

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 26, 2025, 10:00 a.m.

The Senate was called to order by President Ty Masterson.

The roll was call with 40 senators present.

President Masterson introduced guest chaplain, Doug Henkle, who delivered the following invocation:

Dear Heavenly Father, I come to You, this morning, in the powerful name of Jesus. As the work of this session comes to a conclusion, I ask again that You would give us peace. Peace, not necessarily the absence of conflict but rather Your presence, Jesus, which creates a stillness within us that is greater than what's going on around us. We have been reminded by the prophet Isaiah that "You will keep in perfect peace all who trust in You, all whose thoughts are fixed on You!" Father, I ask that we trust You and that You cause our thoughts to be fixed on You today, that we might experience Your perfect peace. I pray that You would cause a bond of common purpose to unite this body and that Your Holy Spirit would fill the Kansas capitol.

Despite our high-tech world and efficient procedures, people remain the essential ingredient of life. Lord, I pray for friendly relations within this chamber and between chambers as conference committees conclude their work. Cause each member of this body to think before they speak, aware that their words will not be overlooked or easily erased. Cause each Senator to address the closing issues of this session, to the best of their ability, in a diplomatic and honorable way.

I pray that these Senators, who You love dearly, would have confidence in You that You are at work, that You are in full control and that You are in the midst of all that happens here. Because of that, dear Father, give them a sense of satisfaction and peace as they conclude this session. I pray that, as You have commanded us, we would love one another as You have loved us, despite differing views and approaches to the issues at hand.

I pray for President Masterson, Vice President Shallenburger, Majority Leader Blasi and Minority Leader Sykes. Give them Your clear vision for all You want to accomplish in the concluding days of the 2025 session.

In Jesus' Name, Amen.

The Pledge of Allegiance was led by President Masterson.

MESSAGE FROM THE HOUSE

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

The House concurs in Senate amendments to **S Sub HB 2060**, and requests return of the bill.

The House adopts the Conference Committee report on **HB 2030**.

The House adopts the Conference Committee report on **HB 2168**.

The House adopts the Conference Committee report on **HB 2201**.

The House adopts the Conference Committee report on **HB 2263**.

The House announces the appointment of Representatives Tarwater, Turk and Sawyer Clayton as conferees on **SB 30** to replace Representatives Humphries, L. Williams and Osman.

The House announced the appointment of Representatives Tarwater, Turk and Sawyer Clayton as conferees on **HB 2169** to replace Representatives Francis, Essex and Helgerson.

The House announced the appointment of Representatives Tarwater, Turk and Sawyer as conferees on **HB 2289** to replace Representatives Francis, Essex and Helgerson.

The House concurs in Senate amendments to **HB 2088**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2118**, and requests return of the bill.

The House adopts the Conference Committee report to agree to disagree on **HB 2062**, and has appointed Representatives Humphries, Williams, L. and Osman as Second conferees on the part of the House.

The House announces the appointment of Representatives Thompson, Butler and Poskin as conferees on **HB 2280** to replace Representatives W. Carpenter, Bryce and S. Ruiz.

The House announces the appointment of Representatives Kessler, Schmoie and S. Miller as conferees on **SB 21** to replace Representatives Sutton, Bergkamp and Neighbor.

The House nonconcurs in Senate amendments to **S Sub HB 2054**, requests a conference and has appointed Representatives Proctor, Waggoner and Haskins as conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2056**, and has appointed Representatives Proctor, Waggoner and Haskins as Second conferees on the part of the House.

The House adopts the Conference Committee report on **SB 44**.

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

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

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

The House concurs in Senate amendments to **HB 2242**, and requests return of the bill.

The House announces the appointment of Representatives Estes, McNorton and Stogsdill as conferees on **SB 24** to replace Representatives Sutton, Bergkamp and Neighbor.

The House adopts the Conference Committee report on **H Sub SB 9**.

The House adopts the Conference Committee report on **SB 35**.

The House adopts the Conference Committee report on **Sub SB 45**.

The House adopts the Conference Committee report on **SB 50**.

The House adopts the Conference Committee report on **SB 64**.

The House adopts the Conference Committee report on **SB 114**.

The House adopts the Conference Committee report on **SB 199**.

The House adopts the Conference Committee report on **SB 250**.

The House adopts the Conference Committee report on **SB 269**.

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

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

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2382**, and has appointed Representatives Goetz, Hill and Poskin as Second conferees on the part of the House.

CONSIDERATION OF ORIGINAL MOTIONS

On motion of Senator Thompson, the Senate acceded to the request of the House for a conference on **S Sub HB 2054**.

The President appointed Senators Thompson, Blew and Faust Goudeau as conferees on the part of the Senate.

Senator Blasi motioned to withdraw **S Sub HB 2228** from **General Orders** and advance the bill to Emergency Final Action, subject to amendment, debate and roll call.

Motion carried by voice vote.

Senator Warren moved the committee report on **HB 2228** recommending **S Sub HB 2228** be adopted. Motion carried.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Warren moved the Senate concur in House amendments to **Sub SB 54**.

Sub SB 54, AN ACT concerning the code of civil procedure; relating to litigation funding by third parties; limiting discovery and disclosure of third-party litigation funding agreements; requiring reporting of such agreements to the court; amending K.S.A. 2024 Supp. 60-226 and repealing the existing section.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettay, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

The Senate concurred.

Senator Warren moved the Senate concur in House amendments to **SB 135**.

SB 135, AN ACT concerning certain protection orders; relating to the protection from abuse act; providing precedence of child-related orders issued under the protection from abuse act; amending K.S.A. 2024 Supp. 60-3107 and repealing the existing section.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage,

Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

The Senate concurred.

Senator Alley moved the Senate concur in House amendments to **SB 227**.

SB 227, AN ACT concerning economic development; relating to the tax credit for qualified expenditures for the restoration and preservation of historic structures; providing for different credit percentages based on city populations of more than 50,000 or 50,000 or less and the amount of expenditures; amending K.S.A. 2024 Supp. 79-32,211 and repealing the existing section.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Fagg, Faust Goudeau, Francisco, Haley, Holscher, Klemp, Kloos, Masterson, Owens, Petersen, Pettey, Ryckman, Schmidt, Shallenburger, Starnes, Sykes, Thomas, Thompson, Titus, Ware.

Nays: Bowser, Erickson, Gossage, Murphy, Peck, Rose, Shane, Tyson, Warren.

The Senate concurred.

EMERGENCY FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

S Sub HB 2228, AN ACT concerning contingent fee contracts for legal services; relating to contracts entered into for legal services by a political subdivision; requiring an open meeting before a political subdivision may approve such a contract; requiring the attorney general to approve such contract before such contract becomes effective.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Dietrich, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Warren.

Nays: Corson, Faust Goudeau, Francisco, Haley, Holscher, Peck, Pettey, Schmidt, Sykes, Titus, Tyson, Ware.

The substitute bill passed.

EXPLANATION OF VOTE

“We shouldn't even be debating this bill today. According to our own joint rules this bill was not blessed before the deadline and officially died last Friday. Specifically Joint Rule 4(f) states only bills that have touched an exempt committee before the deadline can be considered this week and this bill did not touch an exempt committee until yesterday and that occurred after the deadline. Even if we pretend it does, Joint Rule 4(g) provides that any exception to the rule had to be approved by a resolution adopted by this body and we haven't done that. So I have to ask, what are we doing here? Either the rules matter and we hold true to them or let's stop calling them rules and start calling them simply guidelines.”—DINAH SYKES

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*

Senator Warren moved the Senate adopt the Conference Committee Report on **H Sub SB 9**.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettet, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Warren.

Nays: Francisco.

Present and Passing: Ware.

The Conference Committee Report was adopted.

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 ERICKSON, ADAM THOMAS, DINAH SYKES—*Conferees on part of Senate*

Senator Erickson moved the Senate adopt the Conference Committee Report on **SB 44**.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettay, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

Nays: Francisco.

The Conference Committee Report was adopted.

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 ESTES, KYLE McNORTON, JERRY STOGSDILL—*Conferees on part of House*

RENEE ERICKSON, ADAM THOMAS, DINAH SYKES—*Conferees on part of Senate*

Senator Erickson moved the Senate adopt the Conference Committee Report on **SB 114**.

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

Yeas: Alley, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Erickson, Fagg, Faust Goudeau, Gossage, Haley, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

Nays: Argabright, Dietrich, Francisco, Holscher, Pettey, Schmidt, Sykes, Ware.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

"This is a KSHSAA responsibility."—MIKE ARGABRIGHT

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 139** 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 STIENS, RUI XU—*Conferees on part of House*

BRENDA DIETRICH, MICHAEL FAGG, MARCI FRANCISCO—*Conferees on part of Senate*

Senator Dietrich moved the Senate adopt the Conference Committee Report on **SB 139**.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

The Conference Committee Report was adopted.

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 requests 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 15th 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 10th 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*

Senator Owens moved the Senate adopt the Conference Committee Report on **SB 199**.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Blasi, Blew, Bowser, Corson, Erickson, Fagg, Faust Goudeau, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Sykes, Thomas, Thompson, Tyson, Ware, Warren.

Nays: Argabright, Billinger, Bowers, J.R. Claeys, Joseph Claeys, Clifford, Dietrich, Francisco, Pettet, Schmidt, Starnes, Titus.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

"I fully support our firefighters across the state, as well as the official Fallen Firefighters Memorial of the State of Kansas in Wichita, and the council that **SB 199** would establish. However, my concern with **SB 199** lies in the provision allowing for the year-round sale of fireworks. Given the increasing frequency and severity of wildfires in our rural regions, this raises significant safety concerns. Our rural volunteer firefighters are always on the front lines, bravely protecting our communities. I deeply admire their courage and dedication—and I would like to avoid adding yet another potential cause for a wildfire to ignite."—ELAINE BOWERS

"I vote no on **SB 199** because I oppose the year round sale of fireworks. I have the utmost respect for fallen firefighters and their families and I am grateful for the sacrifices they have made. I fully support the Fallen Fighters Memorial and all the great work of those involved with the museum and monument."—KENNY TITUS

Senators Argabright, Joseph Claeys, Clifford, Dietrich, Francisco, Pettet and Starnes request the records to show they concur with the "Explanation of Vote" offered by Senator Titus on **SB 199**.

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.

(b) ~~Except as otherwise provided by this subsection, All judges and clerks shall have the qualifications of an elector in the election at which they serve, and be a citizen 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*

Senator Thompson moved the Senate adopt the Conference Committee Report on **HB 2016**.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph

Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

The Conference Committee Report was adopted.

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*

Senator Thompson moved the Senate adopt the Conference Committee Report on **HB 2022**.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Dietrich, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy,

Owens, Peck, Petersen, Rose, Ryckman, Shane, Starnes, Thompson, Titus, Tyson, Warren.

Nays: Corson, Faust Goudeau, Francisco, Haley, Holscher, Pettey, Schmidt, Shallenburger, Sykes, Thomas, Ware.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2028** 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, in line 30, by striking "15" and inserting":

(A) Five";

Also on page 1, in line 33, before "\$400" by inserting "\$300; or

(B) six through 15 years of age, upon payment of a license fee that shall not exceed";

On page 3, following line 27, by inserting:

"(j) The department of wildlife and parks shall prepare and present a report on migratory waterfowl hunting to the house standing committee on agriculture and natural resources and the senate standing committee on agriculture and natural resources or any successor committee on or before January 31, 2026, and January 31, 2027. Such report shall include, but not be limited to, the impact of this act on migratory waterfowl hunting and any relevant data, including economic data, related to migratory waterfowl hunting.

(k) Subsections (g), (h) and (i) shall expire on July 1, 2028.";

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

VIRGIL PECK, LARRY ALLEY, MARY WARE—*Conferees on part of Senate*

TOM KESSLER, REBECCA SCHMOE, SILAS MILLER—*Conferees on part of House*

Senator Peck moved the Senate adopt the Conference Committee Report on **HB 2028**.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2039** submits the following report:

The House recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill as introduced, as follows:

On page 1, following line 7, by inserting:

"Section 1. K.S.A. 40-3401 is hereby amended to read as follows: 40-3401. As used in this act:

- (a) "Applicant" means any healthcare provider.
- (b) "Basic coverage" means a policy of professional liability insurance required to be maintained by each healthcare provider pursuant to the provisions of K.S.A. 40-3402(a) or (b), and amendments thereto.
- (c) "Commissioner" means the commissioner of insurance.
- (d) "Fiscal year" means the year commencing on the effective date of this act and each year, commencing on the first day of July thereafter.
- (e) "Fund" means the healthcare stabilization fund established pursuant to K.S.A. 40-3403(a), and amendments thereto.
- (f)(1) "Healthcare provider" means a:
 - (A) Person licensed to practice any branch of the healing arts by the state board of healing arts;~~a;~~
 - (B) person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts;~~a;~~
 - (C) person engaged in a postgraduate training program approved by the state board of healing arts;~~a;~~
 - (D) medical care facility licensed by the state of Kansas;~~a;~~
 - (E) podiatrist licensed by the state board of healing arts;~~a;~~
 - (F) health maintenance organization issued a certificate of authority by the commissioner;~~an;~~
 - (G) optometrist licensed by the board of examiners in optometry;~~a;~~
 - (H) pharmacist licensed by the state board of pharmacy;~~a;~~
 - (I) licensed professional nurse who is authorized to practice as a registered nurse anesthetist;~~a;~~
 - (J) licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 65-1153, and amendments thereto;~~a;~~
 - (K) professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are healthcare providers as defined by this subsection;~~a;~~
 - (L) Kansas limited liability company organized for the purpose of rendering professional services by its members who are healthcare providers as defined by this subsection and who are legally authorized to render the professional services for which the limited liability company is organized;~~a;~~
 - (M) partnership of persons who are healthcare providers under this subsection;~~a;~~
 - (N) Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are healthcare providers as defined by this subsection;~~a;~~
 - (O) nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine;~~a;~~
 - (P) dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899, and amendments thereto;~~a;~~
 - (Q) psychiatric hospital licensed prior to January 1, 1988, and continuously thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, and K.S.A. 39-2001 et seq., and amendments thereto, or a mental health center or mental health clinic licensed

by the state of Kansas. ~~On and after January 1, 2015, "healthcare provider" also means a~~

~~(R) physician assistant licensed by the state board of healing arts;~~

~~(S) licensed advanced practice registered nurse who is authorized by the board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife;~~

~~(T) maternity center, if such maternity center has been granted accreditation by the commission for accreditation of birth centers and is a maternity center as defined in K.S.A. 65-503, and amendments thereto;~~

~~(U) licensed advanced practice registered nurse who has been granted a temporary authorization by the board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife;~~

~~(V) nursing facility licensed by the state of Kansas;~~

~~(W) assisted living facility licensed by the state of Kansas;~~ or

~~(X) a residential healthcare facility licensed by the state of Kansas.~~

~~(2) "Healthcare provider" does not include:~~

~~(1)(A) Any state institution for people with intellectual disability;~~

~~(2)(B) any state psychiatric hospital;~~

~~(3)(C) any person holding an exempt license issued by the state board of healing arts or the board of nursing;~~

~~(4)(D) any person holding a visiting clinical professor license from the state board of healing arts;~~

~~(5)(E) any person holding an inactive license issued by the state board of healing arts;~~

~~(6)(F) any person holding a federally active license issued by the state board of healing arts;~~

~~(7)(G) an advanced practice registered nurse who is authorized by the board of nursing to practice as an advanced practice registered nurse in the classification of nurse-midwife or nurse anesthetist and who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto; or~~

~~(8)(H) a physician assistant licensed by the state board of healing arts who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto.~~

(g) "Inactive healthcare provider" means a person or other entity who purchased basic coverage or qualified as a self-insurer on or subsequent to the effective date of this act but who, at the time a claim is made for personal injury or death arising out of the rendering of or the failure to render professional services by such healthcare provider, does not have basic coverage or self-insurance in effect solely because such person is no longer engaged in rendering professional service as a healthcare provider.

(h) "Insurer" means any corporation, association, reciprocal exchange, inter-insurer and any other legal entity authorized to write bodily injury or property damage liability insurance in this state, including workers compensation and automobile liability insurance, pursuant to the provisions of the acts contained in article 9, 11, 12 or 16 of

chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(i) "Plan" means the operating and administrative rules and procedures developed by insurers and rating organizations or the commissioner to make professional liability insurance available to healthcare providers.

(j) "Professional liability insurance" means insurance providing coverage for legal liability arising out of the performance of professional services rendered or that should have been rendered by a healthcare provider.

(k) "Rating organization" means a corporation, an unincorporated association, a partnership or an individual licensed pursuant to K.S.A. 40-956, and amendments thereto, to make rates for professional liability insurance.

(l) "Self-insurer" means a healthcare provider who qualifies as a self-insurer pursuant to K.S.A. 40-3414, and amendments thereto.

(m) "Medical care facility" means the same when used in the healthcare provider insurance availability act as defined in K.S.A. 65-425, and amendments thereto, except that, as used in the healthcare provider insurance availability act, such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a medical care facility.

(n) "Mental health center" means a mental health center licensed by the state of Kansas under K.S.A. 39-2001 et seq., and amendments thereto, except that, as used in the healthcare provider insurance availability act, such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health center.

(o) "Mental health clinic" means a mental health clinic licensed by the state of Kansas under K.S.A. 39-2001 et seq., and amendments thereto, except that, as used in the healthcare provider insurance availability act, such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health clinic.

(p) "State institution for people with intellectual disability" means Winfield state hospital and training center, Parsons state hospital and training center and the Kansas neurological institute.

(q) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital and Rainbow mental health facility.

(r) "Person engaged in residency training" means:

(1) A person engaged in a postgraduate training program approved by the state board of healing arts who is employed by and is studying at the university of Kansas medical center only when such person is engaged in medical activities that do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and that have not been approved by the dean of the school of medicine and the executive vice-chancellor of the university of Kansas medical center. Persons engaged in residency training shall be considered resident healthcare providers for purposes of K.S.A. 40-3401 et seq., and amendments thereto; and

(2) a person engaged in a postgraduate training program approved by the state board of healing arts who is employed by a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine or who is employed by an affiliate of the university of Kansas school of medicine as defined in K.S.A. 76-367, and amendments thereto, only when such person is engaged in medical

activities that do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and that have not been approved by the chief operating officer of the nonprofit corporation or the chief operating officer of the affiliate and the executive vice-chancellor of the university of Kansas medical center.

(s) "Full-time physician faculty employed by the university of Kansas medical center" means a person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center when such person is providing healthcare. A person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center may also be employed part-time by the United States department of veterans affairs if such employment is approved by the executive vice-chancellor of the university of Kansas medical center.

(t) "Sexual act" or "sexual activity" means ~~that~~ sexual conduct that constitutes a criminal or tortious act under the laws of the state of Kansas.

(u) "Board" means the board of governors created by K.S.A. 40-3403, and amendments thereto.

(v) "Board of directors" means the governing board created by K.S.A. 40-3413, and amendments thereto.

(w) "Locum tenens contract" means a temporary agreement not exceeding 182 days per calendar year that employs a healthcare provider to actively render professional services in this state.

(x) "Professional services" means patient care or other services authorized under the act governing licensure of a healthcare provider.

(y) "Healthcare facility" means a nursing facility, an assisted living facility or a residential healthcare facility as all such terms are defined in K.S.A. 39-923, and amendments thereto.

(z) "Charitable healthcare provider" means the same as defined in K.S.A. 75-6102, and amendments thereto.";

On page 3, following line 8, by inserting:

"Sec. 3. K.S.A. 2024 Supp. 65-6112 is hereby amended to read as follows: 65-6112. As used in article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto:

(a) "Administrator" means the executive director of the emergency medical services board.

(b) "Advanced emergency medical technician" means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.

(c) "Advanced practice registered nurse" means an advanced practice registered nurse as defined in K.S.A. 65-1113 issued a license pursuant to K.S.A. 65-1130, and amendments thereto, who has authority to prescribe drugs as provided by K.S.A. 65-1130, and amendments thereto.

(d) "Ambulance" means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured.

(e) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.

(f) "Board" means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

(g) "Emergency medical service" means the effective and coordinated delivery of such care as may be required by an emergency that includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced practice registered nurse, professional nurse, ~~a licensed~~ physician assistant or emergency medical service provider.

(h) "Emergency medical service provider" means an emergency medical responder, advanced emergency medical technician, emergency medical technician or paramedic certified by the emergency medical services board.

(i) "Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.

(j) "Emergency medical technician" means a person who holds an emergency medical technician certificate issued pursuant to this act.

~~(j) "Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.~~

(k) "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments thereto.

(l) "Medical director" means a physician.

(m) "Medical oversight" means to review, approve and implement medical protocols and to approve and monitor the activities, competency and education of emergency medical service providers.

(n) "Medical protocols" means written guidelines that authorize emergency medical service providers to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced practice registered nurse ~~authorized by a physician~~ or professional nurse authorized by a physician.

(o) "Municipality" means any city, county, township, fire district or ambulance service district.

(p) "Nonemergency transportation" means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, "transportation" includes performance of the authorized level of services of the emergency medical service provider whether within or outside the vehicle as part of such transportation services.

(q) "Operator" means a person or municipality ~~who that~~ has a permit to operate an ambulance service in the state of Kansas.

(r) "Paramedic" means a person who holds a paramedic certificate issued pursuant to this act.

(s) "Person" means an individual, a partnership, an association, a joint-stock company or a corporation.

(t) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.

(u) "Physician assistant" means a physician assistant as defined in K.S.A. 65-28a02, and amendments thereto.

(v) "Professional nurse" means ~~a licensed~~ professional nurse as defined by K.S.A. 65-1113, and amendments thereto.

(w) "Public place" means any areas open to the public or used by the general public, including, but not limited to, banks, bars, food service establishments, retail service establishments, retail stores, public means of mass transportation, passenger elevators, healthcare institutions or any other place where healthcare services are

provided to the public, medical care facilities, educational facilities, libraries, courtrooms, public buildings, restrooms, grocery stores, school buses, museums, theaters, auditoriums, arenas and recreational facilities. A private residence shall not be considered a "public place" unless such residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.

(x) "Qualified healthcare provider" means a physician, a physician assistant when authorized by a physician, an advanced practice registered nurse or a professional nurse when authorized by a physician.

(y) "Sponsoring organization" means any professional association, accredited postsecondary educational institution, ambulance service that holds a permit to operate in this state, fire department, other officially organized public safety agency, hospital, corporation, governmental entity or emergency medical services regional council, as approved by the executive director, to offer initial courses of instruction or continuing education programs.

Sec. 4. K.S.A. 2024 Supp. 65-6119 is hereby amended to read as follows: 65-6119. Notwithstanding any other provision of law to the contrary, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols or upon the order of a qualified healthcare provider, a paramedic may:

(a) Perform all the authorized activities identified in K.S.A. 65-6120, 65-6121, 65-6144, and amendments thereto; and

~~(b) when voice contact or a telemetered electrocardiogram is monitored by a physician, physician assistant where authorized by a physician or an advanced practice registered nurse where authorized by a physician or licensed professional nurse where authorized by a physician and direct communication is maintained, and upon order of such person, may administer such medications or procedures as may be deemed necessary by a person identified in this subsection;~~

~~(c) perform, during an emergency, those activities specified in subsection (b) before contacting a person identified in subsection (b) when specifically authorized to perform such activities by medical protocols; and~~

~~(d) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols qualified healthcare provider.~~

Sec. 5. K.S.A. 2024 Supp. 65-6120 is hereby amended to read as follows: 65-6120. Notwithstanding any other provision of law to the contrary, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols or upon the order of a qualified healthcare provider, an advanced emergency medical technician may:

(a) Perform any of the activities identified by K.S.A. 65-6121 and 65-6144, and amendments thereto; and

(b) perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, ~~as specifically identified in rules and regulations, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference with a physician, physician assistant where authorized by a physician, an advanced practice registered nurse where authorized by a physician, or~~

professional nurse where authorized by a physician upon order of such a person:

- (1) Advanced airway management;
- (2) ~~referral of patient of alternate medical care site based on assessment;~~ (3) ~~transportation of a patient with a capped arterial line;~~ (4) ~~veni-puncture for obtaining blood sample;~~
- (5)(3) initiation and maintenance of intravenous infusion or saline lock;
- (6)(4) initiation and maintenance of intraosseous infusion;
- (7) ~~nebulized therapy;~~
- (8)(5) manual defibrillation;
- (9)(6) cardiac monitoring;
- (10)(7) electrocardiogram interpretation;
- (11) ~~monitoring of a nasogastric tube;~~ and
- (12)(8) administration of medications ~~by methods as specified by rules and regulations of~~ as approved by the board by appropriate routes.

