

# Journal of the House

## FORTY-NINTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, March 26, 2025, 10:00 a.m.

The House met pursuant to adjournment with Speaker Hawkins in the chair.

The roll was called with 123 members present.

Reps. Brantley and Poetter Parshall were excused on excused absence by the Speaker.

Present later: Rep. Poetter Parshall.

Excused later: Reps. Collins and Weigel.

Prayer by Chaplain Holmes:

Dear Father. We are rapidly winding down this session's duties for the people of Kansas.

It has been a good year!

It has been an interesting year! It has been a productive year!

Thank You for Your providential care throughout our time and work together.

I pray our State is in a better place because of our time and efforts.

As we each prepare to return home to our normal duties and routines,

help us to continue to enrich our lives with Your goodness.

The Apostle Paul of the New Testament says it this way,

“Finally brethren, whatever is true, whatever is honorable, whatever is right, whatever is pure, whatever is lovely, whatever is of good repute, if there is any excellence and anything worthy of praise, let your mind dwell on these things. And the God of peace shall be with you.”

I pray all the people these representatives have touched  
throughout the past number of months will see them as  
harbingers of light and encouragement.

Leaders who have shined light upon darkness and revealed themselves  
as true servants of the people.

Might we never forget light always dispels darkness.

Darkness of thought, mind, and action has no power to influence us,  
and for that we are eternally grateful.

Remind each of us Father we are to be light bearers,  
pushing back any darkness which might threaten the peace

You wish for Your personal creation. Help us to remember to worship our Creator,  
and not that which has been created.

Keep integrity our goal and honesty our life's treasure.

I now ask for Your blessings upon each one in this chamber.

Might Your goodness wrap itself around and even surprise them  
with Your love and protection.  
I ask this in Jesus Name. Amen.

The Pledge of Allegiance was led by Rep. Minnix.

### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Ellis are spread upon the Journal:

Good morning. I have the great honor to recognize a young lady from Oskaloosa High School, Holly Thacher, along with her mother, Shala. Oskaloosa is the school where I taught for 37 years. Holly is with us to receive an award for her achievement in the 2025 State Wrestling Tournament where she competed in the 120 pound weight class and took home the state championship. As this is Holly's senior year, the school is retiring her uniform, the singlet, which will be displayed at the school.

In 2024 as a junior, Holly injured her knee during the Fargo National Tournament, requiring surgery from which she experienced several complications. She missed the first few meets and lost her first four matches. But she didn't give up. She went on to complete the season successfully winning the state championship in the 115 pound weight class.

Not only did she win in 2024, but in 2023 in the 105 pound weight class, she won the state championship as a sophomore. But wait...there's more...in 2022 as a freshman, she won the state championship in the 101 pound weight class.

Holly is a great example to all of us...that commitment, dedication, hard work, and a winning attitude...are the keys to success. Holly says wrestling has taught her to be mentally tough even when things get hard.

At this time, I present Holly Thacher an Outstanding Achievement Award in Women's state wrestling...4 years in a row.

Rep. Ellis presented Miss Thacher with a framed House certificate in honor of her achievements.

### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Fairchild are spread upon the Journal:

Today, I'm honoring the Sterling Black Bears for winning the 2A boys state title. The Sterling High School boys basketball team had an overall record of 23-3 and a league record of 10-1. The 23 wins sets a new school single-season record for wins. The Black Bears scored 1755 points, which also sets a school record for single-season points scored. The Black Bears defeated the Moundridge Wildcats in the 2025 2A State Championship game by a score of 56-42. This is the second boys basketball championship in school history. This is the 5th Final Four appearance, and 13th overall State Tournament appearance in school history. The Black Bears average margin of victory in the 2025 postseason was a staggering 29.8 points per game.

- Members on the Floor: Head Coach Derek Schneider, Assistant Coach Eric Wenzel, and Assistant Coach Chad Bennett,
- Black Bear upperclassmen: Blake Smith, Zane Farney, Wyatt Newberry, Logan Isaac, and Boston Ekart.

- Members in the Gallery: Zac Wohler, Davis Thompson, Jacob Lewis, Zach Dashiell, Cameron Morris, Eckley Ekart and Tucker Haas

Please join me in congratulating the Sterling High School boys basketball team for winning the 2A boys state basketball title.

### MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report to agree to disagree on **SB 269**, and has appointed Senators Tyson, Peck and Corson as Second conferees on the part of the Senate.

The Senate adopts the Conference Committee report to agree to disagree on **HB 2062**, and has appointed Senators Warren, Titus and Corson as Second conferees on the part of the Senate.

Announcing passage of **HB 2054**, as amended by **S Sub HB 2054**.

The Senate concurs in House amendments to **SB 18**, and requests return of the bill.

The Senate concurs in House amendments to **SB 241**.

The Senate adopts the Conference Committee report on **HB 2075**.

### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Thompson, **HR 6018**, by Reps. Thompson, Alcala, Amyx, Anderson, Awerkamp, Ballard, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Brantley, Brownlee Paige, Bryce, Buehler, Butler, Carlin, Carmichael, Carpenter, Carpenter, Chauncey, Collins, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Featherston, Francis, Gardner, Goddard, Goetz, Haskins, Hawkins, Helgerson, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoyer, Huebert, Humphries, James, Johnson, King, Lewis, Long, Martinez, McDonald, McNorton, Melton, Meyer, Miller, Minnix, Moser, Neelly, Neighbor, Penn, Pickert, Pishny, Poskin, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Ruiz, Sanders, Schlingensiepen, Schmoe, Schreiber, Schwertfeger, Seiwert, Simmons, Smith, Smith, Steele, Stiens, Stogsdill, Sutton, Sweely, Tarwater, Turk, Turner, VanHouden, Vaughn, Waggoner, Ward, Wasinger, Weigel, White, Wickle, Wilborn, Willcott, Williams, Williams, Wolf and Woodard, as follows, was introduced and adopted:

**HR 6018**—A RESOLUTION recognizing March 29, 2025, as Vietnam War Veterans Day.

A RESOLUTION recognizing March 29, 2025, as Vietnam War Veterans Day and honoring the Vietnam War veterans for their service and sacrifice.

WHEREAS, The United States Vietnam War Veterans Recognition Act of 2017 was signed into law, designating every March 29 as national Vietnam War Veterans Day; and

WHEREAS, March 29, 1973, marks the day that the United States Military Assistance Command, Vietnam, was disestablished and the last day that United States combat troops departed Vietnam; and

WHEREAS, This special day honors the nearly 9,000,000 Americans who served during the Vietnam War, including the 58,000 Americans who did not return home, and those who did not receive the recognition they deserved when they returned from war; and

WHEREAS, Of the 154,678 veterans who call Kansas home, over  $\frac{1}{3}$  or approximately 60,000 Kansas veterans served during the Vietnam War: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we recognize March 29, 2025, as Vietnam War Veterans Day in Kansas; and

*Be it further resolved:* That we honor all Vietnam War veterans and their families for their service and sacrifice; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Thompson.

### PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Thompson are spread upon the Journal:

Rep. Thompson was joined by Reps. Stogsdill, Blex and Goddard. Rep. Thompson read **HR 6018** recognizing March 29, 2025 as Vietnam War Veterans Day, honoring Vietnam veterans for their service and sacrifice. He encouraged all veterans to stand to be recognized and extended his appreciation, concluding “Veterans, Welcome Home.”

On motion of Rep. Croft, the House recessed until 10:45 a.m.

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### LATE MORNING SESSION

The House met pursuant to recess with Speaker pro tempore Carpenter in the chair.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HR 6017**, A RESOLUTION approving an amendment to the gaming compact between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the State of Kansas, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 16; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcala, Amyx, Anderson, Ballard, Barrett, Barth, Bergkamp, Bloom, Bohi, Borjon, Paige, Bryce, Buehler, Butler, B. Carpenter, W. Carpenter, Carr, Chauncey, Collins, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Essex, Estes, Fairchild, Featherston, Francis, Gardner, Goddard, Goetz, Haskins, Hawkins, Helwig, Hoffman, Hoheisel, Howell, Howerton, Hoyer, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, Martinez, McDonald, McNorton, Melton, Meyer, Miller, S., Minnix, Nelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Pickert, Pishny, Poskin, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Schwertfeger, Simmons, Smith, A., Smith, C., Steele, Stiens, Stogsdill, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Vaughn, Waggoner, Ward, Wasinger, Waymaster, Wikle, Wilborn, Willcott, Williams, K., Williams, L., Winn, Woodard, Xu.

Nays: Awerkamp, Bergquist, Blex, Carlin, Carmichael, Esau, Helgersen, Hill, Howe, Moser, Mosley, Penn, Seiwert, Weigel, White, Wolf.

Present but not voting: None.

Absent or not voting: Brantley, Poetter.

The resolution was adopted.

**MOTIONS TO CONCUR**

On motion of Rep. Tarwater, the House concurred in Senate amendments to **HB 2088**, AN ACT concerning housing; enacting the fast-track permits act; requiring local governments to meet specified deadlines for issuing building permits for real estate development; requiring the secretary of health and environment to issue a decision within 45 days on an application for an authorization to discharge stormwater runoff from construction activities under the federal national pollutant discharge elimination system general permit or a rainfall erosivity waiver.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 83; Nays 40; Present but not voting: 0; Absent or not voting: 2.

Yeas: Anderson, Averkamp, Barrett, Barth, Bergkamp, Bergquist, Blex, Bohi, Borjon, Bryce, Buehler, Butler, B. Carpenter, W. Carpenter, Chauncey, Collins, Corbet, Croft, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Francis, Gardner, Goddard, Goetz, Hawkins, Helwig, Hill, Hoffman, Hoheisel, Howell, Howerton, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, McNorton, Melton, Minnix, Moser, Neelly, Penn, Pickert, Pishny, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Sanders, Schmoee, Schreiber, Schwertfeger, Seiwert, Smith, A., Smith, C., Steele, Stiens, Sutton, Sweely, Tarwater, Thompson, Turk, VanHouden, Waggoner, Ward, Wasinger, Waymaster, White, Wilborn, Willcott, Williams, K., Williams, L..

Nays: Alcalá, Amyx, Ballard, Bloom, Paige, Carlin, Carmichael, Carr, Curtis, Featherston, Haskins, Helgeson, Howe, Hoyer, Martinez, McDonald, Meyer, Miller, S., Mosley, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Poskin, Ruiz, L., Ruiz, S., Sawyer, Clayton, Schlingsensiepen, Simmons, Stogsdill, Turner, Vaughn, Weigel, Winkle, Winn, Wolf, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Brantley, Poetter.

On motion of Rep. Tarwater, the House concurred in Senate amendments to **HB 2118**, AN ACT concerning consumer protection; requiring any person who solicits a fee for filing or retrieving certain documents from the federal government, the state, a state agency or a local government to give certain notices to consumers; providing that violation of such requirements is a deceptive act or practice subject to penalties under the Kansas consumer protection act.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Amyx, Anderson, Averkamp, Ballard, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Paige, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Chauncey, Collins, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Featherston, Francis, Gardner, Goddard, Goetz, Haskins, Hawkins, Helgeson, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoyer, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, Martinez, McDonald, McNorton, Melton, Meyer, Miller, S., Minnix, Moser, Mosley, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Penn, Pickert, Pishny, Poskin, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Ruiz,

L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Schwertfeger, Seiwert, Simmons, Smith, A., Smith, C., Steele, Stiens, Stogsdill, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Vaughn, Waggoner, Ward, Wasinger, Waymaster, Weigel, White, Wikle, Wilborn, Willcott, Williams, K., Williams, L., Winn, Wolf, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Brantley, Poetter.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2062** 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.

KELLIE WARREN

KENNY TITUS

ETHAN CORSON

*Conferees on part of Senate*

SUSAN HUMPHRIES

LAURA WILLIAMS

DAN OSMAN

*Conferees on part of House*

On motion of Rep. Humphries the conference committee report on **HB 2062** to agree to disagree, was adopted.

Speaker pro tempore Carpenter thereupon appointed Reps. Humphries, Williams, L. and Osman as second conferees on the part of the House.

### CHANGE OF CONFEREES

Speaker pro tempore Carpenter appointed Reps. Thompson, Butler, and Poskin to replace Reps. W. Carpenter, Bryce, and S. Ruiz as members of the conference committee on **HB 2280**.

Speaker pro tempore Carpenter appointed Reps. Kessler, Schmoe, and Miller to replace Reps. Sutton, Bergkamp, and Neighbor as members of the conference committee on **SB 21**.

On motion of Rep. Croft, the House recessed until 2:00 p.m.

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### EARLY AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tempore Carpenter in the chair.

**MESSAGE FROM THE SENATE**

The Senate concurs in House amendments to **SB 227**, and requests return of the bill.

The Senate adopts the Conference Committee report on **HB 2016**.

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

The Senate adopts the Conference Committee report to agree to disagree on **Sub HB 2056**, and has appointed Senators Thompson, Blew and Faust Goudeau as Second conferees on the part of the Senate.

Announcing passage of **HB 2228**, as amended by **S Sub Bill HB 2228**.

On motion of Rep. Croft, the House recessed until 2:30 p.m.

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**AFTERNOON SESSION**

The House met pursuant to recess with Speaker pro tempore Carpenter in the chair.

**MESSAGE FROM THE SENATE**

The Senate announced the appointment of Senators Alley, Owens, and Ware to replace Senators Warren, Titus, and Corson as conferees on **SB 30**.

The Senate announced the appointment of Senators Alley, Owens, and Ware to replace Senators Petersen, Kloos, and Corson as conferees on **HB 2169**.

**MOTIONS TO NONCONCUR**

On motion of Rep. Proctor, the House nonconcurred in Senate amendments to **S Sub for HB 2054** and asked for a conference.

Speaker pro tempore Carpenter thereupon appointed Reps. Proctor, Waggoner and Haskins as conferees on the part of the House.

**CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2056** 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.

MIKE THOMPSON

TORI MARIE BLEW

OLETHA FAUST-GOUDAU

*Conferees on part of Senate*

PAT PROCTOR

PAUL WAGGONER

KIRK HASKINS

*Conferees on part of House*

On motion of Rep. Proctor the conference committee report on **Sub Bill for HB 2056** to agree to disagree, was adopted.

Speaker pro tempore Carpenter thereupon appointed Reps. Proctor, Waggoner and Haskins as second conferees on the part of the House.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 44** 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 of the Whole amendments, as follows:

On page 1, by striking all in lines 7 through 34;

By striking all on page 2;

On page 3, by striking all in lines 1 through 30; following line 30 by inserting:

"Section 1. (a) It is hereby declared that antisemitism and antisemitic acts are against the public policy of this state, including, but not limited to, the purposes of public educational institutions and law enforcement agencies in this state. The state of Kansas hereby adopts a non-legally binding definition of antisemitism and antisemitic.

(b) "Antisemitism" or "antisemitic" means the same as defined by the international Holocaust remembrance alliance's working definition of antisemitism, including the contemporary examples, as in effect on May 26, 2016. "Antisemitism" or "antisemitic" includes:

(A) Encouraging, supporting, praising, participating in or threatening violence or vandalism against Jewish people or property;

(B) wearing masks to conceal a person's identity with the intent to harass or discriminate against Jewish students, faculty or employees on school property; and

(C) incorporating or allowing funding of antisemitic curriculum or activities in any domestic or study abroad programs or classes.

(c) Nothing in this act shall be construed to diminish or infringe upon any right protected under the first amendment to the constitution of the United States or the bill of rights of the constitution of the state of Kansas.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "antisemitism; declaring antisemitism to be against public policy; defining antisemitism and antisemitic for purposes of state law";

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

SUSAN ESTES

KYLE McNORTON

JERRY STOGSDILL

*Conferees on part of House*

RENEE ERIKSON

ADAM THOMAS

DINAH SYKES

*Conferees on part of Senate*

On motion of Rep. Estes, the conference committee report on **SB 44** was adopted.



On roll call, the vote was: Yeas 102; Nays 21; Present but not voting: 0; Absent or not voting: 2.

Yeas: Amyx, Anderson, Awerkamp, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Bryce, Buehler, Butler, Carlin, B. Carpenter, W. Carpenter, Chauncey, Collins, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Francis, Gardner, Goddard, Goetz, Hawkins, Helgersen, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoyer, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, McDonald, McNorton, Minnix, Moser, Neelly, Neighbor, Osman, Penn, Pickert, Pishny, Poetter, Poskin, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Sanders, Sawyer, Clayton, Schmoie, Schreiber, Schwertfeger, Seiwert, Smith, A., Smith, C., Steele, Stiens, Stogsdill, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Vaughn, Waggoner, Ward, Wasinger, Waymaster, White, Wilborn, Willcott, Williams, K., Williams, L., Wolf, Woodard, Xu.

