

(Corrected)

Session of 2024

HOUSE BILL No. 2570

By Committee on Commerce, Labor and Economic Development

Requested by Representative Tarwater

1-23

1 AN ACT concerning employment security law; relating to the definition of
2 benefit year, temporary unemployment, wages, statewide average
3 annual wage and statewide average weekly wage; referencing certain
4 new definitions for purposes of the annual determination by the
5 secretary of the maximum weekly benefit amount; requiring electronic
6 filing of wage reports, contribution returns and payments and interest
7 assessments for employers with 25 or more employees; establishing
8 minimum qualifications for candidates for membership on the
9 employment security board of review and initial review of such
10 candidates by the director of unemployment; extending when the
11 mandatory combination of rates and the establishment of a new account
12 due to a business acquisition must occur from the beginning of the
13 following quarter to the beginning of the following year; making
14 certain changes to the schedules governing employer contribution rates;
15 removing obsolete language pertaining to the employment security
16 interest assessment fund and abolishing such fund; requiring the
17 secretary to create an audit process within the new unemployment
18 insurance information technology system to permit employers to
19 submit reports regarding work search, the my reemployment plan and
20 claimants who do not provide notification or appear for scheduled
21 interviews; providing for notices by the secretary to active employers
22 regarding work search noncompliance reporting options; confirming
23 the legislative coordinating council's authority to extend the new
24 unemployment insurance information technology system's
25 implementation date retroactively and as often as deemed appropriate
26 by the council; requiring the secretary to notify the council of the need
27 for an extension; authorizing the secretary to extend temporary
28 unemployment for limited periods upon request by employers and
29 allowing for additional temporary unemployment when requested by
30 employers engaged in certain industries; requiring the secretary to
31 annually post on the secretary's website certain additional calculations
32 and data; changing the timing of employer benefit charge notices from
33 annually to quarterly; removing the exemption for benefit charges less
34 than \$100; amending K.S.A. 44-704, 44-705, 44-709, 44-710, 44-710b,
35 44-717, 44-771, 44-772 and 44-774 and K.S.A. 2023 Supp. 44-703, 44-

1 710a and 44-775 and repealing the existing sections.

2

3 WHEREAS, The amendments made to the employment security law by
4 this act shall be known as the Kansas unemployment insurance state trust
5 fund solvency, system integrity and tax credit preservation act of 2024.

6 Now, therefore:

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

8 Section 1. K.S.A. 2023 Supp. 44-703 is hereby amended to read as
9 follows: 44-703. As used in this act, unless the context clearly requires
10 otherwise:

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

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

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

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

32 (1) If an individual lacks sufficient base period wages in order to
33 establish a benefit year in the manner set forth above and satisfies the
34 requirements of *subsection (hh) and* K.S.A. 44-705(g) ~~and K.S.A. 44-~~
35 ~~703(hh)~~, and amendments thereto, the claimant shall have an alternative
36 base period substituted for the current base period so as not to prevent
37 establishment of a valid claim. For the purposes of this subsection,
38 "alternative base period" means the last four completed quarters
39 immediately preceding the date the qualifying injury occurred. In the event
40 the wages in the alternative base period have been used on a prior claim,
41 then they shall be excluded from the new alternative base period.

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

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

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

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

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

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

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

36 (g) "Employing unit" means any individual or type of organization,
37 including any partnership, association, limited liability company, agency
38 or department of the state of Kansas and political subdivisions thereof,
39 trust, estate, joint-stock company, insurance company or corporation,
40 whether domestic or foreign including nonprofit corporations, or the
41 receiver, trustee in bankruptcy, trustee or successor thereof, or the legal
42 representatives of a deceased person, that has in its employ one or more
43 individuals performing services for it within this state. All individuals

1 performing services within this state for any employing unit that maintains
2 two or more separate establishments within this state shall be deemed to be
3 employed by a single employing unit for all the purposes of this act. Each
4 individual employed to perform or to assist in performing the work of any
5 agent or employee of an employing unit shall be deemed to be employed
6 by such employing unit for all the purposes of this act, whether such
7 individual was hired or paid directly by such employing unit or by such
8 agent or employee, provided the employing unit had actual or constructive
9 knowledge of the employment.

10 (h) "Employer" means:

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

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

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

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

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

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

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

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

43 (i) Furnishes individuals to perform services in agricultural labor for

1 any other person;

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

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

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

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

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

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

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

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

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

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

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

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

17 (i) "Employment" means:

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

20 (A) Any active officer of a corporation; ~~or~~

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

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

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

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

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

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

42 (b) the individual does not have a substantial investment in facilities
43 used in connection with the performance of the services, other than in

1 facilities for transportation; and

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

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

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

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

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

14 (3) The term "employment" also includes:

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

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

28 (C) Services covered by an arrangement pursuant to K.S.A. 44-
29 714(j), and amendments thereto, between the secretary and the agency
30 charged with the administration of any other state or federal
31 unemployment compensation law, pursuant to which all services
32 performed by an individual for an employing unit are deemed to be
33 performed entirely within this state, shall be deemed to be employment if
34 the secretary has approved an election of the employing unit for whom
35 such services are performed, pursuant to which the entire service of such
36 individual during the period covered by such election is deemed to be
37 insured work.

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

43 (E) Services performed by an individual in the employ of a state or

1 any instrumentality thereof, any political subdivision of a state or any
2 instrumentality thereof, or in the employ of an Indian tribe, as defined
3 pursuant to section 3306(u) of the federal unemployment tax act, any
4 instrumentality of more than one of the foregoing or any instrumentality
5 that is jointly owned by this state or a political subdivision thereof or
6 Indian tribes and one or more other states or political subdivisions of this
7 or other states, provided that such service is excluded from "employment"
8 as defined in the federal unemployment tax act by reason of section
9 3306(c)(7) of that act and is not excluded from "employment" under
10 subsection (i)(4)(A) of this section. For purposes of this section, the
11 exclusions from employment in subsections (i)(4)(A) and (i)(4)(L) shall
12 also be applicable to services performed in the employ of an Indian tribe.

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

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

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

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

26 (a) The employer is an individual who is a resident of this state;

27 (b) the employer is a corporation which is organized under the laws
28 of this state; or

29 (c) the employer is a partnership or a trust and the number of the
30 partners or trustees who are residents of this state is greater than the
31 number who are residents of any other state; or

32 (iii) none of the criteria of (i)(3)(G)(i) and (ii) are met but the
33 employer has elected coverage in this state or, the employer having failed
34 to elect coverage in any state, the individual has filed a claim for benefits,
35 based on such service, under the law of this state.

36 (H) An "American employer," for purposes of subsection (i)(3)(G),
37 means a person who is:

38 (i) An individual who is a resident of the United States;

39 (ii) a partnership if $\frac{2}{3}$ or more of the partners are residents of the
40 United States;

41 (iii) a trust, if all of the trustees are residents of the United States; or

42 (iv) a corporation organized under the laws of the United States or of
43 any state.

1 (I) Notwithstanding subsection (i)(2), all services performed by an
2 officer or member of the crew of an American vessel or American aircraft
3 on or in connection with such vessel or aircraft, if the operating office,
4 from which the operations of such vessel or aircraft operating within, or
5 within and without, the United States are ordinarily and regularly
6 supervised, managed, directed and controlled is within this state.

7 (J) Notwithstanding any other provisions of this subsection (i),
8 services with respect to which a tax is required to be paid under any
9 federal law imposing a tax against which credit may be taken for
10 contributions required to be paid into a state unemployment compensation
11 fund or that as a condition for full tax credit against the tax imposed by the
12 federal unemployment tax act is required to be covered under this act.

13 (K) Domestic service in a private home, local college club or local
14 chapter of a college fraternity or sorority performed for a person who paid
15 cash remuneration of \$1,000 or more in any calendar quarter in the current
16 calendar year or the preceding calendar year to individuals employed in
17 such domestic service.

18 (4) The term "employment" does not include: (A) Services performed
19 in the employ of an employer specified in subsection (h)(3) if such service
20 is performed by an individual in the exercise of duties:

21 (i) As an elected official;

22 (ii) as a member of a legislative body, or a member of the judiciary, of
23 a state, political subdivision or of an Indian tribe;

24 (iii) as a member of the state national guard or air national guard;

25 (iv) as an employee serving on a temporary basis in case of fire,
26 storm, snow, earthquake, flood or similar emergency;

27 (v) in a position that, under or pursuant to the laws of this state or
28 tribal law, is designated as a major nontenured policymaking or advisory
29 position or as a policymaking or advisory position the performance of the
30 duties of which ordinarily does not require more than eight hours per
31 week;

32 (B) services with respect to which unemployment compensation is
33 payable under an unemployment compensation system established by an
34 act of congress;

35 (C) services performed by an individual in the employ of such
36 individual's son, daughter or spouse, and services performed by a child
37 under the age of 21 years in the employ of such individual's father or
38 mother;

39 (D) services performed in the employ of the United States
40 government or an instrumentality of the United States exempt under the
41 constitution of the United States from the contributions imposed by this
42 act, except that to the extent that the congress of the United States shall
43 permit states to require any instrumentality of the United States to make

1 payments into an unemployment fund under a state unemployment
2 compensation law, all of the provisions of this act shall be applicable to
3 such instrumentalities, and to services performed for such
4 instrumentalities, in the same manner, to the same extent and on the same
5 terms as to all other employers, employing units, individuals and services.
6 If this state shall not be certified for any year by the federal security
7 agency under section 3304(c) of the federal internal revenue code of 1986,
8 the payments required of such instrumentalities with respect to such year
9 shall be refunded by the secretary from the fund in the same manner and
10 within the same period as is provided in K.S.A. 44-717(h), and
11 amendments thereto, with respect to contributions erroneously collected;

12 (E) services covered by an arrangement between the secretary and the
13 agency charged with the administration of any other state or federal
14 unemployment compensation law pursuant to which all services performed
15 by an individual for an employing unit during the period covered by such
16 employing unit's duly approved election, are deemed to be performed
17 entirely within the jurisdiction of such other state or federal agency;

18 (F) services performed by an individual under the age of 18 in the
19 delivery or distribution of newspapers or shopping news, not including
20 delivery or distribution to any point for subsequent delivery or
21 distribution;

22 (G) services performed by an individual for an employing unit as an
23 insurance agent or as an insurance solicitor, if all such service performed
24 by such individual for such employing unit is performed for remuneration
25 solely by way of commission;

26 (H) services performed in any calendar quarter in the employ of any
27 organization exempt from income tax under section 501(a) of the federal
28 internal revenue code of 1986, other than an organization described in
29 section 401(a) or under section 521 of such code, if the remuneration for
30 such service is less than \$50. In construing the application of the term
31 "employment," if services performed during $\frac{1}{2}$ or more of any pay period
32 by an individual for the person employing such individual constitute
33 employment, all the services of such individual for such period shall be
34 deemed to be employment; but if the services performed during more than
35 $\frac{1}{2}$ of any such pay period by an individual for the person employing such
36 individual do not constitute employment, then none of the services of such
37 individual for such period shall be deemed to be employment. As used in
38 this subsection (i)(4)(H) the term "pay period" means a period, of not more
39 than 31 consecutive days, for which a payment of remuneration is
40 ordinarily made to the individual by the person employing such individual.
41 This subsection (i)(4)(H) shall not be applicable with respect to services
42 with respect to which unemployment compensation is payable under an
43 unemployment compensation system established by an act of congress;

1 (I) services performed in the employ of a church or convention or
2 association of churches, or an organization which is operated primarily for
3 religious purposes and which is operated, supervised, controlled, or
4 principally supported by a church or convention or association of
5 churches;

6 (J) services performed by a duly ordained, commissioned, or licensed
7 minister of a church in the exercise of such individual's ministry or by a
8 member of a religious order in the exercise of duties required by such
9 order;

10 (K) services performed in a facility conducted for the purpose of
11 carrying out a program of:

12 (i) Rehabilitation for individuals whose earning capacity is impaired
13 by age or physical or mental deficiency or injury; or

14 (ii) providing remunerative work for individuals who because of their
15 impaired physical or mental capacity cannot be readily absorbed in the
16 competitive labor market, by an individual receiving such rehabilitation or
17 remunerative work;

18 (L) services performed as part of an employment work-relief or
19 work-training program assisted or financed in whole or in part by any
20 federal agency or an agency of a state or political subdivision thereof or of
21 an Indian tribe, by an individual receiving such work relief or work
22 training;

23 (M) services performed by an inmate of a custodial or correctional
24 institution;

25 (N) services performed, in the employ of a school, college, or
26 university, if such service is performed by a student who is enrolled and is
27 regularly attending classes at such school, college or university;

28 (O) services performed by an individual who is enrolled at a
29 nonprofit or public educational institution that normally maintains a
30 regular faculty and curriculum and normally has a regularly organized
31 body of students in attendance at the place where its educational activities
32 are carried on as a student in a full-time program, taken for credit at such
33 institution, that combines academic instruction with work experience, if
34 such service is an integral part of such program, and such institution has so
35 certified to the employer, except that this subsection (i)(4)(O) shall not
36 apply to service performed in a program established for or on behalf of an
37 employer or group of employers;

38 (P) services performed in the employ of a hospital licensed, certified
39 or approved by the secretary of health and environment, if such service is
40 performed by a patient of the hospital;

41 (Q) services performed as a qualified real estate agent. As used in this
42 subsection (i)(4)(Q) the term "qualified real estate agent" means any
43 individual who is licensed by the Kansas real estate commission as a

1 salesperson under the real estate brokers' and salespersons' license act and
2 for whom:

3 (i) Substantially all of the remuneration, whether or not paid in cash,
4 for the services performed by such individual as a real estate salesperson is
5 directly related to sales or other output, including the performance of
6 services, rather than to the number of hours worked; and

7 (ii) the services performed by the individual are performed pursuant
8 to a written contract between such individual and the person for whom the
9 services are performed and such contract provides that the individual will
10 not be treated as an employee with respect to such services for state tax
11 purposes;

12 (R) services performed for an employer by an extra in connection
13 with any phase of motion picture or television production or television
14 commercials for less than 14 days during any calendar year. As used in this
15 subsection, the term "extra" means an individual who pantomimes in the
16 background, adds atmosphere to the set and performs such actions without
17 speaking and "employer" shall not include any employer that is a
18 governmental entity or any employer described in section 501(c)(3) of the
19 federal internal revenue code of 1986 that is exempt from income taxation
20 under section 501(a) of the code;

21 (S) services performed by an oil and gas contract pumper. As used in
22 this subsection (i)(4)(S), "oil and gas contract pumper" means a person
23 performing pumping and other services on one or more oil or gas leases, or
24 on both oil and gas leases, relating to the operation and maintenance of
25 such oil and gas leases, on a contractual basis for the operators of such oil
26 and gas leases and "services" shall not include services performed for a
27 governmental entity or any organization described in section 501(c)(3) of
28 the federal internal revenue code of 1986 that is exempt from income
29 taxation under section 501(a) of the code;

30 (T) service not in the course of the employer's trade or business
31 performed in any calendar quarter by an employee, unless the cash
32 remuneration paid for such service is \$200 or more and such service is
33 performed by an individual who is regularly employed by such employer
34 to perform such service. For purposes of this paragraph, an individual shall
35 be deemed to be regularly employed by an employer during a calendar
36 quarter only if:

37 (i) On each of some 24 days during such quarter such individual
38 performs for such employer for some portion of the day service not in the
39 course of the employer's trade or business; or

40 (ii) such individual was regularly employed, as determined under
41 subparagraph (i), by such employer in the performance of such service
42 during the preceding calendar quarter.

43 Such excluded service shall not include any services performed for an

1 employer that is a governmental entity or any employer described in
2 section 501(c)(3) of the federal internal revenue code of 1986 that is
3 exempt from income taxation under section 501(a) of the code;

4 (U) service which is performed by any person who is a member of a
5 limited liability company and that is performed as a member or manager of
6 that limited liability company; and

7 (V) services performed as a qualified direct seller. The term "direct
8 seller" means any person if:

9 (i) Such person:

10 (a) Is engaged in the trade or business of selling or soliciting the sale
11 of consumer products to any buyer on a buy-sell basis or a deposit-
12 commission basis for resale, by the buyer or any other person, in the home
13 or otherwise rather than in a permanent retail establishment; or

14 (b) is engaged in the trade or business of selling or soliciting the sale
15 of consumer products in the home or otherwise than in a permanent retail
16 establishment;

17 (ii) substantially all the remuneration whether or not paid in cash for
18 the performance of the services described in subparagraph (i) is directly
19 related to sales or other output including the performance of services rather
20 than to the number of hours worked;

21 (iii) the services performed by the person are performed pursuant to a
22 written contract between such person and the person for whom the services
23 are performed and such contract provides that the person will not be
24 treated as an employee for federal and state tax purposes;

25 (iv) for purposes of this act, a sale or a sale resulting exclusively from
26 a solicitation made by telephone, mail, or other telecommunications
27 method, or other nonpersonal method does not satisfy the requirements of
28 this subsection;

29 (W) services performed as an election official or election worker, if
30 the amount of remuneration received by the individual during the calendar
31 year for services as an election official or election worker is less than
32 \$1,000;

33 (X) services performed by agricultural workers who are aliens
34 admitted to the United States to perform labor pursuant to section 1101(a)
35 (15)(H)(ii)(a) of the immigration and nationality act;

36 (Y) services performed by an owner-operator of a motor vehicle that
37 is leased or contracted to a licensed motor carrier with the services of a
38 driver and is not treated under the terms of the lease agreement or contract
39 with the licensed motor carrier as an employee for purposes of the federal
40 insurance contribution act, 26 U.S.C. § 3101 et seq., the federal social
41 security act, 42 U.S.C. § 301 et seq., the federal unemployment tax act, 26
42 U.S.C. § 3301 et seq., and the federal statutes prescribing income tax
43 withholding at the source, 26 U.S.C. § 3401 et seq. Employees or agents of

1 the owner-operator shall not be considered employees of the licensed
2 motor carrier for purposes of employment security taxation or
3 compensation. As used in this subsection (Y), the following definitions
4 apply: (i) "Motor vehicle" means any automobile, truck-trailer, semitrailer,
5 tractor, motor bus or any other self-propelled or motor-driven vehicle used
6 upon any of the public highways of Kansas for the purpose of transporting
7 persons or property; (ii) "licensed motor carrier" means any person, firm,
8 corporation or other business entity that holds a certificate of convenience
9 and necessity or a certificate of public service from the state corporation
10 commission or is required to register motor carrier equipment pursuant to
11 49 U.S.C. § 14504; and (iii) "owner-operator" means a person, firm,
12 corporation or other business entity that is the owner of a single motor
13 vehicle that is driven exclusively by the owner under a lease agreement or
14 contract with a licensed motor carrier; and

15 (Z) services performed by a petroleum landman on a contractual
16 basis. As used in this subparagraph, "petroleum landman" means an
17 individual performing services on a contractual basis who is not an
18 individual who is an active officer of a corporation as described in
19 subsection (i)(1)(A) that may include:

20 (i) Negotiating for the acquisition or divestiture of mineral rights;
21 (ii) negotiating business agreements that provide exploration for or
22 development of minerals;

23 (iii) determining ownership in minerals through the research of public
24 and private records;

25 (iv) reviewing the status of title, curing title defects, providing title
26 due diligence and otherwise reducing title risk associated with ownership
27 in minerals or the acquisition and divestiture of mineral properties;

28 (v) managing rights or obligations derived from ownership of
29 interests in minerals; or

30 (vi) unitizing or pooling of interests in minerals. For purposes of this
31 subparagraph, "minerals" includes oil, natural gas or petroleum. "Services"
32 does not include services performed for a governmental entity or any
33 organization described in section 501(c)(3) of the federal internal revenue
34 code of 1986, or a federally recognized Indian tribe that is exempt from
35 income taxation under section 501(a) of the code.

36 (j) "Employment office" means any office operated by this state and
37 maintained by the secretary of labor for the purpose of assisting persons to
38 become employed.

39 (k) "Fund" means the employment security fund established by this
40 act, to which all contributions and reimbursement payments required and
41 from which all benefits provided under this act shall be paid and including
42 all money received from the federal government as reimbursements
43 pursuant to section 204 of the federal-state extended compensation act of

1 1970, and amendments thereto.

2 (l) "State" includes, in addition to the states of the United States of
3 America, any dependency of the United States, the Commonwealth of
4 Puerto Rico, the District of Columbia and the Virgin Islands.

5 (m) "Unemployment." An individual shall be deemed "unemployed"
6 with respect to any week during which such individual performs no
7 services and with respect to which no wages are payable to such
8 individual, or with respect to any week of less than full-time work if the
9 wages payable to such individual with respect to such week are less than
10 such individual's weekly benefit amount.

11 (n) "Employment security administration fund" means the fund
12 established by this act, from which administrative expenses under this act
13 shall be paid.

