

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 28, 2022, 10:00 a.m.

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

The Significance Of You And Me!
Psalm 139:14

Lord, You are our creator and sustainer. King David, the Psalm writer, realizing the complexity of our design in Psalm 139:14 wrote these words to You. "I praise You because I am fearfully and wonderfully made. Marvelous are Your works, oh Lord. And I know that full well."

Lord, someone decided that every year this day, April 28th, would be "Biological Clock Day," that we should have a special day to think about and honor the fact that we're not just an accidental blob of tissue, that no one is, that everyone of us is a precious, irreplaceable treasure.

Therefore Lord, You would have us look at each other regardless of our differences as precious, irreplaceable treasures. Help each of us to function in accord with the clock that You have given us. Sleeping when it's time to sleep, working when it's time to work, resting when it's time to rest so that the portions of our bodies, physically, mentally and spiritually can be working in harmony with the things You've called us to do in life. Then every time we look in the mirror, just like the Psalm writer, we can say, "Lord, You sure are right! I am fearfully and wonderfully made! Marvelous are Your works Oh Lord! But then, to safeguard us from conceit help us to look for and see the qualities You have given other precious irreplaceable treasures.

Lord, I pray this to Your glory and honor in the Name of Jesus, Amen!

The Pledge of Allegiance was led by President Masterson.

ORIGINAL MOTION

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2136**.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2136** 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.

CARYN TYSON

VIRGIL PECK

TOM HOLLAND

Conferees on part of Senate

ADAM SMITH

LES MASON

Conferees on part of House

On motion of Senator Tyson the Senate adopted the conference committee report on **HB 2136**, and requested a new conference be appointed.

The President appointed Senators Tyson, Peck and Holland as a second Conference Committee on the part of the Senate on **HB 2136**.

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

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

MESSAGES FROM THE GOVERNOR

Enclosed is Executive Order 22-04 for your information. (April 26, 2022)

Enclosed is a message regarding issuance of executive clemency in 2021 pursuant to K.S.A. 22-3703. (April 28, 2022)

ORIGINAL MOTION

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 421; S Sub HB 2567**.

On motion of Senator Alley, the Senate recessed until the sound of the gavel.

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

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **HB 2540** and has appointed Representatives Landwehr, Eplee and Ruiz, S. as Second conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 84** and has appointed Representatives Barker, Arnberger and Ruiz, L. as Second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2136**, and has appointed Representatives Smith, A., Mason and Gartner as Second conferees on the part of the House.

Announcing a veto message from the Governor, together with the enrolled copy of **House Bill 2448**, AN ACT concerning public assistance; requiring able-bodied adults

without dependents to complete an employment and training program in order to receive food assistance; amending K.S.A. 39-709 and repealing the existing section. was received on April 15, 2022 and read on April, 25, 2022.

MESSAGE FROM THE GOVERNOR

“Every Kansan feels the price of the pandemic-induced inflation at the pumps and at the grocery store. The cost of food alone is one of the most significant contributors to inflation overall.

With the rising costs of these necessities, we should be helping people afford the basics. This bill would unnecessarily burden nearly 30,000 hard-working Kansans, including people caring for their families and impacting those with children.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **S Sub for House Bill 2448.**”

LAURA KELLY, *Governor*

April 15, 2022

A motion was made that, notwithstanding the Governor’s objections to **House Bill 2448**, the bill be passed. By a vote of 86 Yeas and 36 Nays, the motion having received the required two-thirds majority of the elected members of the House of Representatives, voting in the affirmative to approve the bill, **House Bill 2448** did pass.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to HB 2567 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. 2567, as follows:

On page 1, following line 9, by inserting:

"Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Education superhighway (652-00-1000-0180).....\$178,986
Supplemental state aid (652-00-1000-0840).....\$10,252,000

(b) On the effective date of this act, of the \$14,109,493 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account (652-00-1000-0053), the sum of \$25,749 is hereby lapsed.

(c) On the effective date of this act, of the \$41,853,675 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state general fund in the KPERS – school employer contributions – non-USDs account (652-00-1000-0100), the sum of \$7,789,076 is hereby lapsed.

(d) On the effective date of this act, of the \$537,971,506 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state general fund in the KPERS – school employer contributions – USDs account (652-00-1000-0110), the sum of \$24,041,149 is

hereby lapsed.

(e) On the effective date of this act, of the \$2,437,622,329 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 session laws of Kansas from the state general fund for state foundation aid account (652-00-1000-0820), the sum of \$58,570,986 is hereby lapsed.

Sec. 2.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (including official hospitality) (652-00-1000-0053).....\$14,200,772

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

State foundation aid (652-00-1000-0820).....\$157,335,108

Supplemental state aid (652-00-1000-0840).....\$54,039,398

Center for READING (652-00-1000-0080).....\$80,000

Provided, That the above agency shall expend moneys in such account to provide a project manager grant to the center for reading at Pittsburg state university to: (1) Assist in the development and support of a science of reading curricula for the state educational institutions and colleges based on the knowledge and practice standards that have been adopted by the state department of education; (2) develop and support a recommended dyslexia textbook list for in-class learning for school districts to use; (3) develop and support a recommended dyslexia resources list for in-class learning for school districts to use; (4) provide knowledge and support for a train the trainer program and professional development curriculum for school districts to use; and (5) provide knowledge and support for developing a list of qualified trainers for school districts to hire.

KPERS-school employer contributions-non-USDs (652-00-1000-0100).....\$37,714,422

Provided, That any unencumbered balance in the KPERS-school employer contributions-non-USDs account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

KPERS-school employer contributions-USDs (652-00-1000-0110).....\$520,780,609

Provided, That any unencumbered balance in the KPERS-school employer contributions-USDs account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

ACT and workkeys assessments program (652-00-1000-0140).....\$2,800,000

Mental health intervention team pilot (652-00-1000-0150).....\$10,534,722

Provided, That any unencumbered balance in the mental health intervention team pilot account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further*, That expenditures shall be made by the above agency from the mental health intervention team pilot account during fiscal year 2023 for mental health intervention team school liaisons employed by those school districts participating

in the mental health intervention team pilot program: *And provided further*, That the salaries and wages for school liaisons shall be matched by participating school districts on a \$3 of state moneys for \$1 of school district moneys basis: *And provided further*, That each school district that participated in the mental health intervention team pilot program during fiscal year 2022 shall continue to receive an amount of moneys not less than the amount from such account or fund such school district received in fiscal year 2022 so long as the school district maintains a substantially similar program participation level in fiscal year 2023: *And provided further*, That the remaining unencumbered moneys in the mental health intervention team pilot account shall be used to expand the program to school districts that have not previously participated in the program and to contract with a third-party entity to conduct a study of the effectiveness of the program and suggest improvements to the program: *And provided further*, That, if such remaining moneys are not fully expended on new school district programs and the third-party study, the above agency shall expend such moneys on school districts that seek to expand existing programs: *And provided further*, That the department of education shall provide a report on or before January 1, 2023, to the director of the budget and the director of legislative research that includes performance measures, developed in consultation with the Kansas department for aging and disability services, that illustrate the effectiveness of the mental health intervention team pilot program.

Career and technical education transportation

state aid (652-00-1000-0190).....	\$1,482,338
Juvenile transitional crisis	
center pilot (652-00-1000-0210).....	\$300,000
Education commission of	
the states (652-00-1000-0220).....	\$67,700
School safety hotline (652-00-1000-0230).....	\$10,000
School district juvenile detention	
facilities and Flint Hills job corps	
center grants (652-00-1000-0290).....	\$5,060,528
<i>Provided</i> , That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: <i>Provided further</i> , That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-1173, and amendments thereto.	
School food assistance (652-00-1000-0320).....	\$2,510,486
Mentor teacher (652-00-1000-0440).....	\$1,300,000
Educable deaf-blind and severely handicapped	
children's programs aid (652-00-1000-0630).....	\$110,000
Special education	
services aid (652-00-1000-0700).....	\$520,380,818

Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized

child, unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisos, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3422, and amendments thereto.

Governor's teaching excellence scholarships and awards (652-00-1000-0770).....\$360,693

Professional development state aid (652-00-1000-0860).....\$1,770,000

School safety and security grants.....\$4,000,000

Provided, That expenditures shall be made from the school safety and security grants account for fiscal year 2023 for disbursements of grant moneys approved by the state board of education for the: Acquisition and installation of security cameras and any other systems, equipment and services necessary for security monitoring of facilities operated by a school district and for securing doors, windows and any entrances to such facilities; and salaries and wages, and associated fringe benefits, for newly created positions of school resource officers and the costs associated with any newly created school resource officers provided by the city or county of such school district: *Provided further*, That all moneys expended for school safety and security grants for fiscal year 2023 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the district that may be used for such purpose.

Computer science education advancement grant.....\$1,000,000

Provided, That expenditures shall be made by the above agency from the computer science education advancement grant account for fiscal year 2023 to provide grants to high-quality professional learning providers to develop and implement teacher professional development programs for the computer science courses as established in 2022 Substitute for House Bill No. 2466: *Provided further*, That, if 2022 Substitute for House Bill No. 2466 is not passed by the legislature during the 2022 regular session and enacted into law, then on July 1, 2022, the \$1,000,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, by this section in the computer science education advancement grant account is hereby lapsed.

Career technical education pilot.....\$40,000

Provided, That expenditures shall be made by the above agency from the career technical education pilot account for fiscal year 2023 to distribute the stipends required to be provided to the Washburn institute of technology and to participating high schools that are served by the Washburn institute of technology service area pursuant to the secondary career technical education credentialing and student transitioning to employment success pilot program as established in 2022 Substitute for House Bill No. 2466: *Provided further*, That, if 2022 Substitute for House Bill No. 2466 is not passed by the legislature during the 2022 regular session and enacted into law, then on July 1, 2022, the \$40,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, by this section in the career technical education pilot account is hereby lapsed.

Virtual math education program.....\$4,000,000

Provided, That expenditures shall be made by the above agency from the virtual math education program account for fiscal year 2023 to select and implement a virtual math program that shall be customized to Kansas curriculum standards, be evidence-based, not impose any fee or cost upon students, provide tutoring in multiple languages, provide professional development for the implementation of the program and have been implemented in other states over the preceding eight fiscal years: Provided further, That the above agency shall enter into a two-year contract to implement such program: And provided further, That any unified school district shall be authorized to use such program: And provided further, That the above agency shall recommend that all school districts use such program: And provided further, That all school districts shall track and report to the above agency twice during school year 2022-2023 as determined by the above agency on the number of attendance centers and students using such program or other virtual math program and the number of attendance centers and students not using any such virtual math program, the number of teachers participating in the professional development provided by such program or other virtual math program and the effect of any such virtual math program on student academic proficiency: And provided further, That the above agency shall compile such reports and shall submit a summary report to the house of representatives standing committee on K-12 education budget and the senate standing committee on education during the 2023 regular session of the legislature: And provided further, That such report shall also include a list of the school districts and attendance centers that are using such program or other virtual math program and a list of the school districts and attendance centers that are not using a virtual math program and a comparison between low-usage and high-usage school districts and attendance centers: Provided however, If the above agency, in consultation with the director of the budget, determines that expenditures are made from the American rescue plan – state fiscal relief federal fund in the virtual math education program account pursuant to section 3(a), then the director of the budget shall so certify such information to the director of accounts and reports, and on the date of such certification, the \$4,000,000 appropriated for the above agency for the fiscal year ending June 30, 2023, by this section from the state general fund in the virtual math education program account is hereby lapsed.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

School district capital outlay state aid fund.....No limit

Educational technology coordinator fund (652-00-2157).....No limit

Provided, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2023, from the educational technology coordinator fund of the department of education to provide data on the number of school districts served and cost savings for those districts in fiscal year 2023 in order to assess the cost effectiveness of the position of educational technology coordinator.