Nays: Alcalá, Ballard, Paige, Carmichael, Carr, Featherston, Haskins, Martinez, Melton, Meyer, Miller, S., Mosley, Ohaebosim, Oropeza, Ousley, Ruiz, L., Ruiz, S., Schlingensiepen, Simmons, Wike, Winn.

Present but not voting: None.

Absent or not voting: Brantley, Weigel.

## CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2022** submits the following report:

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

On page 1, by striking all in lines 9 through 32; also on page 1, following line 32, by inserting:

"Section 1. K.S.A. 2024 Supp. 10-120, as amended by section 2 of 2025 Senate Bill No. 2, is hereby amended to read as follows: 10-120. (a) Whenever an election is required for the issuance of bonds for any purpose by any municipality other than an irrigation district or where a different procedure for giving notice of the election is specifically provided by law, upon compliance with the legal requirements necessary and precedent to the call for the election, the proper municipal officers shall call an election. ~~The election shall be held within 60 days after compliance with the necessary requirements, or within 90 days, should the longer period include the date of a general election on the date of a general election, primary election or special election, as defined in K.S.A. 25-2502, and amendments thereto.~~

(b) Notice of the election shall be published in a newspaper of general circulation in the municipality once each week for two consecutive weeks and on the website of the county election office of any county where the election is to be conducted if such county election office has a website. The first publication shall be not less than 21 days prior to the election. If published on the website of the county election office, such publication shall remain on the website until the day after the election. The notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued and shall be signed by the county election officer. The election shall be held at the usual place of holding elections and shall be conducted by the officers or persons provided by law for holding elections in the municipality.

Sec. 2. K.S.A. 2024 Supp. 25-432 is hereby amended to read as follows: 25-432. An election shall not be conducted under this act unless:

(a) ~~Conducted on a date mutually agreed upon by the governing body of the political or taxing subdivision and the county election officer, not later than 120 days following the date the request is submitted by the political or taxing subdivision;~~

(b) The secretary of state approves a written plan for conduct of the election, including, but not limited to, a written timetable for the conduct of the election, submitted by the county election officer;

~~(c)~~(b) the election is nonpartisan;

~~(d)~~(c) the election is not one at which any candidate is elected, retained or recalled;

~~(e)~~(d) the election is not held on the same date as another election in which the qualified electors of that subdivision of government are eligible to cast ballots, except this restriction shall not apply to mail ballot elections held under K.S.A. 79-2925c, and amendments thereto, or elections held on the first Tuesday after the first Monday in March; and

~~(f)~~(e) the election is a question submitted election-at which and all of the qualified electors of one of the following subdivisions of government are the only electors eligible to vote on such question:

- (1) Counties;
- (2) cities;
- (3) school districts, except in an election held pursuant to K.S.A. 72-635 et seq., and amendments thereto;
- (4) townships;
- (5) benefit districts organized under K.S.A. 31-301, and amendments thereto;
- (6) cemetery districts organized under K.S.A. 15-1013 or 17-1330, and amendments thereto;
- (7) community college districts organized under K.S.A. 71-1101 et seq., and amendments thereto;
- (8) fire districts organized under K.S.A. 19-3601 or 80-1512, and amendments thereto;
- (9) hospital districts;
- (10) improvement districts organized under K.S.A. 19-2753, and amendments thereto;
- (11) Johnson county park and recreation district organized under K.S.A. 19-2859, and amendments thereto;
- (12) water districts organized under K.S.A. 19-3501 et seq., and amendments thereto;
- (13) transportation development districts created pursuant to K.S.A. 12-17,140 et seq., and amendments thereto; or
- (14) any tract of land annexed pursuant to K.S.A. 12-521, and amendments thereto.";

On page 2, in line 17, by striking "April" and inserting "March"; in line 33, by striking "April" and inserting "March";

On page 3, in line 30, by striking "April" and inserting "March"; in line 33, after the comma by inserting "as amended by section 2 of 2025 Senate Bill No. 2, 25-432,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "April" and inserting "March"; in line 5,

after the comma by inserting "as amended by section 2 of 2025 Senate Bill No. 2, 25-432,";

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

MIKE THOMPSON

TORI MARIE BLEW

OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

PAT PROCTOR

PAUL WAGGONER

KIRK HASKINS

*Conferees on part of House*

On motion of Rep. Proctor, the conference committee report on **HB 2022** was adopted.

On roll call, the vote was: Yeas 88; Nays 35; Present but not voting: 0; Absent or not voting: 2.

Yeas: Anderson, Awerkamp, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Bryce, Buehler, Butler, B. Carpenter, W. Carpenter, Chauncey, Collins, Corbet, Croft, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Francis, Gardner, Goddard, Goetz, Hawkins, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, McNorton, Minnix, Moser, Neelly, Penn, Pickert, Pishny, Poetter, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Sanders, Sawyer, Schmoe, Schreiber, Schwertfeger, Seiwert, Smith, A., Smith, C., Steele, Stiens, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Waggoner, Ward, Wasinger, Waymaster, White, Wilborn, Willcott, Williams, K., Williams, L., Wolf.

Nays: Alcalá, Amyx, Ballard, Paige, Carlin, Carmichael, Carr, Curtis, Featherston, Haskins, Helgeson, Hoye, Martinez, McDonald, Melton, Meyer, Miller, S., Mosley, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Poskin, Ruiz, L., Ruiz, S., Clayton, Schlingensiepen, Simmons, Stogsdill, Vaughn, Wickle, Winn, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Brantley, Weigel.

## CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2016** 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 6, by inserting:

"New Section 1. (a) No county election officer shall disqualify an individual from serving as a poll worker at any election on the basis of residency or registered voter status if such individual is a citizen of the United States and an active military member or the spouse or other dependent of an active military member.

(b) Nothing in this section shall be construed to limit or otherwise restrict any poll worker qualifications based on the age of the individual, except as provided in K.S.A.

25-2804, and amendments thereto.

(c) "Active military member" means any person with full-time duty status in the armed forces of the United States, including members of the national guard and reserve.

Sec. 2. K.S.A. 2024 Supp. 25-1122 is hereby amended to read as follows: 25-1122.

(a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, the voter shall provide identification pursuant to K.S.A. 25-2908, and amendments thereto.

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

(d) A voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto, if:

(1) The voter is unable or refuses to provide current and valid identification; or

(2) the name and address of the voter provided on the application for an advance voting ballot do not match the voter's name and address on the registration book. The voter shall provide a valid form of identification as defined in K.S.A. 25-2908, and amendments thereto, to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) No county election officer shall provide an advance voting ballot to a person who is requesting an advance voting ballot to be transmitted by mail unless:

(1) The county election official verifies that the signature of the person matches that on file in the county voter registration records, except that verification of the voter's signature shall not be required if a voter has a disability preventing the voter from signing. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person who is requesting an advance voting ballot does not match that on file, the county election officer shall attempt to contact the person and shall offer the person another opportunity to provide the person's signature for the purposes of verifying the person's identity. If the county election officer is unable to reach the person, the county election officer may transmit a provisional ballot, however, such provisional ballot may not be counted unless a signature is included therewith that can be verified; and

(2) the person provides such person's full Kansas driver's license number, Kansas nondriver's identification card number issued by the division of vehicles, or submits such person's application for an advance voting ballot and a copy of identification

provided by K.S.A. 25-2908, and amendments thereto, to the county election officer for verification. If a person applies for an advance voting ballot to be transmitted by mail but fails to provide identification pursuant to this subsection or the identification of the person cannot be verified by the county election officer, the county election officer shall provide information to the person regarding the voter rights provisions of subsection (d) and shall provide the person an opportunity to provide identification pursuant to this subsection. For the purposes of this act, Kansas state offices and offices of any subdivision of the state will allow any person seeking to vote by an advance voting ballot the use of a photocopying device to make one photocopy of an identification document at no cost.

(f) (1) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(A) For the primary election occurring on the first Tuesday in August in both even-numbered and odd-numbered years, between April 1 of such year and the Tuesday of the week preceding such primary election;

(B) for the general election occurring on the Tuesday following the first Monday in November in both even-numbered and odd-numbered years, between 90 days prior to such election and the Tuesday of the week preceding such general election;

(C) for the presidential preference primary election held pursuant to K.S.A. 25-4501a, and amendments thereto, between January 1 of the year in which such election is held and 30 days prior to the day of such election;

(D) for question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election;

(E) for question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the Tuesday of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the final date for mailing of advance voting ballots shall be one week before such election; and

(F) for any special election of officers, at such time as is specified by the secretary of state.

(2) The county election officer of any county may receive applications prior to the time specified in this subsection and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(g) (1) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than ~~12~~ 12:00 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

(2) An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

(3) The county election officer may designate places other than the central county

election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots. Ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(h) Any person having a permanent disability or an illness that has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information that establishes the voter's right to permanent advance voting status.

(i) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which the persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of the applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make the inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by the officer stating the person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(j) If a person on the permanent advance voting list fails to vote in four consecutive general elections, the county election officer may mail a notice to such voter. The notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(k) (1) Any person who solicits by mail a registered voter to file an application for an advance voting ballot and includes an application for an advance voting ballot in such mailing shall include on the exterior of such mailing, and on each a page contained therein, except the application, in such mailing a clear and conspicuous label in 14-point 10-point font or larger that includes:

(A) The name of the individual or organization that caused such solicitation to be mailed;

(B) ~~if an organization, the name of the president, chief executive officer or executive director of such organization;~~

~~(C)~~—the address of such individual or organization; and

~~(D)~~(C) the following statement: "Disclosure: This is not a government mailing. It is from a private individual or organization."

(2) The application for an advance voting ballot included in such mailing shall be the official application for advance ballot by mail provided by the secretary of state or the appropriate county election office. No portion of such application shall be completed prior to mailing such application to the registered voter, except that the date of the election may be printed on the application.

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

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

(A) The secretary of state or any election official or county election office; or

(B) the official protection and advocacy for voting access agency for this state as designated pursuant to the federal help America vote act of 2002, public law 107-252, or any other entity required to provide information concerning elections and voting procedures by federal law.

(5) A violation of this subsection is a class C nonperson misdemeanor.

(1) (1) No person shall mail or cause to be mailed an application for an advance voting ballot, unless such person is a resident of this state or is otherwise domiciled in this state.

(2) Any individual may file a complaint in writing with the attorney general alleging a violation of this subsection. Such complaint shall include the name of the person alleged to have violated this subsection and any other information as required by the attorney general. Upon receipt of a complaint, the attorney general shall investigate and may file an action against any person found to have violated this subsection.

(3) Any person who violates the provisions of this subsection is subject to a civil penalty of \$20. Each instance in which a person mails an application for an advance voting ballot in violation of this section shall constitute a separate violation.

(m) A county election officer shall not mail a ballot to a voter unless such voter has submitted an application for an advance voting ballot, except that a ballot may be mailed to a voter if such voter has permanent advance voting ballot status pursuant to subsection (h) or if the election is conducted pursuant to the mail ballot election act, K.S.A. 25-431 et seq., and amendments thereto.

(n) The secretary of state may adopt rules and regulations in order to implement the provisions of this section and to define valid forms of identification.";

On page 3, following line 27, by inserting:

"Sec. 4. K.S.A. 25-2804 is hereby amended to read as follows: 25-2804. (a) Each person recommended as provided in K.S.A. 25-2803(a), and amendments thereto, shall be a resident of the area served by the voting place in which such person is to be a judge or clerk citizen of the United States and live within the state of Kansas.

of the United States and live within the state of Kansas. No judge or clerk shall be a candidate for any office, other than the office of precinct committeeman or precinct committeewoman, to be elected at such election. The county election officer may appoint persons who are at least 16 years of age to serve as election judges or clerks if such persons meet all other requirements ~~for qualification of an elector~~ and have a letter of recommendation from a school teacher, counselor or administrator. No more than  $\frac{1}{3}$  of the persons appointed to each election board may be under the age of 18.

(c) The county election officer may establish a pool of trained judges and clerks who shall be recommended by the county chairpersons specified in K.S.A. 25-2803(a), and amendments thereto. Judges and clerks in such pool may serve at voting places other than their own if:

(1) The chairpersons specified in K.S.A. 25-2803(a), and amendments thereto, or either of them, have failed to make appropriate recommendations;

(2) it is impossible to obtain judges and clerks for a voting place in any other way; or

(3) voting machines are used, in which case the third judge, who shall be trained in the use of voting machines, need not necessarily live in the area of the voting place.

(d) Any judge or clerk serving in a voting place not located in the area in which such judge or clerk resides or serving on a special election board established under K.S.A. 25-1133(c), and amendments thereto, shall be allowed to vote an advance voting ballot in accordance with the provisions of K.S.A. 25-1119, and amendments thereto, or shall be excused from duties as such judge or clerk to vote at the voting place in the area where such judge or clerk resides.";

Also on page 3, in line 28, before "K.S.A." by inserting "K.S.A. 25-2804 and"; also in line 28, after "Supp." by inserting "25-1122 and"; also in line 28, by striking "is" and inserting "are"; in line 30, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "private" and inserting "funeral home"; in line 3, after the semicolon by inserting "requiring that poll workers be citizens of the United States and live within the state of Kansas; prohibiting the disqualification of active military members, spouses or other dependents who are citizens of the United States as poll workers on the basis of residency or being a registered voter; relating to advance voting ballot applications; modifying the requirements for soliciting registered voters to submit advance voting applications;"; also in line 3, after "amending" by inserting "K.S.A. 25-2804 and"; in line 4, after "Supp." by inserting "25-1122 and"; also in line 4, by striking "section" and inserting "sections";

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

MIKE THOMPSON

TORI MARIE BLEW

OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

PAT PROCTOR

PAUL WAGGONER

KIRK HASKINS

*Conferees on part of House*

On motion of Rep. Proctor, the conference committee report on **HB 2016** was



adopted.

On roll call, the vote was: Yeas 97; Nays 26; Present but not voting: 0; Absent or not voting: 2.

Yeas: Amyx, Anderson, Averkamp, Ballard, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Bryce, Buehler, Butler, B. Carpenter, W. Carpenter, Chauncey, Collins, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Francis, Gardner, Goddard, Goetz, Hawkins, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoyer, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, McNorton, Melton, Minnix, Moser, Neelly, Neighbor, Osman, Penn, Pickert, Pishny, Poetter, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Sanders, Sawyer, Schmoe, Schreiber, Schwertfeger, Seiwert, Smith, A., Smith, C., Steele, Stiens, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Waggoner, Ward, Wasinger, Waymaster, White, Wilborn, Willcott, Williams, K., Williams, L., Wolf, Woodard, Xu.

Nays: Alcalá, Paige, Carlin, Carmichael, Carr, Featherston, Haskins, Helgerson, Martinez, McDonald, Meyer, Miller, S., Mosley, Ohaebosim, Oropeza, Ousley, Poskin, Ruiz, L., Ruiz, S., Clayton, Schlingensiepen, Simmons, Stogsdill, Vaughn, Wickle, Winn.

Present but not voting: None.

Absent or not voting: Brantley, Weigel.

## CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2075** 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 1, following line 8, by inserting:

"Section 1. K.S.A. 2024 Supp. 38-2231 is hereby amended to read as follows: 38-2231. (a) A law enforcement officer or court services officer shall take a child under 18 years of age into custody when:

(1) The law enforcement officer or court services officer has a court order commanding that the child be taken into custody as a child in need of care; or

(2) the law enforcement officer or court services officer has probable cause to believe that a court order commanding that the child be taken into custody as a child in need of care has been issued in this state or in another jurisdiction.

(b) A law enforcement officer shall take a child under 18 years of age into custody when the officer:

(1) Reasonably believes the child will be harmed if not immediately removed from the place or residence where the child has been found; or

(2) ~~has probable cause to believe that the child is a runaway or a missing person or a verified missing person entry for the child can be found in the national crime information center missing person system;~~

(3) ~~reasonably believes the child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child; or~~

(4) ~~reasonably believes the child is experiencing a behavioral health crisis and is likely to cause harm to self or others.~~

(c) A law enforcement officer shall explore other options to separate the child from

the source of harm before removal of such child as provided in subsection (b).

