are properly supported to serve their communities. This provision jeopardizes the vitality of our rural communities and threatens the economic engines of many small towns.

In addition, the current method for determining enrollment was approved by the Kansas Supreme Court in the *Gannon* case; changing one of the primary building

blocks of the school finance formula in *Gannon* would raise questions over the state's compliance with the case.

Therefore, I have chosen to line-item veto Section 14 of **SB 113**.

Throughout the legislative debate over this bill, **SB 113** was categorized as an appropriations bill. During the House debate, a legislator moved to amend the finance formula provisions of the bill, which was ruled a violation of the chamber rules because the net effect of the amendment would have caused a change to the appropriations in the state foundation aid line-item. That appropriation would have very real consequences for our schools, as the finance formula operationally determines the amount of state funds appropriated to school districts through the proper budget line-items.

Therefore, pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return House Substitute for Senate Bill 113 with my signature approving the bill, except for the items enumerated below.

**Appropriations through Changes to the Definition of Enrollment in the Kansas School Equity and Enhancement Act**

Sec. 1(c) has been vetoed in its entirety.

The portion of Sec. 2(a) that reads as follows has been line-item vetoed:

State foundation aid (652-00-1000-0820).....\$47,899,069

Sec. 14 has been vetoed in its entirety.

The changes made to the school finance formula in this section will have immediate devastating effects on rural schools because it will prevent them from properly planning for budgetary impacts caused by this change, precipitating funding reductions caused by declining enrollment. Should the Legislature want to make these changes to the finance formula, they should utilize the proper process and consult with affected school districts. This appropriation provision was hastily altered without the ability for districts to weigh in or consult with their elected representatives.

The items line-item vetoed in Sec. 1 and Sec. 2 ensure that our schools remain funded and that the alterations in appropriations caused by the changes to the finance formula are also removed.

The portion of Sec. 21 that reads as follows has been line-item vetoed:

72-5132,

This statutory reference to the appropriation is required to be struck, otherwise the entirety of the finance formula would be repealed from state law. In combination with Sec. 14, this line-item protects existing appropriations and ensures that the current formula remains intact.

THE GOVERNOR'S OFFICE

THE GOVERNOR

LAURA KELLY

DATED May 18, 2023

The message was received on May 18, 2023. The veto message having been received after the Senate adjourned Sine Die, there was no opportunity to reconsider the line-item vetoes on **SB 113**.