

HOUSE BILL No. 2418

By Committee on Appropriations

2-15

1 AN ACT concerning certain state programs, boards and commissions;
2 abolishing the study commission for the consolidation of Kansas City,
3 Kansas, and Wyandotte county, consolidation commission of Topeka,
4 Kansas, and Shawnee county, study commission for the consolidation
5 in Greeley county, podiatry review committee, state board of healing
6 arts review committee for each branch of the healing arts, contact lens
7 advisory council, state emergency response commission, naturopathic
8 advisory council, transportation vision task force, special education
9 funding task force, Persian Gulf war veterans health initiative act,
10 Kansas export finance act, community strategic planning assistance act,
11 natural and scientific areas advisory board, public finance transparency
12 board, Kansas film services commission, Kansas bioscience authority,
13 KAN-ED act and department of health and environment advisory
14 committees; amending K.S.A. 12-340, 12-360, 45-229, 65-5702, 65-
15 5728, 65-7406, 66-2010, 74-2916, 74-5210, 74-6603, 74-6609, 74-
16 72,123, 74-99b03, 74-99b33, 74-99b63, 74-99b83 and 75-7403 and
17 K.S.A. 2022 Supp. 65-4915 and repealing the existing sections; also
18 repealing K.S.A. 12-341, 12-342, 12-343, 12-350, 12-351, 12-352, 12-
19 353, 12-354, 12-355, 12-356, 12-357, 12-359, 12-361, 12-362, 65-
20 2016, 65-2840c, 65-4969, 65-5703, 65-7214, 68-185, 72-3441, 73-
21 1221, 73-1222, 73-1223, 73-1224, 73-1225, 73-1226, 73-1227, 73-
22 1228, 73-1229, 73-1230, 73-1231, 74-5069, 74-5070, 74-5071, 74-
23 5072, 74-5073, 74-5074, 74-5092, 74-5093, 74-5094, 74-5095, 74-
24 5096, 74-5097, 74-5098, 74-5099, 74-50,100, 74-50,101, 74-6614, 74-
25 6615, 74-72,124, 74-9201, 74-99b04, 74-99b05, 74-99b11, 74-99b12,
26 74-99b13, 74-99b17, 75-7221, 75-7222, 75-7223, 75-7224, 75-7225,
27 75-7226 and 75-7227.

28

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

30 New Section 1. On July 1, 2023, the commission for the
31 consolidation of Kansas City, Kansas, and Wyandotte county,
32 consolidation commission of Topeka, Kansas, and Shawnee county, study
33 commission for the consolidation in Greeley county, podiatry review
34 committee, state board of healing arts review committee for each branch of
35 the healing arts, contact lens advisory council, state emergency response
36 commission, naturopathic advisory council, transportation vision task

1 force, special education funding task force, Persian Gulf war veterans
2 health initiative act, Kansas export finance act, community strategic
3 planning assistance act, natural and scientific areas advisory board, public
4 finance transparency board, Kansas film services commission, Kansas
5 bioscience authority, KAN-ED act and department of health and
6 environment advisory committees are hereby abolished.

7 Sec. 2. K.S.A. 12-340 is hereby amended to read as follows: 12-340.
8 As used in the act:

9 (a) "Commission" means the consolidation study commission of
10 Kansas City, Kansas, and Wyandotte county *prior to such commission's*
11 *abolishment*.

12 (b) "City" means Kansas City, Kansas.

13 (c) "County" means Wyandotte county.

14 Sec. 3. K.S.A. 12-360 is hereby amended to read as follows: 12-360.
15 As used in K.S.A. ~~12-361~~ 12-363 through 12-367, and amendments
16 thereto:

17 (a) "Commission" means the unification commission appointed
18 pursuant to K.S.A. 12-361, ~~and amendments thereto~~ *prior to its repeal*.

19 (b) "City" means any city located in Greeley county.

20 (c) "County" means Greeley county.

21 Sec. 4. K.S.A. 45-229 is hereby amended to read as follows: 45-229.
22 (a) It is the intent of the legislature that exceptions to disclosure under the
23 open records act shall be created or maintained only if:

24 (1) The public record is of a sensitive or personal nature concerning
25 individuals;

26 (2) the public record is necessary for the effective and efficient
27 administration of a governmental program; or

28 (3) the public record affects confidential information.

29 The maintenance or creation of an exception to disclosure must be
30 compelled as measured by these criteria. Further, the legislature finds that
31 the public has a right to have access to public records unless the criteria in
32 this section for restricting such access to a public record are met and the
33 criteria are considered during legislative review in connection with the
34 particular exception to disclosure to be significant enough to override the
35 strong public policy of open government. To strengthen the policy of open
36 government, the legislature shall consider the criteria in this section before
37 enacting an exception to disclosure.

38 (b) Subject to the provisions of subsections (g) and (h), any new
39 exception to disclosure or substantial amendment of an existing exception
40 shall expire on July 1 of the fifth year after enactment of the new
41 exception or substantial amendment, unless the legislature acts to continue
42 the exception. A law that enacts a new exception or substantially amends
43 an existing exception shall state that the exception expires at the end of

1 five years and that the exception shall be reviewed by the legislature
2 before the scheduled date.

3 (c) For purposes of this section, an exception is substantially
4 amended if the amendment expands the scope of the exception to include
5 more records or information. An exception is not substantially amended if
6 the amendment narrows the scope of the exception.

7 (d) This section is not intended to repeal an exception that has been
8 amended following legislative review before the scheduled repeal of the
9 exception if the exception is not substantially amended as a result of the
10 review.

11 (e) In the year before the expiration of an exception, the revisor of
12 statutes shall certify to the president of the senate and the speaker of the
13 house of representatives, by July 15, the language and statutory citation of
14 each exception that will expire in the following year that meets the criteria
15 of an exception as defined in this section. Any exception that is not
16 identified and certified to the president of the senate and the speaker of the
17 house of representatives is not subject to legislative review and shall not
18 expire. If the revisor of statutes fails to certify an exception that the revisor
19 subsequently determines should have been certified, the revisor shall
20 include the exception in the following year's certification after that
21 determination.

22 (f) "Exception" means any provision of law that creates an exception
23 to disclosure or limits disclosure under the open records act pursuant to
24 K.S.A. 45-221, and amendments thereto, or pursuant to any other
25 provision of law.

26 (g) A provision of law that creates or amends an exception to
27 disclosure under the open records law shall not be subject to review and
28 expiration under this act if such provision:

- 29 (1) Is required by federal law;
30 (2) applies solely to the legislature or to the state court system;
31 (3) has been reviewed and continued in existence twice by the
32 legislature; or
33 (4) has been reviewed and continued in existence by the legislature
34 during the 2013 legislative session and thereafter.

35 (h) (1) The legislature shall review the exception before its scheduled
36 expiration and consider as part of the review process the following:

- 37 (A) What specific records are affected by the exception;
38 (B) whom does the exception uniquely affect, as opposed to the
39 general public;
40 (C) what is the identifiable public purpose or goal of the exception;
41 (D) whether the information contained in the records may be obtained
42 readily by alternative means and how it may be obtained;
43 (2) an exception may be created or maintained only if it serves an

1 identifiable public purpose and may be no broader than is necessary to
2 meet the public purpose it serves. An identifiable public purpose is served
3 if the legislature finds that the purpose is sufficiently compelling to
4 override the strong public policy of open government and cannot be
5 accomplished without the exception and if the exception:

6 (A) Allows the effective and efficient administration of a
7 governmental program that would be significantly impaired without the
8 exception;

9 (B) protects information of a sensitive personal nature concerning
10 individuals, the release of such information would be defamatory to such
11 individuals or cause unwarranted damage to the good name or reputation
12 of such individuals or would jeopardize the safety of such individuals.
13 Only information that would identify the individuals may be excepted
14 under this paragraph; or

15 (C) protects information of a confidential nature concerning entities,
16 including, but not limited to, a formula, pattern, device, combination of
17 devices, or compilation of information that is used to protect or further a
18 business advantage over those who do not know or use it, if the disclosure
19 of such information would injure the affected entity in the marketplace.