Sec. 6. K.S.A. 65-6121 is hereby amended to read as follows: 65-6121. (a) Notwithstanding any other provision of law to the contrary, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols or upon the order of a qualified healthcare provider, an emergency medical technician may:

(a) Perform any of the activities identified in K.S.A. 65-6144, and amendments thereto; and

(b) perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, ~~after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced practice registered nurse when authorized by a physician or a professional nurse when authorized by a physician, upon order of such person:~~

- (1) Airway maintenance, including use of:
 - (A) Single lumen airways as approved by the board;
 - (B) multilumen airways;
 - (C) ventilator devices;
 - (D) non-invasive positive pressure ventilation;
 - (E) forceps removal of airway obstruction;
 - (F) CO2 monitoring; and
 - (G) airway suctioning;
- (2) monitoring a urinary catheter;
- (3) capillary blood sampling for purposes other than blood glucose monitoring;
- (4) administration of patient assisted medications as approved by the board;
- (5) administration of medications, as approved by the board by appropriate routes;
- (6) monitoring a saline lock;
- (7) monitor, maintain or discontinue flow of IV line if a physician approves transfer by an emergency medical technician;
- (8) monitoring of a nasogastric tube; and
- (7)(9) application of a traction splint.

Sec. 7. K.S.A. 2024 Supp. 65-6129a is hereby amended to read as follows: 65-

6129a. (a) While engaged in a course of training or continuing education approved by the board ~~within a medical care facility~~, a student or emergency medical service provider engaged in such training or continuing education shall be under the supervision of a physician, a physician assistant, an advanced practice registered nurse, a respiratory therapist, or a professional nurse or an emergency medical services provider who is, at a minimum, certified to provide the level of care for which the student is seeking certification. ~~While engaged in training or continuing education in emergency or nonemergency transportation outside a medical care facility, a student or emergency medical service provider shall be under the direct supervision of an emergency medical service provider who is at the minimum certified to provide the level of care for which the student is seeking certification or the emergency medical service provider receiving the training is certified or shall be under the direct supervision of a physician or a professional nurse.~~

(b) Nothing in the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall be construed to preclude the provision of authorized activities by students enrolled in a training program while engaged in such program.

Sec. 8. K.S.A. 2024 Supp. 65-6135 is hereby amended to read as follows: 65-6135.

(a) Except as provided in subsection (b), all ambulance services providing emergency care as defined by the rules and regulations adopted by the board shall offer service for 24 hours per day, every day of the year.

(b) Ambulance services providing only nonemergency transportation may offer service for less than 24 hours per day, every day of the year.

(c) Except as provided by subsection (d), whenever an operator is required to have a permit, at least one person on each vehicle in the patient compartment during patient transport who is providing emergency medical service shall be an emergency medical service provider certified or authorized pursuant to K.S.A. 65-6119, 65-6120, 65-6121, or 65-6158, and amendments thereto, a physician, an individual licensed by the state board of healing arts to practice medicine and surgery pursuant to K.S.A. 65-28,133, and amendments thereto, a physician assistant, an advanced practice registered nurse or a professional nurse or a registered nurse holding a multistate license pursuant to K.S.A. 65-1166, and amendments thereto.

~~(e)(d)~~ The board shall not require any ground vehicle providing interfacility transfers from emergency medical services in any county with a population of 30,000 or less to operate with more than one person who satisfies the requirements of subsection ~~(b)(c)~~ if the driver of such vehicle is certified in cardiopulmonary resuscitation. An operator that chooses to adopt this policy shall notify the board within 30 days of adoption of such policy.

Sec. 9. K.S.A. 2024 Supp. 65-6144 is hereby amended to read as follows: 65-6144.

~~(a)~~ Notwithstanding any other provision of law to the contrary, an emergency medical responder may perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols; or upon the order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced practice registered nurse when authorized by a physician or a professional nurse when

authorized by a physician, upon order of such person of a qualified healthcare provider, an emergency medical responder may perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof:

- (1) ~~Emergency vehicle operations;~~
- (2) ~~initial scene management;~~
- (3)(a) patient assessment and stabilization;
- (4)(b) cardiac arrest management through the use of cardiopulmonary resuscitation and the use of an automated external defibrillator;
- (5)(c) airway management and oxygen therapy;
- (6)(d) utilization of equipment for the purposes of acquiring ~~an~~ and transmitting EKG rhythm ~~strip strips;~~
- (7)(e) control of bleeding;
- (8)(f) extremity splinting;
- (9)(g) spinal immobilization;
- (10) ~~nebulizer therapy;~~
- (11) ~~intramuscular injections with auto-injector;~~
- (12)(h) administration of medications, as approved by the board by appropriate routes;
- (13)(i) recognize and comply with advanced directives;
- (14)(j) use of blood glucose monitoring;
- (15)(k) assistance with childbirth;
- (16)(l) non-invasive monitoring of hemoglobin derivatives;
- (17)(m) distribution of non prescription, over-the-counter medications as approved by the service medical director, except that an emergency medical responder shall not distribute any compound, mixture or preparation that contains any detectable quantity of:

(A)(1) ~~Any compound, mixture, or preparation that contains any detectable quantity of Ephedrine, its salts or optical isomers, or salts of optical isomers and is exempt from being reported to the statewide electronic logging system for the sale of methamphetamine precursors; or~~

(B)(2) ~~any compound, mixture, or preparation that contains any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers and is exempt from being reported to the statewide electronic logging system for the sale of methamphetamine precursors; and~~

(18)(n) other techniques and devices of preliminary care an emergency medical responder is trained to provide as approved by the board.

Sec. 10. K.S.A. 65-6149a is hereby amended to read as follows: 65-6149a. (a) (1) Any person who in good faith renders emergency care or treatment by the use of or provision of an automated external defibrillator shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

(2) No person or entity ~~which that~~ owns, leases, possesses or otherwise controls an automated external defibrillator and provides such automated external defibrillator to others for use shall be held liable for any civil damages as a result of such use where the person or entity ~~which that~~ owns, leases, possesses or otherwise controls the automated external defibrillator has developed, implemented and follows guidelines to ensure

proper maintenance and operation of the device.

(3) No ~~person licensed to practice medicine and surgery~~ physician who, pursuant to a prescription order, authorizes the acquisition of an automated external defibrillator or participates in the development of usual and customary protocols for an automated external defibrillator by a person or entity ~~which that~~ owns, leases, possesses or otherwise controls such automated external defibrillator and provides such automated external defibrillator for use by others shall be held liable for any civil damages as a result of such use.

(4) No person or entity ~~which that~~ teaches or provides a training program for cardiopulmonary resuscitation that includes training in the use of automated external defibrillators shall be held liable for any civil damages as a result of such training or use if such person or entity has provided such training in a manner consistent with the usual and customary standards for the providing of such training.

(b) Pursuant to the provisions of this subsection, persons or entities ~~which that~~ purchase, lease, possess or otherwise control or acquire an automated external defibrillator to be placed in a public place within the state shall notify the emergency medical service which operates in the geographic area of the location of register the automated external defibrillator with the emergency medical services board. ~~Persons or entities acquiring an automatic electronic defibrillator shall notify the emergency medical service providing local service on forms developed and provided by the emergency medical services board.~~

(c) The secretary of administration, in conjunction with the Kansas highway patrol, shall develop guidelines for the placement of automated external defibrillators in state owned or occupied facilities. The guidelines shall include, but not be limited to:

(1) Which state owned or occupied facilities should have automated external defibrillators readily available for use;

(2) recommendations for appropriate training courses in cardiopulmonary resuscitation and automated external defibrillators use;

(3) integration with existing emergency response plans;

(4) proper maintenance and testing of the devices;

(5) coordination with appropriate professionals in the oversight of training; and

(6) coordination with local emergency medical services regarding placement and conditions of use.

(d) Nothing in this subsection shall be construed to require the state to purchase automated external defibrillators."

Also on page 3, in line 9, after "K.S.A." by inserting "40-3401,"; also in line 9, by striking "is" and inserting ", 65-6121 and 65-6149a and K.S.A. 2024 Supp. 65-6112, 65-6119, 65-6120, 65-6129a, 65-6135 and 65-6144 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "healthcare" by inserting "providers; relating to healthcare provider insurance availability act; adding maternity center to the definition of healthcare provider; in line 4, after the semicolon, by adding "relating to emergency medical service providers; establishing that the authorized activities of paramedics, advanced emergency medical technicians, emergency medical technicians and emergency medical responders may be authorized upon the order of a healthcare professional; permitting nonemergency ambulance services to offer service for less than 24 hours per day, every day of the year; permitting certain emergency medical services

in rural counties to operate with one emergency medical services provider; requiring entities placing automated external defibrillators for use within the state to register with the emergency medical services board;" also in line 4, after "K.S.A." by inserting "40-3401, "; also in line 4, after "65-5101" by inserting ", 65-6121 and 65-6149a and K.S.A. 2024 Supp. 65-6112, 65-6119, 65-6120, 65-6129a, 65-6135 and 65-6144"; in line 5, 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*
WILL CARPENTER, RON BRYCE, SUSAN RUIZ—*Conferees on part of House*

Senator Gossage moved the Senate adopt the Conference Committee Report on **HB 2039**.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettet, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2050** 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 11, by inserting:

"New Section 1. (a) The Kansas insurance department, as established by K.S.A. 42-102, and amendments thereto, is hereby renamed the Kansas department of insurance. All powers, duties and functions of the Kansas insurance department are hereby transferred and imposed upon the Kansas department of insurance.

(b) Whenever the Kansas insurance department, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the Kansas insurance department, such reference or designation shall be deemed to apply to the Kansas department of insurance.

(c) All rules and regulations, order and directives of the commissioner of insurance of the Kansas insurance department that are in effect on July 1, 2025, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the commissioner of insurance of the Kansas department of insurance until amended, revoked or nullified pursuant to law.

New Sec. 2. (a) (1) The office of the securities commissioner of Kansas, as established by K.S.A. 75-6301, and amendments thereto, is hereby renamed the department of insurance, securities division. All powers, duties and functions of the office of the securities commissioner of Kansas are hereby transferred and imposed upon the department of insurance, securities division.

(2) The securities commissioner is hereby renamed the department of insurance assistant commissioner, securities division. All powers, duties and functions of the securities commissioner are hereby transferred and imposed upon the department of insurance assistant commissioner, securities division.

(b) (1) Whenever the office of the securities commissioner of Kansas, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the office of the securities commissioner of Kansas, such reference or designation shall be deemed to apply to the department of insurance, securities division.

(2) Whenever the securities commissioner, or words of like effect, are referred to or designated by statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the securities commissioner of Kansas, such reference or designation shall be deemed to apply to the department of insurance assistant commissioner, securities division.

(c) All rules and regulations, orders and directives of the securities commissioner of Kansas that are in effect on July 1, 2025, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the department of insurance assistant commissioner, securities division until amended, revoked or nullified pursuant to law.

Sec. 3. K.S.A. 8-2405 is hereby amended to read as follows: 8-2405. No dealer's license shall be issued or renewed unless the applicant or holder of the license shall have on file with the division an ~~approved~~ insurance policy, issued by an insurance carrier authorized to transact business within the state of Kansas or issued by an eligible nonadmitted insurer pursuant to K.S.A. 40-246e, and amendments thereto. The term of ~~the such~~ policy shall be continuous and shall remain in full force and effect until canceled under proper notice. All policies ~~must~~ shall be issued in the name of the holder or applicant for the vehicle dealer's license and shall provide public liability and property damage insurance for the operation of any vehicle by prospective purchasers, owned or being offered for sale by the dealer when being operated by the owner or seller, the seller's agent, servants, employees, prospective customers or other persons. The limits of liability shall correspond to the amount required by law in this state for bodily injury or death of any one person, bodily injury or death in any one accident and property damage. Such insurance, when issued by an authorized insurer, may not be cancelled unless 30 days' notice by the insurance carrier has been given in writing to the director. Upon the effective date of cancellation of any insurance policy required under this section, the license to engage in business as a dealer shall be void.

Sec. 4. K.S.A. 2024 Supp. 40-102 is hereby amended to read as follows: 40-102. There is hereby established ~~a department to be known as the Kansas department of insurance department, and such department shall have a.~~ The chief officer entitled of the department shall be the commissioner of insurance. The commissioner of insurance shall be charged with the administration of all laws relating to insurance, insurance companies and fraternal benefit societies doing business in this state and all other duties that are or may be imposed upon such officer by law.";

On page 2, following line 43, by inserting:

"Sec. 7. K.S.A. 40-246b is hereby amended to read as follows: 40-246b. (a) Upon receipt of a proper application, the commissioner of insurance may issue an excess lines coverage license to any licensed property and casualty agent of this state or any other

state. Any agent so licensed may negotiate for insureds whose home state is this state, the types of contracts of fire insurance enumerated in K.S.A. 40-901, and amendments thereto, and the type of casualty insurance contracts enumerated in K.S.A. 40-1102, and amendments thereto, or reinsurance, ~~or to place risks; or to effect insurance or reinsurance for persons or corporations other than such agent; with insurers not authorized to do business in this state~~ nonadmitted insurers eligible pursuant to K.S.A. 40-246e, and amendments thereto. An agent, as defined in K.S.A. 40-4902, and amendments thereto, may place the kind ~~or kinds~~ of business specified in this act for which such agent is licensed pursuant to K.S.A. 40-4903 and ~~subsection (d) of 40-4906,~~ and amendments thereto, with an ~~insurer not authorized to do business in this state~~ eligible nonadmitted insurer by placing such business with a person licensed pursuant to the provisions of this act and may share in the applicable commissions on such business. Before any such license shall be issued, the applicant shall submit proper application on a form prescribed by the commissioner, which application shall be accompanied by a fee of \$50. Such license shall be renewable each year on May 1, upon the payment of a \$50 fee.

(b) The agent so licensed shall on or before March 1 of each year, file with the insurance department of this state, a sworn affidavit or statement to the effect that, after diligent effort, such agent has been unable to secure the amount of insurance required to protect the property, person; or firm described in such agent's affidavit or statement from loss or damage in regularly admitted companies during the preceding year. Mere rate differential shall not be grounds for placing a particular risk ~~in~~ with a nonadmitted ~~carrier insurer~~ insurer when an admitted ~~carrier insurer~~ insurer would accept such risk at a different rate. The licensed excess coverage agent ~~must~~ shall, prior to placing insurance with an eligible nonadmitted insurer ~~not authorized to do business in this state~~, obtain the written consent of the prospective named insured and provide such insured the following information in a form promulgated by the commissioner:

(1) A statement that the coverage will be obtained from an ~~insurer not authorized to do business in this state~~ eligible nonadmitted insurer;

(2) a statement that the ~~insurer's name appears on the list of companies maintained by the commissioner~~ insurer is eligible pursuant to K.S.A. 40-246e, and amendments thereto;

(3) a notice that the insurer's financial condition, policy forms, rates and trade practices are not subject to the review or jurisdiction of the commissioner;

(4) a statement that the protection of the guaranty associations is not afforded to policyholders of the insurer; and

(5) a statement or notice with respect to any other information deemed necessary by the commissioner pertinent to insuring with an ~~insurer not authorized to do business in this state~~ eligible nonadmitted insurer.

(c) In the event the insured desires that coverage be bound with an ~~insurer not admitted to this state~~ eligible nonadmitted insurer and it is not possible to obtain the written consent of the insured prior to binding the coverage, the excess lines agent may bind the coverage after advising the insured of the information set out above and shall obtain written confirmation that the insured desires that coverage be placed with an ~~insurer not admitted to this state~~ eligible nonadmitted insurer within 30 days after binding coverage.

(d) (1) When business comes to a licensed excess lines agent in which this state is

the home state for placement with an ~~insurer not authorized to do business in this state~~ eligible nonadmitted insurer from an agent not licensed as an excess lines agent, it shall be the responsibility of the licensed excess lines agent to ascertain that the insured has been provided the preceding information and has consented to being insured with an ~~insurer not authorized to do business in this state~~ eligible nonadmitted insurer. Each excess lines agent shall keep a separate record book in such agent's office showing the transactions of fire and casualty insurance and reinsurance placed in ~~companies not authorized to do business in this state~~ eligible nonadmitted insurers, the amount of gross premiums charged thereon, the insurer with which the policy was placed, the date, term and number of the policy, the location and nature of the risk, the name of the insured and such other information as the commissioner may require and such record shall be available at all times for inspection by the commissioner of insurance or the commissioner's authorized representatives. The commissioner may revoke or suspend any license issued pursuant to the provisions of this act in the same manner and for the same reasons prescribed by K.S.A. 40-4909, and amendments thereto.

(2) Any policy issued under the provisions of this statute shall have stamped or endorsed in a prominent manner thereon, the following: This policy is issued by an ~~insurer not authorized to do business~~ eligible nonadmitted insurer in Kansas and, as such, the form, financial condition and rates are not subject to review by the commissioner of insurance and the insured is not protected by any guaranty fund.

(3) If business is placed with a nonadmitted company that is subsequently determined to be insolvent, the excess lines agent placing such business with such company is relieved of any responsibility to the insured as it relates to such insolvency, if the excess lines agent has satisfactorily complied with all requirements of this section pertaining to notification of the insured, has properly obtained the written consent of the insured and has used due diligence in selecting the insurer. It shall be presumed that due diligence was used in selecting the insurer if such insurer was on the list compiled pursuant to K.S.A. 40-246e, and amendments thereto, at the time coverage first became effective.

Sec. 8. K.S.A. 40-246e is hereby amended to read as follows: 40-246e. (a) The commissioner shall maintain a list of ~~insurers not authorized to do business in this state~~ eligible nonadmitted insurers for review by any interested person. Only those insurers who have filed a certified copy of their most recent annual statement with the commissioner in the form prescribed by K.S.A. 40-225, and amendments thereto, or; if domiciled outside the United States, have filed their most recent annual statement with the national association of insurance commissioners may appear on the list. ~~No excess lines agent shall place insurance on a Kansas domiciled risk with an insurer whose name does not appear on this list. No company shall appear on the list whose capital or surplus as shown on the annual statement does not equal or exceed \$4,500,000-\$15,000,000. Individual unincorporated insurers not listed by the national association of insurance commissioners may appear on the list if they are authorized to transact an insurance business in at least one state of the United States; and possess assets which~~ that are held in trust for the benefit of American policyholders in the sum of not less than \$50,000,000 ~~and pay the filing fee required by this section.~~ Insurance exchanges ~~who~~ that issue contracts on behalf of their members and pay the filing fee required by this section may appear on the list if their individual members have a capital or surplus equal to or in excess of \$1,500,000 and the aggregate capital or surplus of all members

of the exchange is at least \$15,000,000. ~~A nonrefundable filing fee of \$200 shall be required of any insurer submitting its annual statement for review by the commissioner for inclusion on such list.~~

(b) The commissioner shall remove an insurer's name from the listing only when: ~~(a) the:~~

~~The (1) Insurer requests such removal;~~
~~or (b) the (2) insurer fails to file its latest annual statement and required filing fee prior to May 1 of each year as required by this section; or (c) the~~

~~(3) commissioner is notified by the insurance supervisory authority of any state of the United States that such insurer has had its authority to transact business restricted; or has been declared insolvent or placed in receivership, conservatorship, rehabilitation or any similar status wherein the business of the insurer is formally supervised by an insurance supervisory authority; or (d) the~~

~~(4) commissioner is notified by the N.A.I.C. that any insurer domiciled outside the United States has been declared insolvent or placed in receivership, conservatorship, rehabilitation or any similar status wherein in which the business of the insurer is formally supervised by an insurance supervisory authority pursuant to an order by any court of competent jurisdiction; or (e) the~~

~~(5) insurer has failed to effectuate reasonably prompt, fair and equitable payment of just losses and claims in this state; or~~

~~(f) the (6) insurer encourages, promotes or rewards an agent to violate the provisions of K.S.A. 40-246b, and amendments thereto.~~

(c) Notwithstanding its inclusion on the list, a nonadmitted insurer shall be eligible to place insurance in accordance with K.S.A. 40-246b, and amendments thereto, if such insurer meets the eligibility requirements of 15 U.S.C. § 8204, as in effect on July 1, 2025.

(d) There shall be no liability on the part of and no cause of action of any nature shall arise against the commissioner, the commissioner's employees; or the state of Kansas as a result of any insurer's name appearing or not appearing on the list required by this section if such list is constructed and maintained in good faith and without malice."

On page 14, following line 8, by inserting:

"Sec. 13. K.S.A. 40-2102 is hereby amended to read as follows: 40-2102. (a) Every insurer undertaking to transact in the state of Kansas the business of automobile and motor vehicle bodily injury and property damage liability insurance and every rating organization which that files rates for such insurance shall cooperate in the preparation and submission preparing and submitting a plan to the commissioner of insurance of a plan or plans for the equitable apportionment among insurers of applicants for insurance who are, in good faith; are entitled to, but who are unable to procure such insurance through ordinary methods, such insurance. Such plan or plans shall provide:

~~(a)(1)~~ (1) Reasonable rules governing the equitable distribution of risks by direct insurance, reinsurance or otherwise and their assignment to insurers, including provisions requiring, at the request of the applicant, an immediate assumption of the risk by an insurer or insurers upon completion of an application, payment of the specified premium and deposit the application and the premium in the United States mail, postage prepaid and addressed to the plan's office;

~~(b)(2)~~ (2) rates and rate modifications applicable to such risks which that shall be

reasonable, adequate and not unfairly discriminatory;

~~(e)(3)~~ the limits of liability ~~which that~~ the insurer shall be required to assume;

~~(4)(4)~~ a method ~~whereby by which~~ applicants for insurance, insureds and insurers may have a hearing on grievances and the right of appeal to the commissioner;

~~(e) for every such plan or plans, there shall be (5) a governing board to be appointed by the commissioner of insurance which that shall meet at least annually to review and prescribe operating rules; and which shall consist of the following members;~~

~~(+)(b)(1)~~ Prior to January 1, 2026, such board shall consist of the following nine members:

(A) (i) Seven members who shall be appointed prior to December 31, 2025, as follows:

(a) Three of such members shall be representatives of foreign insurance companies;

(b) two members shall be representatives of domestic insurance companies; and

(c) two members shall be licensed independent insurance agents;

(ii) such seven members shall be appointed for a term of three years, except that the initial appointment shall include two members appointed for a two-year term and two members appointed for a one-year term as designated by the commissioner; and

~~(2)(B) two members representative shall be representatives of the general public interest with such members to be appointed for a term of two years.~~

(2) The terms of the members appointed and serving on the governing board as of July 1, 2025, shall expire on December 31, 2025.

(c) (1) The commissioner shall appoint a governing board for the plan that shall serve on and after January 1, 2026, and that shall have the same powers, duties and functions as its predecessor. On and after January 1, 2026, all members of such governing board shall serve three-year terms, except that such members shall be removable by the commissioner for inefficiency, neglect of duty or malfeasance. Such governing board shall consist of five members to be appointed as follows:

(A) Three members shall be representatives of insurers;

(B) one member shall be a representative of independent insurance agents; and

(C) one member shall be a representative of the general public.

(2) In making appointments to the governing board, the commissioner shall consider if foreign and domestic insurers are fairly represented.

(d) (1) The commissioner shall review the plan as soon as reasonably possible after filing in order to determine whether it meets the requirements set forth in (a), (b), (c) and (d) above subsections (a)(1) through (a)(4). As soon as reasonably possible after the plan has been filed the commissioner shall, in writing, approve or disapprove the same such plan. Any plan shall be deemed approved unless disapproved within 45 days. Subsequent to the waiting period the commissioner may disapprove any plan on the ground grounds that it such plan does not meet the requirements set forth in (a), (b), (c) and (d) above subsections (a)(1) through (a)(4), but only after a hearing held upon not less than 10 days' written notice to every insurer and rating organization affected specifying the matter to be considered at such hearing; and only by an order specifying in what respect the commissioner finds that such plan fails to meet such requirements, and stating when within a reasonable period thereafter such plan shall be deemed no longer effective. Such order shall not affect any assignment made or policy issued or

made prior to the expiration of the period set forth in such order. Amendments to such plan or plans shall be prepared, ~~and~~ filed and reviewed in the same manner as ~~herein~~ provided in this section with respect to the original plan or plans.