Communities in schools program fund (652-00-2221).....No limit

Inservice education workshop fee fund (652-00-2230).....	No limit
<i>Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: Provided further, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: And provided further, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: And provided further, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.</i>	
Federal indirect cost reimbursement fund (652-00-2312).....	No limit
Conversion of materials and equipment fund (652-00-2420).....	No limit
School bus safety fund (652-00-2532).....	No limit
State safety fund (652-00-2538).....	No limit
<i>Provided, That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2023 as soon as moneys are available.</i>	
Motorcycle safety fund (652-00-2633).....	No limit
Teacher and administrator fee fund (652-00-2723).....	No limit
Service clearing fund (652-00-2869).....	No limit
School district capital improvements fund (652-00-2880).....	No limit
<i>Provided, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-5457, and amendments thereto.</i>	
Reimbursement for services fund (652-00-3056).....	No limit
ESSA – student support academic enrichment – federal fund (652-00-3113).....	No limit
Educationally deprived children – state operations – federal fund (652-00-3131).....	No limit
Food assistance – federal fund (652-00-3230).....	No limit
Elementary and secondary school aid – federal fund (652-00-3233).....	No limit
Education of handicapped children fund – federal (652-00-3234).....	No limit
Community-based child abuse prevention – federal fund (652-00-3319).....	No limit
TANF children's programs –	

federal fund (652-00-3323).....	No limit
21 st century community learning centers –	
federal fund (652-00-3519).....	No limit
State assessments –	
federal fund (652-00-3520).....	No limit
Rural and low-income schools program –	
federal fund (652-00-3521).....	No limit
Language assistance state grants –	
federal fund (652-00-3522).....	No limit
State grants for improving teacher quality –	
federal fund (652-00-3526).....	No limit
State grants for improving	
teacher quality – federal fund –	
state operations (652-00-3527).....	No limit
Food assistance – school	
breakfast program –	
federal fund (652-00-3529).....	No limit
Food assistance – national	
school lunch program –	
federal fund (652-00-3530).....	No limit
Food assistance – child	
and adult care food program –	
federal fund (652-00-3531).....	No limit
Elementary and secondary school aid –	
federal fund – local education	
agency fund (652-00-3532).....	No limit
Education of handicapped	
children fund – state operations –	
federal fund (652-00-3534).....	No limit
Education of handicapped	
children fund – preschool –	
federal fund (652-00-3535).....	No limit
Education of handicapped	
children fund – preschool state	
operations – federal (652-00-3536).....	No limit
Elementary and secondary school	
aid – federal fund – migrant	
education fund (652-00-3537).....	No limit
Elementary and secondary school aid –	
federal fund – migrant education –	
state operations (652-00-3538).....	No limit
Vocational education title II –	
federal fund (652-00-3539).....	No limit
Vocational education title II – federal fund –	
state operations (652-00-3540).....	No limit
Educational research grants and	
projects fund (652-00-3592).....	No limit

Local school district contribution program	
checkoff fund (652-00-7005).....	No limit
<i>Provided</i> , That notwithstanding the provisions of K.S.A. 79-3221n, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, any moneys in such fund where a taxpayer fails to designate a unified school district on such taxpayer's individual income tax return may be expended by the above agency to distribute to unified school districts.	
Governor's teaching excellence	
scholarships program	
repayment fund (652-00-7221).....	No limit
<i>Provided</i> , That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-2166, and amendments thereto: <i>Provided further</i> ; That each such grant shall be required to be matched on a \$1-for-\$1 basis from nonstate sources: <i>And provided further</i> ; That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: <i>And provided further</i> ; That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor's teaching excellence scholarships program repayment fund.	
Private donations, gifts, grants and	
bequests fund (652-00-7307).....	No limit
Family and children	
investment fund (652-00-7375).....	No limit
State school district	
finance fund (652-00-7393).....	No limit
Mineral production	
education fund (652-00-7669-7669).....	No limit
(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2023, the following:	
Children's cabinet	
accountability fund (652-00-2000-2402).....	\$375,000
<i>Provided</i> , That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.	
CIF grants (652-00-2000-2408).....	\$20,729,848
<i>Provided</i> , That any unencumbered balance in the CIF grants account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.	
Parent education program (652-00-2000-2510).....	\$8,437,635
<i>Provided</i> , That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: <i>Provided further</i> ; That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant.	
Pre-K pilot (652-00-2000-2535).....	\$4,200,000

Early childhood infrastructure.....	\$1,400,773
Imagination library.....	\$500,000

(d) On July 1, 2022, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund (652-00-7375-7900) of the department of education to the communities in schools program fund (652-00-2221-2400) of the department of education.

(e) On March 30, 2023, and June 30, 2023, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$550,000 from the state safety fund (652-00-2538-2030) to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the department of education by other state agencies that receive appropriations from the state general fund to provide such services.

(f) On July 1, 2022, and quarterly thereafter, the director of accounts and reports shall transfer \$73,750 from the state highway fund (276-00-4100-4100) of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2022, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund (652-00-2633-2050) of the department of education to the motorcycle safety fund (561-00-2366-2360) of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to K.S.A. 8-272(b)(2), and amendments thereto.

(h) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$70,000 from the USAC E-rate program federal fund (561-00-3920-3920) of the state board of regents to the education technology coordinator fund (652-00-2157-2157) of the department of education.

(i) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2023, the following:

Children's cabinet administration (652-00-7000-7001).....	\$260,535
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Provided, That any unencumbered balance in the children's cabinet administration account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(j) During the fiscal year ending June 30, 2023, the commissioner of education, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2023 from the state general fund for the department of education to another item of appropriation for fiscal year 2023 from the state general fund for the department of education. The commissioner of education shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(k) There is appropriated for the above agency from the expanded lottery act

revenues fund for the fiscal year ending June 30, 2023, the following:

KPERS – school employer contribution (652-00-1700-1700).....\$41,389,547

Provided, That during the fiscal year ending June 30, 2023, the amount appropriated from the expanded lottery act revenues fund in the KPERS – school employer contribution account (652- 00-1700-1700) for the department of education shall be for the purpose of reducing the unfunded actuarial liability of the Kansas public employees retirement system attributable to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, in accordance with K.S.A. 74-8768, and amendments thereto.

(l) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2023 as authorized by section 3 of chapter 114 of the 2021 Session Laws of Kansas, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2023 for communities in schools in an amount not less than \$100,000.

Sec. 3.

GOVERNOR'S DEPARTMENT

(a) Expenditures shall be made from the American rescue plan – state fiscal relief federal fund (252-00-3756) for the fiscal year ending June 30, 2023, pursuant to the authority in 42 U.S.C. § 802(c)(1) or other relevant authority, to provide government services, for the following specified purposes:

Virtual math education program.....\$4,000,000

Provided, That expenditures from the virtual math education program account shall be used by the above agency, in consultation with the department of education, for the purpose of implementing a virtual math program to be used by school districts: Provided further, That the above agency shall designate the department of education as the administrating authority for such program: And provided further, That the department of education is hereby authorized to select and implement a virtual math program that shall be customized to Kansas curriculum standards, be evidence-based, not impose any fee or cost upon students, provide tutoring in multiple languages, provide professional development for the implementation of the program and have been implemented in other states over the preceding eight fiscal years: Provided further, That the department of education shall enter into a two-year contract to implement such program: And provided further, That any unified school district shall be authorized to use such program: And provided further, That the above agency shall recommend that all school districts use such program: And provided further, That all school districts shall track and report to the department of education twice during school year 2022-2023 as determined by the department of education on the number of attendance centers and students using such program or other virtual math program and the number of attendance centers and students not using any such virtual math program, the number of teachers participating in the professional development provided by such program or other virtual math program and the effect of any such virtual math program on student academic proficiency: And provided further, That the department of education shall compile such reports and shall submit a summary report to the house of representatives standing committee on K-12 education budget and the senate standing committee on

education during the 2023 regular session of the legislature: *And provided further*, That such report shall also include a list of the school districts and attendance centers that are using such program or other virtual math program and a list of the school districts and attendance centers that are not using a virtual math program and a comparison between low-usage and high-usage school districts and attendance centers.

School safety and security grants.....\$1,000,000

Provided, That expenditures shall be made from the school safety and security grants account by the above agency, in consultation with the department of education, for disbursements of grant moneys approved by the state board of education for the: Acquisition and installation of security cameras and any other systems, equipment and services necessary for security monitoring of facilities operated by a school district and for securing doors, windows and any entrances to such facilities; and salaries and wages, and associated fringe benefits, for newly created positions of school resource officers and the costs associated with any newly created school resource officers provided by the city or county of such school district: *Provided further*, That all moneys expended for school safety and security grants account for fiscal year 2023 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the school district that may be used for such purpose.

(b) During the fiscal year ending June 30, 2023, the expenditures in subsection (a) from the American rescue plan – state fiscal relief federal fund shall not be subject to the provisions of section 28(d) of 2022 House Substitute for Substitute for Senate Bill No. 267.

(c) During the fiscal year ending June 30, 2023, the provisions of section 196 of 2022 House Substitute for Substitute for Senate Bill No. 267 shall not apply to expenditures from the American rescue plan – state fiscal relief federal fund of the governor’s department. Such expenditures are subject to the provisions of subsection (a).

Sec. 4.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

State foundation aid (652-00-1000-0820).....\$2,558,881,605

Provided, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

Supplemental state aid (652-00-1000-0840).....\$568,150,000

Provided, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

Virtual math education program.....\$2,000,000

Provided, That expenditures shall be made by the above agency from the virtual math education program account for fiscal year 2024 to fund the second year of operation of the virtual math program implemented by the above agency pursuant to sections 2(a) and 3(a): *Provided further*, That all school districts shall track and report to the above agency twice during school year 2023-2024 as determined by the above agency on the number of attendance centers and students using such program or other virtual math program and the number of attendance centers and students not using any such virtual math program, the number of teachers participating in the professional development provided by such program or other virtual math program and the effect of any such

virtual math program on student academic proficiency: *And provided further*, That the above agency shall compile such reports and shall submit a summary report to the house of representatives standing committee on K-12 education budget and the senate standing committee on education during the 2024 regular session of the legislature: *And provided further*, That such report shall also include a list of the school districts and attendance centers that are using such program or other virtual math program and a list of the school districts and attendance centers that are not using a virtual math program and a comparison between low-usage and high-usage school districts and attendance centers.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

- State school district finance fund (652-00-7393).....No limit
- Mineral production education fund (652-00-7669-7669).....No limit

New Sec. 5. (a) The legislature hereby affirms that excellence in education provides an essential gateway to success not only for students but for the entire state. Achieving excellence in education opens doors of opportunity for long-term personal, professional and economic growth and improvement for all students. As academic achievement is elevated, inspired and attained, more students will gain the soft skills that are necessary to succeed in the workforce, including improved time management, personal accountability and communication skills. Maintaining high academic achievement standards for all students provides the basis for the fundamental belief that all people, despite their socioeconomic, racial or cultural status, are uniquely capable and worthy of meeting and exceeding the highest caliber of expectations. In affirming this focus on excellence, the legislature hereby desires consistent communication with the state board of education and the state department of education to annually review academic achievement, as quantitatively measured by performance on state assessments and the interventions, goals and strategies that are being utilized to move all students to academic proficiency.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 6. (a) This section shall be known and may be cited as the every child can read act.

(b) The legislature hereby affirms that third grade marks a pivotal grade level in which students must attain proficiency in reading or risk continued learning losses throughout their academic career. To ensure that all students move toward grade-level proficiency in literacy, especially by the third grade level, the board of education of each school district shall provide opportunities for students to participate in targeted educational interventions to promote proficiency in literacy. Reading literacy shall be attained through the science of reading and evidence-based reading instruction and shall include such competencies as may be necessary to attain reading proficiency. The necessary competencies, best practices and screening tools used by school districts shall follow the framework of the dyslexia handbook developed by the state department of education. To ensure that such competencies are achieved, the board of education of each school district shall include as part of instruction in literacy:

- (1) Phonics, phonological and phonemic awareness;
 - (2) vocabulary development;
 - (3) silent and oral reading fluency; and
 - (4) reading comprehension.
- (c) To promote the goals of the every child can read act, the board of education of each school district shall:

(1) Measure student achievement by participation in the state assessment program and through other universal screening and assessment tools that are approved by a board of education of a school district or by the state department of education;

(2) provide targeted and tiered interventions that are designed to match a student's individual deficiencies through additional contact hours with such student, including, but not limited to, one-on-one instruction, small group instruction, tutoring and summer school programs for all students and especially for those students who are at and below the third grade level who are identified as having a literacy deficit; and

(3) ensure that the teacher of each third grade student communicates with the parent or guardian of each such student to provide information on the student's literacy proficiency or deficiencies and any recommended interventions for such student to achieve proficiency. Such communication shall occur at least once during the fall semester and once during the spring semester. When a teacher provides the communications required pursuant to this paragraph, each such communication shall provide the parent or guardian with:

- (A) A summary of the every child can read act and the literacy goals of the act;
- (B) any assessment data relating to literacy that pertains to the student;
- (C) any recommended interventions for the student; and
- (D) how the school district tracks the outcomes of any such interventions.