20 (3) Records made before the date of the expiration of an exception
21 shall be subject to disclosure as otherwise provided by law. In deciding
22 whether the records shall be made public, the legislature shall consider
23 whether the damage or loss to persons or entities uniquely affected by the
24 exception of the type specified in paragraph (2)(B) or (2)(C) would occur
25 if the records were made public.

26 (i) (1) Exceptions contained in the following statutes as continued in
27 existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas
28 and that have been reviewed and continued in existence twice by the
29 legislature as provided in subsection (g) are hereby continued in existence:
30 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 12-189, 12-1,108,
31 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-1312e, 17-
32 2227, 17-5832, 17-7511, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707,
33 22-4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-405,
34 34-251, 38-2212, 39-709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222,
35 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128,
36 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613, 40-
37 3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-
38 1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-259, 46-2201, 47-
39 839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427, 55-1,102, 58-
40 4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-3336, 65-102b,
41 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 65-1,116,
42 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-1,171, 65-1,172,
43 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-

1 1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-
2 3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922, 65-4925, 65-
3 5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05, 65-6803,
4 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203, 66-1220a, 66-
5 2010, 72-2232, 72-3438, 72-6116, 72-6267, 72-9934, ~~73-1228~~, 74-2424,
6 74-2433f, 74-32,419, 74-4905, 74-4909, 74-50,131, 74-5515, 74-7308, 74-
7 7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805, 75-104, 75-712, 75-
8 7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133, 75-5266, 75-5665,
9 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11, 76-12c03, 76-3305,
10 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-3499, 79-34,113, 79-
11 3614, 79-3657, 79-4301 and 79-5206.

12 (2) Exceptions contained in the following statutes as certified by the
13 revisor of statutes to the president of the senate and the speaker of the
14 house of representatives pursuant to subsection (e) and that have been
15 reviewed during the 2015 legislative session and continued in existence by
16 the legislature as provided in subsection (g) are hereby continued in
17 existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-
18 4616, 60-3351, 72-3415, 74-50,217 and 75-53,105.

19 (j) (1) Exceptions contained in the following statutes as continued in
20 existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas
21 and that have been reviewed and continued in existence twice by the
22 legislature as provided in subsection (g) are hereby continued in existence:
23 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and
24 74-7508.

25 (2) Exceptions contained in the following statutes as certified by the
26 revisor of statutes to the president of the senate and the speaker of the
27 house of representatives pursuant to subsection (e) during 2015 and that
28 have been reviewed during the 2016 legislative session are hereby
29 continued in existence: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-
30 2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05,
31 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

32 (k) Exceptions contained in the following statutes as certified by the
33 revisor of statutes to the president of the senate and the speaker of the
34 house of representatives pursuant to subsection (e) and that have been
35 reviewed during the 2014 legislative session and continued in existence by
36 the legislature as provided in subsection (g) are hereby continued in
37 existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-
38 17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-
39 2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48),
40 50-6a11, 65-1,243, 65-16,104, 65-3239, 74-50,184, 74-8134, 74-99b06,
41 77-503a and 82a-2210.

42 (l) Exceptions contained in the following statutes as certified by the
43 revisor of statutes to the president of the senate and the speaker of the

1 house of representatives pursuant to subsection (e) during 2016 and that
2 have been reviewed during the 2017 legislative session are hereby
3 continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)
4 (51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-
5 8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

6 (m) Exceptions contained in the following statutes as certified by the
7 revisor of statutes to the president of the senate and the speaker of the
8 house of representatives pursuant to subsection (e) during 2012 and that
9 have been reviewed during the 2013 legislative session and continued in
10 existence by the legislature as provided in subsection (g) are hereby
11 continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a,
12 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-8268, 75-
13 712 and 75-5366.

14 (n) Exceptions contained in the following statutes as certified by the
15 revisor of statutes to the president of the senate and the speaker of the
16 house of representatives pursuant to subsection (e) and that have been
17 reviewed during the 2018 legislative session are hereby continued in
18 existence: 9-513c(c)(2), 39-709, 45-221(a)(26), (53) and (54), 65-6832,
19 65-6834, 75-7c06 and 75-7c20.

20 (o) Exceptions contained in the following statutes as certified by the
21 revisor of statutes to the president of the senate and the speaker of the
22 house of representatives pursuant to subsection (e) that have been
23 reviewed during the 2019 legislative session are hereby continued in
24 existence: 21-2511(h)(2), 21-5905(a)(7), 22-2302(b) and (c), 22-2502(d)
25 and (e), 40-222(k)(7), 44-714(e), 45-221(a)(55), 46-1106(g) regarding 46-
26 1106(i), 65-2836(i), 65-2839a(c), 65-2842(d), 65-28a05(n), article 6(d) of
27 65-6230, 72-6314(a) and 74-7047(b).

28 (p) Exceptions contained in the following statutes as certified by the
29 revisor of statutes to the president of the senate and the speaker of the
30 house of representatives pursuant to subsection (e) that have been
31 reviewed during the 2020 legislative session are hereby continued in
32 existence: 38-2310(c), 40-409(j)(2), 40-6007(a), 45-221(a)(52), 46-1129,
33 59-29a22(b)(10) and 65-6747.

34 (q) Exceptions contained in the following statutes as certified by the
35 revisor of statutes to the president of the senate and the speaker of the
36 house of representatives pursuant to subsection (e) that have been
37 reviewed during the 2021 legislative session are hereby continued in
38 existence: 22-2302(c)(4)(J) and (c)(6)(B), 22-2502(e)(4)(J) and (e)(6)(B)
39 and 65-6111(d)(4).

40 Sec. 5. K.S.A. 2022 Supp. 65-4915 is hereby amended to read as
41 follows: 65-4915. (a) As used in this section:

42 (1) "Healthcare provider" means: (A) Those persons and entities
43 defined as a healthcare provider under K.S.A. 40-3401, and amendments

1 thereto; and (B) a dentist licensed by the Kansas dental board, a dental
2 hygienist licensed by the Kansas dental board, a professional nurse
3 licensed by the board of nursing, a practical nurse licensed by the board of
4 nursing, a mental health technician licensed by the board of nursing, a
5 physical therapist licensed by the state board of healing arts, a physical
6 therapist assistant certified by the state board of healing arts, an
7 occupational therapist licensed by the state board of healing arts, an
8 occupational therapy assistant licensed by the state board of healing arts, a
9 respiratory therapist licensed by the state board of healing arts, a physician
10 assistant licensed by the state board of healing arts and emergency medical
11 service provider and ambulance services certified by the emergency
12 medical services board.