(d) The secretary shall provide an electronic means of communication for a responding law enforcement officer to refer a child who may be a victim of abuse or neglect to the secretary. The secretary shall receive such referrals and, within 24 hours, initiate an investigation of abuse or neglect and contact the persons who are the subject of such investigation. Then, within 24 hours of such contact, the secretary shall respond to the referring law enforcement agency with the status of the investigation.

(e) A law enforcement officer shall take a child under 18 years of age into custody when the officer:

(1) Has probable cause to believe that the child is a runaway or a missing person or a verified missing person entry for the child can be found in the national crime information center missing person system; or

(2) reasonably believes that the child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child.

(f) (1) If a person provides shelter to a child whom the person knows is a runaway, such person shall promptly report the child's location either to a law enforcement agency or to the child's parent or other custodian.

(2) If a person reports a runaway's location to a law enforcement agency pursuant to this section and a law enforcement officer of the agency has reasonable grounds to believe that it is in the child's best interests, the child may be allowed to remain in the place where shelter is being provided, subject to subsection ~~(b)~~ (e), in the absence of a court order to the contrary. If the child is allowed to so remain, the law enforcement agency shall promptly notify the secretary of the child's location and circumstances.

~~(d)~~(g) Except as provided in subsections (a) ~~and~~, (b) ~~and~~ (e), a law enforcement officer may temporarily detain and assume temporary custody of any child subject to compulsory school attendance, pursuant to K.S.A. 72-3120, and amendments thereto, during the hours school is actually in session and shall deliver the child pursuant to K.S.A. 38-2232(g), and amendments thereto."

Also on page 1, in line 26, after "(1)" by inserting "Review with all present parties, including parents and interested parties, the current permanency goal and, on the record, inquire of each party whether each party: (A) Participated in the most recent permanency plan; (B) received a copy of such plan; and (C) has made reasonable efforts to achieve the permanency goal in place at the time of the hearing. If a party did not participate in such plan, the court shall inquire the reasoning for nonparticipation. If a party did not receive a copy of the most recent permanency plan, the court shall order the secretary to provide such party with such copy within two business days of entering such order.

(2)";

Also on page 1, in line 27, by striking "or reintegrate";

On page 3, in line 16, by striking all after the period; by striking all in lines 17 and 18; in line 19, by striking all before "If"; in line 20, by striking "or" and inserting a comma; also in line 20, after "(2)" by inserting "or (3)";

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

On page 5, in line 13, after "Supp." by inserting "38-2231 and"; also in line 13, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "determining when a law enforcement officer may or shall take a child into custody; requiring the secretary for children and families to provide means for a law enforcement officer to refer potential cases of abuse or neglect and that the secretary provide a response to such referrals within 24 hours; requiring the court to review parent and interested party involvement in permanency planning;"; in line 5, after "Supp." by inserting "38-2231 and"; in line 6, by striking "section" and inserting "sections";

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

BEVERLY GOSSAGE  
WILLIAM CLIFFORD  
CINDY HOLSCHER

*Conferees on part of Senate*

CYNDI HOWERTON  
TIMOTHY JOHNSON  
JARROD OUSLEY

*Conferees on part of House*

On motion of Rep. Howerton, the conference committee report on **HB 2075** was adopted.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Amyx, Anderson, Averkamp, Ballard, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Paige, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Chauncey, Collins, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Featherston, Francis, Gardner, Goddard, Goetz, Haskins, Hawkins, Helgersen, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoye, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, Martinez, McDonald, McNorton, Melton, Meyer, Miller, S., Minnix, Moser, Mosley, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Penn, Pickert, Pishny, Poetter, Poskin, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoë, Schreiber, Schwertfeger, Seiwert, Simmons, Smith, A., Smith, C., Steele, Stiens, Stogsdill, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Vaughn, Waggoner, Ward, Wasinger, Waymaster, White, Wickle, Wilborn, Willcott, Williams, K., Williams, L., Winn, Wolf, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Brantley, Weigel.

## MOTION TO CONCUR

On motion of Rep. Humphries, the House concurred in Senate amendments to **HB 2242**, AN ACT concerning federal jurisdiction; relating to federal property; authorizing the governor to accept requests from the federal government to establish concurrent jurisdiction in certain circumstances; amending K.S.A. 27-102 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 102; Nays 21; Present but not voting: 0; Absent or not voting: 2.

Yeas: Anderson, Awerkamp, Ballard, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Chauncey, Collins, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Francis, Gardner, Goddard, Goetz, Hawkins, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoye, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, McNorton, Minnix, Moser, Neelly, Neighbor, Osman, Penn, Pickert, Pishny, Poetter, Poskin, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Schwertfeger, Seiwert, Smith, A., Smith, C., Steele, Stiens, Stogsdill, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Vaughn, Waggoner, Ward, Wasinger, Waymaster, White, Wilborn, Willcott, Williams, K., Williams, L., Wolf, Woodard, Xu.

Nays: Alcala, Amyx, Paige, Carr, Featherston, Haskins, Helgersen, Martinez, McDonald, Melton, Meyer, Miller, S., Mosley, Ohaebosim, Oropeza, Ousley, Ruiz, L., Ruiz, S., Simmons, Wickle, Winn.

Present but not voting: None.

Absent or not voting: Brantley, Weigel.

#### CHANGE OF CONFEREES

Speaker pro tempore Carpenter appointed Reps. Estes, McNorton, and Stogsdill to replace Reps. Sutton, Bergkamp, and Neighbor as members of the conference committee on **SB 24**.

On motion of Rep. Croft, the House recessed until 4:00 p.m.

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#### LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tempore Carpenter in the chair.

#### MESSAGE FROM THE SENATE

The Senate adopts the Conference Committee report to agree to disagree on **Sub HB 2382**, and has appointed Senators Erickson, Thomas and Sykes as Second conferees on the part of the Senate.

The Senate adopts the Conference Committee report on **SB 139**.

The Senate adopts the Conference Committee report on **HB 2069**.

The Senate adopts the Conference Committee report on **HB 2160**.

The Senate concurs in House amendments to **Sub SB 54**, and requests return of the bill.

The Senate concurs in House amendments to **SB 135**, and requests return of the bill.

On motion of Rep. Croft, the House recessed until 4:30 p.m.

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#### EARLY EVENING SESSION

The House met pursuant to recess with Speaker pro tempore Carpenter in the chair.

# MESSAGE FROM THE SENATE

The Senate announced the appointment of Senators Erickson, Thomas and Sykes to replace Senators Dietrich, Fagg and Francisco as conferees on **SB 24**.

The Senate announced the appointment of Senators Alley, Owens and Ware to replace Senators Petersen, Kloos and Corson as conferees on **HB 2289**.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2054** and has appointed Senators Thompson, Blew and Faust Goudeau 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 35** 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.

ADAM SMITH

CARL TURNER

TOM SAWYER

*Conferees on part of House*

CARYN TYSON

VIRGIL PECK

ETHAN CORSON

*Conferees on part of Senate*

On motion of Rep. Smith, A., the conference committee report on **SB 35** was adopted.

On roll call, the vote was: Yeas 96; Nays 26; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Awerkamp, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Bryce, Buehler, Butler, Carlin, B. Carpenter, W. Carpenter, Chauncey, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Francis, Gardner, Goddard, Goetz, Hawkins, Helgerson, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, McDonald, McNorton, Melton, Minnix, Moser, Neelly, Neighbor, Osman, Penn, Pickert, Pishny, Poetter, Proctor, Rahjes, Reavis, Resman, Roeser, Roth, Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Schwertfeger, Seiwert, Smith, A., Smith, C., Steele, Stiens, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Waggoner, Ward, Wasinger, Waymaster, White, Wilborn, Willcott, Williams, K., Williams, L., Wolf, Woodard.

Nays: Alcalá, Amyx, Ballard, Paige, Carmichael, Carr, Featherston, Haskins, Hoyer, Martinez, Meyer, Miller, S., Mosley, Ohaebosim, Oropeza, Ousley, Poskin, Rhiley, Ruiz, L., Ruiz, S., Simmons, Stogsdill, Vaughn, Wickle, Winn, Xu.

Present but not voting: None.

Absent or not voting: Brantley, Collins, Weigel.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 269** 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;

On page 2, by striking all in lines 1 through 3; following line 3, by inserting:

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

(1) "Adjusted consumer price ratio" means the fiscal year consumer price index divided by the base year consumer price index.

(2) "Adjusted general revenue fund collections" means actual tax receipt revenues to the state general fund from the Kansas income tax act and the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto.

(3) "Base year revenues" means actual tax receipt revenues to the state general fund for fiscal year 2024 in the amount of \$5,969,395,529 from the Kansas income tax act and the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto.

(4) "Base year consumer price index" means a 12-month average of the not seasonally adjusted consumer price index for all urban consumers for fiscal year 2024.

(5) "Excess fiscal year general revenue fund collections" means the positive difference from subtracting the inflation adjusted base year revenues from the adjusted general revenue fund collections from the immediately preceding fiscal year.

(6) "Fiscal year consumer price index" means a 12-month average of the not seasonally adjusted consumer price index for all urban consumers for the immediately preceding fiscal year.

(7) "Inflation adjusted base year revenues" means the base year revenues multiplied by the adjusted consumer price ratio.

(b) Commencing on August 15, 2025, and every August 15 thereafter, the director of the budget, in consultation with the director of legislative research, shall determine whether the total fiscal year adjusted general revenue fund collections from the immediately preceding fiscal year are in excess of the inflation adjusted base year revenues and if the amount of moneys in the budget stabilization fund established pursuant to K.S.A. 75-6706, and amendments thereto, is equal to or exceeds 15% of the prior fiscal year's state tax receipt revenues to the state general fund. If the total fiscal year adjusted general revenue fund collections from the immediately preceding fiscal year are in excess of the inflation adjusted base year revenues and the amount of moneys in the budget stabilization fund is equal to or exceeds 15% of the prior fiscal year's state tax receipt revenues to the state general fund, the director of the budget shall certify to the secretary of revenue the existence of such excess and the amount of the excess.

(c) In the event that the secretary of revenue certifies that the adjusted general revenue fund collections from the immediately preceding fiscal year are in excess of the inflation adjusted base year revenues and the amount of moneys in the budget stabilization fund is equal to or exceeds 15% of the prior fiscal year's state tax receipt revenues to the state general fund, the secretary shall calculate and publish the income tax and privilege tax rate reduction as a result of the excess. In calculating the income tax rate reduction, the excess fiscal year general revenue fund collections shall be computed that would result in the reduction of the income tax rates pursuant to subsection (d) in an amount approximately equal to the rate reductions down to the nearest 0.01% to go into effect for the next tax year. In calculating the privilege tax rate reduction pursuant to subsection (d), the reduction shall be a corresponding rate reduction that is equal to the total percentage adjustment to the corporate income tax. Such rate reductions shall remain in effect unless further reduced pursuant to this section. The income tax brackets and taxable income thresholds prescribed in K.S.A. 79-32,110(a), and amendments thereto, shall be adjusted to reflect the changes in income tax rates.

(d) The secretary shall first compute the reduction of the income tax rates pursuant to K.S.A. 79-32,110(a), and amendments thereto, that decreases proportionally all tax rates in effect. Once the lower income tax rate is decreased to 4%, there shall be no further reductions to the lower income tax rate and further reductions shall only be applied to reduce the higher income tax rate in effect. Upon the higher income tax rate being decreased to 4%, no further reductions shall occur to K.S.A. 79-32,110(a), and amendments thereto. The secretary shall then compute decreases to:

(1) The surtax imposed pursuant to K.S.A. 79-32,110(c), and amendments thereto. The surtax shall be decreased until the combined normal and surtax rates equal 4% that are imposed pursuant to K.S.A. 79-32,110(c), and amendments thereto. Once the combined normal and surtax rates pursuant to K.S.A. 79-32,110(c), and amendments thereto, equal 4%, no further reductions shall occur;

(2) the normal tax imposed pursuant to K.S.A. 79-1107, and amendments thereto. The normal tax shall be decreased until the combined normal and surtax rates equal 2.6% that are imposed pursuant to K.S.A. 79-1107, and amendments thereto. Once the combined normal and surtax rates pursuant to K.S.A. 79-1107, and amendments thereto, equal 2.6%, no further reductions shall occur; and

(3) the normal tax imposed pursuant to K.S.A. 79-1108, and amendments thereto. The normal tax shall be decreased until the combined normal and surtax rates equal 2.62% that are imposed pursuant to K.S.A. 79-1108, and amendments thereto. Once the combined normal and surtax rates pursuant to K.S.A. 79-1108, and amendments thereto, equal 2.62%, no further reductions shall occur.

Sec. 2. K.S.A. 2024 Supp. 79-1107 is hereby amended to read as follows: 79-1107. (a) Every national banking association and state bank located or doing business within the state shall pay to the state for the privilege of doing business within the state a tax according to or measured by its net income for the next preceding taxable year to be computed as provided in this act. Such tax shall consist of a normal tax and a surtax and shall be computed as follows unless otherwise modified pursuant to section 1, and amendments thereto:

(1) For tax year 2024, and all tax years thereafter, the normal tax shall be an amount equal to 1.94% of such net income; and

(2) the surtax shall be an amount equal to 2.125% of such net income in excess of \$25,000.

(b) The tax levied shall be in lieu of ad valorem taxes which might otherwise be imposed by the state or political subdivisions thereof upon shares of capital stock or the intangible assets of national banking associations and state banks.

Sec. 3. K.S.A. 2024 Supp. 79-1108 is hereby amended to read as follows: 79-1108. (a) Every trust company and savings and loan association located or doing business within the state shall pay to the state for the privilege of doing business within the state a tax according to or measured by its net income for the next preceding taxable year to be computed as provided in this act. Such tax shall consist of a normal tax and a surtax and shall be computed as follows unless otherwise modified pursuant to section 1, and amendments thereto:

(1) For tax year 2024, and all tax years thereafter, the normal tax on every trust company and savings and loan association shall be an amount equal to 1.93% of such net income; and

(2) the surtax on every trust company and savings and loan association shall be an amount equal to 2.25% of such net income in excess of \$25,000.

(b) The tax levied shall be in lieu of ad valorem taxes which might otherwise be imposed by the state or political subdivision thereof upon shares of capital stock or other intangible assets of trust companies and savings and loan associations.

Sec. 4. K.S.A. 2024 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110. (a) *Resident individuals*. Except as otherwise provided by K.S.A. 79-3220(a), and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules unless otherwise modified pursuant to section 1, and amendments thereto:

(1) *Married individuals filing joint returns*.

(A) For tax years 2018 through 2023:

If the taxable income is:	The tax is:
Not over \$30,000.....	3.1% of Kansas taxable income
Over \$30,000 but not over \$60,000.....	\$930 plus 5.25% of excess over \$30,000
Over \$60,000.....	\$2,505 plus 5.7% of excess over \$60,000

(B) For tax year 2024, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$46,000.....	5.2% of Kansas taxable income
Over \$46,000.....	\$2,392 plus 5.58% of excess over \$46,000

(2) *All other individuals*.

(A) For tax years 2018 through 2023:

If the taxable income is:	The tax is:
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Not over \$15,000.....	3.1% of Kansas taxable income
Over \$15,000 but not over \$30,000.....	\$465 plus 5.25% of excess over \$15,000
Over \$30,000.....	\$1,252.50 plus 5.7% of excess over \$30,000

(B) For tax year 2024, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$23,000.....	5.2% of Kansas taxable income
Over \$23,000.....	\$1,196 plus 5.58% of excess over \$23,000

(b) *Nonresident individuals.* A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations.* A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows unless otherwise modified pursuant to K.S.A. 2024 Supp. 74-50,321 or section 1, and amendments thereto:

(1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and

(2) the surtax shall be in an amount equal to 3% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in subsection (a)(2).

(e) Notwithstanding the provisions of subsections (a) and (b), for tax years 2018 through 2023, married individuals filing joint returns with taxable income of \$5,000 or less; and all other individuals with taxable income of \$2,500 or less; shall have a tax liability of zero.";

Also on page 2, in line 4, by striking "74-2438a is" and inserting "2024 Supp. 79-1107, 79-1108 and 79-32,110 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; by striking all in line 2; in line 3, by striking all before semicolon and inserting "income and privilege taxes; providing that future tax rate decreases be contingent on exceeding revenue estimates and retaining a certain amount in the budget stabilization fund"; also in line 3, by striking "74-2438a" and inserting "2024 Supp. 79-1107, 79-1108 and 79-32,110"; in line 4, by striking "section" and inserting "sections";

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

ADAM SMITH

CARL TURNER

*Conferees on part of House*

CARYN TYSON

VIRGIL PECK

*Conferees on part of Senate*

On motion of Rep. Smith, A., the conference committee report on **SB 269** was adopted.