(d)(1) On or before June 30 of each school year, each school district shall report to the state department of education on the school district's implementation of the every child can read act, the interventions that the school district is using to attain the goals of such act and the resulting outcomes of such interventions. Such report shall include:

- (A) The number of third grade students in such school district;
- (B) the screening and assessment data from at least the preceding two school years that the school district is using as a baseline to evaluate student progress in literacy; and
- (C) the percentage of students that are proficient, moving toward proficiency or deficient, with percentages provided for all students and student subgroups.

(2) The state department of education shall compile such reports and shall submit a summary report to the governor and the legislature on or before January 15 of each year.

- (e) This section shall take effect and be in force from and after July 1, 2023.

New Sec. 7. (a) A board of education of a school district may adopt a policy to allow students enrolled in grades six through 12 to earn course credits through alternative educational opportunities with sponsoring entities. A school district's policy adopted pursuant to this section shall provide:

- (1) Eligibility requirements for sponsoring entities;
- (2) requirements for the provision of alternative educational opportunities by sponsoring entities;
- (3) the procedures for a sponsoring entity to submit a proposal to the school district to provide an additional educational opportunity to students;

(4) the criteria the school district will use to evaluate such proposals; and
 (5) the course credit that may be earned through the alternative educational opportunity by a participating student.

(b) A school district may accept a proposal from a sponsoring entity if the alternative educational opportunity provided by the sponsoring entity:

(1) Provides an additional learning opportunity for students through a work-based, pre-apprenticeship, apprenticeship, internship, industry certification or community program; and

(2) (A) is approved by the state board of education as an alternative educational opportunity pursuant to subsection (d); or

(B) complies with the school district policies adopted pursuant to subsection (a).

(c) Each approved alternative educational opportunity with a sponsoring entity shall be managed and directed by a licensed teacher employed by the school district.

(d) A sponsoring entity may petition the state board to approve an alternative educational opportunity that is provided through such sponsoring entity if the alternative educational opportunity provided through such sponsoring entity is generally applicable on a statewide or regional basis across multiple school districts. The state board of education shall approve or deny each petition proposing an alternative educational opportunity within 90 days of receipt of such proposal. If the state board denies the proposal, the state board shall provide the sponsoring entity the reasons for such denial. If the state board approves such proposal, any school district may implement the alternative educational opportunity. The state board may revoke any such approved proposal if the state board determines that the sponsoring entity fails to comply with the requirements of this section.

(e) Each school district shall report to the state department of education information regarding the school district's alternative educational opportunities offered at the school, the names of sponsoring entities, the number of students participating and credits earned.

(f) The state board of education may adopt rules and regulations for the administration of this section.

(g) As used in this section:

(1) "Alternative educational opportunity" means instruction that primarily occurs outside the classroom with a sponsoring entity.

(2) "Sponsoring entity" means a business, not-for-profit organization, nonprofit organization, trade association, parent of a student, teacher or administrator that partners with a school district to provide an alternative educational opportunity to students.

(h) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 8. (a) As used in K.S.A. 72-3122 through 72-3125, and amendments thereto, and section 9, and amendments thereto:

(1) "Homeless child" means a child who lacks a fixed, regular and adequate nighttime residence and whose primary nighttime residence is:

(A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters and transitional housing for the mentally ill;

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular

sleeping accommodation for humans.

(2) "Nonresident student" or "nonresident transfer student" means a student who is enrolled and in attendance at or seeking to enroll and attend a school located in a district where such student is not a resident.

(3) "Parent" means and includes natural parents, adoptive parents, stepparents and foster parents.

(4) "Person acting as parent" means:

(A) A guardian or conservator; or

(B) a person, other than a parent, who:

(i) Is liable by law to maintain, care for or support the child;

(ii) has actual care and control of the child and is contributing the major portion of the cost of support of the child;

(iii) has actual care and control of the child with the written consent of a person who has legal custody of the child; or

(iv) has been granted custody of the child by a court of competent jurisdiction.

(5) "Receiving school district" means a school district of nonresidence of a student who attends school in such school district.

(6) "School district" means a school district organized and operating under the laws of this state.

(7) "Sending school district" means a school district of residence of a student who attends school in a school district not of the student's residence.

(8) "Sibling" means a brother or sister of the whole or half blood, adoptive brother or sister, a stepbrother or stepsister or a foster brother or foster sister.

(b) This section shall take effect and be in force from and after July 1, 2023.

New Sec. 9. (a) On or before January 1, 2024, each board of education of a school district shall adopt a policy to determine the number of nonresident students that the school district has the capacity to accept in each grade level for each school of the school district pursuant to K.S.A. 72-3123, and amendments thereto. Such policies shall clearly specify the reasons that the board may use to deny continued enrollment of a nonresident student who is not in good standing. Such reasons for a denial of continued enrollment may include, but shall not be limited to, the nonresident student's record of school absenteeism and repeated suspensions or expulsions.

(b) Prior to adopting such policy, the board of education shall call and hold a hearing on the proposed policy. The board of education shall provide notice of such hearing, which shall include the time, date and place of the public hearing to be held on the proposed policy. Such notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district and shall also be posted on the school district's website.

(c) At such hearing, a representative of the board shall present the board's proposal for the policy and the board shall hear testimony regarding the proposed policy. Following the public hearing, after consideration of the testimony and evidence presented or submitted at such public hearing, the board shall determine whether to adopt or revise the proposed policy at a subsequent public meeting of the board.

(d) The policy adopted pursuant to subsection (a) shall be published on the school district's website.

(e) The provisions of this section shall not apply to any school located on a military installation, as defined in K.S.A. 72-8268, and amendments thereto.

(f) This section shall take effect and be in force from and after July 1, 2023.

Sec. 10. On and after July 1, 2022, K.S.A. 19-5005 is hereby amended to read as follows: 19-5005. (a) All revenue received by the county treasurer pursuant to this act shall be appropriated by the county to the Johnson county education research triangle authority. The authority shall remit such funds for expenditure in equal shares by designated officials for the Edwards campus of the university of Kansas, the Johnson county location of Kansas state university and the university of Kansas medical center's Johnson county locations. All such funds shall be spent for building construction, academic and research program development and growth, faculty and staff recruitment and retention, and operations and maintenance in support of:

(1) The undergraduate and graduate programs at the Edwards campus of the university of Kansas;

(2) the research and education programs in animal health and food safety and security at the Johnson county location of Kansas state university; ~~and~~

(3) other undergraduate and graduate programs, subject to the approval of Kansas state university, the university of Kansas and the Johnson county education research triangle authority board of directors and which shall not include pre-baccalaureate programs, lower-division courses or courses for students attending high school, at the Johnson county location of Kansas state university; and

(4) the medical education and life sciences and cancer research programs at the university of Kansas medical center's Johnson county locations.

(b) All such expenditures shall be in compliance with the purposes of this act and shall be certified as such to the authority and to the Kansas state board of regents by appropriate officials at the university of Kansas, Kansas state university and the university of Kansas medical center. Such expenditures shall also comply with the policies of the Kansas state board of regents and applicable state and federal laws.

(c) ~~Not~~ Not more than ~~two percent~~ 2% of funds so collected in any fiscal year shall be used for the administrative expenses of the authority or its board of directors.

(d) The authority shall have no authority to issue bonds or to exercise the power of eminent domain.

(e) The authority shall issue an annual report to the board of regents, the legislature and the board of commissioners of Johnson county.

(f) The authority shall be subject to legislative post audit and audit by the board of commissioners of the Johnson county internal auditor.

(g) Meetings of the board of directors of the authority shall be subject to the Kansas open meetings act and records of the authority and the board shall be subject to the Kansas open records act.

(h) Unless state general fund appropriations for the university of Kansas, Kansas state university, and the university of Kansas medical center are reduced by action of the legislature or the governor, state general fund support of such institutions shall not be reduced below the level of support in effect on the effective date of this act.

(i) The Kansas board of regents shall remain responsible for the governance of these institutions, including approval of any academic programs and the regulation thereof, and shall be responsible to the authority for institutional compliance with the purposes of this act.

Sec. 11. On and after July 1, 2022, K.S.A. 38-2223 is hereby amended to read as follows: 38-2223. (a) *Persons making reports.* (1) When any of the following persons

has reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c);

(A) The following persons providing medical care or treatment: Persons licensed to practice the healing arts, dentistry and optometry, persons engaged in postgraduate training programs approved by the state board of healing arts, licensed professional or practical nurses and chief administrative officers of medical care facilities;

(B) the following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed behavioral analysts, licensed assistant behavioral analysts, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors;

(C) teachers, school administrators—~~or~~ and other employees of an educational institution which that the child is attending and any member of the board of directors of the Kansas state high school activities association referenced in K.S.A. 72-7114, and amendments thereto, and any person who is employed by or is an officer of such association:

(D) persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child;

~~(D)~~(E) firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers, community corrections officers, case managers appointed under K.S.A. 2021 Supp. 23-3508, and amendments thereto, and mediators appointed under K.S.A. 2021 Supp. 23-3502, and amendments thereto; and

~~(E)~~(F) any person employed by or who works as a volunteer for any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services and pregnancy education and maintenance.

(2) In addition to the reports required under subsection (a)(1), any person who has reason to suspect that a child may be a child in need of care may report the matter as provided in subsection (b) and (c).

(b) *Form of report.* (1) The report may be made orally and shall be followed by a written report if requested. Every report shall contain, if known: The names and addresses of the child and the child's parents or other persons responsible for the child's care; the location of the child if not at the child's residence; the child's gender, race and age; the reasons why the reporter suspects the child may be a child in need of care; if abuse or neglect or sexual abuse is suspected, the nature and extent of the harm to the child, including any evidence of previous harm; and any other information that the reporter believes might be helpful in establishing the cause of the harm and the identity of the persons responsible for the harm.

(2) When reporting a suspicion that a child may be in need of care, the reporter shall disclose protected health information freely and cooperate fully with the secretary and law enforcement throughout the investigation and any subsequent legal process.

(c) *To whom made.* Reports made pursuant to this section shall be made to the secretary, except as follows:

(1) When the Kansas department for children and families is not open for business, reports shall be made to the appropriate law enforcement agency. On the next day that the department is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to K.S.A. 38-2226, and amendments thereto. The reports may be made orally or, on request of the secretary, in writing.

(2) Reports of child abuse or neglect occurring in an institution operated by the Kansas department of corrections shall be made to the attorney general or the secretary of corrections. Reports of child abuse or neglect occurring in an institution operated by the Kansas department for aging and disability services shall be made to the appropriate law enforcement agency. All other reports of child abuse or neglect by persons employed by the Kansas department for aging and disability services or the Kansas department for children and families, or of children of persons employed by either department, shall be made to the appropriate law enforcement agency.

(d) *Death of child.* Any person who is required by this section to report a suspicion that a child is in need of care and who knows of information relating to the death of a child shall immediately notify the coroner as provided by K.S.A. 22a-242, and amendments thereto.

(e) *Violations.* (1) Willful and knowing failure to make a report required by this section is a class B misdemeanor. It is not a defense that another mandatory reporter made a report.

(2) Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor.

(3) Any person who willfully and knowingly makes a false report pursuant to this section or makes a report that such person knows lacks factual foundation is guilty of a class B misdemeanor.

(f) *Immunity from liability.* Anyone who, without malice, participates in the making of a report to the secretary or a law enforcement agency relating to a suspicion a child may be a child in need of care or who participates in any activity or investigation relating to the report or who participates in any judicial proceeding resulting from the report shall have immunity from any civil liability that might otherwise be incurred or imposed.