(2) ~~If no plan meeting the standards set forth in (a), (b), (c) and (d) subsections (a) (1) through (a)(4) is submitted to the commissioner within the period stated in any order disapproving an existing plan,~~ the commissioner shall, if necessary to carry out the purpose of this section after hearing, prepare and promulgate a plan meeting such requirements. If, after a hearing conducted in accordance with the provisions of the Kansas administrative procedure act, the commissioner finds that any activity or practice of any insurer or rating organization in connection with the operation of such plan or plans is unfair or unreasonable or otherwise inconsistent with the provisions of this subsection, the commissioner may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this subsection and requiring discontinuance of such activity or practice.

Sec. 14. K.S.A. 40-2109 is hereby amended to read as follows: 40-2109. (a) Every insurer undertaking to transact in this state the business of either workers compensation or employer's liability insurance or both, and every rating organization which that files rates for such insurance shall cooperate in the preparation and submission preparing and submitting a plan to the commissioner of insurance of a plan or plans, for the equitable apportionment among insurers of applicants for insurance who are, in good faith, are entitled to but who are unable to procure such insurance through ordinary methods, such insurance. Such plan or plans shall provide:

~~(a)(1)~~ Reasonable rules governing the equitable distribution of risks by direct insurance, reinsurance or otherwise and their assignment to insurers;

~~(b)(2)~~ rates and rate modifications applicable to such risks ~~which that~~ shall be reasonable, adequate and not unfairly discriminatory;

~~(c)(3)~~ a method ~~whereby by which~~ applicants for insurance, insured and insurers may have a hearing on grievances and the right of appeal to the commissioner; and

~~(d) for every such plan or plans, there shall be (4) a governing board to be appointed by the commissioner of insurance which that shall meet at least annually to review and prescribe operating rules, and which shall consist of the following members;~~

(b) (1) Prior to January 1, 2026, such board shall consist of the following nine members:

~~(+)(A) (i)~~ Seven members who shall be appointed prior to December 31, 2025, as follows:

~~(a)~~ Three ~~of such~~ members shall be representatives of foreign insurance companies;

~~(b)~~ two members shall be representatives of domestic insurance companies; and

~~(c)~~ two members shall be licensed independent insurance agents.

(ii) Such seven members shall be appointed for a term of three years, except that the initial appointment shall include two members appointed for a two-year term and two members appointed for a one-year term, as designated by the commissioner; and

~~(2)(B)~~ two members representative of the general public interest with such members to be appointed for a term of two years.

(2) The terms of the members appointed and serving on the governing board as of July 1, 2025, shall expire on December 31, 2025.

(c) (1) The commissioner shall appoint a governing board for the plan that shall serve on and after January 1, 2026, and that shall have the same powers, duties and functions as its predecessor. On and after January 1, 2026, all members of such governing board shall serve three-year terms, except that such members shall be removable by the commissioner for inefficiency, neglect of duty or malfeasance. Such governing board shall consist of seven members to be appointed as follows:

(A) Four members shall be representatives of insurance companies;

(B) two members shall be licensed insurance agents; and

(C) one member shall be a representative of the general public interest.

(2) In selecting the members who shall be representatives of insurers, the commissioner shall consider if foreign and domestic insurers are fairly represented.

(d) (1) The commissioner shall review the plan as soon as reasonably possible after filing in order to determine whether it meets the requirements set forth in subsections (a) and (c) above (1) through (a) (3). As soon as reasonably possible after the plan has been filed the commissioner shall in writing approve or disapprove the same such plan, except that any plan shall be deemed approved unless disapproved within 45 days. Subsequent to the waiting period the commissioner may disapprove any plan on the ground that it does not meet the requirements set forth in subsections (a), (b) and (c) above (1) through (a) (3), but only after a hearing held upon not less than 10 days' written notice to every insurer and rating organization affected specifying the matter to be considered at such hearing, and only by an order specifying in what respect the commissioner finds that such plan fails to meet such requirements and stating when within a reasonable period thereafter such plan shall be deemed no longer effective. Such order shall not affect any assignment made or policy issued or made prior to the expiration of the period set forth in such order. Amendments to such plan or plans shall be prepared, and filed and reviewed in the same manner as herein provided in this section with respect to the original plan or plans.

(2) If no plan meeting the standards set forth in subsections (a), (b) and (c) (1) through (a) (3) is submitted to the commissioner within the period stated in any order, disapproving an existing plan the commissioner shall, if necessary to carry out the purpose of this section after hearing, prepare and promulgate a plan meeting such requirements. When such plan or plans or amendments thereto have been approved or promulgated, no insurer shall thereafter issue a policy of workers compensation or employer's liability insurance or undertake to transact such business in this state unless such insurer shall participate in such an approved or promulgated plan. If, after a hearing conducted in accordance with the provisions of the Kansas administrative procedure act, the commissioner finds that any activity or practice of any insurer or rating organization in connection with the operation of such plan or plans is unfair or unreasonable or otherwise inconsistent with the provisions of this section, the commissioner may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this section and requiring discontinuance of such activity or practice.

(e) The commissioner shall approve rates and rate modifications for each plan that provides workers compensation insurance. This provision shall not prohibit the application of surcharges, experience modifications or other rating variables.";

On page 18, following line 23, by inserting:

"Sec. 18. K.S.A. 40-3116 is hereby amended to read as follows: 40-3116. (a)

Insurers and self-insurers are hereby directed to organize and maintain an assigned claims plan to provide that any person; who suffers injury in this state may obtain personal injury protection benefits through such plan if:

(1) Personal injury protection benefits are not available to the injured person, except that personal injury protection benefits shall not be deemed unavailable to any person suffering injury while such person was the operator of a motorcycle or motor-driven cycle, for which the owner thereof has rejected personal injury protection benefits pursuant to ~~subsection (f) of~~ K.S.A. 40-3107, and amendments thereto;

(2) Motor vehicle liability insurance or self-insurance applicable to the injury cannot be identified;

(3) Personal injury protection benefits applicable to the injury are inadequate to provide the contracted-for benefits because of financial inability of an insurer or self-insurer to fulfill its obligation; ~~however, except that~~ benefits available through the assigned claims plan shall be excess over any benefits paid or payable through the Kansas insurance guaranty association. If the personal injury protection benefits are not paid by the Kansas insurance guaranty association within the limitation of time specified in this act, such benefits shall be paid by the assigned claims plan. Payments made by the assigned claims plan pursuant to this section shall constitute covered claims under K.S.A. 40-2901 et seq., and amendments thereto.

(b) If a claim qualifies for assignment under this section, the assigned claims plan or any insurer or self-insurer to whom the claim is assigned shall be subrogated to all of the rights of the claimant against any insurer or self-insurer, its successor in interest or substitute, legally obligated to provide personal injury protection benefits to the claimant, for any of such benefits provided by the assignment.

(c) A person shall not be entitled to personal injury protection benefits through the assigned claims plan with respect to injury ~~which that~~ such person has sustained if, at the time of such injury, such person was the owner of a motor vehicle for which a policy of motor vehicle liability insurance is required under this act and such person failed to have such policy in effect.

(d) The assigned claims plan shall be governed by such rules and regulations as are necessary for its operation and for the assessment of costs, which shall be approved by the commissioner. Any claim brought through said plan shall be assigned to an insurer or self-insurer, in accordance with the approved regulations of operation, and such insurer or self-insurer, after the assignment, shall have the same rights and obligations as it would have if, prior to such assignment, it had issued a motor vehicle liability insurance policy providing personal injury protection benefits applicable to the loss or expenses incurred or was a self-insurer providing such benefits. Any party accepting benefits ~~hereunder~~ under this section shall have such rights and obligations as such person would have if a motor vehicle liability insurance policy providing personal injury protection benefits were issued to such person.

(e) No insurer shall write any motor vehicle liability insurance policy in this state unless the insurer participates in the assigned claims plan organized pursuant to this section, nor shall any person qualify as a self-insurer pursuant to ~~subsection (f) of~~ K.S.A. 40-3104, and amendments thereto, unless such person agrees to participate in such assigned claims plan. Any insurer or self-insurer required to participate in the assigned claims plan who violates this subsection shall be assessed a civil penalty of not more than \$5,000 for each policy issued or self-insurance certificate obtained in

violation thereof.

(f) (1) On and after January 1, 2026, the governing committee of the assigned claims plan shall consist of five members, who shall be removable by the commissioner for inefficiency, neglect of duty or malfeasance. Members shall be appointed as follows:

(A) Three members shall be representatives of insurers;

(B) one member shall be a representative of independent insurance agents; and

(C) one member shall be a representative of the general public.

(2) In selecting the members who shall be representatives of insurers, the commissioner shall consider whether foreign and domestic insurers are fairly represented.";

On page 26, following line 11, by inserting:

"Sec. 21. K.S.A. 40-3413 is hereby amended to read as follows: 40-3413. (a) Every insurer and every rating organization shall cooperate ~~in the preparation of~~ preparing a plan or plans for the equitable apportionment among such insurers of applicants for professional liability insurance and such other liability insurance as may be included in or added to the plan, ~~who are~~ in good faith, are entitled to such insurance but are unable to procure ~~the same~~ through ordinary methods. Such plan or plans shall be prepared and filed with the commissioner and the board of governors within a reasonable time but not exceeding 60 calendar days ~~from the effective date of this act~~. Such plan or plans shall provide:

(1) Reasonable rules governing the equitable distribution of risks by direct insurance, reinsurance or otherwise including the authority to make assessments against the insurers participating in the plan or plans;

(2) rates and rate modifications applicable to such risks ~~which that~~ shall be reasonable, adequate and not unfairly discriminatory;

(3) a method whereby periodically the plan shall compare the premiums earned to the losses and expenses sustained by the plan. If there is any surplus of premiums over losses and expenses received for that year such surplus shall be transferred to the fund. If there is any excess of losses and expenses over premiums earned such losses shall be transferred from the fund, ~~however except that~~ such transfers shall not occur more often than once each three months;

(4) the limits of liability ~~which that~~ the plan shall be required to provide, ~~but in no event shall~~ except that such limits shall not be less than those limits provided for in ~~subsection (a) of K.S.A. 40-3402, and amendments thereto; and~~

(5) a method ~~whereby by which~~ applicants for insurance, insureds and insurers may have a hearing on grievances and the right of appeal to the commissioner.

~~(b) (1)~~ For every such plan or plans, there shall be a governing board ~~which that~~ shall meet at least annually to review and prescribe operating rules. Prior to December 31, 2025, such board of directors shall consist of nine members to be appointed, for terms of four years, by the commissioner as follows:

~~(+)(A)~~ Two members who shall be representatives of foreign insurers;

~~(2)(B)~~ two members who shall be representatives of domestic insurers;

~~(3)(C)~~ two members who shall be ~~health care~~ healthcare providers;

~~(4)(D)~~ one member who shall be a licensed insurance agent actively engaged in the solicitation of casualty insurance;

~~(5)(E)~~ one member who shall be the chairperson of the board of governors or the chairperson's designee; and

(6)(F) one member who shall be a representative of the general public.

(2) The members of the governing board appointed on or before July 1, 2025, shall serve their current terms that shall expire on December 31, 2025. On and after January 1, 2026, the governing board shall consist of five members who shall be appointed for a term of four years except that such members shall be removable by the commissioner for inefficiency, neglect of duty or malfeasance as follows:

(A) One member who shall be a representative of foreign insurers;

(B) one member who shall be a representative of domestic insurers;

(C) one member shall be a healthcare provider;

(D) one member who shall be a licensed insurance agent engaged in the solicitation of casualty insurance; and

(E) one member who shall be chairperson of the board or the chairperson's designee.

(c) The commissioner and ~~board of directors~~ governing board shall review the plan as soon as reasonably possible after filing in order to determine whether ~~if such plan~~ meets the requirements set forth in subsection (a). As soon as reasonably possible after the plan has been filed, the commissioner, consistent with the recommendations of the ~~board of directors~~ governing board, shall ~~in writing~~ approve or disapprove the plan in writing. Any plan shall be deemed approved unless disapproved within 30 days. Subsequent to the waiting period the commissioner may disapprove any plan on the ~~ground grounds~~ that ~~it such plan~~ does not meet the requirements set forth in subsection (a), but only after a hearing held upon not less than 10 days' written notice to every insurer and rating organization affected specifying in what respect the commissioner finds that such plan fails to meet such requirements; and stating when, within a reasonable period thereafter, such plan shall be deemed no longer effective. Such order shall not affect any assignment made or policy issued or made prior to the expiration of the period set forth in the order. Amendments to such plan or plans shall be prepared, ~~and~~ filed and reviewed in the same manner as ~~herein~~ provided in this section with respect to the original plan or plans.

(d) If no plan meeting the standards set forth in subsection (a) is submitted to the commissioner and board of directors within 60 calendar days from ~~the effective date of this act July 1, 1982,~~ or within the period stated in any order disapproving an existing plan, the commissioner with the assistance of the board of directors shall after a hearing, if necessary to carry out the purpose of this act, prepare and promulgate a plan meeting such requirements.

(e) If, after a hearing conducted in accordance with the provisions of the Kansas administrative procedure act, the commissioner and board of directors find that any activity or practice of any insurer or rating organization in connection with the operation of such plan or plans is unfair or unreasonable or otherwise inconsistent with the provisions of this act, the commissioner and board of directors may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this act and requiring discontinuance of such activity or practice.

(f) An insurer participating in the plan approved by the commissioner may pay a commission with respect to insurance written under the plan to an insurance agent licensed for any other insurer participating in the plan or to any insurer participating in the plan. Such commission shall be reasonably equivalent to the usual customary

commission paid on similar types of policies issued in the voluntary market.

~~(g) Notwithstanding the provisions of K.S.A. 40-3402, and amendments thereto, the plan shall make available policies of professional liability insurance covering prior acts. Such professional liability insurance policies shall have limits of coverage not exceeding \$1,000,000 per claim, subject to not more than \$3,000,000 annual aggregate liability for all claims made as a result of personal injury or death arising out of the rendering of or the failure to render professional services within this state on or before December 31, 2014. Such professional liability insurance policies shall be made available only to physician assistants licensed by the state board of healing arts, licensed advanced practice registered nurses authorized by the state board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, nursing facilities licensed by the state of Kansas, assisted living facilities licensed by the state of Kansas and residential health care facilities licensed by the state of Kansas that will be in compliance with K.S.A. 40-3402, and amendments thereto, on January 1, 2015. The premiums for such professional liability insurance policies shall be based upon reasonably prudent actuarial principles. The provisions of this subsection shall expire on January 1, 2016."~~

On page 53, following line 26, by inserting:

"Sec. 37. K.S.A. 75-4101 is hereby amended to read as follows: 75-4101. (a) There is hereby created a committee on surety bonds and insurance, which shall consist of the state treasurer, the attorney general and the commissioner of insurance or their respective designees. The commissioner of insurance shall be the chairperson of the committee and the director of purchases or the director's designee shall be the ex officio secretary. The committee shall meet upon the call of the chairperson and at such other times as the committee shall determine ~~but at least once each month on the second Monday in each month. Meetings shall be held in the office of the commissioner of insurance.~~ The members of the committee shall serve without compensation. The secretary shall be the custodian of all property, records and proceedings of the committee. Except as provided in this section and K.S.A. 74-4925, 74-4927, 75-6501 through 75-6511 and 76-749, and amendments thereto, no state agency shall purchase any insurance of any kind or nature or any surety bonds upon state officers or employees, except as provided in this act. Except as otherwise provided in this section, health care healthcare coverage and health care healthcare services of a health maintenance organization for state officers and employees designated under K.S.A. 75-6501(c), and amendments thereto, shall be provided in accordance with the provisions of K.S.A. 75-6501 through 75-6511, and amendments thereto.

(b) The Kansas turnpike authority may purchase group life, health and accident insurance or health care services of a health maintenance organization for its employees or members of the highway patrol assigned, by contract or agreement entered pursuant to K.S.A. 68-2025, and amendments thereto, to police toll or turnpike facilities, independent of the committee on surety bonds and insurance and of the provisions of K.S.A. 75-6501 through 75-6511, and amendments thereto. Such authority may purchase liability insurance covering all or any part of its operations and may purchase liability and related insurance upon all vehicles owned or operated by the authority independent of the committee on surety bonds and insurance and such insurance may be purchased without complying with K.S.A. 75-3738 through 75-3744, and amendments thereto. Any board of county commissioners may purchase such insurance or ~~health~~

~~care~~ healthcare services, independent of such committee, for district court officers and employees any part of whose total salary is payable by the county. Nothing in any other provision of the laws of this state shall be construed as prohibiting members of the highway patrol so assigned to police toll or turnpike facilities from receiving compensation in the form of insurance or health maintenance organization coverage as herein authorized.

(c) The agencies of the state sponsoring a foster grandparent or senior companion program, or both, shall procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in such programs against loss in accordance with specifications of federal grant guidelines. Such agencies may purchase such policy of insurance independent of the committee on surety bonds and insurance and without complying with K.S.A. 75-3738 through 75-3744, and amendments thereto.

(d) Any state educational institution as defined by K.S.A. 76-711, and amendments thereto, may purchase insurance of any kind or nature except employee health insurance. Such insurance shall be purchased on a competitively bid or competitively negotiated basis in accordance with procedures prescribed by the state board of regents. Such insurance may be purchased independent of the committee on surety bonds and insurance and without complying with K.S.A. 75-3738 through 75-3744, and amendments thereto.

(e) (1) The state board of regents may enter into one or more group insurance contracts to provide health and accident insurance coverage or ~~health care~~ healthcare services of a health maintenance organization for all students attending a state educational institution as defined in K.S.A. 76-711, and amendments thereto, and such students' dependents, except that such insurance shall not provide coverage for elective procedures that are not medically necessary as determined by a treating physician. The participation by a student in such coverage shall be voluntary. In the case of students who are employed by a state educational institution in a student position, the level of employer contributions toward such coverage shall be determined by the board of regents.

(2) The state board of regents is hereby authorized to independently provide, through self-insurance or the purchase of insurance contracts, ~~health care~~ healthcare benefits for employees of a state educational institution, as such term is defined in K.S.A. 76-711, and amendments thereto, when the state ~~health care~~ healthcare benefits program is insufficient to satisfy the requirements of 22 C.F.R. § 62.14, as in effect upon ~~the effective date of this section~~ April 13, 2017. Such healthcare benefits shall be limited to only those for whom the state ~~health care~~ healthcare benefits program does not meet federal requirements.

(3) The state board of regents may purchase cybersecurity insurance as it deems necessary to protect student records, labor information and other statutorily protected data that the board maintains, independent of the committee on surety bonds and insurance and without complying with the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto. As used in this paragraph, "cybersecurity insurance" includes, but is not limited to, first-party coverage against losses such as data destruction, denial of service attacks, theft, hacking and liability coverage guaranteeing compensation for damages from errors such as the failure to safeguard data.

(4) The state board of regents may adopt rules and regulations necessary to

administer and implement the provisions of this section.

Sec. 38. K.S.A. 2024 Supp. 75-6301 is hereby amended to read as follows: 75-6301. (a) There is hereby established under the jurisdiction of the commissioner of insurance ~~a division to be known as the office of the securities commissioner of Kansas the department of insurance, securities division~~. ~~The office department of insurance, securities division shall be administered by the securities commissioner of Kansas department of insurance assistant commissioner, securities division who shall be in the unclassified service under the Kansas civil service act. The securities commissioner department of insurance assistant commissioner, securities division shall be appointed by the commissioner of insurance and be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. The securities commissioner department of insurance assistant commissioner, securities division shall have special training and qualifications for such position, shall receive such compensation as may be fixed by the commissioner of insurance and shall serve at the pleasure of the commissioner of insurance. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as securities commissioner shall exercise any power, duty or function as securities commissioner until confirmed by the senate.~~

(b) ~~The securities commissioner department of insurance assistant commissioner, securities division shall devote full time to the performance of the duties of the office of the securities commissioner department of insurance, securities division.~~

(c) ~~The securities commissioner department of insurance assistant commissioner, securities division may appoint directors and other employees within the office of the securities commissioner department of insurance, securities division as determined necessary by the securities commissioner department of insurance assistant commissioner, securities division to effectively carry out the mission of the office. All directors appointed after the effective date of this act shall be in the unclassified service under the Kansas civil service act, shall have special training and qualifications for such positions, shall serve at the pleasure of the securities commissioner department of insurance assistant commissioner, securities division and shall receive compensation fixed by the securities commissioner department of insurance assistant commissioner, securities division and approved by the commissioner of insurance.~~

(d) Nothing in subsection (c) shall affect the classified status of any person employed in the ~~office of the securities commissioner department of insurance, securities division~~ on the day immediately preceding the effective date of this act. The provisions of this subsection shall not be construed to limit the powers of the ~~securities commissioner department of insurance assistant commissioner, securities division~~ pursuant to K.S.A. 75-2948, and amendments thereto.

(e) ~~The office of the securities commissioner of Kansas department of insurance, securities division shall cooperate with the department of insurance department to consolidate administrative functions and cross-appoint such employees as deemed necessary to provide efficiency. The commissioner of insurance and the securities commissioner department of insurance assistant commissioner, securities division are hereby authorized to enter into agreements and adopt rules and regulations as necessary to administer the provisions of this subsection."~~

Also on page 53, in line 27, after "K.S.A." by inserting "8-2405,"; also in line 27, after "40-218," by inserting "40-246b, 40-246e,"; also in line 27, after "40-956," by inserting "40-2102, 40-2109,"; in line 28, after "40-2702," by inserting "40-3116,"; also

in line 28, after "40-3304," by inserting "40-3413,"; in line 30, by striking the first "and" and inserting a comma; also in line 30, after "40-5509" by inserting ", 75-4101, 75-6302, 75-6303, 75-6304, 75-6305, 75-6306 and 75-6307"; also in line 30, after "Supp." by inserting "40-102,"; in line 31, by striking "and" and inserting a comma; also in line 31, after "40-4903" by inserting "and 75-6301"; in line 33, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "register" by inserting "; reducing the number of board members appointed by the commissioner of insurance on certain insurance-related boards and the frequency of the meetings of the committee on surety bonds and insurance; renaming the Kansas insurance department as the Kansas department of insurance; requiring the commissioner of insurance to maintain a list of eligible nonadmitted insurers; authorizing certain nonadmitted insurers to transact business in Kansas with vehicle dealers and to provide excess coverage insurance on Kansas risks; renaming the office of the securities commissioner as the department of insurance assistant commissioner, securities division; eliminating the requirement that the senate confirm the department of insurance assistant commissioner, securities division appointee"; also in line 4, after "K.S.A." by inserting "8-2405,"; in line 5, after "40-218," by inserting "40-246b, 40-246e,"; also in line 5, after "40-956," by inserting "40-2102, 40-2109,"; in line 6, after the second comma by inserting "40-3116,"; also in line 6, after "40-3304," by inserting "40-3413,"; in line 7, by striking the first "and" and inserting a comma; also in line 7, after "40-5509" by inserting "and 75-4101"; in line 8, after "Supp." by inserting "40-102,"; also in line 8, by striking "and" and inserting a comma; also in line 8, after "40-4903" by inserting "and 75-6301"; in line 9, after "40-3217" by inserting ", 75-6302, 75-6303, 75-6304, 75-6305, 75-6306 and 75-6307";

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

BRENDA DIETRICH, MICHAEL FAGG, MARCI FRANCISCO—*Conferees on part of Senate*

BILL SUTTON, BRIAN BERGKAMP, CINDY NEIGHBOR—*Conferees on part of House*

Senator Dietrich moved the Senate adopt the Conference Committee Report on **HB 2050**.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

The Conference Committee Report was adopted.

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 GOUDEAU—*Conferees on part of Senate*
PAT PROCTOR, PAUL WAGGONER, KIRK HASKINS—*Conferees on part of House*

On motion of Senator Thompson the Senate adopted the conference committee report on **S Sub HB 2056**, and requested a new conference be appointed.