On roll call, the vote was: Yeas 84; Nays 38; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Averkamp, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Bryce, Buehler, Butler, B. Carpenter, W. Carpenter, Chauncey, Corbet, Croft, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Francis, Gardner, Goddard, Goetz, Hawkins, Helgerson, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, McNorton, Moser, Neelly, Penn, Pickert, Pishny, Poetter, Proctor, Rahjes, Reavis, Resman, Roeser, Roth, Sanders, Schmoe, Schwertfeger, Seiwert, Smith, A., Smith, C., Steele, Stiens, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Waggoner, Ward, Wasinger, Waymaster, White, Wilborn, Willcott, Williams, K., Williams, L., Wolf.

Nays: Alcala, Amyx, Ballard, Paige, Carlin, Carmichael, Carr, Curtis, Featherston, Haskins, Hoye, Martinez, McDonald, Melton, Meyer, Miller, S., Minnix, Mosley, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Poskin, Rhiley, Ruiz, L., Ruiz, S., Sawyer, Clayton, Schlingensiepen, Schreiber, Simmons, Stogsdill, Vaughn, Wikle, Winn, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Brantley, Collins, Weigel.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 64** 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.

NICK HOHEISEL

ANGELA STIEN

RUI XU

*Conferees on part of House*

BRENDA DIETRICH

MICHAEL FAGG

MARCI FRANSICO

*Conferees on part of Senate*

On motion of Rep. Hoheisel, the conference committee report on **SB 64** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Amyx, Anderson, Averkamp, Ballard, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Paige, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Chauncey, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Featherston, Francis, Gardner,

Goddard, Goetz, Haskins, Hawkins, Helgersen, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoye, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, Martinez, McDonald, McNorton, Melton, Meyer, Miller, S., Minnix, Moser, Mosley, Neely, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Penn, Pickert, Pishny, Poetter, Poskin, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoie, Schreiber, Schwertfeger, Seiwert, Simmons, Smith, A., Smith, C., Steele, Stiens, Stogsdill, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Vaughn, Waggoner, Ward, Wasinger, Waymaster, White, Wickle, Wilborn, Willcott, Williams, K., Williams, L., Winn, Wolf, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Brantley, Collins, Weigel.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 45** 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 Substitute for Senate Bill No. 45 with House Committee amendments, as follows:

On page 1, in line 11, by striking "students" and inserting "any student"; in line 12, by striking all after the stricken material; in line 13, by striking all before the stricken material; also in line 13, by striking all after the stricken material; in line 15, by striking "students" and inserting "student's"; in line 16, by striking all before "enrolled" and inserting "student transferred to and"; also in line 16, by striking "; and" and inserting "or school district; or"; in line 17, by striking "were" and inserting "was"; also in line 17, after "school" by inserting "or school district";

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

SUSAN OLIVER ESTES

KYLE McNORTON

JERRY STOGSDILL

*Conferees on part of House*

RENEE ERIKSON

ADAM THOMAS

DINAH SYKES

*Conferees on part of Senate*

On motion of Rep. Estes, the conference committee report on **Sub Bill for SB 45** was adopted.

On roll call, the vote was: Yeas 117; Nays 5; Present but not voting: 0; Absent or not voting: 3.

Yeas: Amyx, Anderson, Awerkamp, Ballard, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Paige, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Chauncey, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Francis, Gardner, Goddard, Goetz, Hawkins, Helgersen, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoye, Huebert,

Humphries, James, T. Johnson, Kessler, King, Lewis, Long, Martinez, McDonald, McNorton, Melton, Meyer, Miller, S., Minnix, Moser, Mosley, Neelly, Neighbor, Ohaebosim, Osman, Ousley, Penn, Pickert, Pishny, Poetter, Poskin, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Schwertfeger, Seiwert, Simmons, Smith, A., Smith, C., Steele, Stiens, Stogsdill, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Vaughn, Waggoner, Ward, Wasinger, Waymaster, White, Wikle, Wilborn, Willcott, Williams, K., Williams, L., Winn, Wolf, Woodard, Xu.

Nays: Alcala, Carr, Featherston, Haskins, Oropeza.

Present but not voting: None.

Absent or not voting: Brantley, Collins, Weigel.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 50** 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, in line 17, by striking all after the stricken material; by striking all in line 18; in line 19, by striking all before "if" and inserting "5% per annum";

On page 15, following line 42, by inserting:

"Sec. 16. K.S.A. 75-650 is hereby amended to read as follows: 75-650. (a) As used in this section:

(1) "Federal poverty level" means the most recent poverty income guidelines published in the calendar year by the United States department of health and human services.

(2) "Program" means the low-income family postsecondary savings accounts incentive program established by this section.

(3) "Qualified individual or family" means an individual or family who resides within the state of Kansas and whose household income is positive and not more than 200% of the federal poverty level for the tax year prior to the year in which the application is submitted.

(4) "Participant" means a qualified individual or family who has been approved for a matching grant under the program.

(5) "District" means a congressional district of the state of Kansas.

(6) "Application" means an application for a matching grant under the program.

(7) "Third-party contributor" means any individual or organization who contributes ~~money~~ moneys to a family postsecondary savings account established pursuant to K.S.A. 75-640 et seq., and amendments thereto, other than the account owner who established such family postsecondary savings account for the benefit of the participant.

(8) Words and phrases have the meanings provided by K.S.A. 75-643, and amendments thereto, unless otherwise provided by this section.

(b) There is hereby established the low-income family postsecondary savings accounts incentive program. The purpose of the program is to encourage the establishment of family postsecondary savings accounts pursuant to K.S.A. 75-640, and amendments thereto, by qualified individuals and families.

(c) The treasurer shall:

- (1) Implement and administer the program;
- (2) develop marketing plans and promotional material for the program;
- (3) prescribe the procedure for, and requirements relating to, the submission and approval of applications;

- (4) do all things necessary and proper to carry out the purposes of this act; and
- (5) adopt any rules and regulations and policies deemed necessary for implementation and administration of the program.

(d) Applications shall be submitted to the treasurer in the manner and form required by the treasurer. Applications shall be accompanied by any information deemed necessary by the treasurer. Applications ~~must~~ shall be submitted each year using the applicant's household income from the previous tax year.

(e) ~~Beginning in calendar year 2009~~ In calendar years 2025, 2026 and 2027, the treasurer may approve ~~no not~~ more than ~~300~~ 250 applications from a single district. If ~~300~~ 250 applications from residents of a district are not approved in each such calendar year ~~2009 or any year thereafter~~, the treasurer may approve additional applications submitted by residents of the remaining districts of up to the program total of ~~1,200~~ 1,000 applications per year. Applications shall be approved on a first come, first served basis. The treasurer shall provide written notice, to an applicant, of the approval or nonapproval of such person's application. For calendar year 2028, and each calendar year thereafter, the treasurer shall not accept nor approve any application for the program.

(f) The amount of contributions made to an account by an account owner who establishes a family postsecondary savings account for the benefit of a participant pursuant to K.S.A. 75-640 et seq., and amendments thereto, shall be matched by the state on a dollar-for-dollar basis if the account owner contributes at least \$100 to a family postsecondary education savings account for the benefit of the participant during ~~the calendar year any of the calendar years 2025, 2026 and 2027~~ for which the application has been approved. The aggregate of all matching amounts for any family postsecondary savings account shall not exceed \$600 ~~in~~ for any calendar year. All contributions by a third-party contributor shall be deposited in the matching grant account for the participant established by the treasurer or another similar account for which the withdrawals are restricted as required by subsection (h).

(g) Between January 1 and January 31 of each state fiscal year, the director of accounts and reports shall transfer from the state general fund to the Kansas postsecondary education savings program trust fund the amount, as certified by the treasurer, necessary to meet the matching obligations under subsection (f) for the preceding calendar year, except that the amount transferred from the state general fund to the Kansas postsecondary education savings program trust fund shall not exceed the maximum amount specified by appropriation act for such purpose for that state fiscal year. On or before January 31 of each year, the treasurer shall transfer from the Kansas postsecondary education savings program trust fund to the account of each participant the amount determined by the treasurer to meet the matching obligation due to such participant under subsection (f) for the preceding calendar year.

(h) (1) The treasurer shall ensure that all withdrawals of matching funds are used for qualified withdrawals under K.S.A. 75-640 et seq., and amendments thereto. The treasurer shall not be required to prospectively approve any withdrawals under the

program. Withdrawals of matching funds under the program shall be subject to audit as provided in this subsection.

(2) The treasurer shall retrospectively audit at least 10 withdrawals of matching funds under the program made during each of the calendar years 2025, 2026 and 2027 to determine whether each such withdrawal was a qualified withdrawal or a nonqualified withdrawal under K.S.A. 75-640 et seq., and amendments thereto. The treasurer shall notify any participant whose withdrawal was selected for audit and request such participant to provide to the treasurer any documentation and information deemed necessary by the treasurer to facilitate the audit and determine whether the withdrawal was a qualified withdrawal or a nonqualified withdrawal under K.S.A. 75-640 et seq., and amendments thereto. Such documentation and information shall be submitted to the treasurer in the manner and form required by the treasurer on or before a deadline established by the treasurer and specified in the notice. If the participant does not timely respond to the notice of the audit, the audited withdrawal shall be conclusively presumed to be a nonqualified withdrawal. If the participant does not timely respond to the notice of audit or the treasurer otherwise determines that the audited withdrawal was a nonqualified withdrawal, then the treasurer shall provide notice thereof to the Kansas department of revenue or other appropriate taxing authorities as determined by the treasurer and the participant.

(3) The treasurer's determination that a withdrawal is a nonqualified withdrawal under K.S.A. 75-640 et seq., and amendments thereto, shall be conclusive for the purposes of this act, absent manifest error.

(4) If the treasurer determines that the audited withdrawal was a nonqualified withdrawal under K.S.A. 75-640 et seq., and amendments thereto, then the participant shall refund the matching portion of the withdrawal by paying such portion to the treasurer, on payment terms established by the treasurer. Any such amounts that remain due and unpaid after the date prescribed by the treasurer for the payment thereof shall be subject to interest at the rate of 5% per annum, compounded monthly, from the date prescribed by the treasurer for the payment thereof. To collect such refund and interest from the participant, the treasurer is authorized to certify the amount due for setoff pursuant to K.S.A. 75-6201 et seq., and amendments thereto, and to exercise any other enforcement right otherwise available to the treasurer. The refund requirement under this act is in addition to and not in substitution for any other fine, penalty, interest or other consequence otherwise imposed by law in connection with withdrawals from the Kansas postsecondary education savings program.

(i) The treasurer shall deposit all refunds and interest received under subsection (h) in the state treasury to the credit of the state general fund.

~~(j)~~(j) The treasurer shall prepare and submit to the governor and the legislature a report on the program on or before January 31 of each year 2026, 2027 and 2028. Such report shall include the number of accounts opened under the program, the amount of moneys contributed to such accounts by the participants, the amount of matching moneys transferred by the treasurer pursuant to subsection (g), the average income of the participants, an analysis of the success of the program in meeting the purpose of the program, the number and results of any audit performed pursuant to subsection (h) and any other information deemed appropriate by the treasurer.

~~(j)~~(k) The provisions of this section shall be a part of and supplemental to the Kansas postsecondary education savings program.";

On page 16, in line 1, by striking the first "and" and inserting a comma; also in line 1, after "74-32,223" by inserting "and 75-650"; in line 4, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "postsecondary"; also in line 1, by striking "state board of regents" and inserting "financing therefor"; in line 9, after the semicolon by inserting "reducing the number of grants available and audits required under the low-income family postsecondary savings accounts incentive program; providing the audit process for certain withdrawals made under such program;"; in line 11, by striking the first "and" and inserting a comma; also in line 11, after "74-32,223" by inserting "and 75-650";

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

SUSAN OLIVER ESTES

KYLE McNORTON

JERRY STOGSDILL

*Conferees on part of House*

RENEE ERIKSON

ADAM THOMAS

DINAH SYKES

*Conferees on part of Senate*

On motion of Rep. Estes, the conference committee report on **SB 50** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Averkamp, Ballard, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Paige, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Chauncey, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Featherston, Francis, Gardner, Goddard, Goetz, Haskins, Hawkins, Helgersen, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoyer, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, Martinez, McDonald, McNorton, Melton, Meyer, Miller, S., Minnix, Moser, Mosley, Neely, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Penn, Pickert, Pishny, Poetter, Poskin, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Schwertfeger, Seiwert, Simmons, Smith, A., Smith, C., Steele, Stiens, Stogsdill, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Vaughn, Waggoner, Ward, Wasinger, Waymaster, White, Wickle, Wilborn, Willcott, Williams, K., Williams, L., Winn, Wolf, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Brantley, Collins, Weigel.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 114** 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 3, in line 21, by striking all after "district"; in line 22, after "withdrawal" by inserting "in accordance with the academic eligibility policies of the activities association referred to in K.S.A. 72-7114, and amendments thereto,";

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

SUSAN OLIVER ESTES

KYLE McNORTON

JERRY STOGSDILL

*Conferees on part of House*

RENEE ERIKSON

ADAM THOMAS

DINAH SYKES

*Conferees on part of Senate*

On motion of Rep. Estes, the conference committee report on **SB 114** was adopted.

On roll call, the vote was: Yeas 84; Nays 38; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Awerkamp, Barrett, Barth, Bergkamp, Bergquist, Blex, Bohi, Borjon, Bryce, Buehler, B. Carpenter, W. Carpenter, Chauncey, Corbet, Croft, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Francis, Gardner, Goddard, Goetz, Hawkins, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, McNorton, Minnix, Moser, Neelly, Penn, Pickert, Pishny, Poetter, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Sanders, Schmoie, Schreiber, Schwertfeger, Seiwert, Smith, A., Smith, C., Steele, Stiens, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Waggoner, Ward, Wasinger, Waymaster, White, Wilborn, Willcott, Williams, K., Williams, L., Wolf.

Nays: Alcalá, Amyx, Ballard, Bloom, Paige, Butler, Carlin, Carmichael, Carr, Curtis, Featherston, Haskins, Helgersen, Hoyer, Martinez, McDonald, Melton, Meyer, Miller, S., Mosley, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Poskin, Ruiz, L., Ruiz, S., Sawyer, Clayton, Schlingensiepen, Simmons, Stogsdill, Vaughn, Wickle, Winn, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Brantley, Collins, Weigel.

## CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2069** 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 39, following line 10, by inserting:

"Sec. 3. This section shall be known and may be cited as the cosmetologist licensure compact.

### ARTICLE 1—PURPOSE

(a) The purpose of this compact is to facilitate the interstate practice and regulation of cosmetology with the goal of improving public access thereto, the safety of



cosmetology services and reducing unnecessary burdens related to cosmetology licensure. Through this compact the member states seek to establish a regulatory framework that provides for a new multistate licensing program. Through this new licensing program, the member states seek to provide increased value and mobility to licensed cosmetologists in the member states, while ensuring the provision of safe, effective and reliable services to the public.

(b) This compact is designed to achieve the following objectives, which are ratified by the member states to this compact:

(1) Provide opportunities for interstate practice by cosmetologists who meet uniform requirements for multistate licensure;

(2) enhance the abilities of member states to protect public health and safety and prevent fraud and unlicensed activity within the profession;

(3) ensure and encourage cooperation between member states in the licensure and regulation of the practice of cosmetology;

(4) support relocating military members and their spouses;

(5) facilitate the exchange of information between member states related to the licensure, investigation and discipline of the practice of cosmetology; and

(6) provide for the licensure and mobility of the workforce in the profession while addressing the shortage of workers and lessening the associated burdens on the member states.

#### ARTICLE 2—DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall govern the terms herein:

(a) "Active military member" means any person with full-time duty status in the armed forces of the United States, including members of the national guard and reserve.

(b) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a member state's laws that is imposed by a state licensing authority or other regulatory body against a cosmetologist, including actions against an individual's license or authorization to practice such as revocation, suspension, probation, monitoring of the licensee, limitation of the licensee's practice or any other encumbrance on a license affecting an individual's ability to participate in the cosmetology industry, including the issuance of a cease and desist order.