Sec. 12. On and after July 1, 2022, K.S.A. 2021 Supp. 72-1163 is hereby amended to read as follows: 72-1163. (a) (1) Each year the board of education of a school district shall conduct an assessment of the educational needs of each attendance center in the district. Such assessment shall be published on the school district's website. Information obtained from such needs assessment needs assessment shall be used by the board when preparing approving the budget of the school district to ensure improvement in student academic performance. In the minutes of the meeting at which the board approves its annual budget, the board shall include that such needs assessment was provided to the board, the board evaluated such assessment and how the board used such assessment in the approval of the school district's budget.

(2) Each year, the board of education of a school district shall review state assessment results and, as part of such review, shall document the following:

(A) The barriers that must be overcome to have all students achieve proficiency above level 2 for grade level academic expectations on such assessments;

(B) any budget actions, including, but not limited to, recommendations on

reallocation of resources that should be taken to address and remove such barriers; and
 (C) the amount of time the board estimates it will take for all students to achieve proficiency above level 2 for grade level academic expectations on the state assessments if such budget actions are implemented.

(3) The budget of the school district shall allocate sufficient moneys in a manner reasonably calculated such that all students may achieve the goal set forth in K.S.A. 72-3218(c), and amendments thereto. The board also shall prepare a summary of the budget for the school district. The budgets and summary shall be in the form prescribed by the director pursuant to K.S.A. 79-2926, and amendments thereto.

(b) The budgets and the summary of the proposed budget, the needs assessment and the state assessment documentation shall be on file at the administrative offices of the school district and available on the school district's website. Copies of such budgets and summary shall be available upon request.

(c) The notice required to be published by K.S.A. 79-2929, and amendments thereto, shall include a statement that the budgets and the summary of the proposed budget, the needs assessment and state assessment documentation is on file at the administrative offices of the district and that copies of such budgets and summary are available upon request available on the school district's website.

Sec. 13. On and after July 1, 2023, K.S.A. 72-13,101 is hereby amended to read as follows: 72-13,101. (a) In accordance with the provisions of this section, the boards of education of any two or more unified school districts may make and enter into agreements providing for the attendance of ~~pupils~~ students residing in one school district at school in kindergarten or any of the grades one through 12 maintained by any such other school district. The boards of education may also provide by agreement for the combination of enrollments for kindergarten or one or more grades, courses or units of instruction.

(b) Prior to entering into any agreement under authority of this section, the board of education shall adopt a resolution declaring that it has made a determination that such an agreement should be made and that the making and entering into of such an agreement would be in the best interests of the educational system of the school district. Any such agreement is subject to the following conditions:

- (1) The agreement may be for any term not exceeding a term of five years.
- (2) The agreement shall be subject to change or termination by the legislature.
- (3) Within the limitations provided by law, the agreement may be changed or terminated by mutual agreement of the participating boards of education.
- (4) The agreement shall make provision for transportation of ~~pupils~~ students to and from the school attended on every school day, for payment or sharing of the costs and expenses of ~~pupil~~ student attendance at school, and for the authority and responsibility of the participating boards of education.

(c) Provision by agreements entered into under authority of this section for the attendance of ~~pupils~~ students at school in a school district of nonresidence of such ~~pupils~~ students shall be deemed to be in compliance with the kindergarten, grade, course and units of instruction requirements of law.

(d) The board of education of any school district ~~which that~~ enters into an agreement under authority of this section for the attendance of ~~pupils~~ students at school in another school district may discontinue kindergarten or any or all of the grades, courses and units of instruction specified in the agreement for attendance of ~~pupils~~

students enrolled in kindergarten or any such grades, courses and units of instruction at school in such other school district. Upon discontinuing kindergarten or any grade, course or unit of instruction under authority of this subsection, the board of education may close any school building or buildings operated or used for attendance by ~~pupils~~ students enrolled in such discontinued kindergarten, grades, courses or units of instruction. The closing of any school building under authority of this subsection shall require a majority vote of the members of the board of education and shall require no other procedure or approval.

(e) ~~Pupils-Students~~ attending school in a school district of nonresidence of such ~~pupils~~ students in accordance with an agreement made and entered into under authority of this section shall be counted as regularly enrolled in and attending school in the school district of residence of such pupils for the purpose of computations under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto.

(f) ~~Pupils-Students~~ who satisfactorily complete grade 12 while in attendance at school in a school district of nonresidence of such ~~pupils~~ students in accordance with the provisions of an agreement entered into under authority of this section shall be certified as having graduated from the school district of residence of such ~~pupils~~ students unless otherwise provided for by the agreement.

(g) Students who are not residents of a school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under the authority of this section shall not be charged for attendance at school. The costs of providing for the attendance of such students at school shall be paid by the school district of residence of the students in accordance with the provisions of the agreement.

Sec. 14. On and after July 1, 2022, K.S.A. 72-3120 is hereby amended to read as follows: 72-3120. (a) Subject to the other provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma ~~or~~ a general educational development ~~(GED)~~ credential or a high school equivalency credential, shall require such child to be regularly enrolled in and attend continuously each school year;

(1) A public school for the duration of the school term provided for in K.S.A. 72-3115, and amendments thereto; ~~or~~

(2) a private, denominational or parochial school taught by a competent instructor for a period of time which is substantially equivalent to the period of time public school is maintained in the school district in which the private, denominational or parochial school is located. ~~If the child is 16 or 17 years of age, the parent or person acting as parent, by written consent, or the court, pursuant to a court order, may allow the child to be exempt from the compulsory attendance requirements of this section; or~~

(3) a combination of a public school and a private, denominational or parochial school for the periods of time referred to in paragraphs (1) and (2).

(b) If the child is 16 or 17 years of age, the child shall be exempt from the compulsory attendance requirements of this section if:

(1) The child is regularly enrolled in and attending a program recognized by the local board of education as an approved alternative educational program;

(2) the parent or person acting as parent provides written consent to allow the child

to be exempt from the compulsory attendance requirements of this section and the child and the parent or person acting as parent attend a final counseling session conducted by the school during which a disclaimer to encourage the child to remain in school or to pursue educational alternatives is presented to and signed by the child and the parent or person acting as parent. The disclaimer shall include information regarding the academic skills that the child has not yet achieved, the difference in future earning power between a high school graduate and a high school drop out; and a listing of educational alternatives that are available for the child;~~or~~

(3) the child is regularly enrolled in a school as required by subsection (a) and is concurrently enrolled in a postsecondary educational institution, as defined by K.S.A. 74-3201b, and amendments thereto. ~~The provisions of this clause (3) shall be applicable to children from and after July 1, 1997, and shall relate back to such date; or~~

(4) the child is subject to a court order that allows or requires the child to be exempt from the compulsory attendance requirements.

(c) Any child who is under the age of seven years, but who is enrolled in school, ~~is~~ shall be subject to the compulsory attendance requirements of this section. Any such child may be withdrawn from enrollment in school at any time by a parent or person acting as parent of the child and thereupon the child shall be exempt from the compulsory attendance requirements of this section until the child reaches the age of seven years or is re-enrolled in school.

(d) Any child who is determined to be an exceptional child, except for an exceptional child who is determined to be a gifted child, under the provisions of the special education for exceptional children act ~~is~~ shall be subject to the compulsory attendance requirements of such act and ~~is~~ exempt from the compulsory attendance requirements of this section.

(e) Any child who has been admitted to, and is attending, the Kansas academy of mathematics and science, as provided in K.S.A. 72-3903 et seq., and amendments thereto, ~~is~~ shall be exempt from the compulsory attendance requirements of this section.

(f) No child attending public school in this state shall be required to participate in any activity which is contrary to the religious teachings of the child if a written statement signed by one of the parents or a person acting as parent of the child is filed with the proper authorities of the school attended requesting that the child not be required to participate in such activities and stating the reason for the request.

(g) When a recognized church or religious denomination that objects to a regular public high school education provides, offers and teaches, either individually or in cooperation with another recognized church or religious denomination, a regularly supervised program of instruction, ~~which that~~ is approved by the state board of education, for children of compulsory school attendance age who have successfully completed the eighth grade, participation in such a program of instruction by any such children whose parents or persons acting as parents are members of the sponsoring church or religious denomination shall be regarded as acceptable school attendance within the meaning of this act. Approval of such programs shall be granted by the state board of education, for two-year periods, upon application from recognized churches and religious denominations, under the following conditions:

(1) Each participating child shall be engaged, during each day on which attendance is legally required in the public schools in the school district in which the child resides, in at least five hours of learning activities appropriate to the adult occupation that the

child is likely to assume in later years;

(2) acceptable learning activities, for the purposes of this subsection, shall include ~~parent (or person acting as parent) supervised projects supervised by a parent or person acting as parent~~ in agriculture and homemaking, work-study programs in cooperation with local business and industry; and correspondence courses from schools accredited by the national home study council, recognized by the United States office of education as the competent accrediting agency for private home study schools;

(3) at least 15 hours per week of classroom work under the supervision of an instructor shall be provided, at which time students shall be required to file written reports of the learning activities they have pursued since the time of the last class meeting, indicating the length of time spent on each one, and the instructor shall examine and evaluate such reports, approve plans for further learning activities; and provide necessary assignments and instruction;

(4) regular attendance reports shall be filed as required by law; and students shall be reported as absent for each school day on which they have not completed the prescribed minimum of five hours of learning activities;

(5) the instructor shall keep complete records concerning instruction provided, assignments made; and work pursued by the students, and these records shall be filed on the first day of each month with the state board of education and the board of education of the school district in which the child resides;

(6) the instructor shall be capable of performing competently the functions entrusted thereto; and

(7) in applying for approval under this subsection a recognized church or religious denomination shall certify its objection to a regular public high school education and shall specify, in such detail as the state board of education may reasonably require, the program of instruction that it intends to provide and no such program shall be approved unless it fully complies with standards ~~therefor which shall be~~ specified by the state board of education.

If the sponsors of an instructional program approved under this subsection fail to comply at any time with the provisions of this subsection, the state board of education shall rescind, after a written warning has been served and a period of three weeks allowed for compliance, approval of the programs, even though the two-year approval period has not elapsed, and thereupon children attending such program shall be admitted to a high school of the school district.

(h) (1) Each board of education of a school district shall allow any child to enroll part-time in the school district to allow the student to attend any courses, programs or services offered by the school district if the child:

(A) Is also enrolled in a nonaccredited private elementary or secondary school pursuant to K.S.A. 72-4345, and amendments thereto, or in any other private, denominational or parochial school pursuant to the provisions of subsection (a);

(B) requests to enroll part-time in the school district; and

(C) meets the age of eligibility requirements for school attendance pursuant to K.S.A. 72-3118, and amendments thereto.

(2) Each board of education of a school district shall adopt a policy regarding the part-time enrollment of students pursuant to this subsection and shall publish such policy on the school district's website. The board of education of a school district shall make a good faith attempt to accommodate scheduling requests of students enrolling in

the school district pursuant to this subsection but shall not be required to make adjustments to accommodate every such request.

(i) As used in this section:

(1) "Educational alternatives" means an alternative learning plan for the student that identifies educational programs that are located in the area where the student resides; and are designed to aid the student in obtaining a high school diploma, general educational development credential or other certification of completion, such as a career technical education industry certification. Such alternative learning plans may include extended learning opportunities such as independent study, private instruction, performing groups, internships, community service, apprenticeships and online coursework.

(2) "Parent" and "person acting as parent" ~~have the meanings respectively ascribed thereto mean the same as such terms are defined~~ in K.S.A. 72-3122, and amendments thereto.

(3) "Regularly enrolled" means enrolled in five or more hours of instruction each school day. For the purposes of subsection (b)(3), hours of instruction received at a postsecondary educational institution shall be counted.

Sec. 15. On and after July 1, 2023, K.S.A. 72-3122 is hereby amended to read as follows: 72-3122. (a) Any child who has attained the age of eligibility for school attendance may attend school in the district ~~in which where~~ the child lives, if:

(1) The child lives with a resident of the district and the resident is the parent, or a person acting as parent, of the child; ~~or~~

(2) subject to the provisions of subsection (c), the child lives in the district as a result of placement therein by a district court or by the secretary for children and families; or

(3) the child is a homeless child.