14 (o) "Wages" means all compensation for services, including
15 commissions, bonuses, back pay and the cash value of all remuneration,
16 including benefits, paid in any medium other than cash. The reasonable
17 cash value of remuneration in any medium other than cash, shall be
18 estimated and determined in accordance with rules and regulations
19 prescribed by the secretary. Compensation payable to an individual that
20 has not been actually received by that individual within 21 days after the
21 end of the pay period in which the compensation was earned shall be
22 considered to have been paid on the 21st day after the end of that pay
23 period. Effective January 1, 1986, gratuities, including tips received from
24 persons other than the employing unit, shall be considered wages when
25 reported in writing to the employer by the employee. Employees must
26 furnish a written statement to the employer, reporting all tips received if
27 they total \$20 or more for a calendar month whether the tips are received
28 directly from a person other than the employer or are paid over to the
29 employee by the employer. This includes amounts designated as tips by a
30 customer who uses a credit card to pay the bill. Notwithstanding the other
31 provisions of this subsection (o), wages paid in back pay awards or
32 settlements shall be allocated to the week or weeks and reported in the
33 manner as specified in the award or agreement, or, in the absence of such
34 specificity in the award or agreement, such wages shall be allocated to the
35 week or weeks in which such wages, in the judgment of the secretary,
36 would have been paid. The term "wages" shall not include:

37 (1) *For calendar years 2016 through 2025*, that part of the
38 remuneration that has been paid in a calendar year to an individual by an
39 employer or such employer's predecessor in excess of ~~\$3,000 for all~~
40 ~~calendar years prior to 1972, in excess of \$4,200 for the calendar years~~
41 ~~1972 to 1977, inclusive, in excess of \$6,000 for calendar years 1978 to~~
42 ~~1982, inclusive, in excess of \$7,000 for the calendar year 1983, in excess~~
43 ~~of \$8,000 for the calendar years 1984 to 2014, inclusive, and in excess of~~

1 ~~\$12,000 with respect to employment during calendar year 2015, and in~~
2 ~~excess of \$14,000 with respect to all calendar years thereafter, except that~~
3 ~~if the definition of the term "wages" as contained in the federal~~
4 ~~unemployment tax act is amended to include remuneration paid to an~~
5 ~~individual by an employer under the federal act in excess of \$8,000 for the~~
6 ~~calendar years 1984-2014, inclusive, and in excess of \$12,000 with respect~~
7 ~~to employment during calendar year 2015, and in excess of \$14,000 with~~
8 ~~respect to all calendar years thereafter~~ *employment during calendar years*
9 *2016 through 2025*, wages shall include remuneration paid in a calendar
10 year to an individual by an employer subject to this act or such employer's
11 predecessor with respect to employment during any calendar year up to an
12 amount equal to the dollar limitation specified in the federal
13 unemployment tax act. For the purposes of this subsection (o)(1), the term
14 "employment" shall include service constituting employment under any
15 employment security law of another state or of the federal government;

16 (2) (A) *For the calendar year as set forth below, except as provided*
17 *by subparagraph (B), for contributing rated employers assigned rate*
18 *groups 0-N11, that part of the remuneration that has been paid in a*
19 *calendar year to an individual by an employer or such employer's*
20 *predecessor in excess of the specified percentage of the statewide average*
21 *annual wage paid to employees in insured work during the previous*
22 *calendar year and rounded to the nearest multiple of \$100:*

23 (i) *Calendar year 2026, 30%;*

24 (ii) *calendar year 2027, 35%;*

25 (iii) *calendar year 2028, 40%;*

26 (iv) *calendar year 2029, 45%;*

27 (v) *calendar year 2030, 50%;*

28 (vi) *calendar year 2031, 55%; and*

29 (vii) *calendar year 2032 and all ensuing calendar years thereafter;*
30 *60%.*

31 (B) *If the definition of the term "wages" as contained in the federal*
32 *unemployment tax act is amended to include the remuneration paid to an*
33 *individual by an employer under the federal act in excess of the amount*
34 *calculated pursuant to subparagraph (A)(i) through (vii), then with respect*
35 *to employment during all calendar years thereafter, wages shall include*
36 *the remuneration paid in a calendar year to an individual by an employer*
37 *subject to this act or such employer's predecessor with respect to*
38 *employment during any calendar year up to an amount equal to the dollar*
39 *limitation specified in the federal unemployment tax act.*

40 (C) *For purposes of subparagraphs (A) and (B):*

41 (i) *"Employment" includes service constituting employment under*
42 *any employment security law of another state or of the federal*
43 *government; and*

1 (ii) *"statewide average annual wage" means the statewide average*
2 *annual wage as defined by subsection (jj) and computed by the secretary*
3 *on July 1 each year, as provided by K.S.A. 44-704, and amendments*
4 *thereto;*

5 ~~(2)~~(3) the amount of any payment, including any amount paid by an
6 employing unit for insurance or annuities, or into a fund, to provide for
7 any such payment, made to, or on behalf of, an employee or any of such
8 employee's dependents under a plan or system established by an employer
9 that makes provisions for employees generally, for a class or classes of
10 employees or for such employees or a class or classes of employees and
11 their dependents, on account of:

12 (A) Sickness or accident disability, except in the case of any payment
13 made to an employee or such employee's dependents, this subparagraph
14 shall exclude from the term "wages" only payments that are received under
15 a workers compensation law. Any third party that makes a payment
16 included as wages by reason of this subparagraph ~~(2)(A)~~ shall be treated as
17 the employer with respect to such wages; ~~or~~

18 (B) medical and hospitalization expenses in connection with sickness
19 or accident disability; or

20 (C) death;

21 ~~(3)~~(4) any payment on account of sickness or accident disability, or
22 medical or hospitalization expenses in connection with sickness or
23 accident disability, made by an employer to, or on behalf of, an employee
24 after the expiration of six calendar months following the last calendar
25 month in which the employee worked for such employer;

26 ~~(4)~~(5) any payment made to, or on behalf of, an employee or such
27 employee's beneficiary:

28 (A) From or to a trust described in section 401(a) of the federal
29 internal revenue code of 1986 that is exempt from tax under section 501(a)
30 of the federal internal revenue code of 1986 at the time of such payment
31 unless such payment is made to an employee of the trust as remuneration
32 for services rendered as such employee and not as a beneficiary of the
33 trust;

34 (B) under or to an annuity plan that, at the time of such payment, is a
35 plan described in section 403(a) of the federal internal revenue code of
36 1986;

37 (C) under a simplified employee pension as defined in section 408(k)
38 (1) of the federal internal revenue code of 1986, other than any
39 contribution described in section 408(k)(6) of the federal internal revenue
40 code of 1986;

41 (D) under or to an annuity contract described in section 403(b) of the
42 federal internal revenue code of 1986, other than a payment for the
43 purchase of such contract that was made by reason of a salary reduction

1 agreement whether evidenced by a written instrument or otherwise;

2 (E) under or to an exempt governmental deferred compensation plan
3 as defined in section 3121(v)(3) of the federal internal revenue code of
4 1986;

5 (F) to supplement pension benefits under a plan or trust described in
6 any of the foregoing provisions of this subparagraph to take into account
7 some portion or all of the increase in the cost of living, as determined by
8 the secretary of labor, since retirement but only if such supplemental
9 payments are under a plan that is treated as a welfare plan under section
10 3(2)(B)(ii) of the federal employee retirement income security act of 1974;
11 or

12 (G) under a cafeteria plan within the meaning of section 125 of the
13 federal internal revenue code of 1986;

14 ~~(5)~~(6) the payment by an employing unit, without deduction from the
15 remuneration of the employee, of the tax imposed upon an employee under
16 section 3101 of the federal internal revenue code of 1986 with respect to
17 remuneration paid to an employee for domestic service in a private home
18 of the employer or for agricultural labor;

19 ~~(6)~~(7) remuneration paid in any medium other than cash to an
20 employee for service not in the course of the employer's trade or business;

21 ~~(7)~~(8) remuneration paid to or on behalf of an employee if and to the
22 extent that at the time of the payment of such remuneration it is reasonable
23 to believe that a corresponding deduction is allowable under section 217 of
24 the federal internal revenue code of 1986 relating to moving expenses;

25 ~~(8)~~(9) any payment or series of payments by an employer to an
26 employee or any of such employee's dependents that is paid:

27 (A) Upon or after the termination of an employee's employment
28 relationship because of (i) death or (ii) retirement for disability; and

29 (B) under a plan established by the employer that makes provisions
30 for employees generally, a class or classes of employees or for such
31 employees or a class or classes of employees and their dependents, other
32 than any such payment or series of payments that would have been paid if
33 the employee's employment relationship had not been so terminated;

34 ~~(9)~~(10) remuneration for agricultural labor paid in any medium other
35 than cash;

36 ~~(10)~~(11) any payment made, or benefit furnished, to or for the benefit
37 of an employee if at the time of such payment or such furnishing it is
38 reasonable to believe that the employee will be able to exclude such
39 payment or benefit from income under section 129 of the federal internal
40 revenue code of 1986 that relates to dependent care assistance programs;

41 ~~(11)~~(12) the value of any meals or lodging furnished by or on behalf
42 of the employer if at the time of such furnishing it is reasonable to believe
43 that the employee will be able to exclude such items from income under

1 section 119 of the federal internal revenue code of 1986;

2 ~~(12)~~(13) any payment made by an employer to a survivor or the estate
3 of a former employee after the calendar year in which such employee died;

4 ~~(13)~~(14) any benefit provided to or on behalf of an employee if at the
5 time such benefit is provided it is reasonable to believe that the employee
6 will be able to exclude such benefit from income under section 74(c), 117
7 or 132 of the federal internal revenue code of 1986;

8 ~~(14)~~(15) any payment made, or benefit furnished, to or for the benefit
9 of an employee, if at the time of such payment or such furnishing it is
10 reasonable to believe that the employee will be able to exclude such
11 payment or benefit from income under section 127 of the federal internal
12 revenue code of 1986 relating to educational assistance to the employee; or

13 ~~(15)~~(16) any payment made to or for the benefit of an employee if at
14 the time of such payment it is reasonable to believe that the employee will
15 be able to exclude such payment from income under section 106(d) of the
16 federal internal revenue code of 1986 relating to health savings accounts.

17 Nothing in any paragraph of subsection (o), other than ~~paragraph~~
18 ~~paragraphs~~ (1) and (2), shall exclude from the term "wages": (1) Any
19 employer contribution under a qualified cash or deferred arrangement, as
20 defined in section 401(k) of the federal internal revenue code of 1986, to
21 the extent that such contribution is not included in gross income by reason
22 of section 402(a)(8) of the federal internal revenue code of 1986; or (2)
23 any amount treated as an employer contribution under section 414(h)(2) of
24 the federal internal revenue code of 1986.

25 Any amount deferred under a nonqualified deferred compensation plan
26 shall be taken into account for purposes of this section as of the later of
27 when the services are performed or when there is no substantial risk of
28 forfeiture of the rights to such amount. Any amount taken into account as
29 wages by reason of this paragraph, and the income attributable thereto,
30 shall not thereafter be treated as wages for purposes of this section. For
31 purposes of this paragraph, the term "nonqualified deferred compensation
32 plan" means any plan or other arrangement for deferral of compensation
33 other than a plan described in subsection (o)~~(4)~~(5).

34 (p) "Week" means such period or periods of seven consecutive
35 calendar days, as the secretary may by rules and regulations prescribe.

36 (q) "Calendar quarter" means the period of three consecutive calendar
37 months ending March 31, June 30, September 30 or December 31, or the
38 equivalent thereof as the secretary may by rules and regulations prescribe.

39 (r) "Insured work" means employment for employers.

40 (s) "Approved training" means any vocational training course or
41 course in basic education skills, including a job training program
42 authorized under the federal workforce investment act of 1998, approved
43 by the secretary or a person or persons designated by the secretary.

1 (t) "American vessel" or "American aircraft" means any vessel or
2 aircraft documented or numbered or otherwise registered under the laws of
3 the United States; and any vessel or aircraft that is neither documented or
4 numbered or otherwise registered under the laws of the United States nor
5 documented under the laws of any foreign country, if its crew performs
6 service solely for one or more citizens or residents of the United States or
7 corporations organized under the laws of the United States or of any state.

8 (u) "Institution of higher education," for the purposes of this section,
9 means an educational institution that:

10 (1) Admits as regular students only individuals having a certificate of
11 graduation from a high school, or the recognized equivalent of such a
12 certificate;

13 (2) is legally authorized in this state to provide a program of
14 education beyond high school;

15 (3) provides an educational program for which it awards a bachelor's
16 or higher degree, or provides a program that is acceptable for full credit
17 toward such a degree, a program of postgraduate or postdoctoral studies,
18 or a program of training to prepare students for gainful employment in a
19 recognized occupation; and

20 (4) is a public or other nonprofit institution.

21 Notwithstanding any of the foregoing provisions of this subsection (u),
22 all colleges and universities in this state are institutions of higher education
23 for purposes of this section, except that no college, university, junior
24 college or other postsecondary school or institution that is operated by the
25 federal government or any agency thereof shall be an institution of higher
26 education for purposes of the employment security law.

27 (v) "Educational institution" means any institution of higher
28 education, as defined in subsection (u), or any institution, except private
29 for profit institutions, in which participants, trainees or students are offered
30 an organized course of study or training designed to transfer to them
31 knowledge, skills, information, doctrines, attitudes or abilities from, by or
32 under the guidance of an instructor or teacher and that is approved,
33 licensed or issued a permit to operate as a school by the state department
34 of education or other government agency that is authorized within the state
35 to approve, license or issue a permit for the operation of a school or to an
36 Indian tribe in the operation of an educational institution. The courses of
37 study or training that an educational institution offers may be academic,
38 technical, trade or preparation for gainful employment in a recognized
39 occupation.

40 (w) (1) "Agricultural labor" means any remunerated service:

41 (A) On a farm, in the employ of any person, in connection with
42 cultivating the soil, or in connection with raising or harvesting any
43 agricultural or horticultural commodity, including the raising, shearing,

1 feeding, caring for, training, and management of livestock, bees, poultry,
2 and furbearing animals and wildlife.

3 (B) In the employ of the owner or tenant or other operator of a farm,
4 in connection with the operating, management, conservation,
5 improvement, or maintenance of such farm and its tools and equipment, or
6 in salvaging timber or clearing land of brush and other debris left by a
7 hurricane, if the major part of such service is performed on a farm.

8 (C) In connection with the production or harvesting of any
9 commodity defined as an agricultural commodity in section (15)(g) of the
10 agricultural marketing act, as amended, 46 Stat. 1500, sec. 3; 12 U.S.C. §
11 1141j, or in connection with the ginning of cotton, or in connection with
12 the operation or maintenance of ditches, canals, reservoirs or waterways,
13 not owned or operated for profit, used exclusively for supplying and
14 storing water for farming purposes.

15 (D) (i) In the employ of the operator of a farm in handling, planting,
16 drying, packing, packaging, processing, freezing, grading, storing, or
17 delivering to storage or to market or to a carrier for transportation to
18 market, in its unmanufactured state, any agricultural or horticultural
19 commodity; but only if such operator produced more than ½ of the
20 commodity with respect to which such service is performed;

21 (ii) in the employ of a group of operators of farms, or a cooperative
22 organization of which such operators are members, in the performance of
23 services described in paragraph (i), but only if such operators produced
24 more than ½ of the commodity with respect to which such service is
25 performed;

26 (iii) the provisions of paragraphs (i) and (ii) shall not be deemed to be
27 applicable with respect to services performed in connection with
28 commercial canning or commercial freezing or in connection with any
29 agricultural or horticultural commodity after its delivery to a terminal
30 market for distribution for consumption.

31 (E) On a farm operated for profit if such service is not in the course
32 of the employer's trade or business.

33 (2) "Agricultural labor" does not include services performed prior to
34 January 1, 1980, by an individual who is an alien admitted to the United
35 States to perform service in agricultural labor pursuant to sections 214(c)
36 and 101(a)(15)(H) of the federal immigration and nationality act.

37 (3) As used in this subsection, the term "farm" includes stock, dairy,
38 poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches,
39 nurseries, ranges, greenhouses, or other similar structures used primarily
40 for the raising of agricultural or horticultural commodities, and orchards.

41 (4) For the purpose of this section, if an employing unit does not
42 maintain sufficient records to separate agricultural labor from other
43 employment, all services performed during any pay period by an

1 individual for the person employing such individual shall be deemed to be
2 agricultural labor if services performed during $\frac{1}{2}$ or more of such pay
3 period constitute agricultural labor; but if the services performed during
4 more than $\frac{1}{2}$ of any such pay period by an individual for the person
5 employing such individual do not constitute agricultural labor, then none
6 of the services of such individual for such period shall be deemed to be
7 agricultural labor. As used in this subsection, the term "pay period" means
8 a period of not more than 31 consecutive days for which a payment of
9 remuneration is ordinarily made to the individual by the person employing
10 such individual.

11 (x) "Reimbursing employer" means any employer who makes
12 payments in lieu of contributions to the employment security fund as
13 provided in K.S.A. 44-710(e), and amendments thereto.

14 (y) "Contributing employer" means any employer other than a
15 reimbursing employer or rated governmental employer.

16 (z) "Wage combining plan" means a uniform national arrangement
17 approved by the United States secretary of labor in consultation with the
18 state unemployment compensation agencies and in which this state shall
19 participate, whereby wages earned in one or more states are transferred to
20 another state, called the "paying state," and combined with wages in the
21 paying state, if any, for the payment of benefits under the laws of the
22 paying state and as provided by an arrangement so approved by the United
23 States secretary of labor.

24 (aa) "Domestic service" means any services for a person in the
25 operation and maintenance of a private household, local college club or
26 local chapter of a college fraternity or sorority, as distinguished from
27 service as an employee in the pursuit of an employer's trade, occupation,
28 profession, enterprise or vocation.

29 (bb) "Rated governmental employer" means any governmental entity
30 that elects to make payments as provided by K.S.A. 44-710d, and
31 amendments thereto.

32 (cc) "Benefit cost payments" means payments made to the
33 employment security fund by a governmental entity electing to become a
34 rated governmental employer.

35 (dd) "Successor employer" means any employer, as described in
36 subsection (h), that acquires or in any manner succeeds to: (1)
37 Substantially all of the employing enterprises, organization, trade or
38 business of another employer; or (2) substantially all the assets of another
39 employer.

40 (ee) "Predecessor employer" means an employer, as described in
41 subsection (h), who has previously operated a business or portion of a
42 business with employment to which another employer has succeeded.

43 (ff) "Lessor employing unit" means any independently established

1 business entity that engages in the business of providing leased employees
2 to a client lessee.

3 (gg) "Client lessee" means any individual, organization, partnership,
4 corporation or other legal entity leasing employees from a lessor
5 employing unit.

6 (hh) "Qualifying injury" means a personal injury by accident arising
7 out of and in the course of employment within the coverage of the Kansas
8 workers compensation act, K.S.A. 44-501 et seq., and amendments.

9 (ii) *"Temporary unemployment," "temporarily unemployed" or*
10 *"temporary layoff" means that the individual has been laid off due to lack*
11 *of work by an employing unit for which the individual has most recently*
12 *worked full time and for which the individual reasonably expects to*
13 *resume full-time work at a future date within four weeks, and that the*
14 *individual's employment with the employing unit, although temporarily*
15 *suspended, has not been terminated. Except as otherwise provided by*
16 *K.S.A. 44-775(a)(3), and amendments thereto, or by the employment*
17 *security law, "temporary unemployment" shall not exceed four consecutive*
18 *weeks. An extension or extensions of additional weeks of temporary*
19 *employment at the request of an employer for an individual may be*
20 *granted by the secretary as provided by K.S.A. 44-775(a)(3), and*
21 *amendments thereto. The maximum amount of temporary unemployment*
22 *for an individual in a benefit year, including any extensions granted by the*
23 *secretary, shall be as provided by K.S.A. 44-775(a)(3), and amendments*
24 *thereto.*

25 (jj) *"Statewide average annual wage" or "SAAW" means the quotient,*
26 *obtained by dividing gross wages by average monthly covered employment*
27 *for the same determination period, rounded to the nearest cent.*

28 (kk) *"Statewide average weekly wage" or "SAWW" means the*
29 *quotient, obtained by dividing the statewide average annual wage by 52,*
30 *rounded to the nearest cent.*

31 Sec. 2. K.S.A. 44-704 is hereby amended to read as follows: 44-704.

32 (a) *Payment of benefits.* All benefits provided herein shall be payable from
33 the fund. All benefits shall be paid through the secretary of labor, in
34 accordance with such rules and regulations as the secretary may adopt.
35 Benefits based on service in employment defined in K.S.A. 44-703(i)(3)
36 (E) and (i)(3)(F), and amendments thereto, shall be payable in the same
37 amount, on the same terms and subject to the same conditions as
38 compensation payable on the basis of other service subject to this act
39 except as provided in K.S.A. 44-705(e) and 44-711(e), and amendments
40 thereto.

41 (b) *Determined weekly benefit amount.* An individual's determined
42 weekly benefit amount shall be an amount equal to 4.25% of the
43 individual's total wages for insured work paid during that calendar quarter

1 of the individual's base period that such total wages were highest, subject
2 to the following limitations:

3 (1) If an individual's determined weekly benefit amount is less than
4 the minimum weekly benefit amount, it shall be raised to such minimum
5 weekly benefit amount;

6 (2) if the individual's determined weekly benefit amount is more than
7 the maximum weekly benefit amount, it shall be reduced to the maximum
8 weekly benefit amount; and

9 (3) if the individual's determined weekly benefit amount is not a
10 multiple of \$1, it shall be reduced to the next lower multiple of \$1.

11 (c) *Maximum weekly benefit amount.* ~~(1) For initial claims effective~~
12 ~~prior to July 1, 2015, the maximum weekly benefit amount shall be~~
13 ~~determined as follows: On July 1 of each year, the secretary shall~~
14 ~~determine the maximum weekly benefit amount by computing 60% of the~~
15 ~~average weekly wages paid to employees in insured work during the~~
16 ~~previous calendar year and shall, prior to that date, announce the~~
17 ~~maximum weekly benefit amount so determined, by publication in the~~
18 ~~Kansas register. Such computation shall be made by dividing the gross~~
19 ~~wages reported as paid for insured work during the previous calendar year~~
20 ~~by the product of the average of mid-month employment during such~~
21 ~~calendar year multiplied by 52. The maximum weekly benefit amount so~~
22 ~~determined and announced for the twelve-month period shall apply only to~~
23 ~~those claims filed in that period qualifying for maximum payment under~~
24 ~~the foregoing formula. All claims qualifying for payment at the maximum~~
25 ~~weekly benefit amount shall be paid at the maximum weekly benefit~~
26 ~~amount in effect when the benefit year to which the claim relates was first~~
27 ~~established, notwithstanding a change in the maximum benefit amount for~~
28 ~~a subsequent twelve-month period. If the computed maximum weekly~~
29 ~~benefit amount is not a multiple of \$1, then the computed maximum~~
30 ~~weekly benefit amount shall be reduced to the next lower multiple of \$1.~~

31 (2) ~~For initial claims effective on or after July 1, 2015~~ 2024, the
32 maximum weekly benefit amount shall be determined as follows: On July
33 1 of each year, the secretary shall determine the maximum weekly benefit
34 amount by computing 55% of the *statewide* average weekly wages paid to
35 employees in insured work during the previous calendar year, ~~but not to be~~
36 ~~less than \$474~~, and shall, prior to that date, announce the maximum
37 weekly benefit amount so determined by publication in the Kansas
38 register. Such computation *of the statewide average weekly wage* shall be
39 made by dividing the ~~gross wages reported as paid for insured work during~~
40 ~~the previous calendar year by the product of the average of mid-month~~
41 ~~employment during such calendar year multiplied~~ *statewide average*
42 *annual wage, as defined in K.S.A. 44-703(jj), and amendments thereto,*
43 *determined for the period of the previous calendar year, by 52, as set forth*

1 by K.S.A. 44-703(kk), and amendments thereto. The maximum weekly
2 benefit amount so determined and announced for the 12-month period
3 shall apply only to those claims filed in that period qualifying for
4 maximum payment under the foregoing formula. All claims qualifying for
5 payment at the maximum weekly benefit amount shall be paid at the
6 maximum weekly benefit amount in effect when the benefit year to which
7 the claim relates was first established, notwithstanding a change in the
8 maximum benefit amount for a subsequent 12-month period. If the
9 computed maximum weekly benefit amount is not a multiple of \$1, then
10 the computed maximum weekly benefit amount shall be reduced to the
11 next lower multiple of \$1.

12 (d) *Minimum weekly benefit amount.* The minimum weekly benefit
13 amount payable to any individual shall be 25% of the maximum weekly
14 benefit amount effective as of the beginning of the individual's benefit
15 year. If the minimum weekly benefit amount is not a multiple of \$1 it shall
16 be reduced to the next lower multiple of \$1. The minimum weekly benefit
17 amount shall apply through the benefit year, notwithstanding a change in
18 the minimum weekly benefit amount.

19 (e) All claims qualifying for payment at the maximum weekly benefit
20 amount shall be paid at the maximum weekly benefit amount in effect
21 when the benefit year to which the claim relates was first established,
22 notwithstanding a subsequent change in the maximum weekly benefit
23 amount.

24 (f) *Weekly benefit payable.* Each eligible individual who is
25 unemployed with respect to any week, except as to final payment, shall be
26 paid with respect to such week a benefit in an amount equal to such
27 individual's determined weekly benefit amount, less that part of the wage,
28 if any, payable to such individual with respect to such week that is in
29 excess of the amount that is equal to 25% of such individual's determined
30 weekly benefit amount, and if the resulting amount is not a multiple of \$1,
31 it shall be reduced to the next lower multiple of \$1.

32 (1) For the purposes of this section, remuneration received under the
33 following circumstances shall be construed as wages:

34 (A) Vacation or holiday pay that was attributable to a week that the
35 individual claimed benefits; and

36 (B) severance pay, if paid as scheduled, and all other employment
37 benefits within the employer's control, as defined in subsection (f)(3), if
38 continued as though the severance had not occurred, except as set out in
39 subsection (f)(2)(C).

40 (2) For the purposes of this section, remuneration received under the
41 following circumstances shall not be construed as wages:

42 (A) Remuneration received for services performed on a public
43 assistance work project;

1 (B) severance pay, in lieu of notice, under the provisions of public
2 law 100-379, the federal worker adjustment and retraining notification act,
3 29 U.S.C. §§ 2101 through 2109;

4 (C) all other severance pay, separation pay, bonuses, wages in lieu of
5 notice or remuneration of a similar nature that is payable after the
6 severance of the employment relationship, except as set out in subsection
7 (f)(1)(B); and

8 (D) moneys received as federal social security payments.

9 (3) For the purposes of this subsection, "employment benefits within
10 the employer's control" means benefits offered by the employer to
11 employees that are employee benefit plans as defined by section 3 of the
12 federal employee retirement income security act of 1974, as amended, 29
13 U.S.C. § 1002, and that the employer has the option to continue to provide
14 to the employee after the last day that the employee worked for that
15 employer.