The President appointed Senators Thompson, Blew and Faust Goudeau as a second Conference Committee on the part of the Senate on **S Sub HB 2056**.

CONFERENCE COMMITTEE REPORT

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

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2056, as follows:

On page 1, following line 6, by inserting:

"Section 1. K.S.A. 25-302 is hereby amended to read as follows: 25-302. (a) Any recognized political party, except those authorized to participate in a primary election pursuant to K.S.A. 25-202, and amendments thereto, may by means of a delegate or mass convention or caucus of qualified voters belonging to such party for the state or municipality, or any lawfully organized portion of either, for which such convention or caucus is held, nominate one person for each office that is to be filled therein at the next ensuing election; ~~and~~. Subject to the provisions of this act, such political party shall file a certificate of such nominations so made. A convention or caucus for nominating persons for national, state, district, or county offices shall be called by the state chairperson of the party, or if there be no state chairperson by the party's candidate for governor at the preceding general election.

~~Every such (b) Each~~ Each certificate of nomination shall be signed by the presiding officer and a the secretary of the convention or caucus making such nominations. In each case ~~The persons signing the certificates shall add to their signatures their places~~ include each such person's place of residence with each such person's signature, and shall make and subscribe an oath that, to the best of ~~their~~ such person's knowledge and belief, such certificates and the statements therein made are true; ~~and~~. A certificate that such oath has been taken and administered shall be made and signed on such certificate of nomination by the officer before whom ~~the same~~ such oath was taken.

(c) A person listed on a certificate of nomination shall submit a signed declaration stating that such person accepts the nomination of the party submitting such certificate of nomination for the designated office. Such declaration shall be acknowledged by an individual authorized to perform notarial acts in this state pursuant to K.S.A. 53-5a10, and amendments thereto. No person shall be a party's nominee pursuant to this section until such declaration is submitted in accordance with this act.

Sec. 2. K.S.A. 25-304 is hereby amended to read as follows: 25-304. (a) All certificates of nomination shall be in writing, shall and contain the name of each person nominated, with such person's residence and the office for which such person is nominated.

(b) Party certificates of nomination issued by a party convention or caucus pursuant to K.S.A. 25-302, and amendments thereto, by the secretary of state pursuant to K.S.A. 25-3205, and amendments thereto, or by a county election officer pursuant to K.S.A.

25-3110, and amendments thereto, shall designate the political party ~~which~~ that the convention, primary election or caucus making the nominations represented.

(c) ~~When electors for president and vice-president~~ vice president of the United States are nominated, the names of the candidates for president and ~~vice-president~~ vice president may also be shown on the certificates. Independent nomination petitions for presidential electors shall contain the names of each elector and the names of the candidates for president and ~~vice-president~~ vice president of the United States, together with the residence of each elector and candidate.

(d) The provisions of this section shall not apply to city or school elections, nor to the election of officers for which it is provided by law to be elected at the time of city and school elections.

Sec. 3. K.S.A. 25-306 is hereby amended to read as follows: 25-306. ~~Unless a person declines a nomination pursuant to K.S.A. 25-306e, and amendments thereto, withdraws from candidacy pursuant to K.S.A. 25-306a, and amendments thereto, or withdraws from a nomination pursuant to K.S.A. 25-306b, and amendments thereto:~~

(a) ~~No person shall be eligible to~~ may accept more than one nomination for the same office.

(b) ~~No person shall be eligible for nomination to an office pursuant to K.S.A. 25-303 or 25-304, and amendments thereto, if such person has filed either a declaration of intention to become a candidate for the same office or has filed a nomination petition for the same office~~ (1) If a person has: (A) Received and accepted a party nomination pursuant to K.S.A. 25-302, and amendments thereto; (B) filed a declaration of intention to become a candidate for an office pursuant to K.S.A. 25-206, and amendments thereto; or (C) filed a valid nomination petition to be an independent candidate pursuant to K.S.A. 25-303, and amendments thereto, such person shall not become a candidate for a different political party or as an independent candidate for office at a general election through either of the two procedures not previously used by such person unless such person has satisfied the provisions of paragraph (2).

(2) A person who has met one of the conditions described in paragraph (1) shall only become a candidate for a different political party or as an independent candidate for office at a general election through one of the other procedures described in paragraph (1) if, prior to the filing deadline established by K.S.A. 25-205, and amendments thereto, such person has: (A) Declined a party nomination pursuant to K.S.A. 25-306e, and amendments thereto; (B) withdrawn from candidacy after nomination pursuant to K.S.A. 25-306a, and amendments thereto; or (C) withdrawn from a nomination pursuant to K.S.A. 25-306b, and amendments thereto.

(c) ~~No person shall be eligible to file either a declaration of intention to become a candidate for an office or a nomination petition for an office if such person has accepted a nomination for the same office pursuant to K.S.A. 25-303 or 25-304, and amendments thereto~~ The provisions of this section shall be enforced by the secretary of state for all federal and state elected offices and by the appropriate county election officer for all county and township elected offices."

Also, on page 1, following line 25, by inserting:

"Sec. 5. K.S.A. 2024 Supp. 25-4411 is hereby amended to read as follows: 25-4411. (a) The vote tabulation equipment may be located at any place within the county approved by the county election officer.

(b) ~~Within five~~ 30 days prior to the date of the election, the county election officer

shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in a newspaper of general circulation in the county or city where such equipment is to be used and on the county website, if the county has a website. The test shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each measure; and shall include for each office one or more ballots ~~which~~ that have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated within five business days after the completion of the canvass. The equipment, programs and ballots shall be secured and retained by the county election officer.

Sec. 6. K.S.A. 2024 Supp. 25-4610 is hereby amended to read as follows: 25-4610.

(a) The optical scanning equipment may be located at any place within the county approved by the county election officer.

(b) Within ~~five~~ 30 days prior to the date of the election, the county election officer shall have the optical scanning equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in a newspaper of general circulation in the county where such equipment is to be used and on the county website, if the county has a website. The test shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots marked ~~as~~ to record a predetermined number of valid votes for each candidate and on each question submitted; and shall include for each office one or more ballots ~~which~~ that have votes in excess of the number allowed by law in order to test the ability of the optical scanning equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the optical scanning equipment is approved. The test shall be repeated within five business days after the completion of the canvass. The programs and ballots shall be sealed, retained and disposed of in the same manner as paper ballots.";

Also on page 1, in line 26, after "K.S.A." by inserting "25-302, 25-304, 25-306 and"; also in line 26, by striking "is" and inserting "and K.S.A. 2024 Supp. 25-4411 and 25-4610 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after the semicolon by inserting "requiring a person listed on a certificate of nomination for a minor political party to accept such nomination by a notarized declaration; prohibiting such person from becoming a candidate for another political party;"; in line 3, after the semicolon by inserting "extending the time for testing election equipment;"; also in line 3, after "K.S.A." by inserting "25-302, 25-304, 25-306 and"; in line 4, after "and" by inserting "K.S.A. 2024 Supp. 25-4411 and 25-4610 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—*Conferees on part of Senate*

PAT PROCTOR, PAUL WAGGONER—*Conferees on part of House*

Senator Thompson moved the Senate adopt the Conference Committee Report on **S Sub HB 2056**.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage, Haley, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

Nays: Corson, Holscher, Pettey, Schmidt, Sykes, Ware.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

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

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

On page 3, following line 21, by inserting:

"Sec. 4. K.S.A. 23-3002 is hereby amended to read as follows: 23-3002. (a) In determining the amount to be paid for child support, the court shall:

(1) Follow the Kansas child support guidelines adopted by the supreme court pursuant to K.S.A. 20-165, and amendments thereto; and

(2) take into consideration and shall order the use of the total value of any individual retirement plan account that is qualified under sections 401(a), 401(k), 403(a), 403(b), 408, 408A or 409 of the federal internal revenue code of 1986 if the person has experienced a loss of income or termination from employment due to loss, revocation, suspension or surrender of a professional license because of professional misconduct or voluntary underemployment.

(b) (1) If a parent accumulates a child support arrearage and experiences a loss of income or termination from employment due to loss, revocation, suspension or surrender of a professional license because of professional misconduct or voluntary underemployment, the court shall, upon the occurrence of a distributable event as defined by the terms of the qualified plan, order the use of individual retirement plan accounts described in subsection (a)(2) to pay the arrearage with a one-time lump-sum distribution until:

(A) All funds in such accounts are exhausted; or

(B) the parent establishes other means to satisfy the child support obligations.

(2) Claims for child support against an individual retirement plan account described in subsection (a)(2) shall:

(A) Not require a plan to make any distributions that are not otherwise authorized by the terms of the plan;

(B) be subject to early withdrawal penalties and taxable income as a distribution; and

(C) be executed through direct payment from the retirement account through the

Kansas payment center.

(c) Any person who files a motion requesting a child support order or modification order shall include in such filing a completed domestic relations affidavit and proposed child support worksheet.

Sec. 5. K.S.A. 2024 Supp. 60-2308 is hereby amended to read as follows: 60-2308.

(a) Money received by any debtor as pensioner of the United States within three months ~~next immediately~~ preceding the issuing of an execution, ~~or~~ attachment; or garnishment process, ~~cannot shall not~~ be applied to the payment of the debts of such pensioner ~~when~~ if it appears by the affidavit of the debtor or otherwise that such pension money is necessary for the maintenance of the debtor's support or a family support wholly or in part by the pension money. The filing of the affidavit by the debtor, or making proof as provided in this section, shall be prima facie evidence of the necessity of such pension money for such support. It shall be the duty of the court ~~in which~~ where such proceeding is pending to release all moneys held by such attachment or garnishment process, immediately upon the filing of such affidavit; or the making of such proof.

(b) Except as provided in subsection (c), any money or other assets payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan ~~which that~~ is qualified under sections 401(a), 403(a), 403(b), 408, 408A or 409 of the federal internal revenue code of 1986, and amendments thereto, shall be exempt from any and all claims of creditors of the beneficiary or participant. Any such plan shall be conclusively presumed to be a spendthrift trust under these statutes and the common law of the state.

(c) ~~Any~~ A plan or arrangement described in subsection (b), a retirement plan that is qualified under section 401(k) of the federal internal revenue code of 1986, an individual retirement account and any similar retirement instruments, including contributions and amounts within such instruments shall not be exempt from the claims of an alternate payee under a qualified domestic relations order or a child support order issued pursuant to article 30 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto. ~~However,~~ The interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the Kansas department for children and families, of the alternate payee. As used in this subsection, ~~the terms~~ "alternate payee" and "qualified domestic relations order" have the meaning ascribed to them in section 414(p) of the federal internal revenue code of 1986, and amendments thereto.

(d) The provisions of subsections (b) and (c) shall apply to any proceeding ~~which that~~ that:

- (1) Is filed on or after July 1, 1986; or
- (2) was filed on or after January 1, 1986, and is pending or on appeal July 1, 1986.

(e) Money held by the central unit for collection and disbursement of support payments designated pursuant to K.S.A. 39-7,135, and amendments thereto, the Kansas department for children and families, any clerk of a district court or any district court trustee in connection with a court order for the support of any person, whether the money is identified as child support, spousal support, alimony or maintenance, shall be exempt from execution, attachment or garnishment process.

(f) (1) The provisions of this subsection shall apply to any proceeding ~~which that~~ that:

- (A) Is filed on or after January 1, 2002; or
- (B) was filed prior to January 1, 2002, and is pending on or on appeal after January

1, 2002.

(2) Except as provided by paragraphs (3) and (4) ~~of this subsection~~, if the designated beneficiary of a family postsecondary education savings account established pursuant to K.S.A. 75-640 et seq., and amendments thereto, is a lineal descendant of the account owner, all moneys in the account shall be exempt from any claims of creditors of the account owner or designated beneficiary.

(3) The provisions of paragraph (2) ~~of this subsection~~ shall not apply to claims of any creditor of an account owner, as to amounts contributed within a one-year period preceding:

(A) ~~Claims of any creditor of an account owner, as to amounts contributed within a one-year period preceding~~—The date of the filing of a bankruptcy petition under 11 U.S.C. § 101 et seq.; or

(B) ~~claims of any creditor of an account owner, as to amounts contributed within a one-year period preceding~~—an execution on judgment for such claims against the account owner.

(4) The provisions of paragraph (2) ~~of this subsection~~ shall not apply to claims of any creditor of an account owner, as to amounts exceeding \$5,000 contributed within a period of time that is more than one year but less than two years preceding:

(A) ~~Claims of any creditor of an account owner, as to amounts exceeding \$5,000 contributed within a period of time which is more than one year but less than two years preceding~~—The date of the filing of a bankruptcy petition under 11 U.S.C. § 101 et seq.; or

(B) ~~claims of any creditor of an account owner, as to amounts exceeding \$5,000 contributed within a period of time which is more than one year but less than two years preceding~~—an execution on judgment for such claims against the account owner.";

Also on page 3, in line 29, by striking "and"; in line 33, by striking all after "purposes"; by striking all in lines 34 and 35; in line 36, by striking all before the period and inserting "; and

(4) in addition to the amount allowed pursuant to paragraphs (1), (2) and (3), an unborn child as defined in K.S.A. 23-3001, and amendments thereto, shall be recognized as a dependent and shall be allowed a personal exemption of \$2,320 as follows:

(A) For live births, the unborn child personal exemption shall be an additional exemption for any qualifying dependent of the taxpayer pursuant to paragraph (3) who was born in the taxable year; and

(B) for an unborn child who does not result in a live birth known as a stillbirth as defined in K.S.A. 65-2401, and amendments thereto, and for whom a certificate of stillbirth is filed pursuant to law, a personal exemption may be allowed by the taxpayer who is a parent for the taxable year of the issuance of the certificate";

On page 4, in line 3, by striking the first "and" and inserting a comma; also in line 3, after the second "and" by inserting "23-3002 and"; in line 4, after "Supp." by inserting "60-2308 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "requiring the court to consider the value of retirement accounts when determining support orders; eliminating the exemption and retirement moneys from claims to fulfill child support obligations;"; in line 5, after "unborn" by inserting "and stillborn"; in line 6, by striking

the first "and" and inserting a comma; also in line 6, after the second "and" by inserting "23-3002 and"; also in line 6, after "Supp." by inserting "60-2308 and";

Also on page 1, following line 8, by inserting:

"WHEREAS, The amendments made to the provisions of K.S.A. 23-3002 and K.S.A. 2024 Supp. 60-2308 by this act shall be known as the support compliance and accountability for responsible support act (SCARS).

Now, therefore:"

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

KELLIE WARREN, KENNY TITUS—*Conferees on part of Senate*

SUSAN HUMPHRIES, LAURA WILLIAMS—*Conferees on part of House*

Senator Warren moved the Senate adopt the Conference Committee Report on **HB 2062**.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, Joseph Claeys, J.R. Claeys, Clifford, Dietrich, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

Nays: Corson, Faust Goudeau, Francisco, Haley, Holscher, Pettey, Schmidt, Sykes, Ware.

The Conference Committee Report was adopted.

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*

Senator Gossage moved the Senate adopt the Conference Committee Report on **HB 2069**.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2134** 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 4, following line 6, by inserting:

"Sec. 2. K.S.A. 2024 Supp. 45-221 is hereby amended to read as follows: 45-221.

(a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records that are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records that pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information that would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information that would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records that show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public;

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information that specifically and individually identifies the victim of any sexual offense described in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of subparagraphs (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if:

(A) Disclosure would interfere with a prospective administrative adjudication or civil litigation or;

(B) disclosure would reveal the identity of a confidential source or undercover agent; or

(C) the investigation is formally closed and the agency determines that no violation occurred.

(12) Records of emergency or security information or procedures of a public agency, if disclosure would jeopardize public safety, including records of cybersecurity plans, cybersecurity assessments and cybersecurity vulnerabilities or procedures related to cybersecurity plans, cybersecurity assessments and cybersecurity vulnerabilities, or plans, drawings, specifications or related information for any building or facility that is used for purposes requiring security measures in or around the building or facility or that is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence that is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or that is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information that the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications that are prepared by a person other than an employee of a public agency or records that are the property of a private person.

(19) Well samples, logs or surveys that the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers that pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body that has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers that pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body that has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records that pertain to identifiable individuals.

(24) Records that are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records that represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information that specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry

where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record that is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and that is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information that would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to K.S.A. 40-409(b), and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under K.S.A. 40-2,156(a), and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third-party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital that the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect:

(A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services;

(B) transportation and sewer or wastewater treatment systems, facilities or equipment; or

(C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers, DD Form 214. Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the ~~commissioner of veterans affairs~~ Kansas office of veterans services, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with K.S.A. 44-532(h)(1), and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's e-mail address, cell phone number and other contact information that has been given to the public agency for the purpose of public agency notifications or communications that are widely distributed to the public.

(50) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act upon request of the party submitting such records.

(51) Records of a public agency on a public website that are searchable by a keyword search and identify the home address or home ownership of: A law enforcement officer as defined in K.S.A. 21-5111, and amendments thereto; a parole officer; a probation officer; a court services officer; a community correctional services officer; a local correctional officer or local detention officer; a federal judge; a justice of the supreme court; a judge of the court of appeals; a district judge; a district magistrate judge; a municipal judge; a presiding officer who conducts hearings pursuant to the Kansas administrative procedure act; an administrative law judge employed by the office of administrative hearings; a member of the state board of tax appeals; an administrative law judge who conducts hearings pursuant to the workers compensation act; a member of the workers' compensation appeals board; the United States attorney for the district of Kansas; an assistant United States attorney; a special assistant United States attorney; the attorney general; an assistant attorney general; a special assistant attorney general; a county attorney; an assistant county attorney; a special assistant

county attorney; a district attorney; an assistant district attorney; a special assistant district attorney; a city attorney; an assistant city attorney; or a special assistant city attorney. Such person shall file with the custodian of such record a request to have such person's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such person's identifying information from such public access. Such restriction shall expire after five years and such person may file with the custodian of such record a new request for restriction at any time.

(52) Records of a public agency that would disclose the name, home address, zip code, e-mail address, phone number or cell phone number or other contact information for any person licensed to carry concealed handguns or of any person who enrolled in or completed any weapons training in order to be licensed or has made application for such license under the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, shall not be disclosed unless otherwise required by law.

(53) Records of a utility concerning information about cyber security threats, attacks or general attempts to attack utility operations provided to law enforcement agencies, the state corporation commission, the federal energy regulatory commission, the department of energy, the southwest power pool, the North American electric reliability corporation, the federal communications commission or any other federal, state or regional organization that has a responsibility for the safeguarding of telecommunications, electric, potable water, waste water disposal or treatment, motor fuel or natural gas energy supply systems.

(54) Records of a public agency containing information or reports obtained and prepared by the office of the state bank commissioner in the course of licensing or examining a person engaged in money transmission business pursuant to K.S.A. 9-508 et seq., and amendments thereto, shall not be disclosed except pursuant to K.S.A. 9-513c, and amendments thereto, or unless otherwise required by law.

(55) Records of a public agency that contain captured license plate data or that pertain to the location of an automated license plate recognition system.

(56) Records of a public agency that contain material that is obscene as defined in K.S.A. 21-6401, and amendments thereto.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer that may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" does not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material that is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record that is subject to disclosure pursuant to

this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions that are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record that pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record that has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

Sec. 3. K.S.A. 75-7d01 is hereby amended to read as follows: 75-7d01. (a) There is hereby created in the office of the attorney general a batterer intervention program certification unit.

(b) ~~Except as otherwise provided by law,~~ The books, documents, papers, records or other sources of information obtained and the investigations conducted by the unit shall be confidential as required by state or federal law.

(c) The purpose of the batterer intervention program certification unit is to certify and inspect batterer intervention programs in Kansas. To accomplish this purpose, upon request of the unit, the unit shall have access to all records of reports, investigation documents and written reports of findings related to confirmed cases of domestic violence or exploitation of persons or cases in which there is reasonable suspicion to believe domestic violence has occurred that are received or generated by the Kansas department for children and families, the Kansas department for aging and disability services, the department of health and environment or the Kansas bureau of investigation.

(d) The attorney general shall develop a set of tools, methodologies, requirements and forms for the domestic violence offender assessment required by K.S.A. 21-6604(p), and amendments thereto. The batterer intervention program tools, methodologies, requirements and forms shall be developed in consultation with the agency certified by the centers for disease control and prevention and the department of health and human services as the domestic violence coalition for the state and with local domestic violence victims' services organizations.

(e) The attorney general may appoint a panel to assist the attorney general by making recommendations regarding the:

- (1) Content and development of a batterer intervention certification program; and
- (2) rules and regulations.

(f) The attorney general may appoint such advisory committees as the attorney general deems necessary to carry out the purposes of the batterer intervention program certification act. Except as provided in K.S.A. 75-3212, and amendments thereto, no member of any such advisory committee shall receive any compensation, subsistence,

mileage or other allowance for serving on an advisory committee or attending any meeting thereof.

Sec. 4. K.S.A. 75-753 is hereby amended to read as follows: 75-753. (a) On or before ~~January~~ October 15, of each year, the county or district attorney of each county shall report to the attorney general all complaints received during the preceding fiscal year concerning violations of the open records act and open meetings act and the disposition of each complaint.

(b) The attorney general shall compile information received pursuant to subsection (a) with information relating to investigations of violations of the open records act and the open meetings act conducted by the office of the attorney general. The attorney general shall publish a yearly abstract of such information listing by name the public agencies which are the subject of such complaints or investigations.

Sec. 5. K.S.A. 75-4318 is hereby amended to read as follows: 75-4318. (a) Subject to the provisions of subsection (g), all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds shall be open to the public and no binding action by such public bodies or agencies shall be by secret ballot. Meetings of task forces, advisory committees or subcommittees of advisory committees created pursuant to a governor's executive order shall be open to the public in accordance with this act.

(b) Notice of the date, time and place of any regular or special meeting of a public body or agency designated in subsection (a) shall be furnished to any person requesting such notice, except that:

(1) If notice is requested by petition, the petition shall designate one person to receive notice on behalf of all persons named in the petition, and notice to such person shall constitute notice to all persons named in the petition;

(2) if notice is furnished to an executive officer of an employees' organization or trade association, such notice shall be deemed to have been furnished to the entire membership of such organization or association; and

(3) the public body or agency may require that a request to receive notice must be submitted again to the public body or agency prior to the commencement of any subsequent fiscal year of the public body or agency during which the person wishes to continue receiving notice, but, prior to discontinuing notice to any person, the public body or agency must notify the person that notice will be discontinued unless the person resubmits a request to receive notice.

(c) It shall be the duty of the presiding officer or other person calling the meeting, if the meeting is not called by the presiding officer, to furnish the notice required by subsection (b).

(d) Prior to any meeting mentioned by subsection (a), any agenda relating to the business to be transacted at such meeting shall be made available to any person requesting the agenda.

(e) The use of cameras, photographic lights and recording devices shall not be prohibited at any meeting mentioned by subsection (a), but such use shall be subject to reasonable rules designed to insure the orderly conduct of the proceedings at such meeting.

(f) Except as provided by section 22 of article 2 of the constitution of the state of Kansas, interactive communications in a series shall be open if they collectively involve a majority of the membership of the public body or agency, share a common topic of discussion concerning the business or affairs of the public body or agency, and are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the public body or agency.

(g) The provisions of the open meetings law shall not apply:

(1) To any administrative body that is authorized by law to exercise quasi-judicial functions when such body is deliberating matters relating to a decision involving such quasi-judicial functions;

(2) to the prisoner review board when conducting parole hearings or parole violation hearings held at a correctional institution;

(3) to any impeachment inquiry or other impeachment matter referred to any committee of the house of representatives prior to the report of such committee to the full house of representatives; and

(4) if otherwise provided by state or federal law or by rules of the Kansas senate or house of representatives.

(h) When a subcommittee or other subordinate group is created by a public body or agency, whenever a majority of such subcommittee or other subordinate group meets, such subcommittee or other subordinate group shall be subject to the requirements of this act.

(i) Unless otherwise stated in law, a private entity will only be considered a subordinate group of a legislative or administrative body of the state or a political and taxing subdivision if such private entity is under the control, whether directly or indirectly, of a legislative or administrative body of the state or a political and taxing subdivision.