(b) Any child who has attained the age of eligibility for school attendance may attend school in a school district ~~in which where~~ the child is not a resident ~~if the school district in which the child resides has entered into an agreement with such other school district in accordance with and under authority of K.S.A. 72-13,101, 72-3123 or 72-3125, and amendments thereto.~~

~~(c) Any child who has attained the age of eligibility for school attendance and who lives at the Judge James V. Riddel boys ranch as a result of placement at such ranch by a district court or by the secretary for children and families shall be deemed a resident of unified school district No. 259, Sedgwick county, Kansas, and. Any such child may attend school, which shall be maintained for such child by the board of education of such school district as in the case of a child who is a bona fide resident of the district.~~

~~(d) As used in this section:~~

~~(1) "Parent" means and includes natural parents, adoptive parents, stepparents, and foster parents;~~

~~(2) "person acting as parent" means (A) a guardian or conservator, or (B) a person, other than a parent, who is liable by law to maintain, care for, or support the child, or who has actual care and control of the child and is contributing the major portion of the cost of support of the child, or who has actual care and control of the child with the written consent of a person who has legal custody of the child, or who has been granted custody of the child by a court of competent jurisdiction; and~~

~~(3) "homeless child" means a child who lacks a fixed, regular, and adequate~~

nighttime residence and whose primary nighttime residence is: (A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); or (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Sec. 16. On and after July 1, 2023, K.S.A. 72-3123 is hereby amended to read as follows: 72-3123. (a) Beginning in school year 2024-2025, any child of school age pursuant to K.S.A. 72-3118, and amendments thereto, may attend a school operated by a school district where such child does not reside if such school district has open seats as determined pursuant to this section.

(b) The board of education of any school district is hereby authorized to permit pupils who are not residents of the school district shall permit nonresident students to enroll in and attend the schools of the district. The board of education may permit such pupils to attend school without charge or, subject to the provisions of subsection (b), may charge such pupils for attendance at school to offset, totally or in part, the costs of providing for such attendance. Amounts received under this subsection by the board of education of a school district for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district.

(b) Pupils who are not residents of a school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-13,101, and amendments thereto, shall not be charged for attendance at school. The costs of providing for the attendance of such pupils at school shall be paid by the school district of residence of the pupils in accordance with the provisions of the agreement. if such school district has open seats as determined pursuant to this section.

(c) Each school district shall determine capacity in each school of the school district for the following school year as follows:

(1) For kindergarten and grades one through eight, the classroom student-teacher ratio in each grade level; and

(2) for grades nine through 12, the student-teacher ratio for each school building or program in each school building, including, but not limited to, advanced placement or international baccalaureate programs.

(d) (1) On or before May 1 of each year, each school board shall determine for each grade level in each school building of the school district for the next succeeding school year the:

(A) Capacity as determined pursuant to subsection (c);

(B) number of students expected to attend school in the school district; and

(C) number of open seats available to nonresident students.

(2) On or before June 1 of each year, each school district shall publish on such school district's website the number of open seats available to nonresident students in each grade level for each school building of the school district for the next succeeding school year.

(3) From June 1 through June 30, each school district shall accept applications from nonresident students. Applications shall be on a form and in a manner determined by the school district.

(4) If the number of applications for a grade level in a school building is less than the number of available seats for such grade level in such school building, the nonresident students shall be accepted for enrollment and attendance at such school district. If the number of applications for a grade level in a school building is greater than the number of available seats for such grade level in such school building, the school district shall randomly select nonresident students using a confidential lottery process. Such process shall be completed on or before July 15 of each year.

(5) The school district shall provide to the parent or person acting as parent of a nonresident student who was not accepted for or denied enrollment at such school district the reason for the nonacceptance or denial and an explanation of the nonresident student selection process.

(e) (1) Subject to capacity, school districts shall give priority to any sibling of a nonresident student who was accepted to enroll in and attend such school district. Priority shall be given when the nonresident student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such sibling shall not be subject to the open seat lottery.

(2) Any child who is in the custody of the department for children and families and who is living in the home of a nonresident student who transfers may attend school in the receiving school district.

(f) A school district shall not:

(1) Charge tuition or fees to any nonresident student who transfers to such school district pursuant to this section except fees that are otherwise charged to every student enrolled in and attending school in the district; or

(2) accept or deny a nonresident student transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude or athletic ability.

(g) A nonresident student who has been accepted for enrollment and attendance at a receiving school district shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is no longer in good standing. A receiving school district may deem a nonresident student as not in good standing in accordance with such school district's nonresident transfer policy.

(h) A student may always enroll at any time in the school district where such student resides.

(i) Except for a child in the custody of the department for children and families, a nonresident student shall not transfer more than once per school year to one or more receiving school districts pursuant to the provisions of this section.

(j) A receiving school district shall not be required to provide transportation to nonresident students. If space is available on school district transportation vehicles, a school district may provide nonresident students an in-district bus stop where transportation may be provided by such school district to and from such bus stop and the school for such nonresident students.

(k) Each school district board of education shall submit to the state department of education the number of nonresident student transfers approved and denied by such board and whether the denials were based on capacity or in accordance with the policy adopted pursuant to section 9, and amendments thereto. The state department of education shall collect and report such data on such department's website and make

such data available to the legislative division of post audit.

(1) (1) Each year, the state department of education, as part of the department's enrollment audit, shall audit the nonresident student capacity and enrollment.

(2) In calendar year 2027, the legislative post audit committee shall direct the legislative division of post audit to conduct an audit of nonresident student transfers pursuant to this section. Such audit shall be reported to the legislative post audit committee on or before January 15, 2028, and subsequently presented to the house standing committee on K-12 education budget and the senate standing committee on education, or any successor committees.

(m) Nothing in this section shall be construed to exempt any nonresident student who transfers to a receiving school district pursuant to this section from the policies and requirements of the activities association referred to in K.S.A. 72-7114, and amendments thereto.

(n) The provisions of this section shall not apply to any school located on a military installation as defined in K.S.A. 72-8268, and amendments thereto.

Sec. 17. On and after July 1, 2023, K.S.A. 72-3124 is hereby amended to read as follows: 72-3124. (a) ~~As used in this section:~~

~~(1) "School district" means a school district organized and operating under the laws of this state and no part of which is located in Johnson county, Sedgwick county, Shawnee county or Wyandotte county.~~

~~(2) "Non-resident pupil" or "pupil" means a pupil who is enrolled and in attendance at a school located in a district in which such pupil is not a resident and who: (A) Lives 2½ or more miles from the attendance center the pupil would attend in the district in which the pupil resides and is not a resident of Johnson county, Sedgwick county, Shawnee county or Wyandotte county; or (B) is a member of the family of a pupil meeting the condition prescribed in subparagraph (A).~~

~~(3) "Member of the family" means a brother or sister of the whole or half blood or by adoption, a stepbrother or stepsister, and a foster brother or foster sister.~~

~~(b) The board of education of any school district may shall allow any pupil student who is not a resident of the district to enroll in and attend school in such district pursuant to K.S.A. 72-3123, and amendments thereto. The board of education of such district may furnish or provide transportation to any non-resident pupil nonresident student who is enrolled in and attending school in the district pursuant to this section. If the district agrees to furnish or provide transportation to a non-resident pupil nonresident student, such transportation shall be furnished or provided until the end of the school year. Prior to providing or furnishing transportation to a non-resident pupil nonresident student, the receiving school district shall notify the board of education of the sending school district in which the pupil resides that transportation will be furnished or provided for such student.~~

~~(c) Pupils attending school in a school district in which the pupil does not reside pursuant to this section~~

~~(b) Nonresident students shall be counted as regularly enrolled in and attending school in the receiving school district where the pupil is enrolled for the purpose of computations under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, except computation of transportation weighting under such act, and for the purposes of the statutory provisions contained in article 64 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto. Such non-~~

~~resident pupil~~ nonresident student shall not be charged for the costs of attendance at school.

Sec. 18. On and after July 1, 2023, K.S.A. 72-3125 is hereby amended to read as follows: 72-3125. (a) ~~As used in this section:~~

(1) ~~"Receiving school district" means a school district of nonresidence of a pupil who attends school in such school district.~~

(2) ~~"Sending school district" means a school district of residence of a pupil who attends school in a school district not of the pupil's residence.~~

(b) ~~The board of education of any school district may make and enter into contracts with the board of education of any receiving school district located in this state for the purpose of providing for the attendance of pupils~~ students at school in the receiving school district.

(b) The board of education of any school district may make and enter into contracts with the governing authority of any accredited school district located in another state for the purpose of providing for the attendance of pupils students from this state at school in such other state or for the attendance of pupils students from such other state at school in this state.

(c) PupilsStudents attending school in a receiving school district in accordance with a contract authorized by this section and made and entered into by such receiving school district with a sending school district located in this state shall be counted as regularly enrolled in and attending school in the sending school district for the purpose of computations under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto.

(d) Any contract made and entered into under authority of this section is subject to the following conditions:

(1) The contract shall be for the benefit of ~~pupils~~ students who reside at inconvenient or unreasonable distances from the schools maintained by the sending school district or for ~~pupils~~ students who, for any other reason deemed sufficient by the board of education of the sending school district, should attend school in a receiving school district;

(2) the contract shall make provision for the payment of tuition by the sending school district to the receiving school district;

(3) if a sending school district is located in this state and the receiving school district is located in another state, the amount of tuition provided to be paid for the attendance of a ~~pupil~~ student or ~~pupils~~ students at school in the receiving school district shall not exceed $\frac{1}{2}$ of the amount of the budget per ~~pupil~~ student of the sending school district under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, for the current school year; and

(4) the contract shall make provision for transportation of ~~pupils~~ students to and from the school attended on every school day.

(e) Amounts received pursuant to contracts made and entered into under authority of this section by a school district located in this state for enrollment and attendance of ~~pupils~~ students at school in regular educational programs shall be deposited in the general fund of the school district.

(f) The provisions of subsection ~~(e)(3)~~ (d)(3) do not apply to unified school district No. 107, Rock Hills.

(g) The provisions of this section do not apply to contracts made and entered

into under authority of the special education for exceptional children act.

~~(h)~~(h) The provisions of this section are deemed to be alternative to the provisions of K.S.A. 72-13,101, and amendments thereto, and no procedure or authorization under K.S.A. 72-13,101, and amendments thereto, shall be limited by the provisions of this section.

Sec. 19. On and after July 1, 2022, K.S.A. 72-3713 is hereby amended to read as follows: 72-3713. (a) Virtual schools shall be under the general supervision of the state board. The state board may adopt any rules and regulations relating to virtual schools which that the state board deems necessary to administer and enforce the virtual school act.

(b) For purposes of accreditation by the state board, the four-year adjusted cohort graduation rate for a virtual school shall be determined by only including those students enrolled in such virtual school who had earned sufficient credits to be expected to graduate in the same school year as such student's cohort at the time such student first enrolled in such virtual school. The virtual school's four-year adjusted cohort graduation rate shall be determined in addition to the graduation rates determined for the school district that operates the virtual school and any other high schools operated by the school district.

(c) No virtual school shall offer or provide any financial incentive for a student to enroll in a virtual school.

(d) As used in this section, "financial incentive" means any monetary payment or award that is intended to encourage, entice or motivate a student to enroll in a virtual school.

Sec. 20. On and after July 1, 2022, K.S.A. 72-3715 is hereby amended to read as follows: 72-3715. (a) In order to be included in the full-time equivalent enrollment of a virtual school, a student shall be in attendance at the virtual school on:

- (1) A single school day on or before September 19 of ~~each~~ the school year; and
- (2) on a single school day on or after September 20, but before October 4 of ~~each~~ the school year.

(b) A school district ~~which that~~ offers a virtual school shall determine the full-time equivalent enrollment of each student enrolled in the virtual school on September 20 of ~~each~~ the school year as follows:

- (1) Determine the number of hours the student was in attendance on a single school day on or before September 19 of ~~each~~ the school year;
- (2) determine the number of hours the student was in attendance on a single school day on or after September 20; but before October 4 of ~~each~~ the school year;
- (3) add the numbers obtained under subsections (b)(1) and (b)(2);
- (4) divide the sum obtained under subsection (b)(3) by 12. The quotient is the full-time equivalent enrollment of the student.

(c) The school days on which a district determines the full-time equivalent enrollment of a student under subsections (b)(1) and (2) shall be the school days on which the student has the highest number of hours of attendance at the virtual school. No more than six hours of attendance may be counted in a single school day. Attendance may be shown by a student's on-line activity or entries in the student's virtual school journal or log of activities.