13 (2) "Healthcare provider group" means:

14 (A) A state or local association of healthcare providers or one or more
15 committees thereof;

16 (B) the board of governors created under K.S.A. 40-3403, and
17 amendments thereto;

18 (C) an organization of healthcare providers formed pursuant to state
19 or federal law and authorized to evaluate medical and healthcare services;

20 ~~(D) a review committee operating pursuant to K.S.A. 65-2840e, and~~
21 ~~amendments thereto;~~

22 (E)—an organized medical staff of a licensed medical care facility as
23 defined by K.S.A. 65-425, and amendments thereto, an organized medical
24 staff of a private psychiatric hospital licensed under K.S.A. 39-2001 et
25 seq., and amendments thereto, or an organized medical staff of a state
26 psychiatric hospital or state institution for people with intellectual
27 disability, as follows: Larned state hospital, Osawatomie state hospital,
28 Rainbow mental health facility, Kansas neurological institute and Parsons
29 state hospital and training center;

30 ~~(F)(E)~~ a healthcare provider;

31 ~~(G)(F)~~ a professional society of healthcare providers or one or more
32 committees thereof;

33 ~~(H)(G)~~ a Kansas corporation whose stockholders or members are
34 healthcare providers or an association of healthcare providers, which
35 corporation evaluates medical and healthcare services;

36 ~~(I)(H)~~ an insurance company, health maintenance organization or
37 administrator of a health benefits plan that engages in any of the functions
38 defined as peer review under this section; or

39 ~~(J)(I)~~ the university of Kansas medical center.

40 (3) "Peer review" means any of the following functions:

41 (A) Evaluate and improve the quality of healthcare services rendered
42 by healthcare providers;

43 (B) determine that health services rendered were professionally

1 indicated or were performed in compliance with the applicable standard of
2 care;

3 (C) determine that the cost of healthcare rendered was considered
4 reasonable by the providers of professional health services in this area;

5 (D) evaluate the qualifications, competence and performance of the
6 providers of healthcare or to act upon matters relating to the discipline of
7 any individual provider of healthcare;

8 (E) reduce morbidity or mortality;

9 (F) establish and enforce guidelines designed to keep within
10 reasonable bounds the cost of healthcare;

11 (G) conduct of research;

12 (H) determine if a hospital's facilities are being properly utilized;

13 (I) supervise, discipline, admit, determine privileges or control
14 members of a hospital's medical staff;

15 (J) review the professional qualifications or activities of healthcare
16 providers;

17 (K) evaluate the quantity, quality and timeliness of healthcare
18 services rendered to patients in the facility;

19 (L) evaluate, review or improve methods, procedures or treatments
20 being utilized by the medical care facility or by healthcare providers in a
21 facility rendering healthcare.

22 (4) "Peer review officer or committee" means:

23 (A) An individual employed, designated or appointed by, or a
24 committee of or employed, designated or appointed by, a healthcare
25 provider group and authorized to perform peer review; or

26 (B) a healthcare provider monitoring the delivery of healthcare at
27 correctional institutions under the jurisdiction of the secretary of
28 corrections.

29 (b) Except as provided by K.S.A. 60-437, and amendments thereto,
30 and by subsections (c) and (d), the reports, statements, memoranda,
31 proceedings, findings and other records submitted to or generated by peer
32 review committees or officers shall be privileged and shall not be subject
33 to discovery, subpoena or other means of legal compulsion for their release
34 to any person or entity or be admissible in evidence in any judicial or
35 administrative proceeding. Information contained in such records shall not
36 be discoverable or admissible at trial in the form of testimony by an
37 individual who participated in the peer review process. The peer review
38 officer or committee creating or initially receiving the record is the holder
39 of the privilege established by this section. This privilege may be claimed
40 by the legal entity creating the peer review committee or officer, or by the
41 commissioner of insurance for any records or proceedings of the board of
42 governors.

43 (c) Subsection (b) shall not apply to proceedings in which a

1 healthcare provider contests the revocation, denial, restriction or
2 termination of staff privileges or the license, registration, certification or
3 other authorization to practice of the healthcare provider. A licensing
4 agency in conducting a disciplinary proceeding in which admission of any
5 peer review committee report, record or testimony is proposed shall hold
6 the hearing in closed session when any such report, record or testimony is
7 disclosed. Unless otherwise provided by law, a licensing agency
8 conducting a disciplinary proceeding may close only that portion of the
9 hearing in which disclosure of a report or record privileged under this
10 section is proposed. In closing a portion of a hearing as provided by this
11 section, the presiding officer may exclude any person from the hearing
12 location except the licensee, the licensee's attorney, the agency's attorney,
13 the witness, the court reporter and appropriate staff support for either
14 counsel. The licensing agency shall make the portions of the agency record
15 in which such report or record is disclosed subject to a protective order
16 prohibiting further disclosure of such report or record. Such report or
17 record shall not be subject to discovery, subpoena or other means of legal
18 compulsion for their release to any person or entity. No person in
19 attendance at a closed portion of a disciplinary proceeding shall at a
20 subsequent civil, criminal or administrative hearing, be required to testify
21 regarding the existence or content of a report or record privileged under
22 this section that was disclosed in a closed portion of a hearing, nor shall
23 such testimony be admitted into evidence in any subsequent civil, criminal
24 or administrative hearing. A licensing agency conducting a disciplinary
25 proceeding may review peer review committee records, testimony or
26 reports but must prove its findings with independently obtained testimony
27 or records that shall be presented as part of the disciplinary proceeding in
28 open meeting of the licensing agency. Offering such testimony or records
29 in an open public hearing shall not be deemed a waiver of the peer review
30 privilege relating to any peer review committee testimony, records or
31 report.

32 (d) Nothing in this section shall limit the authority that may otherwise
33 be provided by law of the commissioner of insurance, the state board of
34 healing arts or other healthcare provider licensing or disciplinary boards of
35 this state to require a peer review committee or officer to report to it any
36 disciplinary action or recommendation of such committee or officer; to
37 transfer to it records of such committee's or officer's proceedings or actions
38 to restrict or revoke the license, registration, certification or other
39 authorization to practice of a healthcare provider; or to terminate the
40 liability of the fund for all claims against a specific healthcare provider for
41 damages for death or personal injury pursuant to K.S.A. 40-3403(i), and
42 amendments thereto. Reports and records so furnished shall not be subject
43 to discovery, subpoena or other means of legal compulsion for their release

1 to any person or entity and shall not be admissible in evidence in any
2 judicial or administrative proceeding other than a disciplinary proceeding
3 by the state board of healing arts or other healthcare provider licensing or
4 disciplinary boards of this state.

5 (e) A peer review committee or officer may report to and discuss its
6 activities, information and findings to other peer review committees or
7 officers or to a board of directors or an administrative officer of a
8 healthcare provider without waiver of the privilege provided by subsection
9 (b) and the records of all such committees or officers relating to such
10 report shall be privileged as provided by subsection (b).

11 (f) Nothing in this section shall be construed to prevent an insured
12 from obtaining information pertaining to payment of benefits under a
13 contract with an insurance company, a health maintenance organization or
14 an administrator of a health benefits plan.

15 Sec. 6. K.S.A. 65-5702 is hereby amended to read as follows: 65-
16 5702. As used in this act:

17 (a) "Commission" means the ~~state emergency response~~ commission
18 *on emergency planning and response* created by K.S.A. ~~65-5703~~ 65-5721,
19 *and amendments thereto*.

20 (b) "Federal act" means the federal emergency planning and
21 community right-to-know act of 1986 (Title III, P.L. 99-499).

22 Sec. 7. K.S.A. 65-5728 is hereby amended to read as follows: 65-
23 5728. (a) Except as otherwise provided by this order, the powers, duties,
24 and functions of the adjutant general and secretary of health and
25 environment related to approval of local planning districts as provided by
26 K.S.A. ~~65-5703(f)~~ 65-5722(f) and (g), and amendments thereto, are hereby
27 transferred to and conferred and imposed upon the commission on
28 emergency planning and response.

29 (b) Except as otherwise provided by this order, whenever the words
30 "adjutant general" or "secretary of health and environment" or words of
31 like effect are referred to or designated by a statute, rule and regulation,
32 contract or other document in connection with the powers, duties, and
33 functions transferred by this order from the adjutant general and the
34 secretary of health and environment to the commission on emergency
35 planning and response, the reference or designation shall be deemed to
36 apply to the commission on emergency planning and response.