(c) "Authorization to practice" means a legal authorization associated with a multistate license permitting the practice of cosmetology in that remote state, which shall be subject to the enforcement jurisdiction of the state licensing authority in that remote state.

(d) "Alternative program" means a non-disciplinary monitoring or prosecutorial diversion program approved by a member state's state licensing authority.

(e) "Background check" means the submission of information for an applicant for the purpose of obtaining such applicant's criminal history record information, as further defined in C.F.R. § 20.3(d), from the federal bureau of investigation and the agency responsible for retaining state criminal or disciplinary history in the applicant's home state.

(f) "Charter member state" means member states that have enacted legislation to adopt this compact where such legislation predates the effective date of this compact as defined in article 13.

(g) "Commission" means the governmental agency whose membership consists of

all states that have enacted this compact, known as the cosmetology licensure compact commission, as defined in article 9, and shall operate as an instrumentality of the member states.

(h) "Cosmetologist" means an individual licensed in their home state to practice cosmetology.

(i) "Cosmetology", "cosmetology services" and the "practice of cosmetology" mean the care and services provided by a cosmetologist as set forth in the member state's statutes and regulations in the state where the services are being provided.

(j) "Current significant investigative information" means:

(1) Investigative information that a state licensing authority, after an inquiry or investigation that complies with a member state's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that state's laws regarding fraud or the practice of cosmetology; or

(2) investigative information that indicates that a licensee has engaged in fraud or represents an immediate threat to public health and safety, regardless of whether the licensee has been notified and had an opportunity to respond.

(k) "Data system" means a repository of information about licensees, including, but not limited to, license status, investigative information and adverse actions.

(l) "Disqualifying event" means any event that shall disqualify an individual from holding a multistate license under this compact, which the commission may by rule or order specify.

(m) "Encumbered license" means a license in which an adverse action restricts the practice of cosmetology by a licensee, or where said adverse action has been reported to the commission.

(n) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of cosmetology by a state licensing authority.

(o) "Executive committee" means a group of delegates elected or appointed to act on behalf of and within the powers granted to them by the commission.

(p) "Home state" means the member state that is a licensee's primary state of residence where such licensee holds an active and unencumbered license to practice cosmetology.

(q) "Investigative information" means information, records or documents received or generated by a state licensing authority pursuant to an investigation or other inquiry.

(r) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of cosmetology in a state.

(s) "Licensee" means an individual who currently holds a license from a member state to practice as a cosmetologist.

(t) "Member state" means any state that has adopted this compact.

(u) "Multistate license" means a license issued by and subject to the enforcement jurisdiction of the state licensing authority in a licensee's home state that authorizes the practice of cosmetology in member states and includes authorizations to practice cosmetology in all remote states pursuant to this compact.

(v) "Remote state" means any member state other than the licensee's home state.

(w) "Rule" means any rule or regulation adopted by the commission under this compact that has the force of law.

(x) "Single-state license" means a cosmetology license issued by a member state that authorizes practice of cosmetology only within the issuing state and does not

include any authorization outside of the issuing state.

(y) "State" means a state, territory or possession of the United States and the District of Columbia.

(z) "State licensing authority" means a member state's regulatory body responsible for issuing cosmetology licenses or otherwise overseeing the practice of cosmetology in that state.

#### ARTICLE 3—MEMBER STATE REQUIREMENTS

(a) To be eligible to join this compact and maintain eligibility as a member state, a state shall:

(1) License and regulate cosmetology;

(2) have a mechanism or entity in place to receive and investigate complaints about licensees practicing in that state;

(3) require that licensees within the state pass a cosmetology competency examination prior to being licensed to provide cosmetology services to the public in that state;

(4) require that licensees satisfy educational or training requirements in cosmetology prior to being licensed to provide cosmetology services to the public in that state;

(5) implement procedures for considering one or more of the following categories of information from applicants for licensure: Criminal history; disciplinary history; or background check. Such procedures may include the submission of information by applicants for the purpose of obtaining an applicant's background check as defined herein;

(6) participate in the data system, including through the use of unique identifying numbers;

(7) share information related to adverse actions with the commission and other member states, both through the data system and otherwise;

(8) notify the commission and other member states, in compliance with the terms of the compact and rules of the commission, of the existence of investigative information or current significant investigative information in the state's possession regarding a licensee practicing in that state;

(9) comply with such rules as may be enacted by the commission to administer the compact; and

(10) accept licensees from other member states as established herein.

(b) Member states may charge a fee for granting a license to practice cosmetology.

(c) Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state, except that the single-state license granted to these individuals shall not be recognized as granting a multistate license to provide services in any other member state.

(d) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

(e) A multistate license issued to a licensee by a home state to a resident of that state shall be recognized by each member state as authorizing a licensee to practice cosmetology in each member state.

(f) At no point shall the commission have the power to define the educational or professional requirements for a license to practice cosmetology. The member states shall retain sole jurisdiction over the provision of these requirements.

## ARTICLE 4—MULTISTATE LICENSE

(a) To be eligible to apply to their home state's state licensing authority for an initial multistate license under this compact, a licensee must hold an active and unencumbered single-state license to practice cosmetology in such licensee's home state.

(b) Upon the receipt of an application for a multistate license, according to the rules of the commission, a member state's state licensing authority shall ascertain whether the applicant meets the requirements for a multistate license under this compact.

(c) If an applicant meets the requirements for a multistate license under this compact and any applicable rules of the commission, the state licensing authority in receipt of the application shall, within a reasonable time, grant a multistate license to that applicant and inform all member states of the grant of such multistate license.

(d) A multistate license to practice cosmetology issued by a member state's state licensing authority shall be recognized by each member state as authorizing the practice thereof as though that licensee held a single-state license to do so in each member state, subject to the restrictions herein.

(e) A multistate license granted pursuant to this compact may be effective for a definite period of time, concurrent with the licensure renewal period in the home state.

(f) To maintain a multistate license under this compact, a licensee shall:

(1) Agree to abide by the rules of the state licensing authority and the state scope of practice laws governing the practice of cosmetology of any member state where the licensee provides services;

(2) pay all required fees related to the application and process and any other fees that the commission may, by rule, require; and

(3) comply with any and all other requirements regarding multistate licenses that the commission may, by rule, provide.

(g) A licensee practicing in a member state is subject to all scope of practice laws governing cosmetology services in that state.

(h) The practice of cosmetology under a multistate license granted pursuant to this compact shall subject the licensee to the jurisdiction of the state licensing authority, the courts and the laws of the member state where the cosmetology services are provided.

## ARTICLE 5—REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

(a) A licensee may hold a multistate license, issued by their home state, in only one member state at any given time.

(b) If a licensee changes such licensee's home state by moving between two member states:

(1) The licensee shall immediately apply for the reissuance of such multistate license in such licensee's new home state. The licensee shall pay all applicable fees and notify the prior home state in accordance with the rules of the commission;

(2) upon receipt of an application to reissue a multistate license, the new home state shall verify that the multistate license is active, unencumbered and eligible for reissuance under the terms of the compact and the rules of the commission. The multistate license issued by the prior home state shall be deactivated and all member states notified in accordance with the applicable rules adopted by the commission;

(3) if required for initial licensure, the new home state may require a background check as specified in the laws of that state, or the compliance with any jurisprudence requirements of the new home state; and

(4) notwithstanding any other provision of this compact, if a licensee does not meet the requirements set forth in this compact for the reissuance of a multistate license by the new home state, then such licensee shall be subject to the new home state requirements for the issuance of a single-state license in that state.

(c) If a licensee changes such licensee's primary state of residence by moving from a member state to a non-member state, or from a non-member state to a member state, then the licensee shall be subject to the state requirements for the issuance of a single-state license in the new home state.

(d) Nothing in this compact shall interfere with a licensee's ability to hold a single-state license in multiple states, except that, for the purposes of this compact, a licensee shall have only one home state and one multistate license.

(e) Nothing in this compact shall interfere with the requirements established by a member state for the issuance of a single-state license.

#### ARTICLE 6—AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES

(a) Nothing in this compact, nor any rule or regulation of the commission, shall be construed to limit, restrict or in any way reduce the ability of a member state to enact and enforce laws, rules or regulations related to the practice of cosmetology in that state where those laws, rules or regulations are not inconsistent with the provisions of this compact.

(b) Insofar as practicable, a member state's state licensing authority shall cooperate with the commission and with each entity exercising independent regulatory authority over the practice of cosmetology according to the provisions of this compact.

(c) Discipline shall be the sole responsibility of the state where cosmetology services are provided. Accordingly, each member state's state licensing authority shall be responsible for receiving complaints about individuals practicing cosmetology in that state and for communicating all relevant investigative information about any such adverse action to the other member states through the data system in addition to any other methods the commission may require by rule.

#### ARTICLE 7—ADVERSE ACTIONS

(a) A licensee's home state shall have exclusive power to impose an adverse action against a licensee's multistate license issued by the home state.

(b) A home state may take adverse action on a multistate license based on the investigative information, current significant investigative information or adverse action of a remote state.

(c) In addition to the powers conferred by state law, each remote state's state licensing authority shall have the power to:

(1) Take adverse action against a licensee's authorization to practice cosmetology through the multistate license in that member state, except that:

(A) Only the licensee's home state shall have the power to take adverse action against the multistate license issued by the home state; and

(B) for the purposes of taking adverse action, the home state's state licensing authority shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine the appropriate action;

(2) issue cease and desist orders or impose an encumbrance on a licensee's authorization to practice within that member state;

(3) complete any pending investigations of a licensee who changes their primary state of residence during the course of such an investigation. The state licensing authority shall also be empowered to report the results of such an investigation to the commission through the data system as described herein;

(4) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a state licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing state licensing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located;

(5) if otherwise permitted by state law, recover from the affected licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee; and

(6) take adverse action against the licensee's authorization to practice in that state based on the factual findings of another remote state.

(d) A licensee's home state shall complete any pending investigation of a cosmetologist who changes such licensee's primary state of residence during the course of the investigation. The home state shall also have the authority to take appropriate action and promptly report the conclusions of the investigations to the data system.

(e) If an adverse action is taken by the home state against a licensee's multistate license, the licensee's authorization to practice in all other member states shall be deactivated until all encumbrances have been removed from the home state license. All home state disciplinary orders that impose an adverse action against a licensee's multistate license shall include a statement that the cosmetologist's authorization to practice is deactivated in all member states during the pendency of the order.

(f) Nothing in this compact shall override a member state's authority to accept a licensee's participation in an alternative program in lieu of adverse action. A licensee's multistate license shall be suspended for the duration of the licensee's participation in any alternative program.

(g) Joint investigations.

(1) In addition to the authority granted to a member state by its respective scope of practice laws or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

#### ARTICLE 8—ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

Active military members or their spouses shall designate a home state where the individual has a current license to practice cosmetology in good standing. The individual may retain their home state designation during any period of service when that individual or their spouse is on active duty assignment.

#### ARTICLE 9—ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY LICENSURE COMPACT COMMISSION

(a) The compact member states create and establish a joint government agency whose membership consists of all member states that have enacted the compact, which

shall be known as the cosmetology licensure compact commission. The commission is an instrumentality of the compact member states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in article 13.

(b) Membership, voting and meetings.

(1) Each member state shall have and be limited to one delegate selected by such member state's state licensing authority.

(2) The delegate shall be an administrator of the state licensing authority of the member state or their designee.

(3) The commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

(4) The commission may recommend removal or suspension of any delegate from office.

(5) A member state's state licensing authority shall fill any vacancy of its delegate occurring on the commission within 60 days of the vacancy. Each delegate shall be entitled to one vote on all matters that are voted on by the commission.

(6) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, video conference or other similar electronic means.

(c) The commission shall have the following powers:

(1) Establish the fiscal year of the commission;

(2) establish code of conduct and conflict of interest policies;

(3) adopt rules and bylaws;

(4) maintain the commission's financial records in accordance with the bylaws;

(5) meet and take such actions as are consistent with the provisions of this compact, the commission's rules and the bylaws;

(6) initiate and conclude legal proceedings or actions in the name of the commission, provided that the standing of any state licensing authority to sue or be sued under applicable law shall not be affected;

(7) maintain and certify records and information provided to a member state as the authenticated business records of the commission and designate an agent to do so on the commission's behalf;

(8) purchase and maintain insurance and bonds;

(9) borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

(10) conduct an annual financial review;

(11) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(12) as set forth in the commission rules, charge a fee to a licensee for the grant of a multistate license and thereafter, as may be established by commission rule, charge the licensee a multistate license renewal fee for each renewal period. Nothing herein shall be construed to prevent a home state from charging a licensee a fee for a multistate license or renewals of a multistate license or a fee for the jurisprudence requirement if the member state imposes such a requirement for the grant of a multistate license;

(13) assess and collect fees;

(14) accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials and services, and receive, utilize and dispose of the same, except that, at all times, the commission shall avoid any appearance of impropriety or conflict of interest;

(15) lease, purchase, retain, own, hold, improve or use any property, real, personal or mixed, or any undivided interest therein;

(16) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

(17) establish a budget and make expenditures;

(18) borrow money;

(19) appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

(20) provide and receive information from, and cooperate with, law enforcement agencies;

(21) elect a chair, vice chair, secretary and treasurer and such other officers of the commission as provided in the commission's bylaws;

(22) establish and elect an executive committee, including a chair and a vice chair;

(23) adopt and provide an annual report to the member states;

(24) determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

(25) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

(d) The executive committee.

(1) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact. The powers, duties and responsibilities of the executive committee shall include:

(A) Overseeing the day-to-day activities of the administration of the compact including compliance with the provisions of the compact, the commission's rules and bylaws and other such duties as deemed necessary;

(B) recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees and other fees;

(C) ensuring compact administration services are appropriately provided, including by contract;

(D) preparing and recommending the budget;

(E) maintaining financial records on behalf of the commission;

(F) monitoring compact compliance of member states and providing compliance reports to the commission;

(G) establishing additional committees as necessary;

(H) exercising the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and

(I) other duties as provided in the rules or bylaws of the commission.

(2) The executive committee shall be composed of up to seven voting members:



(A) The chair and vice chairperson of the commission and any other members of the commission who serve on the executive committee shall be voting members of the executive committee.

(B) Other than the chair, vice chair, secretary and treasurer, the commission shall elect three voting members from the current membership of the commission.

(C) The commission may elect ex officio, nonvoting members from a recognized national cosmetology professional association as approved by the commission. The commission's bylaws shall identify qualifying organizations and the manner of appointment if the number of organizations seeking to appoint an ex officio member exceeds the number of members specified in this article.

(3) The commission may remove any member of the executive committee as provided in the commission's bylaws.

(4) The executive committee shall meet at least annually.

(A) Annual executive committee meetings, as well as any executive committee meeting at which the commission does not take or intend to take formal action on a matter for which a commission vote would otherwise be required, shall be open to the public, except that the executive committee may meet in a closed, non-public session of a public meeting when dealing with any of the matters specified in article 9(f)(4).

(B) The executive committee shall give five business days advance notice of its public meetings, posted on its website and as determined to provide notice to persons with an interest in the public matters that the executive committee intends to address at those meetings.

(5) The executive committee may hold an emergency meeting when acting for the commission to:

(A) Meet an imminent threat to public health, safety or welfare;

(B) prevent a loss of commission or member state funds; or

(C) protect public health and safety.

(e) The commission shall adopt and provide an annual report to the member states.

(f) Meetings of the commission.

(1) All meetings of the commission that are not closed pursuant to article 9(f)(4) shall be open to the public. Notice of public meetings shall be posted on the commission's website at least 30 days prior to the public meeting.

(2) Notwithstanding article 9(f)(1), the commission may convene an emergency public meeting by providing at least 24 hours' prior notice on the commission's website and any other means as provided in the commission's rules for any of the reasons it may dispense with notice of proposed rulemaking under article 11(1). The commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

(3) Notice of all commission meetings shall provide the time, date and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting.

(4) The commission may convene in a closed, non-public meeting for the commission to discuss:

(A) Non-compliance of a member state with its obligations under the compact;

(B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's

internal personnel practices and procedures;

(C) current or threatened discipline of a licensee by the commission or by a member state's licensing authority;

(D) current, threatened or reasonably anticipated litigation;

(E) negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(F) accusing any person of a crime or formally censuring any person;

(G) trade secrets or commercial or financial information that is privileged or confidential;

(H) information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;

(I) investigative records compiled for law enforcement purposes;

(J) information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(K) legal advice;

(L) matters specifically exempted from disclosure to the public by federal or member state law; or

(M) other matters as adopted by the commission by rule. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that such meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(5) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(g) Financing of the commission.