(d) Subject to the availability of appropriations and within the limits of any such appropriations, each school year a school district ~~which that~~ offers a virtual school shall

receive virtual school state aid. The state board of education shall determine the amount of virtual school state aid a school district is to receive as follows:

(1) Determine the number of students enrolled in virtual school on a full-time basis, excluding those students who are over 19 years of age and those students who are 19 years of age or younger who qualify for virtual school state aid pursuant to paragraph (4), and multiply the total number of such students by ~~\$5,000~~ \$5,600;

(2) determine the full-time equivalent enrollment of students enrolled in virtual school on a part-time basis, excluding those ~~pupils~~ students who are over 19 years of age and those students who are 19 years of age or younger who qualify for virtual school state aid pursuant to paragraph (4), and multiply the total full-time equivalent enrollment of such students by ~~\$1,700~~ \$2,800;

(3) for students enrolled in a virtual school who are over 19 years of age, determine the number of one-hour credit courses such students have passed, not to exceed six credit courses per school year, and multiply the total number of such courses by \$709; ~~and~~

~~(4) for students who are 19 years of age or younger who enroll in a virtual school as a dropout diploma completion virtual student, determine the number of one-hour credit courses such students have passed, not to exceed six credit courses per school year, and multiply the total number of such courses by \$709; and~~

~~(5) add the amounts calculated under subsections (d)(1) through (d)(4). The resulting sum is the amount of virtual school state aid the school district shall receive.~~

~~(e) (1) There is hereby established in every school district a fund which shall be called the virtual school fund, which~~ Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a school district directly attributable to virtual schools offered by a school district may be paid from the virtual school fund. The cost of an advance placement course provided to a student by a virtual school shall be paid by the virtual school. Moneys deposited in or otherwise transferred to the virtual school fund shall only be expended for those costs directly attributable to the provision of virtual instruction.

(2) Any balance remaining in the virtual school fund at the end of the budget year shall be carried forward into the virtual school fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.

(3) In preparing the budget of such school district, the amounts credited to and the amount on hand in the virtual school fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(f) For the purposes of this section, a student enrolled in a virtual school who is not a resident of the state of Kansas shall not be counted in the full-time equivalent enrollment of the virtual school. The virtual school shall record the permanent address of any student enrolled in such virtual school.

(g) ~~For purposes of~~ As used in this section:

(1) "Dropout diploma completion virtual student" means any student who is 19 years of age or younger who has:

(A) A ratio of earned credits to expected credits for the student's cohort year of less than 75% when enrolling in a virtual school;

(B) (i) dropped out of high school such that the student has not attended any school of a school district for 60 consecutive days or more during the current school year and the student is not reasonably anticipated to recommence enrollment or attendance at any school of a school district during the current school year;

(ii) dropped out of high school such that the student has not attended any school of a school district for 60 consecutive days or more during the preceding school year, the student did not finish such preceding school year and the student is not reasonably anticipated to recommence enrollment or attendance at any school of a school district during the current school year; or

(iii) been exempted from compulsory student attendance by written consent of the parent pursuant to K.S.A. 72-3120, and amendments thereto; and

(C) not been counted in the enrollment of a virtual school as a full-time or part-time virtual student during the school year in which such student enrolls as a dropout diploma completion virtual student.

(2) "Full-time" means attendance in a virtual school for no less than six hours as determined pursuant to subsection (b).

(2)(3) "Part-time" means attendance in a virtual school for less than six hours as determined pursuant to subsection (b).

Sec. 21. On and after July 1, 2022, K.S.A. 2021 Supp. 72-4352 is hereby amended to read as follows: 72-4352. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

(1) Resides in Kansas; and

(2) (A) (i) Is eligible for free or reduced-price meals under the national school lunch act; and

(ii) (a) was enrolled in kindergarten or any of the grades one through eight in any public school in the previous school year in which an educational scholarship is first sought for the child; or

(b) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is ~~under the age of six years~~ seven years of age or under; or

(B) has received an educational scholarship under the program and has not graduated from high school or reached the age of 21 years.

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program established in K.S.A. 72-4351 through 72-4357, and amendments thereto.

(g) "Public school" means any school operated by a unified school district under the laws of this state.

- (h) "Qualified school" means any nonpublic school that:
 - (1) Provides education to elementary or secondary students;
 - (2) is accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure;
 - (3) has notified the state board of its intention to participate in the program; and
 - (4) complies with the requirements of the program.
- (i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to eligible students or to qualified schools in which parents have enrolled eligible students.
- (j) "School district" or "district" means any unified school district organized and operating under the laws of this state.
- (k) "School year" means the same as in K.S.A. 72-5132, and amendments thereto.
- (l) "Secretary" means the secretary of revenue.
- (m) "State board" means the state board of education.";

Also on page 1, in line 10, before "K.S.A." by inserting "On and after July 1, 2022,";
 On page 9, in line 4, before "K.S.A." by inserting "On and after July 1, 2022,";
 following line 43, by inserting:

"Sec. 24. On and after July 1, 2022, K.S.A. 2021 Supp. 72-5178 is hereby amended to read as follows: 72-5178. (a) On or before January 15 of each year, the state department of education shall prepare and ~~submit a~~ digitally update on the website of the state department of education the performance accountability report reports and a longitudinal achievement ~~report for reports upon~~ reports upon all students enrolled in any public school or accredited nonpublic school in the state, each school district, each school operated by a school district and each accredited nonpublic school ~~to the governor and to the legislature.~~

(b) Each performance accountability report shall be prepared in a single-page format containing the information that is required to be reported under the federal elementary and secondary education act, as amended by the federal every student succeeds act, public law 114-95, or any successor federal acts, and the college and career readiness metrics developed and implemented by the state board. The report shall use the categories for achievement identified under the federal every student succeeds act, public law 114-95, or any successor achievement categories. All categories and metrics included in the report shall be clearly defined.

(c) Each longitudinal achievement report shall provide the achievement rates on the state assessments for English language arts, math and science for all students and each student subgroup and the change in achievement rate year-over-year starting with the school year in which the state board first implemented new achievement standards on such state assessments.

(d) On or before January 15 of each year, the state department of education shall prepare written academic achievement reports to provide a summary of student achievement in this state and shall submit such reports to the governor and the legislature. Such written academic achievement reports shall:

(1) Provide a statewide summary of the performance accountability reports and longitudinal achievement reports prepared pursuant to this section. Such summary report shall provide:

(A) Achievement data from the English language arts assessments and math

assessments over the preceding five years for all students and student subgroups to show whether there are statewide trends in academic improvement or learning loss among all students and student subgroups;

(B) a comparison to any other evaluation metric used by the state board of education to evaluate student achievement such as college and career readiness measurements or graduation rates;

(C) a comparison to other educational assessments that measure academic performance such as the national assessment of educational progress;

(D) an analysis of the trends in student achievement outcomes and a review of conditions that are impacting recent student achievement outcomes;

(E) a review of the academic interventions that school districts are using to improve student performance, whether the state board of education has any specific recommendations regarding academic interventions to improve academic achievement and an estimation of the academic achievement gains that can be expected from such interventions; and

(F) a summary of the performance levels and the scale and cut scores for the statewide assessments and how such information should be used to draw conclusions about student achievement; and

(2) provide a student-focused longitudinal achievement report that provides information on the academic achievement of certain student cohort groups to show the achievement gains or learning losses that are occurring for such students. Such report shall begin with the students who are entering grade three and grade eight in school year 2022-2023. The report shall summarize the longitudinal achievement of such students over a three-year period and shall be repeated every three years for the students entering such grade levels. The longitudinal report shall provide:

(A) A summary of the improvement or learning loss that is occurring within such student cohort groups over such three-year period for all such students and the student subgroups;

(B) an analysis of the evaluations and metrics that are used to measure the year-over-year achievement of such student cohort groups;

(C) a review of the academic interventions that school districts are using to improve student performance within such student cohort groups, whether the state board of education has any specific recommendations regarding academic interventions to improve academic achievement and an estimate of the academic achievement gains that can be expected from such interventions; and

(D) the achievement results from the English language arts assessments and math assessments for such student cohort groups and any other assessment data pertaining to such student cohort groups, including, but not limited to, the national assessment for educational progress, the ACT college entrance exam and the pre-ACT assessment.

(d) All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2021 Supp. 72-1181, and amendments thereto.;

On page 10, in line 1, before "K.S.A." by inserting "On and after July 1, 2022,";

On page 11, in line 26, before "K.S.A." by inserting "On and after July 1, 2022,";

On page 12, in line 28, after the second comma by inserting "but prior to July 1, 2022,"; in line 29, by striking "Except as provided in subsection (b)(8),"; in line 33, by striking "except as provided in subsection (b)(8),";

On page 13, in line 5, by striking "51%" and inserting "75%"; in line 9, after "2015"

by inserting ", but prior to July 1, 2022"; in line 12, after "(3)" by inserting "For general obligation bonds approved for issuance at an election held on or after July 1, 2022, the state board of education shall:

(A) Except as provided in subsection (b)(9), determine the amount of the AVPP of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(3);

(B) except as provided in subsection (b)(9), prepare a schedule of dollar amounts using the amount of the AVPP of the school district with the lowest AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts;

(C) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the lowest AVPP shown on the schedule and decreasing the state aid computation percentage assigned to the amount of the lowest AVPP by one percentage point for each \$1,000 interval above the amount of the lowest AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid computation percentage is 51%;

(D) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held on or after July 1, 2022; and

(E) multiply the amount determined under subsection (b)(3)(D) by the applicable state aid percentage factor.

(4)";

Also on page 13, in line 17, by striking "(4)" and inserting "(5)"; in line 19, after "(b)(2)(E)" by inserting "or (b)(3)(E)";

On page 14, in line 11, by striking "(b)(5)" and inserting "(b)(6)"; in line 13, by striking "(b)(6)" and inserting "(b)(7)"; also in line 13, by striking "(b)(8)" and inserting "(b)(9)"; in line 14, by striking "(b)(3)" and inserting "(b)(4)"; in line 16, by striking "(b)(4)" and inserting "(b)(5)"; in line 31, after "(b)(2)(D)" by inserting "and (b)(3)(D)"; in line 43, by striking "(b)(2)(B)" and inserting "(b)(3)(B)";

On page 15, in line 15, by striking "June 30, 2021,"; in line 16, by striking "and"; also in line 16, after the third comma by inserting "and June 30, 2024,"; in line 40, by striking "(b)(4)(D)" and inserting "(b)(5)(D)";

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

Also on page 15, following line 40, by inserting:

"Sec. 27. On and after July 1, 2022, K.S.A. 72-6316 is hereby amended to read as follows: 72-6316. ~~No(a) A nonacademic~~ test, questionnaire, survey or examination containing any questions about the ~~student's~~ personal and private attitudes, values, beliefs or practices on issues such as sex, family life, morality or religion, or any questions about the student's parents' or guardians' beliefs and practices on issues such as sex, family life, morality or religion, of the student or the student's parents, guardians, family members, associates, friends or peers that is administered during the

school day shall not be administered to any student enrolled in kindergarten or grades one through 12, unless the parent or guardian of the student;

(1) Is notified in writing not more than four months in advance of the administration of such test, questionnaire, survey or examination that this such test, questionnaire, survey or examination is to be administered and the parent or guardian of the student. Such notification shall include:

(A) A copy of the test, questionnaire, survey or examination that is to be administered;

(B) information on how the parent or guardian may provide written consent to authorize the student to take such test, questionnaire, survey or examination;

(C) the name of the company or entity that produces or provides the test, questionnaire, survey or examination to the school; and

(D) whether the school will receive or maintain the resulting data and an explanation of how the school intends to use and maintain such data; and

(2) gives written permission for consent through a written or electronic signature to authorize the student to take this the test, questionnaire, survey or examination or, in the event of an immediate need, gives verbal consent. This section shall not prohibit school counselors from providing counseling services to a student, including the administration of tests and forms which are part of a counselor's student counseling services. Any information obtained through such tests or counseling services shall not be stored on any personal mobile electronic device which is not owned by the school district, including but not limited to, laptops, tablets, phones, flash drives, external hard drives or virtual servers. Such written consent may only be accepted after a parent or guardian has received the notification required pursuant to paragraph (1) and had an opportunity to review the information contained in such notification. Written consent shall be provided separately for each individual test, questionnaire, survey or examination that is to be administered.