37 (c) All rules and regulations, orders, and directives of the adjutant
38 general and of the secretary of health and environment relating to the
39 powers, duties, and functions transferred to the commission on emergency
40 planning and response by this order shall continue to be effective and shall
41 be deemed to be rules and regulations, orders, and directives of the
42 commission on emergency planning and response until revised, amended
43 or nullified pursuant to law.

1 Sec. 8. K.S.A. 65-7406 is hereby amended to read as follows: 65-
2 7406. (a) Subject to appropriations, there is hereby established the primary
3 care safety net clinic loan guarantee fund in the state treasury for the
4 purposes of facilitating the financing for the acquisition and modernization
5 of primary care safety net clinics in Kansas and the refinancing of capital
6 improvements and acquisition and installation of equipment therefor. The
7 primary care safety net clinic loan guarantee fund shall be administered by
8 the secretary. All moneys in the primary care safety net clinic loan
9 guarantee fund shall be used to provide guarantees against capital loan
10 risks in accordance with this act and to pay for the administrative costs
11 associated with the act as may be certified by the secretary. All
12 expenditures from the primary care safety net clinic loan guarantee fund
13 shall be made in accordance with appropriations acts upon warrants of the
14 director of accounts and reports issued pursuant to vouchers approved by
15 the secretary or the secretary's designee.

16 (b) All fees and charges imposed by the secretary and other moneys
17 received by the secretary for the purposes of this act shall be remitted to
18 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
19 and amendments thereto. Upon receipt of each such remittance, the state
20 treasurer shall deposit the entire amount in the state treasury to the credit
21 of the primary care safety net clinic loan guarantee fund.

22 (c) Upon certification by the secretary to the director of accounts and
23 reports that the unencumbered balance in the primary care safety net clinic
24 loan guarantee fund is insufficient to pay an amount for a loan guarantee
25 for which the fund is liable under this act, the director of accounts and
26 reports shall transfer an amount equal to the insufficiency from the state
27 general fund to the primary care safety net clinic loan guarantee fund. The
28 secretary shall transmit a copy of each such certification to the director of
29 the budget and to the director of legislative research at the same time that
30 the secretary submits a certification to the director of accounts and reports
31 under this subsection.

32 (d) On or before the 10th of each month, the director of accounts and
33 reports shall transfer from the state general fund to the primary care safety
34 net clinic loan guarantee fund interest earnings based on:

35 (1) The average daily balance of moneys in the ~~Kansas export~~
36 *primary care safety net clinic* loan guarantee fund for the preceding
37 month; and

38 (2) the net earnings rate of the pooled money investment portfolio for
39 the preceding month.

40 Sec. 9. K.S.A. 66-2010 is hereby amended to read as follows: 66-
41 2010. (a) The commission shall utilize a competitive bidding process to
42 select a neutral, competent and bonded third party to administer the KUSF.

43 (b) The administrator shall be responsible for: (1) Collecting and

1 auditing all relevant information from all qualifying telecommunications
2 public utilities, telecommunications carriers or wireless
3 telecommunications service providers receiving funds from or providing
4 funds to the KUSF; (2) verifying, based on the calculations of each
5 qualifying telecommunications carrier, telecommunications public utility
6 or wireless telecommunications service provider, the obligation of each
7 such qualifying carrier, utility or provider to generate the funds required by
8 the KUSF; (3) collecting all moneys due to the KUSF from all
9 telecommunications public utilities, telecommunications carriers and
10 wireless telecommunications service providers in the state; and (4)
11 distributing amounts on a monthly basis due to qualifying
12 telecommunications public utilities, wireless telecommunications service
13 providers and telecommunications carriers receiving KUSF funding.

14 (c) Any information made available or received by the administrator
15 from carriers, utilities or providers receiving funds from or providing
16 funds to the KUSF shall not be subject to any provisions of the Kansas
17 open records act and shall be considered confidential and proprietary.

18 (d) The administrator shall be authorized to maintain an action to
19 collect any funds owed by any telecommunications carrier, public utility or
20 wireless telecommunications provider in the district court in the county of
21 the registered office of such carrier, utility or provider or, if such carrier,
22 utility or provider does not have a registered office in the state, such an
23 action may be maintained in the county where such carrier's, utility's or
24 provider's principal office is located. If such carrier, utility or provider has
25 no principal office in the state, such an action may be maintained in the
26 district court of any county in which such carrier, utility or provider
27 provides service.

28 (e)-(f) The KUSF administrator shall be responsible to ensure that
29 funds do not fall below the level necessary to pay all amounts collectively
30 owed to all qualifying telecommunications public utilities, wireless
31 telecommunications service providers and telecommunications carriers.
32 The administrator shall have the authority to retain and invest in a prudent
33 and reasonable manner any excess funds collected in any period to help
34 ensure that adequate funds are available to cover amounts payable in other
35 periods.

36 ~~(2) Subject to the provisions of appropriations acts, for fiscal year~~
37 ~~2013, the KUSF administrator may transfer moneys from the KUSF to the~~
38 ~~state treasurer. Upon the receipt of any payment, the state treasurer shall~~
39 ~~deposit the entire amount in the state treasury and credit it to the KAN-ED~~
40 ~~fund. Any such payments shall be made after all payments required by~~
41 ~~K.S.A. 66-2008, and amendments thereto, for the month are made from~~
42 ~~the KUSF.~~

43 Sec. 10. K.S.A. 74-2916 is hereby amended to read as follows: 74-

1 2916. (a) ~~Notwithstanding the provisions of K.S.A. 74-5074, and~~
2 ~~amendments thereto, on July 1, 2002, or as soon thereafter as moneys are~~
3 ~~available, the secretary of commerce is authorized and directed to loan to~~
4 ~~the director of the Kansas sports hall of fame \$100,000 from the Kansas~~
5 ~~export loan guarantee fund. The director of the Kansas sports hall of fame~~
6 ~~is authorized and directed to use any moneys in the Kansas sports hall of~~
7 ~~fame surcharge fund to provide for the ongoing expenses of the Kansas~~
8 ~~sports hall of fame. Such loan shall not bear interest. Such loan shall not~~
9 ~~be deemed to be an indebtedness or debt of the state of Kansas within the~~
10 ~~meaning of section 6 of article 11 of the constitution of the state of Kansas.~~

11 (b) ~~Upon certification by the secretary of commerce and by the~~
12 ~~director of the Kansas sports hall of fame, the director of accounts and~~
13 ~~reports shall transfer such amount from the Kansas export loan guarantee~~
14 ~~fund to the Kansas sports hall of fame surcharge fund.~~

15 (c) ~~The loan authorized pursuant to subsection (a) shall be repaid in~~
16 ~~one payment payable on or before June 30, 2003, of \$50,000, and one~~
17 ~~payment payable on or before June 30, 2004, of \$50,000.~~

18 (d) ~~The state of Kansas sports hall of fame board of trustees, in~~
19 ~~consultation with postsecondary educational institutions and the accredited~~
20 ~~independent institutions, shall develop and implement a voluntary plan to~~
21 ~~have such institutions participate in the raising of funds for the Kansas~~
22 ~~sports hall of fame.~~

23 (e) ~~Quarterly, during fiscal year 2003 and 2004, the state of Kansas~~
24 ~~sports hall of fame board of trustees shall submit a report to the~~
25 ~~chairperson of the legislative budget committee concerning the progress~~
26 ~~and provisions of this act when the legislature is not in session and the~~
27 ~~chairperson of the committee on appropriations of the house of~~
28 ~~representatives and the chairperson of the committee on ways and means~~
29 ~~of the senate when the legislature is in session.~~