(j) A public body or agency that voluntarily elects to live stream their meeting on television, the internet or any other medium shall ensure that all aspects of the open meeting are available through the selected medium for the public to observe. An unintentional technological failure or an action taken by the provider of the selected medium that disrupts or prevents such live stream shall not constitute a violation of this subsection."

Also on page 4, in line 7, by striking "is" and inserting ", 75-7d01, 75-753 and 75-4318 and K.S.A. 2024 Supp. 45-221 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "open records and open meetings; relating to"; by striking all in lines 2 and 3; in line 4, by striking "government" and inserting "furnishing records and employee time required to make records available; exempting records compiled in the process of formally closed investigations with no found violations and records that contain material that is obscene from disclosure; requiring county or district attorneys to file reports of violations of the open records and open meetings act with the attorney general in October instead of January; relating to the open meetings act; determining the membership calculation of subordinate groups; requiring public bodies or agencies that live stream meetings to ensure that the public is able to observe"; also in line 4, after "45-219" by inserting ", 75-7d01, 75-753 and 75-4318 and K.S.A. 2024 Supp. 45-221"; in line 5, by striking "section" and inserting "sections";

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*

Senator Titus moved the Senate adopt the Conference Committee Report on **HB 2134**.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

The Conference Committee Report was adopted.

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 FEATHERSTON—*Conferees on part of House*

Senator Bowers moved the Senate adopt the Conference Committee Report on **HB 2160**.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2172** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2172, as follows:

On page 1, in line 8, after "of" by inserting":

(1)";

Also on page 1, in line 9, by striking "(1)" and inserting "(A)"; in line 24, by striking "and"; in line 25, by striking "six" and inserting "four"; in line 26, after "senate" by inserting "; and

(1) two Kansas residents jointly appointed by the minority leader of the house of representatives and the minority leader of the senate; and

(2) the following three nonvoting ex officio members:

(A) The director of the bureau of water of the department of health and environment;

(B) the director of the Kansas water office; and

(C) the chief engineer of the Kansas department of agriculture division of water resources";

Also on page 1, in line 27, after "Each" by inserting "voting";

On page 2, in line 17, after "force" by inserting "who are not members of the legislature";

On page 3, in line 8, after "a" by inserting "preliminary"; also in line 8, by striking all after "report"; in line 9, by striking all before "on"; also in line 9, after "2026" by inserting ", and a final report on or before January 31, 2027, to the house of representatives committees on agriculture and natural resources and water and the senate committee on agriculture and natural resources or any successor committees and the governor"; also in line 9, by striking "report" and inserting "reports"; in line 35, by striking "jointly with" and inserting "under the direction of"; in line 36, by striking "consider recommendations made by" and inserting "submit ongoing reports to"; also in line 36, after "to" by inserting a colon;

On page 4, by striking all in lines 10 through 13;

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

On page 1, in the title, in line 3, by striking "working" and inserting "work"; in line 4, by striking "a report to the legislature" and inserting "reports to certain legislative committees";

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

VIRGIL PECK, LARRY ALLEY, MARY WARE—*Conferees on part of Senate*

KEN RAHJES, JIM MINNIX, LINDSAY VAUGHN—*Conferees on part of House*

Senator Peck moved the Senate adopt the Conference Committee Report on **S Sub HB 2172**.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage,

Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2240** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2240, as follows:

On page 1, in line 11, by striking "further" and inserting "in subsection (b)"; in line 12, after "any" by inserting ":

(1)";

Also on page 1, in line 20, by striking all after "legislature"; by striking all in lines 20 through 31; in line 32, by striking all before the period and inserting ";

(2) changes to funding structures, day services or targeted case management services for persons with intellectual or developmental disabilities unless the legislature expressly consents to and approves of such change by an act of the legislature";

Also on page 1, in line 33, by striking all after "(b)"; by striking all in lines 34 through 36;

On page 2, in line 1, by striking all before the period and inserting "(1) When the legislature is not in session, a state agency may request that the legislative coordinating council approve a public assistance program waiver or other authorization or a change to funding structures, day services or targeted case management services for persons with intellectual or developmental disabilities.

(2) A state agency shall provide official notification to the legislative coordinating council that such agency is requesting approval of an action that requires legislative approval pursuant to this section. Upon official receipt of such notification, the legislative coordinating council shall meet within 14 calendar days to consider and take action on such request.

(3) Pursuant to K.S.A. 46-1202, and amendments thereto, the legislative coordinating council may take action to approve or refuse a state agency's request or designate a standing committee or special committee to review such state agency's request and make recommendations to the legislative coordinating council based on the committee's review";

On page 1, in the title, in line 7, after "of" by inserting "such"; also in line 7, by striking "or" and inserting a comma; also in line 7, after "authorizations" by inserting "or changes";

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

RENEE ERICKSON, MICHAEL MURPHY—*Conferees on part of Senate*

FRANCIS AWERKAMP, BILL RHILEY—*Conferees on part of House*

Senator Erickson moved the Senate adopt the Conference Committee Report on **S Sub HB 2240**.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, Joseph Claeys, J.R. Claeys, Clifford, Dietrich, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

Nays: Corson, Faust Goudeau, Francisco, Haley, Holscher, Pettey, Schmidt, Sykes, Ware.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2249** 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 26, by inserting:

"New Sec. 2. (a) South central regional mental health hospital is a state hospital that shall be open for the reception of patients, under the same rules and regulations as provided for by law for the government and regulation of the other state hospitals.

(b) There is hereby created in the state treasury the south central regional mental health hospital fee fund. Such fund shall be administered by the Kansas department for aging and disability services. The superintendent of south central regional mental health hospital shall remit all moneys received by or for the superintendent from charges made under K.S.A. 59-2006, and amendments thereto, and other operations of such institution to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the south central regional mental health hospital fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by such superintendent or by a person or persons designated by the superintendent.

(c) As authorized by section 74(a) of chapter 81 of the 2022 Session Laws of Kansas and Sec. 28(c) of chapter 97 of the 2022 Session Laws of Kansas, a regional state psychiatric hospital shall be established in Wichita, Kansas, for Sedgwick county and the surrounding regional area to expand access to mental health beds in south-central Kansas.

(d) The secretary for aging and disability services is authorized and directed to establish, equip and maintain, in connection with and as a part of the south central regional mental health hospital, suitable buildings for an extension to the state security hospital for the purpose of holding in custody, examining, treating and caring for such mentally ill persons as may be committed or ordered to the state security hospital by courts of criminal jurisdiction or inmates with mental illness who are transferred for care or treatment to the state security hospital from a correctional institution under the control of the secretary of corrections, or patients with a mental illness, other than minors, who are transferred for care or treatment to the state security hospital from any institution under the jurisdiction of the secretary for aging and disability services. The secretary for aging and disability services is hereby authorized and empowered to supervise and manage the extension to the state security hospital. The superintendent of

the Larned state hospital shall act as the superintendent of the extension to the state security hospital.

Sec. 3. K.S.A. 21-5413 is hereby amended to read as follows: 21-5413. (a) Battery is:

(1) Knowingly or recklessly causing bodily harm to another person; or
(2) knowingly causing physical contact with another person when done in a rude, insulting or angry manner.

(b) Aggravated battery is:

(1) (A) Knowingly causing great bodily harm to another person or disfigurement of another person;

(B) knowingly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(C) knowingly causing physical contact with another person when done in a rude, insulting or angry manner with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted;

(2) (A) recklessly causing great bodily harm to another person or disfigurement of another person;

(B) recklessly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(3) (A) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act; or

(B) committing an act described in K.S.A. 8-1567, and amendments thereto, when bodily harm to another person results from such act under circumstances whereby great bodily harm, disfigurement or death can result from such act; or

(4) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act while:

(A) In violation of any restriction imposed on such person's driving privileges pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto;

(B) such person's driving privileges are suspended or revoked pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or

(C) such person has been deemed a habitual violator as defined in K.S.A. 8-285, and amendments thereto, including at least one violation of K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute.

(c) Battery against a law enforcement officer is:

(1) Battery as defined in subsection (a)(2) committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such

officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(2) battery as defined in subsection (a)(1) committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty; or

(3) battery as defined in subsection (a) committed against a:

(A) State correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(B) state correctional officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(C) juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or

(D) city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.

(d) Aggravated battery against a law enforcement officer is:

(1) Aggravated battery as defined in subsection (b)(1)(A) committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(2) aggravated battery as defined in subsection (b)(1)(B) or (b)(1)(C) committed

against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty; or

(3) knowingly causing, with a motor vehicle, bodily harm to a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty.

(e) Battery against a school employee is a battery as defined in subsection (a) committed against a school employee in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event, while such employee is engaged in the performance of such employee's duty.

(f) Battery against a mental health employee is a battery as defined in subsection (a) committed against a mental health employee by a person in the custody of the secretary for aging and disability services, while such employee is engaged in the performance of such employee's duty.

(g) Battery against a healthcare provider is a battery as defined in subsection (a) committed against a healthcare provider while such provider is engaged in the performance of such provider's duty.

(h) (1) Battery is a class B person misdemeanor.

(2) Aggravated battery as defined in:

(A) Subsection (b)(1)(A) or (b)(4) is a severity level 4, person felony;

(B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person felony;

(C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person felony; and

(D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person felony.

(3) Battery against a law enforcement officer as defined in:

(A) Subsection (c)(1) is a class A person misdemeanor;

(B) subsection (c)(2) is a severity level 7, person felony; and

(C) subsection (c)(3) is a severity level 5, person felony.

(4) Aggravated battery against a law enforcement officer as defined in:

(A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony; and

(B) subsection (d)(2) is a severity level 4, person felony.

(5) Battery against a school employee is a class A person misdemeanor.

- (6) Battery against a mental health employee is a severity level 7, person felony.
- (7) Battery against a healthcare provider is a class A person misdemeanor.
- (i) As used in this section:
- (1) "Correctional institution" means any institution or facility under the supervision and control of the secretary of corrections;
- (2) "state correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, whose duties include working at a correctional institution;
- (3) "juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 38-2302, and amendments thereto;
- (4) "city or county correctional officer or employee" means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, whose duties include working at a city holding facility or county jail facility;
- (5) "school employee" means any employee of a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12;
- (6) "mental health employee" means:
- (A) An employee of the Kansas department for aging and disability services working at Larned state hospital, Osawatomie state hospital, south central regional mental health hospital, Kansas neurological institute and Parsons state hospital ~~and training center~~ and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto; and
- (B) contractors and employees of contractors under contract to provide services to the Kansas department for aging and disability services working at any such institution or facility;
- (7) "judge" means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;
- (8) "attorney" means a: (A) County attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district attorney, attorney general, assistant attorney general or special assistant attorney general; and (B) public defender, assistant public defender, contract counsel for the state board of indigents' defense services or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;
- (9) "community corrections officer" means an employee of a community correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs;
- (10) "court services officer" means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court;
- (11) "federal law enforcement officer" means a law enforcement officer employed by the United States federal government who, as part of such officer's duties, is

permitted to make arrests and to be armed; and

(12) "healthcare provider" means an individual who is licensed, registered, certified or otherwise authorized by the state of Kansas to provide healthcare services in this state.

Sec. 4. K.S.A. 2024 Supp. 39-1401 is hereby amended to read as follows: 39-1401. As used in this act:

(a) "Resident" means:

(1) Any resident, as defined by K.S.A. 39-923, and amendments thereto; or

(2) any individual kept, cared for, treated, boarded or otherwise accommodated in a medical care facility; or

(3) any individual, kept, cared for, treated, boarded or otherwise accommodated in a state psychiatric hospital or state institution for people with intellectual disability.

(b) "Adult care home" means the same as defined in K.S.A. 39-923, and amendments thereto.

(c) "In need of protective services" means that a resident is unable to perform or obtain services which are necessary to maintain physical or mental health, or both.

(d) "Services which are necessary to maintain physical and mental health" include, but are not limited to, the provision of medical care for physical and mental health needs, the relocation of a resident to a facility or institution able to offer such care, assistance in personal hygiene, food, clothing, adequately heated and ventilated shelter, protection from health and safety hazards, protection from maltreatment the result of which includes, but is not limited to, malnutrition, deprivation of necessities or physical punishment and transportation necessary to secure any of the above stated needs, except that this term shall not include taking such person into custody without consent, except as provided in this act.

(e) "Protective services" means services provided by the state or other governmental agency or any private organizations or individuals which are necessary to prevent abuse, neglect or exploitation. Such protective services shall include, but not be limited to, evaluation of the need for services, assistance in obtaining appropriate social services and assistance in securing medical and legal services.

(f) "Abuse" means any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to a resident, including:

(1) Infliction of physical or mental injury;

(2) any sexual act with a resident when the resident does not consent or when the other person knows or should know that the resident is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;

(3) unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm a resident;

(4) unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician's orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health and safety of the resident or another resident;

(5) a threat or menacing conduct directed toward a resident that results or might reasonably be expected to result in fear or emotional or mental distress to a resident;

(6) fiduciary abuse; or

(7) omission or deprivation by a caretaker or another person of goods or services

which are necessary to avoid physical or mental harm or illness.

(g) "Neglect" means the failure or omission by one's self, caretaker or another person with a duty to provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.

(h) "Caretaker" means a person or institution who has assumed the responsibility, whether legally or not, for the care of the resident voluntarily, by contract or by order of a court of competent jurisdiction.

(i) "Exploitation" means misappropriation of resident property or intentionally taking unfair advantage of an adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person.

(j) "Medical care facility" means a facility licensed under K.S.A. 65-425 et seq., and amendments thereto, but shall not include, for purposes of this act, a state psychiatric hospital or state institution for people with intellectual disability, including Larned state hospital, Osawatomie state hospital ~~and Rainbow mental health facility,~~ Kansas neurological institute ~~and,~~ Parsons state hospital ~~and training center,~~ south central regional mental health hospital.

(k) "Fiduciary abuse" means a situation in which any person who is the caretaker of, or who stands in a position of trust to, a resident, takes, secretes, or appropriates the resident's money or property, to any use or purpose not in the due and lawful execution of such person's trust.

(l) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital ~~and Rainbow mental health facility,~~ south central regional mental health hospital.

(m) "State institution for people with intellectual disability" means Kansas neurological institute and Parsons state hospital ~~and training center.~~

(n) "Report" means a description or accounting of an incident or incidents of abuse, neglect or exploitation under this act and for the purposes of this act shall not include any written assessment or findings.

(o) "Law enforcement" means the public office which is vested by law with the duty to maintain public order, make arrests for crimes and investigate criminal acts, whether that duty extends to all crimes or is limited to specific crimes.

(p) "Legal representative" means an agent designated in a durable power of attorney, power of attorney or durable power of attorney for health care decisions or a court appointed guardian, conservator or trustee.

(q) "Financial institution" means any bank, trust company, escrow company, finance company, saving institution, credit union or fiduciary financial institution, chartered and supervised under state or federal law.

(r) "Governmental assistance provider" means an agency, or employee of such agency, which is funded solely or in part to provide assistance within the Kansas senior care act, K.S.A. 75-5926 et seq., and amendments thereto, including medicaid and medicare.

No person shall be considered to be abused, neglected or exploited or in need of protective services for the sole reason that such person relies upon spiritual means through prayer alone for treatment in accordance with the tenets and practices of a recognized church or religious denomination in lieu of medical treatment.

Sec. 5. K.S.A. 39-1602 is hereby amended to read as follows: 39-1602. As used in K.S.A. 39-1601 through 39-1612, and amendments thereto:

(a) "Targeted population" means the population group designated by rules and regulations of the secretary as most in need of mental health services that are funded, in whole or in part, by state or other public funding sources, and such group shall include adults with severe and persistent mental illness, severely emotionally disturbed children and adolescents and other individuals at risk of requiring institutional care.

(b) "Community based mental health services" includes, but is not limited to, evaluation and diagnosis, case management services, mental health inpatient and outpatient services, prescription and management of psychotropic medication, prevention, education, consultation, treatment and rehabilitation services, 24-hour emergency services, and any facilities required therefor, that are provided within one or more local communities in order to provide a continuum of care and support services to enable mentally ill persons, including targeted population members, to function outside of inpatient institutions to the extent of their capabilities. Community based mental health services also include assistance in securing employment services, housing services, medical and dental care and other support services.

(c) "Mental health center" means any community mental health center as defined in K.S.A. 39-2002, and amendments thereto.

(d) "Secretary" means the secretary for aging and disability services.

(e) "Department" means the Kansas department for aging and disability services.

(f) "State psychiatric hospital" means Osawatomie state hospital, ~~Rainbow mental health facility or~~ Larned state hospital or south central regional mental health hospital.

(g) "Mental health reform phased program" means the program in three phases for the implementation of mental health reform in Kansas as follows:

(1) The first phase covers the counties in the Osawatomie state hospital catchment area and is to commence on July 1, 1990, and is to be completed by June 30, 1994;

(2) the second phase covers the counties in the Topeka state hospital catchment area and is to commence on July 1, 1992, and is to be completed by June 30, 1996; and

(3) the third phase covers the counties in the Larned state hospital catchment area and is to commence on July 1, 1993, and is to be completed by June 30, 1997.

(h) "Screening" means the process performed by a participating community mental health center, pursuant to a contract entered into with the secretary under K.S.A. 39-1610, and amendments thereto, to determine whether a person, under either voluntary or involuntary procedures, can be evaluated or treated, or can be both evaluated and treated, in the community or should be referred to the appropriate state psychiatric hospital for such treatment or evaluation or for both treatment and evaluation.

(i) "Osawatomie state hospital catchment area" means, except as otherwise defined by rules and regulations of the secretary adopted pursuant to K.S.A. 39-1613, and amendments thereto, the area composed of the following counties: Allen, Anderson, Atchison, Bourbon, Brown, ~~Butler~~, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, ~~Cowley~~, Crawford, Doniphan, Douglas, Elk, Franklin, Geary, Greenwood, Jackson, Jefferson, Jewell, Johnson, Labette, Leavenworth, Linn, Lyon, Marshall, Miami, Mitchell, Montgomery, Morris, Nemaha, Neosho, Osage, Pottawatomie, Republic, Riley, ~~Sedgewick~~, Shawnee, Wabaunsee, Washington, Wilson, Woodson and Wyandotte.

(j) "Larned state hospital catchment area" means, except as otherwise defined by rules and regulations of the secretary adopted pursuant to K.S.A. 39-1613, and

amendments thereto, the area composed of the following counties: Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Dickinson, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Harper, ~~Harvey~~, Haskell, Hodgeman, Kearny, Kingman, Kiowa, Lane, Lincoln, Logan, Marion, McPherson, Meade, Morton, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Reno, Rice, Rooks, Rush, Russell, Saline, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, ~~Sumner~~, Thomas, Trego, Wallace and Wichita.

(k) "Catchment area" means the Osawatimie state hospital catchment area or the Larned state hospital catchment area or the south central regional mental health hospital catchment area as defined in subsections (i) and (m).

(l) "Participating mental health center" means a mental health center that has entered into a contract with the secretary for aging and disability services to provide screening, treatment and evaluation, court ordered evaluation and other treatment services pursuant to the care and treatment act for mentally ill persons, in keeping with the phased concept of the mental health reform act.

(m) "South central regional mental hospital catchment area" means, except as otherwise defined by rules and regulations of the secretary adopted pursuant to K.S.A. 39-1613, and amendments thereto, the area composed of the following counties: Sedgwick, Butler, Cowley, Harvey and Sumner.

Sec. 6. K.S.A. 39-1613 is hereby amended to read as follows: 39-1613. (a) The secretary for aging and disability services is hereby authorized to adopt rules and regulations to define and redefine the ~~Osawatimie state hospital catchment area and Larned state hospital catchment area~~ areas as may be necessary in the opinion of the secretary for aging and disability services to accommodate shifts in populations in need of mental health services within available community mental health facility and state institution hospital capacities and resources and in accordance with the following: (1) ~~Each such catchment area shall be defined by contiguous counties that are designated by name;~~

~~(2) no county shall be included in more than one such catchment area;~~

~~(3) each county shall be included in the Osawatimie state hospital catchment area or Larned state hospital catchment area; and~~

~~(4) No designated community mental health center shall be included in more than one such catchment area. The designation of a county to a particular catchment area shall not prevent the admission of persons to a state hospital in another catchment area when there are insufficient capacities and resources currently available in the designated state hospital catchment area.~~

(b) Each rule and regulation adopted, amended or revived under this section shall be published in its entirety in the Kansas register in the first issue published after such adoption, amendment or revival.

Sec. 7. K.S.A. 40-3401 is hereby amended to read as follows: 40-3401. As used in this act:

(a) "Applicant" means any healthcare provider.

(b) "Basic coverage" means a policy of professional liability insurance required to be maintained by each healthcare provider pursuant to the provisions of K.S.A. 40-3402(a) or (b), and amendments thereto.

(c) "Commissioner" means the commissioner of insurance.

(d) "Fiscal year" means the year commencing on the effective date of this act and

each year, commencing on the first day of July thereafter.

(e) "Fund" means the healthcare stabilization fund established pursuant to K.S.A. 40-3403(a), and amendments thereto.

(f)(1) "Healthcare provider" means a:

(A) Person licensed to practice any branch of the healing arts by the state board of healing arts; ~~a;~~

(B) person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts; ~~a;~~

(C) person engaged in a postgraduate training program approved by the state board of healing arts; ~~a;~~

(D) medical care facility licensed by the state of Kansas; ~~a;~~

(E) podiatrist licensed by the state board of healing arts; ~~a;~~

(F) health maintenance organization issued a certificate of authority by the commissioner; ~~an;~~

(G) optometrist licensed by the board of examiners in optometry; ~~a;~~

(H) pharmacist licensed by the state board of pharmacy; ~~a;~~

(I) licensed professional nurse who is authorized to practice as a registered nurse anesthetist; ~~a;~~

(J) licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 65-1153, and amendments thereto; ~~a;~~

(K) professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are healthcare providers as defined by this subsection; ~~a;~~

(L) Kansas limited liability company organized for the purpose of rendering professional services by its members who are healthcare providers as defined by this subsection and who are legally authorized to render the professional services for which the limited liability company is organized; ~~a;~~

(M) partnership of persons who are healthcare providers under this subsection; ~~a;~~

(N) Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are healthcare providers as defined by this subsection; ~~a;~~

(O) nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine; ~~a;~~

(P) dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899, and amendments thereto; ~~a;~~

(Q) psychiatric hospital licensed prior to January 1, 1988, and continuously thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, and K.S.A. 39-2001 et seq., and amendments thereto, or a mental health center or mental health clinic licensed by the state of Kansas. ~~On and after January 1, 2015, "healthcare provider" also means~~ ~~a;~~

(R) physician assistant licensed by the state board of healing arts; ~~a;~~

(S) licensed advanced practice registered nurse who is authorized by the board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife; ~~a;~~

(T) licensed advanced practice registered nurse who has been granted a temporary authorization by the board of nursing to practice as an advanced practice registered

nurse in the classification of a nurse-midwife;~~a;~~

~~(U)~~ nursing facility licensed by the state of Kansas;~~an;~~

~~(V)~~ assisted living facility licensed by the state of Kansas; or

~~(W)~~ a residential healthcare facility licensed by the state of Kansas.

~~(2)~~ "Healthcare provider" does not include:

~~(1)(A)~~ Any state institution for people with intellectual disability;

~~(2)(B)~~ any state psychiatric hospital;

~~(3)(C)~~ any person holding an exempt license issued by the state board of healing arts or the board of nursing;

~~(4)(D)~~ any person holding a visiting clinical professor license from the state board of healing arts;

~~(5)(E)~~ any person holding an inactive license issued by the state board of healing arts;

~~(6)(F)~~ any person holding a federally active license issued by the state board of healing arts;

~~(7)(G)~~ an advanced practice registered nurse who is authorized by the board of nursing to practice as an advanced practice registered nurse in the classification of nurse-midwife or nurse anesthetist and who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto; or

~~(8)(H)~~ a physician assistant licensed by the state board of healing arts who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or ~~who~~ provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto.

(g) "Inactive healthcare provider" means a person or other entity who purchased basic coverage or qualified as a self-insurer on or subsequent to the effective date of this act but who, at the time a claim is made for personal injury or death arising out of the rendering of or the failure to render professional services by such healthcare provider, does not have basic coverage or self-insurance in effect solely because such person is no longer engaged in rendering professional service as a healthcare provider.