16 (g) *Duration of benefits.* Any otherwise eligible individual shall be
17 entitled during any benefit year to a total amount of benefits equal to
18 whichever is the lesser of 26 times such individual's weekly benefit
19 amount, or $\frac{1}{3}$ of such individual's wages for insured work paid during such
20 individual's base period. Such total amount of benefits, if not a multiple of
21 \$1, shall be reduced to the next lower multiple of \$1.

22 (h) For the purposes of this section, wages shall be counted as "wages
23 for insured work" for benefit purposes with respect to any benefit year
24 only if such benefit year begins subsequent to the date when the
25 employing unit by whom such wages were paid has satisfied the
26 conditions of K.S.A. 44-703(h), and amendments thereto, with respect to
27 becoming an employer.

28 (i) Notwithstanding any other provisions of this section to the
29 contrary, any benefit otherwise payable for any week shall be reduced by
30 the amount of any separation, termination, severance or other similar
31 payment paid to a claimant at the time of or after the claimant's separation
32 from employment during the benefit year.

33 (1) If any payment pursuant to this subsection is paid with respect to
34 a month, then the amount deemed to be received with respect to any week
35 during such month shall be computed by multiplying such monthly
36 amount by 12 and dividing the product by 52. If there is no designation of
37 the period with respect to which payments to an individual are made under
38 this section, then an amount equal to such individual's normal weekly
39 wage shall be attributed to and deemed paid with respect to the first and
40 each succeeding week following payment of the separation pay to the
41 individual until such amount so paid is exhausted.

42 (2) If benefits for any week, when reduced as provided in this
43 subsection, result in an amount that is not a multiple of \$1, such benefits

1 shall be rounded to the next lower multiple of \$1.

2 (3) Notwithstanding the reemployment provisions of K.S.A. 44-
3 705(e), and amendments thereto, any individual whose benefit amount is
4 completely reduced under this subsection for 52 or more weeks shall, upon
5 exhaustion of the separation pay, be entitled to a new benefit year based
6 upon entitlement from the base period of the claim that was reduced.

7 ~~(j) Except as provided in subsection (k), for weeks commencing on~~
8 ~~and after January 1, 2014, and ending before September 5, 2021, if at the~~
9 ~~beginning of the benefit year, the three-month seasonally adjusted average~~
10 ~~unemployment rate for the state of Kansas is: (1) Less than 4.5%, a~~
11 ~~claimant shall be eligible for a maximum of 16 weeks of benefits; (2) at~~
12 ~~least 4.5% but less than 6%, a claimant shall be eligible for a maximum of~~
13 ~~20 weeks of benefits; or (3) at least 6%, a claimant shall be eligible for a~~
14 ~~maximum of 26 weeks of benefits.~~

15 ~~(k) On and after the effective date of this act, a claimant shall be~~
16 ~~eligible for a maximum of 26 weeks of benefits. A claimant who filed a~~
17 ~~new claim on or after January 1, 2020, and before the effective date of this~~
18 ~~act shall be eligible for a maximum of 26 weeks of benefits including the~~
19 ~~number of weeks of benefits received after January 1, 2020, and before the~~
20 ~~effective date of this act. This subsection shall not apply to initial claims~~
21 ~~effective on and after September 5, 2021.~~

22 ~~(l)~~—For weeks commencing on and after September 5, 2021, if at the
23 beginning of the benefit year, the three-month seasonally adjusted average
24 unemployment rate for the state of Kansas is: (1) Less than 5%, a claimant
25 shall be eligible for a maximum of 16 weeks of benefits; (2) at least 5%
26 but less than 6%, a claimant shall be eligible for a maximum of 20 weeks
27 of benefits; or (3) at least 6%, a claimant shall be eligible for a maximum
28 of 26 weeks of benefits.

29 ~~(m)~~(k) Upon the secretary of labor's receipt of notification that the
30 claimant has become employed, the secretary shall notify the secretary of
31 the department for children and families in order that the secretary for
32 children and families may determine the claimant's eligibility for state or
33 federal benefits provided or facilitated by the department for children and
34 families. The department of labor and the department for children and
35 families shall enter into a memorandum of understanding that shall
36 provide for the transfer of information as provided in this subsection.

37 Sec. 3. K.S.A. 44-705 is hereby amended to read as follows: 44-705.
38 Except as provided by K.S.A. 44-757, and amendments thereto, an
39 unemployed individual shall be eligible to receive benefits with respect to
40 any week only if the secretary, or a person or persons designated by the
41 secretary, finds that:

42 (a) The claimant has registered for work at and thereafter continued
43 to report at an employment office in accordance with rules and regulations

1 adopted by the secretary, except that, subject to the provisions of K.S.A.
2 44-704(a), and amendments thereto, the secretary may adopt rules and
3 regulations that waive or alter either or both of the requirements of this
4 subsection.

5 (b) The claimant has made a claim for benefits with respect to such
6 week in accordance with rules and regulations adopted by the secretary.

7 (c) (1) The claimant is able to perform the duties of such claimant's
8 customary occupation or the duties of other occupations that the claimant
9 is reasonably fitted by training or experience, and is available for work, as
10 demonstrated by the claimant's pursuit of the full course of action most
11 reasonably calculated to result in the claimant's reemployment except that,
12 notwithstanding any other provisions of this section, an unemployed
13 claimant otherwise eligible for benefits shall not become ineligible for
14 benefits:

15 (A) Because of the claimant's enrollment in and satisfactory pursuit
16 of approved training, including training approved under section 236(a)(1)
17 of the trade act of 1974;

18 (B) solely because such individual is seeking only part-time
19 employment if the individual is available for a number of hours per week
20 that are comparable to the individual's part-time work experience in the
21 base period; or

22 (C) because a claimant is not actively seeking work:

23 (i) During a state of disaster emergency proclaimed by the governor
24 pursuant to K.S.A. 48-924 and 48-925, and amendments thereto;

25 (ii) in response to the spread of the public health emergency of
26 COVID-19; and

27 (iii) the state's temporary waiver of the work search requirement
28 under the employment security law for such claimant is in compliance
29 with the families first coronavirus response act, public law 116-127.

30 (2) The secretary shall develop and implement procedures to address
31 claimants who refuse to return to suitable work or refuse to accept an offer
32 of suitable work without good cause. Such procedures shall include the
33 receipt and processing of job refusal reports from employers, the
34 evaluation of such reports in consideration of the claimant's work history
35 and skills and suitability of the offered employment and guidelines for a
36 determination of whether the claimant shall remain eligible for
37 unemployment benefits or has failed to meet the work search requirements
38 of this subsection or the requirements of K.S.A. 44-706(c), and
39 amendments thereto. In determining whether the employment offered is
40 suitable, the secretary's considerations shall include whether the
41 employment offers wages comparable to the claimant's recent employment
42 and work duties that correspond to the claimant's education level and
43 previous work experience. The secretary shall also consider whether the

1 employment offers wages of at least the amount of the claimant's
2 maximum weekly benefits.

3 (3) To facilitate the requirements of paragraph (2), the secretary shall
4 provide readily accessible means for employers to notify the department
5 when a claimant refuses to return to work or refuses an offer of
6 employment, including by telephone, email or an online web portal. *The*
7 *secretary shall create or cause to be created in the new unemployment*
8 *insurance information technology system as provided by K.S.A. 44-772,*
9 *and amendments thereto, an audit process for employers to submit reports*
10 *regarding activities related to the work search requirement or to the my*
11 *reemployment plan, established by K.S.A. 44-775, and amendments*
12 *thereto, and applicants that accept interview appointments but do not*
13 *participate or notify the interviewing employer of their inability to*
14 *participate in the scheduled interview. The secretary shall not be required*
15 *to implement such audit process prior to the completion of such new*
16 *unemployment insurance information technology system. Nothing in this*
17 *subsection shall be construed as to require an employer to report such job*
18 *refusals or such failures to appear for a scheduled interview without*
19 *notifying the interviewing employer to the department.*

20 (4) At the time of receipt of notice from an employer pursuant to
21 paragraph (3), the secretary shall, within 10 business days of receipt of
22 such notice from the employer, provide a notice to the claimant who has
23 refused to return to work or to accept an offer of suitable work without
24 good cause. The method of providing the notice to the claimant shall be
25 consistent with other correspondence from the department to the claimant
26 and may include mail, telephone, email or through an online web portal.
27 The notice shall, at minimum, include the following information:

28 (A) A summary of state employment security law regarding a
29 claimant's duties to return to work or accept suitable work;

30 (B) a statement that the claimant has been or may be disqualified and
31 the claimant's right to collect benefits has been or may be terminated for
32 refusal to return to work or accept suitable work without good cause, as
33 provided by this subsection and K.S.A. 44-706(c), and amendments
34 thereto;

35 (C) an explanation of what constitutes suitable work under the
36 employment security law; and

37 (D) instructions for contesting a denial of a claim if the denial is
38 based upon a report by an employer that the claimant has refused to return
39 to work or has refused to accept an offer of suitable work.

40 (5) *The secretary shall include notices to all active employers*
41 *regarding work search noncompliance reporting options provided in*
42 *paragraph (3) in the department of labor's annual summary of benefit*
43 *charges pursuant to K.S.A. 44-710b(d), and amendments thereto, and in*

1 *the rate notices to employers pursuant to K.S.A. 44-710b(a), and*
2 *amendments thereto. The secretary shall not be required to implement*
3 *such notice requirements prior to the completion of the new unemployment*
4 *insurance information technology system, as provided by K.S.A. 44-772,*
5 *and amendments thereto.*

6 ~~(5)~~(6) For the purposes of this subsection, an inmate of a custodial or
7 correctional institution shall be deemed to be unavailable for work and not
8 eligible to receive unemployment compensation while incarcerated.

9 (d) (1) Except as provided further, the claimant has been unemployed
10 for a waiting period of one week or the claimant is unemployed and has
11 satisfied the requirement for a waiting period of one week under the shared
12 work unemployment compensation program as provided in K.S.A. 44-
13 757(k)(4), and amendments thereto, and that period of one week, in either
14 case, occurs within the benefit year that includes the week for which the
15 claimant is claiming benefits. No week shall be counted as a week of
16 unemployment for the purposes of this subsection:

17 (A) If benefits have been paid for such week;

18 (B) if the individual fails to meet with the other eligibility
19 requirements of this section; or

20 (C) if an individual is seeking unemployment benefits under the
21 unemployment compensation law of any other state or of the United
22 States, except that if the appropriate agency of such state or of the United
23 States finally determines that the claimant is not entitled to unemployment
24 benefits under such other law, this subparagraph shall not apply.

25 (2) (A) The waiting week requirement of paragraph (1) shall not
26 apply to:

27 (i) New claims by claimants who become unemployed as a result of
28 an employer terminating business operations within this state, declaring
29 bankruptcy or initiating a work force reduction pursuant to public law 100-
30 379, the federal worker adjustment and retraining notification act, 29
31 U.S.C. §§ 2101 through 2109, as amended; or

32 (ii) new claims filed on or after April 5, 2020, through December 26,
33 2020, in accordance with the families first coronavirus response act, public
34 law 116-127 and the federal CARES act, public law 116-136.

35 (B) The secretary shall adopt rules and regulations to administer the
36 provisions of this paragraph.

37 (3) If the waiting week requirement of paragraph (1) applies, a
38 claimant shall become eligible to receive compensation for the waiting
39 period of one week, pursuant to paragraph (1), upon completion of three
40 weeks of unemployment consecutive to such waiting period. This
41 paragraph shall not apply to initial claims effective on and after April 1,
42 2021.

43 (e) For benefit years established on and after the effective date of this

1 act, the claimant has been paid total wages for insured work in the
2 claimant's base period of not less than 30 times the claimant's weekly
3 benefit amount and has been paid wages in more than one quarter of the
4 claimant's base period, except that the wage credits of an individual earned
5 during the period commencing with the end of a prior base period and
6 ending on the date that such individual filed a valid initial claim shall not
7 be available for benefit purposes in a subsequent benefit year unless, in
8 addition thereto, such individual has returned to work and subsequently
9 earned wages for insured work in an amount equal to at least eight times
10 the claimant's current weekly benefit amount.

11 (f) The claimant participates in reemployment services, such as job
12 search assistance services, if the individual has been determined to be
13 likely to exhaust regular benefits and needs reemployment services
14 pursuant to a profiling system established by the secretary, unless the
15 secretary determines that: (1) The individual has completed such services;
16 or (2) there is justifiable cause for the claimant's failure to participate in
17 such services.

18 (g) The claimant is returning to work after a qualifying injury and has
19 been paid total wages for insured work in the claimant's alternative base
20 period of not less than 30 times the claimant's weekly benefit amount and
21 has been paid wages in more than one quarter of the claimant's alternative
22 base period if:

23 (1) The claimant has filed for benefits within four weeks of being
24 released to return to work by a licensed and practicing health care
25 provider;

26 (2) the claimant files for benefits within 24 months of the date the
27 qualifying injury occurred; and

28 (3) the claimant attempted to return to work with the employer where
29 the qualifying injury occurred, but the individual's regular work or
30 comparable and suitable work was not available.

31 Sec. 4. K.S.A. 44-709 is hereby amended to read as follows: 44-709.

32 (a) *Filing.* Claims for benefits shall be made in accordance with rules and
33 regulations adopted by the secretary. The secretary shall furnish a copy of
34 such rules and regulations to any individual requesting them. Each
35 employer shall: (1) Post and maintain printed statements furnished by the
36 secretary without cost to the employer in places readily accessible to
37 individuals in the service of the employer; and (2) provide any other
38 notification to individuals in the service of the employer as required by the
39 secretary pursuant to the families first coronavirus response act, public law
40 116-127.

41 (b) *Determination.* (1) Except as otherwise provided in this
42 paragraph, a representative designated by the secretary, and hereinafter
43 referred to as an examiner, shall promptly examine the claim and, on the

1 basis of the facts found by the examiner, shall determine whether or not
2 the claim is valid. If the examiner determines that the claim is valid, the
3 examiner shall determine the first day of the benefit year, the weekly
4 benefit amount and the total amount of benefits payable with respect to the
5 benefit year. If the claim is determined to be valid, the examiner shall send
6 a notice to the last employing unit who shall respond within 10 days by
7 providing the examiner all requested information including all information
8 required for a decision under K.S.A. 44-706, and amendments thereto. The
9 information may be submitted by the employing unit in person at an
10 employment office of the secretary or by mail, by telefacsimile machine or
11 by electronic mail. If the required information is not submitted or
12 postmarked within a response time limit of 10 days after the examiner's
13 notice was sent, the employing unit shall be deemed to have waived its
14 standing as a party to the proceedings arising from the claim and shall be
15 barred from protesting any subsequent decisions about the claim by the
16 secretary, a referee, the employment security board of review or any court,
17 except that the employing unit's response time limit may be waived or
18 extended by the examiner or upon appeal, if timely response was
19 impossible due to excusable neglect. In any case in which the payment or
20 denial of benefits will be determined by the provisions of K.S.A. 44-
21 706(d), and amendments thereto, the examiner shall promptly transmit the
22 claim to a special examiner designated by the secretary to make a
23 determination on the claim after the investigation as the special examiner
24 deems necessary. The parties shall be promptly notified of the special
25 examiner's decision and any party aggrieved by the decision may appeal to
26 the referee as provided in subsection (c). The claimant and the claimant's
27 most recent employing unit shall be promptly notified of the examiner's or
28 special examiner's decision.

29 (2) The examiner may for good cause reconsider the examiner's
30 decision and shall promptly notify the claimant and the most recent
31 employing unit of the claimant, that the decision of the examiner is to be
32 reconsidered, except that no reconsideration shall be made after the
33 termination of the benefit year.

34 (3) Notwithstanding the provisions of any other statute, a decision of
35 an examiner or special examiner shall be final unless the claimant or the
36 most recent employing unit of the claimant files an appeal from the
37 decision as provided in subsection (c), except that the time limit for appeal
38 may be waived or extended by the referee or board of review if a timely
39 response was impossible due to excusable neglect. The appeal must be
40 filed within 16 calendar days after the mailing of notice to the last known
41 addresses of the claimant and employing unit or, if notice is not by mail,
42 within 16 calendar days after the delivery of the notice to the parties.

43 (c) *Appeals.* Unless the appeal is withdrawn, a referee, after affording

1 the parties reasonable opportunity for fair hearing, shall affirm or modify
2 the findings of fact and decision of the examiner or special examiner. The
3 parties shall be duly notified of the referee's decision, together with the
4 reasons for the decision. The decision shall be final, notwithstanding the
5 provisions of any other statute, unless a further appeal to the employment
6 security board of review is filed within 16 calendar days after the mailing
7 of the decision to the parties' last known addresses or, if notice is not by
8 mail, within 16 calendar days after the delivery of the decision, except that
9 the time limit for appeal may be waived or extended by the referee or
10 board of review if a timely response was impossible due to excusable
11 neglect.

12 (d) *Referees.* The secretary shall appoint, in accordance with K.S.A.
13 44-714(c), and amendments thereto, one or more referees to hear and
14 decide disputed claims.

15 (e) *Time, computation and extension.* In computing the period of time
16 for an employing unit response or for appeals under this section from the
17 examiner's or the special examiner's determination or from the referee's
18 decision, the day of the act, event or default from which the designated
19 period of time begins to run shall not be included. The last day of the
20 period shall be included unless it is a Saturday, Sunday or legal holiday, in
21 which event the period runs until the end of the next day that is not a
22 Saturday, Sunday or legal holiday.

23 (f) *Board of review.* There is hereby created an employment security
24 board of review, hereinafter referred to as the board.

25 (1) (A) Except as provided in subparagraph (B), the board shall
26 consist of three members. Each member of the board shall be appointed for
27 a term of four years as provided in this subsection. Not more than two
28 members of the board shall belong to the same political party.

29 ~~(B) On the effective date of this act,~~ The board shall consist of six
30 members. The six-member board shall consist of the following: (i) Three
31 members appointed under subparagraph (A); and (ii) three members
32 appointed for a term that shall expire upon the expiration of this
33 subparagraph. Each member of the board appointed under subparagraph
34 (B)(ii) shall be appointed as provided in this subsection. Not more than
35 four members of the six-member board shall belong to the same political
36 party. The provisions of this subparagraph shall expire on June 30, 2024.

37 (2) (A) When a vacancy on the employment security board of review
38 occurs, the workers compensation and employment security boards
39 nominating committee established under K.S.A. 44-551, and amendments
40 thereto, shall convene and submit a *qualified* nominee to the governor for
41 appointment to each vacancy on the employment security board of review,
42 subject to confirmation by the senate as provided by K.S.A. 75-4315b, and
43 amendments thereto. *Minimum qualifications for qualified candidates for*

1 *appointment to the employment security board of review, in order of*
2 *priority, shall be:*

3 *(i) At least 10 years direct experience with human resources*
4 *processes, polices, guidelines or employee relations;*

5 *(ii) at least seven years direct experience with employment security*
6 *laws and processes; and*

7 *(iii) knowledge of unemployment and labor laws.*

8 *(B) Applications for employment security board of review positions*
9 *shall be submitted to the director of unemployment. The director shall*
10 *determine if an applicant meets the qualifications for an employment*
11 *security review board member as prescribed in paragraph (A). Qualified*
12 *applicants for a position of employment security review board member*
13 *shall be submitted by the director to the workers compensation and*
14 *employment security boards nominating committee for consideration. The*
15 *workers compensation and employment security boards nominating*
16 *committee may nominate the candidate for consideration by the governor.*

17 *(C) The governor shall either: ~~(A)~~ accept and submit to the senate for*
18 *confirmation the person nominated by the nominating committee; or ~~(B)~~*
19 *reject the nomination and request the nominating committee to nominate*
20 *another person for that position. Except as provided by K.S.A. 46-2601,*
21 *and amendments thereto, no person appointed to the employment security*
22 *board of review, whose appointment is subject to confirmation by the*
23 *senate, shall exercise any power, duty or function as a member until*
24 *confirmed by the senate.*

25 *(3) No member of the employment security board of review shall*
26 *serve more than two consecutive terms. This paragraph shall not apply to*
27 *members of the board appointed under subsection (f)(1)(B)(ii). The service*
28 *of a board member appointed under subsection (f)(1)(B)(ii) shall not*
29 *constitute a term as contemplated in this paragraph.*

30 *(4) Each member of the employment security board shall serve until a*
31 *successor has been appointed and confirmed. Any vacancy in the*
32 *membership of the board occurring prior to expiration of a term shall be*
33 *filled by appointment for the unexpired term in the same manner as*
34 *provided for original appointment of the member.*

35 *(5) Each member of the employment security board of review shall*
36 *be entitled to receive as compensation for the member's services at the rate*
37 *of \$15,000 per year, together with the member's travel and other necessary*
38 *expenses actually incurred in the performance of the member's official*
39 *duties in accordance with rules and regulations adopted by the secretary.*
40 *Members' compensation and expenses shall be paid from the employment*
41 *security administration fund.*

42 *(6) The employment security board of review shall organize annually*
43 *by the election of a chairperson from among its members. The chairperson*

1 shall serve in that capacity for a term of one year and until a successor is
2 elected. For the purpose of hearing and determining cases, the board
3 members may sit in panels. A board panel shall consist of three members
4 with not more than two members belonging to the same political party.
5 The chairperson may sit as a member of a panel and shall preside over
6 such panel. When the chairperson is not a member of a hearing panel, the
7 chairperson shall appoint a member of the panel to preside. The board or
8 board panel shall meet on the first Monday of each month or on the call of
9 the chairperson or any two members of the board at the place designated.
10 The secretary of labor shall appoint an executive secretary of the board
11 and the executive secretary or the executive secretary's designee shall
12 attend the meetings of the board and board panels.

13 (7) The employment security board of review or board panel, on its
14 own motion, may affirm, modify or set aside any decision of a referee on
15 the basis of the evidence previously submitted in the case; may direct the
16 taking of additional evidence; or may permit any of the parties to initiate
17 further appeal before it. The board or board panel shall permit such further
18 appeal by any of the parties interested in a decision of a referee that
19 overrules or modifies the decision of an examiner. The board or board
20 panel may remove to itself the proceedings on any claim pending before a
21 referee. Any proceedings so removed to the board or board panel shall be
22 heard in accordance with the requirements of subsection (c). The board or
23 board panel shall promptly notify the interested parties of its findings and
24 decision.

25 (8) A simple majority of the members of the employment security
26 board of review or board panel shall constitute a quorum and no action of
27 the board or board panel shall be valid unless it has the concurrence of a
28 majority of its members. A vacancy on the board shall not impair the right
29 of a quorum to exercise all the rights and perform all the duties of the
30 board.

31 (g) *Procedure.* The manner that disputed claims are presented, the
32 reports on claims required from the claimant and from employers and the
33 conduct of hearings and appeals shall be in accordance with rules of
34 procedure prescribed by the employment security board of review for
35 determining the rights of the parties, whether or not such rules conform to
36 common law or statutory rules of evidence and other technical rules of
37 procedure. A full and complete record shall be kept of all proceedings and
38 decisions in connection with a disputed claim. All testimony at any hearing
39 upon a disputed claim shall be recorded, but need not be transcribed unless
40 the disputed claim is further appealed. In the performance of its official
41 duties, the board or board panel shall have access to all of the records that
42 pertain to the disputed claim and are in the custody of the secretary of
43 labor and shall receive the assistance of the secretary upon request.

1 (h) *Witness fees.* Witnesses subpoenaed pursuant to this section shall
2 be allowed fees and necessary travel expenses at rates fixed by the board.
3 Such fees and expenses shall be deemed a part of the expense of
4 administering this act.

5 (i) *Review of board action.* Any action of the employment security
6 board of review including that of a board panel, may not be reconsidered
7 after the mailing of the decision. An action of the board or board panel
8 shall become final unless a petition for review in accordance with the
9 Kansas judicial review act is filed within 16 calendar days after the date of
10 the mailing of the decision. If an appeal has not been filed within 16
11 calendar days of the date of the mailing of the decision, the decision
12 becomes final. No bond shall be required for commencing an action for
13 such review. In addition to those persons having standing pursuant to
14 K.S.A. 77-611, and amendments thereto, the examiner shall have standing
15 to obtain judicial review of an action of such board or board panel. The
16 review proceeding, and the questions of law certified, shall be heard in a
17 summary manner and shall be given precedence over all other civil cases
18 except cases arising under the workers compensation act.

