

Journal of the Senate

FIFTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 8, 2021, 10:00 a.m.

The Senate was called to order by Vice President Rick Wilborn.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Never, Never, Never Stop Praying!
1 Thessalonians 4:17

Heavenly Father, thank You for the blessed privilege of prayer! For prayer is the opportunity You give us to connect with You. And as Your children, to get guidance from You, in 1 Thessalonians 4:17, You ask us to pray without ceasing, to pray continually.

Lord, we are such forgetful people. We spend a couple of minutes in some routine prayers. And as soon as the minute or two is over, we're done. And we turn our attention toward areas of concern, where Your guidance is really essential for making the right decisions. But where's the prayer?

So, Lord, when the few moments of this prayer are behind us, remind us to stay dialed in to You. Remind us to keep our antennae up and tuned to Your frequency. As we hear all the various voices trying to get our ear, the main voice we need to hear is Yours.

I pray Lord, that in the Name of Jesus, we never, never, never stop praying! Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 312, AN ACT concerning elections; relating to bond law elections; time of election after notice; county election commissioners; eliminating the county residence requirement; county elections; ballots received by mail; obtaining missing signatures; repealing certain obsolete sections relating to the presidential preference primary; election-related contribution restrictions for certain corporations and stockholders; amending K.S.A. 10-120, 19-3419 and 19-3422 and K.S.A. 2020 Supp. 25-433 and repealing the existing sections; also repealing K.S.A. 25-222, 25-1709, 25-1710, 25-4506, 25-4507 and 25-4508 and K.S.A. 2020 Supp. 25-4502, 25-4503 and 25-4505, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 311**.

Federal and State Affairs: **SB 310**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Holland introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1719—

RESOLUTION congratulating and commending the Baldwin City High School girls wrestling team for winning the 2021 Kansas State High School Activities Association Division II State Wrestling Championship.

WHEREAS, On February 26, 2021, the Baldwin City High School Bulldogs competed in the Kansas State High School Activities Association (KSHSAA) Division II State Wrestling Championship; and

WHEREAS, Members of the team include Carly Armbrister, Allee Darnell, Audrey Darnell, Willow Dubois, Kaysha Florance, Halley Flory, Maris Flory, Taylor Flory, Tabi Gibeaut, Emma Grossoehme, Madi Hargett, Daniela Kozacova, Brianna Mitchell, Jalynn Murry, Nora Prather, Jasmine Renyer, Elee Reynolds and Hayleigh Wempe; and

WHEREAS, Led by Head Coach Kit Harris, the Bulldogs emerged victorious and claimed the KSHSAA Division II State Championship; and

WHEREAS, On their way to a championship season, the team also earned district, regional and sub-state championships; and

WHEREAS, Ending the season with an 8-1 record, the team had six girls who qualified for the state championship and four girls who individually placed at the KSHSAA State Championship; and

WHEREAS, Head Coach Kit Harris became the first coach in Kansas to have won both a girls and a boys KSHSAA State Championship; and

WHEREAS, In 2021, Kit Harris was named the Girls Division II Head Coach of the Year by the Kansas Wrestling Coaches Association (KWCA); and

WHEREAS, Baldwin City High School Assistant Coaches Jesse Austin, Sarah Johnson and Jake Smith were named Assistant Coaches of the Year by the KWCA; and

WHEREAS, At the end of the team's season, the team had 11 All-Frontier League wrestlers, four Lawrence Journal-World All-Area wrestlers and four KWCA Academic All-State wrestlers; and

WHEREAS, The team members also received commendation for their success in the classroom, based on their combined grade point average, by being named First Team KWCA Academic All-State: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Baldwin City High School girls wrestling team for winning the 2021 Kansas State High School Activities Association Division II State Wrestling Championship; and

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

On emergency motion of Senator Holland **SR 1719** was adopted unanimously.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2058, AN ACT concerning crimes, punishment and criminal procedure; relating to firearms; reducing the underlying felonies for the crime of criminal possession of a weapon by a convicted felon; restoration of the right to possess firearms upon expungement of convictions; recognition of licenses under the personal and family protection act issued by other jurisdictions; {creating a provisional license for persons under the age of 21;} authorizing the issuance of alternative license during {certain circumstances}; amending K.S.A. {75-7c02,} 75-7c03 {, 75-7c04,} 75-7c05 {, 75-7c08 and 75-7c21} and K.S.A. 2020 Supp. {21-5914, 21-6301,} 21-6302 {, 21-6304, 21-6309, 21-6614 and 32-1002} and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 8; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Haley, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Hawk, Holscher, Pettey, Sykes, Ware.

Present and Passing: Holland, Suellentrop.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: Kansans deserve to live in a state where it is safe to learn, love, and grow. With this bill, we're allowing teenagers to carry guns while they socialize with their unknowing peers, despite the fact that firearms are the second leading cause of death for children and teens in our state. We're advocating for abusers and stalkers who move from states with more lenient laws to carry weapons which they are statistically likely to use to kill their partners and victims. Though 69% of gun deaths in Kansas are suicides, we're not expanding mental health resources; we're making it easier for that rate to rise. Since our state began chipping away at commonsense regulation of dangerous weapons over a decade ago, the gun death rate has increased by 37%. Increasing this number further – as this bill will do – is unconscionable to me. I vote no.—DINAH SYKES

Senators Francisco, Holscher, Pettey and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **HB 2058**.

Sub HB 2089, AN ACT concerning education; relating to firearms; standardizing firearm safety education training programs in school districts; establishing the Roy'Alé act, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 7; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Haley, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Francisco, Hawk, Holscher, Pettey, Sykes, Ware.

Present and Passing: Faust-Goudeau, Holland.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on **Substitute for House Bill 2089**. It is inappropriate: the legislature has the responsibility to fund education but it is up to the State Board of Education and local school boards to determine the curriculum. It displays our lack of expertise: the programs for grades one through five are based on curriculum guidelines designed for grades one through four. The programs for grades six through eight could only be that fourth-grade curriculum or a curriculum based on hunter education. It is not comprehensive: the Senate declined to specify inclusion of prevention related to firearms, firearm safes, and lock boxes. And it is audacious; along with prohibiting alternative gun safety curriculums, the bill, cited as the Roy'Ale Act, could prevent the Roy'Ale Foundation from providing their gun safety classes in public schools. Local school boards can currently adopt gun safety curriculums that meet their needs; it is our responsibility to allow them, as fellow elected officials, to be responsive to their constituents.—MARCI FRANCISCO

Senators Hawk, Holscher, Pettey, Sykes and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **S HB 2089**.

S Sub HB 2138, AN ACT concerning alcoholic beverages; providing for suspension or revocation of licenses for violations of orders issued by the director; specifying requirements for serving alcoholic liquor in pitchers; authorizing sales on Sunday and certain holidays; requiring issuance of a cereal malt beverage retailers' license to licensed producers; allowing the sale and removal of beer and cereal malt beverage in certain containers; amending K.S.A. 2020 Supp. 41-308, 41-320a, 41-712, 41-718, 41-2611, 41-2640, 41-2653, as amended by section 1 of 2021 Senate Bill No. 14, 41-2703, 41-2704 and 41-2911 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Baumgardner, Gossage, Peck, Pyle, Thompson, Tyson.

Present and Passing: Holland.

The substitute bill passed, as amended.

HB 2224, AN ACT concerning public health; relating to infectious disease testing; crimes in which bodily fluids may have been transmitted from one person to another; expanding the definition of infectious disease; amending K.S.A. 65-6009 and K.S.A. 2020 Supp. 65-6001 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

HB 2401, AN ACT concerning the department of corrections; authorizing the secretary of corrections to enter agreements for public-private partnerships for projects for new or renovated buildings at correctional institutions for education, skills-building and spiritual needs programs; establishing a nonprofit corporation to receive gifts, donations, grants and other moneys and engage in fundraising projects for funding such projects; amending K.S.A. 75-3739 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Steffen, Thompson, Tyson.

The bill passed, as amended.

HB 2405, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; authorizing the issuance of revenue bonds to finance the unfunded actuarial pension liability of KPERS; providing requirements, limitations and procedures for the Kansas development finance authority, department of administration and the state finance council pertaining to such bonds, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Baumgardner, Hilderbrand, Peck, Pyle, Steffen, Straub, Thompson, Tyson.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: Our state retirees and taxpayers deserve better than this hedge fund style gambling that stands to potentially further destabilize KPERS.—MARK STEFFEN

HB 2408, AN ACT concerning the disposition of certain state real property; authorizing the state historical society to convey certain real property located in Doniphan county; imposing certain conditions; prescribing costs of conveyance, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 2; Absent or Not Voting 0.

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

Nays: McGinn, Peck, Steffen, Straub, Thompson, Tyson.
 Present and Passing: Baumgardner, Warren.
 The bill passed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 103 submits the following report:
 The House recesses from all of its amendments to the bill.

FRED PATTON
 BRADLEY RALPH
 JOHN CARMICHAEL
Conferees on part of House

KELLIE WARREN
 RICK WILBORN
 DAVID HALEY
Conferees on part of Senate

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 103**.

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

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

Absent or Not Voting: Suellentrop.
 The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 106 submits the following report:
 The House recesses from all of its amendments to the bill.

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

FRED PATTON
 BRADLEY RALPH
 JOHN CARMICHAEL
Conferees on part of House

KELLIE WARREN
 RICK WILBORN
 DAVID HALEY
Conferees on part of Senate

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 106**.

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

Voting 1.

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

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 107 submits the following report:

The House recedes from all of its amendments to the bill.

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

FRED PATTON

BRADLEY RALPH

JOHN CARMICHAEL

Conferees on part of House

KELLIE WILLIAMS

RICK WILBORN

DAVID HALEY

Conferees on part of Senate

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 107**.

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

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

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 122 submits the following report:

The House recedes from all of its amendments to the bill.

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

FRED PATTON

BRADLEY RALPH

JOHN CARMICHAEL

Conferees on part of House

KELLIE WARREN

RICK WILBORN

DAVID HALEY

Conferees on part of Senate

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 122**.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Hilderbrand, Olson, Pyle.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to Sub HB 2066 submits the following report:

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

On page 2, in line 42, by striking "may" and inserting "shall";

On page 9, in line 21, by striking "Kansas register" and inserting "statute book";

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

LARRY ALLEY

RICHARD HILDERBRAND

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

SEAN TARWATER

CHRIS CROFT

STEPHANIE CLAYTON

Conferees on part of House

Senator Alley moved the Senate adopt the Conference Committee Report on **Sub HB 2066**.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Francisco, Haley, Holland, Ware.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to HB 2243 submits the following report:

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

On page 3, following line 20, by inserting:

"Sec. 3. K.S.A. 74-4927 is hereby amended to read as follows: 74-4927. (1) The board may establish a plan of death and long-term disability benefits to be paid to the members of the retirement system as provided by this section. The long-term disability benefit shall be payable in accordance with the terms of such plan as established by the board, except that for any member who is disabled prior to the effective date of this act, the annual disability benefit amount shall be an amount equal to $66\frac{2}{3}\%$ of the member's annual rate of compensation on the date such disability commenced. Such plan shall provide that:

(A) The right to receive such long-term disability benefit shall cease: (i) For a member who becomes eligible for such benefit before attaining age 60, upon the date that such member attains age 65 or the date of such member's retirement, whichever first occurs; and (ii) for a member who becomes eligible for such benefit at or after attaining age 60, the date that such member has received such benefit for a period of five years, or upon the date of such member's retirement, whichever first occurs.

(B) Long-term disability benefit payments shall be in lieu of any accidental total disability benefit that a member may be eligible to receive under K.S.A. 74-4916(3), and amendments thereto. The member must make an initial application for social security disability benefits and, if denied such benefits, the member must pursue and exhaust all administrative remedies of the social security administration—~~which that~~ include, but are not limited to, reconsideration and hearings. Such plan may provide that any amount—~~which that~~ a member receives as a social security benefit or a disability benefit or compensation from any source by reason of any employment including, but not limited to, workers compensation benefits may be deducted from the amount of long-term disability benefit payments under such plan. However, in no event shall the amount of long-term disability benefit payments under such plan be reduced by any amounts a member receives as a supplemental disability benefit or compensation from any source by reason of the member's employment, provided such supplemental disability benefit or compensation is based solely upon the portion of the member's monthly compensation that exceeds the maximum monthly compensation taken into account under such plan. As used in this paragraph, "maximum monthly compensation" means the dollar amount that results from dividing the maximum monthly disability benefit payable under such plan by the percentage of compensation that is used to calculate disability benefit payments under such plan. During the period in which such member is pursuing such administrative remedies prior to a final decision of the social security administration, social security disability benefits may be estimated and may be deducted from the amount of long-term disability benefit payments under such plan. If the social security benefit, workers compensation benefit, other income or wages or other disability benefit by reason of employment other than a supplemental benefit based solely on compensation in excess of the maximum monthly compensation taken into account under such plan, or any part thereof, is paid in a lump-sum, the amount of

the reduction shall be calculated on a monthly basis over the period of time for which the lump-sum is given. As used in this section, "workers compensation benefits" means the total award of disability benefit payments under the workers compensation act notwithstanding any payment of attorney fees from such benefits as provided in the workers compensation act.

(C) The plan may include other provisions relating to: Qualifications for benefits; schedules and graduation of benefits; limitations of eligibility for benefits by reason of termination of employment or membership; conversion privileges; limitations of eligibility for benefits by reason of leaves of absence, military service or other interruptions in service; limitations on the condition of long-term disability benefit payment by reason of improved health; requirements for medical examinations or reports; or any other reasonable provisions as established by rule and regulation of uniform application adopted by the board.

(D) Any visually impaired person who is in training at and employed by a sheltered workshop for the blind operated by the secretary for children and families and who would otherwise be eligible for the long-term disability benefit as described in this section shall not be eligible to receive such benefit due to visual impairment as such impairment shall be determined to be a preexisting condition.

(2) (A) In the event that a member becomes eligible for a long-term disability benefit under the plan authorized by this section such member shall be given participating service credit for the entire period of such disability. Such member's final average salary shall be computed in accordance with K.S.A. 74-4902(17), and amendments thereto, except that the years of participating service used in such computation shall be the years of salaried participating service.

(B) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding retirement, such member's final average salary shall be adjusted upon retirement by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1998, such member's final average salary shall be adjusted upon retirement by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers as published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) four percent per annum, measured from the member's last day on the payroll to the month that is two months prior to the month of retirement, for each year of disability after July 1, 1998.

(C) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding death, such member's current annual rate shall be adjusted by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1998, such member's current annual rate shall be adjusted upon death by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) ~~four percent~~ 4% per annum, measured from the member's last day on the payroll to the month that is two months prior to the month of death, for each year of disability after July 1, 1998.

(3) (A) To carry out the legislative intent to provide, within the funds made available therefor, the broadest possible coverage for members who are in active employment or involuntarily absent from such active employment, the plan of death and

long-term disability benefits shall be subject to adjustment from time to time by the board within the limitations of this section. The plan may include terms and provisions ~~which that~~ are consistent with the terms and provisions of group life and long-term disability policies usually issued to those employers who employ a large number of employees. The board shall have the authority to establish and adjust from time to time the procedures for financing and administering the plan of death and long-term disability benefits authorized by this section. Either the insured death benefit or the insured disability benefit or both such benefits may be financed directly by the system or by one or more insurance companies authorized and licensed to transact group life and group accident and health insurance in this state.

(B) The board may contract with one or more insurance companies, which are authorized and licensed to transact group life and group accident and health insurance in Kansas, to underwrite or to administer or to both underwrite and administer either the insured death benefit or the long-term disability benefit or both such benefits. Each such contract with an insurance company under this subsection shall be entered into on the basis of competitive bids solicited and administered by the board. Such competitive bids shall be based on specifications prepared by the board.

(i) In the event the board purchases one or more policies of group insurance from such company or companies to provide either the insured death benefit or the long-term disability benefit or both such benefits, the board shall have the authority to subsequently cancel one or more of such policies and, notwithstanding any other provision of law, to release each company ~~which that~~ issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund.

(ii) In addition, the board shall have the authority to cancel any policy or policies of group life and long-term disability insurance in existence on the effective date of this act and, notwithstanding any other provision of law, to release each company ~~which that~~ issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund. Notwithstanding any other provision of law, no premium tax shall be due or payable by any such company or companies on any such policy or policies purchased by the board nor shall any brokerage fees or commissions be paid thereon.

(4) (A) There is hereby created in the state treasury the group insurance reserve fund. Investment income of the fund shall be added or credited to the fund as provided by law. The cost of the plan of death and long-term disability benefits shall be paid from the group insurance reserve fund, which shall be administered by the board. Each participating employer shall appropriate and pay to the system in such manner as the board shall prescribe in addition to the employee and employer retirement contributions an amount equal to 1.0% of the amount of compensation on which the members' contributions to the Kansas public employees retirement system are based for deposit in the group insurance reserve fund. Notwithstanding the provisions of this subsection, no participating employer other than the state of Kansas shall appropriate and pay to the system any amount provided for by this subsection for deposit in the group insurance reserve fund for the period commencing on ~~April 1, 2016~~ July 1, 2021, and ending on ~~June 30, 2017~~ 2022. Notwithstanding the provisions of this subsection, the state of

Kansas shall not appropriate and pay to the system any amount provided for by this subsection for deposit in the group insurance reserve fund for the period commencing on ~~March 25, 2016~~ July 1, 2020, and ending on June 30, ~~2017~~ 2021.

(B) The director of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services a sum to pay the state's contribution to the group insurance reserve fund as provided by this section and shall present the same to the legislature for allowances and appropriation.

(C) The provisions of K.S.A. 74-4920(4), and amendments thereto, shall apply for the purpose of providing the funds to make the contributions to be deposited to the group insurance reserve fund.

(D) Any dividend or retrospective rate credit allowed by an insurance company or companies shall be credited to the group insurance reserve fund and the board may take such amounts into consideration in determining the amounts of the benefits under the plan authorized by this section.

(5) The death benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as insured death benefit. The long-term disability benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as long-term disability benefit.

(6) The board is hereby authorized to establish an optional death benefit plan for employees and spouses and dependents of employees. Except as provided in subsection (7), such optional death benefit plan shall be made available to all employees who are covered or may hereafter become covered by the plan of death and long-term disability benefits authorized by this section. The cost of the optional death benefit plan shall be paid by the applicant either by means of a system of payroll deductions or direct payment to the board. The board shall have the authority and discretion to establish such terms, conditions, specifications and coverages as it may deem to be in the best interest of the state of Kansas and its employees—~~which that~~ should include term death benefits for the person's period of active state employment regardless of age, but in no case, shall the maximum allowable coverage be less than \$200,000. The cost of the optional death benefit plan shall not be established on such a basis as to unreasonably discriminate against any particular age group. The board shall have full administrative responsibility, discretion and authority to establish and continue such optional death benefit plan and the director of accounts and reports of the department of administration shall when requested by the board and from funds appropriated or available for such purpose establish a system to make periodic deductions from state payrolls to cover the cost of the optional death benefit plan coverage under the provisions of this subsection ~~(6)~~ and shall remit all deductions together with appropriate accounting reports to the system. There is hereby created in the state treasury the optional death benefit plan reserve fund. Investment income of the fund shall be added or credited to the fund as provided by law. All funds received by the board, whether in the form of direct payments, payroll deductions or otherwise, shall be accounted for separately from all other funds of the retirement system and shall be paid into the optional death benefit plan reserve fund, from which the board is authorized to make the appropriate payments and to pay the ongoing costs of administration of such optional death benefit plan as may be incurred in carrying out the provisions of this subsection ~~(6)~~.

(7) Any employer other than the state of Kansas—~~which that~~ is currently a

participating employer of the Kansas public employees retirement system or is in the process of affiliating with the Kansas public employees retirement system may also elect to affiliate for the purposes of subsection (6). All such employers shall make application for affiliation with such system, to be effective on January 1 or July 1 next following application.

(8) For purposes of the death benefit provided under the plan of death and long-term disability benefits authorized by this section and the optional death benefit plan authorized by subsection (6), commencing on the effective date of this act, in the case of medical or financial hardship of the member as determined by the executive director, or otherwise commencing January 1, 2005, the member may name a beneficiary or beneficiaries other than the beneficiary or beneficiaries named by the member to receive other benefits as provided by the provisions of K.S.A. 74-4901 et seq., and amendments thereto.

Sec. 4. K.S.A. 2020 Supp. 74-4986l is hereby amended to read as follows: 74-4986l. (a) As used in this act, unless otherwise provided or the context otherwise requires:

- (1) "Act" means the Kansas deferred retirement option program act;
- (2) "board" means the board of trustees of the Kansas public employees retirement system;
- (3) "DROP" means the deferred retirement option program established by K.S.A. 74-4986m, and amendments thereto;
- (4) "DROP account" means the notional account to which is credited the monthly DROP accrual;
- (5) "DROP period" means the period of time that a member ~~irrevocably~~ elects to participate in the DROP pursuant to K.S.A. 74-4986n, and amendments thereto;
- (6) "member" means a trooper, examiner or officer of the Kansas highway patrol or an agent of the Kansas bureau of investigation who is eligible to participate in the DROP and who elects to participate in the DROP as provided in this act;
- (7) "monthly DROP accrual" means the amount equal to the monthly retirement benefit that would have been payable to the member had the member terminated service and retired on the day the member elected; and
- (8) "system" means the Kansas police and firemen's retirement system.

(b) Unless specifically provided in this section or in this act, words and phrases used in this act ~~shall have the meanings ascribed to them~~ mean the same as provided under the provisions of K.S.A. 74-4901 et seq. and ~~K.S.A. 74-4951 et seq.~~, and amendments thereto.

Sec. 5. K.S.A. 74-4986n is hereby amended to read as follows: 74-4986n. (a) (1) A member who is appointed or employed prior to July 1, 1989, and who did not make an election pursuant to K.S.A. 74-4955a, and amendments thereto, may elect to participate in the DROP by making application in such form prescribed by the system at the attainment of age 55 and the completion of 20 years of credited service or at the completion of 32 years of credited service regardless of the age of such member.

(2) A member who is appointed or employed on or after July 1, 1989, or who made an election pursuant to K.S.A. 74-4955a, and amendments thereto, may elect to participate in the DROP by making application in such form prescribed by the system at the attainment of age 55 and the completion of 20 years of credited service, age 50 and the completion of 25 years of credited service or age 60 with the completion of 15 years

of credited service.

(b) A member shall indicate on the application the DROP period such member wishes to participate in the DROP. A member may elect to participate in the DROP for a minimum of three years and may not participate for more than five years from the effective date of the election to participate in the DROP. A member may participate in the DROP only once. ~~An election under this section is a one-time irrevocable election.~~ Once the application is accepted by the system, such member becomes a DROP participant. If a member fails to participate in the DROP for a minimum of three years, all of the member's interest credits shall be forfeited, unless such member retires due to disability as defined in K.S.A. 74-4952, and amendments thereto. A member who remains in active service at the expiration of the member's elected DROP period shall not be eligible for any additional interest credits. A member who first elected a DROP period of less than five years may extend, with the employer's authorization, such DROP period upon making application to the system. The total aggregate DROP period for a member shall be consecutive and shall not exceed five years from the effective date of the initial election to participate in the DROP.

(c) A member who makes an election under this section shall continue in the active service under the Kansas police and firemen's retirement system but shall not earn service credit under K.S.A. 74-4951 et seq., and amendments thereto, after the election's effective date. On and after the effective date of the member's election to participate, such member is ineligible to purchase service credit under K.S.A. 74-4901 et seq., and amendments thereto.

(d) Participation in the DROP by a member does not guarantee continued employment. During a member's participation in the DROP, employer contributions under K.S.A. 74-4967, and amendments thereto, and member contributions under K.S.A. 74-4965, and amendments thereto, shall be made to the retirement system. No member or employer contributions shall be applied to a member's DROP account.

Sec. 6. K.S.A. 74-49,123 is hereby amended to read as follows: 74-49,123. (a) This section applies to the Kansas public employees retirement system and to all other public retirement plans administered by the board of trustees.

(b) As used in this section:

(1) "Federal internal revenue code" means the federal internal revenue code of 1954 or 1986, as amended and as applicable to a governmental plan as in effect on July 1, 2008; and

(2) "retirement plan" includes the Kansas public employees retirement system and all other Kansas public retirement plans and benefit structures, which are administered by the board.

(c) In addition to the federal internal revenue code provisions otherwise noted in each retirement plan's law, and in order to satisfy the applicable requirements under the federal internal revenue code, the retirement plans shall be subject to the following provisions, notwithstanding any other provision of the retirement plan's law:

(1) The board shall distribute the corpus and income of the retirement plan to the members and their beneficiaries in accordance with the retirement plan's law. At no time prior to the satisfaction of all liabilities with respect to members and their beneficiaries shall any part of the corpus and income be used for, or diverted to, purposes other than the exclusive benefit of the members and their beneficiaries.

(2) Forfeitures arising from severance of employment, death or for any other reason

may not be applied to increase the benefits any member would otherwise receive under the retirement plan's law. However, forfeitures may be used to reduce an employer's contribution.

(3) All benefits paid from the retirement plan shall be distributed in accordance with a good faith interpretation of the requirements of section 401(a)(9) of the federal internal revenue code and the regulations under that section. Notwithstanding any other provision of these rules and regulations, effective on and after January 1, 2003, the retirement plan is subject to the following provisions:

(A) Benefits must begin by the required beginning date, which is the later of April 1 of the calendar year following the calendar year in which the member reaches ~~70¹/₂~~ 72 years of age, or 70¹/₂ years of age if the member was born before July 1, 1949, or April 1 of the calendar year following the calendar year in which the member terminates employment. If a member fails to apply for retirement benefits by April 1 of the calendar year following the calendar year in which such member reaches ~~70¹/₂~~ 72 years of age, or 70¹/₂ years of age if the member was born before July 1, 1949, or April 1 of the calendar year following the calendar year in which such member terminates employment, whichever is later, the board will begin distributing the benefit as required by this section.

(B) The member's entire interest must be distributed over the member's life or the lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the member and a designated beneficiary. Death benefits must be distributed in accordance with section 401(a)(9) of the federal internal revenue code, including the incidental death benefit requirement in section 401(a)(9)(G) of the federal internal revenue code, and the regulations implementing that section.

(C) The life expectancy of a member, the member's spouse or the member's beneficiary may not be recalculated after the initial determination for purposes of determining benefits.

(D) If a member dies after the required distribution of benefits has begun, the remaining portion of the member's interest must be distributed at least as rapidly as under the method of distribution before the member's death and no longer than the remaining period over which distributions commenced.

(E) If a member dies before required distribution of the member's benefits has begun, the member's entire interest must be either:

(i) In accordance with federal regulations, distributed over the life or life expectancy of the designated beneficiary, with the distributions beginning no later than December 31 of the calendar year immediately following the calendar year of the member's death; or

(ii) distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.

(F) The amount of an annuity paid to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of the federal internal revenue code.

(G) The death and disability benefits provided by a retirement plan are limited by the incidental benefit rule set forth in section 401(a)(9)(G) of the federal internal revenue code and treasury regulation 1.401-1(b)(1)(i).

(4) Distributions from the retirement plans may be made only upon retirement, separation from service, disability or death.

(5) The board or its designee may not:

- (A) Determine eligibility for benefits;
- (B) compute rates of contribution; or
- (C) compute benefits of members or beneficiaries, in a manner that discriminates in favor of members who are considered officers, supervisors or highly compensated, as prohibited under section 401(a)(4) of the federal internal revenue code.

(6) Subject to the provisions of this subsection, benefits paid from, and employee contributions made to, the retirement plans shall not exceed the maximum benefits and the maximum annual additions, respectively, permissible under section 415 of the federal internal revenue code.

(A) Before January 1, 1995, a member may not receive an annual benefit that exceeds the limits specified in section 415(b) of the federal internal revenue code, subject to the applicable adjustments in that section. Beginning January 1, 1995, a participant may not receive an annual benefit that exceeds the dollar amount specified in section 415(b)(1)(A) of the federal internal revenue code, subject to the applicable adjustments in section 415 of the federal internal revenue code.

(B) Notwithstanding any other provision of law to the contrary, the board may modify a request by a participant to make a contribution to the retirement plans if the amount of the contribution would exceed the limits under section 415(c) or 415(n) of the federal internal revenue code subject to the following:

(i) Where the retirement plan's law requires a lump-sum payment, for the purchase of service credit, the board may establish a periodic payment plan in order to avoid a contribution in excess of the limits under section 415(c) or 415(n) of the federal internal revenue code.

(ii) If the board's option under clause (i) will not avoid a contribution in excess of the limits under section 415(c) or 415(n) of the federal internal revenue code, the board shall reduce or deny the contribution.

(C) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if an active member makes one or more contributions to purchase permissive service credit under a retirement plan, then the requirements of this section shall be treated as met only if:

(i) The requirements of section 415(b) of the federal internal revenue code are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of such section; or

(ii) the requirements of section 415(c) of the federal internal revenue code are met, determined by treating all such contributions as annual additions for purposes of such section. For purposes of applying clause (i) a retirement plan shall not fail to meet the reduced limit under section 415(b)(2)(C) of the federal internal revenue code solely by reason of this subparagraph (C), and for purposes of applying clause (ii), a retirement plan shall not fail to meet the percentage limitation under section 415(c)(1)(B) of the federal internal revenue code solely by reason of this paragraph.