30 (f)(b) ~~"Postsecondary educational institution" means Kansas state~~
31 ~~university, the university of Kansas, Wichita state university, Emporia state~~
32 ~~university, Fort Hays state university, Pittsburg state university, Washburn~~
33 ~~university and any community college.~~

34 Sec. 11. K.S.A. 74-5210 is hereby amended to read as follows: 74-
35 5210. (a) ~~The Kansas arts commission created by K.S.A. 74-5202, and~~
36 ~~amendments thereto prior to its repeal, and the Kansas film services~~
37 ~~commission created by K.S.A. 74-9201, and amendments thereto prior to~~
38 ~~its repeal, are hereby abolished.~~

39 (b) ~~Except as otherwise provided by this act, all of the powers, duties~~
40 ~~and functions of the existing Kansas arts commission and the Kansas film~~
41 ~~services commission are hereby transferred to, conferred and imposed~~
42 ~~upon the creative arts industries commission within the department of~~
43 ~~commerce, established by this act.~~

1 (c) Except as otherwise provided by this act, the creative arts
2 industries commission within the department of commerce established by
3 this act shall be the successor in every way to the powers, duties and
4 functions of the Kansas arts commission and the Kansas film services
5 commission in which the same were vested prior to the effective date of
6 this act. Every act performed in the exercise of such powers, duties and
7 functions by or under the authority of the creative arts industries
8 commission within the department of commerce established by this act
9 shall be deemed to have the same force and effect as if performed by the
10 Kansas arts commission and the Kansas film services commission in
11 which such powers, duties and functions were vested prior to the effective
12 date of this act.

13 (d) Except as otherwise provided by this act, whenever the Kansas
14 arts commission or the Kansas film services commission, or words of like
15 effect, are referred to or designated by a statute, contract or other
16 document, such reference or designation shall be deemed to apply to the
17 creative arts industries commission within the department of commerce
18 established by this act.

19 (e) All rules and regulations of the Kansas arts commission and the
20 Kansas film services commission in existence on the effective date of this
21 act shall continue to be effective and shall be deemed to be duly adopted
22 rules and regulations of the creative arts industries commission within the
23 department of commerce established by this act until revised, amended,
24 revoked or nullified pursuant to law.

25 (f) All orders and directives of the Kansas arts commission and the
26 Kansas film services commission in existence on the effective date of this
27 act shall continue to be effective and shall be deemed to be orders and
28 directives of the creative arts industries commission within the department
29 of commerce established by this act, until revised, amended, revoked or
30 nullified pursuant to law.

31 (g) On the effective date of this act, the creative arts industries
32 commission within the department of commerce shall succeed to whatever
33 right, title or interest the Kansas arts commission and the Kansas film
34 services commission have acquired in any real property in this state, and
35 the creative arts industries commission within the department of commerce
36 shall hold the same for and in the name of the state of Kansas. On and after
37 the effective date of this act, whenever any statute, contract, deed or other
38 document concerns the power or authority of the Kansas arts commission
39 or the Kansas film services commission to acquire, hold or dispose of real
40 property or any interest therein, the creative arts industries commission
41 within the department of commerce shall succeed to such power or
42 authority.

43 (h) The creative arts industries commission within the department of

1 commerce established by this act shall be a continuation of the Kansas arts
2 commission and the Kansas film services commission.

3 (i) On the effective date of this act, all officers and employees who,
4 immediately prior to such date, were engaged in the performance of
5 powers, duties or functions of the Kansas arts commission and the Kansas
6 film services commission which are transferred by this act, or who become
7 a part of the creative arts industries commission within the department of
8 commerce, and who, in the opinion of the director of the creative arts
9 industries commission within the department of commerce, are necessary
10 to perform the powers, duties and functions of the creative arts industries
11 commission within the department of commerce, shall be transferred to,
12 and shall become officers and employees of the creative arts industries
13 commission within the department of commerce.

14 (j) Officers and employees of the Kansas arts commission and the
15 Kansas film services commission transferred by this act shall retain all
16 retirement benefits and leave balances and rights which had accrued or
17 vested prior to the date of transfer. The service of each such officer and
18 employee so transferred shall be deemed to have been continuous. All
19 transfers, layoffs or abolition of classified service positions under the
20 Kansas civil service act shall be made in accordance with the civil service
21 laws and any rule and regulation adopted thereunder. Nothing in this act
22 shall affect the classified status of any transferred person employed by the
23 Kansas arts commission and the Kansas film services commission prior to
24 the date of transfer.

25 (k) For the purposes of K.S.A. 12-2536, and amendments thereto, the
26 creative arts industries commission within the department of commerce,
27 instead of the Kansas arts commission, shall provide an appointee to serve
28 on the metropolitan culture commission.

29 Sec. 12. K.S.A. 74-6603 is hereby amended to read as follows: 74-
30 6603. As used in this act, the following words and terms shall have the
31 meanings ascribed to them in this section, unless the context shall indicate
32 another or different meaning or intent:

33 (a) "Natural and scientific area" means an area of land or water in
34 public or private ownership which either retains to some degree its
35 primeval character, though it need not be completely natural and
36 undisturbed, or has natural flora, fauna, ecological, geological, historical
37 or archeological features of scientific or educational interest.

38 (b) "Natural and scientific preserve" means a natural or scientific area
39 which is formally dedicated under the provisions of this act to be
40 maintained as nearly as possible in its natural condition and to be used in a
41 manner and under limitations consistent with its continued preservation,
42 without impairment, disturbance, or artificial development except that
43 deemed necessary for scientific research, education, or public

1 interpretation of the area.

2 ~~(e) "Board" means the natural and scientific areas advisory board~~
3 ~~created by K.S.A. 74-6614.~~

4 Sec. 13. K.S.A. 74-6609 is hereby amended to read as follows: 74-
5 6609. A natural or scientific area ~~which has been found by the board to be~~
6 ~~suitable for inclusion in the system~~ shall become a natural and scientific
7 preserve upon its dedication by the owner of the land or of an interest or a
8 right therein, with the approval of the state biological survey. The
9 dedication shall be evidenced by articles of dedication which shall be in
10 such form as the state biological survey may approve. The articles of
11 dedication may, consistent with the purposes of this act, define the
12 respective rights and duties of the owner or custodian and the state
13 biological survey; contain provisions relating to management,
14 development use, public access, sale or transfer; provide or create
15 reversionary rights; contain such other provisions as may be necessary or
16 advisable; and vary in provisions from one natural and scientific preserve
17 to another.

18 Sec. 14. K.S.A. 74-72,123 is hereby amended to read as follows: 74-
19 72,123. (a) As used in the Kansas taxpayer transparency act:

20 (1) "Searchable website" means a website that allows the public to
21 search and aggregate the information identified in subsection (b) including
22 requirements that the website offer the public the ability to efficiently
23 search and display data, and ascertain the total amounts of revenues and
24 expenditures (A) of funds established within the state treasury in an
25 aggregate or summary form in a manner determined by the secretary of
26 administration, (B) of compensation paid to public employees employed
27 by state agencies, and (C) of bond debt as specified in this act.

28 (2) "Agency" means any entity or instrumentality of the state of
29 Kansas as defined in K.S.A. 75-3701, and amendments thereto, and any
30 other entity or instrumentality delegated statutory authority by the
31 legislature to issue bonds and to collect revenue for the purpose of
32 repaying bonds issued under authority delegated by statute.