19 (j) Any finding of fact or law, judgment, determination, conclusion or
20 final order made by the employment security board of review or board
21 panel or any examiner, special examiner, referee or other person with
22 authority to make findings of fact or law pursuant to the employment
23 security law is not admissible or binding in any separate or subsequent
24 action or proceeding, between a person and a present or previous employer
25 brought before an arbitrator, court or judge of the state or the United
26 States, regardless of whether the prior action was between the same or
27 related parties or involved the same facts.

28 (k) In any proceeding or hearing conducted under this section, a party
29 to the proceeding or hearing may appear before a referee or the
30 employment security board of review or board panel either personally or
31 by means of a designated representative to present evidence and to state
32 the position of the party. Hearings may be conducted in person, by
33 telephone or other means of electronic communication. The hearing shall
34 be conducted by telephone or other means of electronic communication if
35 none of the parties requests an in-person hearing. If a party requests an in-
36 person hearing, the referee or board or board panel shall have the
37 discretion to deny the request in the absence of good cause shown for the
38 request by the requesting party. If a request for an in-person hearing is
39 granted, the referee or board or board panel shall have the discretion to
40 require all parties to appear in person or allow the party not requesting an
41 in-person hearing to appear by telephone or other means of electronic
42 communication. The notice of hearing shall include notice to the parties of
43 their right to request an in-person hearing and instructions on how to make

1 the request.

2 Sec. 5. K.S.A. 44-710 is hereby amended to read as follows: 44-710.

3 (a) *Payment.* Contributions shall accrue and become payable by each
4 contributing employer for each calendar year that the contributing
5 employer is subject to the employment security law with respect to wages
6 paid for employment. Such contributions shall become due and be paid by
7 each contributing employer to the secretary for the employment security
8 fund in accordance with such rules and regulations as the secretary may
9 adopt and shall not be deducted, in whole or in part, from the wages of
10 individuals in such employer's employ. In the payment of any
11 contributions, a fractional part of \$.01 shall be disregarded unless it
12 amounts to \$.005 or more, in which case it shall be increased to \$.01.
13 Should contributions for any calendar quarter be less than \$5, no payment
14 shall be required.

15 (b) *Rates and base of contributions.* (1) Except as provided in
16 paragraph (2), each contributing employer shall pay contributions on
17 wages paid by the contributing employer during each calendar year with
18 respect to employment as provided in K.S.A. 44-710a, and amendments
19 thereto. ~~Except that, notwithstanding the federal law requiring the~~
20 ~~secretary of labor to annually recalculate the contribution rate, for calendar~~
21 ~~years 2010, 2011, 2012, 2013 and 2014, the secretary shall charge each~~
22 ~~contributing employer in rate groups 1 through 32 the contribution rate in~~
23 ~~the 2010 original tax rate computation table, with contributing employers~~
24 ~~in rate groups 33 through 51 being capped at a 5.4% contribution rate. For~~
25 ~~calendar year 2021, unemployment tax rates for eligible employers shall~~
26 ~~be limited to the standard rate schedule in K.S.A. 44-710a, and~~
27 ~~amendments thereto. Therefore, no additional solvency adjustment shall be~~
28 ~~applied.~~

29 (2) (A) If the congress of the United States either amends or repeals
30 the Wagner-Peyser act, the federal unemployment tax act, the federal
31 social security act, or subtitle C of chapter 23 of the federal internal
32 revenue code of 1986, or any act or acts supplemental to or in lieu thereof,
33 or any part or parts of any such law, or if any such law, or any part or parts
34 thereof, are held invalid with the effect that appropriations of funds by
35 congress and grants thereof to the state of Kansas for the payment of costs
36 of administration of the employment security law are no longer available
37 for such purposes; or (B) if employers in Kansas subject to the payment of
38 tax under the federal unemployment tax act are granted full credit against
39 such tax for contributions or taxes paid to the secretary of labor, then, and
40 in either such case, beginning with the year that the unavailability of
41 federal appropriations and grants for such purpose occurs or that such
42 change in liability for payment of such federal tax occurs and for each year
43 thereafter, the rate of contributions of each contributing employer shall be

1 equal to the total of 0.5% and the rate of contributions as determined for
2 such contributing employer under K.S.A. 44-710a, and amendments
3 thereto. The amount of contributions that each contributing employer
4 becomes liable to pay under this paragraph—(2) over the amount of
5 contributions that such contributing employer would be otherwise liable to
6 pay shall be credited to the employment security administration fund to be
7 disbursed and paid out under the same conditions and for the same
8 purposes as other moneys are authorized to be paid from the employment
9 security administration fund, except that, if the secretary determines that as
10 of the first day of January of any year there is an excess in the employment
11 security administration fund over the amount required to be disbursed
12 during such year, an amount equal to such excess as determined by the
13 secretary shall be transferred to the employment security fund.

14 (c) *Charging of benefit payments.* (1) The secretary shall maintain a
15 separate account for each contributing employer, and shall credit the
16 contributing employer's account with all the contributions paid on the
17 contributing employer's own behalf. Nothing in the employment security
18 law shall be construed to grant any employer or individuals in such
19 employer's service prior claims or rights to the amounts paid by such
20 employer into the employment security fund either on such employer's
21 own behalf or on behalf of such individuals. Benefits paid shall be charged
22 against the accounts of each base period employer in the proportion that
23 the base period wages paid to an eligible individual by each such employer
24 bears to the total wages in the base period. Benefits shall be charged to
25 contributing employers' accounts and rated governmental employers'
26 accounts upon the basis of benefits paid during each ~~twelve-month period~~
27 ~~ending on the computation date~~ *calendar quarter*.

28 (2) (A) Benefits paid in benefit years established by valid new claims
29 shall not be charged to the account of a contributing employer or rated
30 governmental employer who is a base period employer if the examiner
31 finds that claimant was separated from the claimant's most recent
32 employment with such employer under any of the following conditions: (i)
33 Discharged for misconduct or gross misconduct connected with the
34 individual's work; (ii) leaving work voluntarily without good cause
35 attributable to the claimant's work or the employer; or (iii) discharged from
36 an employer directly impacted by COVID-19 in accordance with the
37 families first coronavirus response act, public law 116-127.

38 (B) Where base period wage credits of a contributing employer or
39 rated governmental employer represent part-time employment and the
40 claimant continues in that part-time employment with that employer
41 during the period for which benefits are paid, then that employer's account
42 shall not be charged with any part of the benefits paid if the employer
43 provides the secretary with information as required by rules and

1 regulations. For the purposes of this ~~subsection (e)(2)(B)~~ *subparagraph*,
2 "part-time employment" means any employment when an individual works
3 less than full-time because the individual's services are not required for the
4 customary, scheduled full-time hours prevailing at the work place or the
5 individual does not customarily work the regularly scheduled full-time
6 hours due to personal choice or circumstances.

7 (C) No contributing employer or rated governmental employer's
8 account shall be charged with any extended benefits paid in accordance
9 with the employment security law, except for weeks of unemployment
10 beginning after December 31, 1978, all contributing governmental
11 employers and governmental rated employers shall be charged an amount
12 equal to all extended benefits paid.

13 ~~(D) No contributing employer, rated governmental employer or~~
14 ~~reimbursing employer's account shall be charged for any additional~~
15 ~~benefits paid during the period July 1, 2003 through June 30, 2004.~~

16 ~~(E)~~ No contributing employer or rated governmental employer's
17 account will be charged for benefits paid a claimant while pursuing an
18 approved training course as defined in K.S.A. 44-703(s), and amendments
19 thereto.

20 ~~(F)~~(E) No contributing employer or rated governmental employer's
21 account shall be charged with respect to the benefits paid to any individual
22 whose base period wages include wages for services not covered by the
23 employment security law prior to January 1, 1978, to the extent that the
24 employment security fund is reimbursed for such benefits pursuant to
25 section 121 of public law 94-566~~(, 90 Stat. 2673)~~.

26 ~~(G)~~(F) With respect to weeks of unemployment beginning after
27 December 31, 1977, wages for insured work shall include wages paid for
28 previously uncovered services. For the purposes of this ~~subsection (e)(2)~~
29 ~~(G)~~ *subparagraph*, the term "previously uncovered services" means
30 services that were not covered employment, at any time during the one-
31 year period ending December 31, 1975, except to the extent that assistance
32 under title II of the federal emergency jobs and unemployment assistance
33 act of 1974 was paid on the basis of such services, and that:

34 (i) Are agricultural labor as defined in K.S.A. 44-703(w), and
35 amendments thereto, or domestic service as defined in K.S.A. 44-703(aa),
36 and amendments thereto;

37 (ii) are services performed by an employee of this state or a political
38 subdivision thereof, as provided in K.S.A. 44-703(i)(3)(E), and
39 amendments thereto; or

40 (iii) are services performed by an employee of a nonprofit educational
41 institution that is not an institution of higher education.

42 ~~(H) No contributing employer or rated governmental employer's~~
43 ~~account shall be charged with respect to their pro-rata share of benefit~~

1 ~~charges if such charges are of \$100 or less.~~

2 ~~(F)(G)~~ Contributing employers, rated governmental employers and
3 reimbursing employers shall be held harmless for and shall not be required
4 to reimburse the state for claims or benefits paid that have been reported
5 by the employer to the secretary and determined by the secretary as
6 fraudulent or as an improper payment, unless the secretary determines the
7 claims are not fraudulent or improper as provided by K.S.A. 44-710b(b)(2)
8 (A), and amendments thereto. The time limitation for disputing a claim or
9 an appeal of a claim as provided by this section, or by any other provision
10 of the employment security law, shall not apply to identifications of fraud
11 reported to the secretary for claims or benefits paid during the period
12 beginning on March 15, 2020, through December 31, 2022. Contributing
13 employers, rated governmental employers and reimbursing employers
14 shall be refunded or credited, in the discretion of the employer, as provided
15 by K.S.A. 44-710b, and amendments thereto, for any claims or benefits
16 paid that have been reported as fraudulent.

17 (3) An employer's account shall not be relieved of charges relating to
18 a payment that was made erroneously if the secretary determines that:

19 (A) The erroneous payment was made because the employer, or the
20 agent of the employer, was at fault for failing to respond timely or
21 adequately to a written request from the secretary for information relating
22 to the claim for unemployment compensation; and

23 (B) the employer or agent has established a pattern of failing to
24 respond timely or adequately to requests for information.

25 (C) For purposes of this paragraph:

26 (i) "Erroneous payment" means a payment that but for the failure by
27 the employer or the employer's agent with respect to the claim for
28 unemployment compensation, would not have been made; and

29 (ii) "pattern of failure" means repeated documented failure on the part
30 of the employer or the agent of the employer to respond, taking into
31 consideration the number of instances of failure in relation to the total
32 volume of requests. An employer or employer's agent failing to respond as
33 described in ~~(e)(3)(A)~~ *subparagraph (A)* shall not be determined to have
34 engaged in a "pattern of failure" if the number of such failures during the
35 year prior to such request is fewer than two, or less than 2%, of such
36 requests, whichever is greater.

37 (D) Determinations of the secretary prohibiting the relief of charges
38 pursuant to this section shall be subject to appeal or protest as other
39 determinations of the agency with respect to the charging of employer
40 accounts.

41 ~~(E) This paragraph shall apply to erroneous payments established on~~
42 ~~and after the effective date of this act.~~

43 (4) The examiner shall notify any base period employer whose

1 account will be charged with benefits paid following the filing of a valid
2 new claim and a determination by the examiner based on all information
3 relating to the claim contained in the records of the division of
4 employment security. Such notice shall become final and benefits charged
5 to the base period employer's account in accordance with the claim unless
6 within 10 calendar days from the date the notice was sent, the base period
7 employer requests in writing that the examiner reconsider the
8 determination and furnishes any required information in accordance with
9 the secretary's rules and regulations. In a similar manner, a notice of an
10 additional claim followed by the first payment of benefits with respect to
11 the benefit year, filed by an individual during a benefit year after a period
12 in such year during which such individual was employed, shall be given to
13 any base period employer of the individual who has requested such a
14 notice within 10 calendar days from the date the notice of the valid new
15 claim was sent to such base period employer. For purposes of this
16 ~~subsection (c)(3) paragraph~~, if the required information is not submitted
17 or postmarked within a response time limit of 10 days after the base period
18 employer notice was sent, the base period employer shall be deemed to
19 have waived its standing as a party to the proceedings arising from the
20 claim and shall be barred from protesting any subsequent decisions about
21 the claim by the secretary, a referee, the board of review or any court,
22 except that the base period employer's response time limit may be waived
23 or extended by the examiner or upon appeal, if timely response was
24 impossible due to excusable neglect. The examiner shall notify the
25 employer of the reconsidered determination, which shall be subject to
26 appeal or further reconsideration, in accordance with the provisions of
27 K.S.A. 44-709, and amendments thereto.

28 (5) *Time, computation and extension.* In computing the period of time
29 for a base period employer response or appeals under this section from the
30 examiner's or the special examiner's determination or from the referee's
31 decision, the day of the act, event or default from which the designated
32 period of time begins to run shall not be included. The last day of the
33 period shall be included unless it is a Saturday, Sunday or legal holiday, in
34 which event the period runs until the end of the next day that is not a
35 Saturday, Sunday or legal holiday.

36 (d) *Pooled fund.* All contributions and payments in lieu of
37 contributions and benefit cost payments to the employment security fund
38 shall be pooled and available to pay benefits to any individual entitled
39 thereto under the employment security law, regardless of the source of
40 such contributions or payments in lieu of contributions or benefit cost
41 payments.

42 (e) *Election to become reimbursing employer; payment in lieu of*
43 *contributions.* (1) Any governmental entity, Indian tribes or tribal units,

1 (subdivisions, subsidiaries or business enterprises wholly owned by such
2 Indian tribes), for which services are performed as described in K.S.A. 44-
3 703(i)(3)(E), and amendments thereto, or any nonprofit organization or
4 group of nonprofit organizations described in section 501(c)(3) of the
5 federal internal revenue code of 1986 that is exempt from income tax
6 under section 501(a) of such code, that becomes subject to the
7 employment security law may elect to become a reimbursing employer
8 under this subsection (e)(1) and agree to pay the secretary for the
9 employment security fund an amount equal to the amount of regular
10 benefits and $\frac{1}{2}$ of the extended benefits paid that are attributable to service
11 in the employ of such reimbursing employer, except that each reimbursing
12 governmental employer, Indian tribes or tribal units shall pay an amount
13 equal to the amount of regular benefits and extended benefits paid for
14 weeks of unemployment beginning after December 31, 1978, for
15 governmental employers and December 21, 2000, for Indian tribes or
16 tribal units to individuals for weeks of unemployment that begin during the
17 effective period of such election.

18 (A) Any employer identified in this ~~subsection (e)(1)~~ *paragraph* may
19 elect to become a reimbursing employer for a period encompassing not
20 less than four complete calendar years if such employer files with the
21 secretary a written notice of such election within the 30-day period
22 immediately following January 1 of any calendar year or within the 30-day
23 period immediately following the date when a determination of
24 subjectivity to the employment security law is issued, whichever occurs
25 later.

26 (B) Any employer that makes an election to become a reimbursing
27 employer in accordance with subparagraph (A) will continue to be liable
28 for payments in lieu of contributions until such employer files with the
29 secretary a written notice terminating its election not later than 30 days
30 prior to the beginning of the calendar year for which such termination shall
31 first be effective.

32 (C) Any employer identified in this ~~subsection (e)(1)~~ *paragraph* that
33 has remained a contributing employer and has been paying contributions
34 under the employment security law for a period subsequent to January 1,
35 1972, may change to a reimbursing employer by filing with the secretary
36 not later than 30 days prior to the beginning of any calendar year a written
37 notice of election to become a reimbursing employer. Such election shall
38 not be terminable by the employer for four complete calendar years.

39 (D) The secretary may for good cause extend the period within which
40 a notice of election, or a notice of termination, must be filed and may
41 permit an election to be retroactive but not any earlier than with respect to
42 benefits paid after January 1 of the year such election is received.

43 (E) The secretary, in accordance with such rules and regulations as

1 the secretary may adopt, shall notify each employer identified in
2 ~~subsection (e)(1)~~ *this paragraph* of any determination that the secretary
3 may make of its status as an employer and of the effective date of any
4 election that it makes to become a reimbursing employer and of any
5 termination of such election. Such determinations shall be subject to
6 reconsideration, appeal and review in accordance with the provisions of
7 K.S.A. 44-710b, and amendments thereto.

8 (2) *Reimbursement reports and payments.* Payments in lieu of
9 contributions shall be made in accordance with the provisions of
10 subparagraph (A) by all reimbursing employers except the state of Kansas.
11 Each reimbursing employer shall report total wages paid during each
12 calendar quarter by filing quarterly wage reports with the secretary that
13 shall be filed by the last day of the month following the close of each
14 calendar quarter. Wage reports are deemed filed as of the date they are
15 placed in the United States mail.

16 (A) At the end of each calendar quarter, or at the end of any other
17 period as determined by the secretary, the secretary shall bill each
18 reimbursing employer, except the state of Kansas: (i) An amount to be paid
19 that is equal to the full amount of regular benefits plus $\frac{1}{2}$ of the amount of
20 extended benefits paid during such quarter or other prescribed period that
21 is attributable to service in the employ of such reimbursing employer; and
22 (ii) for weeks of unemployment beginning after December 31, 1978, each
23 reimbursing governmental employer and December 21, 2000, for Indian
24 tribes or tribal units shall be certified an amount to be paid that is equal to
25 the full amount of regular benefits and extended benefits paid during such
26 quarter or other prescribed period that is attributable to service in the
27 employ of such reimbursing governmental employer.

28 (B) Payment of any bill rendered under subparagraph (A) shall be
29 made not later than 30 days after such bill was mailed to the last known
30 address of the reimbursing employer, or otherwise was delivered to such
31 reimbursing employer, unless there has been an application for review and
32 redetermination in accordance with subparagraph (D).

33 (C) Payments made by any reimbursing employer under the
34 provisions of this ~~subsection (e)(2)~~ *paragraph* shall not be deducted or
35 deductible, in whole or in part, from the remuneration of individuals in the
36 employ of such employer.

37 (D) The amount due specified in any bill from the secretary shall be
38 conclusive on the reimbursing employer, unless, not later than 15 days
39 after the bill was mailed to the last known address of such employer, or
40 was otherwise delivered to such employer, the reimbursing employer files
41 an application for redetermination in accordance with K.S.A. 44-710b, and
42 amendments thereto.

43 (E) Past due payments of amounts certified by the secretary under

1 this section shall be subject to the same interest, penalties and actions
2 required by K.S.A. 44-717, and amendments thereto. ~~(1)~~ (i) If any
3 nonprofit organization or group of nonprofit organizations described in
4 section 501(c)(3) of the federal internal revenue code of 1986 or
5 governmental reimbursing employer is delinquent in making payments of
6 amounts certified by the secretary under this section, the secretary may
7 terminate such employer's election to make payments in lieu of
8 contributions as of the beginning of the next calendar year and such
9 termination shall be effective for such next calendar year and the calendar
10 year thereafter so that the termination is effective for two complete
11 calendar years. ~~(2)~~ (ii) Failure of the Indian tribe or tribal unit to make
12 required payments, including assessment of interest and penalty within 90
13 days of receipt of the bill will cause the Indian tribe to lose the option to
14 make payments in lieu of contributions as described pursuant to paragraph
15 (e)(1) for the following tax year unless payment in full is received before
16 contribution rates for the next tax year are calculated. ~~(3)~~ (iii) Any Indian
17 tribe that loses the option to make payments in lieu of contributions due to
18 late payment or nonpayment, as described in *this* paragraph ~~(2)~~, shall have
19 such option reinstated, if after a period of one year, all contributions have
20 been made on time and no contributions, payments in lieu of contributions
21 for benefits paid, penalties or interest remain outstanding.

22 (F) Failure of the Indian tribe or any tribal unit thereof to make
23 required payments, including assessments of interest and penalties, after
24 all collection activities deemed necessary by the secretary have been
25 exhausted, will cause services performed by such tribe to not be treated as
26 employment for purposes of K.S.A. 44-703(i)(3)(E), and amendments
27 thereto. If an Indian tribe fails to make payments required under this
28 section, including assessments of interest and penalties, within 90 days of
29 a final notice of delinquency, the secretary shall immediately notify the
30 United States internal revenue service and the United States department of
31 labor. The secretary may determine that any Indian tribe that loses
32 coverage pursuant to this paragraph may have services performed on
33 behalf of such tribe again deemed "employment" if all contributions,
34 payments in lieu of contributions, penalties and interest have been paid.

35 (G) In the discretion of the secretary, any employer who elects to
36 become liable for payments in lieu of contributions and any nonprofit
37 organization or group of nonprofit organizations described in section
38 501(c)(3) of the federal internal revenue code of 1986 or governmental
39 reimbursing employer or Indian tribe or tribal unit who is delinquent in
40 filing reports or in making payments of amounts certified by the secretary
41 under this section shall be required within 60 days after the effective date
42 of such election, in the case of an eligible employer so electing, or after the
43 date of notification to the delinquent employer under this ~~subsection (e)(2)~~

1 ~~(G)~~ *subparagraph*, in the case of a delinquent employer, to execute and
2 file with the secretary a surety bond, except that the employer may elect, in
3 lieu of a surety bond, to deposit with the secretary money or securities as
4 approved by the secretary or to purchase and deliver to an escrow agent a
5 certificate of deposit to guarantee payment. The amount of the bond,
6 deposit or escrow agreement required by this subsection ~~(e)(2)(G)~~ shall not
7 exceed 5.4% of the organization's taxable wages paid for employment by
8 the eligible employer during the four calendar quarters immediately
9 preceding the effective date of the election or the date of notification, in
10 the case of a delinquent employer. If the employer did not pay wages in
11 each of such four calendar quarters, the amount of the bond or deposit
12 shall be as determined by the secretary. Upon the failure of an employer to
13 comply with *the provisions of this subsection (e)(2)(G) subparagraph*
14 within the time limits imposed or to maintain the required bond or deposit,
15 the secretary may terminate the election of such eligible employer or
16 delinquent employer, as the case may be, to make payments in lieu of
17 contributions, and such termination shall be effective for the current and
18 next calendar year.

19 (H) The state of Kansas shall make reimbursement payments
20 quarterly at a fiscal year rate that shall be based upon: (i) The available
21 balance in the state's reimbursing account as of December 31 of each
22 calendar year; (ii) the historical unemployment experience of all covered
23 state agencies during prior years; (iii) the estimate of total covered wages
24 to be paid during the ensuing calendar year; (iv) the applicable fiscal year
25 rate of the claims processing and auditing fee under K.S.A. 75-3798, and
26 amendments thereto; and (v) actuarial and other information furnished to
27 the secretary by the secretary of administration. In accordance with K.S.A.
28 75-3798, and amendments thereto, the claims processing and auditing fees
29 charged to state agencies shall be deducted from the amounts collected for
30 the reimbursement payments under this paragraph ~~(H)~~ prior to making the
31 quarterly reimbursement payments for the state of Kansas. The fiscal year
32 rate shall be expressed as a percentage of covered total wages and shall be
33 the same for all covered state agencies. The fiscal year rate for each fiscal
34 year will be certified in writing by the secretary to the secretary of
35 administration on July 15 of each year and such certified rate shall become
36 effective on the July 1 immediately following the date of certification. A
37 detailed listing of benefit charges applicable to the state's reimbursing
38 account shall be furnished quarterly by the secretary to the secretary of
39 administration and the total amount of charges deducted from previous
40 reimbursing payments made by the state. On January 1 of each year, if it is
41 determined that benefit charges exceed the amount of prior reimbursing
42 payments, an upward adjustment shall be made therefor in the fiscal year
43 rate to be certified on the ensuing July 15. If total payments exceed benefit

1 charges, all or part of the excess may be refunded, at the discretion of the
2 secretary, from the fund or retained in the fund as part of the payments that
3 may be required for the next fiscal year.