(iii) For purposes of this clause, the term "permissive service credit" means service credit:

(a) Specifically recognized by a retirement plan's law for purposes of calculating a member's benefit under that retirement plan;

(b) ~~which that~~ such member has not received under a retirement plan; and

(c) ~~which that~~ such member may receive under a retirement plan's law only by

making a voluntary additional contribution, in an amount determined under the retirement plan's law and procedures established by the board, ~~which that~~ does not exceed the amount necessary to fund the benefit attributable to such service credit.

(iv) A retirement plan shall fail to meet the requirements of this clause if the retirement plan's law specifically provides for a purchase of nonqualified service purchase, and if:

(a) More than five years of nonqualified service credit are taken into account for purposes of this subclause; or

(b) any nonqualified service credit is taken into account under this subclause before the member has at least five years of participation under a retirement plan. For purposes of this subclause, effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, the term "nonqualified service credit" means the same as provided in section 415(n)(3)(C) of the federal internal revenue code.

(v) In the case of a trustee-to-trustee transfer after December 31, 2001, to which section 403(b)(13)(A) or 457(e)(17)(A) of the federal internal revenue code applies, without regard to whether the transfer is made between plans maintained by the same employer:

(a) The limitations of clause (iv) shall not apply in determining whether the transfer is for the purchase of permissive service credit; and

(b) the distribution rules applicable under federal law to a retirement plan shall apply to such amounts and any benefits attributable to such amounts.

(vi) For an eligible member, the limitation of section 415(c)(1) of the federal internal revenue code shall not be applied to reduce the amount of permissive service credit which may be purchased to an amount less than the amount which was allowed to be purchased under the terms of the statute as in effect on August 5, 1997. For purposes of this clause, an eligible member is an individual who first became a member in the retirement plan before January 1, 1998.

(D) Subject to approval by the internal revenue service, the board shall maintain a qualified governmental excess benefit arrangement under section 415(m) of the federal internal revenue code. The board shall establish the necessary and appropriate procedures for the administration of such benefit arrangement under the federal internal revenue code. The amount of any annual benefit that would exceed the limitations imposed by section 415 of the federal internal revenue code shall be paid from this benefit arrangement. The amount of any contribution that would exceed the limitations imposed by section 415 of the federal internal revenue code shall be credited to this benefit arrangement. The qualified excess benefit arrangement shall be a separate portion of the retirement plan. The qualified excess benefit arrangement is subject to the following requirements:

(i) The benefit arrangement shall be maintained solely for the purpose of providing to participants in the retirement plans that part of the participant's annual benefit otherwise payable under the terms of the act that exceeds the limitations on benefits imposed by section 415 of the federal internal revenue code; and

(ii) participants do not have an election, directly or indirectly, to defer compensation to the excess benefit arrangement.

(E) For purposes of applying these limits only and for no other purpose, the definition of compensation where applicable shall be compensation actually paid or

made available during a limitation year, except as noted below and as permitted by treasury regulation section 1.415(c)-2. Specifically, compensation shall be defined as wages within the meaning of section 3401(a) of the federal internal revenue code and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under sections 6041(d), 6051(a)(3) and 6052 of the federal internal revenue code. Compensation shall be determined without regard to any rules under section 3401(a) of the federal internal revenue code that limit the remuneration included in wages based on the nature or location of the employment or the services performed, such as the exception for agricultural labor in section 3401(a)(2) of the federal internal revenue code.

(i) However, for limitation years beginning after December 31, 1997, compensation shall also include amounts that would otherwise be included in compensation but for an election under sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k) or 457(b) of the federal internal revenue code. For limitation years beginning after December 30, 2000, compensation shall also include any elective amounts that are not includable in the gross income of the employee by reason of section 132(f)(4) of the federal internal revenue code.

(ii) The definition of compensation shall exclude employee contributions picked up under section 414(h)(2) of the federal internal revenue code.

(iii) For limitation years beginning on and after January 1, 2007, compensation for the limitation year will also include compensation paid by the later of two and a half months after an employee's severance from employment or the end of the limitation year that includes the date of the employee's severance from employment if:

(a) The payment is regular compensation for services during the employee's regular working hours or compensation for services outside the employee's regular working hours, such as overtime or shift differential, commissions, bonuses or other similar payments, and absent a severance from employment, the payments would have been paid to the employee while the employee continues in employment with the employer;

(b) the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued; or

(c) for limitation years beginning on and after January 1, 2012, the payment is made pursuant to a nonqualified unfunded deferred compensation plan, but only if the payment would have been paid to the member at the same time if the member had continued employment with the employer and only to the extent that the payment is includable in the member's gross income.

(iv) Any payments not described in clause (iii) are not considered compensation if paid after severance from employment, even if they are paid within two and a half months following severance from employment, except for payments to the individual who does not currently perform services for the employer by reason of qualified military service, within the meaning of section 414(u)(1) of the federal internal revenue code, to the extent these payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the employer rather than entering qualified military service.

(v) An employee who is in qualified military service, within the meaning of section 414(u)(1) of the federal internal revenue code, shall be treated as receiving compensation from the employer during such period of qualified military service equal to: (a) The compensation the employee would have received during such period if the

employee were not in qualified military service, determined based on the rate of pay the employee would have received from the employer but for the absence during the period of qualified military service; or (b) if the compensation the employee would have received during such period was not reasonably certain, the employee's average compensation from the employer during the ~~twelve-month~~ 12-month period immediately preceding the qualified military service, or if shorter, the period of employment immediately preceding the qualified military service.

(vi) Back pay, within the meaning of treasury regulation section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

(7) On and after January 1, 2009, for purposes of applying the limits under section 415(b) of the federal internal revenue code, the following shall apply:

(A) A member's applicable limit shall be applied to the member's annual benefit in the first limitation year without regard to any automatic cost-of-living increases;

(B) to the extent the member's annual benefit equals or exceeds such limit, the member shall no longer be eligible for cost-of-living increases until such time as the benefit plus the accumulated increases are less than such limit;

(C) thereafter, in any subsequent limitation year, the member's annual benefit including any automatic cost-of-living increase applicable shall be tested under the then applicable benefit limit including any adjustment to the dollar limit under section 415(b)(1)(A) or 415(d) of the federal internal revenue code and the regulations thereunder; and

(D) in no event shall a member's annual benefit payable from a retirement plan in any limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to section 415(d) of the federal internal revenue code and the regulations thereunder. If the form of benefit without regard to the automatic benefit increase feature is not a straight life annuity, then the preceding sentence is applied by reducing the limit under section 415(b) of the federal internal revenue code applicable at the annuity starting date to an actuarially equivalent amount determined using the assumptions specified in treasury regulation section 1.415(b)-1(c)(2)(ii) that take into account the death benefits under the form of benefit. This subsection applies to distributions made on and after January 1, 1993. A distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a transfer made from the retirement system.

(i) An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: (a) Any distribution that is one of a series of substantially equal periodic payments, not less frequently than annually, made for the life or the life expectancy of the distributee or the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary or for a specified period of 10 years or more; (b) any distribution to the extent such distribution is required under section 401(a)(9) of the federal internal revenue code; (c) the portion of any distribution that is not includable in gross income; and (d) any other distribution that is reasonably expected to total less than \$200 during the year. Effective January 1, 2002, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of

after-tax employee contributions that are not includable in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in section 408(a) or (b) of the federal internal revenue code, or to a qualified defined contribution plan described in section 401(a) of the federal internal revenue code or to a qualified plan described in section 403(a) of the federal internal revenue code, that agrees to separately account for amounts so transferred and earnings on such amounts, including separately accounting for the portion of the distribution that is includable in gross income and the portion of the distribution that is not so includable, or on or after January 1, 2007, to a qualified defined benefit plan described in section 401(a) of the federal internal revenue code or to an annuity contract described in section 403(b) of the federal internal revenue code, that agrees to separately account for amounts so transferred and earnings thereon, including separately accounting for the portion of the distribution that is includable in gross income and the portion of the distribution that is not so includable.

(ii) An eligible retirement plan is any of the following that accepts the distributee's eligible rollover distribution:

(a) An individual retirement account described in section 408(a) of the federal internal revenue code;

(b) an individual retirement annuity described in section 408(b) of the federal internal revenue code;

(c) an annuity plan described in section 403(a) of the federal internal revenue code;

(d) a qualified trust described in section 401(a) of the federal internal revenue code;

(e) effective January 1, 2002, an annuity contract described in section 403(b) of the federal internal revenue code;

(f) effective January 1, 2002, a plan eligible under section 457(b) of the federal internal revenue code that is maintained by a state, political subdivision of a state or any agency or instrumentality of a state or a political subdivision of a state that agrees to separately account for amounts transferred into the plan from a retirement plan; or

(g) effective January 1, 2008, a roth IRA described in section 408(A) of the federal internal revenue code.

(iii) Effective January 1, 2002, the definition of eligible rollover distribution also includes a distribution to a surviving spouse, or to a spouse or former spouse who is an alternate payee under a domestic relations order, as defined in section 414(p) of the federal internal revenue code.

(iv) A distributee includes an employee or former employee. It also includes the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in section 414(p) of the federal internal revenue code. Effective July 1, 2007, a distributee further includes a nonspouse beneficiary who is a designated beneficiary as defined by section 401(a)(9)(E) of the federal internal revenue code. However, a nonspouse beneficiary may rollover the distribution only to an individual retirement account or individual retirement annuity established for the purpose of receiving the distribution and the account or annuity will be treated as an "inherited" individual retirement account or annuity.

(v) A direct rollover is a payment by the retirement system to the eligible retirement plan specified by the distributee.

(8) Notwithstanding any law to the contrary, the board may accept a direct or

indirect eligible rollover distributions for the purpose of the purchase of service credit. In addition, the board may accept a direct trustee to trustee transfer from a deferred compensation plan under section 457(b) of the federal internal revenue code or a tax sheltered annuity under section 403(b) of the federal internal revenue code for: (A) The purchase of permissive service credit, as defined under section 415(n)(3)(A) of the federal internal revenue code; or (B) a repayment to which section 415 of the federal internal revenue code does not apply pursuant to section 415(k)(3) of the federal internal revenue code. Any such transfer shall be allowed as provided in this subsection to the extent permitted by law, subject to any conditions, proofs or acceptance established or required by the board or the board's designee.

(9) Where required by the act, an employer shall pick up and pay contributions that would otherwise be payable by members of a retirement plan in accordance with section 414(h)(2) of the federal internal revenue code as follows:

(A) The contributions, although designated as employee contributions, are being paid by the employer in lieu of contributions by the employee;

(B) the employee must not have been given the option of receiving the amounts directly instead of having them paid to the retirement plan; and

(C) the pickup shall apply to amounts that a member elects to contribute to receive credit for prior or participating service if the election is irrevocable and applies to amounts contributed before retirement.

(10) (A) Notwithstanding any provision of this plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with section 414(u) of the federal internal revenue code and the uniformed services employment and reemployment rights act of 1994.

(B) Effective with respect to deaths occurring on or after January 1, 2007, while a member is performing qualified military service, as defined in chapter 43 of title 38, United States code, to the extent required by section 401(a)(37) of the federal internal revenue code, survivors of a member in the system, are entitled to any additional benefits that the system would provide if the member had resumed employment and then died, such as accelerated vesting or survivor benefits that are contingent on the member's death while employed. A deceased member's period of qualified military service must be counted for vesting purposes.

(C) Effective with respect to deaths or disabilities, or both, occurring on or after January 1, 2007, while a member is performing qualified military service, as defined in chapter 43 of title 38, United States code, to the extent permitted by section 414(u)(9) of the federal internal revenue code, for the benefit accrual purposes and in the case of death, for vesting purposes, the member will be treated as having earned years of service for the period of qualified military service, having returned to employment on the day before the death or disability, or both, and then having terminated on the date of death or disability. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

(D) Beginning January 1, 2009, to the extent required by section 414(u)(12) of the federal internal revenue code, an individual receiving differential wage payments, as defined under section 3401(h)(2) of the federal internal revenue code, from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the federal internal revenue code. This provision shall be

applied to all similarly situated individuals in a reasonably equivalent manner.

(11) Upon the complete or partial termination of a retirement plan, the rights of members to benefits accrued to the date of termination, to the extent funded, or to the amounts in their accounts are nonforfeitable, and amounts in their accounts may be distributed to them.

(d) The plan year for the retirement plan begins on July 1.

(e) The limitation year for purposes of section 415 of the federal internal revenue code is the calendar year.

(f) The board may not engage in a transaction prohibited by section 503(b) of the federal internal revenue code.

(g) (1) For purposes of determining an "actuarial equivalent" or of an "actuarial computation" for members hired prior to July 1, 2009, the board shall use the following:

(A) The applicable mortality table is specified in revenue ruling 2001-62 or revenue ruling 2007-67, as applicable; and

(B) the applicable interest factor is the actuarially assumed rate of return established by the board.

(2) For purposes of determining an "actuarial equivalent" or an "actuarial computation" for members hired on or after July 1, 2009, the board shall use the following:

(A) The applicable mortality table is the $50/50$ male/female blend of the RP 2000 health annuitant mortality table, projected to 2025; and

(B) the applicable interest factor is the actuarially assumed rate of return established by the board.

(3) For converting amounts payable under the partial lump sum option, the board shall use the following:

(A) The applicable mortality table is a $50/50$ male/female blend of the 1983 group annuity mortality table; and

(B) the applicable interest factor is the actuarially assumed rate of return established by the board.

(4) For benefit testing under section 415(b) of the federal internal revenue code, the factors required by treasury regulations shall be used. The applicable mortality table is specified in revenue ruling 2001-62 for years prior to January 1, 2009, and notice 2008-85 for years after December 31, 2008.";

Also on page 3, in line 21, by striking "and" and inserting a comma; after "74-4908a" by inserting ", 74-4927, 74-4986n and 74-49,123 and K.S.A. 2020 Supp. 74-49861"; in line 23, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "system" by inserting "and systems thereunder"; in line 3, after the semicolon by inserting "providing a moratorium on death and long-term disability employer contributions to the group insurance reserve fund; allowing the extension of certain initial DROP periods under the Kansas deferred retirement option program act; conforming certain KPERS provisions with the federal CARES act;"; also in line 3, by striking the first "and" and inserting a comma; also in line 3, after "74-4908a" by inserting ", 74-4927, 74-4986n and 74-49,123 and K.S.A. 2020 Supp. 74-49861";

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

JEFF LONGBINE

MICHAEL FAGG

JEFF PITTMAN

Conferees on part of Senate

STEVEN JOHNSON

CHRIS CROFT

CINDY NEIGHBOR

Conferees on part of House

Senator Longbine moved the Senate adopt the Conference Committee Report on **HB 2243**.

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

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

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 36**.

The House adopts the Conference Committee report on **SB 67**.

The House adopts the Conference Committee report on **SB 95**.

The House adopts the Conference Committee report on **SB 127**.

The House nonconcur's in Senate amendments to **HB 2158**, requests a conference and has appointed Representatives Concannon, Esau and Ousley as conferees on the part of the House.

The House nonconcur's in Senate amendments to **HB 2064**, requests a conference and has appointed Representatives Tarwater, Long and Clayton as conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 55**, and has appointed Representatives Williams, Huebert and Stogsdill as Second conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Baumgardner, the Senate acceded to the request of the House for a conference on **HB 2064**.

The Vice President appointed Senators Baumgardner, Erickson and Sykes as conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 55 submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

KRISTEY WILLIAMS
STEVE HUEBERT
Conferees on part of House

MOLLY BAUMGARDNER
RENEE ERICKSON
Conferees on part of Senate

On motion of Senator Baumgardner the Senate adopted the conference committee report on **SB 55**, and requested a new conference be appointed.

The Vice President appointed Senators Baumgardner, Erickson and Sykes as a second Conference Committee on the part of the Senate on **SB 55**.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2183** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

LARRY ALLEY
RICHARD HILDERBRAND
OLETHA FAUST-GOUDEAU
Conferees on part of Senate

BLAKE CARPENTER
EMIL BERGQUIST
VIC MILLER
Conferees on part of House

On motion of Senator Alley the Senate adopted the conference committee report on **S Sub HB 2183**, and requested a new conference be appointed.

The Vice President appointed Senators Alley, Hilderbrand and Faust-Goudeau as a second Conference Committee on the part of the Senate on **HB 2183**.

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

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

AFTERNOON SESSION

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2366**.

Announcing passage of **SB 91**, as amended by **House Sub for SB 91**.

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2183**, and has appointed Representatives B. Carpenter, Bergquist and Miller as Second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate

amendments to HB 2039 submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

MOLLY BAUMGARDNER

RENEE ERICKSON

Conferees on part of Senate

STEVEN HUEBERT

ADAM THOMAS

Conferees on part of House

On motion of Senator Baumgardner the Senate adopted the conference committee report on **HB 2039**, and requested a new conference be appointed.

The President appointed Senators Baumgardner, Erickson and Sykes as a second Conference Committee on the part of the Senate on **HB 2039**.

ORIGINAL MOTION

On motion of Senator Hilderbrand, the Senate acceded to the request of the House for a conference on **HB 2158**.

The Vice President appointed Senators Hilderbrand, Gossage and Pettey as conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 36 submits the following report:

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

On page 10, following line 37, by inserting:

"Sec. 3. K.S.A. 8-1101 is hereby amended to read as follows: 8-1101. As used in this act:

(a) "Public agency" means and includes the department of transportation, the Kansas turnpike authority, a county, city and township.

(b) "Motor vehicle" means every vehicle; or tractor trailer combination, ~~which that~~ is self-propelled by which any person or property is or may be transported or drawn upon a highway except vehicles used exclusively upon stationary rails or tracks.

(c) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.

(d) "Law enforcement officer" means and includes the Kansas highway patrol, police, ~~sheriff, and sheriffs~~ who are vested with the power and authority of peace, police; and law enforcement, or those authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(e) "Person" means the same as defined in K.S.A. 8-1447, and amendments thereto.

Sec. 4. K.S.A. 2020 Supp. 8-1103 is hereby amended to read as follows: 8-1103. (a) (1) Whenever any person providing wrecker or towing service, as defined by ~~law~~ K.S.A. 66-1329, and amendments thereto, while lawfully in possession of a vehicle, at

the direction of a law enforcement officer or the owner or as provided by a city ordinance or county resolution, renders any service to the owner thereof by the recovery, transportation, protection, storage or safekeeping thereof, a first and prior lien on the vehicle is hereby created in favor of such person rendering such service and the lien shall amount to the full amount and value of the service rendered. The lien may be foreclosed in the manner provided in this act.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 5. K.S.A. 2020 Supp. 8-1104 is hereby amended to read as follows: 8-1104. (a) Before any such vehicle and personal property is sold, the person intending to sell such vehicle shall request verification from the division of vehicles of the last registered owner and any lienholders, if any. Such verification request shall be submitted to the division of vehicles not more than 30 days after such person took possession of the vehicle. Every person intending to sell any vehicle pursuant to this section that cannot be verified by the division of vehicles shall obtain an interstate search of registered owners and lienholders unless:

- (1) The vehicle is 15 years of age or older; or
- (2) the vehicle is determined by the division of vehicles to be a nonrepairable vehicle pursuant to K.S.A. 8-135c, and amendments thereto.

(b) Notice of sale, as provided in this act, shall be mailed by certified mail to any such registered owner and any such lienholders within 10 days after receipt of verification of the last owner and any lienholders, if any. The person intending to sell such vehicle and personal property pursuant to this act shall cause a notice of the time and place of sale, containing a description of the vehicle and personal property, to be published in a newspaper published in the county or city where such sale is advertised to take place, and if there is no newspaper published in such county, then the notice shall be published in some newspaper of general circulation in such county. Notices given under this section shall state that if the amount due, together with storage, publication, notice and sale costs, is not paid within 15 days from the date of mailing, the vehicle and personal property will be sold at public auction. Notice of an auction shall be published at least seven days prior to the scheduled auction.;

Also on page 10, in line 38, before "K.S.A." by inserting "K.S.A. 8-1101 and"; also in line 38, by striking "and" and inserting a comma; also in line 38, after "8-198" by inserting ", 8-1103 and 8-1104";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after the second semicolon by inserting "relating to abandoned and disabled vehicles; prohibiting the towing of vehicles outside the state of Kansas without prior consent; requiring an interstate search of registered owners and lienholders prior to sale of nonrepairable vehicles and vehicles less than 15 years old and publication in the newspaper seven days prior to sale of vehicles and property at auction;"; in line 8, after "amending" by inserting "K.S.A. 8-1101 and"; also in line 8, by striking the first "and" and inserting a comma; also in line 8, after "8-198" by inserting ", 8-1103 and 8-1104";

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

RICHARD PROEHL
LEO DELPERDANG
HENRY HELGERSON
Conferees on part of House

MIKE PETERSEN
J. R. CLAEYS
TOM HAWK
Conferees on part of Senate

Senator Petersen moved the Senate adopt the Conference Committee Report on SB 36.

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

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

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 67 submits the following report:

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

On page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 15 and inserting:

"New Section 1. As used in sections 1 through 4, and amendments thereto:

(a) "Funeral procession" means two or more vehicles accompanying the body of a deceased person, or traveling to the cemetery, church, chapel or other location where the funeral service is to be held, in the daylight hours, including a funeral lead vehicle or a funeral escort.

(b) "Funeral lead vehicle" means any authorized law enforcement or nonlaw enforcement motor vehicle properly equipped pursuant to K.S.A. 8-1723, and amendments thereto, or a funeral escort vehicle being used to lead and facilitate the movement of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

(c) "Funeral escort" means a person or entity that provides escort services for funeral processions, including law enforcement personnel and agencies and groups designated to escort military funeral processions.

New Sec. 2. (a) Notwithstanding any provision of state law, city ordinance or county resolution relating to traffic control devices or right-of-way provisions, pedestrians and operators of all vehicles, except as provided in subsection (b), funeral escorts may reasonably direct vehicle and pedestrian traffic to allow funeral processions to pass through intersections and disregard traffic control devices. When the funeral lead vehicle is directed by a funeral escort to lawfully enter an intersection, the remaining vehicles in the funeral procession may follow such funeral lead vehicle through the intersection regardless of any traffic control devices or right-of-way provisions prescribed by state law, city ordinance or county resolution.

(b) Funeral processions shall have the right-of-way at intersections regardless of traffic control devices, subject to the following conditions and exceptions:

(1) Operators of vehicles in a funeral procession shall yield the right-of-way to an approaching authorized emergency vehicle, as defined in K.S.A. 8-1404, and amendments thereto, using an audible signal meeting the requirements of K.S.A. 8-1738, and amendments thereto, or a visual signal meeting the requirements of K.S.A. 8-1720, and amendments thereto;

(2) operators of vehicles in a funeral procession shall yield the right-of-way when directed by a police officer;

(3) operators of vehicles in a funeral procession shall exercise due care when participating in a funeral procession and avoid colliding with any other vehicle or pedestrian in accordance with K.S.A. 8-1535, and amendments thereto; and

(4) an operator of a vehicle in a funeral procession shall not have the right-of-way at an intersection, if the vehicle is more than 300 feet behind the immediately preceding vehicle in the funeral procession.

New Sec. 3. (a) All vehicles comprising a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practical and safe.

(b) In accordance with K.S.A. 8-1523, and amendments thereto, any state law, city ordinance or county resolution stating that motor vehicles shall be operated to allow sufficient space, enabling any other vehicle to enter and occupy such space without danger, shall not be applicable to funeral processions.

(c) Each vehicle that is a part of a funeral procession shall have such vehicle's headlights, either high beam or low beam, and tail lights lighted and may also use flashing hazard lights if the vehicle is so equipped.

New Sec. 4. Nothing in sections 1 through 3, and amendments thereto, shall be construed to prohibit any city or county from requiring:

(a) A law enforcement or nonlaw enforcement funeral lead vehicle or funeral escort for a funeral procession. A city or county and may require prior notice of a planned funeral procession be given to the city police department or the county sheriff; or

(b) compliance with any other city ordinance or county resolution not in conflict with the provisions of sections 1 through 3, and amendments thereto.

New Sec. 5. (a) The driver of a vehicle shall not overtake and pass another vehicle when approaching within 100 feet of a stationary authorized utility or telecommunications vehicle.

(b) The driver of a vehicle shall yield the right-of-way to any authorized utility or telecommunications vehicle or pedestrian actually engaged in work on the highway whenever such vehicle displays flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto.

(c) The driver of a motor vehicle, upon approaching a stationary authorized utility or telecommunications vehicle that is obviously and actually engaged in work upon a highway, when such authorized utility or telecommunications vehicle is displaying flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road and weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary authorized public utility or telecommunications vehicle; or

(2) if the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type described in paragraph (1) but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road and weather and traffic conditions.

(d) This section shall not operate to relieve the driver of an authorized utility or telecommunications vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(e) As used in this section, "authorized utility or telecommunications vehicle" means:

(1) A motor vehicle operated by an authorized person as defined in K.S.A. 66-1710, and amendments thereto, for an electric or natural gas public utility as defined in K.S.A. 66-104, and amendments thereto, or a municipality-owned utility, when such motor vehicle is utilized for repairs that are needed on electric utility or natural gas equipment to restore necessary services or ensure public safety and is making use of visual signals meeting the requirements of K.S.A. 8-1731, and amendments thereto; and

(2) a motor vehicle operated by a provider, as defined in K.S.A. 17-1902, and amendments thereto, or a wireless infrastructure provider or a wireless services provider, as defined in K.S.A. 66-2019, and amendments thereto, when such vehicle is utilized for repairs and is making use of visual signals meeting the requirements of K.S.A. 8-1731, and amendments thereto.

(f) This section shall be a part of and supplemental to the uniform act regulating traffic on highways.