33 ~~(3) "Board" means the public finance transparency board.~~

34 (b) ~~No later than March 1, 2009,~~ The secretary of administration shall
35 develop and operate a single, searchable website accessible by the public
36 at no cost to access, that includes:

37 (1) Annual expenditures, as determined by the secretary of
38 administration and as available within the central accounting system and
39 state payroll system, shall include, but not be limited to:

40 (A) Disbursements by any state agency from funds established within
41 the state treasury;

42 (B) bond debt payments;

43 (C) salaries and wages including, but not limited to, compensation

- 1 paid to individual employees of state agencies;
- 2 (D) contractual services including, but not limited to, amounts paid to
3 individual vendors;
- 4 (E) commodities including, but not limited to, amounts paid to
5 individual vendors;
- 6 (F) capital outlay including, but not limited to, amounts paid to
7 individual vendors;
- 8 (G) debt service including, but not limited to, amounts of bond
9 interest paid and sources of funds paid for individual bond issues;
- 10 (H) aid to local units including, but not limited to, amounts paid to
11 individual units of government for individually identifiable aid programs;
- 12 (I) other assistance and benefits;
- 13 (J) capital improvements including, but not limited to, amounts of
14 bond principal paid and sources of funds paid for individual bond issues;
15 and
- 16 (K) tax expenditures as reported by the secretary of revenue in the
17 annual tax expenditure report.
- 18 (2) Annual revenues, as determined by the secretary of administration
19 and as available within the central accounting system, shall include, but
20 not be limited to:
- 21 (A) Receipts or deposits by any state agency into funds established
22 within the state treasury;
- 23 (B) taxes including, but not limited to, compulsory contributions
24 imposed by the state for the purpose of financing services;
- 25 (C) agency earnings including, but not limited to, amounts collected
26 by each agency for merchandise sold, services performed, licenses and
27 permits issued, or regulation;
- 28 (D) revenue for the use of money and property including, but not
29 limited to, amounts received for compensation for the use of state-owned
30 money and property;
- 31 (E) gifts, donations and federal grants including, but not limited to,
32 amounts received from public and private entities to aid in support of a
33 specific function or other governmental activity;
- 34 (F) other revenue including, but not limited to, receipts not classified
35 elsewhere; and
- 36 (G) non-revenue receipts including, but not limited to, all receipts that
37 do not constitute revenue.
- 38 (3) Annual bonded indebtedness which shall include, but not be
39 limited to the amount of the total original obligation stated in terms of
40 principal and interest, the term of the obligation, the source of funding for
41 repayment of the obligation, the amounts of principal and interest
42 previously paid to reduce the obligation, the balance remaining of the
43 obligation, any refinancing of the obligation, and the cited statutory

1 authority to issue such bonds.

2 (4) Any other relevant information specified by the secretary of
3 administration ~~after consulting with and seeking the advice of the public~~
4 ~~finance transparency board as established in K.S.A. 74-72,124, and~~
5 ~~amendments thereto.~~

6 (c) The single website provided for in subsection (b) ~~of this section~~
7 shall include data for ~~fiscal year 2003 and~~ each fiscal year ~~thereafter~~. The
8 website shall be designed so that such data shall be retained on the single
9 website for not less than 10 years and shall include data for the most recent
10 fiscal years. Data that is available in the central accounting system and
11 state payroll system shall be on the single website as soon as possible, but
12 not later than 45 days after the last day of the preceding fiscal year. The
13 secretary of administration shall develop policies and procedures to make
14 data available from any other source. Nothing in this act shall require the
15 secretary of administration to provide information on the website that is
16 not available in the central accounting system and the state payroll system
17 at the time of initial implementation of the website. After implementation
18 of the initial website, the public finance transparency board shall advise
19 the secretary of administration on incorporating additional information
20 described by this act from any other source of information available to the
21 secretary of administration including information submitted by state
22 agencies pursuant to subsection (d) ~~of this section~~.

23 (d) Any state agency shall provide, at the request of the secretary of
24 administration, such information as is necessary to accomplish the
25 purposes of this act.

26 (e) Nothing in this act shall permit or require the disclosure of
27 information which is considered confidential by state or federal law.

28 Sec. 15. K.S.A. 74-99b03 is hereby amended to read as follows: 74-
29 99b03. As used in the bioscience authority act, and amendments thereto,
30 the following words and phrases shall have the following meanings unless
31 a different meaning clearly appears from the content:

32 (a) "Authority" means the ~~Kansas bioscience authority created by this~~
33 ~~act~~ *department of commerce*.

34 (b) ~~"Authority employee" means an employee of the authority who~~
35 ~~performs services for the authority and whose salary is paid in whole or in~~
36 ~~part by the authority. An authority employee will not be considered to be a~~
37 ~~state employee, as such term is defined in this act or in any other statute or~~
38 ~~regulation.~~

39 (c) "Bioscience" means the use of compositions, methods and
40 organisms in cellular and molecular research, development and
41 manufacturing processes for such diverse areas as pharmaceuticals,
42 medical therapeutics, medical diagnostics, medical devices, medical
43 instruments, biochemistry, microbiology, veterinary medicine, plant

1 biology, agriculture and industrial, environmental, and homeland security
2 applications of bioscience, and future developments in the biosciences.
3 Bioscience includes biotechnology and life sciences.

4 ~~(d)~~(c) "Bioscience company" means a corporation, limited liability
5 company, S corporation, partnership, registered limited liability
6 partnership, foundation, association, nonprofit entity, sole proprietorship,
7 business trust, person, group, or other entity that is engaged in the business
8 of bioscience in the state and has business operations in the state,
9 including, without limitation, research, development, or production
10 directed towards developing or providing bioscience products or processes
11 for specific commercial or public purposes and are identified by the
12 following NAICS codes: 325411, 325412, 325413, 325414, 325193,
13 325199, 325311, 32532, 334516, 339111, 339112, 339113, 334510,
14 334517, 339115, 621511, 621512, 54171, 54138, 54194.

15 ~~(e)~~(d) "Bioscience development project" means an approved project
16 to implement a project plan in a bioscience development district.

17 ~~(f)~~(e) "Bioscience research" means any investigation for the
18 advancement of scientific or technological knowledge of bioscience and
19 any activity that seeks to utilize, synthesize, or apply existing knowledge,
20 information or resources to the resolution of a specific problem, question
21 or issue of bioscience.

22 ~~(g)~~(f) "Bioscience research institutions" means all universities and
23 colleges located in the state of Kansas conducting bioscience research.

24 ~~(h)~~(g) "Biotechnology" means those fields focusing on technological
25 developments in such areas as molecular biology, genetic engineering,
26 genomics, proteomics, physiomics, nanotechnology, biodefense,
27 biocomputing and bioinformatics.

28 ~~(i)~~(h) "Board" means the ~~board of directors of the authority created~~
29 ~~by this act~~ *department of commerce*.

30 ~~(j)~~(i) "Bonds" ~~has the same meaning~~ *means the same* as in K.S.A. 74-
31 8902, and amendments thereto.

32 ~~(k)~~(j) "Bioscience development and investment fund" means the fund
33 created by K.S.A. 74-99b34, and amendments thereto.

34 ~~(l)~~(k) "Eminent scholar" means world-class, distinguished and
35 established investigators recognized nationally for their research,
36 achievements and ability to garner significant federal funding on an annual
37 basis. Eminent scholars are recognized for their scientific knowledge and
38 entrepreneurial spirit to enhance the innovative research that leads to
39 economic gains. Eminent scholars are either members of or likely
40 candidates for the national academy of sciences or other prominent
41 national academic science organizations.

42 ~~(m)~~(l) "Life sciences" means the areas of medical sciences,
43 pharmaceutical sciences, biological sciences, zoology, botany, horticulture,

1 ecology, toxicology, organic chemistry, physical chemistry, physiology and
2 any future advances associated with life sciences.

3 ~~(m)~~(m) "NAICS" means the north American industry classification
4 system.

5 ~~(n)~~(n) "NISTAC" means the national institute for strategic technology
6 acquisition and commercialization.