(b) Notwithstanding a parent or guardian's consent for a student to take any such test, questionnaire, survey or examination, a student shall have the right to refuse to take any such test, questionnaire, survey or examination at any time without limitation. Prior to the administration of any such test, questionnaire, survey or examination, each student shall be informed that such student has the right to refuse to take such test, questionnaire, survey or examination and that the student will not suffer any adverse consequences based on such refusal.

(c) Prior to the administration of any such test, questionnaire, survey or examination, a school district shall post and maintain a copy of such test, questionnaire, survey or examination on the school district website.

(d) No personally identifiable student data shall be collected through any such test, questionnaire, survey or examination.

(e) Except as provided in subsection (f), the provisions of this section shall apply to any test, questionnaire, survey or examination described in subsection (a) that is administered or proposed to be administered to any student by any employee of a school district, including, but not limited to, any administrator, teacher, counselor, social worker, psychologist or nurse.

(f) Notwithstanding the provisions of this section, if any school district employee becomes aware that a student may be at risk of suicide by a credible report from the student, the student's peers or another school district employee, the school personnel

who are designated by the school to administer a suicide risk assessment or screening tool may administer such risk assessment or screening tool in accordance with the provisions of this subsection to determine whether the student could be at risk for suicide. Such designated school personnel may include, but is not limited to, any administrator, teacher, counselor, social worker, psychologist or nurse. Prior to the administration of any such risk assessment or screening tool, the designated school personnel shall verbally notify the parent or guardian before the administration of such risk assessment or screening tool and obtain the consent of the parent or guardian. If the designated school personnel is unable to verbally notify the parent or guardian of the student and obtain consent after reasonable attempts to do so, the designated school personnel may administer the risk assessment or screening tool without such consent. If a risk assessment or screening tool is administered without the parent or guardian's consent, as soon as contact with the parent or guardian is made, the designated school personnel shall notify the parent or guardian of the administration of such assessment or screening tool and provide to the parent or guardian all information obtained from the risk assessment or screening tool administered to the student.

Sec. 28. K.S.A. 2021 Supp. 74-32,271 is hereby amended to read as follows: 74-32,271. (a) K.S.A. 2021 Supp. 74-32,271 et seq., and amendments thereto, shall be known and may be cited as the Kansas promise scholarship act.

(b) As used in the Kansas promise scholarship act:

(1) "Eligible postsecondary educational institution" means:

(A) Any community college or technical college established under the laws of this state and with a recognized service area;

(B) the Washburn institute of technology; or

(C) any not-for-profit institution of postsecondary education with its main campus or principal place of operation in Kansas that offers a promise eligible program, is operated independently and not controlled or administered by any state agency or subdivision of the state, maintains open enrollment and is accredited by a nationally recognized accrediting agency for higher education in the United States.

(2) "Military servicemember" means the same as defined in K.S.A. 2021 Supp. 48-3406, and amendments thereto.

(3) "Part-time student" means a student who is enrolled for six credit hours or more ~~in a~~ in the fall, summer or spring semester and is not enrolled as a full-time student.

(4) "Promise eligible program" means any two-year associate degree program or career and technical education certificate or stand-alone program offered by an eligible postsecondary educational institution that is:

(A) Approved by the state board of regents;

(B) high wage, high demand or critical need; and

(C) identified as a "promise eligible program" by the state board of regents pursuant to K.S.A. 2021 Supp. 74-32,272, and amendments thereto, or ~~designated as a "promise eligible program" within a field of study designated~~ by an eligible postsecondary educational institution pursuant to K.S.A. 2021 Supp. 74-32,273, and amendments thereto.

Sec. 29. K.S.A. 2021 Supp. 74-32,272 is hereby amended to read as follows: 74-32,272. (a) There is hereby established the Kansas promise scholarship program. The state board of regents shall implement and administer the program.

(b) On or before March 1, ~~2022~~ 2023, the state board of regents shall adopt rules

and regulations to implement and administer the Kansas promise scholarship program. Such rules and regulations shall establish:

(1) A scholarship application—deadlines process, including, but not limited to, accepting scholarship applications throughout the academic year and processing such applications in the order such applications were received;

(2) appeal procedures for denial or revocation of a Kansas promise scholarship;

(3) guidelines to ensure as much as is practicable that, if a student who received a Kansas promise scholarship graduates from a promise eligible program and subsequently enrolls in a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or municipal university, any courses taken by such student shall be transferred to the state educational institution or municipal university and qualify toward the student's baccalaureate degree;

(4) the terms, conditions and requirements that shall be incorporated into each Kansas promise scholarship agreement, which shall not be more stringent than the requirements for Kansas promise scholarship agreements provided in this act;

(5) procedures for requesting and approving medical, military and personal absences from an eligible postsecondary educational institution while receiving a Kansas promise scholarship;

(6) criteria for determining whether a student who received a Kansas promise scholarship fulfilled the residency, employment and repayment requirements included in a Kansas promise scholarship agreement as provided in K.S.A. 2021 Supp. 74-32,276, and amendments thereto; ~~and~~

(7) criteria for determining when a student who received a Kansas promise scholarship may be released from the requirements of a Kansas promise scholarship, if there are special circumstances that caused such student to be unable to complete such requirements; and

(8) that no eligible postsecondary educational institution may:

(A) Limit scholarship awards to certain promise eligible programs at such institution; or

(B) award less than the full Kansas promise scholarship amount for which a student qualifies as long as funds are available in the Kansas promise scholarship program fund.

(c) The state board of regents shall:

(1) Identify the promise eligible programs offered by each eligible postsecondary educational institution that are:

(A) Within a field of study designated by the eligible postsecondary educational institution pursuant to K.S.A. 2021 Supp. 74-32,273, and amendments thereto; and

(B) in any of the following fields of study:

(i) Information technology and security;

(ii) mental and physical healthcare;

(iii) advanced manufacturing and building trades; or

(iv) early childhood education and development; ~~or~~

(B) designated by the eligible postsecondary educational institution pursuant to K.S.A. 2021 Supp. 74-32,273, and amendments thereto;

(2) work with community partners, such as community foundations, school districts, postsecondary educational institutions, Kansas business and industry and Kansas economic development organizations to publicize Kansas promise scholarships, including, but not limited to, publicizing eligible postsecondary educational institutions,

approved scholarship-eligible educational programs, application procedures and application deadlines;

(3) disburse funds to each eligible postsecondary educational institution for the purpose of awarding Kansas promise scholarships;

(4) request information from eligible postsecondary educational institutions and any state agency necessary for the administration of this act;

(5) ~~ensure that any student accept~~ electronic signatures as sufficient and valid on all forms and agreements required by the Kansas promise scholarship program and any rules and regulations adopted thereunder;

(6) enforce Kansas promise scholarship agreements;

(7) collect any moneys repaid by students pursuant to K.S.A. 2021 Supp. 74-32,276, and amendments thereto;

(8) ~~determine whether students~~ who received a Kansas promise scholarship fulfill the residency, employment and repayment requirements provided in K.S.A. 2021 Supp. 74-32,276, and amendments thereto; and

~~(6)(9)~~ beginning in January 2022, annually evaluate the Kansas promise scholarship program and prepare and submit a report to the senate standing committee on education and the house of representatives standing committee on education. Such report shall include, but not be limited to, the total program cost for each promise eligible program at each eligible postsecondary educational institution, the amount of scholarship moneys awarded that went to each promise eligible program, the number of credit hours paid for with scholarship moneys, the amount of scholarship moneys expected to be awarded to each institution for each semester, the number of scholarships awarded, the total amount of scholarship moneys awarded, the amount of scholarship moneys provided for tuition, fees, books and supplies, measures postsecondary educational institutions have taken in working with private business and industry in the state to determine appropriate fields of study and a review of the employment of scholarship recipients who have completed the Kansas promise scholarship program, including, but not limited to, employment fields and geographic location of such employment.

(d) (1) The state board of regents may designate an associate degree transfer program as an eligible program only if such program is included in:

(A) An established 2+2 agreement with a Kansas four-year postsecondary educational institution; or

(B) an articulation agreement with a Kansas four-year postsecondary educational institution and is part of an established degree pathway that allows a student to transfer at least 60 credit hours from the eligible postsecondary educational institution to a four-year postsecondary educational institution for the completion of an additional 60 credit hours toward a bachelor's degree.

(2) The provisions of this subsection shall be construed and applied retroactively to the enactment of the Kansas promise scholarship program on July 1, 2021.

(e) (1) The state board of regents may remove a promise eligible program from the list of approved promise eligible programs only in accordance with this subsection. If the state board of regents proposes to remove a promise eligible program from such list, the state board of regents shall notify all eligible postsecondary educational institutions of the proposal to remove such program by May 1 of the calendar year that precedes the calendar year in which such program would officially be removed from such list. Within

30 calendar days of receipt, each eligible postsecondary educational institution may appeal such proposed removal to the state board of regents. Following such appeal period, within 45 calendar days, the state board of regents shall consider any such appeal and issue a final decision upon whether the program shall be removed. If the state board of regents issues a final decision to remove such program, the program shall be removed from the list of approved promise eligible programs only after not less than 14 months have elapsed from the date that the state board of regents issued the final decision to remove such program.

(2) The provisions of this subsection shall apply to any program that has been approved by the state board of regents as a promise eligible program on or after July 1, 2021.

Sec. 30. K.S.A. 2021 Supp. 74-32,273 is hereby amended to read as follows: 74-32,273. (a) Subject to subsection (b)–In addition to the fields of study provided in K.S.A. 2021 Supp. 74-32,272, and amendments thereto, an eligible postsecondary educational institution may designate an additional field of study for awarding a Kansas promise scholarship to meet local employment needs if:

(1) Promise eligible programs within such field of study are two-year associate degree programs or career and technical education certificates or stand-alone programs approved by the state board of regents that correspond to jobs that are high wage, high demand or critical need in the community;

(2) the institution already offers such field of study; and

(3) such field of study is one of the following:

(A) Agriculture;

(B) food and natural resources;

(C) education and training;

(D) law, public safety, corrections and security; or

(E) distribution and logistics.

(b) , an eligible postsecondary educational institution may designate one additional promise eligible program if the additional program is a two-year associate degree program or a career and technical education certificate or stand-alone program that corresponds to a high wage, high demand or critical need occupation.

(b) To designate an additional promise eligible program, such institution shall have and maintain an existing promise eligible program in any of the following fields of study:

(1) Information technology and security;

(2) mental and physical healthcare;

(3) advanced manufacturing and building trades; or

(4) early childhood education and development.

(c)–An eligible postsecondary educational institution that designates an additional promise eligible program field of study pursuant to this subsection (a) section shall maintain the promise eligible program field of study designation of such program for at least three consecutive years. After maintaining such program field of study for at least three years, the institution may designate a new promise eligible program field of study that corresponds to a high wage, high demand or critical need occupation to replace the existing designated promise eligible program field of study. Any newly designated program field of study shall be subject to the requirements of this section.

(c) Programs designated by eligible institutions prior to the effective date of this act

shall be maintained until all students currently enrolled in such programs have exhausted their promise scholarship eligibility.

Sec. 31. K.S.A. 2021 Supp. 74-32,274 is hereby amended to read as follows: 74-32,274. (a) (1) Subject to appropriations, the amount of a Kansas promise scholarship for a student for each ~~semester~~ academic year shall be the aggregate amount of tuition, required fees and the cost of books and required materials for the promise eligible program at the eligible postsecondary educational institution for the academic year in which the student is enrolled and receiving the scholarship minus the aggregate amount of all other aid awarded to such student for such ~~semester.~~ Aid includes any grant, scholarship or financial assistance awards that do not require repayment academic year.