Sec. 6. K.S.A. 2020 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made in any manner accepted by the court. The traffic citation shall not have been complied with if the payment is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Unsafe speed for prevailing conditions	8-1557	\$75
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$45 11-20 mph over the limit, \$45 plus \$6 per mph over 10

		mph over the limit; 21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$195 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$75
Violating traffic control signal	8-1508	\$75
Violating pedestrian control signal	8-1509	\$45
Violating flashing traffic signals	8-1510	\$75
Violating lane-control signal	8-1511	\$75
Unauthorized sign, signal, marking or device	8-1512	\$45
Driving on left side of roadway	8-1514	\$75
Failure to keep right to pass oncoming vehicle	8-1515	\$75
Improper passing; increasing speed when passed	8-1516	\$75
Improper passing on right	8-1517	\$75
Passing on left with insufficient clearance	8-1518	\$75
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$75
Driving on left in no-passing zone	8-1520	\$75
Unlawful passing of stopped emergency vehicle	8-1520a	\$75
Driving wrong direction on one-way road	8-1521	\$75
Improper driving on laned roadway	8-1522	\$75
Following too close	8-1523	\$75
Improper crossover on divided highway	8-1524	\$45
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$75
Failure to yield to approaching vehicle when turning	8-1527	\$75

left		
Failure to yield at stop or yield sign	8-1528	\$75
Failure to yield from private road or driveway	8-1529	\$75
Failure to yield to emergency vehicle	8-1530	\$195
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$105
Failure to comply with restrictions in road construction zone	8-1531a	\$45
Disobeying pedestrian traffic control device	8-1532	\$45
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$75
Improper pedestrian crossing	8-1534	\$45
Failure to exercise due care in regard to pedestrian	8-1535	\$45
Improper pedestrian movement in crosswalk	8-1536	\$45
Improper use of roadway by pedestrian	8-1537	\$45
Soliciting ride or business on roadway	8-1538	\$45
Driving through safety zone	8-1539	\$45
Failure to yield to pedestrian on sidewalk	8-1540	\$45
Failure of pedestrian to yield to emergency vehicle	8-1541	\$45
Failure to yield to blind pedestrian	8-1542	\$45
Pedestrian disobeying bridge or railroad signal	8-1544	\$45
Improper turn or approach	8-1545	\$75
Improper "U" turn	8-1546	\$75
Unsafe starting of stopped vehicle	8-1547	\$45
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$75

Improper method of giving notice of intention to turn	8-1549	\$45
Improper hand signal	8-1550	\$45
Failure to stop or obey road crossing signal	8-1551	\$195
Failure to stop at railroad crossing stop sign	8-1552	\$135
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$195
Improper moving of heavy equipment at railroad crossing	8-1554	\$75
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$75
Improper passing of school bus; improper use of school bus signals	8-1556	\$315
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$195
Impeding normal traffic by slow speed	8-1561	\$45
Speeding on motor-driven cycle	8-1562	\$75
Speeding in certain vehicles or on posted bridge	8-1563	\$45
Improper stopping, standing or parking on roadway	8-1569	\$45
Parking, standing or stopping in prohibited area	8-1571	\$45
Improper parking	8-1572	\$45
Unattended vehicle	8-1573	\$45
Improper backing	8-1574	\$45
Driving on sidewalk	8-1575	\$45
Driving with view or driving mechanism obstructed	8-1576	\$45
Unsafe opening of vehicle door	8-1577	\$45
Riding in house trailer	8-1578	\$45
Unlawful riding on vehicle	8-1578a	\$75
Improper driving in defiles, canyons, or on grades	8-1579	\$45
Coasting	8-1580	\$45
Following fire apparatus too closely	8-1581	\$75

Driving over fire hose	8-1582	\$45
Putting glass, etc., on highway	8-1583	\$105
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$45
Improper operation of snowmobile on highway	8-1585	\$45
Parental responsibility of child riding bicycle	8-1586	\$45
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$45
Clinging to other vehicle	8-1589	\$45
Improper riding of bicycle on roadway	8-1590	\$45
Carrying articles on bicycle; one hand on handlebars	8-1591	\$45
Improper bicycle lamps, brakes or reflectors	8-1592	\$45
Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$45
Improper operation of motor cycle on laned roadway	8-1595	\$75
Motorcycle clinging to other vehicle	8-1596	\$45
Improper motorcycle handlebars or passenger equipment	8-1597	\$75
Motorcycle helmet and eye-protection requirements	8-1598	\$45
Unlawful operation of all-terrain vehicle	8-15,100	\$75
Unlawful operation of low-speed vehicle	8-15,101	\$75
Littering	8-15,102	\$115
Disobeying school crossing guard	8-15,103	\$75
Unlawful operation of micro utility truck	8-15,106	\$75
Failure to remove vehicles in accidents	8-15,107	\$75
Unlawful operation of golf cart	8-15,108	\$75
Unlawful operation of work-	8-15,109	\$75

site utility vehicle		
Unlawful display of license plate	8-15,110	\$60
Unlawful text messaging	8-15,111	\$60
Unlawful passing of a waste collection vehicle	8-15,112	\$45
<u>Unlawful passing of a utility or telecommunications vehicle</u>	<u>section 5</u>	<u>\$105</u>
Equipment offenses that are not misdemeanors	8-1701	\$75
Driving without lights when needed	8-1703	\$45
Defective headlamps	8-1705	\$45
Defective tail lamps	8-1706	\$45
Defective reflector	8-1707	\$45
Improper stop lamp or turn signal	8-1708	\$45
Improper lighting equipment on certain vehicles	8-1710	\$45
Improper lamp color on certain vehicles	8-1711	\$45
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$45
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$45
No lamp or flag on projecting load	8-1715	\$75
Improper lamps on parked vehicle	8-1716	\$45
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$45
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$45
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45
Improper lamps or lights on emergency vehicle	8-1720	\$45
Improper stop or turn signal	8-1721	\$45
Improper vehicular hazard warning lamp	8-1722	\$45

Unauthorized additional lighting equipment	8-1723	\$45
Improper multiple-beam lights	8-1724	\$45
Failure to dim headlights	8-1725	\$75
Improper single-beam headlights	8-1726	\$45
Improper speed with alternate lighting	8-1727	\$45
Improper number of driving lamps	8-1728	\$45
Unauthorized lights and signals	8-1729	\$45
Improper school bus lighting equipment and warning devices	8-1730	\$45
Unauthorized lights and devices on church or day-care bus	8-1730a	\$45
Improper lights on highway construction or maintenance vehicles	8-1731	\$45
Defective brakes	8-1734	\$45
Defective or improper use of horn or warning device	8-1738	\$45
Defective muffler	8-1739	\$45
Defective mirror	8-1740	\$45
Defective wipers; obstructed windshield or windows	8-1741	\$45
Improper tires	8-1742	\$45
Improper flares or warning devices	8-1744	\$45
Improper use of vehicular hazard warning lamps and devices	8-1745	\$45
Improper air-conditioning equipment	8-1747	\$45
Improper safety belt or shoulder harness	8-1749	\$45
Improper wide-based single tires	8-1742b	\$75
Improper compression release engine braking system	8-1761	\$75
Defective motorcycle headlamp	8-1801	\$45
Defective motorcycle tail lamp	8-1802	\$45

Defective motorcycle reflector	8-1803	\$45
Defective motorcycle stop lamps and turn signals	8-1804	\$45
Defective multiple-beam lighting	8-1805	\$45
Improper road-lighting equipment on motor-driven cycles	8-1806	\$45
Defective motorcycle or motor-driven cycle brakes	8-1807	\$45
Improper performance ability of brakes	8-1808	\$45
Operating motorcycle with disapproved braking system	8-1809	\$45
Defective horn, muffler, mirrors or tires	8-1810	\$45
Unlawful statehouse parking	75-4510a	\$30
Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight
		up to 1000\$40
per pound		1001 to 2000.....3¢
		2001 to 5000.....5¢
per pound		5001 to 7500.....7¢
		7501 and over.....10¢
per pound		
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight
per pound		up to 1000\$40
		1001 to 2000.....3¢
per pound		2001 to 5000.....5¢
		5001 to 7500.....7¢
per pound		7501 and over.....10¢
per pound		
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$287
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$137
Failure to obtain interstate motor fuel tax author-	79-34,122	\$137

ization		
No authority as private or common carrier	66-1,111	\$137
Violation of motor carrier safety rules and regulations, except for violations specified in K.S.A. 66-1,130(b)(2), and amendments thereto	66-1,129	\$115

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under K.S.A. 8-1560(a)(4), and amendments thereto.

(h) For a second violation of K.S.A. 8-1556, and amendments thereto, within five years after a prior conviction of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$750 for the second violation. For a third and each succeeding violation of K.S.A. 8-1556, and amendments thereto, within five years after two prior convictions of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$1,000 for the third and each succeeding violation.";

Also on page 6, in line 16, by striking "8-126 and 8-1402a are" and inserting "8-2118 is"; in line 18, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by

striking all before the second semicolon and inserting "traffic regulations; relating to motor vehicles; regulating vehicles in a funeral procession; permitting funeral escorts to direct funeral procession traffic through intersections and traffic control devices; requiring drivers to yield the right-of-way or move over for authorized utility or telecommunications vehicles; creating a traffic violation thereof"; in line 3, by striking "8-126 and 8-1402a" and inserting "8-2118"; in line 4, by striking "sections" and inserting "section";

RICHARD PROEHL
LEO DELPERDANG
HENRY HELGERSON
Conferees on part of House

MIKE PETERSEN
J. R. CLAEYS
TOM HAWK
Conferees on part of Senate

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 67**.

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

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

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 95 submits the following report:

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

On page 1, following line 6, by inserting:

"Section 1. K.S.A. 2020 Supp. 8-126 is hereby amended to read as follows: 8-126. As used in this act, the following words and phrases ~~when used in this act shall~~ have the meanings respectively ascribed to them herein:

(a) "All-terrain vehicle" means any motorized nonhighway vehicle ~~50 55~~ inches or less in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 1,500 pounds or less, traveling on three or more nonhighway tires.

(b) "Autocycle" means a three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.

(c) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.

(d) "Contractor" means a person, partnership, corporation, local government, county government, county treasurer or other state agency that has contracted with the department to provide services associated with vehicle functions.

(e) "Department" or "motor vehicle department" or "vehicle department" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

(f) "Division" means the division of vehicles of the department of revenue.

(g) "Electric-assisted scooter" means every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding.

(h) "Electric personal assistive mobility device" means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(i) "Electric vehicle" means a vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electrical energy storage devices, provided the recharge energy must be drawn from a source off the vehicle, such as, but not limited to:

(1) Residential electric service;

(2) an electric vehicle charging station, also called an EV charging station, an electric recharging point, a charging point, ~~EVSE~~ (electric vehicle supply equipment EVSE) or a public charging station.

(j) "Electronic certificate of title" means any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 2020 Supp. 8-135d, and amendments thereto.

(k) "Electronic notice of security interest" means the division's online internet program that enables a dealer or secured party to submit a notice of security interest as defined in this section, and to cancel the notice or release the security interest using the program. This program is also known as the Kansas elien or KSelien.

(l) "Farm tractor" means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

(m) "Farm trailer" means every trailer and semitrailer as those terms are defined in this section, designed and used primarily as a farm vehicle.

(n) "Foreign vehicle" means every motor vehicle, trailer, or semitrailer that shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and has not been registered in this state.

(o) "Golf cart" means a motor vehicle that ~~has does~~ not ~~less~~ have fewer than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

(p) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" ~~shall does not be deemed to~~ include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(q) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. ~~Such term shall include "Implement of husbandry" includes, but is not be~~ limited to:

- (1) A farm tractor;
- (2) a self-propelled farm implement;
- (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;
- (4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung; and
- (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

(r) "Lien" means a security interest as defined in this section.

(s) "Lightweight roadable vehicle" means a multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction of, the federal aviation administration.

(t) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(u) "Micro utility truck" means any motor vehicle that is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle or recreational off-highway vehicle.

(v) "Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, that is self-propelled.

(w) "Motorcycle" means every motor vehicle, including autocycles, designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as defined in this section.

(x) "Motorized bicycle" means every device having two tandem wheels or three wheels, that may be propelled by either human power or helper motor, or by both, and has:

- (1) A motor ~~which that~~ produces not more than 3.5 brake horsepower;
- (2) a cylinder capacity of not more than 130 cubic centimeters;
- (3) an automatic transmission; and
- (4) the capability of a maximum design speed of no more than 30 miles per hour.

(y) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person and such vehicle is incapable of a speed in excess of 15 miles per hour.

(z) "New vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles ~~and~~ who holds a dealer's contract therefor from a manufacturer or distributor ~~and who~~ has an established place of business in this state.

(aa) "Nonresident" means every person who is not a resident of this state.

(bb) "Notice of security interest" means a notification to the division from a dealer or secured party of a purchase money security interest as provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, upon a vehicle that has been sold and delivered to the purchaser describing the vehicle and showing the name, address and acknowledgment of the secured party as well as the name and address of the debtor or debtors and other information the division requires.

(cc) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

(dd) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(ee) "Passenger vehicle" means every motor vehicle, as defined in this section, that is designed primarily to carry 10 or fewer passengers, and is not used as a truck.

(ff) "Person" means every natural person, firm, partnership, association or corporation.

(gg) "Pole trailer" means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(hh) "Recreational off-highway vehicle" means any motor vehicle ~~more than 50 but not greater than 64.75 inches in width measured from the outside of one tire rim to the outside of the other tire rim~~, having a dry weight of ~~2,000~~ 3,500 pounds or less, traveling on four or more nonhighway tires.

(ii) "Road tractor" means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(jj) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(kk) "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(ll) "Specially constructed vehicle" means any vehicle that shall not have been originally constructed under a distinctive name, make, model or type, or that, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(mm) "Trailer" means every vehicle without motive power designed to carry

property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(nn) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

(oo) "Truck" means a motor vehicle that is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(pp) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(qq) "Used vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers or vehicles.

(rr) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

(ss) "Vehicle functions" means services relating to the application, processing, auditing or distribution of original or renewal vehicle registrations, certificates of title, driver's licenses and division-issued identification cards associated with services and functions set out in articles 1, 2 and 13 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto. "Vehicle functions" may also include personal property taxation duties set out in article 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and other vehicle-related events described in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

(tt) "Work-site utility vehicle" means any motor vehicle that is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck or recreational off-highway vehicle.;

Also on page 1, in line 7, before "K.S.A" by inserting "On and after January 1, 2022,";

On page 8, following line 32, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 8-1402a is hereby amended to read as follows: 8-1402a. "All-terrain vehicle" means any motorized nonhighway vehicle ~~50~~ 55 inches or less in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 1,500 pounds or less and traveling on three or more nonhighway tires.

Sec. 4. K.S.A. 2020 Supp. 8-126 and 8-1402a are hereby repealed.";

Also on page 8, in line 33, before "K.S.A." by inserting "On and after January 1, 2022,"; in line 35, by striking all before "its";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "relating to all-terrain vehicles and recreational off-highway vehicles; expanding the definitions thereof,"; also in line 3, after "Supp." by inserting "8-126,"; also in line 3, after "8-135" by inserting "and 8-1402a"; in line 4, by striking "section" and inserting "sections";

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

RICHARD PROEHL
LEO DELPERDANG
HENRY HELGERSON

Conferees on part of House

MIKE PETERSEN
J.R. CLAEYS
TOM HAWK

Conferees on part of Senate

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 95**.

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

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

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 127 submits the following report:

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

On page 11, following line 20, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 8-262 is hereby amended to read as follows: 8-262. (a) (1) Any person who drives a motor vehicle on any highway of this state at a time when such person's privilege so to do is canceled, suspended or revoked or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, shall be guilty of a class B nonperson misdemeanor on the first conviction and a class A nonperson misdemeanor on the second or subsequent conviction.

(2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, and amendments thereto, to the return of such person's driver's license.

(3) Except as otherwise provided by subsection (a)(4) or (c), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second conviction shall not be eligible for parole until completion of five days' imprisonment.

(4) Except as otherwise provided by subsection (c), if a person: (A) Is convicted of a violation of this section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any ordinance of any city or resolution of any county or a law of another state, which ordinance or resolution or law prohibits the acts

prohibited by those statutes; and (B) is or has been also convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any ordinance of any city or resolution of any county or law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes, committed while the person's privilege to drive or privilege to obtain a driver's license was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

(b) (1) Except as provided by subsection (b)(2), the division, upon receiving a record of the conviction of any person under this section, or any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section, upon a charge of driving a vehicle while the license of such person is revoked or suspended, shall extend the period of such suspension or revocation for an additional period of 90 days.

(2) For any person found guilty of driving a vehicle while the license of such person is suspended for violating K.S.A. 8-2110, and amendments thereto, such offense shall not extend the additional period of suspension pursuant to subsection (b)(1).

(c) (1) The person found guilty of a class A nonperson misdemeanor on a third or subsequent conviction of this section shall be sentenced to not less than 90 days' imprisonment and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended or revoked because such person:

(A) Refused to submit and complete any test of blood, breath or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;

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

(C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as defined in K.S.A. 2020 Supp. 21-5405(a)(3) and (a)(5), and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or

(D) was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.

(2) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments thereto, or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

(d) For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or resolution of any county or a

law of another state ~~which~~ that is in substantial conformity with this section.";

On page 16, in line 19, after the second comma by inserting "8-262,";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, after the semicolon by inserting "providing an exclusion from the additional 90-day period for suspended or revoked licenses;"; in line 7, after the second comma by inserting "8-262,";

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

RICHARD PROEHL
LEO DELPERDANG
HENRY HELGERSON

Conferees on part of House

MIKE PETERSEN
J.R. CLAEYS
TOM HAWK

Conferees on part of Senate

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 127**.

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

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

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to Sub HB 2166 submits the following report:

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

On page 12, following line 38, by inserting:

"New Sec. 12. (a) On and after January 1, 2022, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one love, Chloe foundation license plate for each such passenger vehicle or truck. Such license plate shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and either the payment to the county treasurer of the logo use royalty payment or the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) The love, Chloe foundation may authorize the use of the organization's logo to be affixed on license plates as provided by this section. Any motor vehicle owner or

lessee may apply annually to the love, Chloe foundation for use of such logo. Such owner or lessee shall pay an amount of not less than \$25 nor more than \$100 to the love, Chloe foundation as a logo use royalty payment for each such license plate to be issued. The logo use royalty payment shall be paid to either:

(1) The love, Chloe foundation, which shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement that shall be presented by the motor vehicle owner or lessee at the time of registration; or

(2) the county treasurer.

(c) Any applicant for a license plate authorized by this section may make application for such license plate not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plate shall either provide the annual logo use authorization statement provided for in subsection (b) or pay to the county treasurer the logo use royalty payment. Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) The director of vehicles may transfer a love, Chloe foundation license plate from a leased vehicle to a purchased vehicle.

(f) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides to the county treasurer either the annual logo use authorization statement provided for in subsection (b) or the payment of the annual royalty payment. If such statement is not presented at the time of registration or faxed by the love, Chloe foundation or the annual royalty payment is not made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The love, Chloe foundation shall provide to all county treasurers an electronic mail address where applicants can contact the love, Chloe foundation for information concerning the application process or the status of such applicant's license plate application.

(h) The love, Chloe foundation, with the approval of the director of vehicles, shall design a plate to be issued under the provisions of this section.

(i) As a condition of receiving the love, Chloe foundation license plate and any subsequent registration renewal of such license plate, the applicant shall consent to the division authorizing the division's release of motor vehicle record information, including the applicant's name, address, royalty payment amount, plate number and vehicle type to the love, Chloe foundation and the state treasurer.

(j) The collection and remittance of annual royalty payments by the county treasurer shall be subject to the provisions of K.S.A. 8-1,141(h), and amendments thereto.";

On page 13, in line 36, by striking "provisions of" and inserting "additional fee set forth in"; also in line 36, by striking the comma; in line 37, by striking all before the period;

On page 21, following line 34, by inserting:

"Sec. 18. K.S.A. 2020 Supp. 8-1,155 is hereby amended to read as follows: 8-1,155. (a) ~~On and after January 1, 2005,~~ Any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a firefighter, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a firefighter. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) On and after January 1, 2022, any applicant or renewal for a firefighter license plate authorized by this section shall make an annual payment of a firefighters training fee of \$10 to the county treasurer for each license plate to be issued.

~~(c)~~ Any person who is a firefighter may make an application for such distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a firefighter. An application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

~~(d)~~ No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

~~(e)~~ Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

(f) Annual firefighters training fee payments collected by county treasurers under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the firefighters training fund, which is hereby created in the state treasury and shall be administered by the state treasurer. Expenditures from the firefighting training fund may be made for the purposes of providing financial support related to honoring Kansas firefighters, training Kansas firefighters or any general use that supports Kansas firefighters. All expenditures from the firefighters training fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the firefighters training fund shall be made on a monthly basis to the appropriate designee of the Kansas state firefighters association."

Also on page 21, in line 35, by striking "and" and inserting a comma; in line 36, after "1,147" by inserting "and 8-1,155";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "flag" by inserting ", love, Chloe foundation"; in line 9, after the semicolon by inserting "establishing a fee for firefighter license plates;"; in line 11, by striking "and" and inserting a comma; also in line 11, after "8-1,147" by inserting "and 8-1,155";

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

MIKE PETERSEN

J. R. CLAEYS

Conferees on part of Senate

RICHARD PROEHL

LEO DELPERDANG

Conferees on part of House

Senator Claeys moved the Senate adopt the Conference Committee Report on **Sub HB 2166**.

On roll call, the vote was: Yeas 29; Nays 5; Present and Passing 5; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Francisco, Holscher, Pittman, Sykes, Ware.

Present and Passing: Corson, Hawk, Holland, McGinn, Pettey.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: A reluctant, but on-balance, AYE. The good news is most of these new auto license tags are beneficial to bona fide organizations; each with some particular direct connection to Kansas. The bad news is this once-tiny amendment authorizes the Don't Tread on Me Flag; whose creation is attributed to a South Carolinian slave trader who, allegedly, "owned" over 90 Africans as slaves and "Gadsden Wharf" which was the largest port for slave importation in North America. I regret well-intentioned Kansans, many of whom know we came into this Union as a Free State and had little to do with the rest of our country's past in that regard. Not knowing this despot's history may unwittingly sport "his" flag on a license tag because of its' catchy motto. But one of my late uncle Alex (the author of ROOTS : An America Saga) Haley's most oft quoted sayings was "Find the good and praise it." So praises for the GOOD and worthy organizations that are the far dominance here for proud future Kansas representations on many vehicles! And to hell with sanctioning of the codification in Gadsden's ("Don't Tread on Me") flag as an "official" part of the history of Kansas; which he and his sordid, debauchery-of-a-legacy never actual was.—DAVID HALEY

On motion of Senator Alley, the Senate recessed until 5:00 p.m..

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 26**.

The House adopts the Conference Committee report on **SB 38**.

The House adopts the Conference Committee report on **SB 142**.

The House adopts the Conference Committee report on **SB 143**.

The House adopts the Conference Committee report on **SB 175**.

The House nonconcurrs in Senate amendments to **HB 2405**, requests a conference and has appointed Representatives S. Johnson, Croft and Neighbor as conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2039**, and has appointed Representatives Huebert, Thomas and Stogsdill as Second conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Billinger, the Senate acceded to the request of the House for a conference on **HB 2405**.

The President appointed Senators Billinger, Claeys and Hawk as conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to H Sub SB 26 submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 26, as follows:

On page 1, by striking all in lines 8 through 36;

On page 2, by striking all in lines 1 through 11; following line 11, by inserting:

"Section 1. K.S.A. 66-1,105 is hereby amended to read as follows: 66-1,105. The orders and decisions of the commission on the matters covered by this act shall be made in writing and copies of such decisions shall be served on motor carriers by electronic mail if authorized by the motor carrier or first class mail, except that orders and decisions potentially resulting in a negative impact upon any motor carrier's authority and initial orders in show cause proceedings shall be served by certified mail, return receipt requested. A motor carrier may, at any time, revoke the authorization to receive the orders and decisions through electronic mail provided by this section, and any orders or decisions of the commission after the date of the revocation shall be served by mail. Every order and decision of the commission on matters covered by this act shall become operative and effective within 30 days after service, and the motor carrier shall carry the provisions of the order into effect, unless the order is enjoined or set aside by a court of proper jurisdiction.

Sec. 2. K.S.A. 66-1,108 is hereby amended to read as follows: 66-1,108. As used in this act:

(a) "Commission" means the corporation commission of the state of Kansas;

(b) ~~"ground water well drilling rigs" means any vehicle, machine, tractor, trailer, semi-trailer or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including~~

~~water well drilling and pump service rigs equipped to access ground water;~~

(e) "household goods" means property and personal effects used or to be used in a dwelling, when a part of the equipment or supply of such dwelling and such other similar property, as the commission may provide by rules and regulations, if the transportation of such effects or property is:

(1) Arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in such householder's dwelling; or

(2) arranged and paid for by another party;

~~(d)~~(c) "public motor carrier of household goods" means any person who undertakes for hire to transport by commercial motor vehicle, from place to place, the household goods of others who may choose to employ or contract with the motor carrier;

~~(e)~~(d) "public motor carrier of passengers" means any person who undertakes for hire to transport by commercial motor vehicle, from place to place, persons who may choose to employ or contract with the motor carrier; and

~~(f)~~(e) "public motor carrier of property" means any person who undertakes for hire to transport by commercial motor vehicle, from place to place, the property other than household goods of others who may choose to employ or contract with the motor carrier.

Sec. 3. K.S.A. 66-1,110 is hereby amended to read as follows: 66-1,110. All "public motor carriers of property, of household goods or of passengers" as defined in this act are hereby declared to be common carriers within the meaning of the public utility laws of this state, and are hereby declared to be affected with a public interest and subject to this act, to the extent not preempted by federal law, and to the laws of this state, including the regulation of all rates and charges now in force or that hereafter may be enacted, pertaining to public utilities and common carriers as far as applicable, and not in conflict.

Sec. 4. K.S.A. 66-1,111 is hereby amended to read as follows: 66-1,111. No public motor carrier of property or passengers or private motor carrier of property ~~or local cartage carrier~~ shall operate any motor vehicle for the transportation of either persons or property on any public highway in this state except in accordance with the provisions of this act, and amendments thereto, and other applicable laws.

Sec. 5. K.S.A. 66-1,112 is hereby amended to read as follows: 66-1,112. (a) The commission is hereby vested with power and authority and it shall be its duty to license, supervise and regulate every public motor carrier of property, of household goods or of passengers in this state, to the full extent not preempted by federal law, including fixing and approving reasonable maximum or minimum, or maximum and minimum rates, fares, charges, classifications and rules and regulations pertaining to the transportation of household goods or passengers as defined in 49 U.S.C. § 13102. The commission shall prescribe rules and regulations related to uniform cargo liability, uniform bills of lading, uniform cargo credit and antitrust immunity for joint-line rates and routes, classifications and mileage guides. The commission is hereby vested with power and authority and it shall be its duty to license, supervise and regulate every public motor carrier transporting property, household goods or passengers in this state, and to regulate and supervise the accounts, schedules, service and method of operation of same; ~~to prescribe a uniform system and classification of accounts to be used; to require the filing of annual and other reports and any other data;~~ and to supervise and regulate

public motor carriers transporting property, household goods or passengers in all matters affecting the relationship between such public motor carriers of property, of household goods or of passengers and the traveling and shipping public.

(b) The commission shall have power and authority, by general order or otherwise, to prescribe reasonable and necessary rules and regulations governing all such motor carriers. All laws relating to the powers, duties, authority and jurisdiction of the corporation commission over common carriers are hereby made applicable to all such motor carriers except as herein otherwise specifically provided.

(c) In order to insure nondiscriminatory, nonpreferential and just and reasonable rates, joint rates, fares, tolls, charges and exactions for all shippers, the commission shall establish rate-making procedures for all ~~motor common carriers~~ holders of a certificate of convenience and necessity, including collective rate-making procedures for joint consideration, initiation and establishment of such rates and charges for transporting household goods or passengers as defined in 49 U.S.C. § 13102. The commission shall prescribe reasonable rules and regulations related to uniform cargo liability, uniform bills of lading, uniform cargo credit and antitrust immunity for joint-line rates and routes, classifications and mileage guides. Joint and collective rate-making shall be limited to:

(1) That which is necessary to formulate one or more joint rates as such term is used in K.S.A. 66-117, and amendments thereto;

(2) general rate increases or decreases if the tariff proposal gives shippers, under procedures approved by the commission, at least 15 days' notice of the proposal and an opportunity to present comments on it before a tariff is filed with the commission and if discussion of such increases or decreases is related to industry average carrier costs and does not include discussion related exclusively to individual markets or particular single-line rates;

(3) ~~changes in commodity classifications;~~

(4) changes in tariff structures if discussion of such changes is related to industry average carrier costs and does not include discussion related exclusively to individual markets or particular single-line rates; and

(5) ~~(4)~~ publishing of tariffs, filing of independent actions for individual members and changes in rules and regulations ~~which that~~ are of at least substantially general application throughout the area in which where such changes will apply.

(d) The provisions of K.S.A. 50-101 et seq., and amendments thereto, shall not apply to the activities and procedures of persons, groups, agencies, bureaus or other entities where such activities and procedures have received approval by order of the commission under this statute.

Sec. 6. K.S.A. 66-1,112g is hereby amended to read as follows: 66-1,112g. The commission shall issue permits to private motor carriers of property and require ~~the filing of annual and other reports, and~~ such additional data as may be required by the commission in carrying out the provisions of this act. The commission may adopt rules and regulations relating to private motor carriers of property.

Sec. 7. K.S.A. 66-1,112j is hereby amended to read as follows: 66-1,112j. Upon failure to comply with the provisions of the motor carrier law or other laws of the state relating to motor carriers, or upon failure to comply with motor carrier rules and regulations of the commission, or ~~rules and regulations of the state property valuation department, the department of revenue relating to taxation of motor carriers, or the port~~

~~of entry board relating to motor carriers; the commission may suspend or completely revoke, at any time, any permit, certificate or interstate license after notice and an opportunity to be heard has been given to the grantee in accordance with the provisions of the Kansas administrative procedure act.~~

Sec. 8. K.S.A. 66-1,114 is hereby amended to read as follows: 66-1,114. (a) Except as hereinafter provided, it shall be unlawful for any public motor carrier to operate as a carrier of household goods or passengers in intrastate commerce within this state without first having obtained from the commission a certificate of convenience and necessity to transport household goods or passengers. ~~The commission, upon the filing of an application for a certificate, shall fix a time and place for hearing thereon, which shall be not less than 20 and not more than 60 days after the filing and shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Notices of hearings shall be published electronically on the commission's web site within three days of the filing of the application. Any person may offer testimony at such hearing. A motor carrier denied a certificate shall be afforded the opportunity of a hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. If such hearing is requested, the hearing shall be held within 10 business days of the request.~~

(b) If the commission finds that the proposed service or any part thereof is proposed to be performed by the applicant, that the applicant is fit, willing and able to perform such service; and that the applicant is in compliance with the commission's safety rules and regulations, liability and cargo insurance requirements and other applicable state laws, the commission shall issue the certificate of convenience and necessity to transport household goods and passengers, except that if the commission finds that the proposed service is inconsistent with the public convenience and necessity, the commission shall not issue the certificate.

(c) Within 18 months of the issuance to a public motor carrier of a certificate of convenience and necessity to transport household goods or passengers, the commission shall verify that such public motor carrier continues to be fit, knowledgeable and in compliance with the commission's safety rules and regulations, liability ~~and cargo~~ insurance requirements and other applicable state laws.

Sec. 9. K.S.A. 66-1,114b is hereby amended to read as follows: 66-1,114b. (a) Except as hereinafter provided, it shall be unlawful for any public motor carrier to operate as a carrier of property other than household goods or ~~as a carrier of~~ passengers in intrastate commerce within this state without first having obtained from the commission a certificate of public service to transport property other than household goods or to transport passengers.