(h) "Insurer" means any corporation, association, reciprocal exchange, inter-insurer and any other legal entity authorized to write bodily injury or property damage liability insurance in this state, including workers compensation and automobile liability insurance, pursuant to the provisions of the acts contained in article 9, 11, 12 or 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(i) "Plan" means the operating and administrative rules and procedures developed by insurers and rating organizations or the commissioner to make professional liability insurance available to healthcare providers.

(j) "Professional liability insurance" means insurance providing coverage for legal liability arising out of the performance of professional services rendered or that should have been rendered by a healthcare provider.

(k) "Rating organization" means a corporation, an unincorporated association, a partnership or an individual licensed pursuant to K.S.A. 40-956, and amendments thereto, to make rates for professional liability insurance.

(l) "Self-insurer" means a healthcare provider who qualifies as a self-insurer

pursuant to K.S.A. 40-3414, and amendments thereto.

(m) "Medical care facility" means the same when used in the healthcare provider insurance availability act as defined in K.S.A. 65-425, and amendments thereto, except that as used in the healthcare provider insurance availability act such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a medical care facility.

(n) "Mental health center" means a mental health center licensed by the state of Kansas under K.S.A. 39-2001 et seq., and amendments thereto, except that as used in the healthcare provider insurance availability act such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health center.

(o) "Mental health clinic" means a mental health clinic licensed by the state of Kansas under K.S.A. 39-2001 et seq., and amendments thereto, except that, as used in the healthcare provider insurance availability act, such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health clinic.

(p) "State institution for people with intellectual disability" means ~~Winfield state hospital and training center~~, Parsons state hospital and training center and the Kansas neurological institute.

(q) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital and ~~Rainbow mental health facility~~ south central regional mental health hospital.

(r) "Person engaged in residency training" means:

(1) A person engaged in a postgraduate training program approved by the state board of healing arts who is employed by and is studying at the university of Kansas medical center only when such person is engaged in medical activities that do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and that have not been approved by the dean of the school of medicine and the executive vice-chancellor of the university of Kansas medical center. Persons engaged in residency training shall be considered resident healthcare providers for purposes of K.S.A. 40-3401 et seq., and amendments thereto; and

(2) a person engaged in a postgraduate training program approved by the state board of healing arts who is employed by a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine or who is employed by an affiliate of the university of Kansas school of medicine as defined in K.S.A. 76-367, and amendments thereto, only when such person is engaged in medical activities that do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and that have not been approved by the chief operating officer of the nonprofit corporation or the chief operating officer of the affiliate and the executive vice-chancellor of the university of Kansas medical center.

(s) "Full-time physician faculty employed by the university of Kansas medical center" means a person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center when such person is providing healthcare. A person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center may also be employed part-time by the United States department of veterans affairs if such employment is approved by

the executive vice-chancellor of the university of Kansas medical center.

(t) "Sexual act" or "sexual activity" means ~~that~~ sexual conduct that constitutes a criminal or tortious act under the laws of the state of Kansas.

(u) "Board" means the board of governors created by K.S.A. 40-3403, and amendments thereto.

(v) "Board of directors" means the governing board created by K.S.A. 40-3413, and amendments thereto.

(w) "Locum tenens contract" means a temporary agreement not exceeding 182 days per calendar year that employs a healthcare provider to actively render professional services in this state.

(x) "Professional services" means patient care or other services authorized under the act governing licensure of a healthcare provider.

(y) "Healthcare facility" means a nursing facility, an assisted living facility or a residential healthcare facility as all such terms are defined in K.S.A. 39-923, and amendments thereto.

(z) "Charitable healthcare provider" means the same as defined in K.S.A. 75-6102, and amendments thereto.

Sec. 8. K.S.A. 41-1126 is hereby amended to read as follows: 41-1126. (a) In addition to other purposes for which expenditures may be made from the other state fees fund of the Kansas department for aging and disability services, moneys in the other state fees fund of the Kansas department for aging and disability services shall be used by the secretary for aging and disability services to provide financial assistance to community-based alcoholism and intoxication treatment programs for the following purposes:

(1) Matching money under title XX of the federal social security act to purchase treatment services from approved treatment facilities;

(2) providing start-up or expansion grants for halfway houses or rehabilitation centers for alcoholics;

(3) purchasing services from approved treatment facilities for persons who are needy but who are not eligible for assistance under either title XIX or title XX of the federal social security act, and administrative costs of the alcohol and drug abuse section which shall not exceed 10% of the total moneys in the community alcoholism and intoxication programs fund; and

(4) assisting to develop programs for prevention, education, early identification and facility assistance and review team.

(b) No state alcohol treatment program at Osawatomie state hospital, ~~Rainbow mental health facility or~~ Larned state hospital or south central regional mental health hospital shall receive any moneys under the provisions of subsection (a) of this section.

(c) There is hereby established in the state treasury the community alcoholism and intoxication programs fund.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the community alcoholism and intoxication programs fund interest earnings based on:

(1) The average daily balance of moneys in the community alcoholism and intoxication programs fund for the preceding month; and

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

(e) All expenditures from the community alcoholism and intoxication programs fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for aging and disability services or the secretary's designee.

Sec. 9. K.S.A. 2024 Supp. 59-2006b is hereby amended to read as follows: 59-2006b. (a) At least annually, the secretary for aging and disability services shall establish the basic maximum rate of charge for treatment of patients in each state institution, except that such rates shall not exceed projected hospital costs of the state institution, including the allocated costs of services by other state agencies, as determined by application of generally acceptable hospital accounting principles. In determining these rates, the secretary shall compute the average daily projected operating cost of treatment of all patients in each state institution and shall set a basic maximum rate of charge for each and every patient in each state institution and each such patient's responsible relatives at the average daily projected operating cost of each institution so computed. When established pursuant to this section, each such rate shall be published in the Kansas register by the secretary and thereafter, until a subsequent rate is published as provided in this section, the rates last published shall be the legal rate of charge. All courts in this state shall recognize and take judicial notice of the procedure and the rates established under this section.

(b) In lieu of the procedure for computing the basic maximum rate of charge established under subsection (a), the secretary for aging and disability services may authorize any state institution to compute an individual patient charge on the basis of rates for services based on cost incurred by such state institution as determined by application of generally acceptable hospital accounting principles.

(c) As used in this section, "state institution" means the Osawatomie state hospital, ~~Rainbow mental health facility~~, Larned state hospital, including the state security hospital, Parsons state hospital ~~and training center~~, south central regional mental health hospital, including the extension state security hospital and the Kansas neurological institute.

Sec. 10. K.S.A. 2024 Supp. 59-2946 is hereby amended to read as follows: 59-2946. When used in the care and treatment act for mentally ill persons:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-2950, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-2973, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" means the same as defined in K.S.A. 22-2202, and amendments thereto.

(d) (1) "Mental health center" means any community mental health center as defined in K.S.A. 39-2002, and amendments thereto, or a mental health clinic organized as a not-for-profit or a for-profit corporation pursuant to K.S.A. 17-1701 through 17-1775, and amendments thereto, or K.S.A. 17-6001 through 17-6010, and amendments thereto, and licensed in accordance with the provisions of K.S.A. 39-2001 et seq., and amendments thereto.

(2) "Participating mental health center" means a mental health center that has entered into a contract with the secretary for aging and disability services pursuant to the provisions of K.S.A. 39-1601 through 39-1612, and amendments thereto.

(e) "Mentally ill person" means any person who is suffering from a mental disorder that is manifested by a clinically significant behavioral or psychological syndrome or pattern and associated with either a painful symptom or an impairment in one or more important areas of functioning, and involving substantial behavioral, psychological or biological dysfunction, to the extent that the person is in need of treatment.

(f) (1) "Mentally ill person subject to involuntary commitment for care and treatment" means a mentally ill person, as defined in subsection (e), who also lacks capacity to make an informed decision concerning treatment, is likely to cause harm to self or others, and whose diagnosis is not solely one of the following mental disorders: Alcohol or chemical substance abuse; antisocial personality disorder; intellectual disability; organic personality syndrome; or an organic mental disorder.

(2) "Lacks capacity to make an informed decision concerning treatment" means that the person, by reason of the person's mental disorder, is unable, despite conscientious efforts at explanation, to understand basically the nature and effects of hospitalization or treatment or is unable to engage in a rational decision-making process regarding hospitalization or treatment, as evidenced by an inability to weigh the possible risks and benefits.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's mental disorder: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or (B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

No person who is being treated by prayer in the practice of the religion of any church that teaches reliance on spiritual means alone through prayer for healing shall be determined to be a mentally ill person subject to involuntary commitment for care and treatment under this act unless substantial evidence is produced upon which the district court finds that the proposed patient is likely in the reasonably foreseeable future to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty.

(g) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-2949, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-2952 or 59-2957, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an

application filed pursuant to K.S.A. 59-2954(b) or (c), and amendments thereto.

(h) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

(i) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

(j) "Qualified mental health professional" means a physician or psychologist who is employed by a participating mental health center or who is providing services as a physician or psychologist under a contract with a participating mental health center, a licensed master's level psychologist, a licensed clinical psychotherapist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, a licensed professional counselor, a licensed clinical professional counselor, a licensed specialist social worker or a licensed master social worker or a registered nurse who has a specialty in psychiatric nursing, who is employed by a participating mental health center and who is acting under the direction of a physician or psychologist who is employed by, or under contract with, a participating mental health center.

(1) "Direction" means monitoring and oversight including regular, periodic evaluation of services.

(2) "Licensed master social worker" means a person licensed as a master social worker by the behavioral sciences regulatory board under K.S.A. 65-6301 through 65-6318, and amendments thereto.

(3) "Licensed specialist social worker" means a person licensed in a social work practice specialty by the behavioral sciences regulatory board under K.S.A. 65-6301 through 65-6318, and amendments thereto.

(4) "Licensed master's level psychologist" means a person licensed as a licensed master's level psychologist by the behavioral sciences regulatory board under K.S.A. 74-5361 through 74-5373, and amendments thereto.

(5) "Registered nurse" means a person licensed as a registered professional nurse by the board of nursing under K.S.A. 65-1113 through 65-1164, and amendments thereto.

(k) "Secretary" means the secretary for aging and disability services.

(l) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital or ~~Rainbow mental health facility~~ south central regional mental health hospital.

(m) "Treatment" means any service intended to promote the mental health of the patient and rendered by a qualified professional, licensed or certified by the state to provide such service as an independent practitioner or under the supervision of such practitioner.

(n) "Treatment facility" means any mental health center or clinic, psychiatric unit of a medical care facility, state psychiatric hospital, psychologist, physician or other institution or person authorized or licensed by law to provide either inpatient or outpatient treatment to any patient.

(o) The terms defined in K.S.A. 59-3051, and amendments thereto, shall have the meanings provided by that section.

Sec. 11. K.S.A. 2024 Supp. 59-29b46 is hereby amended to read as follows: 59-29b46. When used in the care and treatment act for persons with an alcohol or substance abuse problem:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-29b50, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-29b73, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" means the same as defined in K.S.A. 22-2202, and amendments thereto.

(d) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or while completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under subsection (n).

(e) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed by the behavioral sciences regulatory board.

(f) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

(g) "Other facility for care or treatment" means any mental health clinic, medical care facility, nursing home, the detox units at ~~either Osawatomie state hospital or Larned state hospital~~ any state hospital, any physician or any other institution or individual authorized or licensed by law to give care or treatment to any person.

(h) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to K.S.A. 59-29b54(b) or (c), and amendments thereto.

(i) "Person with an alcohol or substance abuse problem" means a person who: (1) Lacks self-control as to the use of alcoholic beverages or any substance as defined in subsection (m); or

(2) uses alcoholic beverages or any substance to the extent that the person's health may be substantially impaired or endangered without treatment.

(j) (1) "Person with an alcohol or substance abuse problem subject to involuntary

commitment for care and treatment" means a person with an alcohol or substance abuse problem who also is incapacitated by alcohol or any substance and is likely to cause harm to self or others.

(2) "Incapacitated by alcohol or any substance" means that the person, as the result of the use of alcohol or any substance, has impaired judgment resulting in the person:

(A) Being incapable of realizing and making a rational decision with respect to the need for treatment; or

(B) lacking sufficient understanding or capability to make or communicate responsible decisions concerning either the person's well-being or estate.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's use of alcohol or any substance:

(A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or

(B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

(k) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

(l) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

(m) "Substance" means:

(1) The same as the term "controlled substance" as defined in K.S.A. 21-5701, and amendments thereto; or

(2) fluorocarbons, toluene or volatile hydrocarbon solvents.

(n) "Treatment" means the broad range of emergency, outpatient, intermediate and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling, which may be extended to persons with an alcohol or substance abuse problem.

(o) (1) "Treatment facility" means a treatment program, public or private treatment facility, or any facility of the United States government available to treat a person for an alcohol or other substance abuse problem, but such term does not include a licensed medical care facility, a licensed adult care home, a facility licensed under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, or under K.S.A. 39-2001 et seq., and amendments thereto, a community-based alcohol and drug safety action program certified under K.S.A. 8-1008, and amendments thereto, and performing only those functions for which the program is certified to perform under K.S.A. 8-1008, and amendments thereto, or a professional licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders at the independent level or a physician, who may treat in the usual course of the behavioral sciences regulatory board licensee's or physician's professional practice individuals incapacitated by alcohol or other substances, but who are not

primarily engaged in the usual course of the individual's professional practice in treating such individuals, or any state institution, even if detoxification services may have been obtained at such institution.

(2) "Private treatment facility" means a private agency providing facilities for the care and treatment or lodging of persons with either an alcohol or other substance abuse problem and meeting the standards prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto, and licensed under either K.S.A. 65-4014 or 65-4607, and amendments thereto.

(3) "Public treatment facility" means a treatment facility owned and operated by any political subdivision of the state of Kansas and licensed under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an appropriate place for the care and treatment or lodging of persons with an alcohol or other substance abuse problem.

(p) The terms defined in K.S.A. 59-3051, and amendments thereto, shall have the meanings provided by that section.

Sec. 12. K.S.A. 2024 Supp. 59-29b54 is hereby amended to read as follows: 59-29b54. (a) A treatment facility may admit and detain any person for emergency observation and treatment upon an ex parte emergency custody order issued by a district court pursuant to K.S.A. 59-29b58, and amendments thereto.

(b) A treatment facility or the detox unit at ~~Oswatomie state hospital or at Larned state hospital~~ any state hospital may admit and detain any person presented for emergency observation and treatment upon written application of a law enforcement officer having custody of that person pursuant to K.S.A. 59-29b53, and amendments thereto. The application shall state:

- (1) The name and address of the person sought to be admitted, if known;
- (2) the name and address of the person's spouse or nearest relative, if known;
- (3) the officer's belief that the person is or may be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment and is likely to cause harm to self or others if not immediately detained;

- (4) the factual circumstances in support of that belief and the factual circumstances under which the person was taken into custody including any known pending criminal charges; and

- (5) the fact that the law enforcement officer will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, by the close of business of the first day thereafter that the district court is open for the transaction of business, or that the officer has been informed by a parent, legal guardian or other person, whose name shall be stated in the application will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, within that time.

(c) A treatment facility may admit and detain any person presented for emergency observation and treatment upon the written application of any individual. The application shall state:

- (1) The name and address of the person sought to be admitted, if known;
- (2) the name and address of the person's spouse or nearest relative, if known;
- (3) the applicant's belief that the person may be a person with an alcohol or substance abuse problem subject to involuntary commitment and is likely to cause harm to self or others if not immediately detained;

- (4) the factual circumstances in support of that belief;

- (5) any pending criminal charges, if known;

(6) the fact that the applicant will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, by the close of business of the first day thereafter that the district court is open for the transaction of business; and

(7) the application shall also be accompanied by a statement in writing of a physician, psychologist or licensed addiction counselor finding that the person is likely to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act.

(d) Any treatment facility or personnel thereof, who in good faith renders treatment in accordance with law to any person admitted pursuant to subsection (b) or (c), shall not be liable in a civil or criminal action based upon a claim that the treatment was rendered without legal consent.

Sec. 13. K.S.A. 2024 Supp. 59-29b57 is hereby amended to read as follows: 59-29b57. (a) A verified petition to determine whether or not a person is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act may be filed in the district court of the county ~~wherein~~ where that person resides or ~~wherein~~ where such person may be found.

(b) The petition shall state:

(1) The petitioner's belief that the named person is a person with an alcohol or substance abuse problem subject to involuntary commitment and the facts upon which this belief is based;

(2) to the extent known, the name, age, present whereabouts and permanent address of the person named as possibly a person with an alcohol or substance abuse problem subject to involuntary commitment; and if not known, any information the petitioner might have about this person and where the person resides;

(3) to the extent known, the name and address of the person's spouse or nearest relative or relatives, or legal guardian, or if not known, any information the petitioner might have about a spouse, relative or relatives or legal guardian and where they might be found;

(4) to the extent known, the name and address of the person's legal counsel, or if not known, any information the petitioner might have about this person's legal counsel;

(5) to the extent known, whether or not this person is able to pay for medical services, or if not known, any information the petitioner might have about the person's financial circumstances or indigency;

(6) to the extent known, the name and address of any person who has custody of the person, and any known pending criminal charge or charges or of any arrest warrant or warrants outstanding or, if there are none, that fact or if not known, any information the petitioner might have about any current criminal justice system involvement with the person;

(7) the name or names and address or addresses of any witness or witnesses the petitioner believes has knowledge of facts relevant to the issue being brought before the court; and

(8) the name and address of the treatment facility to which the petitioner recommends that the proposed patient be sent for treatment if the proposed patient is found to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act, or if the petitioner is not able to recommend a treatment facility to the court, then that fact and that the secretary for aging and disability services has been notified and requested to determine which

treatment facility the proposed patient should be sent to.

(c) The petition shall be accompanied by:

(1) A signed certificate from a physician, psychologist or state certified alcohol and substance abuse counselor stating that such professional has personally examined the person and any available records and has found that the person, in such professional's opinion, is likely to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act, unless the court allows the petition to be accompanied by a verified statement by the petitioner that the petitioner had attempted to have the person seen by a physician, psychologist or state certified alcohol and substance abuse counselor, but that the person failed to cooperate to such an extent that the examination was impossible to conduct;

(2) a statement of consent to the admission of the proposed patient to the treatment facility named by the petitioner pursuant to subsection (b)(8) signed by the head of that treatment facility or other documentation which shows the willingness of the treatment facility to admitting the proposed patient for care and treatment; and

(3) if applicable, a copy of any notice given pursuant to K.S.A. 59-29b51, and amendments thereto, in which the named person has sought discharge from a treatment facility into which they had previously entered voluntarily, or a statement from the treating physician or psychologist that the person was admitted as a voluntary patient but now lacks capacity to make an informed decision concerning treatment and is refusing reasonable treatment efforts, and including a description of the treatment efforts being refused.

(d) The petition may include a request that an ex parte emergency custody order be issued pursuant to K.S.A. 59-29b58, and amendments thereto. If such request is made the petition shall also include:

(1) A brief statement explaining why the person should be immediately detained or continue to be detained;

(2) the place where the petitioner requests that the person be detained or continue to be detained; and

(3) if applicable, because detention is requested in a facility other than the detox unit at ~~either Osawatimie state hospital or at Larned~~ a state hospital, a statement that the facility is willing to accept and detain such person.

(e) The petition may include a request that a temporary custody order be issued pursuant to K.S.A. 59-29b59, and amendments thereto.

Sec. 14. K.S.A. 2024 Supp. 59-3077 is hereby amended to read as follows: 59-3077. (a) At any time after the filing of the petition provided for in K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, any person may file in addition to that original petition, or as a part thereof, or at any time after the appointment of a temporary guardian as provided for in K.S.A. 59-3073, and amendments thereto, or a guardian as provided for in K.S.A. 59-3067, and amendments thereto, the temporary guardian or guardian may file a verified petition requesting that the court grant authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility, as defined in subsection (h), and to consent to the care and treatment of the proposed ward or ward therein. The petition shall include:

(1) The petitioner's name and address, and if the petitioner is the proposed ward's or ward's court appointed temporary guardian or guardian, that fact;

(2) the proposed ward's or ward's name, age, date of birth, address of permanent

residence and present address or whereabouts, if different from the proposed ward's or ward's permanent residence;

(3) the name and address of the proposed ward's or ward's court appointed temporary guardian or guardian, if different from the petitioner;

(4) the factual basis upon which the petitioner alleges the need for the proposed ward or ward to be admitted to and treated at a treatment facility, or for the proposed ward or ward to continue to be treated at the treatment facility to which the proposed ward or ward has already been admitted, or for the guardian to have continuing authority to admit the ward for care and treatment at a treatment facility pursuant to K.S.A. 59-2949(b)(3) or K.S.A. 59-29b49(b)(3), and amendments thereto;

(5) the names and addresses of witnesses by whom the truth of this petition may be proved; and

(6) a request that the court find that the proposed ward or ward is in need of being admitted to and treated at a treatment facility, and that the court grant to the temporary guardian or guardian the authority to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein.

(b) The petition may be accompanied by a report of an examination and evaluation of the proposed ward or ward conducted by an appropriately qualified professional that shows that the criteria set out in K.S.A. 39-1803, 59-2946(e), 59-29b46(i) or 76-12b03, and amendments thereto, are met.

(c) Upon the filing of such a petition, the court shall issue the following:

(1) An order fixing the date, time and place of a hearing on the petition. Such hearing, in the court's discretion, may be conducted in a courtroom, a treatment facility or at some other suitable place. The time fixed in the order shall in no event be earlier than seven days or later than 21 days after the date of the filing of the petition. The court may consolidate this hearing with the trial upon the original petition filed pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, or with the trial provided for in the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, if the petition also incorporates the allegations required by, and is filed in compliance with, the provisions of either of those acts.

(2) An order requiring that the proposed ward or ward appear at the time and place of the hearing on the petition unless the court makes a finding prior to the hearing that the presence of the proposed ward or ward will be injurious to the person's health or welfare, that the proposed ward's or ward's impairment is such that the person could not meaningfully participate in the proceedings or that the proposed ward or ward has filed with the court a written waiver of such ward's right to appear in person. In any such case, the court shall enter in the record of the proceedings the facts upon which the court has found that the presence of the proposed ward or ward at the hearing should be excused. Notwithstanding the foregoing provisions of this subsection, if the proposed ward or ward files with the court at least one day prior to the date of the hearing a written notice stating the person's desire to be present at the hearing, the court shall order that the person must be present at the hearing.

(3) An order appointing an attorney to represent the proposed ward or ward. The court shall give preference, in the appointment of this attorney, to any attorney who has represented the proposed ward or ward in other matters, if the court has knowledge of that prior representation. The proposed ward, or the ward with the consent of the ward's

conservator, if one has been appointed, shall have the right to engage an attorney of the proposed ward's or ward's choice and, in such case, the attorney appointed by the court shall be relieved of all duties by the court. Any appointment made by the court shall terminate upon a final determination of the petition and any appeal therefrom, unless the court continues the appointment by further order.

(4) An order fixing the date, time and a place that is in the best interest of the proposed ward or ward at which the proposed ward or ward shall have the opportunity to consult with such ward's attorney. This consultation shall be scheduled to occur prior to the time at which the examination and evaluation ordered pursuant to subsection (d) (1), if ordered, is scheduled to occur.

(5) A notice similar to that provided for in K.S.A. 59-3066, and amendments thereto.

(d) Upon the filing of such a petition, the court may issue the following:

(1) An order for a psychological or other examination and evaluation of the proposed ward or ward, as may be specified by the court. The court may order the proposed ward or ward to submit to such an examination and evaluation to be conducted through a general hospital, psychiatric hospital, community mental health center or community developmental disability organization or by a private physician, psychiatrist, psychologist or other person appointed by the court who is qualified to examine and evaluate the proposed ward or ward. The costs of this examination and evaluation shall be assessed as provided for in K.S.A. 59-3094, and amendments thereto.

(2) If the petition is accompanied by a report of an examination and evaluation of the proposed ward or ward as provided for in subsection (b), an order granting temporary authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein. Any such order shall expire immediately after the hearing upon the petition, or as the court may otherwise specify, or upon the discharge of the proposed ward or ward by the head of the treatment facility, if the proposed ward or ward is discharged prior to the time at which the order would otherwise expire.