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

(2) The commission may accept any and all appropriate sources of revenue, donations and grants of money, equipment, supplies, materials and services.

(3) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the commission and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the commission shall adopt by rule.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the commission pledge the credit of any member states, except by and with the authority of such member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be subject to an annual

financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

(h) Qualified immunity, defense and indemnification.

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties or responsibilities, except that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit such immunity granted in this paragraph.

(2) The commission shall defend any member, officer, executive director, employee and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, except that nothing in this paragraph shall be construed to prohibit such person from retaining their own counsel at their own expense and that the actual or alleged act, error or omission did not result from such person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee and representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

(4) Nothing in this compact shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman antitrust act of 1890, the Clayton act 15 U.S.C. §§ 17-27 or any other state or federal antitrust or anticompetitive law or regulation.

(6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the member states or by the commission.

#### ARTICLE 10—DATA SYSTEM

(a) The commission shall provide for the development, maintenance, operation and utilization of a coordinated database and reporting system.

(b) The commission shall assign each applicant for a multistate license a unique identifier, as determined by the rules of the commission.

(c) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

- (1) Identifying information;
- (2) licensure data;
- (3) adverse actions against a license and information related thereto;
- (4) non-confidential information related to alternative program participation, the beginning and ending dates of such participation and other information related to such participation;
- (5) any denial of application for licensure and the reason for such denial, excluding the reporting of any criminal history record information when prohibited by law;
- (6) the existence of investigative information;
- (7) the existence of current significant investigative information; and
- (8) other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

(d) The records and information provided to a member state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission and be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a member state.

(e) The existence of current significant investigative information and the existence of investigative information pertaining to a licensee in any member state shall only be available to other member states.

(f) It shall be the responsibility of the member states to monitor the database to determine whether adverse action has been taken against such a licensee or license applicant. Adverse action information pertaining to a licensee or license applicant in any member state shall be available to any other member state.

(g) Member states contributing information to the data system may designate information that shall not be shared with the public without the express permission of the contributing state.

(h) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information shall be removed from the data system.

#### ARTICLE 11—RULEMAKING

(a) The commission shall adopt reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact, the powers granted under this compact or based upon another applicable standard of review.

(b) The rules of the commission shall have the force of law in each member state, except that where the rules of the commission conflict with the laws of the member state that establish the member state's scope of practice laws governing the practice of cosmetology as held by a court of competent jurisdiction, the rules of the commission shall be ineffective in such state to the extent of the conflict.

(c) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules shall become binding as of

the date specified by the commission for each rule.

(d) If a majority of the legislatures of the member states rejects a rule or a portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state or to any state applying to participate in the compact.

(e) Rules shall be adopted at a regular or special meeting of the commission.

(f) Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions and arguments.

(g) Prior to adoption of a proposed rule by the commission and at least 30 days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking:

(1) On the website of the commission or other publicly accessible platform;

(2) to persons who have requested notice of the commission's notices of proposed rulemaking; and

(3) in such other way as the commission may by rule specify.

(h) The notice of proposed rulemaking shall include:

(1) The time, date and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date and location of the meeting where the commission will consider and vote on the proposed rule;

(2) if the hearing is held via telecommunication, video conference or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

(3) the text of the proposed rule and the reason therefor;

(4) a request for comments on the proposed rule from any interested person; and

(5) the manner in which interested persons may submit written comments.

(i) All hearings shall be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule shall be available to the public.

(j) Nothing in this article shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this article.

(k) The commission shall, by majority vote of all members, take final action on the proposed rule based on the rulemaking record and the full text of the rule.

(1) The commission may adopt changes to the proposed rule if the changes do not enlarge the original purpose of the proposed rule.

(2) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(3) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in article 11(l), the effective date of the rule shall not be earlier than 45 days after the commission issues notice that it has adopted or amended such rule.

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with five days' notice, with opportunity to comment, except the usual rulemaking procedures provided in the compact and this article shall be

retroactively applied to the rule as soon as reasonably possible, not later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately to:

- (1) Meet an imminent threat to public health, safety or welfare;
- (2) prevent a loss of commission or member state funds;
- (3) meet a deadline for the adoption of a rule that is established by federal law or rule; or
- (4) protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(n) No member state's rulemaking requirements shall apply under this compact.

#### ARTICLE 12—OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight.

(1) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this compact shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

(3) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact or adopted rules.

(b) Default, technical assistance and termination.

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or adopted rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, any other action that the commission may take and offer training and specific technical assistance regarding the default.

(2) The commission shall provide a copy of the notice of default to the other member states.

(3) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the delegates of

the member states, and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(4) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's state licensing authority and each of the member states' state licensing authority.

(5) A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(6) Upon the termination of a state's membership from this compact, such state shall immediately provide notice to all licensees who hold a multistate license within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of said notice of termination.

(7) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state.

(8) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(c) Dispute resolution.

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states.

(2) The commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(d) Enforcement.

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and the commission's rules.

(2) By majority vote as provided by commission rule, the commission may initiate legal action against a member state in default in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its adopted rules. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies in this compact shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

(3) A member state may initiate legal action against the commission in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its adopted rules. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall

be awarded all costs of such litigation, including reasonable attorney fees.

(4) No individual or entity other than a member state may enforce this compact against the commission.

#### ARTICLE 13—EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

(a) The compact shall come into effect on the date that the compact statute is enacted into law in the seventh member state. On or after the effective date of the compact, the commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by each such charter member state is materially different than the model compact statute.

(1) A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in article 12.

(2) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence, and the compact shall remain in effect even if the number of member states should be fewer than seven.

(3) Member states enacting the compact subsequent to the charter member states shall be subject to the process set forth in article 9(c)(24) to determine if such enactments are materially different from the model compact statute and whether the enactments qualify for participation in the compact.

(4) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.

(5) Any state that joins the compact shall be subject to the commission's rules and bylaws as they exist on the date that the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the date that the compact becomes law in that state.

(b) Any member state may withdraw from this compact by enacting a statute repealing that state's enactment of the compact.

(1) A member state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's state licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(c) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

(d) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

#### ARTICLE 14—CONSTRUCTION AND SEVERABILITY

(a) This compact and the commission's rulemaking authority shall be liberally



construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the adoption of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.

(b) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact or of the United States or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

(c) Notwithstanding article 14(b), the commission may deny a state's participation in the compact or terminate a member state's participation in the compact, in accordance with the requirements of article 12, if the commission determines that a constitutional requirement of a member state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

#### ARTICLE 15—CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

(a) Nothing in this compact shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) Any laws, statutes, regulations or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All permissible agreements between the commission and the member states are binding in accordance with their terms.

Sec. 4.

#### SECTION 1—PURPOSE

In order to strengthen access to medical services and in recognition of the advances in the delivery of medical services, the participating states of the PA licensure compact have allied in common purpose to develop a comprehensive process that complements the existing authority of state licensing boards to license and discipline PAs and seeks to enhance the portability of a license to practice as a PA while safeguarding the safety of patients. This compact allows medical services to be provided by PAs, via the mutual recognition of the licensee's qualifying license by other compact-participating states. This compact also adopts the prevailing standard for PA licensure and affirms that the practice and delivery of medical services by the PA occurs where the patient is located at the time of the patient encounter and, therefore, requires the PA to be under the jurisdiction of the state licensing board where the patient is located. State licensing boards that participate in this compact retain the jurisdiction to impose adverse action against a compact privilege in that state issued to a PA through the procedures of this compact. The PA licensure compact will alleviate burdens for military families by allowing active duty military personnel and their spouses to obtain a compact privilege based on having an unrestricted license in good standing from a participating state.

#### SECTION 2—DEFINITIONS

As used in this compact:

(a) "Adverse action" means any administrative, civil, equitable or criminal action

permitted by a state's laws that is imposed by a licensing board or other authority against a PA license, application for licensure or compact privilege such as license denial, censure, revocation, suspension, probation, monitoring of the licensee or restriction on the licensee's practice.

(b) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another participating state to practice as a PA to provide medical services and other licensed activity to a patient located in the remote state under the remote state's laws and regulations.

(c) "Conviction" means a finding by a court that an individual is guilty of a felony or misdemeanor offense through adjudication or entry of a guilty plea or no contest to the charge by the offender.

(d) "Criminal background check" means the submission of fingerprints or other biometric-based information for an applicant for licensure for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d), from the state's criminal history record repository as defined in 28 C.F.R. § 20.3(f).

(e) "Data system" means the repository of information concerning licensees, including, but not limited to, license status and adverse actions, that is created and administered under the terms of this compact.

(f) "Executive committee" means a group of directors and ex officio individuals elected or appointed pursuant to section 7(f)(2).

(g) "Impaired practitioner" means a PA whose practice is adversely affected by a health-related condition that impacts such PA's ability to practice.

(h) "Investigative information" means information, records or documents received or generated by a licensing board pursuant to an investigation.

(i) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of a PA in a state.

(j) "License" means current authorization by a state, other than authorization pursuant to a compact privilege, for a PA to provide medical services that would be unlawful without current authorization.

(k) "Licensee" means an individual who holds a license from a state to provide medical services as a PA.

(l) "Licensing board" means any state entity authorized to license and otherwise regulate PAs.

(m) "Medical services" means healthcare services provided for the diagnosis, prevention, treatment, cure or relief of a health condition, injury or disease, as defined by a state's laws and regulations.

(n) "Model compact" means the model for the PA licensure compact on file with the council of state governments or other entity as designated by the commission.

(o) "PA" means an individual who is licensed as a physician assistant in a state. For purposes of this compact, any other title or status adopted by a state to replace the term "physician assistant" shall be deemed synonymous with "physician assistant" and shall confer the same rights and responsibilities to the licensee under the provisions of this compact at the time of its enactment.

(p) "PA licensure compact commission," "compact commission" or "commission" means the national administrative body created pursuant to section 7(a).

(q) "Participating state" means a state that has enacted this compact.

(r) "Qualifying license" means an unrestricted license issued by a participating state

to provide medical services as a PA.

(s) "Remote state" means a participating state where a licensee who is not licensed as a PA is exercising or seeking to exercise the compact privilege.

(t) "Rule" means any rule or regulation adopted by an entity that has the force and effect of law.

(u) "Significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the PA to respond if required by state law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction.

(v) "State" means any state, commonwealth, district or territory of the United States.

### SECTION 3—STATE PARTICIPATION IN THIS COMPACT

(a) To participate in this compact, a participating state shall:

(1) License PAs;

(2) participate in the compact commission's data system;

(3) have a mechanism in place for receiving and investigating complaints against licensees and applicants for licensure;

(4) notify the commission, in compliance with the terms of this compact and commission rules, of any adverse action against a licensee or applicant for licensure and the existence of significant investigative information regarding a licensee or applicant for licensure;

(5) fully implement a criminal background check requirement, within a time frame established by commission rule, by its licensing board receiving the results of a criminal background check and reporting to the commission whether the applicant for licensure has been granted a license;

(6) comply with the rules of the compact commission;

(7) utilize passage of a recognized national examination such as the NCCPA PANCE as a requirement for PA licensure; and

(8) grant the compact privilege to a holder of a qualifying license in a participating state.

(b) Nothing in this compact shall be construed to prohibit a participating state from charging a fee for granting the compact privilege.

### SECTION 4—COMPACT PRIVILEGE

(a) To exercise the compact privilege, a licensee shall:

(1) Have graduated from a PA program accredited by the accreditation review commission on education for the physician assistant, inc., or other programs authorized by commission rule;

(2) hold current NCCPA certification;

(3) have no felony or misdemeanor convictions;

(4) have never had a controlled substance license, permit or registration suspended or revoked by a state or by the United States drug enforcement administration;

(5) have a unique identifier as determined by commission rule;

(6) hold a qualifying license;

(7) have had no revocation of a license or limitation or restriction on any license currently held due to an adverse action;

(A) if a licensee has had a limitation or restriction on a license or compact privilege due to an adverse action, two years shall have elapsed from the date on which the

license or compact privilege is no longer limited or restricted due to the adverse action;

(B) if a compact privilege has been revoked or is limited or restricted in a participating state for conduct that would not be a basis for disciplinary action in a participating state in which the licensee is practicing or applying to practice under a compact privilege, that participating state shall have the discretion not to consider such action as an adverse action requiring the denial or removal of a compact privilege in that state;

(8) notify the compact commission that the licensee is seeking the compact privilege in a remote state;

(9) meet any jurisprudence requirement of a remote state in which the licensee is seeking to practice under the compact privilege and pay any fees applicable to satisfying the jurisprudence requirement; and

(10) report to the commission any adverse action taken by a nonparticipating state within 30 days after such adverse action is taken.

(b) The compact privilege shall be valid until the expiration or revocation of the qualifying license unless terminated pursuant to an adverse action. The licensee shall comply with the requirements of subsection (a) to maintain the compact privilege in a remote state. If the participating state takes adverse action against a qualifying license, the licensee shall lose the compact privilege in any remote state in which the licensee has a compact privilege until the licensee meets the following conditions:

(1) The license is no longer limited or restricted; and

(2) two years have elapsed from the date on which the license is no longer limited or restricted due to the adverse action.

(c) Once a restricted or limited license satisfies the requirements of subsection (b), the licensee shall meet the requirements of subsection (a) to obtain a compact privilege in any remote state.

(d) For each remote state in which a PA seeks authority to prescribe controlled substances, the PA shall satisfy all the requirements imposed by such state in granting or renewing such authority.

#### SECTION 5—DESIGNATION OF THE STATE FROM WHICH THE LICENSEE IS APPLYING FOR A COMPACT PRIVILEGE

Upon a licensee's application for a compact privilege, the licensee shall identify to the commission the participating state from which the licensee is applying, in accordance with applicable rules adopted by the commission and subject to the following requirements:

(a) When applying for a compact privilege, the licensee shall provide the commission with the address of the licensee's primary residence and, thereafter, shall immediately report to the commission any change in the address of the licensee's primary residence; and

(b) when applying for a compact privilege, the licensee is required to consent to accept service of process by mail at the licensee's primary residence on file with the commission with respect to any action brought against the licensee by the commission or a participating state, including a subpoena, with respect to any action brought or investigation conducted by the commission or a participating state.

#### SECTION 6—ADVERSE ACTIONS

(a) A participating state in which a licensee is licensed shall have exclusive power to impose adverse action against the qualifying license issued by that participating state.

(b) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

(1) Take adverse action against a PA's compact privilege within that state to remove a licensee's compact privilege or take other action necessary under applicable law to protect the health and safety of its citizens; and

(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a participating state for the attendance and testimony of witnesses or the production of evidence from another participating state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of such court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence is located.

(c) Notwithstanding subsection (b)(2), subpoenas shall not be issued by a participating state to gather evidence of conduct in another state that is lawful in such other state for the purpose of taking adverse action against a licensee's compact privilege or application for a compact privilege in the participating state.

(d) Nothing in this compact shall be deemed to authorize a participating state to impose discipline against a PA's compact privilege or to deny an application for a compact privilege in that participating state for the individual's otherwise lawful practice in another state.

(e) For purposes of taking adverse action, the participating state that issued the qualifying license shall give the same priority and effect to reported conduct received from any other participating state as it would if the conduct had occurred within the participating state that issued the qualifying license. The participating state shall apply its own state laws to determine appropriate action.

(f) A participating state, if otherwise permitted by state law, may recover from the affected PA the costs of investigations and disposition of cases resulting from any adverse action taken against that PA.

(g) A participating state may take adverse action based on the factual findings of a remote state if the participating state follows its own procedures for taking the adverse action.

(h) Joint investigations.

(1) In addition to the authority granted to a participating state by such state's PA laws and regulations or other applicable state law, any participating state may participate with other participating states in joint investigations of licensees.

(2) Participating states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under this compact.

(i) If an adverse action is taken against a PA's qualifying license, the PA's compact privilege in all remote states shall be deactivated until two years have elapsed after all restrictions have been removed from the state license. All disciplinary orders by the participating state that issued the qualifying license that impose adverse action against a PA's license shall include a statement that the PA's compact privilege is deactivated in all participating states during the pendency of the order.

(j) If any participating state takes adverse action, it promptly shall notify the

administrator of the data system.

SECTION 7—ESTABLISHMENT OF THE PA LICENSURE COMPACT  
COMMISSION

(a) The participating states hereby create and establish a joint government agency and national administrative body known as the PA licensure compact commission. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in section 11(a).