(b) The commission, upon the filing of an application for a certificate of public service, shall ascertain that the motor carrier is fit, knowledgeable and in compliance with the commission's safety rules and regulations, liability ~~and cargo~~ insurance requirements and other applicable state laws. Once a motor carrier submits a complete application demonstrating that the motor carrier is fit, knowledgeable and in compliance with the commission's safety rules and regulations, liability ~~and cargo~~ insurance requirements and other applicable state laws, the commission may issue that motor carrier a ~~30-day interim certificate of public service, signed and approved by the commission's executive director. A list of applications received shall be published electronically on the commission's web site, and shall state whether an interim~~

~~certificate has been granted to the applicant. Any person who opposes the grant of a certificate of public service to a motor carrier applicant shall have 30 days from the commission's grant of an interim certificate to file a written protest with the commission. If no protest against a motor carrier applicant is filed before the expiration of the 30-day interim certificate, the commission may issue the motor carrier applicant a permanent certificate, signed and approved by the commission's executive director. If the commission finds that an applicant is not fit, knowledgeable, or in compliance with the commission's safety rules and regulations, liability and cargo insurance requirements and other applicable state laws, an order shall be issued denying the application. If the commission deems it necessary, a hearing may be held on any application, and any commission decision on such application shall be issued by order certificate of public service. A motor carrier denied a certificate shall be afforded the opportunity of a hearing on the matter in accordance with the provisions of the Kansas administrative procedure act. If such a hearing is requested, the hearing shall be held within 10 business days of the request.~~

(c) Motor carriers holding a certificate of convenience and necessity to transport property other than household goods shall be considered as holding a certificate of public service to transport that property originally granted by the commission as a public motor carrier of property. Pursuant to federal law those motor carriers may transport that property originally granted by the commission statewide.

(d) Within 18 months of the issuance to a public motor carrier of a certificate of public service to transport property other than household goods or passengers, the commission shall verify that such public motor carrier continues to be fit, knowledgeable and in compliance with the commission's safety rules and regulations, liability ~~and cargo~~ insurance requirements and other applicable state laws.

Sec. 10. K.S.A. 66-1,116 is hereby amended to read as follows: 66-1,116. (a) It shall be unlawful for a public motor carrier of property, of household goods or of passengers to operate in interstate commerce regulated by the relevant federal agency without registering its motor vehicles in its base state pursuant to federal statutes in order to operate in Kansas.

(b) It shall be unlawful for a public motor carrier of property, of household goods or of passengers or a private motor carrier of property ~~which that~~ is exempt from federal regulations, to operate in interstate commerce within this state, without having furnished the commission, in writing, such information as the commission may request ~~covering observance of state police regulations~~ and the payments of the fees. This act shall apply to all persons and motor vehicles engaged in interstate commerce only to the extent permitted by the constitution and laws of the United States.

Sec. 11. K.S.A. 66-1,119 is hereby amended to read as follows: 66-1,119. ~~No public motor carrier authorized by this act to operate shall change, abandon or discontinue any service established by this act or operations under any certificate of convenience and necessity issued for carriers of household goods or passengers without consent of the commission after written application. Failure of any motor carrier to annually renew its authority, certificate or permit in a timely manner shall result in a termination of that motor carrier's authority by operation of law. A list of applications for changes to, abandonments of or discontinuances of any authority, as well as any abandonments of authority by operation of law for failure to renew, shall be published on the commission's web site.~~

Sec. 12. K.S.A. 66-1,141 is hereby amended to read as follows: 66-1,141. The provisions of K.S.A. 66-1,138; ~~and 66-1,139 and 66-1,140, and amendments thereto,~~ shall be ~~and shall be construed as supplemental to and as a part of~~ and supplemental to article 1 of chapter 66 of the Kansas Statutes Annotated, and ~~any acts amendatory thereof or supplemental amendments~~ thereof thereto.";

Also on page 2, in line 12, by striking "68-1022 is" and inserting "66-1,105, 66-1,108, 66-1,110, 66-1,111, 66-1,112, 66-1,112g, 66-1,112j, 66-1,114, 66-1,114b, 66-1,116, 66-1,118, 66-1,119, 66-1,119a, 66-1,140, 66-1,141 and 66-1,142d are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 and 3; in line 4, by striking all before the semicolon and inserting "motor carriers; relating to the state corporation commission's regulation of motor carriers; updating and eliminating certain procedures for certificates of convenience and necessity and certificates of public service; revising certain laws to conform to federal regulation"; also in line 4, by striking "68-1022" and inserting "66-1,105, 66-1,108, 66-1,110, 66-1,111, 66-1,112, 66-1,112g, 66-1,112j, 66-1,114, 66-1,114b, 66-1,116, 66-1,119 and 66-1,141"; in line 5, by striking "section" and inserting "sections; also repealing K.S.A. 66-1,118, 66-1,119a, 66-1,140 and 66-1,142d";

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

RICHARD PROEHL
LEO DELPERDANG
HENRY HELGERSON

Conferees on part of House

MIKE PETERSEN
J.R. CLAEYS
TOM HAWK

Conferees on part of Senate

Senator Petersen moved the Senate adopt the Conference Committee Report on **H Sub SB 26**.

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

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

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 38 submits the following report:

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

On page 2, following line 4, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 2-1903 is hereby amended to read as follows: 2-1903. As used in this act:

(1) "District" or "conservation district" means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with the provisions of this act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this act.

(3) "Commission" ~~or "state conservation commission"~~ means the conservation program policy board created in K.S.A. 2-1904, and amendments thereto, including the state conservation commission continued in existence by K.S.A. 74-5,128, and amendments thereto.

(4) "State" means the state of Kansas.

(5) "Agency of this state" includes the government of this state and any subdivision, agency or instrumentality, corporation or otherwise, of the government of this state.

(6) "United States" or "agencies of the United States" includes the United States of America, ~~the soil~~ natural resources conservation service of the United States department of agriculture and any other agency or instrumentality, corporate or otherwise, of the United States of America.

(7) "Government" or "governmental" includes the government of this state, the government of the United States and any subdivision, agency or instrumentality, corporate or otherwise, of either of them.

(8) "Division" ~~or "division of conservation"~~ means the agency division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

(9) "Director" means the executive director of the division.

(10) "Invasive plant species" means a species of plant not native to Kansas whose introduction, presence or spread does or is likely to cause economic harm, environmental harm or harm to human health.

(11) "Secretary" means the secretary of the Kansas department of agriculture.

Sec. 4. K.S.A. 2020 Supp. 2-1904 is hereby amended to read as follows: 2-1904.

(a) There is hereby established, to serve as a conservation program policy board of the state and to perform the functions conferred upon it in this act, the state conservation commission. The state conservation commission shall succeed to all the powers, duties and property of the state soil conservation committee. The commission shall consist of nine members as follows:

(1) ~~The director of the cooperative extension service and the director of the state agricultural experiment station dean of the Kansas state university college of agriculture located at Manhattan, Kansas, or such persons' designees shall serve, ex officio, as shall appoint two designees to serve on the commission as members of the commission. One designee shall represent an agricultural experiment station and one shall represent the cooperative extension service.~~

(2) ~~The commission secretary shall request the secretary of agriculture of the United States of America to appoint one person, and the secretary of the Kansas department of agriculture to shall appoint one person, each of whom shall be residents~~

of the state of Kansas to serve as members of the commission. These members shall hold office for four years and until a successor is appointed and qualifies, with terms commencing on the second Monday in January beginning in 1973.

(3) Five members of the ~~state~~ commission shall be elected by the conservation district supervisors at a time and place to be designated by the ~~state conservation~~ commission. The method of electing such members to be conducted as follows: The state is to be divided into five separate areas. Area No. I to include the following counties: Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan, Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell. Area No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee, Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell, Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and Kiowa. Area No. III to include: Jewell, Republic, Mitchell, Cloud, Lincoln, Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey, Kingman, Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford. Area No. IV to include: Washington, Marshall, Nemaha, Brown, Doniphan, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary, Dickinson, Morris, Osage, Franklin and Miami. Area No. V to include: Marion, Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Greenwood, Butler, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua, Montgomery, Labette and Cherokee. Areas II and IV ~~will shall~~ elect members in even number even-numbered years and Areas I, III and V shall elect members in odd number odd-numbered years for ~~two year two-year~~ terms. The elected commission members from Areas I, III and V shall take office on January 1; of the ~~even number even-numbered~~ years. The remaining two elected members of the state commission from Areas II and IV shall take office on January 1; of the ~~odd number odd-numbered~~ years. The method of election is to be by area caucus of the district supervisors of each of the five separate areas of Kansas. The commission shall give each district notice of the time and place of such annual election meeting by letter if a member is to be elected to the commission from that area that year. The selection of a successor to fill an unexpired term shall be by appointment by the commission. The successor who is appointed to fill the unexpired term shall be a resident of the same area as that of the predecessor.

(b) The commission shall keep a record of its official actions; ~~and shall adopt a seal which seal shall be judicially noticed, and may perform such acts, hold such public hearings and adopt~~ review all rules and regulations proposed by the division that are necessary for the execution of its the division's functions under this act.

(c) In addition to the powers and duties conferred in this section, the ~~state conservation~~ commission shall have the powers and duties not delegated to the ~~Kansas department of agriculture division of conservation~~ pursuant to K.S.A. 74-5,126, and amendments thereto.

(d) The commission shall designate its chairperson and, from time to time, may change such designation. A majority of the commission shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. Members of the ~~state conservation~~ commission attending meetings of such commission or attending a subcommittee meeting thereof authorized by such commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. The commission shall provide for keeping of a full and accurate record of all proceedings and of all

resolutions, ~~rules and~~ regulations and orders issued or adopted.

(e) ~~The state conservation~~ commission together with the ~~Kansas department of agriculture division of conservation~~ shall make conservation program policy decisions to be approved by the secretary, including modification of current conservation programs, creation of new conservation programs and annual budget recommendations.

(f) ~~The Kansas department of agriculture division of conservation~~ in consultation with the ~~state conservation~~ commission shall have the following duties and powers:

(1) To offer such assistance as may be appropriate to the supervisors of conservation districts, organized as provided hereinafter, in the carrying out of any of their powers and programs;

(2) to keep the supervisors of each of the several districts organized under the provisions of this act informed of the activities and experience of all other districts organized hereunder and to facilitate an interchange of advice and experience between such districts and cooperation between them;

(3) to coordinate the programs of the several conservation districts organized hereunder;

(4) to secure the cooperation and assistance of the United States and any of its agencies and of agencies of this state, in the work of such districts and to contract with or to accept donations, grants, gifts and contributions in money, services or otherwise from the United States or any of its agencies or from the state or any of its agencies in order to carry out the purposes of this act;

(5) to disseminate information throughout the state concerning the activities and programs of the conservation districts organized hereunder and to encourage the formation of such districts in areas where their organization is desirable;

(6) to cooperate with and give assistance to watershed districts and other special purpose districts in the state of Kansas for the purpose of cooperating with the United States through the secretary of agriculture in the furtherance of conservation pursuant to the provisions of the watershed protection and flood prevention act, as amended;

(7) to cooperate in and carry out, in accordance with state policies, activities and programs to conserve and develop the water resources of the state and maintain and improve the quality of such water resources;

(8) to enlist the cooperation and collaboration of state, federal, regional, interstate, local, public and private agencies with the conservation districts;

(9) to facilitate arrangements under which conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of natural resources; and

(10) to take such actions as are necessary to restore, establish, enhance and protect natural resources with conservation easements for the purpose of compensatory mitigation required under section 404 of the federal clean water act, including:

(A) Accepting, purchasing or otherwise acquiring conservation easements, as defined in K.S.A. 58-3810, and amendments thereto, on behalf of watershed districts for the purpose of protecting compensatory mitigation sites;

(B) contracting with engineering consultants, surveyors and construction contractors for the purpose of restoration, establishment and enhancement of natural resources; and

(C) establishing fees for the acquisition and administration of conservation easements held on behalf of watershed districts, accepting such fees from state and local

government agencies, and assuming responsibility to ensure the terms of the conservation easement are met, as approved by the department, for the length of term of the easement for which fees have been accepted.

(g) There is hereby established in the state treasury the compensatory mitigation fund, ~~which shall~~ to be administered by the department of agriculture. All expenditures from the compensatory mitigation fund shall be for conservation. All expenditures from the compensatory mitigation fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or the designee of the secretary. The secretary of agriculture shall remit all moneys received by or for the secretary under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the compensatory mitigation fund.

(h) All costs associated with compensatory mitigation, including, but not limited to, the costs of any litigation or civil fines or penalties, shall be paid by the watershed district for which the ~~Kansas department of agriculture division of conservation~~ holds the conservation easement.

(i) (1) Except as provided in ~~subsection (i) paragraph (2)~~, the Kansas department of agriculture shall not expend moneys appropriated from the state general fund or from any special revenue fund or funds for the purpose of accepting, purchasing or otherwise acquiring conservation easements on behalf of watershed districts.

(2) The Kansas department of agriculture may expend moneys in the compensatory mitigation fund established by this section for the purpose of accepting, purchasing or otherwise acquiring conservation easements on behalf of watershed districts and for the administration of such conservation easements.

(j) The ~~Kansas department of agriculture division of conservation~~ shall not accept, purchase or otherwise acquire any conservation easement other than for the purposes of this section.

Sec. 5. K.S.A. 2020 Supp. 2-1907 is hereby amended to read as follows: 2-1907. The governing body of the district shall consist of five supervisors who are qualified electors residing within the district. The supervisors who are first elected shall serve for terms of one, two and three years according to the following plan: The two persons receiving the highest number of votes in the election shall hold office for three years; the two persons receiving the next highest number of votes shall hold such office for a term of two years; and the remaining supervisor shall hold office for a term of one year. In the event of a tie vote, such terms shall be decided by lot. Nothing in this section shall be construed as affecting the length of the term of supervisors holding office on January 1, 1995. Successors to such persons shall be elected for terms of three years. An annual meeting of all qualified electors of the district shall be held in the month of January or February. Notice of the time and place of such meeting shall be given by such supervisors by publishing a notice in the official county paper once each week for two consecutive weeks prior to the week in which such meeting is to be held. At such meeting the supervisors shall make full and due report of their activities and financial affairs since the last annual meeting and shall conduct an election by secret ballot of all of the qualified electors of the district there present for the election of supervisors whose terms have expired. Whenever a vacancy occurs in the membership of the governing body the remaining supervisors of the district shall appoint a qualified elector

of the district to fill the office for the unexpired term. The supervisors shall designate a chairperson and may from time to time change such designation. A supervisor shall hold office until a successor has been elected or appointed and has qualified. A majority of the supervisors shall constitute a quorum and the concurrence of a majority of the supervisors in any matter within their duties shall be required for its determination. A supervisor shall receive no compensation for services, but may be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of duties. The supervisors may employ a secretary, technical experts; and such other officers, agents, and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties and compensation. The supervisors may call upon the county attorney of the county in which a major portion of the district lies, or the attorney general for such legal services as they may require. The supervisors may delegate to their chairperson, to one or more supervisors, or to one or more agents, or employees such powers and duties as they may deem proper. The supervisors shall furnish to the ~~Kansas department of agriculture~~ division of conservation, upon request, copies of such rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this act. The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of the accounts and receipts and disbursements. Any supervisor may be removed by the ~~state conservation~~ secretary in consultation with the commission upon notice and hearing in accordance with the provisions of the Kansas administrative procedure act; for neglect of duty or malfeasance in office, but for no other reason. The supervisors may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy ~~which~~ that may affect the property, water supply; or other interests of such municipality or county.

Sec. 6. K.S.A. 2020 Supp. 2-1907c is hereby amended to read as follows: 2-1907c. On or before September 1 of each year, each conservation district shall submit to the ~~Kansas department of agriculture~~ division of conservation a certification of the amount of money to be furnished by the county commissioners for conservation district activities for the ensuing calendar year. Such amount shall be the same as authorized for such purposes in each approved county budget. For the purpose of providing state financial assistance to conservation districts, the ~~Kansas department of agriculture~~ division of conservation in the regular budget request, as a line item for the forthcoming fiscal year, shall submit a special request for an amount equal to the sum of the allocations of each county to each conservation district, but in no event to exceed the sum of \$25,000 per district. This \$25,000 limitation shall be applicable for fiscal year 2008, and thereafter, subject to appropriations therefor. The ~~Kansas department of agriculture~~ division of conservation, as soon as practicable after July 1 of the following year, shall disburse such moneys as may be appropriated by the state for this purpose to each conservation district to match funds allocated by the commissioners of each county. Distribution shall be prorated in proportion to county allocations in the event that appropriations are insufficient for complete matching of funds. Municipal

accounting procedures shall be used in the distribution of and in the expenditure of all funds.

Sec. 7. K.S.A. 2020 Supp. 2-1908 is hereby amended to read as follows: 2-1908. A conservation district organized under the provisions of K.S.A. 2-1901 et seq., and amendments thereto, shall constitute a governmental subdivision of this state; and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this act:

(a) To conduct surveys, investigations; and research relating to the character of soil erosion, soil and grassland health, flood damage, water quality and the preventive and control measures needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures. In order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies; or with the United States or any of its agencies;

(b) to conduct demonstrational projects within the district on lands, owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods; and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil blowing and soil washing may be prevented and controlled; and to demonstrate by example, the means, methods; and measures by which water and water resources may be conserved, developed, used and disposed of to alleviate ~~drought~~ drought, to maintain and improve water quality and to reduce flooding and impaired drainage;

(c) to carry out preventive and control measures within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land; and the measures listed in subsection C of K.S.A. 2-1902, and amendments thereto, on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands;

(d) to cooperate; or enter into agreements with, and within the limitations of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any occupier of lands within the district, in the carrying on of erosion-control flood prevention, soil and grassland health initiatives, water quality and water management operations within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this act;

(e) to obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise; or otherwise, any property, real or personal, or rights or interest therein; to maintain, administer; and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this act; and to sell, lease; or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this act;

(f) to make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds; and

seedlings, and such other material or equipment, as will assist such land occupiers to carry on operations upon their lands for the conservation of soil resources, soil and grassland health, protection of water quality and for the prevention and control of soil erosion;

(g) to develop comprehensive plans for the conservation of soil and water resources and for the control and prevention of soil erosion, flood damages, impaired drainage, the effects of ~~drouth~~ drought within the district and the maintenance and improvement of water quality, ~~which with such plans shall specify~~ specifying in such detail as may be possible, the acts, procedures, performances; and avoidances ~~which that~~ are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices; and changes in use of land, and to publish such plans and information and bring them to the attention of occupiers of lands within the district;

(h) to take over, by purchase, lease, gift or ~~otherwise~~ donation, and to administer, any soil-conservation, erosion-control, ~~or soil and grassland health~~, erosion-prevention, flood prevention, water quality or water management project located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies subject to the authority of the authorizing state or federal agency; to manage, as agent of the United States or any of its agencies, or of this state or any of its agencies, any soil-conservation, erosion-control, or erosion-prevention, flood prevention or water management project within its boundaries; to act for the district or as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, maintenance, or administration of any soil-conservation, erosion-control, ~~or soil and grassland health~~, erosion-prevention, flood prevention, water quality or water management project within its boundaries; to accept donations, gifts; and contributions in money, services, materials; or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and from persons, firms, corporations or associations, and to use or expend such moneys, services, materials; or other contributions in carrying on its operations;

(i) to sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regulations not inconsistent with this act, to carry into effect its purposes and powers;

(j) as a condition to the extending of any benefits under this act, to or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the supervisors may require contributions in money, services, materials; or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon;

(k) no provisions with respect to the acquisition, operation; or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the legislature shall specifically so state;

(l) the supervisors of any district shall not contract debts or obligations in the name of the district beyond the current appropriation made available to the district by the

~~committee division~~ or federal grants or other financial sources;

(m) to accept and expend funds donated to the district for purposes of providing at least 20% cost-share for the purchase of an eligible water right from the holder of the water right under the provisions of K.S.A. 2-1915, and amendments thereto; and

(n) to control ~~and eradicate sericea lespedeza~~ invasive species within the district ~~in any county that the secretary of agriculture has designated as a sericea lespedeza disaster area.~~

Sec. 8. K.S.A. 2020 Supp. 2-1915 is hereby amended to read as follows: 2-1915.

(a) (1) Appropriations may be made for grants out of funds in the treasury of this state for:

(A) Terraces, terrace outlets, check dams, dikes, ponds, ditches, critical area planting, grassed waterways, ~~tailwater recovery irrigation systems~~ irrigation technology, precision land forming, range seeding, soil and grassland health, detention and grade stabilization structures and other enduring water conservation and water quality practices installed on public lands and on privately owned lands; and;

(B) ~~the control and eradication of sericea lespedeza as provided in subsection (n) of K.S.A. 2-1908, and amendments thereto,~~ invasive species on public lands and on privately owned lands.

(2) Except as provided by the multipurpose small lakes program act and other programs approved by the secretary, any such grant shall not exceed 80% of the total cost of any such practice.

(b) A program for protection of riparian and wetland areas shall be developed by ~~the Kansas department of agriculture division of conservation~~ and implemented by the conservation districts. The conservation districts shall prepare district programs to address resource management concerns of water quality, erosion and sediment control and wildlife habitat as part of the conservation district long-range and annual work plans. Preparation and implementation of conservation district programs shall be accomplished with assistance from appropriate state and federal agencies involved in resource management.

(c) Subject to the provisions of K.S.A. 2-1919, and amendments thereto, any holder of a water right, as defined by ~~subsection (g) of K.S.A. 82a-701(g)~~, and amendments thereto, who is willing to voluntarily return all or a part of the water right to the state shall be eligible for a grant not to exceed 80% of the total cost of the purchase price for such water right. The ~~Kansas department of agriculture division of conservation~~ shall administer this cost-share program with funds appropriated by the legislature for such purpose. The chief engineer shall certify to the ~~Kansas department of agriculture division of conservation~~ that any water right for which application for cost-share is received under this section is eligible in accordance with the criteria established in K.S.A. 2-1919, and amendments thereto.

(d) (1) Subject to appropriation acts therefor, ~~the Kansas department of agriculture division of conservation~~ shall develop the Kansas water quality buffer initiative for the purpose of restoring riparian areas using best management practices. ~~The executive director of the Kansas department of agriculture division of conservation~~ shall ensure that the initiative is complementary to the federal conservation reserve program and update any applicable standards from time to time as necessary for the continued success of the program.

(2) There is hereby created in the state treasury the Kansas water quality buffer

initiative fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the ~~executive director of the Kansas department of agriculture division of conservation~~ or the ~~executive director's designee~~. ~~Money~~ Moneys credited to the fund shall be used for the purpose of making grants to install water quality best management practices pursuant to the initiative.

(3) The county or district appraiser shall identify and map riparian buffers consisting of at least one contiguous acre per parcel of real property located in the appraiser's county. Notwithstanding any other provisions of law, riparian buffers shall be valued by the county or district appraiser as tame grass land, native grass land or waste land, as appropriate. As used in this ~~subsection (3) paragraph~~, "riparian buffer" means an area of stream-side vegetation that: (A) Consists of tame or native grass and may include forbs and woody plants; (B) is located along a perennial or intermittent stream, including the stream bank and adjoining floodplain; and (C) is a minimum of 66 feet wide and a maximum of 180 feet wide.

(e) ~~The Kansas department of agriculture division of conservation, with the approval of the state conservation commission secretary, shall adopt rules and regulations to administer such grant and protection programs. Prior to submission of any proposed rules and regulations of the division to the director of the budget, the secretary of administration and the attorney general in accordance with the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto:~~

(1) The director shall submit such proposed rules and regulations to the commission; and

(2) the commission shall review and make recommendations to the director and the secretary regarding such proposed rules and regulations.

(f) Any district is authorized to make use of any assistance whatsoever given by the United States, or any agency thereof, or derived from any other source, for the planning and installation of such practices. ~~The Kansas department of agriculture division of conservation~~ may enter into agreements with other state and federal agencies to implement the Kansas water quality buffer initiative.

Sec. 9. K.S.A. 2-1916 is hereby amended to read as follows: 2-1916. At any time after five ~~(5)~~ years after the organization of a district under the provisions of this act, ~~ten percent (10%)~~ of the occupiers of land lying within the boundaries of such district may file a petition with the ~~state soil conservation committee division~~ praying that the operations of the district be terminated and the existence of the district discontinued. ~~The committee division~~ may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof. Within ~~sixty (60)~~ days after such a petition has been received by the ~~committee it division, the division~~ shall give due notice of the holding of a referendum, and shall supervise such referendum, and issue appropriate regulations governing the conduct thereof, the question to be submitted by ballots upon which the words "For terminating the existence of the _____ (name of the soil conservation district to be here inserted)" and "against terminating the existence of the _____ (name of the soil conservation district to be here inserted)" shall be printed, with a square before each proposition and a direction to insert an × mark in the square before one or the other of said propositions as the voter may favor or oppose discontinuance of such district. All occupiers of lands lying within the boundaries of the district shall be eligible to vote in

such referendum. Only such land occupiers shall be eligible to vote. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted. The ~~committee~~ division shall publish the result of such referendum and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible. If the ~~committee~~ division shall determine that the continued operation of such district is administratively practicable and feasible, it shall record such determination and deny the petition. If the ~~committee~~ division shall determine that the continued operation of such district is not administratively practicable and feasible, it shall record such determination and shall certify such determination to the supervisors of the district. In making such determination, the ~~committee~~ division shall give due regard and weight to the attitudes of the occupiers of lands lying within the district, the number of land occupiers eligible to vote in such referendum who shall have voted, the proportion of the votes in such referendum in favor of the discontinuance of the district to the total number of votes cast, the approximate wealth and income of the land occupiers of the district, the probable expense of carrying on erosion control operations within such district; and such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings set forth in K.S.A. 2-1902: ~~Provided, however, and amendments thereto, except~~ that the ~~committee~~ division shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless a majority of the votes cast in the referendum shall have been cast in favor of the continuance of such district.

Upon receipt from the ~~state soil conservation committee~~ division of certification that the ~~committee~~ division has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to the provisions of this section, the supervisors shall ~~forthwith~~ immediately proceed to terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale to be covered into the state treasury. The supervisors shall thereupon file an application, duly verified, with the secretary of state for the discontinuance of such district; and shall transmit with such application the certificate of the ~~state soil conservation committee~~ division setting forth the determination of the ~~committee~~ division that the continued operation of such district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this section provided, and shall set forth a full accounting of such properties and proceeds of the sale. The secretary of state shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in ~~his or her~~ the secretary of state's office.

Upon issuance of a certificate of dissolution under the provisions of this section, all ordinances and regulations ~~theretofore~~ adopted and in force within such districts shall be of no further force and effect. All contracts ~~theretofore entered into~~, to which the district or supervisors are parties; shall remain in force and effect for the period provided in such contracts. The ~~state soil conservation committee~~ division shall be substituted for the district or supervisors as party to such contracts. The ~~committee~~ division shall be entitled to all benefits and subject to all liabilities under such contracts

and shall have the same right and liability to perform, to require performance, to sue and be sued thereon; and to modify or terminate such contracts by mutual consent or otherwise, as the supervisors of the district would have had. Such dissolution shall not affect the lien of any judgment entered under the provisions of K.S.A. 2-1911, prior to its repeal, nor the pendency of any action instituted under the provisions of such section, and the committee shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions. The state soil conservation committee shall not entertain petitions for the discontinuance of any district nor conduct referenda upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this act, more often than once in five ~~(5)~~ years.

Sec. 10. K.S.A. 2020 Supp. 2-1930 is hereby amended to read as follows: 2-1930.

(a) As used in this section:

(1) "Division" means the ~~Kansas department of agriculture~~ division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto;

(2) "historic consumptive water use" means an amount of use of a water right as calculated pursuant to subsection (k); and

(3) "program" means the water right transition assistance program.

(b) There is hereby established the water right transition assistance program. The program shall be administered by the ~~Kansas department of agriculture division of conservation~~. The Kansas department of agriculture division of water resources and recognized local governing agencies, including groundwater management districts, shall cooperate in program implementation. The program shall be administered for the purpose of reducing historic consumptive water use in the target or high priority areas of the state by issuing water right transition grants based on competitive bids for privately held water rights.

(c) (1) The division may receive and expend funds from the federal or state government; or a private source for the purpose of carrying out the provisions of this section. The division shall carry over unexpended funds from one fiscal year to the next.

(2) The maximum amount paid by the division shall not exceed a base rate per acre-foot of historic consumptive water use made available under the water right to be dismissed or permanently reduced. The state conservation division, in consultation with the commission, shall establish an annual base rate after considering recommendations from the chief engineer and the groundwater management districts regarding market conditions.

(d) The division may enter into water right transition assistance program contracts with landowners that will result in the permanent reduction of part or all of a landowner's historic consumptive water use by action of the chief engineer as provided for in subsection (f).

(e) All applications for permanent irrigation water right retirements shall be considered for funding. Permanent retirement of partial water rights shall only be approved by the Kansas department of agriculture division of water resources when the local groundwater management district has the metering and monitoring capabilities necessary to ensure compliance with the program.

(f) Applications for permanent water right retirement shall be prioritized for payment based on the following criteria:

(1) The applicant's bid price;

(2) the timing and extent of the impact of the application on aquifer restoration or stream recovery;

(3) the impact on local water management strategies designated by the board of each groundwater management district or by the chief engineer for each target area; and

(4) where rights with similar hydrologic impacts are considered, priority should be given to the senior right as determined under the Kansas water appropriation act.