7 ~~(o)~~(o) "President" or "secretary" means the ~~chief executive officer of~~
8 ~~the authority~~ *secretary of commerce*.

9 ~~(p)~~(p) "Principal operation" means the operation of the authority
10 requiring at least 75% of the total number of employees at all times.

11 ~~(q)~~(q) "Qualified company" means a Kansas company conducting
12 bioscience research and development that may be granted a funding
13 voucher.

14 ~~(r)~~(r) "Rising star scholar" means up-and-coming distinguished
15 investigators growing in their national reputations in their fields, who are
16 active and demonstrate leadership in their associated professional
17 societies, and who attract significant federal research grant support. Rising
18 star scholars would be likely candidates for the national academy of
19 sciences or other prominent national academic science organizations in the
20 future.

21 ~~(s)~~(s) "State" means the state of Kansas.

22 ~~(t)~~(t) "State employee" means a person employed by the state of
23 Kansas whether or not a classified or unclassified employee in the state
24 personnel system. ~~Authority employees shall not be considered state~~
25 ~~employees, as such term is defined in this act or in any other statute or rule~~
26 ~~and regulation.~~

27 ~~(u)~~(u) "State universities" includes state educational institutions as
28 defined in K.S.A. 76-711, and amendments thereto, and the municipal
29 university as defined in K.S.A. 74-3201b, and amendments thereto.

30 ~~(v)~~(v) "Taxpayer" means a person, corporation, limited liability
31 company, S corporation, partnership, registered limited liability
32 partnership, foundation, association, nonprofit entity, sole proprietorship,
33 business trust, group or other entity that is subject to the Kansas income
34 tax act K.S.A. 79-3201 et seq., and amendments thereto.

35 ~~(w)~~(w) "Technology transfer" means, without limitation, assisting with
36 filing patent applications, executing licenses, paying maintenance fees and
37 managing the finance, production, sales and marketing of bioscience
38 intellectual property.

39 ~~(x)~~(x) "This act" means the bioscience authority act.

40 ~~(y)~~(y) Notwithstanding any other provision of this act, the terms
41 "bioscience," "biotechnology" and "life sciences" shall not be construed to
42 include:

43 (1) Induced abortion in humans, performed after the date of

1 enactment of this act, or the use of cells or tissues derived therefrom; or

2 (2) any research the federal funding of which would be contrary to
3 federal laws that are in effect on the date of enactment of this act.

4 Sec. 16. K.S.A. 74-99b33 is hereby amended to read as follows: 74-
5 99b33. As used in the emerging industry investment act, and amendments
6 thereto, the following words and phrases shall have the following
7 meanings unless a different meaning clearly appears from the content:

8 (a) "Authority" means the ~~Kansas bioscience authority as created by~~
9 ~~K.S.A. 74-99b04, and amendments thereto~~ *department of commerce.*

10 (b) "Base year taxation" means 95% of the 2003 state withholding
11 taxes of bioscience employees working for bioscience companies and state
12 universities currently located in or operating in the state. The base year
13 taxation may be adjusted in future years to account for the addition of new
14 bioscience companies and the identification of existing bioscience
15 companies inadvertently omitted from prior determinations. When a
16 bioscience company is added, the base year taxation shall be amended by
17 95% of the company's 2003 state withholding taxes, if any.

18 (c) "Bioscience" means the use of compositions, methods and
19 organisms in cellular and molecular research, development and
20 manufacturing processes for such diverse areas as pharmaceuticals,
21 medical therapeutics, medical diagnostics, medical devices, medical
22 instruments, biochemistry, microbiology, veterinary medicine, plant
23 biology, agriculture, industrial, environmental, and homeland security
24 applications of bioscience and future developments in the biosciences.
25 Bioscience includes biotechnology and life sciences.

26 (d) "Bioscience company" or "bioscience companies" means a
27 corporation, limited liability company, S corporation, partnership,
28 registered limited liability partnership, foundation, association, nonprofit
29 entity, sole proprietorship, business trust, person, group or other entity that
30 is engaged in the business of bioscience in the state and has business
31 operations in the state, including, without limitation, research,
32 development, sales, services, distribution or production directed towards
33 developing or providing bioscience products or processes for specific
34 commercial or public purposes but shall not include entities engaged in the
35 distribution or retail sale of pharmaceuticals or other bioscience products.
36 The authority and the secretary of revenue shall jointly determine whether
37 an entity qualifies as a "bioscience company" based on verifiable evidence.
38 One of the factors that shall be considered is whether a company has been
39 identified by the department of labor by one of the following NAICS
40 codes: 325411, 325412, 325413, 325414, 325193, 325199, 325311,
41 325320, 334516, 339111, 339112, 339113, 334510, 334517, 339115,
42 621511, 621512, 541710, 541380, 541940 and 622110. Such company
43 shall be presumed to be a bioscience company unless the authority and the

1 secretary of revenue agree, based on verifiable evidence, that the company
2 is not engaged in the business of bioscience in the state. A company
3 identified by another NAICS code may be determined to be a bioscience
4 company by the authority and the secretary of revenue based on verifiable
5 evidence that the company is engaged in the business of bioscience in the
6 state. From and after July 1, 2014, the authority and the secretary of
7 revenue, based upon verifiable evidence, may determine that a company
8 which has previously been determined to be a bioscience company shall no
9 longer be considered to be a bioscience company for the purposes of the
10 emerging industry investment act.

11 (e) "Bioscience development and investment fund" means the fund
12 created by K.S.A. 74-99b34, and amendments thereto.

13 (f) "Bioscience employee" means any employee, officer or director of
14 a bioscience company who is employed in the 2003 tax year or after
15 December 31, 2003, and who is also a state taxpayer and any employee of
16 state universities who is associated with bioscience research in the 2003
17 tax year or after December 31, 2003, and who is also a state taxpayer.

18 (g) "Bioscience research" means any original investigation for the
19 advancement of scientific or technological knowledge of bioscience and
20 any activity that seeks to utilize, synthesize, or apply existing knowledge,
21 information or resources to the resolution of a specific problem, question
22 or issue of bioscience.

23 (h) "Biotechnology" means those fields focusing on technological
24 developments in such areas as molecular biology, genetic engineering,
25 genomics, proteomics, physiomics, nanotechnology, biodefense,
26 biocomputing and bioinformatics and future developments associated with
27 biotechnology.

28 (i) "Board" means ~~the board of directors of the authority~~ *department*
29 *of commerce*.

30 (j) "Eminent scholar" means world-class, distinguished and
31 established investigators recognized nationally for their research,
32 achievements and ability to garner significant federal funding on an annual
33 basis. Eminent scholars are recognized for their scientific knowledge and
34 entrepreneurial spirit to enhance the innovative research that leads to
35 economic gains. Eminent scholars are either members of or likely
36 candidates for the national academy of sciences or other prominent
37 national academic science organizations.

38 (k) "Life sciences" means, without limitation, the areas of medical
39 sciences, pharmaceutical sciences, biological sciences, zoology, botany,
40 horticulture, ecology, toxicology, organic chemistry, physical chemistry
41 and physiology and any future advances associated with the life sciences.

42 (l) "NAICS" means the north American industry classification
43 system.

1 (m) "Rising star scholar" means up-and-coming distinguished
2 investigators growing in their national reputations in their fields, who are
3 active and demonstrate leadership in their associated professional
4 societies, and who attract significant federal research grant support. Rising
5 star scholars would be likely candidates for the national academy of
6 science or other prominent national academic science organizations in the
7 future.

8 (n) "State" means the state of Kansas.

9 (o) "State universities" includes state educational institutions as
10 defined in K.S.A. 76-711, and amendments thereto, and the municipal
11 university as defined in K.S.A. 74-3201b, and amendments thereto.