(b) Membership, voting and meetings.

(1) Each participating state shall have and be limited to one delegate selected by such participating state's licensing board or, if such participating state has more than one licensing board, selected collectively by the participating state's licensing boards.

(2) A delegate shall be either:

(A) A current PA, physician or public member of a licensing board or PA council or committee; or

(B) an administrator of a licensing board.

(3) Any delegate may be removed or suspended from office as provided by the laws of the state from which the delegate is appointed.

(4) The participating state licensing board shall fill any vacancy occurring in the commission within 60 days.

(5) Each delegate shall be entitled to one vote on all matters voted on by the commission and shall otherwise have an opportunity to participate in the commission's business and affairs. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telecommunications, video conference or other means of communication.

(6) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in this compact and the bylaws.

(7) The commission shall establish by rule a term of office for delegates.

(c) The commission shall have the following powers and duties:

(1) Establish a code of ethics for the commission;

(2) establish the fiscal year of the commission;

(3) establish fees;

(4) establish bylaws;

(5) maintain its financial records in accordance with the bylaws;

(6) meet and take such actions as are consistent with the provisions of this compact and the bylaws;

(7) adopt rules to facilitate and coordinate implementation and administration of this compact, and such rules shall have the force and effect of law and shall be binding in all participating states;

(8) bring and prosecute legal proceedings or actions in the name of the commission, except that the standing of any state licensing board to sue or be sued under applicable law shall not be affected;

(9) purchase and maintain insurance and bonds;

(10) borrow, accept or contract for services of personnel, including, but not limited to, employees of a participating state;

(11) hire employees and engage contractors, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out

the purposes of this compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(12) accept any and all appropriate donations and grants of money, equipment, supplies, materials and services and receive, utilize and dispose of the same. At all times the commission shall avoid any appearance of impropriety or conflict of interest;

(13) lease, purchase, accept appropriate gifts or donations of or otherwise own, hold, improve or use any property real, personal or mixed. In performing these actions, the commission shall avoid the appearance of impropriety at all times;

(14) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

(15) establish a budget and make expenditures;

(16) borrow money;

(17) appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

(18) provide and receive information from, and cooperate with, law enforcement agencies;

(19) elect a chairperson, vice chairperson, secretary and treasurer and such other officers of the commission as provided in the commission's bylaws;

(20) reserve for itself, in addition to those reserved exclusively to the commission under the compact, powers that the executive committee shall not exercise;

(21) approve or disapprove a state's participation in the compact based upon its determination as to whether the state's compact legislation materially departs from the model compact language;

(22) prepare and provide to the participating states an annual report; and

(23) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact, consistent with the state regulation of PA licensure and practice.

(d) Meetings of the commission.

(1) All meetings of the commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the commission's website at least 30 days prior to the public meeting.

(2) Notwithstanding subsection (d)(1), the commission may convene a public meeting by providing at least 24 hours' prior notice on the commission's website and any other means as provided in the commission's rules for any of the reasons it may dispense, with notice of proposed rulemaking under section 9(l).

(3) The commission may convene in a closed, nonpublic meeting or nonpublic part of a public meeting to receive legal advice or to discuss:

(A) Noncompliance of a participating state with its obligations under this compact;

(B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(C) any current, threatened or reasonably anticipated litigation;

(D) the negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(E) the accusation of any individual of a crime or the formal censure any

individual;

(F) the disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) the disclosure of information of a personal nature, if disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) the disclosure of investigative records compiled for law enforcement purposes;

(I) the disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with the responsibility of investigation or determination of compliance issues pursuant to this compact;

(J) legal advice; or

(K) any matters specifically exempted from disclosure by federal or a participating state's statutes.

(4) If a meeting, or portion of a meeting, is closed pursuant to subsection (d)(3), the chairperson of the meeting or the chairperson's designee shall certify that the meeting or portion of the meeting may be closed and shall reference each relevant exempting provision.

(5) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(e) Financing of the commission.

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

(3) The commission may levy on and collect an annual assessment from each participating state and may impose compact privilege fees on licensees of participating states to which a compact privilege is granted to cover the cost of the operations and activities of the commission and its staff. Such assessment shall be in a total amount sufficient to cover the commission's annual budget as approved by the commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount levied on participating states shall be allocated based upon a formula to be determined by commission rule. Compact privileges and such compact privilege's associated fees shall be governed as follows:

(A) A compact privilege expires when the licensee's qualifying license in the participating state from which the licensee applied for the compact privilege expires; and

(B) if the licensee terminates the qualifying license through which the licensee applied for the compact privilege before its scheduled expiration and the licensee has a qualifying license in another participating state, the licensee shall inform the commission that it is changing to that participating state through which it applies for a compact privilege to that participating state and pay to the commission any compact privilege fee required by commission rule.

(4) The commission shall not incur obligations of any kind prior to securing the



funds adequate to meet such obligations, nor shall the commission pledge the credit of any of the participating states, except by and with the authority of the participating state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

(f) The executive committee.

(1) The executive committee shall have to power to act on behalf of the commission according to the terms of this compact and commission rules.

(2) The executive committee shall be composed of nine members described as follows:

(A) Seven voting members who are elected by the commission from the current membership of the commission;

(B)(i)(a) one ex officio, nonvoting member from a recognized national PA professional association; and

(b) one ex officio, nonvoting member from a recognized national PA certification organization.

(ii) The ex officio members shall be selected by their respective organizations.

(3) The commission may remove any member of the executive committee as provided in its bylaws.

(4) The executive committee shall meet at least annually.

(5) The executive committee shall have the following duties and responsibilities:

(A) Recommend to the commission changes to the commission's rules or bylaws, changes to this compact legislation, fees to be paid by compact-participating states such as annual dues and any commission compact fee charged to licensees for the compact privilege;

(B) ensure that compact administration services are appropriately provided, whether contractual or otherwise;

(C) prepare and recommend the budget;

(D) maintain financial records on behalf of the commission;

(E) monitor compact compliance of participating states and provide compliance reports to the commission;

(F) establish additional committees as necessary;

(G) exercise the powers and duties of the commission during the interim between commission meetings, except for issuing proposed rulemaking or adopting commission rules or bylaws or exercising any other powers and duties exclusively reserved to the commission by the commission's rules; and

(H) perform other duties as provided in the commission's rules or bylaws.

(6) All meetings of the executive committee at which it votes or plans to vote on matters in exercising the powers and duties of the commission shall be open to the public and public notice of such meetings shall be given as public meetings of the commission are given.

(7) The executive committee may convene in a closed, nonpublic meeting for the

same reasons that the commission may convene in a nonpublic meeting as set forth in subsection (d)(3), and shall announce the closed meeting as the commission is required to do under subsection (d)(4) and keep minutes of the closed meeting as the commission is required to do under subsection (d)(5).

(g) Qualified immunity, defense and indemnification.

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred or that the individual against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities. Nothing in this paragraph shall be construed to protect any such individual from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of such individual. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The commission shall defend any member, officer, executive director, employee, and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities or as determined by the commission that the individual against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities. Nothing herein shall be construed to prohibit such individual from retaining such individual's own counsel at the individual's own expense or that the actual or alleged act, error or omission did not result from the individual's intentional, willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that individual arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities or that such individual had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that individual.

(4) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses in any proceedings as authorized by commission rules.

(5) Nothing in this compact shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(6) Nothing in this compact shall be construed to designate the venue or jurisdiction to bring actions for alleged acts of malpractice, professional misconduct, negligence or other such civil action pertaining to the practice of a PA. All such matters shall be determined exclusively by state law other than this compact.

(7) Nothing in this compact shall be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with

respect to antitrust claims under the Sherman act, Clayton act or any other state or federal antitrust or anticompetitive law or regulation.

(8) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the participating states or by the commission.

#### SECTION 8—DATA SYSTEM

(a) The commission shall provide for the development, maintenance, operation and utilization of a coordinated data and reporting system containing licensure, adverse action and the reporting of the existence of significant investigative information on all licensed PAs and applicants that are denied a license in participating states.

(b) Notwithstanding any other state law to the contrary, a participating state shall submit a uniform data set to the data system on all PAs to whom this compact is applicable, utilizing a unique identifier, as required by the rules of the commission, including:

- (1) Identifying information;
- (2) licensure data;
- (3) adverse actions against a license or compact privilege;
- (4) any denial of application for licensure and the reason for such denial, excluding the reporting of any criminal history record information where such reporting is prohibited by law;
- (5) the existence of significant investigative information; and
- (6) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) Significant investigative information pertaining to a licensee in any participating state shall only be available to other participating states.

(d) The commission shall promptly notify all participating states of any adverse action taken against a licensee or an individual applying for a license that has been reported to such commission. Such adverse action information shall be available to any other participating state.

(e) Participating states contributing information to the data system may, in accordance with state or federal law, designate information that shall not be shared with the public without the express permission of the contributing state. Notwithstanding any such designation, such information shall be reported to the commission through the data system.

(f) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the participating state contributing the information shall be removed from the data system upon reporting of such by the participating state to the commission.

(g) The records and information provided to a participating state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a participating state.

#### SECTION 9—RULEMAKING

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Commission rules shall become binding as of the date specified by the commission for each rule.

(b) The commission shall adopt reasonable rules in order to effectively and

efficiently implement and administer this compact and achieve its purposes. A commission rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope of the purposes of this compact, the powers granted hereunder or based upon another applicable standard of review.

(c) The rules of the commission shall have the force of law in each participating state, except that where the rules of the commission conflict with the laws of the participating state that establish the medical services, a PA may perform in the participating state, as held by a court of competent jurisdiction, and the rules of the commission shall be ineffective in that state to the extent of the conflict.

(d) If a majority of the legislatures of the participating states rejects a commission rule, by enactment of a statute or resolution in the same manner used to adopt this compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any participating state or to any state applying to participate in the compact.

(e) Commission rules shall be adopted at a regular or special meeting of the commission.

(f) Prior to adoption of a final rule by the commission and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

- (1) On the commission's website or other publicly accessible platform;
- (2) to persons who have requested notice of the commission's notices of proposed rulemaking; and
- (3) in such other ways as the commission may specify by rule.

(g) The notice of proposed rulemaking shall include:

(1) The time, date and location of the public hearing on the proposed rule and the proposed time, date and location of the meeting in which the proposed rule will be considered and voted upon;

(2) the text of and the reason for the proposed rule;

(3) a request for comments on the proposed rule from any interested person and the date by which written comments must be received; and

(4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing or provide any written comments.

(h) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(i) If the hearing is to be held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall, as directed in the notice of proposed rulemaking published not less than five business days before the scheduled date of the hearing, notify the commission of their desire to appear and testify at the hearing.

(2) Hearings shall be conducted in a manner that provides each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings shall be recorded. A copy of the recording and the written comments, data, facts, opinions and arguments received in response to the proposed

rulemaking shall be made available to a person upon request.

(4) Nothing in this section shall be construed as requiring a separate hearing on each proposed rule. Proposed rules may be grouped for the convenience of the commission at hearings required by this section.

(j) Following the public hearing, the commission shall consider all written and oral comments timely received.

(k) The commission shall, by majority vote of all delegates, take final action on the proposed rule and shall determine the effective date of the rule, if adopted, based on the rulemaking record and the full text of the rule.

(1) If adopted, the rule shall be posted on the commission's website.

(2) The commission may adopt changes to the proposed rule if the changes do not expand the original purpose of the proposed rule.

(3) The commission shall provide an explanation on its website of the reasons for any substantive changes made to the proposed rule as well as reasons for any substantive changes not made that were recommended by commenters.

(4) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection (l), the effective date of the rule shall be not sooner than 30 days after the commission issued the notice that it adopted the rule.

(l) Upon the determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' prior notice, without the opportunity for comment or hearing, except that the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible but in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately by the commission in order to:

(1) Address an imminent threat to public health, safety or welfare;

(2) prevent a loss of commission or participating state funds;

(3) meet a deadline for the adoption of a commission rule that is established by federal law or rule; or

(4) protect public health and safety.

(m) The commission, or an authorized committee of the commission, may direct revisions to a previously adopted commission rule for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the commission's website. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made as set forth in the notice of revisions and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the commission.

(n) No participating state's rulemaking requirements shall apply under this compact.

#### SECTION 10—OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight.

(1) The executive and judicial branches of state government in each participating state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(2) Venue is proper and judicial proceedings by or against the commission shall be

brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent that it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

(3) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact or the commission's rules and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission with service of process shall render a judgment or order in such proceeding void as to the commission, this compact or commission rules.

(b) Default, technical assistance and termination.

(1) If the commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under this compact or the commission rules, the commission shall provide written notice to the defaulting state and other participating states. The notice shall describe the default, the proposed means of curing the default and any other action that the commission may take and shall offer remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from this compact upon an affirmative vote of a majority of the delegates of the participating states, and all rights, privileges and benefits conferred by this compact upon such state may be terminated on the effective date of termination. A cure of the default shall not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of participation in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature and to the licensing board of each of the participating states.

(4) A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from this compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal its termination from the compact by the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(7) Upon the termination of a state's participation in the compact, the state shall immediately provide notice to all licensees within that state of such termination:

(A) Licensees who have been granted a compact privilege in that state shall retain the compact privilege for 180 days following the effective date of such termination; and

(B) licensees who are licensed in that state who have been granted a compact privilege in a participating state shall retain the compact privilege for 180 days unless the licensee also has a qualifying license in a participating state or obtains a qualifying

license in a participating state before the 180-day period ends, in which case, the compact privilege shall continue.

(c) Dispute resolution.

(1) Upon request by a participating state, the commission shall attempt to resolve disputes related to this compact that arise among participating states and between participating and nonparticipating states.

(2) The commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(d) Enforcement.

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and rules of the commission.

(2) If compliance is not secured after all means to secure compliance have been exhausted, by majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a participating state in default to enforce compliance with the provisions of this compact and the commission's adopted rules and bylaws. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

(e) Legal action against the commission.

(1) A participating state may initiate legal action against the commission in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its rules. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(2) No person other than a participating state shall enforce this compact against the commission.

SECTION 11—DATE OF IMPLEMENTATION OF THE PA LICENSURE  
COMPACT COMMISSION

(a) This compact shall come into effect on the date that this compact statute is enacted into law in the seventh participating state.

(1) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the states that enacted the compact prior to the commission convening, called charter-participating states, to determine if the statute enacted by each such charter-participating state is materially different than the model compact.

(A) A charter-participating state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in section 10(b).

(B) If any participating state later withdraws from the compact or its participation is terminated, the commission shall remain in existence and the compact shall remain in effect even if the number of participating states should be fewer than seven. Participating states enacting the compact subsequent to the commission convening shall be subject to the process set forth in section 7(c)(21) to determine if their enactments

are materially different from the model compact and whether they qualify for participation in the compact.

(2) Participating states enacting the compact subsequent to the seven initial charter-participating states shall be subject to the process set forth in section 7(c)(21) to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact.

(3) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.

(b) Any state that joins this compact shall be subject to the commission's rules and bylaws as they exist on the date that this compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day that this compact becomes law in that state.

(c) Any participating state may withdraw from this compact by enacting a statute repealing the same.

(1) A participating state's withdrawal shall not take effect until 180 days after enactment of the repealing statute. During the 180-day period, all compact privileges that were in effect in the withdrawing state and were granted to licensees licensed in the withdrawing state shall remain in effect. If any licensee licensed in the withdrawing state is also licensed in another participating state or obtains a license in another participating state within the 180 days, the licensee's compact privileges in other participating states shall not be affected by the passage of the 180 days.

(2) Withdrawal shall not affect the continuing requirement of the state licensing board of the withdrawing state to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing a state from this compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any PA licensure agreement or other cooperative arrangement between participating states and between a participating state and nonparticipating state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the participating states. No amendment to this compact shall become effective and binding upon any participating state until it is enacted materially in the same manner into the laws of all participating states as determined by the commission.

#### SECTION 12—CONSTRUCTION AND SEVERABILITY

(a) This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the adoption of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.

(b) The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the



compact or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

(c) Notwithstanding the provisions of this subsection or subsection (b), the commission may deny a state's participation in the compact or, in accordance with the requirements of section 10(b), terminate a participating state's participation in the compact, if it determines that a constitutional requirement of a participating state is, or would be with respect to a state seeking to participate in the compact, a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.