(g) Water rights enrolled in the program for permanent retirement shall require the written consent of all landowners and authorized agents to voluntarily request permanent reduction or permanent dismissal and forfeiture of priority of the enrolled water right. Upon enrollment of the water right into the program, the chief engineer of the Kansas department of agriculture division of water resources shall concurrently permanently reduce or permanently dismiss and terminate the water right in accordance with the terms of the contract.

(h) (1) The division shall make water right transition grants available only in areas that have been designated as:

(A) Target areas by the groundwater management districts and the chief engineer of the Kansas department of agriculture division of water resources; or

(B) target areas outside the groundwater management districts by the chief engineer of the Kansas department of agriculture division of water resources.

(2) Each target area shall be in a groundwater aquifer, aquifer sub-unit, surface water basin, subbasin or stream reach that the chief engineer has closed to further appropriations except for domestic use, temporary permits, term permits for five years or less and small-use exemptions for 15 acre-feet or less, if the use, permit or exemption does not conflict with this program.

(3) The designation of each target area shall include the identification of a historic consumptive water use retirement goal. When such goal is reached, the target area ~~will~~ shall be delisted.

(4) The designation of each target area shall include the identification of sub-regions ~~which~~ that are to be prioritized for retirements among competing bids.

(i) Contracts accepted under the program shall result in a net reduction in historic consumptive water use in the target area. Except as provided for in subsections (l) and (m), once a water right transition assistance program grant has been provided, the land authorized to be irrigated by the water right or water rights associated with that grant shall not be irrigated permanently. Water right transition assistance program contracts shall be subject to such terms, conditions and limitations as may be necessary to ensure that such reduction in historic consumptive water use occurs and can be adequately monitored and enforced.

(j) Only vested or certified water rights ~~which~~ that are in good standing shall be eligible for water right retirement grants.

(k) (1) The historic consumptive water use of a water right shall be determined by either:

(A) Calculating the average amount of water consumed by crops as a result of the lawful beneficial use of water during the 10 preceding calendar years of actual irrigation and multiplying the average reported water use for the 10 selected years by a factor of 0.85 for center pivot sprinkler irrigation systems, 0.75 for flood or gravity irrigation systems and 0.95 for subsurface drip irrigation systems, but not to exceed the net irrigation requirements for the 50% chance rainfall for the appropriate county as shown

in K.A.R. 5-5-12; or

(B) calculating the available pumping capacity of a water right by multiplying a flow rate test for each point of diversion applied to be retired under the water right by a theoretical pumping duration of 100 days multiplied by an efficiency factor of 0.85 for center pivot sprinkler irrigation systems, 0.75 for flood or gravity irrigation systems and 0.95 for subsurface drop irrigation systems, but not to exceed the authorized quantity of the water right or the net irrigation requirements for the 50% chance rainfall for the appropriate county as shown in K.A.R. 5-5-12. Flow rate tests must have been conducted not less than one year prior to the application date and certified as acceptable by the local groundwater management district or the chief engineer; or

(2) The applicant may also submit an engineering study that determines the average historic consumptive water use as an alternative method if it is demonstrated to be more accurate for the water right or water rights involved.

(1) Enrollment of an entire water right or a portion of a water right where land associated with the quantity is being permanently reduced from the water right in the program shall not subsequently prohibit irrigation of the land that, prior to enrollment, was authorized by the water right or water rights if irrigation can be lawfully allowed by another water right or permit pursuant to the rules and regulations and consideration of any future changes to other water rights that may be proposed to be transferred to such land.

(m) If more than one water right overlaps the place of use authorized by the water right proposed to be enrolled in the program, then all overlapping water rights shall be enrolled in the program or the landowners shall take the necessary lawful steps to eliminate the overlap with the water right to be enrolled. The burden shall be on the landowner to provide sufficient information to substantiate that the proposed use of water by the resulting exercise of all water rights involved will result in the net reduction amount of historic consumptive water use by the water right or water rights to be enrolled. The division may require such documentation to be provided by someone with special knowledge or experience related to water rights and such operations.

(n) The division shall adopt rules and regulations as necessary for the administration of this section. When adopting such rules and regulations, the division shall consider cropping, system design, metered water use and all other pertinent information that will permit a verifiable reduction in historic consumptive water use and permit alternative crop or other use of the land so that the landowner's economic opportunities are taken into account.

(o) The division shall hold a meeting in each target area designated after July 1, 2012, prior to entering into any water right transition assistance program contract for the permanent retirement of part or all of landowner water rights in such target area. Such meetings shall inform the public of the possible economic and hydrologic impacts of the program. The division shall provide notice of such meetings through publication in local newspapers of record and in the Kansas register.

(p) The provisions of this section shall expire on July 1, 2022.

Sec. 11. K.S.A. 2020 Supp. 2-1931 is hereby amended to read as follows: 2-1931.
(a) Any person who commits any of the following may incur a civil penalty as provided by this section:

(1) Any violation of the Kansas water right transition assistance program act or any rule and regulation adopted thereunder; and

(2) any violation of term, condition or limitation defined and or imposed within the contractual agreement between the ~~Kansas department of agriculture division of conservation~~ and the water right owner.

(b) Any participant who violates any section of a water right transition assistance program contract shall be subject to either one or both of the following:

(1) A civil penalty of not less than \$100 nor more than \$1,000 per violation. Each day shall constitute a separate violation for purposes of this section; and

(2) repayment of the grant amount in its entirety plus a penalty at 6% of the full grant amount.

(c) Any penalties or reimbursements received under this act shall be reappropriated for use in the water right transition assistance program.

(d) No civil penalty or order for repayment shall be imposed except upon the written order of the secretary or the secretary's designee. Such order shall state the violation, the penalty to be imposed and the right of the person to appeal to the secretary. Any person, within 15 calendar days after notification, may make written request to the secretary for a hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reason therefor.

(e) Any person aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the Kansas judicial review act.

(f) The provisions of this section shall expire on July 1, 2022.

Sec. 12. K.S.A. 2020 Supp. 2-1933 is hereby amended to read as follows: 2-1933.

(a) As used in this section, "division" means the ~~Kansas department of agriculture division of conservation~~ established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

(b) The division shall administer the conservation reserve enhancement program (CREP) on behalf of the state of Kansas pursuant to agreements with the United States department of agriculture for the purpose of implementing beneficial water quality and water quantity projects concerning targeted watersheds to be enrolled in CREP.

(c) There is hereby established in the state treasury the Kansas conservation reserve enhancement program fund, which shall be administered by the division. All expenditures from the Kansas conservation reserve enhancement program fund shall be for the implementation of CREP pursuant to agreements between the state of Kansas and the United States department of agriculture. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by the secretary's designee.

(d) The division may request the assistance of other state agencies, Kansas state university, local governments and private entities in the implementation of CREP.

(e) The division may receive and expend moneys from the federal or state government or private sources for the purpose of carrying out the provisions of this section. All moneys received shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas conservation reserve enhancement program fund. The division shall carry over unexpended moneys in the Kansas conservation reserve enhancement

program fund from one fiscal year to the next.

(f) The division may enter into cost-share contracts with landowners that will result in fulfilling specific objectives of projects approved in agreements between the United States department of agriculture and the state of Kansas.

(g) The division shall administer all CREPs in Kansas subject to the following criteria:

(1) The aggregate total number of acres enrolled in Kansas in all CREPs shall not exceed 40,000 acres;

(2) the number of acres eligible for enrollment in CREP in Kansas shall be limited to $\frac{1}{2}$ of the number of acres represented by federal contracts in the federal conservation reserve program that have expired in the prior year in counties within the particular CREP area, except that if federal law permits the lands enrolled in the CREP program to be used for agricultural purposes, such as planting agricultural commodities, including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses or legumes, but not including cover crops, then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the specific CREP area;

(3) no more than 25% of the acreage in CREP may be in any one county, except that the last eligible offer to exceed the number of acres constituting a 25% acreage cap in any one county shall be approved;

(4) no whole-field enrollments shall be accepted into a CREP established for water quality purposes; and

(5) lands enrolled in the federal conservation reserve program as of January 1, 2008, shall not be eligible for enrollment in CREP.

(h) (1) For a CREP established with the purpose of meeting water quantity goals, the division shall administer such CREP in accordance with the following additional criteria:

(A) No water right that is owned by a governmental entity shall be purchased or retired by the state or federal government pursuant to CREP; and

(B) only water rights in good standing are eligible for inclusion under CREP.

(2) To be a water right in good standing:

(A) At least 50% of the maximum annual quantity authorized to be diverted under the water right that has been used in any three years within the most recent five-year period preceding the submission for which irrigation water use reports are approved and made available by the division of water resources of the Kansas department of agriculture;

(B) the water rights used for the acreage in CREP during the most recent five-year period preceding the submission for which irrigation water use reports are approved and made available by the division of water resources; shall not have: (i) Exceeded the maximum annual quantity authorized to be diverted; and (ii) been the subject of enforcement sanctions by the division of water resources; and

(C) the water right holder has submitted the required annual water use report required under K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years.

(i) (1) The Kansas department of agriculture shall submit a CREP report to the senate committee on agriculture and natural resources and the house committee on

agriculture ~~and natural resources~~ at the beginning of each annual regular session of the legislature ~~which shall contain~~ containing a description of program activities for each CREP administered in the state ~~and shall include~~ including:

(A) The acreage enrolled in CREP during fiscal year 2008 through the most current fiscal year to date;

(B) the dollar amounts received and expended for CREP during fiscal year 2008 through the most current fiscal year to date;

(C) an assessment of meeting each of the program objectives identified in the agreement with the farm services agency; and

(D) such other information specified by the Kansas department of agriculture.

(2) For a CREP established with the purpose of meeting water quantity goals, the following information shall be included in such annual report:

(A) The total water rights, measured in acre-feet, retired in CREP from fiscal year 2008 through the current fiscal year to date;

(B) the change in groundwater water levels in the CREP area during fiscal year 2008 through the most current fiscal year to date;

(C) the annual amount of water usage in the CREP area from fiscal year 2008 through the most current fiscal year to date; and

(D) the average water use, measured in acre-feet, for each of the five years preceding enrollment for each water right enrolled.

(j) The Kansas department of agriculture shall submit a report on the economic impact of each specific CREP to the senate committee on agriculture and natural resources and the house of representatives committee on ~~agriculture and natural resources~~ every five years, beginning in 2017. The report shall include economic impacts to businesses located within each specific CREP region.";

On page 4, following line 29, by inserting:

"Sec. 15. K.S.A. 2020 Supp. 49-603 is hereby amended to read as follows: 49-603.

As used in this act:

(a) "Director" means the executive director of the ~~Kansas department of agriculture division of conservation~~ or a designee.

(b) "Affected land" means the area of land from which overburden has been removed or upon which overburden has been deposited, or both, but shall not include crushing areas, stockpile areas or roads.

(c) "Commission" means the conservation program policy board created in K.S.A. 2-1904, and amendments thereto, including the state conservation commission continued in existence by K.S.A. 74-5,128, and amendments thereto.

(d) "Mine" means any underground or surface mine developed and operated for the purpose of extracting rocks, minerals and industrial materials, other than coal, oil and gas. Mine does not include borrow areas created for construction purposes.

(e) "Operator" means any person who engages in surface mining or operation of an underground mine or mines.

(f) "Overburden" means all of the earth and other materials ~~which that~~ lie above the natural deposits of material being mined or to be mined.

(g) "Peak" means a projecting point of overburden removed from its natural position and deposited elsewhere in the process of surface mining.

(h) "Pit" means a tract of land from which overburden has been or is being removed for the purpose of surface mining.

(i) "Ridge" means a lengthened elevation of overburden removed from its natural position and deposited elsewhere in the process of surface mining.

(j) (1) "Surface mining" means the mining of material, except for coal, oil and gas, for sale or for processing or for consumption in the regular operation of a business by removing the overburden lying above natural deposits and mining directly from the natural deposits exposed, or by mining directly from deposits lying exposed in their natural state, or the surface effects of underground mining. Surface mining shall include dredge operations lying outside the high banks of streams and rivers.

(2) Removal of overburden and mining of limited amounts of any materials shall not be considered surface mining when done only for the purpose and to the extent necessary to determine the location, quantity or quality of the natural deposit, if the materials removed during exploratory excavation or mining are not sold, processed for sale or consumed in the regular operation of a business.

(k) "Topsoil" means the natural medium located at the land surface with favorable characteristics for growth of vegetation, which is normally the A or B, or both, soil horizon layers of the four soil horizons.

(l) "Active site" means a site where surface mining is being conducted.

(m) "Inactive site" means a site where surface mining is not being conducted but where overburden has been disturbed in the past for the purpose of conducting surface mining and an operator anticipates conducting further surface mining operations in the future.

(n) "Materials" means natural deposits of gypsum, clay, stone, sandstone, sand, shale, silt, gravel, volcanic ash or any other minerals of commercial value found on or in the earth with the exception of coal, oil and gas and those located within cut and fill portions of road rights-of-way.

(o) "Reclamation" means the reconditioning of the area of land affected by surface mining to a usable condition for agricultural, recreational or other use.

(p) "Stockpile" means the finished products of the mining of gypsum, clay, shale, stone, sandstone, sand, silt, gravel, volcanic ash or other minerals and removal from its natural position and deposited elsewhere for future use in the normal operation as a business.

(q) "Underground mining" means the extraction of rocks, minerals and industrial materials, other than coal, oil and gas, from the earth by developing entries or shafts from the surface to the seam or deposit before recovering the product by underground extraction methods.

(r) "Person" means any individual, firm, partnership, corporation, government or other entity.

(s) "~~Division" or "Kansas department of agriculture division of conservation"~~ means the agency division of conservation established by within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

(t) "Secretary" means the Kansas secretary of agriculture.

Sec. 16. K.S.A. 49-605 is hereby amended to read as follows: 49-605. (a) No person shall engage in surface mining or operation of an underground mine or mines, as defined by this act, without first obtaining a license from the director.

(b) Licenses shall be issued upon application submitted on a form provided by the director and shall be accompanied by a fee of \$300. Each applicant shall be required to furnish on the form information necessary to identify the applicant. Licenses shall

expire one year from the date of issuance and shall be renewed by the director upon application submitted within 30 days prior to the expiration date and accompanied by the renewal fee established by the director under K.S.A. 49-623, and amendments thereto.

(c) A license to mine is only valid when approved by the commission director and acknowledged by a certificate ~~which that~~ has been signed by the director and lists the operator and the assigned license number.

Sec. 17. K.S.A. 2020 Supp. 49-606 is hereby amended to read as follows: 49-606.

(a) ~~The secretary, at the request of the~~ director, ~~with the approval of the commission,~~ may deny issuance or renewal of a license for repeated or willful violation of the provisions of this act or for failure to comply with any provision of a reclamation plan.

(b) ~~The secretary, at the request of the~~ director, ~~with the approval of the commission,~~ may suspend or revoke a license for repeated or willful violation of any of the provisions of this act or for failure to comply with any provision of a reclamation plan. Proceedings for the suspension or revocation of a license pursuant to this section shall be conducted in accordance with the Kansas administrative procedure act by the ~~director~~ secretary or a presiding officer from the office of administrative hearings.

Sec. 18. K.S.A. 49-611 is hereby amended to read as follows: 49-611. (a) An operator authorized under this act to operate a mine, after completion of mining operations and within the time specified in K.S.A. 49-613, and amendments thereto, shall:

(1) Grade affected lands except for impoundments and pit floors to slopes no steeper than one foot vertical rise for each three feet of horizontal distance. Where the original topography of the affected land was steeper than one foot of vertical rise for each three feet of horizontal distance, the affected lands may be graded to blend with the surrounding terrain. The grading of high banks of sand pits and highwalls may be modified or exempted by the director.

(2) Provide for the vegetation of the affected lands, except for impoundments, pit floors; and highwalls, as approved by the director before the release of the bond as provided in K.S.A. 49-616, and amendments thereto.

(b) Notwithstanding subsection (a), overburden piles where disposition has not occurred or will not occur for a period of 12 months shall be stabilized.

(c) Topsoil that is a part of overburden shall not be buried or destroyed in the process of mining.

(d) The director, with concurrence of the ~~commission~~ secretary, may grant a variance from the requirements of subsections (a) and (b).

(e) A bond or security posted under this act to assure reclamation of affected lands shall not be released until all reclamation work required by this section has been performed in accordance with the provisions of this act, except when a replacement bond or security is posted by a new operator or responsibility is transferred under K.S.A. 49-610, and amendments thereto.

Sec. 19. K.S.A. 49-613 is hereby amended to read as follows: 49-613. (a) An operator shall reclaim affected lands within a period not to exceed three years after the filing of the report required under ~~subsection (b) of~~ K.S.A. 49-612(b), and amendments thereto, indicating the mining of any part of a site has been completed.

(b) For certain postmining land uses, such as a sanitary land fill, the director, with the approval of the ~~commission~~ secretary, may allow an extended reclamation period.

(c) An operator, upon completion of any reclamation work required by K.S.A. 49-611, ~~and amendments thereto~~, shall apply to the director in writing for approval of the work. The director, within a reasonable time ~~as determined by the commission~~, shall inspect the completed reclamation work. Upon determination by the director that the operator has satisfactorily completed all required reclamation work on the land included in the application, ~~the commission director~~ shall release the bond or security on the reclaimed land, shall remove the land from registration, and shall terminate or amend, as necessary, the operator's authorization to conduct surface mining on the site.

(d) Periodic inspections may be conducted by the director or the director's designee; to ensure that the operator is following the reclamation plan.

Sec. 20. K.S.A. 49-618 is hereby amended to read as follows: 49-618. (a) The director or the director's designee, when accompanied by the operator or operator's designee during regular business hours, may inspect any lands on which any operator is authorized to operate a mine for the purpose of determining whether the operator is or has been complying with the provisions of this act.

(b) The director shall give written notice to any operator who violates any of the provisions of this act or any rules and regulations adopted by the director pursuant to this act.

(c) If corrective measures approved by the director are not commenced within 90 days, the violation shall be referred to the commission. The operator shall be notified in writing of the referral. The secretary shall, at the request of the director, issue a written order stating the nature of the violation, the penalty to be imposed and the right of the person to appeal to the secretary pursuant to K.S.A. 49-621, and amendments thereto.

Sec. 21. K.S.A. 49-620 is hereby amended to read as follows: 49-620. ~~The attorney general, upon request of the commission, Once an order issued pursuant to this act becomes a final order, the secretary, upon request of the director, shall institute proceedings for forfeiture of the bond posted by an operator to guarantee reclamation of a site where the operator is in violation of any of the provisions of this act or any rule and regulation adopted by the director pursuant to this act. Forfeiture of the operator's bond shall fully satisfy all obligations of the operator to reclaim affected land covered by the bond. The director shall have the power to reclaim, as required by K.S.A. 49-611, and amendments thereto, any surface mined land with respect to which a bond has been forfeited, using the proceeds of the forfeiture to pay for the necessary reclamation work.~~

Sec. 22. K.S.A. 2020 Supp. 49-621 is hereby amended to read as follows: 49-621. (a) ~~The director secretary~~, upon finding that the operator has failed to comply with any provision of this act, any provision of a reclamation plan or any condition of a license or site registration with which the operator is required to comply pursuant to this act, may impose upon the operator a civil penalty not exceeding \$1,000 for each day of noncompliance.

(b) All civil penalties assessed pursuant to this section shall be due and payable within 35 days after written notice of the imposition of a civil penalty has been served upon whom the penalty is being imposed, unless a longer period of time is granted by ~~the director secretary~~ or unless the operator appeals the assessment as provided in this section.

(c) No civil penalty shall be imposed under this section except upon the written order of ~~the director secretary~~ or ~~the director's secretary's~~ designee to the operator upon whom the penalty is to be imposed, stating the nature of the violation, the penalty

imposed and the right of the operator upon whom the penalty is imposed to appeal to the director for a hearing on the matter. An operator upon whom a civil penalty has been imposed may appeal, within 15 days after service of the order imposing the civil penalty, to the ~~director secretary~~. If appealed, a hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act. The decision of the ~~director secretary~~ shall be final unless review is sought under subsection (d).

(d) Any action of the ~~director secretary~~ pursuant to this section is subject to review in accordance with the Kansas judicial review act.

Sec. 23. K.S.A. 49-623 is hereby amended to read as follows: 49-623. (a) The ~~director secretary~~, with the approval of the commission, shall adopt such rules and regulations as necessary to administer and enforce the provisions of this act.

(b) The ~~commission director~~ shall determine annually the amount necessary to carry out and enforce the provisions of this act for the next ensuing fiscal year and shall recommend to the ~~director secretary~~ such license renewal, registration application, registration and registration renewal fees as the ~~commission director~~ determines necessary for that purpose. The director shall adopt such fees by ~~rule rules~~ and ~~regulation regulations~~.

(c) Before the director submits any such proposed rules and regulations to the director of the budget, the secretary of administration and the attorney general in accordance with the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto:

(1) The director shall submit such rules and regulations to the commission; and
 (2) the commission shall review and make recommendations to the director and the secretary regarding such proposed rules and regulations.

(d) Fees for license renewal, registration and registration renewal shall be based on an operator's acres of affected land or the tonnage of materials extracted by the operator during the preceding license year, or a combination thereof.

~~(e)~~ Political subdivisions of the state shall be exempt from all fees imposed under this act.

Sec. 24. K.S.A. 82a-1602 is hereby amended to read as follows: 82a-1602. In order to provide public water supply storage and water related recreational facilities in the state, there is hereby established a multipurpose small lakes program. The program shall be administered by the ~~Kansas department of agriculture division of conservation~~. Except as otherwise provided by this act, the ~~Kansas department of agriculture division of conservation~~, with the approval of the ~~state conservation commission secretary~~, shall adopt all rules and regulations necessary to implement the provisions of this act.

Sec. 25. K.S.A. 82a-1603 is hereby amended to read as follows: 82a-1603. When used in this act:

(a) "Chief engineer" means the chief engineer of the division of water resources of the department of agriculture.

(b) "Class I funded project" means a proposed new project or renovation of an existing project located within the boundaries of an organized watershed district ~~which~~ that is receiving or is eligible to receive financial participation from the ~~Kansas department of agriculture division of conservation~~ for the flood control storage portion of the project.

(c) "Class II funded project" means a proposed new project or renovation of an existing project ~~which~~ that is receiving or is eligible to receive financial participation

from the federal government.

(d) "Class III funded project" means a proposed new project or renovation of an existing project located outside the boundaries of an organized watershed district ~~which that~~ is not receiving or is not eligible to receive financial participation from the ~~Kansas department of agriculture division of conservation~~ or the federal government except as provided in K.S.A. 82a-1606, and amendments thereto.

(e) "Division" means the division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

~~(f)~~ "Flood control storage" means storage space in reservoirs to hold flood waters.

~~(f)(g)~~ "Future use public water supply storage" means storage space ~~which that~~ the Kansas water office determines will be needed within the next 20 years for use by public water supply users in an area but for which there is no current sponsor.

~~(g)(h)~~ "General plan" means a preliminary engineering report describing the characteristics of the project area, the nature and methods of dealing with the soil and water problems within the project area; and the projects proposed to be undertaken by the sponsor within the project area. Such plan shall include: Maps, descriptions and other data as may be necessary for the location, identification and establishment of the character of the work to be undertaken; a cost-benefit analysis of alternatives to the project, including, but not limited to, nonstructural flood control options and water conservation and reuse to reduce need for new water supply storage; and any other data and information as the chief engineer may require.

~~(h)(i)~~ "Land right" means real property as that term is defined by the laws of the state of Kansas and all rights thereto and interest therein ~~and shall include~~ includes any road, highway, bridge, street, easement or other right-of-way thereon.

~~(i)(j)~~ "Multipurpose small lake project" means a dam and lake containing: (1) Flood control storage; and (2) either public water supply storage or recreation features, or both.

~~(j)(k)~~ "Public water supply" means a water supply for municipal, industrial or domestic use.

~~(k)(l)~~ "Public water supply storage" means storage of water for municipal, industrial or domestic use.

~~(l)(m)~~ "Recreation feature" means water storage and related facilities for activities such as swimming, fishing, boating, camping or other related activities.

~~(m)(n)~~ "Renovation" means repair or restoration of an existing lake ~~which that~~ contains water storage space for use as a public water supply and ~~which that~~ has either recreational purposes or flood control purposes, or both.

~~(n)(o)~~ "Secretary" means the secretary of the Kansas department of agriculture.

~~(o)(p)~~ "Sponsor" means: (1) Any political subdivision of the state ~~which that~~ has the power of taxation and the right of eminent domain; (2) any public wholesale water supply district; or (3) any rural water district.

~~(p)(q)~~ "Water user" means any city, rural water district, wholesale water district or any other political subdivision of the state ~~which that~~ is in the business of furnishing municipal or industrial water to the public.

Sec. 26. K.S.A. 82a-1607 is hereby amended to read as follows: 82a-1607. Sponsors shall apply to the ~~state conservation commission~~ division for participation in the multipurpose small lakes program. The review and approval process of the ~~Kansas department of agriculture division of conservation~~ shall be established by rules and

regulations ~~which that~~ shall be consistent with the state water plan. Following review, the ~~Kansas department of agriculture division of conservation~~, with the approval of the ~~state conservation commission secretary~~, shall request appropriations for specific projects from the legislature. Any funds appropriated to carry out the provisions of this act shall be administered by the ~~Kansas department of agriculture division of conservation~~.

Sec. 27. K.S.A. 82a-1702 is hereby amended to read as follows: 82a-1702. (a) The state shall provide financial assistance to certain public corporations for part of the costs or reimbursement of part of the costs of installation of water development projects, ~~which that~~ derive general benefits to the state as a whole; or to a section thereof beyond the boundaries of such public corporation.

(b) ~~(1)~~ Any public corporation shall be eligible for state financial assistance for a part of the costs it becomes actually and legally obligated to pay for all lands, easements; and rights-of-way for the water development projects in the event the ~~state Kansas department of agriculture division of conservation commission~~ shall find that:

~~(1)(A)~~ Such public corporation has made application for approval of such financial assistance with the Kansas department of agriculture division of conservation in such form and manner as the Kansas department of agriculture division of conservation may require, which application each public corporation is hereby authorized to make;

~~(2)(B)~~ such works will confer general flood control benefits beyond the boundaries of such public corporation in excess of 20% of the total flood control benefits of the works;

~~(3)(C)~~ such works are consistent with the state water plan;

~~(4)(D)~~ such public corporation will need such financial assistance for actual expenditures within the fiscal year next following; and

~~(5)(E)~~ the legislature has appropriated funds for the payment of such sum.

(2) The payment authorized hereunder shall be limited to an amount equal to the total costs the public corporation shall become actually and legally obligated to spend for lands, easements; and rights-of-way for such water resource development works, multiplied by the ratio that the flood control benefits conferred beyond the boundaries of the public corporation bear to the total flood control benefits of the project. Such findings shall each be made at and in such manner as is provided by procedural rules and regulations ~~which that~~ shall be adopted by the Kansas department of agriculture division of conservation with the approval of the ~~state conservation commission secretary~~.

(c) Any public corporation receiving financial assistance under this section shall apply those sums toward the satisfaction of the legal obligations for the specific lands, easements; and rights-of-way for which it receives them or toward the reimbursement of those accounts from which those legal obligations were satisfied, in whole or in part, and it shall return to the state any sums that are not in fact so applied. In ascertaining costs of lands, easements; and rights-of-way under this section, the Kansas department of agriculture division of conservation shall not consider any costs ~~which that~~ relate to land treatment measures ~~nor or~~ any costs for which federal aid for construction costs is granted pursuant to the watershed protection and flood prevention acts or pursuant to any other federal acts.";

Also on page 4, in line 30, after the first "K.S.A." by inserting "2-1916,"; also in line 30, after "2-3702" by inserting ", 49-605, 49-611, 49-613, 49-618, 49-620, 49-623, 82a-

1602, 82a-1603, 82a-1607 and 82a-1702"; also in line 30, after "Supp." by inserting "2-1903, 2-1904, 2-1907, 2-1907c, 2-1908, 2-1915, 2-1930, 2-1931, 2-1933,"; also in line 30, after "2-3708" by inserting ", 49-603, 49-606 and 49-621";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the second semicolon by inserting "the Kansas department of agriculture division of conservation; implementing the provisions of 2011 executive reorganization order No. 40,"; in line 5, after the first "K.S.A." by inserting "2-1916,"; also in line 5, after "2-3702" by inserting ", 49-605, 49-611, 49-613, 49-618, 49-620, 49-623, 82a-1602, 82a-1603, 82a-1607 and 82a-1702"; also in line 5, after "Supp." by inserting "2-1903, 2-1904, 2-1907, 2-1907c, 2-1908, 2-1915, 2-1930, 2-1931, 2-1933,"; also in line 5, after "2-3708" by inserting ", 49-603, 49-606 and 49-621";

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

KEN RAHJES

ERIC SMITH

SYDNEY CARLIN

Conferees on part of House

DAN KERSCHEN

ALICIA STRAUB

MARY WARE

Conferees on part of Senate

Senator Kerschen moved the Senate adopt the Conference Committee Report on **SB 38**.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Hilderbrand, Tyson.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 142 submits the following report:

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

On page 1, following line 6, by inserting:

"Section 1. K.S.A. 2020 Supp. 32-1005 is hereby amended to read as follows: 32-1005. (a) Commercialization of wildlife is knowingly committing any of the following, except as permitted by statute or rules and regulations:

(1) Capturing, killing or possessing, for profit or commercial purposes, all or any part of any wildlife protected by this section;

(2) selling, bartering, purchasing or offering to sell, barter or purchase, for profit or commercial purposes, all or any part of any wildlife protected by this section;

(3) shipping, exporting, importing, transporting or carrying; causing to be shipped, exported, imported, transported or carried; or delivering or receiving for shipping, exporting, importing, transporting or carrying all or any part of any wildlife protected by this section, for profit or commercial purposes; or

(4) purchasing, for personal use or consumption, all or any part of any wildlife protected by this section.