4 (3) *Allocation of benefit costs.* The reimbursing account of each
5 reimbursing employer shall be charged the full amount of regular benefits
6 and $\frac{1}{2}$ of the amount of extended benefits paid except that each
7 reimbursing governmental employer's account shall be charged the full
8 amount of regular benefits and extended benefits paid for weeks of
9 unemployment beginning after December 31, 1978, to individuals whose
10 entire base period wage credits are from such employer. When benefits
11 received by an individual are based upon base period wage credits from
12 more than one employer then the reimbursing employer's or reimbursing
13 governmental employer's account shall be charged in the same ratio as
14 base period wage credits from such employer bear to the individual's total
15 base period wage credits. Notwithstanding any other provision of the
16 employment security law, no reimbursing employer's or reimbursing
17 governmental employer's account shall be charged for payments of
18 extended benefits that are wholly reimbursed to the state by the federal
19 government. ~~Payments of unemployment compensation that are wholly~~
20 ~~reimbursed to the reimbursing employer by the federal government shall~~
21 ~~be charged for the purpose of such reimbursement under the federal~~
22 ~~CARES act, public law 116-136.~~

23 (A) *Proportionate allocation {when fewer than all reimbursing base*
24 *period employers are liable}.* If benefits paid to an individual are based on
25 wages paid by one or more reimbursing employers and on wages paid by
26 one or more contributing employers or rated governmental employers, the
27 amount of benefits payable by each reimbursing employer shall be an
28 amount that bears the same ratio to the total benefits paid to the individual
29 as the total base period wages paid to the individual by such employer
30 bears to the total base period wages paid to the individual by all of such
31 individual's base period employers.

32 (B) *Proportionate allocation {when all base period employers are*
33 *reimbursing employers}.* If benefits paid to an individual are based on
34 wages paid by two or more reimbursing employers, the amount of benefits
35 payable by each such employer shall be an amount that bears the same
36 ratio to the total benefits paid to the individual as the total base period
37 wages paid to the individual by such employer bear to the total base period
38 wages paid to the individual by all of such individual's base period
39 employers.

40 (4) *Group accounts.* Two or more reimbursing employers may file a
41 joint application to the secretary for the establishment of a group account
42 for the purpose of sharing the cost of benefits paid that are attributable to
43 service in the employment of such reimbursing employers. Each such

1 application shall identify and authorize a group representative to act as the
2 group's agent for the purposes of this paragraph. Upon approval of the
3 application, the secretary shall establish a group account for such
4 employers effective as of the beginning of the calendar quarter in which
5 the secretary receives the application and shall notify the group's
6 representative of the effective date of the account. Such account shall
7 remain in effect for not less than four years and thereafter such account
8 shall remain in effect until terminated at the discretion of the secretary or
9 upon application by the group. Upon establishment of the account, each
10 member of the group shall be liable for payments in lieu of contributions
11 with respect to each calendar quarter in the amount that bears the same
12 ratio to the total benefits paid in such quarter that are attributable to service
13 performed in the employ of all members of the group as the total wages
14 paid for service in employment by such member in such quarter bear to the
15 total wages paid during such quarter for service performed in the employ
16 of all members of the group. The secretary shall adopt such rules and
17 regulations as the secretary deems necessary with respect to applications
18 for establishment, maintenance and termination of group accounts that are
19 authorized by this paragraph, for addition of new members to, and
20 withdrawal of active members from such accounts, and for the
21 determination of the amounts that are payable under this paragraph by
22 members of the group and the time and manner of such payments.

23 Sec. 6. K.S.A. 2023 Supp. 44-710a is hereby amended to read as
24 follows: 44-710a. (a) *Classification of employers by the secretary.* The
25 term "employer" as used in this section refers to contributing employers.
26 The secretary shall classify employers in accordance with their actual
27 experience in the payment of contributions on their own behalf and with
28 respect to benefits charged against their accounts with a view of fixing
29 such contribution rates as will reflect such experience. If, as of the date
30 such classification of employers is made, the secretary finds that any
31 employing unit has failed to file any report required in connection
32 therewith, or has filed a report which the secretary finds incorrect or
33 insufficient, the secretary shall make an estimate of the information
34 required from such employing unit on the basis of the best evidence
35 reasonably available to the secretary at the time, and notify the employing
36 unit thereof by mail addressed to its last known address. Unless such
37 employing unit shall file the report or a corrected or sufficient report as the
38 case may be, within 15 days after the mailing of such notice, the secretary
39 shall compute such employing unit's rate of contributions on the basis of
40 such estimates, and the rate as so determined shall be subject to increase
41 but not to reduction on the basis of subsequently ascertained information.
42 The secretary shall determine the contribution rate of each employer in
43 accordance with the requirements of this section.

1 (1) *New employers.* (A) No employer will be eligible for a rate
2 computation until there have been 24 consecutive calendar months
3 immediately preceding the computation date throughout which benefits
4 could have been charged against such employer's account.

5 (B) (i) (a) Each employer who is not eligible for a rate contribution
6 shall pay contributions equal to 2.7% of wages paid during each calendar
7 year with regard to employment, except such employers engaged in the
8 construction industry shall pay a rate equal to 6%.

9 (b) (1) An employer who was not doing business in Kansas prior to
10 July 1, 2014, shall be eligible for either the new employer rate under
11 subsection (a)(1)(B)(i)(a) or the rate associated with the reserve ratio such
12 employer experienced in the state which such employer was formerly
13 located, but in no event less than 1% if such:

14 (A) Employer has been in operation in the other state or states for at
15 least the three years immediately preceding the date such employer
16 becomes a liable employer in Kansas;

17 (B) employer provides the authenticated account history from
18 information accumulated from operations of such employer in the other
19 state or all the other states necessary to compute a current Kansas rate; and

20 (C) employer's business operations established in Kansas are of the
21 same nature, as defined by the North American industrial classification
22 system, as conducted by such employer in the other state or states.

23 (2) The election authorized in subsection (a)(1)(B)(i)(b) of this
24 section must be made in writing within 30 days after notice of Kansas
25 liability. A rate in accordance with subsection (a)(1)(B)(i)(a) will be
26 assigned unless a timely election has been made.

27 (3) If the election is made timely, the employer's account will receive
28 the rate elected for the remainder of that rate year. The rate assigned for
29 the next and subsequent years will be determined by the condition of the
30 account on the computation date.

31 (ii) For purposes of this subsection (a), employers shall be classified
32 by industrial activity in accordance with standard procedures as set forth in
33 rules and regulations adopted by the secretary. Employers engaged in more
34 than one type of industrial activity shall be classified by principal activity.
35 All rates assigned will remain in effect for a complete calendar year. If the
36 sale or acquisition of a new establishment would require reclassification of
37 the employer to a different industry sector, the employer would be
38 promptly notified, and the contribution rate applicable to the new industry
39 sector would become effective the following January 1.

40 (C) "Computation date" means June 30 of each calendar year with
41 respect to rates of contribution applicable to the calendar year beginning
42 with the following January 1. In arriving at contribution rates for each
43 calendar year, contributions paid on or before July 31 following the

1 computation date for employment occurring on or prior to the computation
2 date shall be considered for each contributing employer who has been
3 subject to this act for a sufficient period of time to have such employer's
4 rate computed under this subsection (a).

5 (2) *Eligible employers.* (A) A reserve ratio shall be computed for each
6 eligible employer by the following method: Total benefits charged to the
7 employer's account for all past years shall be deducted from all
8 contributions paid by such employer for all such years. The balance,
9 positive or negative, shall be divided by the employer's average annual
10 payroll, and the result shall constitute the employer reserve ratio.

11 (B) Negative account balance employers, as defined in subsection (d),
12 shall pay contributions at the rate referenced in subsection (a)(4)(B).

13 (C) Eligible employers, other than negative account balance
14 employers, who do not meet the average annual payroll requirements as
15 stated in K.S.A. 44-703(a)(2), and amendments thereto, will be issued the
16 maximum rate indicated by the maximum rate group of standard rate
17 schedule—standard schedule 7 in subsection (a)(4)(B)(ii) until such
18 employer establishes a new period of 24 consecutive calendar months
19 immediately preceding the computation date throughout which benefits
20 could have been charged against such employer's account by resuming the
21 payment of wages. Contribution rates effective for each calendar year
22 thereafter shall be determined as prescribed below.

23 ~~(D) If the amounts collected from negative account balance~~
24 ~~employers and paid into the employment security interest assessment fund~~
25 ~~for the purpose of paying interest due and owing on funds received from~~
26 ~~the federal unemployment account under title XII of the social security act~~
27 ~~are in excess of the amounts needed to pay interest due, the amounts in~~
28 ~~excess shall remain in the employment security interest assessment fund to~~
29 ~~be used to pay interest in future years. Whenever the secretary certifies all~~
30 ~~interest payments have been paid, any excess funds remaining in the~~
31 ~~employment security interest assessment fund shall be transferred to the~~
32 ~~employment security trust fund for the purpose of paying any remaining~~
33 ~~principal amount due for advances described in this section. In the event~~
34 ~~that the amount transferred from the employment security interest~~
35 ~~assessment fund exceeds such remaining amount of principal due, the~~
36 ~~balance shall be used for the purposes of the employment security trust~~
37 ~~fund.~~

38 (3) *Entering and expanding employer.* (A) The secretary, as a method
39 of providing for a reduced rate of contributions to an employer shall verify
40 the qualifications in this statute that bear a direct relation to unemployment
41 risk for that employer.

42 (B) If, as of the computation date, an eligible, positive balance
43 employer's reserve ratio is significantly affected due to an increase in the

1 employer's taxable payroll of at least 100% and such increase is
2 attributable to a growth in employment, and not to a change in the taxable
3 wage base from the previous year, the secretary shall assign a reduced rate
4 of contributions for a period of three years.

5 (i) Such reduced rate of contributions shall be the new employer rate
6 described in subsection (a)(1)(B)(i)(a), or a rate based on the employer's
7 demonstrated risk as reflected in the employer's reserve fund ratio history.

8 (ii) To be eligible for such reduced rate, the employer must maintain a
9 positive account balance throughout the reduced-rate period and must have
10 an increase in account balance for each year.

11 (4) (A) For each rate year, the contribution schedule in effect shall be
12 determined by the applicable fund control table and rate schedule table of
13 subsection ~~(a)(4)(B)~~ (a)(4)(C).

14 (B) *The secretary shall prepare contribution rate tables showing the*
15 *calculated maximum annual cost to contributing rated employers per*
16 *employee for the previous, current and ensuing rate year. Such*
17 *contribution rate tables shall be published each calendar year, no less*
18 *than 120 days prior to the end of such calendar year, on a publicly*
19 *accessible website maintained by the secretary.*

20 (C) *Effective rates.* (i) Employer contribution rates to be effective for
21 each calendar year shall be determined by the applicable rate schedule in
22 clause (ii) and the fund control table for the rate year as specified
23 contained in this clause. The average high cost multiple of the trust fund as
24 of the computation date shall determine the contribution schedule in effect
25 for the next rate year. For purposes of subsection ~~(a)(4)(B)(i)~~ (a)(4)(C)(i),
26 the average high cost multiple is the reserve fund ratio divided by the
27 average high benefit cost rate. The average high benefit cost rate shall be
28 determined by averaging the three highest benefit cost rates over the last
29 20 years from the preceding fiscal year which ended June 30. The high
30 benefit cost rate is defined by dividing total benefits paid in the fiscal year
31 by total payrolls for covered employers in the fiscal year. The reserve fund
32 ratio shall be determined by dividing total assets in the employment
33 security fund provided for in K.S.A. 44-712(a), and amendments thereto,
34 excluding all moneys credited to the account of this state pursuant to
35 section 903 of the federal social security act, as amended, that have been
36 appropriated by the legislature, whether or not withdrawn from the trust
37 fund, and excluding contributions not yet paid on July 31, by total payrolls
38 for contributing employers for the preceding fiscal year that ended on June
39 30.

40 Fund Control Table A
41 For Rate Years 2016-2021

42 Lower AHCM ————— Upper AHCM ————— Solvency Adjustment
43 Threshold ————— Threshold ————— to Rate per

1 _____ **Standard Rate Schedule**

2	-1,000.00000	0.19999	1.60%
3	0.20000	0.44999	1.40%
4	0.45000	0.59999	1.20%
5	0.60000	0.74999	1.00%
6	0.75000	1.14999	0.00%
7	1.15000	1,000.00000	-0.50%

8 **Fund Control Table B A**

9 *For Contributing Employers with a POSITIVE Account Balance*

10 **For Rate Year 2022 2025 and Ensuing Calendar Years**

11 *Proportional*

12	KS SUTA	Lower	Upper	Solvency/Credit	Solvency/Credit	Solvency/Credit
13	Tax Rate	AHCM	AHCM	Adjustment to	Adjustment as a	Adjustment as a
14	Schedules	Threshold	Threshold	Maximum	Rate Group	Total % to
15				Standard Rate	Multiplier to	Employer's
16						Standard, Earned
17						Rate Group
18						Rate Group
18	1	-1,000.00000	-0.00001	2.00%1.50%	0.05263%0.05357%	26.32%
19	2	0.00000	0.24999	1.80%1.35%	0.04737%0.04821%	23.68%
20	Solvency 3	0.25000	0.44999	1.60%1.20%	0.04211%0.04286%	21.05%
21	Schedules 4	0.45000	0.59999	1.40%1.05%	0.03684%0.03750%	18.42%
22	(1-6) 5	0.60000	0.69999	1.20%0.90%	0.03158%0.03214%	15.79%
23	6	0.70000	0.74999	1.00%0.75%	0.02632%0.02679%	13.16%
24	Standard					
25	Schedule 7	0.75000	1.24999	0.00%	0.00000%	0.00%
26	(7)					
27	8	1.25000	1.29999	-1.00%-0.75%	-0.02632%-0.02679%	-13.16%
28	Credit 9	1.30000	1.39999	-1.20%-0.90%	-0.03158%-0.03214%	-15.79%
29	Schedules 10	1.40000	1.54999	-1.40%-1.05%	-0.03684%-0.03750%	-18.42%
30	(8-13) 11	1.55000	1.74999	-1.60%-1.20%	-0.04211%-0.04286%	-21.05%
31	12	1.75000	1.99999	-1.80%-1.35%	-0.04737%-0.04821%	-23.68%
32	13	2.00000	1,000.00000	-2.00%-1.50%	-0.05263%-0.05357%	-26.32%

33

34 **Fund Control Table B**

35 *For Contributing Employers with a NEGATIVE Account Balance*

36 **For Rate Year 2025 and Ensuing Calendar Years**

37 *Proportional*

38	KS SUTA	Lower	Upper	Solvency/Credit	Solvency/Credit
39	Tax Rate	AHCM	AHCM	Adjustment	Adjustment
40	Schedules	Threshold	Threshold		
41	1	-1,000.00000	-0.00001	0.00%	0.00000%
42	2	0.00000	0.24999	0.00%	0.00000%
43	Solvency 3	0.25000	0.44999	0.00%	0.00000%
44	Schedules 4	0.45000	0.59999	0.00%	0.00000%
45	(1-6) 5	0.60000	0.69999	0.00%	0.00000%
46	6	0.70000	0.74999	0.00%	0.00000%
47	Standard				
48	Schedule 7	0.75000	1.24999	0.00%	0.00000%
49	(7)				

1		8	1.25000	1.29999	0.00%	0.00000%
2	Credit	9	1.30000	1.39999	0.00%	0.00000%
3	Schedules	10	1.40000	1.54999	0.00%	0.00000%
4	(8-13)	11	1.55000	1.74999	0.00%	0.00000%
5		12	1.75000	1.99999	0.00%	0.00000%
6		13	2.00000	1,000.00000	0.00%	0.00000%

7 (ii)-(a) Eligible employers shall be classified by rate group according
 8 to the standard rate schedule - standard rate schedule 7 in this section
 9 clause, for that rate year. Except as provided in subclause (b), for rate
 10 years 2016 through 2021, the rate pursuant to the standard rate schedule as
 11 adjusted by fund control table A shall apply. Except as provided in
 12 subclause (b), For rate year 2022 2025 and ensuing calendar years, the rate
 13 pursuant to standard rate schedule 7, solvency schedules 1 through 6 or
 14 credit schedules 8 through 13 shall apply to contributing employers with
 15 a:

16 (a) Positive account balance, as provided by fund control table A;
 17 and

18 (b) negative account balance, as provided by fund control table B.

19 (b) (1) In the event the full transfer of \$250,000,000 is not made as
 20 provided in K.S.A. 2022 Supp. 75-5745, and amendments thereto, to the
 21 employment security fund on or before July 15, 2021, all contributing
 22 employers shall pay the rate as set forth in standard rate schedule --
 23 standard rate schedule 7 for the 2022 calendar year.

24 (2) In the event the second transfer of up to \$250,000,000 is not made
 25 as provided in K.S.A. 2022 Supp. 75-5745, and amendments thereto, to the
 26 employment security fund on or before July 15, 2022, all contributing
 27 employers shall pay the rate as set forth in standard rate schedules --
 28 standard rate schedule 7 for the 2023 calendar year, unless it is determined
 29 by actual calculation pursuant to fund control table B that credit rate
 30 schedules (8-13) would apply based on the health of the unemployment
 31 insurance trust fund.

32 STANDARD RATE SCHEDULE -
 33 STANDARD RATE SCHEDULE 7

34 Rate Group	Lower Reserve	Upper Reserve	Standard	Rate
35	Ratio	Limit	Ratio	Limit
36	+0	100.000	1,000,000.000	0.00%
37	1	18.590	1,000,000.000	0.20% 0.10%
38	2	17.875	18.589	0.40% 0.20%
39	3	17.160	17.874	0.60% 0.30%
40	4	16.445	17.159	0.80% 0.40%
41	5	15.730	16.444	1.00% 0.50%
42	6	15.015	15.729	1.20% 0.60%
43	7	14.300	15.014	1.40% 0.70%
44	8	13.585	14.299	1.60% 0.80%

1	9	12.870	13.584	1.80%	0.90%
2	10	12.155	12.869	2.00%	1.00%
3	11	11.440	12.154	2.20%	1.10%
4	12	10.725	11.439	2.40%	1.20%
5	13	10.010	10.724	2.60%	1.30%
6	14	9.295	10.009	2.80%	1.40%
7	15	8.580	9.294	3.00%	1.50%
8	16	7.865	8.579	3.20%	1.60%
9	17	7.150	7.864	3.40%	1.70%
10	18	6.435	7.149	3.60%	1.80%
11	19	5.720	6.434	3.80%	1.90%
12	20	5.005	5.719	4.00%	2.00%
13	21	4.290	5.004	4.20%	2.10%
14	22	3.575	4.289	4.40%	2.20%
15	23	2.860	3.574	4.60%	2.30%
16	24	2.145	2.859	4.80%	2.40%
17	25	1.430	2.144	5.00%	2.50%
18	26	0.715	1.429	5.20%	2.60%
19	27	0.000	0.714	5.40%	2.70%
20	N1	-0.714	-0.001		5.60%
21	N2	-1.429	-0.715		5.80%
22	N3	-2.144	-1.430		6.00%
23	N4	-2.859	-2.145		6.20%
24	N5	-3.574	-2.860		6.40%
25	N6	-4.289	-3.575		6.60%
26	N7	-5.004	-4.290		6.80%
27	N8	-5.719	-5.005		7.00%
28	N9	-6.434	-5.720		7.20%
29	N10	-7.149	-6.435		7.40%
30	N11	-1,000,000.000	-7.150		7.60%

SOLVENCY RATE SCHEDULES (1-6)

Rate Group	1	2	3	4	5	6
32						
33						
34	±0	0.00%	0.00%	0.00%	0.00%	0.00%
35	1	0.25%	0.25%	0.24%	0.24%	0.23%
36		0.21%	0.20%	0.19%	0.18%	0.16%
37	2	0.51%	0.49%	0.48%	0.47%	0.46%
38		0.36%	0.34%	0.33%	0.31%	0.30%
39	3	0.76%	0.74%	0.73%	0.71%	0.69%
40		0.51%	0.49%	0.47%	0.45%	0.43%
41	4	1.01%	0.99%	0.97%	0.95%	0.93%
42		0.67%	0.64%	0.61%	0.59%	0.56%
43	5	1.26%	1.24%	1.21%	1.18%	1.16%
44		0.82%	0.79%	0.76%	0.73%	0.69%

1	6	1.52%	1.48%	1.45%	1.42%	1.39%	1.36%
2		0.98%	0.94%	0.90%	0.86%	0.83%	0.79%
3	7	1.77%	1.73%	1.69%	1.66%	1.62%	1.58%
4		1.13%	1.09%	1.04%	1.00%	0.96%	0.91%
5	8	2.02%	1.98%	1.94%	1.89%	1.85%	1.81%
6		1.28%	1.23%	1.19%	1.14%	1.09%	1.04%
7	9	2.27%	2.23%	2.18%	2.13%	2.08%	2.04%
8		1.44%	1.38%	1.33%	1.28%	1.22%	1.17%
9	10	2.53%	2.47%	2.42%	2.37%	2.32%	2.26%
10		1.59%	1.53%	1.47%	1.41%	1.35%	1.29%
11	11	2.78%	2.72%	2.66%	2.61%	2.55%	2.49%
12		1.74%	1.68%	1.61%	1.55%	1.49%	1.42%
13	12	3.03%	2.97%	2.91%	2.84%	2.78%	2.72%
14		1.90%	1.83%	1.76%	1.69%	1.62%	1.55%
15	13	3.28%	3.22%	3.15%	3.08%	3.01%	2.94%
16		2.05%	1.98%	1.90%	1.83%	1.75%	1.68%
17	14	3.54%	3.46%	3.39%	3.32%	3.24%	3.17%
18		2.20%	2.12%	2.04%	1.96%	1.88%	1.80%
19	15	3.79%	3.71%	3.63%	3.55%	3.47%	3.39%
20		2.36%	2.27%	2.19%	2.10%	2.01%	1.93%
21	16	4.04%	3.96%	3.87%	3.79%	3.71%	3.62%
22		2.51%	2.42%	2.33%	2.24%	2.15%	2.06%
23	17	4.29%	4.21%	4.12%	4.03%	3.94%	3.85%
24		2.66%	2.57%	2.47%	2.38%	2.28%	2.18%
25	18	4.55%	4.45%	4.36%	4.26%	4.17%	4.07%
26		2.82%	2.72%	2.61%	2.51%	2.41%	2.31%
27	19	4.80%	4.70%	4.60%	4.50%	4.40%	4.30%
28		2.97%	2.86%	2.76%	2.65%	2.54%	2.44%
29	20	5.05%	4.95%	4.84%	4.74%	4.63%	4.53%
30		3.13%	3.01%	2.90%	2.79%	2.68%	2.56%
31	21	5.31%	5.19%	5.08%	4.97%	4.86%	4.75%
32		3.28%	3.16%	3.04%	2.93%	2.81%	2.69%
33	22	5.56%	5.44%	5.33%	5.21%	5.09%	4.98%
34		3.43%	3.31%	3.19%	3.06%	2.94%	2.82%
35	23	5.81%	5.69%	5.57%	5.45%	5.33%	5.21%
36		3.59%	3.46%	3.33%	3.20%	3.07%	2.94%
37	24	6.06%	5.94%	5.81%	5.68%	5.56%	5.43%
38		3.74%	3.61%	3.47%	3.34%	3.20%	3.07%
39	25	6.32%	6.18%	6.05%	5.92%	5.79%	5.66%
40		3.89%	3.75%	3.61%	3.48%	3.34%	3.20%
41	26	6.57%	6.43%	6.29%	6.16%	6.02%	5.88%
42		4.05%	3.90%	3.76%	3.61%	3.47%	3.32%
43	27	6.82%	6.68%	6.54%	6.39%	6.25%	6.11%