(3) For good cause shown, an order of continuance of the hearing.

(4) For good cause shown, an order of advancement of the hearing.

(5) For good cause shown, an order changing the place of the hearing.

(e) The hearing on the petition shall be held at the time and place specified in the court's order issued pursuant to subsection (c), unless an order of advancement, continuance or a change of place of the hearing has been issued pursuant to subsection (d). The petitioner and the proposed ward or ward shall each be afforded an opportunity to appear at the hearing, to testify and to present and cross-examine witnesses. If the hearing has been consolidated with a trial being held pursuant to either the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, persons not necessary for the conduct of the proceedings may be excluded as provided for in those acts. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure. The court shall have the authority to receive all relevant and material evidence which may be offered, including the testimony or written report, findings or recommendations of any professional or other person who has examined or evaluated the proposed ward or ward pursuant to any order issued by the court pursuant to subsection (d). Such

evidence shall not be privileged for the purpose of this hearing.

(f) Upon completion of the hearing, if the court finds by clear and convincing evidence that the criteria set out in K.S.A. 39-1803, 59-2946(e), 59-2946(i) or 76-12b03, and amendments thereto, are met, and after a careful consideration of reasonable alternatives to admission of the proposed ward or ward to a treatment facility, the court may enter an order granting such authority to the temporary guardian or guardian as is appropriate, including continuing authority to the guardian to readmit the ward to an appropriate treatment facility as may later become necessary. Any such grant of continuing authority shall expire two years after the date of final discharge of the ward from such a treatment facility if the ward has not had to be readmitted to a treatment facility during that two-year period of time. Thereafter, any such grant of continuing authority may be renewed only after the filing of another petition seeking authority in compliance with the provision of this section.

(g) Nothing herein shall be construed so as to prohibit the head of a treatment facility from admitting a proposed ward or ward to that facility as a voluntary patient if the head of the treatment facility is satisfied that the proposed ward or ward at that time has the capacity to understand such ward's illness and need for treatment, and to consent to such ward's admission and treatment. Upon any such admission, the head of the treatment facility shall give notice to the temporary guardian or guardian as soon as possible of the ward's admission, and shall provide to the temporary guardian or guardian copies of any consents the proposed ward or ward has given. Thereafter, the temporary guardian or guardian shall timely either seek to obtain proper authority pursuant to this section to admit the proposed ward or ward to a treatment facility and to consent to further care and treatment, or shall otherwise assume responsibility for the care of the proposed ward or ward, consistent with the authority of the temporary guardian or guardian, and may arrange for the discharge from the facility of the proposed ward or ward, unless the head of the treatment facility shall file a petition requesting the involuntary commitment of the proposed ward or ward to that or some other facility.

(h) As used herein, "treatment facility" means the Kansas neurological institute, Larned state hospital, Osawatomie state hospital, south central regional mental health hospital, Parsons state hospital ~~and training center~~, ~~the Rainbow mental health facility~~, any intermediate care facility for people with intellectual disability, any psychiatric hospital licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto, and any other facility for mentally ill persons or people with intellectual or developmental disabilities licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto, if the proposed ward or ward is to be admitted as an inpatient or resident of that facility.

Sec. 15. K.S.A. 65-4921 is hereby amended to read as follows: 65-4921. As used in K.S.A. 65-4921 through 65-4930, and amendments thereto:

(a) "Appropriate licensing agency" means the agency that issued the license to the individual or ~~health care~~ healthcare provider who is the subject of a report under this act.

(b) "Department" means the department of health and environment.

(c) "~~Health care~~Healthcare provider" means:

(1) Those persons and entities defined as a ~~health care~~ healthcare provider under K.S.A. 40-3401, and amendments thereto; and

(2) a dentist licensed by the Kansas dental board, a dental hygienist licensed by the

Kansas dental board, a professional nurse licensed by the board of nursing, a practical nurse licensed by the board of nursing, a mental health technician licensed by the board of nursing, a physical therapist licensed by the state board of healing arts, a physical therapist assistant certified by the state board of healing arts, an occupational therapist licensed by the state board of healing arts, an occupational therapy assistant licensed by the state board of healing arts and a respiratory therapist licensed by the state board of healing arts.

(d) "License," "licensee" and "licensing" include comparable terms that relate to regulation similar to licensure, such as registration.

(e) "Medical care facility" means:

(1) A medical care facility licensed under K.S.A. 65-425 et seq., and amendments thereto;

(2) a private psychiatric hospital licensed under K.S.A. 39-2001 et seq., and amendments thereto; and

(3) state psychiatric hospitals and state institutions for people with intellectual disability, as follows: Larned state hospital, Osawatimie state hospital, ~~Rainbow mental health facility~~, Kansas neurological institute, south central regional mental health hospital and Parsons state hospital ~~and training center~~.

(f) "Reportable incident" means an act by a ~~health care~~ healthcare provider that:

(1) Is or may be below the applicable standard of care and has a reasonable probability of causing injury to a patient; or

(2) may be grounds for disciplinary action by the appropriate licensing agency.

(g) "Risk manager" means the individual designated by a medical care facility to administer its internal risk management program and to receive reports of reportable incidents within the facility.

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

Sec. 16. K.S.A. 65-5601 is hereby amended to read as follows: 65-5601. As used in K.S.A. 65-5601 through 65-5605, and amendments thereto:

(a) "Patient" means a person who consults or is examined or interviewed by treatment personnel.

(b) "Treatment personnel" means any employee of a treatment facility who receives a confidential communication from a patient while engaged in the diagnosis or treatment of a mental, alcoholic, drug dependency or emotional condition, if such communication was not intended to be disclosed to third persons.

(c) "Ancillary personnel" means any employee of a treatment facility who is not included in the definition of treatment personnel.

(d) "Treatment facility" means a community mental health center, community service provider, psychiatric hospital and state institution for people with intellectual disability.

(e) "Head of the treatment facility" means the administrative director of a treatment facility or the designee of the administrative director.

(f) "Community mental health center" means the same as defined in K.S.A. 39-2002, and amendments thereto.

(g) "Psychiatric hospital" means Larned state hospital, Osawatimie state hospital, ~~Rainbow mental health facility~~, ~~Topeka state hospital~~ south central regional mental health hospital and hospitals licensed under K.S.A. 39-2001 et seq., and amendments thereto.

(h) "State institution for people with intellectual disability" means ~~Winfield state hospital and training center~~, Parsons state hospital ~~and training center~~ and the Kansas neurological institute.

(i) "Community service provider" means: (1) A community facility for people with intellectual disability organized pursuant to the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto, and licensed in accordance with the provisions of K.S.A. 39-2001 et seq., and amendments thereto; (2) community service provider as provided in the developmental disabilities reform act; or (3) a nonprofit corporation that provides services for people with intellectual disability pursuant to a contract with an intellectual disability governing board.

Sec. 17. K.S.A. 2024 Supp. 74-3292 is hereby amended to read as follows: 74-3292. As used in this act:

(a) "Executive officer" means the chief executive officer of the state board of regents appointed under K.S.A. 74-3203a, and amendments thereto.

(b) "Mental health or treatment facility" means:

(1) any private treatment facility as defined in K.S.A. 59-29b46, and amendments thereto;

(2) any public treatment facility as defined in K.S.A. 59-29b46, and amendments thereto;

(3) any community mental health center organized pursuant to K.S.A. 19-4001 through 19-4015, and amendments thereto, and licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto;

(4) any mental health clinic organized pursuant to K.S.A. 65-211 through 65-215, and amendments thereto, and licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto;

(5) any psychiatric hospital, psychiatric residential treatment facility or residential care facility as such terms are defined in K.S.A. 39-2002, and amendments thereto;

(6) any hospital as defined in K.S.A. 65-425, and amendments thereto, if:

(A) The hospital has a psychiatric unit; and

(B) the scholarship recipient is required to fulfill the nursing service scholarship's employment obligations as an employee in the psychiatric unit of the hospital; or

(7) Osawatomic state hospital, ~~Rainbow mental health facility~~, Larned state hospital, south central regional mental health hospital, Parsons state hospital ~~and training center~~ or the Kansas neurological institute.

(c) "School of nursing" means a school within the state of Kansas that is approved by the state board of nursing to grant an associate degree or a baccalaureate degree in professional nursing or a certificate of completion in practical nursing and is:

(1) Under the control and supervision of the state board of regents;

(2) a municipal university; or

(3) a not-for-profit independent institution of higher education that has its main campus or principal place of operation in Kansas, maintains open enrollment as defined in K.S.A. 74-32,120, and amendments thereto, and is operated independently and not controlled or administered by the state or any agency or subdivision thereof.

(d) "Sponsor" means any of the following that is located in a rural opportunity zone as defined in K.S.A. 74-50,222, and amendments thereto:

(1) An adult care home licensed under the adult care home licensure act, K.S.A. 39-923 et seq., and amendments thereto;

(2) a medical care facility licensed under K.S.A. 65-425 et seq., and amendments thereto;

(3) a home health agency licensed under K.S.A. 65-5101 et seq., and amendments thereto;

(4) a local health department as defined in K.S.A. 65-241, and amendments thereto;

(5) a mental health or treatment facility; and

(6) a state agency that employs licensed practical nurses or licensed professional nurses.

Sec. 18. K.S.A. 75-3099 is hereby amended to read as follows: 75-3099. (a) The governing board of any educational institution may enter into agreements with any state agency for the provision of instruction at the educational institution or off the campus thereof. Credit for such instruction shall be awarded in accordance with the provisions of the agreement.

(b) Any state agency may enter into agreements with the governing board of any educational institution for the provision of instruction at the educational institution or off the campus thereof. The amount to be paid by the state agency for the provision of instruction under any such agreement shall be determined as provided in the agreement, in accordance with the provisions of this section and in any case within limitations of the appropriations of the state agency therefor. The amount to be paid under any such agreement shall be determined on the basis of a fixed dollar amount for each enrolled credit hour of instruction in lieu of tuition, except that (1) an additional dollar amount shall be paid for each credit hour value of a course which is not taught by personnel of the state agency, (2) the payment to be made under an agreement with a social welfare institution shall be on the basis of four credit hours for an entry level course of instruction for direct care staff, and (3) payments may be made to an educational institution for special training materials and mileage expenses where appropriate under the circumstances.

(c) (1) No credit hour state aid entitlement and no out-district state aid entitlement of an educational institution shall be based upon any subject, course or program which is taught under an agreement with a state agency, and no such subject, course or program shall be counted in determining the number of credit hours of out-district students for the purpose of determining the amount of out-district tuition to be charged by an educational institution.

(2) No tuition shall be charged to or collected from any person who enrolls in any subject, course or program which is taught under an agreement with a state agency.

(d) For the purpose of this section:

(1) "Educational institution" means community college or municipal university;

(2) "social welfare institution" means ~~Topoka state hospital, Osawatomie state hospital, Rainbow mental health facility, Larned state hospital, Parsons state hospital and training center, Norton state hospital, Winfield state hospital and training center, south central regional mental health hospital~~ and Kansas neurological institute; and

(3) "state agency" means any state office or officer, department, board, commission, institution, bureau, or any agency, division or unit within any office, department, board, commission or other authority of this state.

Sec. 19. K.S.A. 75-3373 is hereby amended to read as follows: 75-3373. (a) Notwithstanding any other provision of law, no state agency shall enter into any agreement or take any action to outsource or privatize any operations or facilities of the

Larned state hospital, the Osawatomie state hospital, the south central regional mental health hospital or any facility that provides mental health services and that is operated by a state agency without prior specific authorization by an act of the legislature or an appropriation act of the legislature. The restriction imposed by this subsection applies to any action to outsource or privatize all or any part of any operation or facility of the Larned state hospital, the Osawatomie state hospital, the south central regional mental health hospital or any facility that provides mental health services and that is operated by a state agency, including, but not limited to, any action to transfer all or any part of the rated bed capacity at the Larned state hospital ~~or~~, the Osawatomie state hospital, or the south central regional mental health hospital, in effect on the effective date of this act, to another facility.

(b) Nothing in this section shall prevent the Kansas department for aging and disability services from renewing, in substantially the same form as an existing agreement, any agreement in existence prior to March 4, 2016, for services at the Larned state hospital or the Osawatomie state hospital.

(c) Nothing in this section shall prevent the Kansas department for aging and disability services from entering into an agreement for services at the Larned state hospital or the Osawatomie state hospital with a different provider if such agreement is substantially similar to an agreement for services in existence prior to March 4, 2016.

Sec. 20. K.S.A. 76-384 is hereby amended to read as follows: 76-384. (a) Upon the selection of a service commitment area for the purposes of satisfying a service obligation under a medical student loan agreement entered into under this act, the person so selecting shall inform the university of Kansas school of medicine of the service commitment area selected.

(b) A person serving in a service commitment area pursuant to any agreement under this act may serve all or part of any commitment in the service commitment area initially selected by such person. If such person moves from one service commitment area to another service commitment area, such person shall notify the university of Kansas school of medicine of such person's change of service commitment area. Service in any such service commitment area shall be deemed to be continuous for the purpose of satisfying any agreement entered into under this act.

(c) A person receiving a medical student loan under this act, may satisfy the obligation to engage in the full-time practice of medicine and surgery in a service commitment area if the person serves as a full-time faculty member of the university of Kansas school of medicine in general internal medicine, general pediatrics, family medicine, family practice, general psychiatry or child psychiatry and serves two years for each one year of such obligation, or the equivalent thereof on a two-for-one basis, except that, at the time any person commences satisfying such service obligation as a full-time faculty member pursuant to this subsection, the number of persons satisfying service commitments or service obligations, pursuant to agreements under the medical student loan act, as full-time faculty members pursuant to this subsection shall not exceed the number equal to 25% of the total number of full-time faculty members of the university of Kansas school of medicine in general internal medicine, general pediatrics, family medicine, family practice, general psychiatry or child psychiatry.

(d) A person may satisfy the obligation to engage in the full-time practice of medicine and surgery in a service commitment area by performing at least 100 hours per month of on-site primary care or mental health care at a medical facility operated by

a local health department or nonprofit organization in this state serving medically indigent persons or at a community mental health center or at Larned state hospital, Osawatimie state hospital, south central regional mental health hospital or any facility that provides mental health services and that is operated by a state agency. As used in this subsection;

(1) "Medically indigent" means a person who is:

~~(1)(A) Who is~~ Unable to secure ~~health care~~ healthcare because of inability to pay for all or a part of the costs thereof due to inadequate personal resources, being uninsured, being underinsured, being ineligible for governmental health benefits; or

~~(2)(B) who is~~ eligible for governmental benefits but is unable to obtain medical services; and

(2) "primary care" means general pediatrics, general internal medicine, family medicine and family practice.

Sec. 21. K.S.A. 76-12a01 is hereby amended to read as follows: 76-12a01. As used in this act, unless the context otherwise requires:

(a) "Secretary" means the secretary for aging and disability services.

(b) "Institution" means the following institutions: Osawatimie state hospital, ~~Rainbow mental health facility~~, Larned state hospital, south central regional mental health hospital, Parsons state hospital ~~and training center~~, and Kansas neurological institute.

(c) "Director" or "commissioner" means the commissioner of community services and programs.

Sec. 22. K.S.A. 76-12a31 is hereby amended to read as follows: 76-12a31. From and after October 1, 1996, no institution shall admit any individual for care or treatment of alcohol abuse or drug abuse with the exception that Larned state hospital ~~and~~ Osawatimie state hospital and south central regional mental health hospital may admit an individual for detoxification services or alcohol abuse or drug abuse care and treatment provided to inmates in the custody of the secretary of corrections as clinically indicated. From and after October 1, 1996, public treatment facilities and other treatment facilities licensed under K.S.A. 65-4001 et seq., 65-4601 et seq. or 65-5201 et seq., and amendments thereto, as specified or directed by the secretary or a district court shall admit and give appropriate care and treatment to alcohol and drug abusers.

Sec. 23. K.S.A. 76-1407 is hereby amended to read as follows: 76-1407. Any reference in the laws of this state to "Parsons state training school," "state hospital for epileptics at Parsons" or words of similar import; shall be deemed to mean the Parsons state hospital ~~and training center~~.

Sec. 24. K.S.A. 76-1409 is hereby amended to read as follows: 76-1409. The object of the Parsons state hospital ~~and training center~~ shall be to examine, treat, educate, train and rehabilitate the persons admitted and retained ~~so as~~ to make such persons more comfortable, happy; and better fitted to care for and support themselves. ~~To this end~~ The secretary shall provide such examination, treatment, education ~~(including academic and vocational)~~, training and rehabilitation facilities as ~~he or she~~ the secretary shall deem necessary and advisable.

Sec. 25. K.S.A. 76-1409a is hereby amended to read as follows: 76-1409a. The superintendent of Parsons state hospital ~~and training center~~ shall remit all moneys received by or for the superintendent from charges made under K.S.A. 59-2006, and amendments thereto, and other operations of such institution to the state treasurer in

accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Parsons state hospital ~~and training center~~ fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by such superintendent or by a person or persons designated by the superintendent.

Sec. 26. K.S.A. 2024 Supp. 76-1936 is hereby amended to read as follows: 76-1936. (a) The commissioner of community services and programs of the Kansas department for aging and disability services, with the approval of the secretary for aging and disability services and the director of the Kansas office of veterans services, may transfer patients in the state hospitals at Osawatimie ~~and~~ Larned ~~and patients in the Rainbow mental health facility, Wichita~~ and the Parsons state hospital ~~and training center~~ who have served in the military or naval forces of the United States or whose husband, wife, father, son or daughter has served in the active military or naval service of the United States during any period of any war as defined in K.S.A. 76-1908, and amendments thereto, and who was discharged or relieved therefrom under conditions other than dishonorable, to the Kansas soldiers' home. No patient who is such a mentally ill person, as defined in K.S.A. 59-2946, and amendments thereto, in the opinion of the commissioner of state hospitals, that because of such patient's illness such patient is likely to injure themselves or others, shall be transferred to such Kansas soldiers' home, and no such patient shall be transferred if such transfer will deny admission to persons entitled to admission under K.S.A. 76-1908, and amendments thereto, and rules and regulations ~~promulgated~~ adopted thereunder. Persons transferred shall not be considered as members of the Kansas soldiers' home but shall be considered as patients therein.

(b) All of the laws, rules and regulations relating to patients in state hospitals and mental health facility specified in subsection (a) shall be applicable to such patients transferred under subsection (a). Any patient transferred who is found to be or shall become such a mentally ill person, as defined in K.S.A. 59-2946, and amendments thereto, in the opinion of the commissioner of state hospitals, that because of such patient's illness such patient is likely to injure themselves or others or who is determined to need additional psychiatric treatment, shall be retransferred by the superintendent of the Kansas soldiers' home, with the approval of the commissioner of state hospitals and the director of the Kansas office of veterans services, to the institution from whence the patient was originally transferred.

Sec. 27. K.S.A. 2024 Supp. 76-1958 is hereby amended to read as follows: 76-1958. (a) The commissioner of state hospitals of the Kansas department for aging and disability services, with the approval of the secretary for aging and disability services and the director of the Kansas office of veterans services, may transfer patients in the state hospitals in ~~Topeka, Osawatimie and~~ Larned ~~and patients in the Rainbow mental health facility, Wichita and~~ the Parsons state hospital ~~and training center and the Winfield state hospital and training center~~ who have served in the military or naval forces of the United States or whose husband, wife, father, son or daughter has served in the active military or naval service of the United States during any period of any war as defined in K.S.A. 76-1954, and amendments thereto, and was discharged or relieved therefrom under conditions other than dishonorable, to the Kansas veterans' home. No patient who is such a mentally ill person, as defined in K.S.A. 59-2946, and

amendments thereto, in the opinion of the commissioner of state hospitals, that because of such patient's illness such patient is likely to injure oneself or others shall be so transferred to such Kansas veterans' home, and no such patient shall be so transferred if such transfer will deny admission to persons entitled to admission under K.S.A. 76-1954, and amendments thereto, and rules and regulations—~~promulgated~~ adopted thereunder. Persons transferred shall not be considered as members of the Kansas veterans' home but shall be considered as patients.

(b) All of the laws, rules and regulations relating to patients in the above-specified state hospitals and mental health facilities shall be applicable to such patients so transferred insofar as the same can be made applicable. Any patient so transferred who is found to be or shall become such a mentally ill person, as defined in K.S.A. 59-2946, and amendments thereto, in the opinion of the commissioner of state hospitals, that because of such patient's illness such patient is likely to injure oneself or others or who is determined to need additional psychiatric treatment, shall be retransferred by the superintendent of the Kansas veterans' home, with the approval of the commissioner of mental health and developmental disabilities and the director of the Kansas office of veterans services, to the institution from which the patient was originally transferred.

Sec. 28. K.S.A. 21-5413, 39-1602, 39-1613, 40-3401, 41-1126, 65-4921, 65-5601, 75-3099, 75-3373, 76-384, 76-12a01, 76-12a31, 76-1407, 76-1409 and 76-1409a and K.S.A. 2024 Supp. 39-1401, 59-2006b, 59-2946, 59-29b46, 59-29b54, 59-29b57, 59-3077, 74-3292, 76-1936 and 76-1958 are hereby repealed.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "rural emergency hospitals" and inserting "healthcare facilities"; in line 2, after "requirements" by inserting "for rural emergency hospitals"; in line 4, after "care" by inserting "; relating to state hospitals; establishing the south central regional mental health hospital; amending K.S.A. 21-5413, 39-1602, 39-1613, 40-3401, 41-1126, 65-4921, 65-5601, 75-3099, 75-3373, 76-384, 76-12a01, 76-12a31, 76-1407, 76-1409 and 76-1409a and K.S.A. 2024 Supp. 39-1401, 59-2006b, 59-2946, 59-29b46, 59-29b54, 59-29b57, 59-3077, 74-3292, 76-1936 and 76-1958 and repealing the existing sections";

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*

Senator Gossage moved the Senate adopt the Conference Committee Report on **HB 2249**.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2255** 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 2, following line 8, by inserting:

"Section 1. K.S.A. 2-1933 is hereby amended to read as follows: 2-1933. (a) As used in this section, "division" means the division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

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

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

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

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

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

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

(1) The aggregate total number of acres enrolled in Kansas in all CREPs shall not exceed ~~40,000~~ 60,000 acres, except that the last eligible offer for enrollment that will exceed the 60,000-acre cap may be approved;

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

but not including cover crops, then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the specific CREP area;

(3) ~~no more than 25% of the acreage in CREP may be in any one county, except that the last eligible offer to exceed the number of acres constituting a 25% acreage cap in any one county shall be approved~~the aggregate total number of acres enrolled in all CREPs in any one Kansas county shall not exceed 20% of the statewide acreage cap set forth in paragraph (1), except that the last eligible offer to exceed such cap in any one county may be approved;

~~(4)(3)~~ no whole-field enrollments shall be accepted into a CREP established for water quality purposes; ~~and~~

~~(5) lands enrolled in the federal conservation reserve program as of January 1, 2008;~~

~~(4) an acreage shall not be eligible for enrollment in CREP if it is otherwise ineligible for enrollment under federal law; and~~

~~(5) not more than 1,600 acres may be enrolled in CREP in one county in the same calendar year unless the secretary of agriculture, in consultation with the chief engineer of the division of water resources, certifies that the chief engineer has determined:~~

~~(A) That the acreage is in an area where an impairment is occurring and enrolling the acreage in the conservation reserve enhancement program will be responsive to the impairment; or~~

~~(B) that the acreage is less than five miles from a portion of the aquifer with less than 10 years of usable life.~~

~~(h)(1) For a CREP established with the purpose of meeting water quantity goals, If approved by the United States department of agriculture, the division may, in accordance with subsection (i), approve a CREP contract that allows for the establishment of native grasses, routine grazing, dryland farming or limited irrigation practices for the purpose of meeting water quantity goals.~~

~~(i) The division shall administer such each CREP established for the purpose of meeting water quantity goals in accordance with the following additional criteria: (A) No water right that is owned by a governmental entity shall be purchased or retired by the state or federal government pursuant to CREP; and~~

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

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

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

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

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

years

(1) All acreage that is an authorized place of use of an irrigation water right and is proposed to be enrolled in CREP shall have been irrigated at a rate of not less than $\frac{1}{2}$ acre-foot per acre per year for three out of the five years immediately preceding the year that the acreage is offered for enrollment, as determined by the division;

(2) the water right or water rights used for the acreage proposed to be enrolled in CREP shall not have been the subject of any sanctions or penalties by the division of water resources that are in effect or pending determination at the time that the acreage is offered for enrollment; and

(3) the owner of the water right or water rights for which the acreage that is proposed to be enrolled in CREP is an authorized place of use or the water use correspondent for such water right shall have submitted the annual water use report required pursuant to K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years.