(b) The wildlife protected by this section and the minimum value thereof are as follows:

(1) Eagles, \$1,000;

(2) deer or antelope, \$1,000;

(3) elk or buffalo, \$1,500;

(4) furbearing animals, except bobcats, \$25;

(5) bobcats, \$200;

(6) wild turkey, \$200;

(7) owls, hawks, falcons, kites, harriers or ospreys, \$500;

(8) game birds, migratory game birds, resident and migratory nongame birds, game animals and nongame animals, \$50 unless a higher amount is specified above;

(9) fish and mussels, the value for which shall be no less than the value listed for the appropriate fish or mussels species in the monetary values of freshwater fish or mussels and fish kill counting guidelines of the American fisheries society, special publication number ~~30~~ 35;

(10) turtles, \$25 each for unprocessed turtles or \$16 per pound or fraction of a pound for processed turtle parts;

(11) bullfrogs, \$4, whether dressed or not dressed;

(12) any wildlife classified as threatened or endangered, \$500 unless a higher amount is specified above; and

(13) any other wildlife not listed above, \$25.

(c) Possession of wildlife, in whole or in part, captured or killed in violation of law and having an aggregate value of \$1,000 or more, as specified in subsection (b), is prima facie evidence of possession for profit or commercial purposes.

(d) Commercialization of wildlife having an aggregate value of \$1,000 or more, as specified in subsection (b), is a severity level 10, nonperson felony. Commercialization of wildlife having an aggregate value of less than \$1,000, as specified in subsection (b), is a class A nonperson misdemeanor.

(e) In addition to any other penalty provided by law, a court convicting a person of the crime of commercialization of wildlife may:

(1) Confiscate all equipment used in the commission of the crime and may revoke for a period of up to 20 years all licenses and permits issued to the convicted person by the Kansas department of wildlife, parks and tourism; and

(2) order restitution to be paid to the Kansas department of wildlife, parks and tourism for the wildlife taken, ~~which, Such~~ restitution shall be in an amount not less than the aggregate value of the wildlife, as specified in subsection (b).

(f) The provisions of this section shall apply only to wildlife illegally harvested and possessed by any person having actual knowledge that such wildlife was illegally harvested.";

Also on page 1, in line 19, by striking "is" and inserting "and K.S.A. 2020 Supp. 32-1005 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after the semicolon; in line 2, by striking all before the semicolon and inserting "updating the reference to the guidelines of the American fisheries society"; in line 4, after "32-1129" by inserting "and K.S.A. 2020 Supp. 32-1005"; also in line 4, by striking "section" and inserting "sections";

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

KEN RAHJES
ERIC E. SMITH
SYDNEY CARLIN

Conferees on part of House

DAN KERSCHEN
ALICIA STRAUB
MARY WARE

Conferees on part of Senate

Senator Kerschen moved the Senate adopt the Conference Committee Report on **SB 142**.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Hilderbrand, Tyson.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 143 submits the following report:

The House recedes from all of its amendments to the bill.

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

KEN RAHJES
ERIC SMITH
SYDNEY CARLIN

Conferees on part of House

DAN KERSCHEN
ALICIA STRAUB
MARY WARE

Conferees on part of Senate

Senator Kerschen moved the Senate adopt the Conference Committee Report on **SB 143**.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 0; Absent or Not

Voting 1.

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

Nays: Hilderbrand, Peck, Pyle, Steffen, Straub, Thompson.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to HB 2244 submits the following report:

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

On page 3, in line 28, after the period by inserting "Final "hemp products" may contain a tetrahydrocannabinol concentration of not more than 0.3%. As used in this paragraph, "tetrahydrocannabinol concentration" means the same as in K.S.A. 65-6235(b)(3), and amendments thereto.";

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

DAN KERSCHEN

ALICIA STRAUB

MARY WARE

Conferees on part of Senate

KEN RAHJES

ERIC SMITH

SYDNEY CARLIN

Conferees on part of House

Senator Kerschen moved the Senate adopt the Conference Committee Report on **HB 2244**.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Hilderbrand, Peck, Pyle.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

On motion of Senator Alley, the Senate recessed until 8:30 p.m..

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

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EVENING SESSION

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2201**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2401**.

The House adopts the Conference Committee report on **HB 2066**.

The House adopts the Conference Committee report on **HB 2243**.

The House adopts the Conference Committee report on **HB 2166**.

The House nonconcurrs in Senate amendments to **HB 2224**, requests a conference and has appointed Representatives Landwehr, Eplee and Parker as conferees on the part of the House.

The House concurs in Senate amendments to **HB 2203**.

The House concurs in Senate amendments to **HB 2254**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2391**, and requests return of the bill.

ORIGINAL MOTION

On motion of Senator Hilderbrand, the Senate acceded to the request of the House for a conference on **HB 2224**.

The President appointed Senators Hilderbrand, Gossage and Pettey as conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2183** submits the following report:

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

On page 2, in line 7, after "be" by inserting "transmitted or"; also in line 7, after "person" by inserting "transmitting or"; in line 11, after "person" by inserting "transmitting or"; in line 14, after "(B)" by inserting "transmitted or"; also in line 14, by striking "five" and inserting "10"; in line 17, after "to" by inserting "transmit or"; in line 25, after "shall" by inserting "transmit or"; also in line 25, by striking "five" and inserting "10"; in line 27, after "(d)" by inserting "(1)"; also in line 27, by striking "this section" and inserting "subsection (a) or (b)"; following line 27, by inserting:

"(2) A violation of subsection (c) is a class B misdemeanor.";

Also on page 2, in line 28, after "is" by inserting "knowingly";

On page 3, in line 9, by striking "20th" and inserting "10th";

On page 5, in line 2, after "ballot" by inserting "or preventing the voter from having a signature consistent with such voter's registration form";

On page 7, in line 14, after "to" by inserting ":

(1)";

Also on page 7, in line 15, after "office" by inserting " or

(2) a candidate transmitting or delivering an advance voting ballot in accordance with section 2(b), and amendments thereto";

Also on page 7, following line 22, by inserting:

"New Sec. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.";

And by renumbering sections accordingly;

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

LARRY ALLEY

RICHARD HILDERBRAND

OLETHA-FAUST GOUDEAU (?)

Conferees on part of Senate

BLAKE CARPENTER

EMIL BERGQUIST

Conferees on part of House

Senator Alley moved the Senate adopt the Conference Committee Report on **S Sub HB 2183**.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Absent or Not Voting: Billinger, Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2332** submits the following report:

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

On page 2, in line 2, by striking "secretary of state" and inserting "county election officer"; in line 3, after "voter" by inserting "if the mailing address is different from the residential address"; in line 7, after "occupied" by inserting "and, if not, the person shall not be considered a validly registered voter"; also in line 7, by striking all after the period; by striking all in line 8; in line 9, by striking all before "The"; also in line 9, by striking "secretary" and inserting "county election officer"; in line 10, by striking all after "database"; by striking all in line 11; in line 12, by striking all before the period;

On page 7, following line 5, by inserting:

"Sec. 5. K.S.A. 73-213 is hereby amended to read as follows: 73-213. For the purposes of this act, ~~the following terms shall have the meanings ascribed to them by this section,~~ unless the context clearly requires otherwise:

(a) "Officer" means any officer or employee of the state of Kansas or any political subdivision thereof; "Act" means K.S.A. 73-213 through 73-219, and amendments thereto.

(b) "Appointive authority" means the person, board, commission or other authority

vested by law with power to appoint a successor for an officer when a vacancy occurs in the office or position held by such officer. If no person, board, commission, or other authority is vested by law with power to appoint a successor for an officer when a vacancy occurs then "appointive authority" means the governor of the state of Kansas.

~~(b)(c)~~ "Military service" means active service in the army, navy, or marine corps, air force, coast guard, space force, Kansas army or air national guard or any branch of the military reserves of the United States or any compulsory service rendered in any capacity to the federal government for the purpose of national defense.

~~(e)(d)~~ "Appointive authority" means the person, board, commission, or other authority vested by law with power to appoint a successor for an officer upon the happening of a vacancy in the office or position held by such officer; but if no person, board, commission, or other authority is vested by law with power to appoint a successor for an officer upon the happening of such a vacancy, then "appointive authority" shall mean the governor of the state of Kansas. "Officer" means any officer or employee of the state of Kansas or any political subdivision thereof.

~~(e)(e)~~ "Temporary vacancy" means a vacancy in an office or position caused by the absence in military service of the officer elected or appointed thereto. If the officer was originally elected or appointed for a definite term ~~such~~, "temporary vacancy" ~~shall mean~~ means the period of time beginning with the day such officer ~~shall enter the~~ enters military service and ending either with the day ~~he shall return~~ such officer returns from military service; or with the expiration of the appointed or elected term ~~for which he was elected or appointed~~, whichever period of time is the shorter. If the officer was originally appointed to ~~his~~ the office or position for an indefinite term or for a term expiring at the pleasure of the appointive authority, such "temporary vacancy" ~~shall mean~~ means the period of time beginning with the day such officer ~~shall enter the~~ enters military service and ending either with the day ~~he~~ such officer shall return from military service, or with the expiration of the appointive power of the original appointive authority, whichever period of time is the shorter.

Sec. 6. K.S.A. 73-214 is hereby amended to read as follows: 73-214. The absence of any officer from ~~his~~ an office or position caused by ~~his being in the~~ military service shall not create a forfeiture of; or vacancy in the office or position to which such officer was elected or appointed but shall be construed to ~~merely~~ create a temporary vacancy. Wherever the terms "forfeiture of office" or "vacancy in office" or other words of ~~similar import like effect~~ are used in any law of this state in relation to an officer such as defined in this act, ~~the same such terms or words~~ shall be construed in accordance with the provisions of this section and shall not be construed to apply to any absence of such officer who is absent from ~~his~~ an office or position by reason of ~~his being in the~~ military service.

Sec. 7. K.S.A. 73-215 is hereby amended to read as follows: 73-215. (a) (1) If an officer's military service creates a temporary vacancy that is determined by such officer to require a temporary appointment, such officer shall submit an approved form to the designated office as set out in paragraph (2).

(2) (A) If the officer is an elected state official, the form shall be approved by and filed with the secretary of state.

(B) If the officer is an elected official of a political subdivision, the form shall be filed with the county clerk of the county containing the largest portion of the territory of the political subdivision.

(C) If the officer is an employee who is not an elected official, the form shall be approved by and filed with the employee's human resources department or other official as determined by such officer's employer.

(3) The officer shall also submit an approved form to the designated office upon return from military service.

(b) In case if an officer's military service creates a temporary vacancy is or has been created in any office or position by reason of the absence of the officer in the military service, in an office or position and the form prescribed in (a) has been filed:

(1) The appointive authority for a partisan elective office shall appoint a person to temporarily fill such office or position using the procedures in K.S.A. 25-3901 et seq., and amendments thereto; and

(2) The appointive authority shall for an elective office that is nonpartisan and for an employee who is not an elected official may appoint some a person to temporarily fill the such office or position to which such officer was elected or appointed.

(c) All such appointees shall hold the office or position which they are temporarily to fill during the such temporary vacancy caused by the absence of the officer in the military service.

Sec. 8. K.S.A. 73-218 is hereby amended to read as follows: 73-218. An officer who ~~shall be~~ is absent from ~~his an~~ an office or position ~~and while in the military service shall not be entitled to any compensation as such officer during such absence; but upon his return, If he return the officer returns~~ before the expiration of the period of the temporary vacancy created by ~~his the officer's~~ the officer's absence, ~~he such officer~~ he shall be entitled to immediate possession of ~~the such~~ the office or position ~~from which he was absent and, upon reassuming the duties of the office, to receive the compensation for the remainder of the term to which the holder thereof is entitled, subject to removal from office according to law.~~

Sec. 9. K.S.A. 73-219 is hereby amended to read as follows: 73-219. ~~The provisions of this act are declared to be severable and if any section, subsection, paragraph, be unconstitutional or provision of this act or its application to any person or circumstance is held invalid for any reason, it shall be presumed that this act would have been passed by the legislature without such invalid section, subsection, paragraph, sentence, provision, clause or phrase, and such decision shall not in any way affect the remainder of such invalidity shall not affect the other provisions or applications of this act."~~

Also on page 7, in line 6, before "K.S.A." by inserting "K.S.A. 73-213, 73-214, 73-215, 73-218 and 73-219 and";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 2 through 10; in line 11, by striking all before the second semicolon and inserting "relating to the conduct of elections; providing for the appointment and duties of certain elected officials"; also in line 11, after "amending" by inserting "K.S.A. 73-213, 73-214, 73-215, 73-218 and 73-219 and";

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

LARRY ALLEY
 RICHARD HILDERBRAND
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

BLAKE CARPENTER

EMIL BERGQUIST

VIC MILLER

Conferees on part of House

Senator Hilderbrand moved the Senate adopt the Conference Committee Report on **HB 2332**.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Absent or Not Voting: Billinger, Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2074** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2074, as follows:

On page 4, following line 3, by inserting:

"(14) "trust" means a trust created pursuant to the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto, or created pursuant to the Kansas business trust act of 1961, K.S.A. 17-2707 et seq., and amendments thereto;"

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

Also on page 4, in line 19, after the period by inserting "Except as provided in section 25, and amendments thereto, the state banking board shall not approve any application until the Beneficient conditional charter has been converted to a full charter and the commissioner has completed a regulatory examination.";

On page 7, in line 5, after the second comma by inserting "third-party fees for consultants or other entities necessary to assist the commissioner,";

On page 11, in line 9, by striking "the"; by striking all in lines 10 through 12; in line 13, by striking all before "unless" and inserting "in such institution's name the words "bank" or "trust company" without reference to fidfin trusts or any other term that tends to imply that such fiduciary financial institution is a bank or trust company,"; in line 14, after the period by inserting "While a fiduciary financial institution is a trust company for purposes of federal and state law and rules and regulations and possesses trust powers under this act, it is the intent of this section to impose restrictions on the name of such institution to avoid confusion with other banks and trust companies that operate in this state but that are not fiduciary financial institutions. The naming restrictions imposed under this section shall in no way reduce or eliminate the trust powers granted to a fiduciary financial institution as a trust company under this act. Other than indicating that the fiduciary financial institution is headquartered and chartered in

Kansas, no fiduciary financial institution's name or advertising shall infer or imply that such fiduciary financial institution is endorsed by, an affiliate of or otherwise connected with the government of the state of Kansas.";

On page 15, in line 10, by striking "servcies" and inserting "services";

On page 19, in line 5, by striking all after "(b)"; by striking all in lines 6 through 32; in line 33, by striking all before the period and inserting "The commissioner may, upon a written request from a fiduciary financial institution prior to a form submission, offer to review a form and reply with informational comments only. Such informational comments shall not, in any manner, constitute approval or endorsement of such form, and the fiduciary financial institution shall not represent that such form has been approved by the office of the state bank commissioner"; in line 34, before "Pursuant" by inserting "(a)"; following line 36, by inserting:

"(b) The office of the state bank commissioner may enter into contracts for technical assistance and professional services as are necessary to administer the provisions of this act and to meet the deadline for the adoption of rules and regulations provided by this section. Such contracts shall be exempt from the requirements of K.S.A. 75-3739, 75-37,102 and 75-37,132, and amendments thereto, or any other statute relating to the procurement of such services.";

On page 20, in line 27, after "a" by inserting "conditional"; in line 28, after "upon" by inserting "the";

On page 21, in line 8, after "the" by inserting "conditional"; following line 30, by inserting:

"(e) On or before January 10, 2022, the office of the state bank commissioner shall provide a report to the house of representatives financial institutions and rural development committee and the senate financial institutions and insurance committee updating such committees on the progress of such pilot program. Such report shall include recommendations from the office of the state bank commissioner for any legislation necessary to implement the provisions of this act.";

On page 23, in line 25, after the period by inserting "Tax credits allowed and earned under this section shall not be sold, assigned, conveyed or otherwise transferred."; in line 35, after "(h)" by inserting "In any taxable year, a fiduciary financial institution shall pay the greater of the qualified charitable distributions made during such taxable year or the tax liability of a fiduciary financial institution imposed pursuant to the Kansas income tax act or the privilege tax imposed upon a fiduciary financial institution pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto.

(i)";

Also on page 23, following line 36, by inserting:

"Sec. 29. (a) There is hereby created the joint committee on fiduciary financial institutions oversight, which shall be composed of four senators and five members of the house of representatives. The four senate members shall be the chairperson of the standing committee on financial institutions and insurance of the senate, or a member of such committee appointed by the chairperson, two members appointed by the president of the senate and one member appointed by the minority leader of the senate. The five representative members shall be the chairperson of the standing committee on financial institutions and rural development of the house of representatives, or a member of such committee appointed by the chairperson, two members appointed by the speaker of the

house of representatives and two members appointed by the minority leader of the house of representatives.

(b) All members of the joint committee on fiduciary financial institutions oversight shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. On and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee selected by the speaker of the house of representatives, and the vice chairperson shall be one of the senate members selected by the president of the senate. On and after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee selected by the president of the senate and the vice chairperson shall be one of the representative members of the joint committee selected by the speaker of the house of representatives. The chairperson and vice chairperson of the joint committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) A quorum of the joint committee on fiduciary financial institutions oversight shall be a majority of the members. The joint committee on fiduciary financial institutions oversight shall meet at any time and at any place within the state on call of the chairperson. Members of the joint committee shall receive compensation, travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee authorized by the legislative coordinating council.

(d) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on fiduciary financial institutions oversight.

(e) The joint committee on fiduciary financial institutions oversight may introduce such legislation as deemed necessary in performing such committee's functions.

(f) The joint committee on fiduciary financial institutions oversight shall:

(1) Monitor, review and make recommendations regarding fiduciary financial institutions' operations in the state of Kansas;

(2) monitor, review and make recommendations regarding the fiduciary financial institutions pilot program established in section 25, and amendments thereto; and

(3) receive a report from the office of the state bank commissioner prior to December 31, 2021, providing an update on the implementation of the technology-enabled fiduciary financial institutions act and the pilot program established in section 25, and amendments thereto. Such report shall include recommendations from the office of the state bank commissioner for any legislation necessary to implement the provisions of the technology-enabled fiduciary financial institutions act.

(g) The office of the state bank commissioner shall appear annually before the joint committee and shall present a report on the fiduciary financial institution industry.";

And by renumbering sections accordingly;

On page 1, in the title, in line 9, after "distributions" by inserting "; creating the joint committee on fiduciary financial institutions oversight";

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

JEFF LONGBINE

MICHAEL FAGG

JEFF PITTMAN

Conferees on part of Senate

JIM KELLY

NICK HOHEISEL

RUI XU

Conferees on part of House

Senator Longbine moved the Senate adopt the Conference Committee Report on **S Sub HB 2074**.

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

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

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2390** submits the following report:

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

On page 1, following line 9, by inserting:

"New Section 1. (a) It shall be unlawful for any person to:

(1) Cause to be presented to a recorder of record for filing in any public record any lien or claim against any real or personal property when such person knows or reasonably should know that such lien or claim is false or contains any materially false, fictitious or fraudulent statement or representation;

(2) cause to be presented to a recorder of record for filing in any public record any document that purports to assert a lien against real or personal property of any person or entity that is not expressly provided for by the constitution or laws of this state or of the United States, does not depend on the consent of the owner of the real or personal property affected and is not an equitable or constructive lien imposed by a court with jurisdiction created or established under the constitution or laws of this state or of the United States;

(3) cause to be presented to a recorder of record for filing in any public record any financing statement pursuant to article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, when such person knows or reasonably should know that the financing statement is not based on a bona fide security agreement or was not authorized or authenticated by the alleged debtor identified in the financing statement or an authorized representative of the alleged debtor;

(4) cause to be presented to a recorder of record for filing in any public record any

document filed in an attempt to harass an entity, individual or public official, or obstruct a governmental operation or judicial proceeding, when such person knows or reasonably should know that the document contains false information; or

(5) violate a court order issued pursuant to K.S.A. 58-4301, and amendments thereto.

(b) Violation of this section is a severity level 8, nonperson felony.

(c) This section shall be a part of and supplemental to the Kansas criminal code.";

On page 21, in line 36, after "offense" by inserting "described";

On page 23, in line 11, by striking ", which"; in line 12 by striking "records" and inserting "that"; in line 20, by striking ", which"; in line 21 by striking "records" and inserting "that";

On page 24, in line 19, by striking "which" and inserting "that"

On page 26, in line 33, by striking "which" and inserting "that"; in line 37, by striking ", and amendments thereto,"; in line 41, after "of" by inserting a colon; in line 42, by striking the second comma and inserting "; a"; also in line 42, by striking the third comma and inserting "; a"; also in line 42, by striking the fourth comma and inserting "; a"; in line 43, by striking "or" and inserting "; a"; in line 43, after the second "officer" by inserting "; a local correctional officer or local detention officer; a federal judge; a justice of the supreme court; a judge of the court of appeals; a district judge; a district magistrate judge; a municipal judge; a presiding officer who conducts hearings pursuant to the Kansas administrative procedure act; an administrative law judge employed by the office of administrative hearings; a member of the state board of tax appeals; an administrative law judge who conducts hearings pursuant to the workers compensation act; a member of the workers' compensation appeals board; the United States attorney for the district of Kansas; an assistant United States attorney; a special assistant United States attorney; the attorney general; an assistant attorney general; a special assistant attorney general; a county attorney; an assistant county attorney; a special assistant county attorney; a district attorney; an assistant district attorney; a special assistant district attorney; a city attorney; an assistant city attorney; or a special assistant city attorney";

On page 27, in line 1, by striking "individual officer" and inserting "person"; in line 2, by striking "officer's" and inserting "person's"; in line 4, by striking "officer's" and inserting "person's"; in line 6, by striking "officer" and inserting "person"; in line 8, by striking all after "(52)"; by striking all in lines 9 through 25; in line 26, by striking "(53)";

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

On page 34, following line 17, by inserting:

"Sec. 14. K.S.A. 2020 Supp. 58-4301 is hereby amended to read as follows: 58-4301. (a) (1) Any person who owns real or personal property or an interest in real or personal property or who is the purported debtor or obligor and who has reason to believe that any document or instrument purporting to create a lien or claim against the real or personal property or an interest in real or personal property previously filed or submitted for filing and recording is fraudulent as defined in subsection (e) may complete and file, at any time without any time limitation, with the district court of the county in which such lien or claim has been filed or submitted for filing, or with the district court of the county in which the property or the rights appertaining thereto is

situated, a motion for judicial review of the status of documentation or instrument purporting to create a lien or claim as provided in this section. Such motion shall be supported by the affidavit of the movant or the movant's attorney setting forth a concise statement of the facts upon which the claim for relief is based. Such motion shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

(2) The completed form for ordinary certificate of acknowledgment shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

(3) The clerk of the district court shall not collect a filing fee for filing a motion as provided in this section.

(b) The court's findings may be made solely on a review of the documentation or instrument attached to the motion and without hearing any testimonial evidence. The district court's review may be made ex parte without delay or notice of any kind. An appellate court shall expedite review of a district court's findings as provided in this section.

(c) (1) After review, the district court shall enter appropriate findings of fact and conclusions of law in a form as provided in subsection (d) regarding the documentation or instrument purporting to create a lien or claim, which shall be filed and indexed in the same filing office in the appropriate class of records in which the original documentation or instrument in question was filed.

(2) The court's findings of fact and conclusions of law may include an order setting aside the lien and directing the filing officer to nullify the lien instrument purporting to create the lien or claim. If the lien or claim was filed pursuant to the uniform commercial code, such order shall act as a termination statement filed pursuant to such code.

(3) The filing officer shall not collect a filing fee for filing a district court's findings of fact and conclusions of law as provided in this section.

(4) If the court orders that the lien or claim is set aside, the court's findings of fact and conclusions of law shall also include:

(A) An order prohibiting the person who filed such lien or claim from filing any future lien or claim with any filing officer without approval of the court that enters the order; and

(B) a provision stating that a violation of the order may subject the party in violation to civil and criminal penalties.

(5) A copy of the findings of fact and conclusions of law shall be mailed to the movant and the person who filed the lien or claim at the last known address of each person within seven days of the date that the findings of fact and conclusions of law is issued by the district court.

(d) The findings of fact and conclusions of law shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

(e) As used in this section, a document or instrument is presumed to be fraudulent if the document or instrument purports to create a lien or assert a claim against real or personal property or an interest in real or personal property and:

(1) Is not a document or instrument provided for by the constitution or laws of this state or of the United States;

(2) is not created by implied or express consent or agreement of the obligor, debtor

or the owner of the real or personal property or an interest in the real or personal property, if required under the laws of this state, or by implied or express consent or agreement of an agent, fiduciary or other representative of that person; or

(3) is not an equitable, constructive or other lien imposed by a court with jurisdiction created or established under the constitution or laws of this state or of the United States.

(f) As used in this section, filing office or filing officer refers to the officer and office where a document or instrument as described in this section is appropriately filed as provided by law, including, but not limited to, the register of deeds, the secretary of state and the district court and filing officers related thereto.

Sec. 15. K.S.A. 2020 Supp. 58-4302 is hereby amended to read as follows: 58-4302. (a) After the court has made a finding that a lien or claim is fraudulent pursuant to K.S.A. 58-4301, and amendments thereto, the aggrieved person may bring a civil action for damages and injunctive relief against the person who filed or recorded the fraudulent documents. No action may be brought under this section against the filing office or filing officer as those terms are described in ~~subsection (f)~~ of K.S.A. 58-4301~~(f)~~, and amendments thereto.

(b) In such an action, the burden shall be on the plaintiff to prove by a preponderance of the evidence that the defendant knew or should have known that the documents filed or recorded were in violation of K.S.A. 58-4301, and amendments thereto.

(c) Such an action shall be bifurcated from an action under K.S.A. 58-4301, and amendments thereto, and service shall be made in accordance with article 3 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(d) The court shall award the prevailing party the costs of the proceeding arising under this section and may award the prevailing party reasonable ~~attorney's~~ attorney fees.

(e) After trial, and if the court makes a finding that a lien or claim is fraudulent pursuant to K.S.A. 58-4301, and amendments thereto, the court may:

(1) Order the defendant to pay actual and liquidated damages up to \$10,000 or, if actual damages exceed \$10,000, all actual damages, to the plaintiff for each violation of K.S.A. 58-4301, and amendments thereto;

(2) enjoin the defendant from filing any future liens or claims, or future liens or claims against persons specified by the court, with any filing officer without approval of the court that enters the order; and

(3) enjoin the defendant from filing any future liens or claims that would violate K.S.A. 58-4301, and amendments thereto.

(f) Any order set forth in subsection (e) shall be subject to modification and termination by the court that enters the order. Such order shall also include a provision stating that a violation of the order may subject the party in violation to civil and criminal penalties.

~~(g) Each violation of any order set forth in subsection (e) may be considered contempt of court, punishable by a fine not to exceed \$1,000, imprisonment in the county jail for not more than 120 days, or both such fine and imprisonment."~~

On page 39, in line 9, by striking "and" and inserting a comma; also in line 9, after "45-254" by inserting ", 58-4301 and 58-4302";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "public"; also in line 1, after "records" by inserting "and recordation; prohibiting the filing of certain liens or claims against real or personal property and creating criminal penalties"; also in line 1, by striking "thereof" and inserting "of public records"; in line 4, after the semicolon by inserting "restricting access to identifying information of local correctional officers or local detention officers and administrative hearing officers;"; in line 7, by striking the first "and" and inserting a comma; also in line 7, after "45-254" by inserting ", 58-4301 and 58-4302";

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

ELAINE BOWERS
 CAROLYN MCGINN
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

FRED PATTON
 BRADLEY RALPH
 JOHN CARMICHAEL
Conferees on part of House

Senator Bowers moved the Senate adopt the Conference Committee Report on **HB 2390**.