1		4.20%	4.05%	3.90%	3.75%	3.60%	3.45%
2	N1	7.07%	6.93%	6.78%	6.63%	6.48%	6.34%
3		5.60%	5.60%	5.60%	5.60%	5.60%	5.60%
4	N2	7.33%	7.17%	7.02%	6.87%	6.72%	6.56%
5		5.80%	5.80%	5.80%	5.80%	5.80%	5.80%
6	N3	7.58%	7.42%	7.26%	7.11%	6.95%	6.79%
7		6.00%	6.00%	6.00%	6.00%	6.00%	6.00%
8	N4	7.83%	7.67%	7.51%	7.34%	7.18%	7.02%
9		6.20%	6.20%	6.20%	6.20%	6.20%	6.20%
10	N5	8.08%	7.92%	7.75%	7.58%	7.41%	7.24%
11		6.40%	6.40%	6.40%	6.40%	6.40%	6.40%
12	N6	8.34%	8.16%	7.99%	7.82%	7.64%	7.47%
13		6.60%	6.60%	6.60%	6.60%	6.60%	6.60%
14	N7	8.59%	8.41%	8.23%	8.05%	7.87%	7.69%
15		6.80%	6.80%	6.80%	6.80%	6.80%	6.80%
16	N8	8.84%	8.66%	8.47%	8.29%	8.11%	7.92%
17		7.00%	7.00%	7.00%	7.00%	7.00%	7.00%
18	N9	9.09%	8.91%	8.72%	8.53%	8.34%	8.15%
19		7.20%	7.20%	7.20%	7.20%	7.20%	7.20%
20	N10	9.35%	9.15%	8.96%	8.76%	8.57%	8.37%
21		7.40%	7.40%	7.40%	7.40%	7.40%	7.40%
22	N11	9.60%	9.40%	9.20%	9.00%	8.80%	8.60%
23		7.60%	7.60%	7.60%	7.60%	7.60%	7.60%

CREDIT RATE SCHEDULES (8-13)

24							
25	Rate						
26	Group	8	9	10	11	12	13
27	0	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
28	1	0.17%	0.17%	0.16%	0.16%	0.15%	0.15%
29		0.05%	0.04%	0.03%	0.01%	0.00%	0.00%
30	2	0.35%	0.34%	0.33%	0.32%	0.31%	0.29%
31		0.12%	0.10%	0.09%	0.07%	0.06%	0.04%
32	3	0.52%	0.51%	0.49%	0.47%	0.46%	0.44
33		0.19%	0.17%	0.15%	0.13%	0.11%	0.09%
34	4	0.69%	0.67%	0.65%	0.63%	0.61%	0.59%
35		0.27%	0.24%	0.21%	0.19%	0.16%	0.13%
36	5	0.87%	0.84%	0.82%	0.79%	0.76%	0.74%
37		0.34%	0.31%	0.28%	0.24%	0.21%	0.18%
38	6	1.04%	1.01%	0.98%	0.95%	0.92%	0.88%
39		0.41%	0.38%	0.34%	0.30%	0.26%	0.23%
40	7	1.22%	1.18%	1.14%	1.11%	1.07%	1.03%
41		0.49%	0.44%	0.40%	0.36%	0.31%	0.27%
42	8	1.39%	1.35%	1.31%	1.26%	1.22%	1.18%
43		0.56%	0.51%	0.46%	0.41%	0.37%	0.32%
44	9	1.56%	1.52%	1.47%	1.42%	1.37%	1.33%

1	N4	5.38%	5.22%	5.06%	4.89%	4.73%	4.57%
2		6.20%	6.20%	6.20%	6.20%	6.20%	6.20
3	N5	5.56%	5.39%	5.22%	5.05%	4.88%	4.72%
4		6.40%	6.40%	6.40%	6.40%	6.40%	6.40
5	N6	5.73%	5.56%	5.38%	5.21%	5.04%	4.86%
6		6.60%	6.60%	6.60%	6.60%	6.60%	6.60
7	N7	5.91%	5.73%	5.55%	5.37%	5.19%	5.01%
8		6.80%	6.80%	6.80%	6.80%	6.80%	6.80%
9	N8	6.08%	5.89%	5.71%	5.53%	5.34%	5.16%
10		7.00%	7.00%	7.00%	7.00%	7.00%	7.00%
11	N9	6.25%	6.06%	5.87%	5.68%	5.49%	5.31%
12		7.20%	7.20%	7.20%	7.20%	7.20%	7.20%
13	N10	6.43%	6.23%	6.04%	5.84%	5.65%	5.45%
14		7.40%	7.40%	7.40%	7.40%	7.40%	7.40%
15	N11	6.60%	6.40%	6.20%	6.00%	5.80%	5.60%
16		7.60%	7.60%	7.60%	7.60%	7.60%	7.60%

17 (b) *Successor classification.* (1) (A) For the purposes of this
18 subsection, whenever an employing unit, whether or not it is an
19 "employing unit" within the meaning of K.S.A. 44-703(g), and
20 amendments thereto, becomes an employer pursuant to K.S.A. 44-703(h)
21 (4), and amendments thereto, or is an employer at the time of acquisition
22 and meets the definition of a "successor employer" as defined by K.S.A.
23 44-703(dd), and amendments thereto, and thereafter transfers its trade or
24 business, or any portion thereof, to another employer and, at the time of
25 the transfer, there is substantially common ownership, management or
26 control of the two employers, then the unemployment experience
27 attributable to the transferred trade or business shall be transferred to the
28 employer to whom such business is so transferred. These experience
29 factors consist of all contributions paid, benefit experience and annual
30 payrolls of the predecessor employer. The transfer of some or all of an
31 employer's workforce to another employer shall be considered a transfer of
32 trade or business when, as the result of such transfer, the transferring
33 employer no longer performs trade or business with respect to the
34 transferred workforce, and such trade or business is performed by the
35 employer to whom the workforce is transferred.

36 (B) If, following a transfer of experience under subparagraph (A), the
37 secretary determines that a substantial purpose of the transfer or business
38 was to obtain a reduced liability for contributions, then the experience
39 rating accounts of the employers involved shall be combined into a single
40 account and a single rate assigned to such account.

41 (2) A successor employer as defined by K.S.A. 44-703(h)(4) or (dd),
42 and amendments thereto, may receive the experience rating factors of the
43 predecessor employer if an application is made to the secretary or the

1 secretary's designee in writing within 120 days of the date of the transfer.

2 (3) Whenever an employing unit, whether or not it is an "employing
3 unit" within the meaning of K.S.A. 44-703(g), and amendments thereto,
4 acquires or in any manner succeeds to a percentage of an employer's
5 annual payroll which is less than 100% and intends to continue the
6 acquired percentage as a going business, the employing unit may acquire
7 the same percentage of the predecessor's experience factors if: (A) The
8 predecessor employer and successor employing unit make an application
9 in writing on the form prescribed by the secretary; (B) the application is
10 submitted within 120 days of the date of the transfer; (C) the successor
11 employing unit is or becomes an employer subject to this act immediately
12 after the transfer; (D) the percentage of the experience rating factors
13 transferred shall not be thereafter used in computing the contribution rate
14 for the predecessor employer; and (E) the secretary finds that such transfer
15 will not tend to defeat or obstruct the object and purposes of this act.

16 (4) (A) The rate of both employers in a full or partial successorship
17 under paragraph (1) shall be recalculated and made effective on the first
18 day of the next calendar-quarter year following the date of transfer of trade
19 or business.

20 (B) If a successor employer is determined to be qualified under
21 paragraph (2) or (3) to receive the experience rating factors of the
22 predecessor employer, the rate assigned to the successor employer for the
23 remainder of the contributions year shall be determined by the following:

24 (i) If the acquiring employing unit was an employer subject to this act
25 prior to the date of the transfer, the rate of contribution shall be the same as
26 the contribution rate of the acquiring employer on the date of the transfer.

27 (ii) If the acquiring employing unit was not an employer subject to
28 this act prior to the date of the transfer, the successor employer shall have a
29 newly computed rate for the remainder of the contribution year which shall
30 be based on the transferred experience rating factors as they existed on the
31 most recent computation date immediately preceding the date of
32 acquisition. These experience rating factors consist of all contributions
33 paid, benefit experience and annual payrolls.

34 (5) Whenever an employing unit is not an employer at the time it
35 acquires the trade or business of an employer, the unemployment
36 experience factors of the acquired business shall not be transferred to such
37 employing unit if the secretary finds that such employing unit acquired the
38 business solely or primarily for the purpose of obtaining a lower rate of
39 contributions. Instead, such employing unit shall be assigned the
40 applicable industry rate for a "new employer" as described in subsection
41 (a)(1). In determining whether the business was acquired solely or
42 primarily for the purpose of obtaining a lower rate of contributions, the
43 secretary shall use objective factors which may include the cost of

1 acquiring the business, whether the employer continued the business
2 enterprise of the acquired business, how long such business enterprise was
3 continued, or whether a substantial number of new employees were hired
4 for performance of duties unrelated to the business activity conducted
5 prior to acquisition.

6 (6) Whenever an employer's account has been terminated as provided
7 in K.S.A. 44-711(d) and (e), and amendments thereto, and the employer
8 continues with employment to liquidate the business operations, that
9 employer shall continue to be an "employer" subject to the employment
10 security law as provided in K.S.A. 44-703(h)(8), and amendments thereto.
11 The rate of contribution from the date of transfer to the end of the then
12 current calendar year shall be the same as the contribution rate prior to the
13 date of the transfer. At the completion of the then current calendar year, the
14 rate of contribution shall be that of a "new employer" as described in
15 subsection (a)(1).

16 (7) No rate computation will be permitted an employing unit
17 succeeding to the experience of another employing unit pursuant to this
18 section for any period subsequent to such succession except in accordance
19 with rules and regulations adopted by the secretary. Any such regulations
20 shall be consistent with federal requirements for additional credit
21 allowance in section 3303 of the federal internal revenue code of 1986,
22 and consistent with the provisions of this act.

23 (c) *Voluntary contributions.* Notwithstanding any other provision of
24 the employment security law, any employer may make voluntary payments
25 for the purpose of reducing or maintaining a reduced rate in addition to the
26 contributions required under this section. Such voluntary payments may be
27 made only during the ~~thirty-day~~ 90-day period immediately following the
28 date of mailing of experience rating notices for a calendar year. All such
29 voluntary contribution payments shall be paid prior to the expiration of
30 120 days after the beginning of the year for which such rates are effective.
31 The amount of voluntary contributions shall be credited to the employer's
32 account as of the next preceding computation date and the employer's rate
33 shall be computed accordingly. Under no circumstances shall voluntary
34 payments be refunded in whole or in part.

35 (d) As used in this section, "negative account balance employer"
36 means an eligible employer whose total benefits charged to such
37 employer's account for all past years have exceeded all contributions paid
38 by such employer for all such years.

39 ~~(e) There is hereby established in the state treasury, separate and apart~~
40 ~~from all public moneys or funds of this state, an employment security~~
41 ~~interest assessment fund, which shall be administered by the secretary as~~
42 ~~provided in this act. Moneys in the employment security fund established~~
43 ~~by K.S.A. 44-712, and amendments thereto, and employment security~~

1 interest assessment fund established by K.S.A. 44-710, and amendments
2 thereto, shall not be invested in the pooled money investment portfolio
3 established under K.S.A. 75-4234, and amendments thereto.
4 Notwithstanding the provisions of K.S.A. 44-712(a), 44-716, 44-717 and
5 75-4234, and amendments thereto, or any like provision the secretary shall
6 remit all moneys received from employers pursuant to the interest payment
7 pursuant to law, to the state treasurer in accordance with the provisions of
8 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
9 remittance, the state treasurer shall deposit the entire amount in the
10 employment security interest assessment fund. All moneys in this fund
11 which are received from employers pursuant to the interest payment
12 assessments shall be expended solely for the purposes and in the amounts
13 found by the secretary necessary to pay any principal and interest due and
14 owing the United States department of labor resulting from any
15 advancements made to the Kansas employment security fund pursuant to
16 the provisions of title XII of the social security act (42 U.S.C. §§ 1321 to
17 1324) except as may be otherwise provided under subsection (a)(2)(D).
18 Notwithstanding any provision of this section, all moneys received and
19 credited to this fund shall remain part of the employment security interest
20 assessment fund and shall be used only in accordance with the conditions
21 specified.

22 (f) The secretary of labor shall annually prepare and submit a
23 certification as to the solvency and adequacy of the amount credited to the
24 state of Kansas' account in the federal employment security trust fund to
25 the governor and the legislative coordinating council. The certification
26 shall be submitted on or before December 1 of each calendar year and
27 shall be for the 12-month period ending on June 30 of that calendar year.
28 In arriving at the certification contributions paid on or before July 31
29 following the 12-month period ending date of June 30 shall be considered.

30 (f) *On July 1, 2024, the director of accounts and reports shall*
31 *transfer all moneys in the employment security interest assessment fund to*
32 *the employment security trust fund. On July 1, 2024, all liabilities of the*
33 *employment security interest assessment fund are hereby transferred to*
34 *and imposed on the employment security trust fund, and the employment*
35 *security interest assessment fund is hereby abolished.*

36 Sec. 7. K.S.A. 44-710b is hereby amended to read as follows: 44-
37 710b. (a) *By the secretary of labor.* The secretary of labor shall promptly
38 notify each contributing employer of its rate of contributions, each rated
39 governmental employer of its benefit cost rate and each reimbursing
40 employer of its benefit liability as determined for any calendar year
41 pursuant to K.S.A. 44-710 and 44-710a, and amendments thereto, on or
42 before November 30 of the calendar year immediately preceding the
43 calendar year in which such rate takes effect. Such determination shall

1 become conclusive and binding upon the employer unless, within 15 days
2 after the mailing of notice thereof to the employer's last known address or
3 in the absence of mailing, within 15 days after the delivery of such notice,
4 the employer files an application for review and redetermination, setting
5 forth the reasons therefor. If the secretary of labor grants such review, the
6 employer shall be promptly notified thereof and shall be granted an
7 opportunity for a fair hearing, but no employer shall have standing, in any
8 proceeding involving the employer's rate of contributions or benefit
9 liability, to contest the chargeability to the employer's account of any
10 benefits paid in accordance with a determination, redetermination or
11 decision pursuant to K.S.A. 44-710(c), and amendments thereto, except
12 upon the ground that the services on the basis of which such benefits were
13 found to be chargeable did not constitute services performed in
14 employment for the employer and only in the event that the employer was
15 not a party to such determination, redetermination or decision or to any
16 other proceedings under this act in which the character of such services
17 was determined. Any such hearing conducted pursuant to this section shall
18 be heard in the county where the contributing employer maintains its
19 principle place of business. The hearing officer shall render a decision
20 concerning all matters at issue in the hearing within 90 days.

21 (b) (1) The secretary shall, without necessity of a request by an
22 employer or a hearing, immediately and fully credit any contributing
23 employer's, governmental rated employer's or reimbursing employer's
24 account for any benefits paid upon a determination by the secretary that
25 such benefits were an improper payment or paid to any person who
26 received such benefits: (A) By fraud; or (B) in error where any conditions
27 imposed by this act for the receipt of benefits were not fulfilled or where
28 the recipient was not qualified to or disqualified from receiving such
29 benefits.

30 (2) (A) Contributing employers, rated governmental employers and
31 reimbursing employers shall be held harmless for and shall not be required
32 to reimburse the state for any benefits paid that have been identified by the
33 employer and reported to and determined by the secretary as fraudulent or
34 as an improper payment, unless the secretary determines that such benefits
35 were received properly and not: (i) By fraud; or (ii) in error where any
36 conditions imposed by this act for the receipt of benefits were not fulfilled
37 or where the recipient was not qualified to or disqualified from receiving
38 such benefits. Any such determination by the secretary shall be subject to
39 appeal as provided by the employment security law.

40 (B) Reimbursing employers shall be refunded for reimbursements
41 made to the state for any claims or benefits paid on or after March 15,
42 2020, that are or have been reported to the secretary and determined by the
43 secretary as fraudulent. Amounts refunded shall become due, subject to

1 appeal as provided by the employment security law, upon a determination
2 by the secretary, as provided by subparagraph (A), that the benefits were
3 paid properly and not by fraud or in error.

4 (C) For the time period of March 15, 2020, through December 31,
5 2022, identifications of fraud reported to the secretary pursuant to
6 subparagraphs (A) and (B) shall not be subject to any time limitation for
7 disputing a claim or for appeal pursuant to K.S.A. 44-710, and
8 amendments thereto, or pursuant to any other provision of the employment
9 security law.

10 (3) The secretary shall review all reimbursing employer accounts and
11 shall apply credit for any benefits previously paid by fraud or in error, as
12 provided by paragraph (1), that have been charged against a reimbursing
13 employer's account and have not yet been recovered through normal
14 recovery efforts.

15 (c) *Judicial review.* Any action of the secretary upon an employer's
16 timely request for a review and redetermination of its rate of contributions
17 or benefit liability, in accordance with subsection (a), is subject to review
18 in accordance with the Kansas judicial review act. Any action for such
19 review shall be heard in a summary manner and shall be given precedence
20 over all other civil cases except cases arising under K.S.A. 44-709(i), and
21 amendments thereto, and the workmen's compensation act.

22 (d) *Periodic notification of benefits charged.* The secretary of labor
23 may provide by rules and regulations for periodic notification to
24 employers of benefits paid and chargeable to their accounts or of the status
25 of such accounts, and any such notification, in the absence of an
26 application for redetermination filed in such manner and within such
27 period as the secretary of labor may prescribe, shall become conclusive
28 and binding upon the employer for all purposes. Such redeterminations,
29 made after notice and opportunity for hearing, and the secretary's findings
30 of facts in connection therewith may be introduced in any subsequent
31 administrative or judicial proceedings involving the determination of the
32 rate of contributions of any employer for any calendar year and shall be
33 entitled to the same finality as is provided in this subsection with respect to
34 the findings of fact made by the secretary of labor in proceedings to
35 redetermine the contribution rate of an employer. The review or any other
36 proceedings relating thereto as provided for in this section may be heard
37 by any duly authorized employee of the secretary of labor and such action
38 shall have the same effect as if heard by the secretary.

39 (e) The secretary shall review the information reported by the United
40 States department of labor pursuant to the payment integrity information
41 act of 2019, public law 116-117, and any other relevant information
42 available from the United States department of labor and any relevant
43 information held by the department of labor available to the secretary

1 regarding improper payment amounts for the state of Kansas for the period
2 beginning on March 15, 2020, through December 31, 2022.

3 (f) Any federal unemployment insurance benefit program established
4 as a result of COVID-19 or any pandemic shall not be continued after the
5 ending date of the federal program through the use of Kansas state
6 employment security fund contributions made by Kansas employers.

7 (g) *The secretary shall review benefit claims at the time a claim is*
8 *made and as necessary to timely determine whether any claimant is*
9 *eligible for unemployment benefits pursuant to any federal unemployment*
10 *program. The secretary shall suspend state unemployment benefit*
11 *payments to a claimant if the secretary determines that the claimant is*
12 *eligible for federal unemployment benefits in an amount that is equal to or*
13 *greater than the amount of state benefits that the claimant is eligible for*
14 *under the employment security law.*

15 Sec. 8. K.S.A. 44-717 is hereby amended to read as follows: 44-717.

16 (a) (1) *Penalties on past-due reports, interest on past-due contributions,*
17 *payments in lieu of contributions; and benefit cost payments*~~and interest~~
18 ~~assessments made under K.S.A. 44-710a, and amendments thereto.~~ Any
19 employer or any officer or agent of an employer, who fails to file any wage
20 report or contribution return by the last day of the month following the
21 close of each calendar quarter to which they are related shall pay a penalty
22 as provided by this subsection for each month or fraction of a month until
23 the report or return is received by the secretary of labor ~~except that for~~
24 ~~calendar years 2010 and 2011 an employer or any officer or agent of the~~
25 ~~employer shall have up to 90 days past the due date for any of the first~~
26 ~~three calendar quarters in a calendar year to pay such employer's~~
27 ~~contribution without being charged any interest, however, when the 90 day~~
28 ~~period has passed, the provisions of this section shall apply.~~ The penalty
29 for each month or fraction of a month shall be an amount equal to .05% of
30 the total wages paid by the employer during the quarter, except that no
31 penalty shall be less than \$25 nor more than \$200 for each such report or
32 return not timely filed. Contributions; *and benefit cost payments*~~and~~
33 ~~interest assessments made pursuant to K.S.A. 44-710a, and amendments~~
34 ~~thereto,~~ unpaid by the last day of the month following the last calendar
35 quarter to which they are related and payments in lieu of contributions
36 unpaid 30 days after the mailing of the statement of benefit charges, shall
37 bear interest at the rate of 1% per month or fraction of a month until
38 payment is received by the secretary of labor ~~except that~~. An employing
39 unit, ~~which is not theretofore~~ *that has not previously been* subject to this
40 law and ~~which~~ *that* becomes an employer and does not refuse to make the
41 reports, returns and contributions, payments in lieu of contributions and
42 benefit cost payments required under this law, shall not be liable for such
43 penalty or interest if the wage reports and contribution returns required are

1 filed and the contributions, payments in lieu of contributions or benefit
2 cost payments required are paid within 10 days following notification by
3 the secretary of labor that a determination has been made fixing its status
4 as an employer subject to this law. Upon written request and good cause
5 shown, the secretary of labor may abate any penalty or interest or portion
6 thereof provided for by this subsection. Interest amounting to less than \$5
7 shall be waived by the secretary of labor and shall not be collected.
8 Penalties and interest collected pursuant to this subsection shall be paid
9 into the special employment security fund. For all purposes under this
10 section, amounts assessed as surcharges under subsection (j) or under
11 K.S.A. 44-710a, and amendments thereto, shall be considered to be
12 contributions and shall be subject to penalties and interest imposed under
13 this section and to collection in the manner provided by this section. ~~For~~
14 ~~all purposes under this section, amounts assessed under K.S.A. 44-710a,~~
15 ~~and amendments thereto, shall be subject to penalties and interest imposed~~
16 ~~under this section and to collection in the manner provided in this section.~~
17 For purposes of this subsection, a wage report, a contribution return, a
18 contribution, a payment in lieu of contribution; *or* a benefit cost payment
19 ~~or an interest assessment made pursuant to K.S.A. 44-710a, and~~
20 ~~amendments thereto, is deemed to be filed or paid as of the date it is~~
21 placed in the United States mail.

22 (2) Notices of payment and reporting delinquency to Indian tribes or
23 their tribal units shall include information that failure to make full payment
24 within the prescribed time frame:

25 (i) Will cause the Indian tribe to be liable for taxes under FUTA;

26 (ii) will cause the Indian tribe to lose the option to make payments in
27 lieu of contributions;

28 (iii) could cause the Indian tribe to be excepted from the definition of
29 "employer," as provided in ~~paragraph (h)(3) of K.S.A. 44-703(h)(3), and~~
30 ~~amendments thereto, and services in the employ of the Indian tribe, as~~
31 ~~provided in paragraph (i)(3)(E) of K.S.A. 44-703(i)(3)(E), and~~
32 ~~amendments thereto, to be excepted from "employment."~~

33 (b) *Collection.* (1) If, after due notice, any employer defaults in
34 payment of any penalty, contributions, payments in lieu of contributions;
35 *or* benefit cost payments; ~~interest assessments made pursuant to K.S.A.~~
36 ~~44-710a, and amendments thereto, or interest thereon the amount due may~~
37 be collected by civil action in the name of the secretary of labor and the
38 employer adjudged in default shall pay the cost of such action. Civil
39 actions brought under this section to collect *such* contributions, payments
40 in lieu of contributions; *or* benefit cost payments; ~~interest assessments~~
41 ~~made pursuant to K.S.A. 44-710a, and amendments thereto, penalties; or~~
42 ~~interest thereon from an employer shall be heard by the district court at the~~
43 earliest possible date and shall be entitled to preference upon the calendar

1 of the court over all other civil actions except petitions for judicial review
2 under this act and cases arising under the workmen's compensation act. All
3 liability determinations of contributions due, payments in lieu of
4 contributions; ~~or benefit cost payments and interest assessments made~~
5 ~~pursuant to K.S.A. 44-710a, and amendments thereto~~; due shall be made
6 within a period of five years from the date such contributions, payments in
7 lieu of contributions; ~~or benefit cost payments and interest assessments~~
8 ~~made pursuant to K.S.A. 44-710a, and amendments thereto~~; were due
9 except such determinations may be made for any time when an employer
10 has filed fraudulent reports with intent to evade liability.