#### SECTION 13—BINDING EFFECT OF COMPACT

(a) Nothing herein prevents the enforcement of any other law of a participating state that is not inconsistent with this compact.

(b) Any laws in a participating state in conflict with this compact are superseded to the extent of the conflict.

(c) All agreements between the commission and the participating states are binding in accordance with their terms.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "public health";

Also on page 1, in the title, in line 4, after "privileges" by inserting "; relating to the practice of cosmetology; enacting the cosmetology licensure compact; relating to physician assistants; enacting the physician assistant licensure compact to provide interstate practice privileges";

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

BEVERLY GOSSAGE

WILLIAM CLIFFORD

CINDY HOLSCHER

*Conferees on part of Senate*

WILL CARPENTER

RON BRYCE

SUSAN RUIZ

*Conferees on part of House*

On motion of Rep. Carpenter, W., the conference committee report on **HB 2069** was adopted.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Averkamp, Ballard, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Chauncey, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Featherston, Francis, Gardner, Goddard, Goetz, Haskins, Hawkins, Helgerson, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoye, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, Martinez, McDonald, McNorton, Melton, Meyer, Miller, S., Minnix, Moser, Mosley,

Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Penn, Pickert, Pishny, Poetter, Poskin, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Schwertfeger, Seiwert, Simmons, Smith, A., Smith, C., Steele, Stiens, Stogsdill, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Vaughn, Waggoner, Ward, Wasinger, Waymaster, White, Wikle, Wilborn, Willcott, Williams, K., Williams, L., Winn, Wolf, Woodard, Xu.

Nays: Paige.

Present but not voting: None.

Absent or not voting: Brantley, Collins, Weigel.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 250** 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, in line 9, after "(1)" by inserting "'Biospecimen" means biological materials obtained from living or deceased human subjects.

(2)";

On page 2, in line 39, after "(b) (1)" by inserting "If a patient's biospecimen is used or requested for use by an eligible facility for a purpose other than the individualized investigative treatment of such patient, the patient or the patient's estate shall be notified of the intended use and asked to consent to such intended use of such biospecimen.

(2) Prior to a profit being realized on any product developed from a patient's biospecimen, an eligible facility shall disclose to the patient or the patient's estate each potential commercial application. The patient or the patient's estate must consent to each commercial application of the patient's biospecimen, which shall include a profit-sharing agreement or other contractual obligations benefiting the patient or such patient's estate for the commercial application of such patient's biospecimen.

(c) (1)";

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

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

WILL CARPENTER

RON BRYCE

SUSAN RUIZ

*Conferees on part of House*

BEVERLY GOSSAGE

WILLIAM CLIFFORD

CINDY HOLSCHER

*Conferees on part of Senate*

On motion of Rep. Carpenter, W., the conference committee report on **SB 250** was adopted.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Amyx, Anderson, Averkamp, Ballard, Barrett, Barth, Bergkamp,

Bergquist, Blex, Bloom, Bohi, Borjon, Paige, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Chauncey, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Featherston, Francis, Goddard, Goetz, Haskins, Hawkins, Helgerson, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoye, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, Martinez, McNorton, Melton, Meyer, Miller, S., Minnix, Moser, Mosley, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Penn, Pickert, Pishny, Poetter, Poskin, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Schwertfeger, Seiwert, Simmons, Smith, A., Smith, C., Steele, Stiens, Stogsdill, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Vaughn, Waggoner, Ward, Wasinger, Waymaster, White, Wickle, Wilborn, Willcott, Williams, K., Williams, L., Winn, Wolf, Woodard, Xu.

Nays: Gardner, Helwig, McDonald.

Present but not voting: None.

Absent or not voting: Brantley, Collins, Weigel.

## CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2160** 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 6, by striking "legislature" and inserting "governing body of such municipality"; in line 20, by striking "legislative" and inserting "governing body"; in line 22, by striking "legislators" and inserting "members of the governing body"; in line 27, by striking "legislator or legislative committee" and inserting "member of the governing body of such municipality"; also in line 27, by striking the second "a"; in line 28, by striking all before "or" and inserting "such governing body"; in line 35, by striking all after "information"; by striking all in line 36; in line 37, by striking "activity"; in line 39, by striking "or"; in line 41, after "rule" by inserting "; or

(D) is disclosed due to a corrupt motive rather than a good faith concern for a wrongful activity";

On page 3, by striking all in lines 24 through 29;

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

ELAINE BOWERS

RON RYCKMAN

OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

EMIL BERGQUIST

DOUG BLEX

LINDA FEATERSTON

*Conferees on part of House*

On motion of Rep. Bergquist, the conference committee report on **HB 2160** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Amyx, Anderson, Averkamp, Ballard, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Paige, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Chauncey, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Featherston, Francis, Gardner, Goddard, Goetz, Haskins, Hawkins, Helgerson, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoyer, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, Martinez, McDonald, McNorton, Melton, Meyer, Miller, S., Minnix, Moser, Mosley, Neely, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Penn, Pickert, Pishny, Poetter, Poskin, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoie, Schreiber, Schwertfeger, Seiwert, Simmons, Smith, A., Smith, C., Steele, Stiens, Stogsdill, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Vaughn, Waggoner, Ward, Wasinger, Waymaster, White, Wikle, Wilborn, Willcott, Williams, K., Williams, L., Winn, Wolf, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Brantley, Collins, Weigel.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 9** 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. 9 with House Committee of the Whole amendments, as follows:

On page 2, in line 27, after "and" by inserting "such company"; also in line 27, by striking "a foreign entity" and inserting "domiciled outside of the United States";

On page 3, in line 9, by striking all after "(g)"; by striking all in line 10; in line 11, by striking "(h)";

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

On page 4, in line 25, by striking "(d)" and inserting "(b)"; also in line 25, by striking "(e)" and inserting "(f)"; also in line 25, after the comma by inserting "on and after July 1, 2025,"; in line 30, after "(b)" by inserting "A foreign principal that owns real property described in subsection (a) prior to July 1, 2025, and seeks to acquire additional real property described in subsection (a) for the purpose of expansion of operations shall request approval for such acquisition from the governor. The governor shall consult with the attorney general and the fusion center oversight board to determine whether there is any security risk to military installations or critical infrastructure due to the expansion. The governor shall issue approval or denial of such expansion within 90 days of receiving the request.

(c)";

Also on page 4, in line 42, by striking "(b)" and inserting "(c)";

On page 5, in line 4, by striking "(b)" and inserting "(c)"; in line 9, by striking "(b)" and inserting "(c)"; in line 14, by striking "(b)" and inserting "(c)"; in line 20, by striking "(b)" and inserting "(c)"; in line 33, by striking "(b)" and inserting "(c)"; also in line 33, by striking "(d)" and inserting "(e)";

On page 6, in line 13, by striking all after "(a)"; by striking all in line 14; in line 15,

by striking all before "Any"; in line 16, by striking the first "such" and inserting "non-notified";

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

SEAN TARWATER

ADAM TURK

RUI XU

*Conferees on part of House*

KELLIE WARREN

KENNY TITUS

ETHAN CORSON

*Conferees on part of Senate*

On motion of Rep. Turk, the conference committee report on **Sub Bill for SB 9** was adopted.

On roll call, the vote was: Yeas 98; Nays 24; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Awerkamp, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Borjon, Bryce, Buehler, Butler, Carlin, B. Carpenter, W. Carpenter, Chauncey, Corbet, Croft, Curtis, Delperdang, Droge, Ellis, Esau, Essex, Estes, Fairchild, Francis, Gardner, Goddard, Goetz, Hawkins, Helgerson, Helwig, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Long, McDonald, McNorton, Melton, Minnix, Moser, Neely, Neighbor, Osman, Penn, Pickert, Pishny, Poetter, Poskin, Proctor, Rahjes, Reavis, Resman, Rhiley, Roeser, Roth, Sanders, Sawyer, Clayton, Schmoie, Schreiber, Schwertfeger, Seiwert, Smith, A., Smith, C., Steele, Stiens, Stogsdill, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Waggoner, Ward, Wasinger, Waymaster, White, Wilborn, Willcott, Williams, K., Williams, L., Wolf, Xu.

Nays: Alcala, Amyx, Ballard, Paige, Carmichael, Carr, Featherston, Haskins, Hoyer, Martinez, Meyer, Miller, S., Mosley, Ohaebosim, Oropeza, Ousley, Ruiz, L., Ruiz, S., Schlingensiepen, Simmons, Vaughn, Wike, Winn, Woodard.

Present but not voting: None.

Absent or not voting: Brantley, Collins, Weigel.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 199** 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 12, by inserting:

"New Section 1. The Kansas firefighters memorial advisory committee is hereby abolished, and all powers, duties, functions, records and other property of the Kansas firefighters memorial advisory committee are hereby transferred to the Kansas fallen firefighters memorial council created by section 2, and amendments thereto.

New Sec. 2. (a) There is hereby established the Kansas fallen firefighters memorial council, which shall be composed of nine members as follows:

(1) A representative of the Kansas state firefighters association appointed by the governor;

(2) a representative of the Kansas state association of fire chiefs appointed by the governor;

(3) a representative of the Kansas firefighters museum appointed by the governor;

(4) a representative of the Kansas council of firefighters appointed by the governor;

(5) a representative of the Wichita park board appointed by the governor;

(6) a representative of the Kansas state funeral assistance team appointed by the governor;

(7) a representative of the fire marshal's association of Kansas appointed by the governor;

(8) the state fire marshal or the marshal's designee; and

(9) the executive director of the Kansas state historical society or the executive director's designee.

(b) The council shall make recommendations to the governor and the legislature regarding appropriate activities memorializing or commemorating the services of firefighters in Kansas, including, but not limited to, recommendations concerning the updating and repairing of the fallen firefighters memorial pursuant to K.S.A. 75-36,102, and amendments thereto. The council may solicit grants, gifts, contributions and bequests for the memorial and shall remit all moneys so received for deposit in the state treasury to the credit of the Kansas firefighters memorial fund in accordance with K.S.A. 75-36,102, and amendments thereto.

(c) The members of the council shall organize annually by electing a chairperson and vice chairperson. The council shall meet at least once each year upon the call of the chairperson. The secretary of administration, or the secretary's designee, shall serve as secretary for the council. Members of the council appointed by the governor under this section shall serve at the pleasure of the governor.";

On page 6, following line 15, by inserting:

"Sec. 5. K.S.A. 75-36,102 is hereby amended to read as follows: 75-36,102. (a) ~~There shall be placed on state property within the state capitol plaza area a memorial to Kansas firefighters who have lost their lives in the line of duty in the service of the state. Such memorial shall be located at a site to be selected by the director. Such memorial shall be constructed in accordance with the design and architectural drawings approved by the director. The memorial shall be of such a design that the names of the firefighters to be honored, both past and future, may be inscribed thereon. The fallen firefighters memorial adjacent to the Kansas firefighters museum at 1300 S. Broadway Wichita, KS 67211, is hereby designated as the official fallen firefighters memorial within the state of Kansas. Annually, the director shall cause annually the name or names of any firefighters who have lost their lives in the line of duty in the service of the state to be inscribed upon the memorial. The memorial for Kansas firefighters is subject to the provisions, procedures and approvals required under K.S.A. 75-36,102 through 75-36,106, and amendments thereto, except that such memorial for Kansas~~

firefighters is hereby authorized by the legislature for purposes of subsection (b) of K.S.A. 75-36,106, and amendments thereto.

(b) It shall be the duty of the state fire marshal on or before the 15<sup>th</sup> day of March of each year to notify the secretary of administration of the name or names of any firefighters who have lost their lives in the line of duty during the preceding calendar year. The state fire marshal shall ~~assemble~~ gather the necessary information regarding any such firefighter and report ~~the same such information~~ to the director.

(c) ~~The secretary of administration~~ Kansas fallen firefighters memorial council is hereby authorized to receive any grants, gifts, contributions or bequests made for the purpose of financing ~~the construction of such memorial or for its upkeep and the addition of names thereto and to expend the same for the purpose for which received expenditures authorized pursuant to subsection (d).~~

(d) There is hereby established in the state treasury the Kansas fallen firefighters memorial fund. Expenditures from the fund ~~may shall~~ be made for the purposes of constructing; updating and repairing ~~such the fallen firefighters memorial; and may be made~~ for other purposes related to memorializing and honoring Kansas firefighters and for such purposes as may be specified with regard to any grant, gift, contribution or bequest. All such expenditures shall be authorized by the Kansas fallen firefighters memorial ~~advisory committee~~ council and made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or the secretary's designee.

(e) On or before the 10<sup>th</sup> of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas fallen firefighters memorial fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas fallen firefighters memorial fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.";

Also on page 6, in line 16, by striking "and" and inserting a comma; also in line 16, after "31-503" by inserting ", 75-36,102 and 75-36,103";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "fire protection; relating to the fallen firefighters memorial; designating the existing fallen firefighters memorial within the Kansas firefighters museum in Wichita as the official fallen firefighters memorial of the state of Kansas; creating the Kansas fallen firefighters memorial council; abolishing the existing Kansas firefighters memorial advisory committee and transferring such committee's powers, duties, functions, records and other property to the newly created council; requiring expenditures from the Kansas fallen firefighters memorial fund for the purposes of constructing, updating and repairing the memorial and allowing expenditures to be made for other purposes related to memorializing and honoring Kansas firefighters; relating to"; in line 9, by striking the first "and" and inserting a comma; also in line 9, after "31-503" by inserting "and 75-36,102"; in line 10, after "sections" by inserting "; also repealing K.S.A. 75-36,103";

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

SEAN TARWATER

ADAM TURK

STEPHANIE SAWYER CLAYTON

*Conferees on part of House*

LARRY ALLEY

STEPHEN OWENS

MARY WARE

*Conferees on part of Senate*

On motion of Rep. Tarwater, the conference committee report on **SB 199** was adopted.

On roll call, the vote was: Yeas 68; Nays 53; Present but not voting: 1; Absent or not voting: 3.

Yeas: Alcala, Anderson, Awerkamp, Barrett, Barth, Bergkamp, Bergquist, Blex, Bloom, Bohi, Bryce, Buehler, B. Carpenter, W. Carpenter, Corbet, Croft, Droge, Esau, Essex, Estes, Fairchild, Francis, Goddard, Goetz, Hawkins, Helwig, Hill, Hoffman, Hoheisel, Howell, Howerton, Huebert, Humphries, James, T. Johnson, Kessler, King, Lewis, Neelly, Penn, Pickert, Poetter, Proctor, Rahjes, Resman, Roeser, Schmoie, Schwertfeger, Seiwert, Smith, A., Smith, C., Steele, Sutton, Sweely, Tarwater, Thompson, Turk, Turner, VanHouden, Waggoner, Ward, Wasinger, Waymaster, White, Wilborn, Willcott, Williams, K., Williams, L..

Nays: Amyx, Ballard, Borjon, Paige, Butler, Carlin, Carmichael, Chauncey, Curtis, Delperdang, Ellis, Featherston, Gardner, Haskins, Helgersen, Howe, Hoye, Long, Martinez, McDonald, McNorton, Melton, Meyer, Miller, S., Minnix, Moser, Mosley, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Pishny, Poskin, Reavis, Rhiley, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schreiber, Simmons, Stiens, Stogsdill, Vaughn, Wikle, Winn, Wolf, Woodard, Xu.

Present but not voting: Carr.

Absent or not voting: Brantley, Collins, Weigel.

## CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2382** 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.

RENEE ERICKSON

ADAM THOMAS

*Conferees on part of Senate*

JASON GOETZ

SCOTT HILL

*Conferees on part of House*

On motion of Rep. Goetz the conference committee report on **Sub Bill for HB 2382** to agree to disagree, was adopted.

Speaker pro tempore Carpenter thereupon appointed Reps. Goetz, Hill and Poskin as second conferees on the part of the House.



**REPORT ON ENGROSSED BILLS**

**HB 2109, HB 2195** reported correctly engrossed March 25, 2025.

**HB 2031, HB 2052, HB 2061, HB 2120** reported correctly re-engrossed March 26, 2025.

**REPORT ON ENROLLED BILLS**

**HB 2020, HB 2033, HB 2101, HB 2110, HB 2215, HB 2217, HB 2221, HB 2222, HB 2284, HB 2291, HB 2307, HB 2338, HB 2359** reported correctly enrolled, properly signed and presented to the Governor on March 25, 2025.

On motion of Rep. Croft, the House adjourned until 10:00 a.m., Thursday, March 27, 2025.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