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

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

Present and Passing: Warren.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 175** submits the following report:

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

On page 1, following line 9, by inserting:

"WHEREAS, The Kansas Legislature and the Kansas Supreme Court agree that, for Kansans, children are our state's most valuable resource; and

WHEREAS, The Kansas Supreme Court in Gannon IV found that nearly 25% of all public education students are not performing at grade level and that significant achievement gaps exist between all students and certain subgroups of students; and

WHEREAS, The Kansas Supreme Court acknowledged that certain student subgroups can have their own special achievement challenges; and

WHEREAS, Throughout the Gannon litigation, the Legislature has committed to improving the academic achievement of all students with a particular focus on the

students identified by the Court; and

WHEREAS, The Kansas Supreme Court has ruled that the current school finance system provides constitutionally adequate funding and equitable allocation of resources and that the Legislature has substantially complied with the Court's orders expressed in Gannon VI; and

WHEREAS, Special challenges require special measures and the Legislature remains committed to providing a finance system that is flexible and offers tailored solutions to raise academic achievement, particularly for those students who face special challenges; and

WHEREAS, Education savings accounts that target those students who qualify for at-risk educational services provide an additional way for families to tailor the entire educational experience of the student, as opposed to simply tailoring the schooling of such student; and

WHEREAS, Providing families with the access and means necessary to customize the educational experience of a student will provide families with options to increase the student's academic achievement.

Now, therefore:";

Also on page 1, by striking all in lines 12 through 34;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 40 and inserting:

"Section 1.

DEPARTMENT OF EDUCATION

(a) On the effective date of this act, of the \$3,306,581 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the KPERS – employer contributions – non-USDs account (652-00-1000-0100), the sum of \$2,015,931 is hereby lapsed.

(b) On the effective date of this act, of the \$21,247,425 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the KPERS – employer contributions – USDs account (652-00-1000-0110), the sum of \$6,869,706 is hereby lapsed.

(c) On the effective date of this act, of the \$12,673,886 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the mental health intervention team pilot account (652-00-1000-0150), the sum of \$1,215,004 is hereby lapsed.

(d) On the effective date of this act, any unencumbered balance in the education super highway account (652-00-1000-0180) of the state general fund is hereby lapsed.

(e) On the effective date of this act, of the \$5,060,528 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the school district juvenile detention facilities and Flint Hills job corps center grants account (652-00-1000-0290), the sum of \$782,064 is hereby lapsed.

(f) On the effective date of this act, of the \$360,693 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the

2020 Session Laws of Kansas from the state general fund in the governor's teaching excellence scholarships and awards account (652-00-1000-0770), the sum of \$140,755 is hereby lapsed.

(g) On the effective date of this act, of the \$89,659,017 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820), the sum of \$18,897,038 is hereby lapsed.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2021, as authorized by section 79 of chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to recommend additional compensation in the amount of \$500 to each classroom teacher employed by a board of education in school year 2020-2021 for duties beyond the normal scope related to teaching during a pandemic, including, but not limited to, creation of new lesson plans for remote and distance instruction modes, classroom modifications for social distancing, maintaining sanitary conditions and home visits: *Provided*, That, the boards of education shall review the moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260 or any other federal law that appropriates moneys to the state for aid for coronavirus relief, to determine if such funds may be available for such purpose: *Provided further*, That, for the purposes of this section, "classroom teacher" means any person who holds a certificate to teach and is under contract to teach on a full-time basis by a board of education and any person who is under contract to teach on a full-time basis by a board of education but who does so pursuant to a licensure waiver granted pursuant to rules and regulations of the state department of education, and does not include any superintendent, assistant superintendent, supervisor or principal employed pursuant to K.S.A. 72-1134, and amendments thereto, person who holds a student teaching license, paraprofessional or any other person employed by a board of education.

Sec. 2.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (including official hospitality)
(652-00-1000-0053)..... \$14,109,493

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KPERS-school employer contributions-non-USDs (652-00-1000-0100). \$41,853,675

Provided, That any unencumbered balance in the KPERS-school employer contributions-non-USDs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KPERS-school employer contributions-USDs (652-00-1000-0110).....\$537,971,506

Provided, That any unencumbered balance in the KPERS-school employer contributions-USDs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KPERS layering payment (652-00-1000-0120).....\$6,400,000

KPERS layering payment #2 (652-00-1000-0121).....\$19,400,000

ACT and workkeys assessments
program (652-00-1000-0140).....\$2,800,000

Mental health intervention
team pilot (652-00-1000-0150).....\$7,534,722

Education commission of
the states (652-00-1000-0220).....\$67,700

School safety hotline (652-00-1000-0230).....\$10,000

School district juvenile detention facilities and Flint Hills job corps center grants
(652-00-1000-0290).....\$5,060,528

Provided, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further,* That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-1173, and amendments thereto.

School food assistance (652-00-1000-0320).....\$2,510,486

Mentor teacher (652-00-1000-0440).....\$1,300,000

Educable deaf-blind and severely handicapped children's
programs aid (652-00-1000-0630).....\$110,000

Special education services aid (652-00-1000-0700).....\$512,880,818

Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child, unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisos, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3422, and amendments thereto.

Supplemental state aid (652-00-1000-0840).....\$2,400,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

School district capital outlay state aid fund.....No limit

Educational technology coordinator fund (652-00-2157-2157).....No limit

Provided, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2022, from the educational technology coordinator fund of the department of education to provide data on the number of school districts served and cost savings for those districts in fiscal year 2022 in order to assess the cost effectiveness of the position of educational technology coordinator.

Communities in schools program fund (652-00-2221-2400).....No limit

Inservice education workshop fee fund (652-00-2230-2010).....No limit

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and

conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Federal indirect cost reimbursement fund (652-00-2312-2200).....No limit

Conversion of materials and equipment fund (652-00-2420-2020).....No limit

School bus safety fund (652-00-2532-2300).....No limit

State safety fund (652-00-2538-2030).....No limit

Provided, That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2022 as soon as moneys are available.

Motorcycle safety fund (652-00-2633-2050).....No limit

Teacher and administrator fee fund (652-00-2723-2060).....No limit

Service clearing fund (652-00-2869-2800).....No limit

School district capital improvements fund (652-00-2880-2880).....No limit

Provided, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-5457, and amendments thereto.

Reimbursement for services fund (652-00-3056-3200).....No limit

ESSA – student support academic enrichment – federal fund (652-00-3113-3113).....No limit

Educationally deprived children – state operations – federal fund (652-00-3131-3130).....No limit

Food assistance – federal fund (652-00-3230-3020).....No limit

Elementary and secondary school aid – federal fund (652-00-3233-3040).....No limit

Education of handicapped children fund – federal (652-00-3234-3050).....	No limit
Community-based child abuse prevention – federal fund (652-00-3319-7400).....	No limit
TANF children's programs – federal fund (652-00-3323-0531).....	No limit
21 st century community learning centers – federal fund (652-00-3519-3890).	No limit
State assessments – federal fund (652-00-3520-3800).....	No limit
Rural and low-income schools program – federal fund (652-00-3521-3810)...	No limit
Language assistance state grants – federal fund (652-00-3522-3820).....	No limit
State grants for improving teacher quality – federal fund (652-00-3526-3860).....	No limit
State grants for improving teacher quality – federal fund – state operations (652-00-3527-3870).....	No limit
Food assistance – school breakfast program – federal fund (652-00-3529-3490).....	No limit
Food assistance – national school lunch program – federal fund (652-00-3530-3500).....	No limit
Food assistance – child and adult care food program – federal fund (652-00-3531-3510).....	No limit
Elementary and secondary school aid – federal fund – local education agency fund (652-00-3532-3520).....	No limit
Education of handicapped children fund – state operations – federal fund (652-00-3534-3540).....	No limit
Education of handicapped children fund – preschool – federal fund (652-00-3535-3550).....	No limit
Education of handicapped children fund – preschool state operations – federal (652-00-3536-3560).....	No limit

Elementary and secondary school aid – federal fund – migrant education fund (652-00-3537-3570).....No limit

Elementary and secondary school aid – federal fund – migrant education – state operations (652-00-3538-3580).....No limit

Vocational education title I – federal fund – (652-00-3539-3590).....No limit

Vocational education title I – federal fund – state operations (652-00-3540-3600).....No limit

Educational research grants and projects fund (652-00-3592-3070).....No limit

Coronavirus relief fund – federal fund (652-00-3753).....No limit

Local school district contribution program checkoff fund (652-00-7005-7005).....No limit

Provided, That notwithstanding the provisions of K.S.A. 79-3221n, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2022, any moneys in such fund where a taxpayer fails to designate a unified school district on such taxpayer's individual income tax return may be expended by the above agency on educational programming.

Governor's teaching excellence scholarships program repayment fund (652-00-7221-7200).....No limit

Provided, That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-2166, and amendments thereto: *Provided further*, That each such grant shall be required to be matched on a \$1-for-\$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor's teaching excellence scholarships program repayment fund.

Private donations, gifts, grants and bequests fund (652-00-7307-5000).....No limit

Family and children investment fund (652-00-7375).....No limit

State school district finance fund (652-00-7393).....No limit

Mineral production education fund (652-00-7669-7669).....No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2022, the following:

Children's cabinet accountability fund (652-00-2000-2402).....\$375,000

Provided, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

CIF grants (652-00-2000-2408).....\$18,129,848

Provided, That any unencumbered balance in the CIF grants account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Quality initiative infants and toddlers (652-00-2000-2420).....\$500,000

Provided, That any unencumbered balance in the quality initiative infants and toddlers account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Early childhood block grant autism diagnosis (652-00-2000-2422).....\$50,000

Provided, That any unencumbered balance in the early childhood block grant autism diagnosis account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Parent education program (652-00-2000-2510).....\$8,437,635

Provided, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *Provided further*, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant.

Communities aligned in early development and education (652-00-2000-2550).....\$1,000,000

Pre-K pilot (652-00-2000-2535).....\$4,200,000

(d) On July 1, 2021, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund (652-00-7375-7900) of the department of education to the communities in schools program fund (652-00-2221-2400) of the department of education.

(e) On March 30, 2022, and June 30, 2022, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$550,000 from the state safety fund (652-00-2538-2030) to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the department of education by other state agencies that receive appropriations from the state general fund to provide such services.

(f) On July 1, 2021, and quarterly thereafter, the director of accounts and reports shall transfer \$73,750 from the state highway fund of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2021, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund (652-00-2633-2050) of the department of education to the motorcycle safety fund (561-00-2366-2360) of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to K.S.A. 8-272(b)(2), and amendments thereto.

(h) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$70,000 from the USAC E-rate program federal fund (561-00-3920-3920) of the state board of regents to the education technology coordinator fund (652-00-2157-2157) of the department of education.

(i) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2022, the following:

Children's cabinet administration (652-00-7000-7001).....\$260,535

Provided, That any unencumbered balance in the children's cabinet administration account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

(j) During the fiscal year ending June 30, 2022, the commissioner of education, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2022 from the state general fund for the department of education to another item of appropriation for fiscal year 2022 from the state general fund for the department of education. The commissioner of education shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(k) There is appropriated for the above agency from the expanded lottery act

revenues fund for the fiscal year ending June 30, 2022, the following:

KPERS – school employer contribution (652-00-1700-1700).....\$41,143,515

Provided, That during the fiscal year ending June 30, 2022, the amount appropriated from the expanded lottery act revenues fund in the KPERS – school employer contribution account (652- 00-1700-1700) for the department of education shall be for the purpose of reducing the unfunded actuarial liability of the Kansas public employees retirement system attributable to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, in accordance with K.S.A. 74-8768, and amendments thereto.

(l) On July 1, 2021, of the \$2,440,966,522 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 80(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820), the sum of \$3,344,193 is hereby lapsed.

(m) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose to provide school safety and security grants: *Provided*, That such expenditures shall not exceed \$5,000,000: *Provided further*, That expenditures shall be made for fiscal year 2022 for disbursements of grant moneys approved by the state board of education for the acquisition and installation of security cameras and any other systems, equipment and services necessary for security monitoring of facilities operated by a school district and for securing doors, windows and any entrances to such facilities: *Provided further*, That all moneys expended for school safety and security grants for fiscal year 2022 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the district that may be used for such purpose as permitted under federal law: *Provided further*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(n) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health

care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose for the mental health intervention team pilot program: *Provided*, That such expenditures shall not exceed \$3,924,160: *Provided further*; That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(o) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose for the communities in schools program: *Provided*, That such expenditures shall not exceed \$100,000: *Provided further*; That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(p) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260 or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose to implement phase 3 of the language assessment program: *Provided, however*; That if the above agency determines such moneys may not be used for such purposes, expenditures shall be made by the above agency from the moneys appropriated from the state general fund or from any other special revenue fund or funds for fiscal year 2022, as authorized by section 80 of chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature to such agency to implement phase 3 of the language assessment program: *Provided further*; That, prior to such implementation, the above agency shall consult with the Kansas children's cabinet and the Kansas state school for the deaf on best practices for such implementation.

Sec. 3.

DEPARTMENT OF EDUCATION

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

State foundation aid (652-00-1000-0820).....\$2,524,235,833

Provided, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Supplemental state aid (652-00-1000-0840).....\$534,100,000

Provided, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

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

State school district finance fund (652-00-7393).....No limit

Mineral production education fund (652-00-7669-7669).....No limit

New Sec. 4. (a) Sections 4 through 20, and amendments thereto, shall be known and may be cited as the student empowerment act.

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

New Sec. 5. The legislature hereby declares that the purpose and intent of the student empowerment act is:

(a) To provide suitable provision for finance of the educational interests of all students in the state through all manner of education that suitably prepares our children to be productive members of our collective workforce and society;

(b) to protect the people's common interest in providing intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools and other forms of education and their related activities that support the legislative goal established in K.S.A. 72-3218, and amendments thereto, by acknowledging the unique individuality and life experiences of each student and by recognizing each student's varied educational, social, emotional and environmental needs;

(c) to highlight the diversity of acquired knowledge needed to become productive members of society, while also recognizing the reality that a policy of "one size fits all" does not ensure that all students will be successful;

(d) to acknowledge that each student must be considered as a unique individual, with different educational supports needed to best function in the changing world; and

(e) to respect and invite parents to be their child's educational opportunity steward from an academic, social, emotional and spiritual perspective that aligns their child with

the best educational delivery model and environment.

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

New Sec. 6. As used in sections 4 through 20, and amendments thereto:

(a) "Account" means a student empowerment account.

(b) "BASE aid" means the amount of base aid for student excellence set forth in K.S.A. 72-5132, and amendments thereto, for the immediately preceding school year.

(c) "Eligible student" means a resident of Kansas who has not graduated from high school or obtained a general educational development credential, and who on and after July 1, 2022:

(1) Has been identified by such student's resident school district as eligible to receive at-risk educational program services because such student:

(A) Is or has been determined to be performing below grade level in either English language arts or mathematics;

(B) has a high rate of absenteeism; or

(C) has been identified as eligible to receive at-risk educational program services for any other reason specified by the school district; or

(2) has a student empowerment account established on their behalf pursuant to section 10, and amendments thereto.

(d) "Parent" means a parent, legal guardian, custodian or other person with authority to act on behalf of an eligible student.

(e) "Postsecondary educational institution" means any postsecondary educational institution or any private or out-of-state postsecondary educational institution as such terms are defined in K.S.A. 74-3201b, and amendments thereto.

(f) "Program" means the student empowerment program established under section 7, and amendments thereto.

(g) "Qualified private school" means any nonpublic school that:

(1) Provides education to elementary or secondary students;

(2) is accredited by the state board of education or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure;

(3) provides instruction in those subjects required by K.S.A. 72-3214, 72-3217 and 72-3235, and amendments thereto; and

(4) is approved by the treasurer pursuant to section 15, and amendments thereto.

(h) "Resident school district" means the school district in which an eligible student is currently or would be enrolled based on such eligible student's residence.

(i) "Treasurer" means the state treasurer or the state treasurer's designee.

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

New Sec. 7. (a) The student empowerment program is hereby established and shall be administered by the treasurer. Except as provided in section 9, and amendments thereto, on and after July 1, 2022, the treasurer shall establish a student empowerment account for each eligible student whose parent satisfies the requirements of this act.

(b) The treasurer shall maintain an explanation of the following information on the treasurer's website and provide a hard copy of such information to any person upon request:

(1) The options for participation in the program as provided in section 11, and amendments thereto;

(2) the allowable uses of moneys in a student empowerment account;

(3) the responsibilities of a parent of an eligible student participating in the program;

(4) the effect of participation in the program by eligible students with an individualized education program (IEP) or an education plan under section 504 of the rehabilitation act of 1973, 29 U.S.C. § 794 (section 504 plan);

(5) the duties of the treasurer;

(6) the procedure for appealing a decision of the treasurer;

(7) the name and telephone number of the treasurer's employee who may be contacted if a parent has questions about the program; and

(8) a list of qualified private schools.

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

New Sec. 8. (a) Whenever a student becomes eligible for the student empowerment program, such student's resident school district shall notify the parent of such student. Such notice shall include an explanation of the basis for such child's eligibility for the program, a copy of the results of the most recently administered state assessment for English language arts and state assessment for mathematics for such child, the name and telephone number of the school district employee who may be contacted if the parent has questions about the program and the name and telephone number of an employee of both the department of education and the state treasurer's office who may be contacted regarding the program. Such notice shall also include either a written description of the program, including the information described in section 7(b), and amendments thereto, or the website address where such description may be found on the treasurer's website. The school district shall continue to provide such notice each year that the student remains enrolled in the school district and remains eligible for the program.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 9. (a) For an eligible student to participate in the program, the parent of such eligible student shall enter into a written agreement with the treasurer, in such manner and form as prescribed by the treasurer.

(b) The agreement between the parent of an eligible student and the treasurer shall provide that:

(1) The eligible student shall participate in the program in accordance with section 11, and amendments thereto;

(2) the treasurer shall establish an account for the eligible student in the student empowerment fund established by section 10, and amendments thereto;

(3) the parent shall comply with all requirements and rules and regulations of the program; and

(4) the moneys in the eligible student's account shall only be expended as authorized by the program.

(c) Only one account may be established for each eligible student. A parent acting on behalf of more than one eligible student shall have a separate written agreement for each eligible student.

(d) A written agreement entered pursuant to this act shall expire on July 31 immediately following the date the agreement becomes effective but may be terminated prior to such date pursuant to subsection (e). Each written agreement may be renewed by August 1 upon the written consent of the parent and the treasurer in a manner determined by the treasurer, except that the parent may submit a request to the treasurer

for an extension of time for renewal not to exceed 30 days. Failure to renew a written agreement does not preclude renewal of such written agreement in a subsequent year. A written agreement that has been terminated pursuant to subsection (e) shall not be renewed.

(e) (1) A written agreement may be terminated by the treasurer upon a determination that:

(A) Moneys in an account have been used for purposes other than those allowed by the program;

(B) the eligible student no longer satisfies the qualifications of an eligible student; or

(C) the eligible student no longer participates in the program in accordance with section 11, and amendments thereto.

(2) A written agreement may be terminated by a parent at any time. To terminate a written agreement, such parent shall notify the treasurer in writing of such termination.

(3) When a written agreement is terminated, the account associated with such agreement shall be deemed inactive, and the treasurer shall close the account in accordance with section 10, and amendments thereto.

(f) If an otherwise eligible student is participating in the tax credit for low income students scholarship program act pursuant to K.S.A. 72-4351 et seq., and amendments thereto, the treasurer:

(1) Shall not enter into a written agreement with the parent on behalf of such student or establish an account on behalf of such student; and

(2) if a written agreement has already been effectuated between the parent of such student and the treasurer, shall close any account that was established on behalf of such student and terminate such written agreement.

(g) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 10. (a) (1) There is hereby established in the state treasury the student empowerment fund to be administered by the treasurer. Moneys in the student empowerment fund shall be expended only for the purposes established in this act. All moneys received pursuant to section 12, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the student empowerment fund.

(2) The director of accounts and reports shall create a procedure for the student empowerment fund to have individual student accounts therein. Each student's accumulated moneys in the student's account shall earn interest based on: (A) The average daily balance of moneys in each student's account for the preceding month; and (B) the net earnings rate of the pooled money investment portfolio for the preceding month. The amount of interest earned shall be added monthly to each student's account in the student empowerment fund.

(b) Upon execution of an agreement in accordance with section 9, and amendments thereto, the treasurer shall establish an account in the student empowerment fund in the state treasury in the name of the eligible student. Upon establishment of such account, the treasurer shall notify the resident school district of the establishment of such account for the eligible student.

(c) (1) If the eligible student is enrolled in a qualified private school, the treasurer shall transfer to such eligible student's account in the student empowerment fund an aggregate annual amount equal to the BASE aid.

(2) If the eligible student continues to be enrolled in such student's resident school district part-time, the treasurer shall transfer to such eligible student's account in the student empowerment fund an aggregate annual amount equal to that portion of the BASE aid that is inversely proportional to the amount of time such student is enrolled in such student's resident school district.

(d) The treasurer shall make transfers required under subsection (c) in quarterly installments pursuant to a schedule determined by the treasurer.

(e) The treasurer may deduct a percentage of the aggregate annual amount to be transferred into an eligible student's account as reimbursement for the administrative costs of implementing the provisions of this act as follows:

(1) Up to 5% each year for the first two years moneys are transferred to an eligible student's account; and

(2) up to 2.5% for the third year and for each subsequent year moneys are transferred to an eligible student's account.

(f) No transfers shall be made to an eligible student's account after such student has graduated from high school.

(g) (1) Each account shall remain active until:

(A) A written agreement is terminated pursuant to section 9, and amendments thereto;

(B) July 31 following the date on which the eligible student graduates from high school; or

(C) there are two consecutive years of nonrenewal of an agreement.

(2) If the treasurer determines an account is inactive, the treasurer shall close the account and certify the amount of moneys remaining in the account to the director of accounts and reports. Such certified amount shall remain in the student empowerment fund.

(h) The treasurer shall contract with a third party pursuant to competitive bids for a system for payment of services by participating parents by electronic funds transfer. Such system shall not require parents to be reimbursed for allowable expenses. All electronic funds transfers shall only be for expenditures approved by the treasurer.

(i) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 11. (a) An eligible student whose parent has entered into an agreement with the treasurer in accordance with section 9, and amendments thereto, shall participate in the program by:

(1) Continuing part-time enrollment in such student's resident school district and receiving additional educational services as allowed under the program; or

(2) enrolling in a qualified private school.

(b) Each year, the parent of a student participating in the program shall report to the treasurer whether such student is enrolled in such student's resident school district and, if so, the number of hours such student is attending.

(c) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 12. (a) On or before August 1 of each year, the treasurer shall determine the amount to be transferred to the student empowerment fund by:

(1) Multiplying an amount equal to the BASE aid by the total number of eligible students participating in the program, who are enrolled in a qualified private school;

(2) for each eligible student participating in the program who is enrolled part-time in a school district, multiplying an amount equal to the BASE aid by a ratio that is the

inverse proportion of the amount of time each such student is enrolled and attending public school;

(3) adding together the amounts determined under paragraph (2) for all such students; and

(4) adding the total amounts determined under paragraphs (1) and (3). The resulting sum is the amount to be transferred to the student empowerment fund.

(b) The treasurer shall certify the resulting amounts to the director of accounts and reports. Upon receipt of such certification, the director shall transfer such certified amount from the state general fund to the student empowerment fund established in section 10, and amendments thereto.

(c) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 13. (a) Moneys in the eligible student's account may be accessed by such eligible student's parent but shall only be expended by such parent for the following purposes:

(1) Tuition and fees charged by a qualified private school;

(2) textbooks and other supplies required by a qualified private school;

(3) fees for transportation provided by a qualified private school that is required for the eligible student to travel to and from such qualified private school;

(4) educational therapies or services provided by a licensed or accredited education provider;

(5) tutoring services provided by a certified tutor;

(6) curriculum materials;

(7) tuition or fees charged by an accredited private online learning program;

(8) fees for any nationally standardized norm-referenced achievement test, advanced placement examination or other examination related to admission to a postsecondary educational institution;

(9) services, programs, activities, classes or any other resources or programs provided or contracted by a school district;

(10) tuition and fees charged by a postsecondary educational institution; and

(11) any other education expenses approved by the treasurer.

(b) The treasurer shall notify the parent of any expenditures from an eligible student's account that do not meet the requirements of subsection (a). Such parent shall repay the cost of any such expenditures within 30 days of notification by the treasurer.

(c) Except as provided in section 10, and amendments thereto, funds remaining in an account at the end of a school year shall roll over to the next succeeding school year.

(d) A qualified private school providing education services purchased with funds from an account shall not share, refund or rebate any portion of such funds to the parent or eligible student. Any such refund or rebate shall be made directly into the eligible student's account.

(e) No personal deposits may be made into an account.

(f) The treasurer shall conduct or contract to conduct annual audits of eligible student accounts to ensure compliance with the provisions of this act and may conduct or contract to conduct additional audits of eligible student accounts, as needed.

(g) If the treasurer determines moneys in an account have been used for purposes other than those allowed by subsection (a), the treasurer may:

(1) Prohibit expenditures from the account until such time as determined by the treasurer;

(2) prorate amounts to be deposited in such account under section 10, and amendments thereto, by an amount equal to the total amount used for purposes other than those allowed by subsection (a); or

(3) terminate the account.

(h) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 14. (a) On or before August 1, 2023, and each year thereafter, the treasurer shall certify to the state board of education the names of the students participating in the student empowerment program, the resident school district of each such student and the qualified private school, if any, each such student is attending in the current school year.

(b) (1) On or before September 1, 2022, and each year thereafter, the state board shall determine the adjusted weightings funding amount in accordance with paragraph (2) and shall certify the amount so determined to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the state board shall transmit a copy of such certification to the director of the budget and the director of legislative research. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified, and such amount is appropriated for such fiscal year, from the state general fund to the state foundation aid account of the state general fund of the department of education.

(2) For each eligible student participating in the program who has participated for less than three years, the state board shall determine the amount of such student's resident school district's state foundation aid for the last school year during which such student was enrolled full-time in such district that is attributable to that portion of the following weightings that is directly attributable to such student's enrollment in the district: The low enrollment weighting, high enrollment weighting, bilingual weighting, at-risk student weighting and career technical education weighting. The state board shall then determine the aggregate of such amounts for each resident school district and the resulting sum is the adjusted weightings funding amount.

(c) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 15. (a) To become a qualified private school, an applicant shall submit an application to the treasurer on a form and in a manner prescribed by the treasurer. Such application shall include proof that the applicant is an accredited private school and provides instruction in those subjects required by K.S.A. 72-3214, 72-3217 and 72-3235, and amendments thereto.

(b) The treasurer shall approve an application or request additional information, as necessary, to prove an applicant meets the criteria to be deemed a qualified private school within 45 days of receiving the application. If the applicant is unable to provide such additional information, the treasurer may deny the application.

(c) The treasurer shall conduct or contract to conduct an audit of a qualified private school, selected at random each year, to determine whether the qualified private school is compliant with the requirements of subsection (a).

(d) (1) The treasurer may revoke a qualified private school's approval, if the treasurer determines the qualified private school:

(A) Has routinely failed to comply with the provisions of this act or applicable rules and regulations; or

(B) has failed to provide any educational services required by law to an eligible student receiving instruction from the school, if the school is accepting payments made

from such eligible student's account.

(2) Prior to revoking a qualified private school's approval, the treasurer shall notify such school of an impending revocation and the reason for such revocation. The qualified private school shall have 30 days from the time it was notified to cure the matter identified in the notice. If the qualified private school fails to cure such matter within 30 days, such school's approval shall be revoked. A qualified private school whose approval has been revoked shall not be allowed to participate in the program until such time the treasurer determines such school is in compliance with the requirements of this act.

(3) If the treasurer revokes a qualified private school's approval, the treasurer shall immediately notify each parent of an eligible student participating in the program and receiving instruction from such school.

(e) The treasurer may notify the attorney general or the county or district attorney of the county where the qualified private school is located, if a qualified private school's approval was revoked because of misuse of moneys paid from an account.

(f) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 16. (a) Enrollment of an eligible student in a qualified private school shall be considered a parental placement of such student under the individuals with disabilities education act, 20 U.S.C. § 1400 et seq.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 17. (a) On or before December 31, 2022, and each December 31 thereafter, the treasurer shall prepare and submit a report on the student empowerment program to the state board of education. The report shall include, but is not limited to, the following information for the immediately preceding school year:

- (1) The total number of students participating in the program;
- (2) the number of participating students enrolled on a part-time basis in a school district and the average number of hours such students attended public school;
- (3) the number of participating students enrolled in a qualified private school;
- (4) the number of qualified private schools;
- (5) the results of any audits conducted or contracted for by the treasurer; and
- (6) the total cost to administer the program.

(b) On or before January 15, 2023, and each January 15 thereafter, the state board of education shall prepare and submit a report on the student empowerment program to the governor and the legislature. The report shall include, but is not limited to, the treasurer's report submitted pursuant to subsection (a) and the state foundation aid adjustments determined by the state board pursuant to section 14, and amendments thereto, for each school district for the immediately preceding school year.

(c) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 18. (a) The treasurer's actions under this act shall be subject to the Kansas administrative procedure act and reviewable under the Kansas judicial review act. Any parent of a participating student or qualified private school aggrieved by a decision of the treasurer may appeal such decision in accordance with such acts.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 19. (a) On or before January 1, 2022, the treasurer shall adopt rules and regulations necessary to carry out the provisions of this act.