12 (p) "Subsequent year taxation" means 95% of all state withholding
13 taxes payable by bioscience companies that commence operating in the
14 state after December 31, 2003, and 95% of withholding associated with
15 new bioscience employees added to bioscience companies and state
16 universities and associated with growth of the existing bioscience
17 employee withholding base after December 31, 2003.

18 (q) "Taxpayer" means a person, corporation, limited liability
19 company, S corporation, partnership, registered limited liability
20 partnership, foundation, association, nonprofit entity, sole proprietorship,
21 business trust, group or other entity that is subject to the Kansas income
22 tax act, K.S.A. 79-3201 et seq., and amendments thereto.

23 (r) "This act" means the emerging industry investment act.

24 Sec. 17. K.S.A. 74-99b63 is hereby amended to read as follows: 74-
25 99b63. As used in the bioscience research and development voucher
26 program act, and amendments thereto, the following words and phrases
27 have the following meanings unless a different meaning clearly appears
28 from the content:

29 (a) "Authority" means the ~~Kansas bioscience authority as created by~~
30 ~~K.S.A. 74-99b04, and amendments thereto~~ *department of commerce*.

31 (b) "Bioscience" means, without limitation, the use of compositions,
32 methods and organisms in cellular and molecular research, development
33 and manufacturing processes for such diverse areas as pharmaceuticals,
34 medical therapeutics, medical diagnostics, medical devices, medical
35 instruments, biochemistry, microbiology, veterinary medicine, plant
36 biology, agriculture, industrial, environmental and homeland security
37 applications of bioscience and future developments in the biosciences.
38 Bioscience includes biotechnology and life sciences.

39 (c) "Bioscience research" means any investigation for the
40 advancement of scientific or technological knowledge of bioscience and
41 any activity that seeks to utilize, synthesize, or apply existing knowledge,
42 information or resources to the resolution of a specific problem, question
43 or issue of bioscience.

1 (d) "Bioscience research institutions" means all universities and
2 colleges located in the state of Kansas conducting bioscience research.

3 (e) "Biotechnology" means, without limitation, those fields focusing
4 on technological developments in such areas as molecular biology, genetic
5 engineering, genomics, proteomics, physiomics, nanotechnology,
6 biodefense, biocomputing, bioinformatics and future developments
7 associated with biotechnology.

8 (f) "Life sciences" means the areas of medical sciences,
9 pharmaceutical sciences, biological sciences, zoology, botany, horticulture,
10 ecology, toxicology, organic chemistry, physical chemistry, physiology and
11 any future advances associated with life sciences.

12 (g) "Qualified company" means a Kansas company conducting
13 bioscience research and development that may be granted a funding
14 voucher.

15 (h) "State" means the state of Kansas.

16 (i) "This act" means the bioscience research and development
17 voucher program act.

18 Sec. 18. K.S.A. 74-99b83 is hereby amended to read as follows: 74-
19 99b83. As used in the bioscience research matching funds act, and
20 amendments thereto, the following words and phrases have the following
21 meanings unless a different meaning clearly appears from the content:

22 (a) "Authority" or "board" means the ~~Kansas bioscience authority as~~
23 ~~created by K.S.A. 74-99b04, and amendments thereto~~ *department of*
24 *commerce.*

25 (b) ~~"Board" means the board of directors of the authority.~~

26 ~~(c)~~ "Bioscience" means the use of compositions, methods and
27 organisms in cellular and molecular research, development and
28 manufacturing processes for such diverse areas as pharmaceuticals,
29 medical therapeutics, medical diagnostics, medical devices, medical
30 instruments, biochemistry, microbiology, veterinary medicine, plant
31 biology, agriculture, industrial, environmental and homeland security
32 applications of bioscience and future developments in the biosciences.
33 Bioscience includes biotechnology and life sciences.

34 ~~(d)~~(c) "Bioscience research" means any investigation for the
35 advancement of scientific or technological knowledge of bioscience and
36 any activity that seeks to utilize, synthesize, or apply existing knowledge,
37 information or resources to the resolution of a specific problem, question
38 or issue of bioscience.

39 ~~(e)~~(d) "Bioscience research institutions" means all universities and
40 colleges located in the state of Kansas conducting bioscience research.

41 ~~(f)~~(e) "Biotechnology" means, without limitation, those fields
42 focusing on technological developments in such areas as molecular
43 biology, genetic engineering, genomics, proteomics, physiomics,

1 nanotechnology, biodefense, biocomputing, bioinformatics and future
2 developments associated with biotechnology.

3 ~~(g)~~(f) "Life sciences" means, without limitation, the areas of medical
4 sciences, pharmaceutical sciences, biological sciences, zoology, botany,
5 horticulture, ecology, toxicology, organic chemistry, physical chemistry,
6 physiology and any future advances associated with life sciences.

7 ~~(h)~~(g) "State" means the state of Kansas.

8 ~~(i)~~(h) "This act" means the bioscience research matching funds act.

9 Sec. 19. K.S.A. 75-7403 is hereby amended to read as follows: 75-
10 7403. (a) The secretary of health and environment is hereby authorized to
11 establish policies and to adopt rules and regulations for the implementation
12 and administration of the powers, duties and functions prescribed for or
13 transferred to the department as provided by law.

14 (b) The secretary of health and environment may enter into contracts
15 as may be necessary to perform the powers, duties and functions of *the*
16 department and as provided by law. As provided by this act or as otherwise
17 the secretary of health and environment may enter into contracts with other
18 state agencies or with local governmental entities for the coordination of
19 health services, including care and prevention programs and activities, and
20 public health programs.

21 ~~(c) The secretary of health and environment may appoint advisory~~
22 ~~committees as deemed necessary by the secretary. The advisory~~
23 ~~committees shall consult with and advise the secretary of health and~~
24 ~~environment regarding the matters referred thereto by the department.~~
25 ~~Members of any advisory committee created under this section attending~~
26 ~~meetings of such committee or attending a subcommittee meeting thereof~~
27 ~~authorized by such committee shall be paid subsistence allowances,~~
28 ~~mileage and other expenses as provided in K.S.A. 75-3223, and~~
29 ~~amendments thereto, but shall receive no compensation for services as~~
30 ~~members of such advisory committee.~~

31 Sec. 20. K.S.A. 12-340, 12-341, 12-342, 12-343, 12-350, 12-351, 12-
32 352, 12-353, 12-354, 12-355, 12-356, 12-357, 12-359, 12-360, 12-361, 12-
33 362, 45-229, 65-2016, 65-2840c, 65-4969, 65-5702, 65-5703, 65-5728,
34 65-7214, 65-7406, 66-2010, 68-185, 72-3441, 73-1221, 73-1222, 73-1223,
35 73-1224, 73-1225, 73-1226, 73-1227, 73-1228, 73-1229, 73-1230, 73-
36 1231, 74-2916, 74-5069, 74-5070, 74-5071, 74-5072, 74-5073, 74-5074,
37 74-5092, 74-5093, 74-5094, 74-5095, 74-5096, 74-5097, 74-5098, 74-
38 5099, 74-50,100, 74-50,101, 74-5210, 74-6603, 74-6609, 74-6614, 74-
39 6615, 74-72,123, 74-72,124, 74-9201, 74-99b03, 74-99b04, 74-99b05, 74-
40 99b11, 74-99b12, 74-99b13, 74-99b17, 74-99b33, 74-99b63, 74-99b83,
41 75-7221, 75-7222, 75-7223, 75-7224, 75-7225, 75-7226, 75-7227 and 75-
42 7403 and K.S.A. 2022 Supp. 65-4915 are hereby repealed.

43 Sec. 21. This act shall take effect and be in force from and after its

- 1 publication in the statute book.