11 (2) Any employing unit ~~which~~ *that* is not a resident of this state and
12 ~~which~~ exercises the privilege of having one or more individuals perform
13 service for it within this state and any resident employing unit ~~which~~ *that*
14 exercises that privilege and thereafter ~~removes from~~ *leaves* this state, shall
15 be deemed ~~thereby to appoint~~ *have appointed* the secretary of state as its
16 agent and attorney for the acceptance of process in any civil action under
17 this subsection. In instituting such an action against any such employing
18 unit the secretary of labor shall cause such process or notice to be filed
19 with the secretary of state and such service shall be sufficient service upon
20 such employing unit and shall be of the same force and validity as if
21 served upon ~~it~~ *the employing unit* personally within this state. The
22 secretary of labor shall send notice immediately of the service of such
23 process or notice, together with a copy thereof, by registered or certified
24 mail, return receipt requested, to such employing unit at its last-known
25 address and such return receipt, the affidavit of compliance of the secretary
26 of labor with the provisions of this section; and a copy of the notice of
27 service; shall be appended to the original of the process filed in the court ~~in~~
28 ~~which~~ *where* such civil action is pending.

29 (3) The district courts of this state shall ~~entertain~~ *hear*, in the manner
30 provided in subsections (b)(1) and (b)(2), actions to collect contributions,
31 payments in lieu of contributions, ~~interest assessments made pursuant to~~
32 ~~K.S.A. 44-710a, and amendments thereto~~; *benefit cost payments* and other
33 amounts owed including interest thereon for which liability has accrued
34 under the employment security law of any other state or of the federal
35 government.

36 (c) *Priorities under legal dissolutions or distributions.* In the event of
37 any distribution of employer's assets pursuant to an order of any court
38 under the laws of this state, including but not limited to any probate
39 proceeding, interpleader, receivership, assignment for benefit of creditors,
40 adjudicated insolvency, composition or similar proceedings, contributions
41 payments in lieu of contributions or ~~interest assessments made under~~
42 ~~K.S.A. 44-710a, and amendments thereto~~ *benefit cost payments*, then or
43 thereafter due shall be paid in full from the moneys which shall first come

1 into the estate, prior to all other claims, except claims for wages of not
2 more than \$250 to each claimant, earned within six months of the
3 commencement of the proceedings. In the event of an employer's
4 adjudication in bankruptcy, judicially confirmed extension proposal; or
5 composition; under the federal bankruptcy act of 1898, as amended *federal*
6 *bankruptcy law*, contributions then or thereafter due shall be entitled to
7 such priority as is provided ~~in that act~~ *by federal bankruptcy law* for taxes
8 due any state of the United States.

9 (d) *Assessments*. If any employer fails to file a report or return
10 required by the secretary of labor for the determination of contributions, ~~or~~
11 payments in lieu of contributions, or benefit cost payments, the secretary
12 of labor may make such reports or returns or cause the same to be made,
13 on the basis of such information as the secretary may be able to obtain and
14 shall collect the contributions, payments in lieu of contributions or benefit
15 cost payments as determined together with any interest due under this act.
16 The secretary of labor shall immediately forward to the employer a copy
17 of the assessment by registered or certified mail to the employer's address
18 as it appears on the records of the agency; ~~and~~. Such assessment shall be
19 final unless the employer protests such assessment and files a corrected
20 report or return for the period covered by the assessment within 15 days
21 after the mailing of the copy of assessment. Failure to receive such notice
22 shall not invalidate the assessment. Notice in writing shall be presumed to
23 have been given when deposited as certified or registered ~~matter~~ *mail* in
24 the United States mail, addressed to the person to be charged with notice at
25 such person's address as it appears on the records of the agency.

26 (e) (1) *Lien*. If any employer or person who is liable to pay
27 contributions, payments in lieu of contributions; *or* benefit cost payments
28 ~~and interest assessments made pursuant to K.S.A. 44-710a, and~~
29 ~~amendments thereto~~, neglects or refuses to pay the same after demand, the
30 amount, including interest and penalty, shall be a lien in favor of the state
31 of Kansas, secretary of labor, upon all property and rights to property,
32 whether real or personal, belonging to such employer or person. Such lien
33 shall not be valid as against any mortgagee, pledgee, purchaser or
34 judgment creditor until notice thereof has been filed by the secretary of
35 labor in the office of register of deeds in any county in the state of Kansas;
36 ~~in which~~ *where* such property is located, and when so filed shall be notice
37 to all persons claiming an interest in the property of the employer or
38 person against whom filed. The register of deeds shall enter such notices in
39 the financing statement record and shall also record the same in full in
40 miscellaneous record and index the same against the name of the
41 delinquent employer. The register of deeds shall accept, file, and record
42 such notice without prepayment of any fee, but lawful fees shall be added
43 to the amount of such lien and collected when satisfaction is presented for

1 entry. Such lien shall be satisfied of record upon the presentation of a
2 certificate of discharge by the state of Kansas, secretary of labor. Nothing
3 contained in this subsection shall be construed as an invalidation of any
4 lien or notice filed in the name of the unemployment compensation
5 division or the employment security division and such liens shall be and
6 remain in full force and effect until satisfied as provided by this
7 subsection.

8 (2) *Authority of secretary or authorized representative.* If any
9 employer or person who is liable to pay any contributions, payments in
10 lieu of contributions; ~~or benefit cost payments and interest assessments~~
11 ~~made pursuant to K.S.A. 44-710a, and amendments thereto,~~ including
12 interest and penalty, neglects or refuses to pay the same within 10 days
13 after notice and demand therefor, the secretary or the secretary's authorized
14 representative may collect such contributions, payments in lieu of
15 contributions; ~~or benefit cost payments and interest assessments made~~
16 ~~pursuant to K.S.A. 44-710a, and amendments thereto,~~ including interest
17 and penalty, and such further amount as is sufficient to cover the expenses
18 of the levy, by levy upon all property and rights to property ~~which that~~
19 belong to the employer or person or ~~which that~~ have a lien created thereon
20 by this subsection for the payment of such contributions, payments in lieu
21 of contributions; ~~or benefit cost payments and interest assessments made~~
22 ~~pursuant to K.S.A. 44-710a, and amendments thereto,~~ including interest
23 and penalty. As used in this subsection, "property" includes all real
24 property and personal property, whether tangible or intangible, except such
25 property ~~which that~~ is exempt under K.S.A. 60-2301 et seq., and
26 amendments thereto. Levy may be made upon the accrued salary or wages
27 of any officer, employee or elected official of any state or local
28 governmental entity which is subject to K.S.A. 60-723, and amendments
29 thereto, by serving a notice of levy as provided in ~~subsection (d) of~~ K.S.A.
30 60-304(d), and amendments thereto. If the secretary or the secretary's
31 authorized representative makes a finding that the collection of the amount
32 of such contributions, payments in lieu of contributions; ~~or benefit cost~~
33 ~~payments and interest assessments made pursuant to K.S.A. 44-710a, and~~
34 ~~amendments thereto,~~ including interest and penalty, is in jeopardy, notice
35 and demand for immediate payment of such amount may be made by the
36 secretary or the secretary's authorized representative ~~and~~. Upon *the* failure
37 or refusal to pay such amount, immediate collection of such amount by
38 levy shall be lawful without regard to the 10-day period provided in this
39 subsection.

40 (3) *Seizure and sale of property.* The authority to levy granted under
41 this subsection includes the power of seizure by any means. A levy shall
42 extend only to property possessed and obligations existing at the time
43 thereof. In any case in which the secretary or the secretary's authorized

1 representative may levy upon property or rights to property, the secretary
2 or the secretary's authorized representative may seize and sell such
3 property or rights to property.

4 (4) *Successive seizures.* Whenever any property or right to property
5 ~~upon which levy that has been made levied upon~~ under this subsection is
6 not sufficient to satisfy the claim of the secretary ~~for which that the levy is~~
7 *was made for*, the secretary or the secretary's authorized representative
8 may proceed thereafter and as often as may be necessary, to levy ~~in like~~
9 *the same* manner upon any other property or rights to property ~~which that~~
10 belongs to the employer or person against whom such claim exists or upon
11 which a lien is created by this subsection until the amount due from the
12 employer or person, together with all expenses, is fully paid.

13 (f) *Warrant.* In addition or as an alternative to any other remedy
14 provided by this section ~~and provided that, if no appeal or other proceeding~~
15 ~~for review permitted by this law shall then be~~ *is pending* and the time for
16 ~~taking thereof shall have an appeal or other proceeding for review has~~
17 expired, the secretary of labor or an authorized representative of the
18 secretary may issue a warrant certifying the amount of contributions,
19 payments in lieu of contributions, benefit cost payments, interest or
20 penalty; and the name of the employer liable for ~~same such amount~~ after
21 giving 15 days prior notice. Upon request, service of final notices shall be
22 made by the sheriff within the sheriff's county, by the sheriff's deputy or
23 some person specially appointed by the secretary for that purpose, or by
24 the secretary's designee. A person specially appointed by the secretary or
25 the secretary's designee to serve final notices may make service any place
26 in the state. Final notices shall be served as follows:

27 (1) *Individual.* Service upon an individual, other than a minor or
28 incapacitated person, shall be made by delivering a copy of the final notice
29 to the individual personally or by leaving a copy at such individual's
30 dwelling house or usual place of abode with some person of suitable age
31 and discretion then residing therein, by leaving a copy at the business
32 establishment of the employer with an officer or employee of the
33 establishment; or by delivering a copy to an agent authorized by
34 appointment or by law to receive service of process, ~~but~~. If the agent is ~~one~~
35 designated by a statute to receive service, such further notice as the statute
36 requires shall *also* be given. If service as prescribed above cannot be made
37 with due diligence, the secretary or the secretary's designee may order
38 service to be made by leaving a copy of the final notice at the employer's
39 dwelling house, usual place of abode or business establishment.

40 (2) *Corporations and partnerships.* Service upon a domestic or
41 foreign corporation or upon a partnership or other unincorporated
42 association, when by law it may be sued as such, shall be made by
43 delivering a copy of the final notice to an officer, partner or resident

1 managing or general agent thereof. *Delivery shall be accomplished by*
2 *leaving a copy at any business office of the employer with the person*
3 *having charge thereof or by delivering a copy to any other agent*
4 *authorized by appointment or required by law to receive service of*
5 *process, if the agent is one authorized by law to receive service and, If the*
6 *law so requires, by also mailing a copy shall be mailed to the employer.*

7 (3) *Refusal to accept service.* In all cases when the person to be
8 served, or an agent authorized by such person to accept service of petitions
9 and summonses, ~~shall refuse~~ *refuses* to receive copies of the final notice,
10 the offer of the duly authorized process server to deliver copies thereof and
11 such refusal shall be sufficient service of such notice.

12 (4) *Proof of service.* (A) Every officer to whom a final notice or other
13 process shall be delivered for service within or without the state, shall
14 make return thereof in writing stating the time, place and manner of
15 service of such writ, and shall sign such officer's name to such return.

16 (B) If service of the notice is made by a person appointed by the
17 secretary or the secretary's designee to make service, such person shall
18 make an affidavit as to the time, place and manner of service thereof in a
19 form prescribed by the secretary or the secretary's designee.

20 (5) *Time for return.* The officer or other person receiving a final
21 notice shall make a return of service promptly and shall send such return to
22 the secretary or the secretary's designee ~~in any event~~ within 10 days after
23 the service is effected. If the final notice cannot be served it shall be
24 returned to the secretary or the secretary's designee within 30 days after
25 the date of issue with a statement of the reason for ~~the such failure to serve~~
26 ~~the same.~~ The original return shall be attached to ~~and filed with~~ any
27 warrant thereafter filed.

28 (6) *Service by mail.* (A) Upon direction of the secretary or the
29 secretary's designee, service by mail may be effected by forwarding a copy
30 of the notice to the employer by registered or certified mail to the
31 employer's address as it appears on the records of the agency. A copy of
32 the return receipt shall be attached to ~~and filed with~~ any warrant thereafter
33 filed.

34 (B) The secretary of labor or an authorized representative of the
35 secretary may file the warrant for record in the office of the clerk of the
36 district court in the county in which the employer owing such
37 contributions, payments in lieu of contributions, benefit cost payments,
38 ~~interest assessments made pursuant to K.S.A. 44-710a, and amendments~~
39 ~~thereto,~~ interest, or penalty has business property. The warrant shall certify
40 the amount of contributions, payments in lieu of contributions, benefit cost
41 payments, interest and penalty due, and the name of the employer liable
42 for such amount. It shall be the duty of the clerk of the district court to file
43 such warrant of record and enter the warrant in the records of the district

1 court for judgment and decrees under the procedure prescribed for filing
2 transcripts of judgment.

3 (C) ~~The clerk shall enter,~~ On the day the warrant is filed, *the clerk*
4 *shall enter* the case on the appearance docket, ~~together~~ with the amount
5 and the time of filing the warrant. From the time of filing such warrant, the
6 amount of the contributions, payments in lieu of contributions, benefit cost
7 payments, ~~interest assessments made pursuant to K.S.A. 44-710a, and~~
8 ~~amendments thereto,~~ interest; and penalty, certified therein, shall have the
9 force and effect of a judgment of the district court until the same is
10 satisfied by the secretary of labor or an authorized representative or
11 attorney for the secretary. Execution shall be issuable at the request of the
12 secretary of labor; *or* an authorized representative or attorney for the
13 secretary; ~~as is~~ provided in the case of other judgments.

14 (D) Postjudgment procedures shall be the same as for judgments
15 according to the code of civil procedure.

16 (E) Warrants shall be satisfied of record by payment to the clerk of
17 the district court of the contributions, payments in lieu of contributions,
18 benefit cost payments, ~~interest assessments made pursuant to K.S.A. 44-~~
19 ~~710a, and amendments thereto,~~ penalty, interest to date; and court costs.
20 Warrants may also be satisfied of record by payment to the clerk of the
21 district court of all court costs accrued in the case and by filing a
22 certificate by the secretary of labor, certifying that ~~the~~ *such* contributions,
23 payments in lieu of contributions, benefit cost payments, ~~interest~~
24 ~~assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~
25 interest and penalty have been paid.

26 (g) *Remedies cumulative.* The foregoing remedies shall be cumulative
27 and no action taken shall be construed as an election on the part of the
28 state or any of its officers to pursue any remedy or action under this
29 section to the exclusion of any other remedy or action ~~for which provision~~
30 ~~is made.~~

31 (h) *Refunds.* If any individual, governmental entity or organization
32 makes application for refund or adjustment of any amount paid as
33 contributions, benefit cost payments, ~~interest assessments made pursuant~~
34 ~~to K.S.A. 44-710a, and amendments thereto,~~ or interest under this law and
35 the secretary of labor determines that such amount or any portion thereof
36 was erroneously collected, except for amounts less than \$5, the secretary
37 of labor shall allow such individual or organization to make an adjustment
38 thereof, in connection with subsequent contribution payments; ~~or.~~ If such
39 adjustment cannot be made the secretary of labor shall refund the amount,
40 except for amounts less than \$5, from the employment security fund,
41 except that all interest erroneously collected which has been paid into the
42 special employment security fund shall be refunded out of the special
43 employment security fund. No adjustment or refund shall be allowed with

1 respect to a payment as contributions, ~~interest assessments made pursuant~~
2 ~~to K.S.A. 44-710a, and amendments thereto;~~ *benefit cost payments* or
3 interest unless an application therefor is made *by the individual,*
4 *governmental entity or organization or the adjustment or refund is made*
5 *on the initiative of the secretary* on or before whichever of the following
6 dates is later: (1) One year from the date on which such payment was
7 made; or (2) three years from the last day of the period with respect to
8 which such payment was made. ~~For like cause and within the same period~~
9 ~~adjustment or refund may be so made on the secretary's own initiative.~~ The
10 secretary of labor shall not be required to refund any contributions,
11 payments in lieu of contributions or benefit cost payments based upon
12 wages paid which have been used as base-period wages in a determination
13 of a claimant's benefit rights when justifiable and correct payments have
14 been made to the claimant as the result of such determination. ~~For all~~
15 ~~taxable years commencing after December 31, 1997,~~ Interest at the rate
16 prescribed in K.S.A. 79-2968, and amendments thereto, shall be allowed
17 on a contribution or benefit cost payment which the secretary has
18 determined was erroneously collected pursuant to this section.

19 (i) (1) *Cash deposit or bond.* If any contributing employer is
20 delinquent in making payments under the employment security law during
21 any two quarters of the most recent four-quarter period, the secretary or
22 the secretary's authorized representative ~~shall have the discretionary power~~
23 ~~to~~ *may* require such contributing employer either to deposit cash or to file
24 a bond with sufficient sureties to guarantee the payment of contributions,
25 ~~interest assessments made pursuant to K.S.A. 44-710a, and amendments~~
26 ~~thereto;~~ penalty and interest owed by such employer.

27 (2) The amount of such cash deposit or bond shall be not less than the
28 largest total amount of contributions, ~~interest assessments made pursuant~~
29 ~~to K.S.A. 44-710a, and amendments thereto;~~ penalty and interest reported
30 by the employer in two of the four calendar quarters preceding any
31 delinquency. Such cash deposit or bond shall be required until the
32 employer has shown timely filing of *such* reports and payment of
33 contributions ~~and interest assessments made pursuant to K.S.A. 44-710a,~~
34 ~~and amendments thereto;~~ for four consecutive calendar quarters.

35 (3) Failure to file such cash deposit or bond shall subject the
36 employer to a surcharge of 2.0% which shall be in addition to the rate of
37 contributions assigned to the employer under K.S.A. 44-710a, and
38 amendments thereto. Contributions paid as a result of this surcharge shall
39 not be credited to the employer's experience rating account. This surcharge
40 shall be effective during the next full calendar year after its imposition and
41 during each full calendar year thereafter until the employer has filed the
42 required cash deposit or bond or has shown timely filing of reports and
43 payment of contributions for four consecutive calendar quarters.

1 (j) Any officer, major stockholder or other person who has charge of
2 the affairs of an employer, ~~which that~~ is an employing unit described in
3 section 501(c)(3) of the federal internal revenue code of 1954 or ~~which of~~
4 *an employer that* is any other corporate organization or association, or any
5 member or manager of a limited liability company; or any public official,
6 who willfully fails to pay the amount of contributions, payments in lieu of
7 contributions; ~~or benefit cost payments and interest assessments made~~
8 ~~pursuant to K.S.A. 44-710a, and amendments thereto,~~ required to be paid
9 under the employment security law on the date on which such amount
10 becomes delinquent, shall be personally liable for the total amount of ~~the~~
11 *such* contributions, payments in lieu of contributions; ~~or benefit cost~~
12 ~~payments and interest assessments made pursuant to K.S.A. 44-710a, and~~
13 ~~amendments thereto,~~ and any penalties and interest due and unpaid by
14 such employing unit. The secretary or the secretary's authorized
15 representative may assess such person for the total amount of *such*
16 contributions, payments in lieu of contributions; ~~or benefit cost payments~~
17 ~~and interest assessments made pursuant to K.S.A. 44-710a, and~~
18 ~~amendments thereto,~~ and any penalties; and interest computed as due and
19 owing. With respect to such persons and such amounts assessed, the
20 secretary ~~shall have available~~ *all may use any* of the collection remedies
21 authorized or provided by this section.

22 (k) *Electronic filing of wage report and contribution return and*
23 *electronic payment of contributions, benefit cost payments; or reimbursing*
24 *payments or interest assessments under K.S.A. 44-710a, and amendments*
25 *thereto.* The following employers or ~~third party~~ *third-party* administrators
26 shall file all wage reports and contribution returns and make payment of
27 contributions, benefit cost payments or reimbursing payments
28 electronically as follows:

29 (1) Wage reports, contribution returns and payments due after June
30 30, 2008, for those employers with 250 or more employees or ~~third party~~
31 *third-party* administrators with 250 or more client employees at the time
32 such filing or payment is first due;

33 (2) wage reports, contribution returns and payments due after June
34 30, 2009, for those employers with 100 or more employees or ~~third party~~
35 *third-party* administrators with 100 or more client employees at the time
36 such filing or payment is first due; ~~and~~

37 (3) wage reports, contribution returns; ~~and payments and interest~~
38 ~~assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~
39 due after June 30, 2010, for those employers with 50 or more employees
40 and for those ~~third party~~ *third-party* administrators with 50 or more client
41 employees at the time such filing or payment is first due; *and*

42 (4) *wage reports, contribution returns and payments due after June*
43 *30, 2024, for those employers with 25 or more employees and for those*

1 *third-party administrators with 25 or more client employees at the time*
2 *such filing or payment is first due.*

3 The requirements of this subsection may be waived by the secretary for
4 an employer if the employer demonstrates a hardship in complying with
5 this subsection.

6 Sec. 9. K.S.A. 44-771 is hereby amended to read as follows: 44-771.

7 (a) (1) There is hereby created the unemployment compensation
8 modernization and improvement council. The council shall consist of 13
9 members appointed as follows:

10 (A) Three members who, on account of their vocation, employment
11 or affiliations, may be classed as representative of employers, one of
12 whom shall be selected by the governor, one by the speaker of the house of
13 representatives and one by the president of the senate;

14 (B) three members who, on account of their vocation, employment or
15 affiliation, may be classed as representative of employees, one of whom
16 shall be selected by the governor, one by the speaker of the house of
17 representatives and one by the president of the senate;

18 (C) the chairpersons of the standing committees of the senate and the
19 house of representatives to which legislation pertaining to the employment
20 security law is customarily referred, appointed by the president of the
21 senate and the speaker of the house of representatives, respectively;

22 (D) two members of the senate, one of whom shall be a member of
23 the majority party appointed by the president of the senate and one of
24 whom shall be a member of the minority party appointed by the minority
25 leader of the senate;

26 (E) two members of the house of representatives, one of whom shall
27 be a member of the majority party appointed by the speaker of the house
28 of representatives and one of whom shall be a member of the minority
29 party appointed by the minority leader of the house of representatives; and

30 (F) the secretary of labor or a designee of the secretary who has
31 administrative responsibilities with respect to the unemployment insurance
32 compensation system of the department of labor.

33 (2) Legislative members shall serve during the legislative session in
34 which they are appointed to the council and shall remain members of the
35 legislature in order to retain membership on the council. Vacancies of
36 legislative members during a term shall be filled in the same manner as the
37 original appointment only for the unexpired part of the term. The
38 appointing authority for the legislative member may remove the member,
39 reappoint the member or substitute another appointee for the member at
40 any time.

41 (3) The members of the council shall be appointed and the council
42 shall hold its first meeting within 30 days of ~~the effective date of this act~~
43 *May 13, 2021.*

1 (b) All ~~non-legislative~~ *nonlegislative* members shall serve for ~~three~~
2 *six* years or until the council is dissolved, whichever ~~is shorter~~ *occurs first*.
3 Vacancies of ~~non-legislative~~ *nonlegislative* members shall be filled in the
4 same manner as the original appointment only for the unexpired part of the
5 term. The appointing authority for the member may remove the member,
6 reappoint the member or substitute another appointee for the member at
7 any time.

8 (c) The council shall be dissolved and the provisions of this section
9 pertaining to the establishment, function and operation of the council shall
10 no longer be in effect *on and after three years from the date of the*
11 *council's first meeting December 31, 2026*.

12 (d) Each member of the council shall be entitled to receive
13 compensation for the member's services, together with the member's travel
14 and other necessary expenses actually incurred in the performance of the
15 member's official duties, in accordance with policies adopted by the
16 council. Members' compensation and expenses shall be paid from the
17 employment security administration fund or any account of the state
18 general fund of the department of labor, as designated by the secretary.

19 (e) The chairperson of the house of representatives standing
20 committee on commerce, labor and economic development, or a successor
21 committee to which legislation pertaining to employment security law is
22 customarily referred, shall serve as the chairperson of the council when
23 first organized and for the ensuing two years. The chairperson of the
24 senate standing committee on commerce, or a successor committee to
25 which legislation pertaining to employment security law is customarily
26 referred, shall serve as the chairperson of the council for the next two
27 years, and thereafter the office of chairperson shall continue to alternate
28 between the chambers as provided herein.