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

New Sec. 20. (a) Nothing in the student empowerment act shall be deemed to limit

the independence or autonomy of a qualified private school or to make the actions of a qualified private school the actions of the state government.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 21. (a) Except as provided in subsection (h), commencing in the 2021-2022 school year, a student enrolled in a school district shall be deemed a remotely enrolled student in the current school year if such student attended school as a full-time equivalent student through remote learning:

(1) During a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, for more than a total of 240 school term hours during the school year, regardless of whether the state of disaster emergency continued beyond such time period; or

(2) for more than a total of 40 school term hours during the school year if no state of disaster emergency has been declared under K.S.A. 48-924, and amendments thereto.

(b) For the purposes of calculating a student's total school term hours pursuant to subsection (a), school term hours shall be counted for each day instruction is provided to the student through remote learning.

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

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

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

(3) the state board shall determine the number of students who were included in the remote enrollment of each school district and recompute the enrollment of the school district as required pursuant to this section.

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

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

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

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

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

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

(h) This section shall not apply to any school district that, due to a disaster, is granted a waiver by the state board of education from the requirements of law relating to the remote learning limitations imposed pursuant to K.S.A. 72-3115, and amendments thereto. Any school district that is granted such waiver shall not be required to determine remote enrollment pursuant to this section and shall determine the district's enrollment as provided in K.S.A. 72-5132, and amendments thereto.

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

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

New Sec. 22. (a) A student shall be identified as eligible to receive at-risk programs and services if the student meets one or more of the following criteria:

- (1) Is not working on academic grade level;
- (2) is not meeting the requirements necessary for promotion to the next grade or is failing subjects or courses of study;
- (3) is not meeting the requirements necessary for graduation from high school or has the potential to drop out of school;
- (4) has insufficient mastery of skills or is not meeting state standards;
- (5) has been retained;
- (6) has a high rate of absenteeism;
- (7) has repeated suspensions or expulsions from school;
- (8) is homeless or migrant;
- (9) is identified as an English language learner;
- (10) has social-emotional needs that cause the student to be unsuccessful in school;

or

(11) is identified as a student with dyslexia.

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

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

Sec. 23. On and after July 1, 2021, K.S.A. 72-1163 is hereby amended to read as follows: 72-1163. (a) Each year the board of education of a school district shall conduct an assessment of the educational needs of each attendance center in the district. Information obtained from such needs-assessment shall be used by the board when preparing the budget of the school district to ensure improvement in student academic performance. The budget of the school district shall allocate sufficient moneys in a manner reasonably calculated such that all students may achieve the goal set forth in K.S.A. 72-3218(c), and amendments thereto. The board also shall prepare a summary of the budget for the school district. The budgets and summary shall be in the form prescribed by the director pursuant to K.S.A. 79-2926, and amendments thereto.

(b) The budgets and the summary of the proposed budget shall be on file at the administrative offices of the school district. Copies of such budgets and summary shall be available upon request.

(c) The notice required to be published by K.S.A. 79-2929, and amendments thereto, shall include a statement that the budgets and the summary of the proposed budget is on file at the administrative offices of the district and that copies of such budgets and summary are available upon request.

Sec. 24. On and after July 1, 2021, K.S.A. 72-3115 is hereby amended to read as follows: 72-3115. (a) (1) Subject to the ~~other~~ provisions of this section, a school term

during which public school shall be maintained in each school year by each school district organized under the laws of this state shall consist of not less than 186 school days for ~~pupils~~ students attending kindergarten or any of the grades one through 11 and not less than 181 school days for ~~pupils~~ students attending grade 12.

(2) Except as provided in subsection (j), the days of the school term during which school shall be maintained pursuant to this section only include days that allow each student enrolled in a school district to physically attend school in person on a full-time basis.

(b) (1) Subject to a policy developed and adopted by the board of any school district and the provisions of this section, the board may provide for a school term consisting of school hours. A school term provided for in a policy adopted under this subsection shall consist of: ~~(1) (A) For pupils~~ students attending kindergarten, not less than 465 school hours in each school year; ~~and (2) (B) for pupils~~ students attending any of the grades one through 11, not less than 1,116 school hours in each school year; and ~~(3) (C) for pupils~~ students attending grade 12, not less than 1,086 school hours in each school year. Each board of education ~~which that~~ which that develops and adopts a policy providing for a school term in accordance with this subsection shall notify the state board of education thereof on or before September 15 in each school year for which the policy is to be in effect.

(2) Except as provided in subsection (j), if a board provides for a school term pursuant to this subsection, the school hours during which school shall be maintained pursuant to this section only include hours that allow each student enrolled in a school district to physically attend school in person on a full-time basis.

(c) Subject to a plan developed and adopted by the board of any school district, the board may schedule the school days required for a school term provided for under subsection (a), or the school hours required for a school term provided for in a policy adopted under subsection (b), on a trimestral or quarterly basis. Each board of education ~~which that~~ which that develops and adopts a plan providing for the scheduling of the school days or school hours of the school term on a trimestral or quarterly basis shall submit the plan to the state board of education for approval prior to implementation. The plan shall be prepared in such form and manner as the state board shall require and shall be submitted at a time or times to be determined and specified by the state board.

(d) Subject to a policy developed and adopted by the board of any district as an adjunct to the district's disciplinary policy or as a part of the district's school improvement plan, the board may schedule school days in addition to the school days scheduled for a school term provided for under subsection (a), or school hours in addition to the school hours scheduled for a school term provided for in a policy adopted under subsection (b), or both such additional school days and school hours for ~~pupils~~ students who are in need of remedial education or who are subject to disciplinary measures imposed under the district's disciplinary policy. Any school day or school hour scheduled for a ~~pupil~~ student under a policy adopted under this subsection may be scheduled on weekends, before or after regular school hours, and during the summer months. Inexcusable absence from school on any school day or during any school hour by any ~~pupil~~ student for whom additional school days or school hours have been scheduled under a policy adopted under this subsection shall be counted as an inexcusable absence from school for the purposes of K.S.A. 72-3121, and amendments thereto.

(e) If the board of any school district, or its designee, shall determine that inclement weather will cause hazardous driving conditions, the board, or its designee, may close any or all of the schools within the district. The amount of time ~~pupils students~~ have been in attendance when such determination is made shall be considered a school day of a school term or shall be considered the number of school hours for ~~pupils students~~ to be in attendance at school in a day, whichever is applicable. Consonant with the other provisions of this section, a board may schedule any number of days or hours in excess of the regularly scheduled school days or school hours ~~which that~~ the board determines will be necessary to compensate for those school days or school hours that schools of the district will remain closed during the school term due to hazardous driving conditions. If the number of days or hours schools remain closed due to hazardous driving conditions exceeds the number of days or hours scheduled by the board to compensate for such school days or school hours, the excess number of days or hours, not to exceed whichever is the lesser of: (1) The number of compensatory days or hours scheduled by the board; or (2) five days or the number of school hours regularly scheduled in five days, that schools remain closed due to such conditions shall be considered school days or school hours.

(f) The state board of education may waive the requirements of law relating to the duration of the school term upon application for such waiver by a school district. Such waiver may be granted by the state board of education upon: (1) Certification by a board that, due to the persistence of inclement weather, hazardous driving conditions have existed in the school district for an inordinate period of time; and (2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with statutory requirements. Such waiver shall not exempt a school district from providing a school offering for each ~~pupil which student that~~ is substantially equivalent to that required by law.

(g) Time reserved for parent-teacher conferences for discussions on the progress of ~~pupils students~~ may be considered part of the school term.

(h) Time reserved for staff development or inservice training programs for the purpose of improving staff skills, developing competency in new or highly specialized fields, improving instructional techniques, or curriculum planning and study may be considered part of the school term for an aggregate amount of time equal to the amount of time in excess of the school term ~~which that~~ is scheduled by a board of education for similar activities.

(i) Boards of education may employ noncertificated personnel to supervise ~~pupils students~~ for noninstructional activities.

(j) (1) If authorized by the state board of education, a board of education of a school district may:

(A) Provide for not more than a total of 40 days of the school term to be conducted using remote learning if such board of education is operating pursuant to the provisions of subsection (a); or

(B) provide for not more than a total of 240 school term hours to be conducted using remote learning if such board of education is operating pursuant to the provisions of subsection (b).

(2) The state board of education may authorize a school to conduct remote learning in accordance with this section in any school year upon application by a school district. The application may be granted by the state board of education upon:

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

(B) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with the requirements of this section unless remote learning is conducted for a period of time not to exceed the limitations provided in paragraph (1) except when such limitations are waived by the state board pursuant to this section.

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

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

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

(k) As used in this section:

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

(2) "Remote learning" means a method of providing education in which a student, although regularly enrolled in a school district, does not physically attend the attendance center such student would otherwise attend in person on a full-time basis and curriculum and instruction are prepared, provided and supervised by teachers and staff of such school district so as to approximate the student learning experience that would take place in the attendance center classroom.

Sec. 25. On and after July 1, 2021, K.S.A. 2020 Supp. 72-3117 is hereby amended to read as follows: 72-3117. (a) Except as provided in K.S.A. 72-3115, and amendments thereto, the state board of education may waive the requirements of law relating to the duration of the school term in any school year upon application for such waiver by a school district. The waiver may be granted by the state board of education upon: (1) Certification by a board of education that, due to disaster, conditions resulting from widespread or severe property damage caused by the disaster—~~or other conditions restricting the operation of public schools~~ will exist in the school district for an inordinate period of time; and (2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with such requirements of law. The period of time school is not maintained during any school year due to conditions resulting from disaster, upon granting of the waiver by the state board of education,

shall be considered a part of the school term.

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

Sec. 26. On and after July 1, 2021, K.S.A. 2020 Supp. 72-4352 is hereby amended to read as follows: 72-4352. As used in the tax credit for low income students scholarship program act:

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

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

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

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

~~(1) (A) Is an at-risk student, as defined in K.S.A. 72-5132, and amendments thereto, and who is attending a public school; or (B) has been eligible to receive an educational scholarship under this program and has not graduated from high school or reached 21 years of age;~~

~~(2) Resides in Kansas while eligible for an educational scholarship; and~~

~~(3) (A)(2) (A) (i) Is eligible for free or reduced-price meals under the national school lunch act; and~~

~~(ii) (a) was enrolled in any public school in the previous school year in which an educational scholarship is first sought for the child; or~~

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

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

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

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

(g) "Public school" means ~~an elementary school that is operated by a school district, and identified by the state board as one of the lowest 100 performing elementary schools with respect to student achievement among all elementary schools operated by school districts for the current school year~~ any school operated by a unified school district under the laws of this state.

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

(1) Provides education to elementary or secondary students;

(2) is accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure;

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

(4) complies with the requirements of the program. On and after July 1, 2020, a qualified school shall be accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure.

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

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

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

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

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

Sec. 27. On and after July 1, 2021, K.S.A. 2020 Supp. 72-4354 is hereby amended to read as follows: 72-4354. (a) To be eligible to participate in the program, a scholarship granting organization shall comply with the following:

(1) The scholarship granting organization shall notify the secretary and the state board of the scholarship granting organization's intent to provide educational scholarships;

(2) upon granting an educational scholarship, the scholarship granting organization shall report such information to the state board;

(3) the scholarship granting organization shall provide verification to the secretary that the scholarship granting organization is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(4) upon receipt of contributions in an aggregate amount or value in excess of \$50,000 during a school year, a scholarship granting organization shall file with the state board either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the scholarship granting organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(5) scholarship granting organizations that provide other nonprofit services in addition to providing educational scholarships shall not commingle contributions made under the program with other contributions made to such organization. A scholarship granting organization under this subsection shall also file with the state board, prior to the commencement of each school year, either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the nonprofit organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state

board;

(6) each qualified school receiving educational scholarships from the scholarship granting organization shall annually certify to the scholarship granting organization its compliance with the requirements of the program;

(7) at the end of the calendar year, the scholarship granting organization shall have its accounts examined and audited by a certified public accountant. Such audit shall include, but not be limited to, information verifying that the educational scholarships awarded by the scholarship granting organization were distributed to qualified schools with respect to eligible students determined by the state board under K.S.A. 72-4353(c), and amendments thereto, and information specified in this section. Prior to filing a copy of the audit with the state board, such audit shall be duly verified and certified by a certified public accountant; and

(8) if a scholarship granting organization decides to limit the number or type of qualified schools who will receive educational scholarships, the scholarship granting organization shall provide, in writing, the name or names of those qualified schools to any contributor and the state board.

(b) No scholarship granting organization shall provide an educational scholarship with respect to any eligible student to attend any qualified school with paid staff or paid board members, or relatives thereof, in common with the scholarship granting organization.

(c) The scholarship granting organization shall disburse not less than 90% of contributions received pursuant to the program in the form of educational scholarships within 36 months of receipt of such contributions. If such contributions have not been disbursed within the applicable 36-month time period, then the scholarship granting organization shall not accept new contributions until 90% of the received contributions have been disbursed in the form of educational scholarships. Any income earned from contributions must be disbursed in the form of educational scholarships.

(d) A scholarship granting organization may continue to provide an educational scholarship with respect to a student who was an eligible student in the year immediately preceding the current school year.

~~(e)-(1)~~ A scholarship granting organization shall direct payments of educational scholarships to the qualified school attended by the eligible student or in which the eligible student is enrolled. Payment may be made by check made payable to both the parent and the qualified school or to only the qualified school. If an eligible student transfers to a new qualified school during a school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the new qualified school based on the eligible student's attendance. If the eligible student transfers to a public school and enrolls in such public school after September 20 of the current school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the public school based on the eligible student's attendance. The prorated amount to the public school shall be considered a donation and shall be paid to the school district of such public school in accordance with K.S.A. 72-1142, and amendments thereto.

~~(2)~~ As used in this subsection, the term "public school" means any school operated by a school district.

(f) Each qualified school shall provide a link to the state department of education's webpage where the reports prepared pursuant to K.S.A. 72-5170, and amendments

thereto, and K.S.A. 2020 Supp. 72-5178, and amendments thereto, for such school are published. The link shall be prominently displayed on the school's accountability reports webpage.

(g) By June 1 of each year, a scholarship granting organization shall submit a report to the state board for the educational scholarships provided in the immediately preceding 12 months. Such report shall be in a form and manner as prescribed by the state board, approved and signed by a certified public accountant, and shall contain the following information:

- (1) The name and address of the scholarship granting organization;
- (2) the name and address of each eligible student with respect to whom an educational scholarship was awarded by the scholarship granting organization;
- (3) the total number and total dollar amount of contributions received during the 12-month reporting period; and
- (4) the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period and the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period with respect to eligible students who qualified under K.S.A. 72-4352(d), and amendments thereto.

~~(g)~~(h) No scholarship granting organization shall:

(1) Provide an educational scholarship with respect to an eligible student that is established by funding from any contributions made by any relative of such eligible student; ~~or~~

(2) accept a contribution from any source with the express or implied condition that such contribution be directed toward an educational scholarship for a particular eligible student; or

(3) provide an educational scholarship to an eligible student who is participating in the student empowerment program pursuant to section 4 et seq. and amendments thereto.

Sec. 28. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5131 is hereby amended to read as follows: 72-5131. K.S.A. 72-5131 through 72-5176, and amendments thereto, and K.S.A. 2020 Supp. 72-5178 ~~and~~ 72-5179, and sections 21 and 22, and amendments thereto, shall be known and may be cited as the Kansas school equity and enhancement act.

Sec. 29. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5132 is hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto:

(a) "Adjusted enrollment" means the enrollment of a school district, excluding the remote enrollment determined pursuant to section 21, and amendments thereto, adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; bilingual weighting; career technical education weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

(b) "Ancillary school facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5158, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(c) (1) "At-risk student" means a student who is eligible for free meals under the national school lunch act, and who is enrolled in a school district that maintains an approved at-risk student assistance program.

(2) The term "at-risk student" shall not include any student enrolled in any of the grades one through 12 who is in attendance less than full time, or any student who is over 19 years of age. The provisions of this paragraph shall not apply to any student who has an individualized education program.

(d) "At-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(a), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(e) "Base aid for student excellence" or "BASE aid" means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:

- (1) For school year 2018-2019, \$4,165;
- (2) for school year 2019-2020, \$4,436;
- (3) for school year 2020-2021, \$4,569;
- (4) for school year 2021-2022, \$4,706;
- (5) for school year 2022-2023, \$4,846; and

(6) for school year 2023-2024, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years rounded to the nearest whole dollar amount.

(f) "Bilingual weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5150, and amendments thereto, on the basis of costs attributable to the maintenance of bilingual educational programs by such school districts.

(g) "Board" means the board of education of a school district.

(h) "Budget per student" means the general fund budget of a school district divided by the enrollment of the school district.

(i) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and postsecondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-risk education fund; professional development fund; special education fund; and summer program fund.

(j) "Cost-of-living weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5159, and amendments thereto, on the basis of costs attributable to the cost of living in such school districts.

(k) "Current school year" means the school year during which state foundation aid is determined by the state board under K.S.A. 72-5134, and amendments thereto.

(l) "Enrollment" means, except as provided in section 21, and amendments thereto:

(1) The number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the preceding school year plus the number of preschool-aged at-risk students regularly enrolled in the school district on

September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.

(2) If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

(A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and

(B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the preceding school year, if any, plus the adjusted enrollment in the preceding school year of preschool-aged at-risk students who are participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the current school year, if any.

(3) For any school district that has a military student, as that term is defined in K.S.A. 72-5139, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year, if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means whichever is the greater of:

(A) The enrollment determined under paragraph (2); or

(B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year, minus the enrollment in such school year of preschool-aged at-risk students, if any;

(ii) the enrollment in the second preceding school year, minus the enrollment in such school year of preschool-aged at-risk students, if any; and

(iii) the enrollment in the third preceding school year, minus the enrollment in such school year of preschool-aged at-risk students, if any.

(4) The enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(m) "February 20" has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.

(n) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact

aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

(o) "General fund" means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.

(p) "General fund budget" means the amount budgeted for operating expenses in the general fund of a school district.

(q) "High-density at-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(r) "High enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(s) "Juvenile detention facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(t) "Local foundation aid" means the sum of the following amounts:

(1) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 72-5168, and amendments thereto;

(2) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, ~~and amendments thereto~~, prior to their repeal;

(3) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 72-3123(a), and amendments thereto;

(4) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district pursuant to contracts made and entered into under authority of K.S.A. 72-3125, and amendments thereto;

(5) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

(6) an amount equal to the amount of payments received by the school district under the provisions of K.S.A. 72-3423, and amendments thereto;

(7) an amount equal to the amount of any grant received by the school district under the provisions of K.S.A. 72-3425, and amendments thereto; and

(8) an amount equal to 70% of the federal impact aid of the school district.

(u) "Low enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(a), and amendments thereto,

on the basis of costs attributable to maintenance of educational programs by such school districts.

(v) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 72-5168, and amendments thereto.

(w) "Preceding school year" means the school year immediately before the current school year.

(x) "Preschool-aged at-risk student" means an at-risk student who has attained the age of three years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.

(y) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten. The terms "exceptional children" and "gifted children" have the same meaning as those terms are defined in K.S.A. 72-3404, and amendments thereto.

(z) "Psychiatric residential treatment facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(aa) (1) "Remote enrollment" means the number of students regularly enrolled in kindergarten and grades one through 12 in the school district who attended school through remote learning for any of the time periods described in section 21, and amendments thereto.

(2) This subsection shall not apply in any school year prior to the 2021-2022 school year.

(bb) (1) "Remote learning" means a method of providing education in which the student, although regularly enrolled in a school district, does not physically attend the attendance center such student would otherwise attend in person on a full-time basis and curriculum and instruction are prepared, provided and supervised by teachers and staff of such school district so as to approximate the student learning experience that would take place in the attendance center classroom.

(2) "Remote learning" does not include virtual school as such term is defined in K.S.A. 72-3712, and amendments thereto.

(3) This subsection shall not apply in any school year prior to the 2021-2022 school year.

(cc) "School district" means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 72-3115, and amendments thereto.

~~(bb)~~(dd) "School facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5156, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

~~(ee)~~(ce) "School year" means the 12-month period ending June 30.

~~(dd)~~(ff) "September 20" has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it means the first day after September 20 on which school is maintained.

~~(ee)~~(gg) "Special education and related services weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5157,

and amendments thereto, on the basis of costs attributable to the maintenance of special education and related services by such school districts.

~~(ff)~~(hh) "State board" means the state board of education.

~~(gg)~~(ii) "State foundation aid" means the amount of aid distributed to a school district as determined by the state board pursuant to K.S.A. 72-5134, and amendments thereto.

~~(hh)~~(jj) (1) "Student" means any person who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 maintained by the school district or who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 in another school district in accordance with an agreement entered into under authority of K.S.A. 72-13,101, and amendments thereto, or who is regularly enrolled in a school district and attending special education services provided for preschool-aged exceptional children by the school district.

(2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:

(i) A student in attendance full-time; and

(ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.

(B) The following shall be counted as $\frac{1}{2}$ student:

(i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school district; and

(ii) a preschool-aged at-risk student enrolled in a school district and receiving services under an approved at-risk student assistance plan maintained by the school district.

(C) A student in attendance part-time shall be counted as that proportion of one student to the nearest $\frac{1}{10}$ that the student's attendance bears to full-time attendance.

(D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student's postsecondary education enrollment and attendance together with the student's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one student to the nearest $\frac{1}{10}$ that the total time of the student's postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

(E) A student enrolled in and attending a technical college, a career technical education program of a community college or other approved career technical education program shall be counted as one student, if the student's career technical education attendance together with the student's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one student to the nearest $\frac{1}{10}$ that the total time of the student's career technical education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

(F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student to the nearest $\frac{1}{10}$ that the student's attendance at the non-virtual school bears to full-time

attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student ~~($\frac{1}{2}$)~~ to the nearest $\frac{1}{10}$, that the student's attendance at the non-virtual school bears to full-time attendance.

(H) A student enrolled in a school district and attending school on a part-time basis through remote learning and also attending school in person on a part-time basis shall be counted as that proportion of one student, to the nearest $\frac{1}{10}$, that the student's in-person attendance bears to full-time attendance.

~~(H)~~(I) (i) Except as provided in clause (ii), a student enrolled in a school district who is not a resident of Kansas shall be counted as follows:

- (a) For school year 2018-2019, one student;
 - (b) for school years 2019-2020 and 2020-2021, $\frac{3}{4}$ of a student; and
 - (c) for school year 2021-2022 and each school year thereafter, $\frac{1}{2}$ of a student.
- (ii) This subparagraph ~~(H)~~ shall not apply to:

- (a) A student whose parent or legal guardian is an employee of the school district where such student is enrolled; or
- (b) a student who attended public school in Kansas during school year 2016-2017 and who attended public school in Kansas during the immediately preceding school year.

(3) The following shall not be counted as a student:

- (A) An individual residing at the Flint Hills job corps center;
- (B) except as provided in paragraph (2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and
- (C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.

(4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 72-3715, and amendments thereto.

(5) A student enrolled in a school district who attends school through remote learning shall be counted in accordance with the provisions of this section and section 21, and amendments thereto.

~~(ii)~~(kk) "Total foundation aid" means an amount equal to the product obtained by multiplying the BASE aid by the adjusted enrollment of a school district.

~~(jj)~~(ll) "Transportation weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5148, and amendments thereto, on the basis of costs attributable to the provision or furnishing of transportation.

~~(kk)~~(mm) "Virtual school" means the same as such term is defined in K.S.A. 72-3712, and amendments thereto.

Sec. 30. On and after July 1, 2021, K.S.A. 72-5134 is hereby amended to read as follows: 72-5134. (a) In each school year, the state board shall determine the amount of state foundation aid for each school district for such school year. The state board shall determine the amount of the school district's local foundation aid for the school year. If the amount of the school district's local foundation aid is greater than the amount of total foundation aid determined for the school district for the school year, the school district shall not receive state foundation aid in any amount. If the amount of the school district's local foundation aid is less than the amount of total foundation aid determined

for the school district for the school year, the state board shall subtract the amount of the school district's local foundation aid from the amount of total foundation aid. Subject to the provisions of subsection (b), the remainder is the amount of state foundation aid the school district shall receive for the school year.

(b) For school year 2022-2023 and each school year thereafter, the state board shall adjust the amount of state foundation aid for each school district in accordance with section 14, and amendments thereto.

Sec. 31. On and after July 1, 2021, K.S.A. 72-5151 is hereby amended to read as follows: 72-5151. (a) The at-risk student weighting of each school district shall be determined by the state board as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(4) Commencing in school year 2018-2019, school districts that qualify to receive the high density at-risk weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk weighting does not spend such money on such best practices, the state board shall notify the school district~~

that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high-density at-risk weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, 2020. On and after July 1, 2021, except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(4) School districts that qualify to receive the high-density at-risk weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk weighting does not spend such money on such best practices, the state board shall notify the school district that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state

math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high-density at-risk weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, 2022.

Sec. 32. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5178 is hereby amended to read as follows: 72-5178. (a) On or before January 15 of each year, the state department of education shall prepare and submit a performance accountability report and a longitudinal achievement report for all students enrolled in any public school or accredited nonpublic school in the state, each school district ~~and~~, each school operated by a school district and each accredited nonpublic school to the governor and to the legislature.

(b) Each performance accountability report shall be prepared in a single-page format containing the information that is required to be reported under the federal elementary and secondary education act, as amended by the federal every student succeeds act, public law 114-95, or any successor federal acts, and the college and career readiness metrics developed and implemented by the state board. The report shall use the categories for achievement identified under the federal every student succeeds act, public law 114-95, or any successor achievement categories. All categories and metrics included in the report shall be clearly defined.

(c) Each longitudinal achievement report shall provide the achievement rates on the state assessments for English language arts, math and science for all students and each student subgroup and the change in achievement rate year-over-year starting with the school year in which the state board first implemented new achievement standards on such state assessments.

(d) All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2020 Supp. 72-1181, and amendments thereto.

Sec. 33. On and after July 1, 2021, K.S.A. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

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

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

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax.

This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

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

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

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

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

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

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

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

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

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

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development

account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

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

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

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

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

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

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

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

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for self-employment taxes under section

164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income tax return.

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

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

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

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

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

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

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

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

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

state of Kansas.

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

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

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

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

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

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

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

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

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

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

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

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect,

~~which that~~ accrues to the taxpayer who is a stockholder of such corporation and ~~which that~~ is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2017, the cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary that are contributed to: (1) A family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary; or (2) an achieving a better life experience (ABLE) account established under the Kansas ABLE savings program or a qualified ABLE program established and maintained by another state or agency or instrumentality thereof pursuant to section 529A of the internal revenue code of 1986, as amended, for the purpose of saving private funds to support an individual with a disability. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 75-643 and 75-652, and amendments thereto, and the provisions of such sections are hereby incorporated by reference for all purposes thereof.

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

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

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

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

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

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

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

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

(xxiv) For taxable years beginning after December 31, 2013, and ending before

January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(xxv) For all taxable years beginning after December 31, 2021, amounts deposited in a student empowerment account established by agreement between the taxpayer and the state treasurer pursuant to section 9, and amendments thereto.

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

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

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

Sec. 34. On and after July 1, 2021, K.S.A. 72-1163, 72-3115, 72-5134, 72-5151 and 79-32,117 and K.S.A. 2020 Supp. 72-3117, 72-4352, 72-4354, 72-5131, 72-5132 and 72-5178 are hereby repealed.";

On page 8, in line 42, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 8; in line 9, by striking all before the period and inserting "concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the department of education for fiscal years ending June 30, 2021, June 30, 2022, and June 30, 2023; creating the student empowerment act to provide education savings accounts to certain students; requiring the school term to be conducted through in-person education and allowing for limited remote learning; requiring boards of education to allocate sufficient school district moneys to improve academic performance of underachieving students; providing an alternative state aid calculation for school district remote enrollment; expanding student eligibility under the tax credit for low income students scholarship program; amending K.S.A. 72-1163, 72-3115, 72-5134, 72-5151 and 79-32,117 and K.S.A. 2020 Supp. 72-3117, 72-4352, 72-4354, 72-5131, 72-5132 and 72-5178 and repealing the existing sections";

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

KRISTEY WILLIAMS

KYLE HOFFMAN

Conferees on part of House

MOLLY BAUMGARDNER

RENEE ERICKSON

Conferees on part of Senate

The motion of Senator Baumgardner to adopt the conference committee report on **SB 175** failed.

Upon the showing of five hands, a Call of the Senate was requested.

On roll call, the vote was: Yeas 19; Nays 19; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Claeys, Erickson, Fagg, Gossage, Hilderbrand,

Masterson, Olson, Peck, Petersen, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

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

Absent or Not Voting: Doll, Suellentrop.

The Conference Committee Report was not adopted.

The Call of the Senate was lifted.

EXPLANATION OF VOTE

Mr. President: It is approximately 11:15 p.m. and we are on a call of the senate. Due to the lateness, I change my vote from aye to nay on **SB 175** in order to vote on the prevailing side. The intention is to make a motion to reconsider tomorrow. The purpose is to raise the call so senators can act tomorrow on this legislation.—DENNIS PYLE

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2058**.

The House concurs in Senate amendments to **HB 2089**.

The House adopts the Conference Committee report on **HB 2244**.

The House adopts the Conference Committee report on **HB 2183**.

The House adopts the Conference Committee report on **HB 2332**.

On motion of Senator Hilderbrand, the Senate adjourned until 10:00 a.m., Friday, April 9, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