(~~h~~)(j) The secretary, in consultation with the commission and the Kansas farm service agency office, may grant exceptions to the eligibility criteria outlined in subsections (g)(1) and (g)(2) if the acreage proposed to be enrolled in CREP satisfies one or more of the following conditions:

(1) Is located in an area designated as a high-priority area for water conservation pursuant to K.S.A. 2024 Supp. 82a-1044, and amendments thereto;

(2) is an authorized place of use of a high flow capacity water well;

(3) is an authorized place of use of a water right that was not utilized in accordance with subsection (i)(1) within the timeframe referenced in subsection (i)(1) due to circumstances involving bankruptcy, probate or other legal matters, excluding those related to any enforcement sanctions or penalties by the division of water resources that are in effect or pending determination at the time that the acreage is offered for enrollment in CREP; or

(4) is an authorized place of use of a water right that is or has been enrolled in a water conservation program, including, but not limited to, the United States department of agriculture environmental quality incentives program or a water conservation area pursuant to K.S.A. 82a-745, and amendments thereto, or has been assigned a water quantity allocation pursuant to an intensive groundwater use control area designated in accordance with K.S.A. 82a-1036, and amendments thereto, or a local enhanced management area designated in accordance with K.S.A. 82a-1041, and amendments thereto.

(k) (1) The Kansas department of agriculture shall, at the beginning of each annual regular session of the legislature, submit a CREP report to the senate committee on agriculture and natural resources and the house committee on agriculture—~~at the beginning of each annual regular session of the legislature and natural resources, and any successor committees,~~ containing a description of program activities for each CREP administered in the state—and including, Such report shall include:

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

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

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

(D) ~~such other information specified by the Kansas department of agriculture has been met.~~

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

(A) The total amount of water ~~rights~~, measured in acre-feet, ~~retired in CREP from fiscal year 2008 through the current fiscal year to date that was permanently retired in CREP during the preceding five years;~~

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

(C) the total annual ~~amount of~~ water usage in the CREP area ~~from fiscal year 2008 through the most current fiscal year to date~~ during the preceding five years; and

(D) the average annual water use, measured in acre-feet, ~~for each of the five years preceding enrollment for each water right enrolled under each water right for which an authorized place of use is enrolled in CREP during the preceding five years.~~

~~(j)(1)~~ (1) The Kansas department of agriculture shall submit a report on the economic impact of each specific CREP to the senate committee on agriculture and natural resources and the house ~~of representatives~~ committee on agriculture and natural resources, and any successor committees, every five years, ~~beginning in 2017.~~ The report shall include economic impacts to businesses located within each specific CREP region.";

On page 26, in line 31, after "K.S.A." by inserting "2-1933,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "the Kansas department of agriculture; relating to";

On page 2, in the title, in line 1, before "amending" by inserting "relating to the Kansas conservation reserve enhancement program; increasing the acreage cap for CREPs from 40,000 to 60,000 acres; clarifying the county acreage cap for CREPs and that the last eligible offer for enrollment exceeding applicable acreage caps may be approved; removing the limitation on acres eligible for CREP enrollment based on expired federal contracts; adding a general ineligibility criterion based on federal ineligibility; allowing CREP contracts for dryland farming or limited irrigation for water quantity goals; removing the prohibition on participation in CREP for government-owned water rights; clarifying current CREP criteria related to water right usage, sanctions and reporting; allowing exceptions to eligibility criteria based on factors such as location in high-priority water conservation areas, high-flow capacity wells, circumstances like bankruptcy or probate and enrollment in other water conservation programs; modifying the reporting requirements to cover the preceding five years;"; also in line 1, after "K.S.A." by inserting "2-1933,";

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

VIRGIL PECK, LARRY ALLEY, MARY WARE—*Conferees on part of Senate*

KEN RAHJES, LANCE NEELLY, LINDA FEATHERSTON—*Conferees on part of House*

Senator Peck moved the Senate adopt the Conference Committee Report on **HB 2255**.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph

Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

The Conference Committee Report was adopted.

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 Senator Erickson the Senate adopted the conference committee report on **S Sub HB 2382**, and requested a new conference be appointed.

The President appointed Senators Erickson, Thomas and Sykes as a second Conference Committee on the part of the Senate on **S Sub HB 2382**.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2382** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2382, as follows:

On page 1, in line 7, before "Section" by inserting "New"; following line 12, by inserting:

"Sec. 2. K.S.A. 72-253 is hereby amended to read as follows: 72-253. (a) The state board of education may authorize members thereof to attend in-state meetings for participation in matters of educational interest to the state of Kansas, and when attending a meeting so authorized, members shall receive ~~compensation and~~ travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature. Whenever under any provision of law, a member of the state board of education is authorized to attend an out-of-state meeting, or whenever the state board of education authorizes one of its members to attend an out-of-state meeting for participation in matters of educational interest to the state of Kansas such members, when attending a meeting so authorized, shall receive ~~compensation and~~ travel expenses ~~and~~ or subsistence expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.

(b) Notwithstanding the provisions of K.S.A. 75-3212, and amendments thereto, during any fiscal year, each member of the board of education shall receive compensation in an amount established by the state board of education for the member's service at regularly scheduled meetings of the board of education and any other in-state meeting for participation in matters of educational interest to the state of Kansas."

Sec. 3. K.S.A. 72-253 is hereby repealed.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "school districts; relating to certain curriculum" and inserting "education"; in line 2, by striking "the inclusion of" and inserting "school districts to include"; in line 4, after "sexuality" by inserting "; authorizing the state board of education to establish the rate of compensation for members of the state board; amending K.S.A. 72-253 and repealing the existing section";

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*

Senator Erickson moved the Senate adopt the Conference Committee Report on **S Sub HB 2382**.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Dietrich, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

Nays: Corson, Faust Goudeau, Francisco, Haley, Holscher, Pettey, Schmidt, Sykes, Ware.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HCR 5011** submits the following report:

The House accedes to all Senate amendments to the resolution, and your committee on conference further agrees to amend the resolution as printed as Senate Substitute for House Concurrent Resolution No. 5011, as follows:

On page 1, in line 17, by striking "2026" and inserting "2027"; in line 32, by striking "3%" and inserting "4%";

On page 2, in line 10, by striking "3%" and inserting "4%"; in line 22, by striking "2026" and inserting "2027"; in line 23, by striking "3%" and inserting "4%";

On page 4, in line 6, by striking "3%" and inserting "4%"; in line 17, by striking "3%" and inserting "4%"; in line 37, by striking "2026" and inserting "2027"; in line 39, by striking "3%" and inserting "4%";

On page 5, in line 11, by striking "November 4, 2025" and inserting "August 4, 2026"; in line 12, by striking "general" and inserting "primary";

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

CARYN TYSON, VIRGIL PECK—*Conferees on part of Senate*

ADAM SMITH, CARL TURNER—*Conferees on part of House*

The motion of Senator Tyson to adopt the conference committee report on **S Sub HCR 5011** failed to reach the required constitutional two-thirds majority.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Blasi, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Erickson, Gossage, Klemp, Kloos, Masterson, Murphy, Peck, Petersen, Rose, Ryckman,

Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

Nays: Argabright, Blew, Corson, Dietrich, Fagg, Faust Goudeau, Francisco, Haley, Holscher, Owens, Pettey, Schmidt, Sykes, Ware.

The Conference Committee Report was not adopted.

EXPLANATION OF VOTE

“The number one issue I hear from constituents about is property tax relief. This is a piece of the puzzle toward transparency, which equates to property tax relief, if it should be passed by the voters. We’re not changing the constitution today. We are saying we would like for Kansas citizens to have an opportunity on whether they want to amend the Kansas Constitution to limit valuation increases on Kansas property. Therefore Mr. Vice President, I proudly cast an “aye” vote in favor of allowing citizens to vote. When you allow citizens to vote you almost never make the wrong choice.”—

VIRGIL PECK

Senators Erickson, Klemp, Kloos, Petersen, Starnes and Senator Thompson request the record to show they concur with the "Explanation of Vote" offered by Senator Peck on **S Sub HCR 5011**.

CHANGE OF CONFERENCE

Senators Erickson, Thomas, and Sykes are appointed to replace Senators Dietrich, Fagg, and Francisco as members of the conference committee on **SB 24**.

Senators Alley, Owens, and Ware are appointed to replace Senators Warren, Titus, and Corson as members of the conference committee on **SB 30**.

Senators Alley, Owens, and Ware are appointed to replace Senators Petersen, Kloos, and Corson as members of the conference committee on **HB 2169**.

Senators Thompson and Faust Goudeau are appointed to replace Senators Gossage and Holscher as members of the conference committee on **HB 2280**.

Senators Alley, Owens, and Ware are appointed to replace Senators Petersen, Kloos, and Corson as members of the conference committee on **HB 2289**.

Senators Gossage, Clifford, and Holscher are appointed to replace Senators Dietrich, Fagg, and Francisco as members of the conference committee on **HB 2045**.

REPORTS OF STANDING COMMITTEES

Your Committee on **Judiciary** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Judge, Kansas Court of Appeals: K.S.A. 20-3020

Lori Bolton Fleming, to fill a term expiring on January 11, 2027.

The Committee on **Select Veterans Affairs** recommends **HB 2274** be amended on page 1, following line 7, by inserting:

"New Section 1. (a) The state of Kansas is hereby designated as a purple heart state in recognition of the many citizens of the state who have earned the purple heart medal as a result of being wounded while engaged in combat with an enemy force.

(b) Each year, the governor shall issue a proclamation recognizing the purple heart day, to be observed on August 7 of each year, following the tradition established by George Washington in 1782 and revived in 1932 that distinguishes the purple heart as a

decoration of honor awarded to members of the armed forces and United States citizens who were honorably wounded in action. The award has been limited to members of the military since 1997 by congressional action.

(c) The executive director of the office of veterans services shall promote the observance of purple heart day with appropriate activities and direct each local chapter of all veterans' organizations to plan special activities and events to honor the purple heart recipients in each chapter.

(d) All residents of this state are enjoined to devote some portion of purple heart day to recognizing and commemorating the recipients of the purple heart who have demonstrated a commitment to fighting for the ideals that have made this nation great, have served this nation so valiantly and are role models for all to emulate.

Sec. 2. K.S.A. 2024 Supp. 8-1324 is hereby amended to read as follows: 8-1324. (a) Any resident who does not hold a current valid Kansas driver's license may make application to the division of vehicles and be issued one identification card.

(b) (1) Each application for an identification card shall include a question asking if the applicant is willing to give such applicant's authorization to be listed as an organ, eye and tissue donor in the Kansas donor registry in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto. The gift would become effective upon the death of the donor.

(2) For the purpose of obtaining an identification card, an applicant shall submit, with the application, proof of age, proof of identity and proof of lawful presence. An applicant shall submit with the application a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant's full legal name and date of birth, and, except as provided in subsection (k)(2), documentation showing the applicant's name, the applicant's address of principal residence and the applicant's social security account number. The applicant's social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2014, and amendments thereto. If the applicant does not have a social security number, the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the identification card. Before issuing an identification card to a person, the division shall make reasonable efforts to verify with the issuing agency the issuance, validity and completeness of each document required to be presented by the applicant to prove age, identity and lawful presence.

(c) The division shall not issue an identification card to any person who fails to provide proof that the person is lawfully present in the United States. If an applicant provides evidence of lawful presence as set out in K.S.A. 8-240(b)(2)(E) through (2)(I), and amendments thereto, or is an alien lawfully admitted for temporary residence under K.S.A. 8-240(b)(2)(B), and amendments thereto, the division may only issue a temporary identification card to the person under the following conditions:

(1) A temporary identification card issued pursuant to this ~~subparagraph~~ subsection shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year;

(2) a temporary identification card issued pursuant to this ~~subparagraph~~ subsection shall clearly indicate that it is temporary and shall state the date upon which it expires;

(3) no temporary identification card issued pursuant to this ~~subparagraph~~ subsection shall be for a longer period of time than the time period permitted by K.S.A.

8-1325, and amendments thereto; and

(4) a temporary identification card issued pursuant to this ~~subparagraph~~ subsection may be renewed, subject at the time of renewal, to the same requirements and conditions set forth in this subsection for the issuance of the original temporary identification card.

(d) The division shall not issue an identification card to any person who holds a current valid Kansas driver's license unless such driver's license has been physically surrendered pursuant to the provisions of K.S.A. 8-1002(e), and amendments thereto.

(e) The division shall refuse to issue an identification card to a person holding a driver's license or identification card issued by another state without confirmation that the person is terminating or has terminated the license or identification card.

(f) The parent or guardian of an applicant under 16 years of age shall sign the application for an identification card submitted by such applicant.

(g) (1) The division shall require payment of a fee of \$14 at the time application for an identification card is made, except that persons who are 65 or more years of age or who are handicapped, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10. In addition to the fees prescribed by this subsection, the division shall require payment of the photo fee established pursuant to K.S.A. 8-243, and amendments thereto, for the cost of the photograph to be placed on the identification card.

(2) The division shall not require or accept payment of application or photo fees under this subsection for any person 17 years of age or older for purposes of meeting the voter identification requirements of K.S.A. 25-2908, and amendments thereto. Such person shall:

(A) Swear under oath that such person desires an identification card in order to vote in an election in Kansas and that such person does not possess any of the forms of identification acceptable under K.S.A. 25-2908, and amendments thereto. The affidavit shall specifically list the acceptable forms of identification under K.S.A. 25-2908, and amendments thereto; and

(B) produce evidence that such person is registered to vote in Kansas.

(3) The secretary of revenue shall adopt rules and regulations in order to implement the provisions of paragraph (2).

(h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.

(i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if the person:

(1) Owns, leases or rents a place of domicile in this state;

(2) engages in a trade, business or profession in this state;

(3) is registered to vote in this state;

(4) enrolls the person's child in a school in this state; or

(5) registers the person's motor vehicle in this state.

(j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture. The captured facial image shall be displayed on the front of the applicant's identification card by either:

(1) A digital color image or photograph; or

(2) a laser-engraved photograph of the licensee.

(k) (1) Any person who is a veteran may request that the division issue to such

person a nondriver identification card that shall include the designation "VETERAN" displayed on the front of the nondriver identification card at a location to be determined by the secretary of revenue. In order to receive a nondriver identification card described in this subsection, the veteran shall provide a copy of the veteran's DD form 214, NGB form 22 or equivalent discharge document showing character of service as honorable or general under honorable conditions.

(2)(A) Any person who is a veteran and homeless may apply for and be issued an identification card pursuant to this section without providing an address of principal residence.

(B) In addition to any documents proving identity and residency in Kansas accepted for an application for an identification card pursuant to this section, a homeless veteran may provide to the division and the division shall accept a letter or certificate from the Kansas office of veterans services, the Kansas soldiers' home, the Kansas veterans' home, any veterans services medical center located in Kansas, any jail or correctional facility or any nonprofit organization located in Kansas for the provision of services for the homeless verifying such applicant resides at or receives services from such entity, and either:

(i) Copies or digital forms of accepted documents for proof of identity in lieu of original documents; or

(ii) certain expired forms of identification, including, but not limited to, common access cards, Kansas driver's licenses or Kansas voter registration cards.

(3) As used in this subsection, "veteran" means a person who served in the active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions.

(4) The director of vehicles may adopt any rules and regulations necessary to carry out the provisions of this subsection.

(l) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(m) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, except as provided in subsection (k)(2), a brief description of the cardholder, either:

(1) A digital color image or photograph; or

(2) a laser-engraved photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card that does not contain the address of principal residence of the cardholder as required may be issued to persons who are program participants pursuant to K.S.A. 75-455, and amendments thereto, or persons who meet the qualifications and apply for an identification card as described in subsection (k)(2).

(n) An identification card issued to any person who indicated on the application that the person wished to make an anatomical gift in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto, shall have the word "Donor" placed on the front of the applicant's identification card.

(o) (1) Any person who submits satisfactory proof to the director of vehicles, on a

form provided by the director, that such person needs assistance with cognition, including, but not limited to, persons with autism spectrum disorder, may request that the division issue to such person a nondriver identification card, that shall note such impairment on the nondriver identification card at a location to be determined by the secretary of revenue.

(2) Satisfactory proof that a person needs assistance with cognition shall include a statement from a person licensed to practice the healing arts in any state, an advanced practice registered nurse licensed under K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or a person clinically licensed by the Kansas behavioral sciences regulatory board certifying that such person needs assistance with cognition.

(p) The secretary of revenue shall permit an electronic online renewal of an identification card if the electronic online renewal applicant previously provided documentation of identity, lawful presence and residence to the division for electronic scanning. For purposes of this subsection, the division may rely on the division's most recent, existing color digital image and signature image of the applicant for the nondriver's identification card if the division has such images on file. The determination on whether an electronic online renewal application or equivalent of a nondriver's identification card is permitted shall be made by the director of vehicles or the director's designee. The division shall not renew a nondriver's identification card through an electronic online or equivalent process if the identification card has been previously renewed through an electronic online application in the immediately preceding card's expiration period. No renewal under this subsection shall be granted to any person who is a registered offender pursuant to K.S.A. 22-4901 et seq., and amendments thereto.

Sec. 3. K.S.A. 8-1325 is hereby amended to read as follows: 8-1325. (a) Every identification card shall expire, unless earlier canceled or ~~subsection (e) of K.S.A. 8-1324(c)~~, and amendments thereto, applies, on the sixth birthday of the applicant following the date of original issue, except as otherwise provided by K.S.A. 8-1329, and amendments thereto. Renewal of any identification card shall be made for a term of six years and shall expire in a like manner as the originally issued identification card, unless surrendered earlier or ~~subsection (e) of K.S.A. 8-1324(c)~~, and amendments thereto, applies. For any person who has been issued an identification card, the division shall mail a notice of expiration or renewal at least 30 days prior to the expiration of such person's identification card at the address shown on such identification card. The division shall include with such notice, written information required under subsection (b). Any application for renewal received later than 90 days after expiration of the identification card shall be considered to be an application for an original identification card. The division shall require payment of a fee of \$14 for each identification card renewal, except that persons who are 65 or more years of age or who are persons with a disability, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of \$10. ~~Any identification card holder, whose identification card has expired after March 12, 2020, and before March 31, 2021, shall have until June 30, 2021, to renew such identification card.~~

(b) The division shall reference the website of the agency in a person's notice of expiration or renewal under subsection (a). The division shall provide the following information on the website of the agency:

(1) Information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-1328, and amendments thereto, and the revised uniform

anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto;

(2) information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

(3) information giving the applicant the opportunity to be placed on the organ donation registry described in paragraph (2);

(4) inform the applicant that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in paragraph (2), the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by paragraph (6);

(5) the division may fulfill the requirements of paragraph (4) by one or more of the following methods:

(A) Providing such information on the website of the agency; or

(B) providing printed material to an applicant who personally applies for an identification card; and

(6) if an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry described, the division shall within 10 days forward the applicant's name, gender, date of birth and address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and forwarded under this paragraph shall be confidential and not disclosed.

(c) Any identification card issued to a person who is a veteran and homeless as provided in K.S.A. 8-1324, and amendments thereto, shall not expire."

Also on page 1, in line 27, by striking "an"; also in line 27, after the stricken material by inserting "a";

On page 9, following line 27, by inserting:

"Sec. 5. K.S.A. 2024 Supp. 65-2418 is hereby amended to read as follows: 65-2418. (a) (1) The secretary shall fix and charge by rules and regulations the fees to be paid for certified copies or abstracts of certificates or for search of the files for birth, death, fetal death, marriage or divorce records when no certified copy or abstract is made. Except as otherwise provided in this section, the secretary shall remit all moneys received by or for the secretary from fees, charges or penalties, under the uniform vital statistics act, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created by K.S.A. 65-2418e, and amendments thereto.

(2) The secretary shall not charge any fee for a certified copy of a certificate or abstract or for a search of the files or records if the certificate, abstract or search is requested by a person who exhibits correspondence from the United States department of veterans affairs or the Kansas office of veterans services that indicates that the person is applying for benefits from the United States department of veterans affairs and that such person needs the requested information to obtain such benefits, except that, for a second or subsequent certified copy of a certificate, abstract or search of the files requested by the person, the usual fee shall be charged. The secretary may provide by rules and regulations for exemptions from such fees.

(3) The secretary shall not charge or accept any fee for a certified copy of a certificate or abstract or for a search of the files or records if the certificate, abstract or search is requested by a homeless veteran who exhibits correspondence from the Kansas office of veterans services, the Kansas soldiers' home, the Kansas veterans' home, any veterans services medical center located in Kansas, any jail or correctional facility or any nonprofit organization located in Kansas for the provision of services for the homeless indicating that the person is applying for a nondriver identification card pursuant to K.S.A. 8-1324, and amendments thereto, and that such person needs the requested information to apply for such identification card. The secretary may adopt rules and regulations for exemption from such fees. For purposes of this paragraph, "veteran" means the same as defined in K.S.A. 8-1324, and amendments thereto.

(4) The secretary shall not charge or accept any fee for a certified copy of a birth certificate if the certificate is requested by any person who is 17 years of age or older for purposes of voting if the applicant lacks the identification required by K.S.A. 25-2908(h), and amendments thereto, or to meet the voter registration requirements of K.S.A. 25-2309, and amendments thereto. For voter registration purposes, an applicant for registration shall swear under oath: (1) That such person plans to register to vote in Kansas; and (2) that such person does not possess any of the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The affidavit shall specifically list the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The secretary shall adopt rules and regulations in order to implement the provisions of this subsection.

~~(4)~~(5) Upon receipt of any such remittance of a fee for a certified copy of a birth certificate or abstract, \$3 of each such fee for the first copy of a birth certificate or abstract and \$1 of each such fee for each additional copy of the same birth certificate or abstract requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the permanent families account of the family and children investment fund created by K.S.A. 38-1808, and amendments thereto. The balance of the money received for a fee for a certified copy of a birth certificate or abstract shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created under this act.

~~(5)~~(6) Upon receipt of any such remittance of a fee for a certified copy of a death certificate or abstract, \$4 of each such fee for the first certified copy of a death

certificate or abstract and \$2 of each such fee for each additional copy of the same death certificate or abstract requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the district coroners fund created by K.S.A. 22a-245, and amendments thereto. The balance of the money received for a fee for a certified copy of a death certificate or abstract shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created by K.S.A. 65-2418e, and amendments thereto.

(b) Subject to K.S.A. 65-2415, and amendments thereto, the national office of vital statistics may be furnished copies or data it requires for national statistics. The state shall be reimbursed for the cost of furnishing the data. The data shall not be used for other than statistical purposes by the national office of vital statistics unless so authorized by the state registrar of vital statistics.";

Also on page 9, in line 28, before "K.S.A" by inserting "K.S.A. 8-1325 and"; also in line 28, after "Supp." by inserting "8-1324,"; also in line 28, by striking "is" and inserting "and 65-2418 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before "removing" and inserting "veterans and military; designating Kansas as a purple heart state; permitting homeless veterans to use alternative forms of proof of identity and residency when applying for nondriver identification cards; eliminating fees for homeless veterans to obtain birth certificates for purposes of nondriver identification card applications; prohibiting such cards from expiring;"; in line 4, after "amending" by inserting "K.S.A. 8-1325 and"; also in line 4, after "Supp." by inserting "8-1324,"; also in line 4, after "48-3406" by inserting "and 65-2418"; in line 5, by striking "section" and inserting "sections"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS, CONCURRENT AND SENATE RESOLUTIONS

SR 1717, SR 1718 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 26, 2025.

On motion of Senator Blasi, the Senate adjourned until 10:00 a.m., Thursday, March 27, 2025.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