29 (f) The council shall examine and recommend changes to the
30 unemployment compensation system to include current limitations, new
31 features and benefits, system enhancements and dynamic, accurate
32 reporting for the benefit of both employers and individuals. The council
33 shall also examine the process by which an individual files a claim for and
34 receives benefits and any changes made to that process after the effective
35 date of this section. The scope of the council's examinations and
36 recommendations shall include, but not be limited to, the following:

37 (1) The technological infrastructure used to file and process claims
38 and pay benefits and the experience of individuals and employers
39 participating in the process;

40 (2) system improvements or upgrades that will maximize
41 responsiveness for individuals and employers;

42 (3) methods for information and data sharing across agency systems
43 related to unemployment compensation to maximize efficiency; and

1 (4) system improvements or upgrades relating to system integrity by
2 reporting vulnerabilities and recommended system enhancements to
3 include identity verification and protection, social security administration
4 cross-match, systematic alien verification for entitlement, incarceration
5 cross-matches, interstate connection network, internet protocol address and
6 data mining and analytics to detect and prevent fraud. Such data mining
7 and analytics shall include current and future recommendations by the
8 United States department of labor and the national association of state
9 workforce agencies, including suspicious actor repository, suspicious
10 email domains, foreign IP addresses, multi-state cross-match, identity
11 verification, fraud alert system, and other assets provided by the
12 unemployment insurance integrity center.

13 (g) (1) The council shall conduct an audit that shall examine the
14 effects on the department of labor and the unemployment insurance system
15 of fraudulent claims and improper payments during the period of March
16 15, 2020, through March 31, 2022, and the response by the department of
17 labor to such fraudulent claims and improper payments during that period.
18 The council shall select an independent firm to conduct the audit. The
19 auditor shall have access to all confidential documents. The scope of the
20 audit shall include, but not be limited to, the amounts and nature of
21 improper payments and fraudulent claims, fraud processes and methods
22 and the possibility of recovery of any improper payments. The audit shall
23 also include, but not be limited to, an evaluation that provides likelihood
24 of a data breach being a contributing factor to any fraudulent payments,
25 improper network architecture allowing a potential breach to have
26 occurred and a timeline of relevant events. The independent firm shall
27 make a preliminary report to the council by May 1, 2022, and a final report
28 by September 1, 2022, that shall be made publicly available by the council.
29 The preliminary report should include, but not be limited to, an evaluation
30 of systems with access to the payment and processing of claims, forensic
31 endpoint images related to the claims and the external perimeter housing
32 the claims systems, as well as an evaluation of the department of labor's
33 response to claims. The council's report, and any subsequent report
34 provided, shall also include information on the progress regarding the
35 secretary's implementation of all program integrity elements and guidance
36 issued by the United States department of labor and the national
37 association of state workforce agencies as described in K.S.A. 44-772(e),
38 and amendments thereto. Any confidential information shall be redacted
39 and shall not be made public. The audit shall be paid for by the state,
40 subject to appropriations therefor.

41 (2) The council may hold an executive session that shall not be public
42 under the Kansas open meetings act for the purpose of hearing and
43 discussing any confidential portions of the audit. The council shall follow

1 the provisions of K.S.A. 75-4319, and amendments thereto, when
2 conducting such an executive session.

3 (h) The council shall not examine the solvency of the unemployment
4 compensation fund created by K.S.A. 44-710a, and amendments thereto,
5 or changes that would either increase or reduce benefits paid from the
6 fund.

7 (i) The staff of the legislative research department, the office of
8 revisor of statutes and the division of legislative administrative services
9 shall provide such assistance as may be requested by the chairperson.

10 (j) (1) The council shall only have access to records of the department
11 of labor that are necessary for the administration and duties of the council.
12 The council shall not have access to any confidential or personal
13 identifying information. The council may request that the secretary of
14 labor, department of labor employee or any private or public employer or
15 employee with information of value to the council appear before the
16 council and testify to matters within the council's purview.

17 (2) Not later than 14 days after the council's first meeting, the council
18 shall issue an initial report that, at a minimum, describes the state of the
19 process by which an individual files a claim for and receives benefits
20 under the employment security law at the time the report is issued and
21 planned improvements to the process. The council may address other
22 matters within the council's purview in the report.

23 (3) The secretary of labor shall post all testimony and other relevant
24 materials discussed, presented to or produced for the council on a publicly
25 accessible website maintained by the secretary.

26 (k) The secretary of labor shall notify the chairperson of the council
27 of any unauthorized third-party access to or acquisition of records
28 maintained by the secretary that are necessary for the administration of the
29 employment security law. The secretary shall provide the notice not more
30 than five days after the secretary discovers or is notified of the
31 unauthorized access or acquisition.

32 (l) The secretary of labor shall notify the members of the council of
33 any substantial disruption in the process by which applications for
34 determination of benefit rights and claims for benefits are filed with the
35 secretary. The council shall, in cooperation with the secretary, adopt and
36 periodically review a definition of substantial disruption for purposes of
37 this subsection.

38 (m) (1) The secretary of labor shall, with the assistance of the
39 council:

40 (A) Develop a written strategic staffing plan to be implemented
41 whenever there is a substantial increase or a substantial decrease in the
42 number of inquiries or claims for benefits and review the plan in
43 accordance with the provisions of subsection (n);

1 (B) create, in a single place on the website maintained by the
2 secretary, a list of all points of contact by which an applicant for or a
3 recipient of unemployment compensation benefits or an employer may
4 submit inquiries related to the employment security law; and

5 (C) adopt rules and regulations creating a uniform process through
6 which an applicant for or a recipient of benefits under the employment
7 security law or an employer may submit a complaint related to the service
8 the applicant, recipient or employer received.

9 (2) In the written strategic staffing plan required under paragraph (1)
10 (A), the secretary shall include an explanation of whether and in what
11 manner the secretary will utilize:

12 (A) Department employees who do not ordinarily perform services
13 related to unemployment compensation;

14 (B) employees employed by other state agencies; and

15 (C) employees provided by private entities.

16 (n) For purposes of subsection (m)(1)(A), the secretary of labor shall
17 develop the initial written strategic staffing plan and provide such plan to
18 the council, the president of the senate, the speaker of the house of
19 representatives and the governor. The secretary shall review the plan at
20 least once per year. If, after reviewing the plan, the secretary determines
21 that the plan should be revised, the secretary shall revise the plan. After
22 each review of the plan as provided under this subsection, the secretary
23 shall provide the most recent version of the plan to the council, the
24 president of the senate, the speaker of the house of representatives and the
25 governor. The secretary shall post the most recent version of the plan on a
26 publicly accessible website maintained by the secretary.

27 (o) The council may suggest rules and regulations for adoption by the
28 secretary as necessary to implement the provisions of this section.

29 (p) The secretary of labor or the secretary's designee shall provide
30 status reports on or before the 15th day and the last day of each month to
31 the council. The reports shall include, but not be limited to, the status of
32 the new unemployment information technology system upgrade timeline,
33 progress, budget and the overall project status. At such time that the new
34 system becomes operational, the reports shall include, but not be limited
35 to, system performance and process updates.

36 (q) This section shall be a part of and supplemental to the
37 employment security law.

38 Sec. 10. K.S.A. 44-772 is hereby amended to read as follows: 44-772.

39 (a) It is the intent of the legislature that, in order to accomplish the mission
40 of collecting state employment security taxes, processing unemployment
41 insurance benefit claims and paying benefits, the department of labor's
42 information technology system shall be continually developed,
43 customized, enhanced and upgraded. The purpose of this section is to

1 ensure the state's unemployment insurance program is utilizing current
2 technology and features to protect the sensitive data required in the
3 unemployment insurance benefit and tax systems relating to program
4 integrity, system efficiency and customer service experience.

5 (b) The legislature finds that, as a result of the vulnerabilities exposed
6 in the legacy unemployment insurance system by the COVID-19 pandemic
7 unemployment insurance crisis, a new system shall be fully designed,
8 implemented and administered by the department of labor not later than
9 December 31, 2022. The legislative coordinating council, upon
10 consultation with the unemployment compensation modernization and
11 improvement council established by K.S.A. 44-771, and amendments
12 thereto, may extend the deadline to a date certain and may further extend
13 ~~the deadline to another date certain at any time as often as the legislative~~
14 *coordinating council deems appropriate. The secretary of labor shall*
15 *provide written notice to the legislative coordinating council and the*
16 *unemployment compensation modernization and improvement council at*
17 *least 30 days prior to the expiration of a deadline advising whether the*
18 *secretary seeks an extension of the deadline and, if so, the basis therefor.*
19 *The failure of the secretary to provide such notice shall not affect the*
20 *authority of the legislative coordinating council to act as provided by this*
21 *subsection. For purposes of this subsection, "consultation" means an*
22 *appearance before or written statement provided to the legislative*
23 *coordinating council by the chairperson of the unemployment*
24 *compensation modernization and improvement council or the*
25 *chairperson's designee. Any member of the unemployment compensation*
26 *modernization and improvement council may also provide a written*
27 *statement. A report to the legislative coordinating council by the*
28 *unemployment compensation modernization and improvement council may*
29 *be provided but shall not be required. If any deadline expires before the*
30 *legislative coordinating council extends that deadline, the council may*
31 *subsequently meet as soon as reasonably possible and may retroactively*
32 *extend any deadline as otherwise provided by this subsection.*

33 (c) The information technology system, technology and platform
34 shall include, but not be limited to, any components as specified and
35 defined by the unemployment compensation modernization and
36 improvement council established by K.S.A. 44-771, and amendments
37 thereto, in consultation with the secretary.

38 (d) The new system shall include, but not be limited to, any features
39 and benefits as specified and defined by the unemployment compensation
40 modernization and improvement council established by K.S.A. 44-771,
41 and amendments thereto, in consultation with the secretary.

42 (e) The secretary shall implement and utilize all program integrity
43 elements, as specified and defined by the unemployment compensation

1 modernization and improvement council established by K.S.A. 44-771,
2 and amendments thereto, in consultation with the secretary, including, but
3 not limited to:

4 (1) Social security administration cross-matching for the purpose of
5 validating social security numbers supplied by a claimant;

6 (2) checking of new hire records against the national directorate of
7 new hires to verify eligibility;

8 (3) verification of immigration status or citizenship and confirmation
9 of benefit applicant information through the systematic alien verification
10 for entitlement program;

11 (4) comparison of applicant information to local, state and federal
12 prison databases through incarceration cross-matches;

13 (5) detection of duplicate claims by applicants filed in other states or
14 other unemployment insurance programs through utilization of the
15 interstate connection network, interstate benefits cross-match, the state
16 identification inquiry state claims and overpayment file and the interstate
17 benefits 8606 application for overpayment recoveries for Kansas claims
18 filed from a state other than Kansas;

19 (6) identification of internet protocol addresses linked to multiple
20 claims or to claims filed outside of the United States; and

21 (7) use of data mining and data analytics to detect and prevent fraud
22 when a claim is filed, and on an ongoing basis throughout the lifecycle of a
23 claim, by using current and future functionalities to include suspicious
24 actor repository, suspicious email domains, foreign internet protocol
25 addresses, multi-state cross-match, identity verification, fraud alert
26 systems and other assets provided by the unemployment insurance
27 integrity center.

28 (f) If the unemployment compensation modernization and
29 improvement council becomes inactive or is dissolved and the new
30 information technology system modernization project has been completed,
31 the secretary shall implement and utilize all new program integrity
32 elements and guidance issued by the United States department of labor and
33 the national association of state workforce agencies, including the integrity
34 data hub, within 60 days of the issuance of any such guidance.

35 (g) The secretary, on a scheduled basis, shall cross check new and
36 active unemployment insurance claims against the cross-check programs
37 described in subsection (e). If the secretary receives information
38 concerning an individual approved for benefits that indicates a change in
39 circumstances that may affect eligibility, the secretary shall review the
40 individual's case and act in accordance with the law.

41 (h) The department of labor shall have the authority to execute a
42 memorandum of understanding with any department, agency or agency
43 division for information required to be shared between agencies pursuant

1 to the provisions of this section.

2 (i) The secretary of labor shall adopt rules and regulations necessary
 3 for the purposes of carrying out this section. Such rules and regulations
 4 shall be adopted ~~within 12 months of the effective date of this act~~ by May
 5 13, 2022.

6 (j) The secretary of labor shall provide an annual status update and
 7 progress report regarding the requirements of this section to the
 8 unemployment compensation modernization and improvement council and
 9 the legislative coordinating council.

10 (k) This section shall be a part of and supplemental to the
 11 employment security law.

12 Sec. 11. K.S.A. 44-774 is hereby amended to read as follows: 44-774.

13 (a) The secretary of labor shall post trust fund computations and data as
 14 required by subsection (b) on a publicly accessible website maintained by
 15 the secretary as follows:

16 (1) The secretary shall post and maintain certified computations and
 17 data for each of the most recent 20 fiscal years ~~within 120 days of the~~
 18 ~~effective date of this act~~; and

19 (2) for the fiscal year beginning on July 1, ~~2021~~ 2024, and each fiscal
 20 year thereafter, the secretary shall certify and post the trust fund
 21 computations and data for the fiscal year to the website on or before
 22 December 1 following the end of such fiscal year.

23 (b) The computations and data to be posted shall include:

24 (1) Distributions of taxable wages by experience factor for each state
 25 fiscal year including the following information:

26 (A) The rate group;

27 (B) the reserve ratio lower limit;

28 (C) the number of accounts;

29 (D) the taxable wages by fiscal year;

30 (E) a summary of active positive eligible accounts with the number of
 31 accounts and fiscal year taxable wages;

32 (F) a summary of active ineligible accounts with the number of
 33 accounts and fiscal year taxable wages;

34 (G) a summary of active negative accounts with the number of
 35 accounts and fiscal year taxable wages; and

36 (H) a summary of terminated and inactive accounts with the number
 37 of accounts and fiscal year taxable wages *including all*:

38 (i) *Terminated accounts with the number of accounts and fiscal year*
 39 *taxable wages; and*

40 (ii) *inactive accounts with the number of accounts and fiscal year*
 41 *taxable wages organized by regular rated, industry rated and negative*
 42 *rated accounts;* ~~and~~

43 (2) an average high cost benefit rate summary, including:

- 1 (A) The average high cost benefit rate currently in effect; and
- 2 (B) the benefit cost rate for the fiscal years used to calculate the
- 3 average high benefit cost rate;
- 4 (3) *the statewide wage data, including:*
- 5 (A) *Statewide average annual wage (SAAW) for the fiscal year; and*
- 6 (B) *statewide average weekly wage (SAWW) for the fiscal year; and*
- 7 (4) *certified computations and data for contributing negative rated*
- 8 *employers assigned to rate groups N1 through N11, including, for the*
- 9 *current and most recent calculated three years:*
- 10 (A) *Employer account ID;*
- 11 (B) *NAICS code;*
- 12 (C) *the employer's account balance by fiscal year;*
- 13 (D) *the employer's taxable wages by fiscal year;*
- 14 (E) *the employer's calculated reserve ratio by fiscal year;*
- 15 (F) *the employer's taxable wage base by fiscal year;*
- 16 (G) *the benefits charged to the employer by fiscal year;*
- 17 (H) *the total number of temporary weeks requested by the employer;*
- 18 *if any;*
- 19 (I) *the total number of temporary weeks approved for the employer, if*
- 20 *any;*
- 21 (J) *the total number of temporary weeks claimed by the employer, if*
- 22 *any;*
- 23 (K) *if workshare was requested by the employer; and*
- 24 (L) *if workshare was approved for the employer.*
- 25 (c) This section shall be a part of and supplemental to the
- 26 employment security law.
- 27 Sec. 12. K.S.A. 2023 Supp. 44-775 is hereby amended to read as
- 28 follows: 44-775. (a) (1) The secretary of labor and the secretary of
- 29 commerce shall jointly establish and implement the my reemployment
- 30 plan as provided in this section. For purposes of this section, "my
- 31 reemployment plan" means a program jointly established and implemented
- 32 by the Kansas department of labor and the Kansas department of
- 33 commerce that provides enhanced reemployment services, including
- 34 workforce services provided by the department of commerce, to Kansans
- 35 receiving unemployment insurance benefits.
- 36 (2) The program shall be required for all claimants except claimants
- 37 *that are:*
- 38 (A) *In the shared work program;;*
- 39 (B) *in the trade adjustment assistance and trade readjustment*
- 40 *assistance program, claimants on temporary layoff with a return-to-work*
- 41 *date but such claimants shall only be excepted during any first 8*
- 42 *consecutive weeks of benefits, claimants that are; and*
- 43 (C) *on temporary unemployment as defined in K.S.A. 44-703(ii), and*

1 *amendments thereto;*

2 *(D) currently employed, ~~claimants that are,~~*

3 *(E) current reemployment services and eligibility assessment*
4 *participants, ~~claimants that are;~~*

5 *(F) active members in good standing of a placement union ~~or; and~~*

6 *(G) claimants that are engaged in a training program. ~~The program~~*
7 *shall be implemented on or before June 1, 2021.*

8 ~~(2)~~*(3) (A) The following shall apply to any request to the secretary*
9 *for an extension or extensions of additional weeks of temporary*
10 *unemployment, as defined by K.S.A. 44-703(ii), and amendments thereto:*

11 *(i) The request shall be made in writing by a rated contributing*
12 *employer on behalf of an identified individual or individuals;*

13 *(ii) the request shall be submitted, with respect to each individual, for*
14 *an increment of not less than two weeks but not more than four weeks of*
15 *the total maximum amount of additional temporary unemployment allowed*
16 *for the individual, as provided by subparagraphs (C) and (D); and*

17 *(iii) the rated contributing employer shall agree to provide the*
18 *secretary with reports relating to the temporary unemployment extension*
19 *request as the secretary may require.*

20 *(B) The secretary may approve one or more temporary employment*
21 *extension requests for an individual in an increment of two to four weeks*
22 *for each request up to the maximum total number of weeks permitted, as*
23 *provided by subparagraphs (C) and (D), if the secretary determines that*
24 *the requesting employer has:*

25 *(i) Agreed to provide the secretary with all reports required as*
26 *provided by subparagraph (A)(iii);*

27 *(ii) filed all reports required to be filed under the employment*
28 *security law for all past and current periods;*

29 *(iii) paid all contributions required to be paid under the employment*
30 *security law; and*

31 *(iv) if the requesting employer is a negative-rated contributing*
32 *employer, improved the requesting employer's most recent calculated*
33 *reserve ratio from the previous reserve ratio for the previous reporting*
34 *year by at least 0.10%.*

35 *(C) The total maximum amount of additional temporary*
36 *unemployment for an individual in a benefit year that may be granted by*
37 *the secretary upon the request of a rated contributing employer shall be*
38 *limited to four weeks. The total maximum amount of temporary*
39 *unemployment for an individual, including any incremental extensions of*
40 *additional temporary unemployment granted by the secretary, shall be*
41 *limited to eight weeks, except as provided by subparagraph (D).*

42 *(D) The total amount of additional temporary unemployment benefits*
43 *for an individual in a benefit year shall be limited to 12 weeks if the*

1 *incremental requests for additional temporary unemployment are made by*
2 *a requesting employer determined by the secretary to be primarily*
3 *engaged in the construction of highways or elevated highways, streets,*
4 *roads, airport runways, public sidewalks or bridges. The total maximum*
5 *amount of temporary unemployment for an individual in a benefit year*
6 *pursuant to this subparagraph, including any incremental extensions of*
7 *additional temporary unemployment granted by the secretary, shall be*
8 *limited to 16 weeks.*

9 (4) The secretary of labor shall provide the secretary of commerce
10 with the names and contact information of claimants that have claimed a
11 third week of benefits in the current benefit year. The secretary of labor
12 shall request the claimant to upload or create a complete resume in the
13 Kansasworks workforce system, and complete a job search plan that
14 includes a skills assessment component. The secretary of commerce shall
15 offer and provide, when requested, assistance to the claimants in
16 developing the documents or plan through collaboration by the secretary
17 with the Kansasworks workforce system. The secretary of commerce may
18 require claimants to participate in reemployment services. The claimant
19 shall have 14 calendar days to respond to the secretary of commerce. The
20 secretary of commerce shall report any failure to respond by the claimant
21 to the secretary of labor.

22 ~~(3)~~(5) The secretary of labor shall share labor market information and
23 current available job positions with the secretary of commerce. The
24 secretary of labor may collaborate with Kansasworks or other state or
25 federal agencies with job availability information in obtaining or sharing
26 such information.

27 ~~(4)~~(6) The secretary of commerce shall match open job positions with
28 claimants based on skills, work history and job location that is a
29 reasonable commute from the claimant's residence and communicate the
30 match information to the claimant and to the employer. The secretary of
31 labor and the secretary of commerce shall consider whether the claimant or
32 a Kansas employer would benefit from the claimant's participation in a
33 work skills training or retraining program as provided by subsection (b)
34 and, if so, provide such information to the employer, if applicable, and the
35 claimant. Claimants who fail to respond within 14 calendar days after
36 contact by Kansasworks or the department of commerce shall be reported
37 by the secretary of commerce to the secretary of labor.

38 ~~(5)~~(7) The secretary of commerce and the secretary of labor shall
39 monitor the result of job matches and share information regarding any
40 claimant who did not attend an interview or did not accept a position that
41 was a reasonable match for the claimant's work history and skills and was
42 within a reasonable commute from the claimant's residence. The secretary
43 of commerce shall contact the claimant and report the contact to the

1 secretary of labor. The secretary of labor shall consider whether the
2 claimant has failed to meet work search requirements and if the claimant
3 should continue to receive benefits.

4 (b) The secretary of commerce shall refer claimants to a work skills
5 training or retraining program as appropriate. The secretary of commerce
6 shall seek to obtain or utilize any available federal funds for the program,
7 and to the extent feasible, may make current work skills training and
8 retraining programs available to claimants. The secretary of labor may
9 allow claimants to participate in such a program offered by the secretary of
10 commerce or by another state or federal agency in lieu of requiring the
11 claimant to meet job search requirements and the requirements of the my
12 reemployment plan until the number of allowed benefit weeks has expired.
13 A claimant shall participate in such a program for not less than 25 hours
14 per week. The secretary of commerce shall monitor those my
15 reemployment plan claimants participating in training managed by the
16 workforce centers to ensure compliance.

17 (c) Claimants who participate in the my reemployment plan or the
18 work skills training or retraining program shall meet attendance or
19 progress requirements established by the secretary of commerce to
20 continue eligibility for unemployment insurance benefits. Non - compliant
21 claimants shall be reported by the secretary of commerce to the secretary
22 of labor. The secretary of labor shall disqualify such claimants from further
23 benefits within five business days of receiving the report, unless or until
24 the claimant demonstrates compliance to the secretary of commerce, and
25 shall communicate the disqualification and the reason for the
26 disqualification to the claimant. The secretary of commerce shall report to
27 the secretary of labor when the claimant has reestablished compliance. The
28 secretary of labor may continue benefits or reinstate a claimant's eligibility
29 for benefits upon a showing of good cause by the claimant for the failure
30 to meet attendance or progress requirements or my reemployment plan
31 participation requirements.

32 (d) The secretary of labor and the secretary of commerce shall
33 provide an annual status update and progress report for the my
34 reemployment plan to the standing committee on commerce, labor and
35 economic development of the house of representatives and the standing
36 committee on commerce of the senate during the first month of ~~the 2022~~
37 ~~regular legislative session and the first month of each regular legislative~~
38 ~~session thereafter.~~

39 (e) This section shall be a part of and supplemental to the
40 employment security law.

41 Sec. 13. K.S.A. 44-704, 44-705, 44-709, 44-710, 44-710b, 44-717,
42 44-771, 44-772 and 44-774 and K.S.A. 2023 Supp. 44-703, 44-710a and
43 44-775 are hereby repealed.

1 Sec. 14. This act shall take effect and be in force from and after its
2 publication in the statute book.