(2) If a student is enrolled in a promise eligible program offered by ~~a four-year~~ an eligible private postsecondary educational institution described in K.S.A. 2021 Supp. 74-32,271(b)(1)(C), and amendments thereto, the aggregate amount of tuition, mandatory fees and the cost of books and materials for such program shall be the average cost of tuition, mandatory fees and the cost of books and materials for such promise eligible program when offered by an eligible public postsecondary educational institution ~~that is not a four-year institution described in K.S.A. 2021 Supp. 74-32,271(b)(1)(A) or (B), and amendments thereto.~~

(b) ~~Except as otherwise provided in this subsection,~~ Kansas promise scholarships shall only be awarded to an eligible student whose family household income equals \$100,000 or less for a family of one or two, \$150,000 or less for a family of three and, for household sizes above three, a household income that is equal to or less than the family of three amount plus \$4,800 for each additional family member. ~~If scholarship moneys remain in the Kansas promise scholarship program fund during the award year after awarding all other scholarships pursuant to this section, Kansas promise scholarships may be awarded to eligible students whose family household income exceeds such amounts.~~

(c) (1) Kansas promise scholarship awards shall be used only to pay for up to a total of 68 promise scholarship funded credit hours or a total of \$20,000 in Kansas promise scholarship awards, whichever occurs first, over the lifetime of the student who received the Kansas promise scholarship award regardless of the eligible postsecondary educational institution such student attended.

(2) Kansas promise scholarship awards shall not be used to fund:

(A) Prerequisite classes required for a promise eligible program unless such classes are a designated course within the eligible program; or

(B) any remedial course, as defined in K.S.A. 76-7,151, and amendments thereto, unless such course is offered in a corequisite format.

(d) For each fiscal years 2022 and 2023 year, the appropriation made for the Kansas promise scholarship program shall not exceed \$10,000,000. ~~For fiscal year 2024 and each fiscal year thereafter, the appropriation shall not exceed 150% of the amount disbursed in promise scholarships for the immediately preceding fiscal year.~~

(e) The state board of regents shall disburse funds based on reimbursement requests from eligible postsecondary educational institutions. Reimbursement requests shall be based on the actual amount of Kansas promise scholarship amounts awarded by an eligible postsecondary educational institution for the appropriate academic period. Any eligible postsecondary educational institution seeking reimbursement shall submit a reimbursement request to the state board of regents on or before September 1,

December 1, March 1 and June 1 of each year. The state board of regents shall disburse the appropriate amount of funds to eligible postsecondary educational institutions on September 15, December 15, March 15 and June 15 each year.

(f) As used in this section, "aid" includes any grant, scholarship or financial assistance awards that do not require repayment. "Aid" does not include any military financial educational benefits or any family postsecondary savings account or other qualified tuition program established pursuant to section 529 of the internal revenue code of 1986, as amended.

Sec. 32. K.S.A. 2021 Supp. 74-32,275 is hereby amended to read as follows: 74-32,275. (a) To be eligible for a Kansas promise scholarship, a student shall:

- (1) Be a United States citizen;
- (2) be a Kansas resident;
- ~~(2)~~(3) (A) have graduated from an accredited Kansas public or private secondary school within the preceding 12 months;
- (B) have completed the requirements for graduation at a non-accredited private secondary school as provided in K.S.A. 72-4345, and amendments thereto, within the preceding 12 months;

(C) attended an accredited Kansas public or private secondary school or non-accredited private school as provided in K.S.A. 72-4345, and amendments thereto, and obtained a high school equivalency certificate within the preceding 12 months;

(D) ~~be 21 years of age or older and,~~ upon application for a scholarship, have been a resident of Kansas for three or more consecutive years as evidenced by the date of issuance on a Kansas-issued identification card or through Kansas voter registration records or Kansas income tax documentation; ~~or~~

(E) be a dependent child of a military servicemember permanently stationed in another state and who, within the preceding 12 months, graduated from any out-of-state secondary school or obtained a high school equivalency certificate; or

(F) have been in the custody of the secretary for children and families at any time such student was enrolled in and attending any of the grades nine through 12 and not eligible for assistance under the Kansas foster child educational assistance act, K.S.A. 75-53,111 et seq., and amendments thereto;

~~(3)~~(4) complete the required scholarship application on such forms and in such manner as established by the state board of regents;

~~(4)~~(5) enter into a Kansas promise scholarship agreement pursuant to K.S.A. 2021 Supp. 74-32,276, and amendments thereto;

~~(5)~~(6) complete the free application for federal student aid for the academic year in which the student applies to receive a Kansas promise scholarship. Such submitted application shall be determined to be valid and free of error codes in order to calculate the amount of scholarship to be awarded; and

~~(6)~~(7) enroll in an eligible postsecondary educational institution in a promise eligible program.

(b)(1) To continue to receive a Kansas promise scholarship, a student shall:

~~(1)~~(A) Maintain satisfactory academic progress toward completion of in the courses of the promise eligible program for which the student received a Kansas promise scholarship; and

~~(2)~~(B) satisfy the requirements of a Kansas promise scholarship agreement as provided in K.S.A. 2021 Supp. 74-32,276, and amendments thereto.

(2) Any student who entered into a Kansas promise scholarship agreement under the provisions of the Kansas promise scholarship act as such act existed at the time such agreement was entered into shall be entitled to continue to use such Kansas promise scholarship and receive scholarship renewals to fulfill the requirements of such student's Kansas promise scholarship agreement. No subsequent revision or amendment to the Kansas promise scholarship act, the rules and regulations adopted thereunder, the list of approved promise eligible programs or the appropriations made pursuant to such act shall have the effect of terminating a student's Kansas promise scholarship agreement solely due to such amendment or revision.

(c) Nothing in this act shall prohibit a student who received postsecondary course credit while enrolled in high school from qualifying for a Kansas promise scholarship.

Sec. 33. K.S.A. 2021 Supp. 74-32,276 is hereby amended to read as follows: 74-32,276. (a) As a condition to receiving a Kansas promise scholarship, an eligible student shall enter into a Kansas promise scholarship agreement with the state board of regents. The eligible postsecondary educational institution making the scholarship award to such student shall counsel each eligible student on the requirements and conditions of the promise scholarship agreement. Such agreement shall require ~~such any~~ student who receives a Kansas promise scholarship to:

(1) Enroll as a full-time or part-time student at the eligible postsecondary educational institution from which the student is receiving a Kansas promise scholarship and engage in and complete the required promise eligible program within ~~30~~ 36 months of the date the scholarship was first awarded;

(2) within six months after graduation from the promise eligible program:

(A) Reside in and commence work in the state of Kansas for at least two consecutive years following completion of such program. A scholarship recipient may use a W-2 wage and tax statement showing Kansas withholding or estimated income tax to the state of Kansas as proof of work in Kansas; or

(B) enroll as a full-time or part-time student in any public or private postsecondary educational institution with its primary location in Kansas and upon graduation or failure to re-enroll, reside in and commence work in Kansas for at least two consecutive years following the completion of such program;

(3) maintain records and make reports to the state board of regents on such forms and in such manner as required by the state board of regents to document the satisfaction of the requirements of this act; and

(4) upon failure to satisfy the requirements of a Kansas promise scholarship agreement, repay the amount of the Kansas promise scholarship the student received under the program as provided in subsection (b) to the state board of regents.

(b) (1) Except as provided in subsection (c), if any student who receives a Kansas promise scholarship fails to satisfy the requirements of a Kansas promise scholarship agreement, such student shall pay an amount equal to the total amount of money received by such student pursuant to such agreement that is financed by the state of Kansas plus accrued interest at a rate equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such ~~person first entered into an agreement~~ student's first course funded by a Kansas promise scholarship award began. Interest shall begin accruing on the date the student is determined to be out of compliance with the Kansas promise scholarship agreement. Monthly installment payments of such amounts may be made in accordance with rules and regulations of the

state board of regents. Such installment payments shall begin six months after the date of the action or circumstances that cause such student to fail to satisfy the requirements of a Kansas promise scholarship agreement, as determined by the state board of regents upon the circumstances of each individual case. All moneys received pursuant to this subsection 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 promise scholarship program fund.

(2) For any Kansas promise scholarship awarded on or after July 1, 2021, the state board of regents shall be the sole entity responsible for collecting or recouping any Kansas promise scholarship funds required to be repaid by a student who fails to satisfy the requirements of a Kansas promise scholarship agreement pursuant to this section.

(3) The state board of regents is authorized to turn any repayment account arising under this act to a designated loan servicer or collection agency to collect on the state board's behalf, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed under this subsection.

(4) Eligible postsecondary educational institutions and each state agency are authorized to provide academic, employment, residency and contact information regarding students who received a Kansas promise scholarship to the state board of regents for the purposes of:

(A) Determining whether or not a student satisfied the requirements of this act and the Kansas promise scholarship agreement; and

(B) aiding in the collection or recouping of any funds required to be repaid pursuant to this section.

(5) Eligible postsecondary educational institutions shall:

(A) Provide annually to the state board of regents the last known contact information of each student who received a Kansas promise scholarship until the requirements of the program and scholarship agreement are complete; and

(B) notify the state board of regents when a student who received a Kansas promise scholarship:

(i) Completes the program of study for which the student received the scholarship or has exhausted scholarship benefits; and

(ii) exceeds the 36-month program completion requirement provided in this section. This requirement shall apply to any Kansas promise scholarship awarded on or after July 1, 2021.

(6) For any Kansas promise scholarship awarded on or after July 1, 2021, eligible postsecondary educational institutions shall not be considered a contractor of the state nor shall such institutions be required to participate in tracking, collecting or recouping any funds required to be repaid by a student who fails to satisfy the requirements of a Kansas promise scholarship agreement pursuant to this section.

(c) Any requirement of a Kansas promise scholarship agreement entered into pursuant to this section may be postponed for good cause in accordance with rules and regulations of the state board of regents.

(d) A scholarship recipient satisfies the requirements of the Kansas promise scholarship program if such recipient:

(1) Completes the requirements of the scholarship agreement;

(2) commences service as a military servicemember after receiving a Kansas

promise scholarship;

(3) fails to satisfy the requirements after making the best possible effort to do so as determined by the state board of regents;

(4) is unable to obtain employment or continue in employment after making the best possible effort to do so; or

(5) is unable to satisfy the requirements due to disability or death of the scholarship recipient.

Sec. 34. On and after July 1, 2022, K.S.A. 2021 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) This section shall be known and may be cited as the Kansas hero's scholarship act.

(b) As used in this section:

(1) "Accident" means an undesigned, sudden and unexpected traumatic event, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. An "accident" shall be identifiable by the time and place of occurrence, produce at the time symptoms of an injury and occur during a single work shift. The "accident" shall be the prevailing factor in causing the injury.

(2) "Covered person" means a public safety officer or Kansas resident in military service to whom this section applies.

(3) "Dependent" means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.

(4) "Emergency medical service provider" means the same as defined in K.S.A. 65-6112, and amendments thereto.

(5) "Fees" mean those charges required by an institution to be paid by every student as a condition of enrollment. "Fees" do not include all other charges associated with the student's academic program or living costs.

(6) "Firefighter" means a person who is: (A) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (B) a volunteer member of a fire district, fire department or fire company.

(7) "Injured or disabled" means that the covered person, because of the injury or disability, has been rendered incapable of performing the duties of the following:

(A) The position being performed at the time the injury or disability was sustained;
and

(B) any position that is at or above the pay level of the position the covered person was in at the time the injury or disability was sustained, if the covered person is a paid employee.

(8) "Injury" and "disability" mean any lesion or change in the physical structure of the body causing damage or harm thereto that is not transitory or minor. "Injury" and "disability" shall occur only by accident, intentional act of violence or repetitive trauma.

(9) (A) "Intentional act of violence" means one or a combination of the following:

(i) A deliberate act by a third party that results in inflicting harm on a covered person while such person is performing those duties; or

(ii) a deliberate act by a covered person in the reasonable performance of duties as a covered person that results in the infliction of harm on the covered person.

(B) An "intentional act of violence" shall be identifiable by the time and place of

occurrence, produce at the time symptoms of an injury and occur during a single work shift. The "intentional act of violence" shall be the prevailing factor in causing the injury.

(C) "Intentional act of violence" does not include repetitive trauma in any form.

~~(4)~~(10) "Kansas educational institution" means and includes community colleges, the municipal university, state educational institutions, the institute of technology at Washburn university and technical colleges.

~~(5)~~(11) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

~~(6)~~(12) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.

(13) "Nature of the employment" means that, to the occupation, trade or employment in which the covered person was engaged, there is attached a particular and peculiar hazard of the injury or disability that distinguishes the performance of job duties from other occupations and employments and that creates a hazard of such injury or disability in excess of the hazard of the injury or disability in general.

~~(7)~~(14) "Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.

(15) "Public safety employee" means any employee of a law enforcement office, sheriff's department, municipal fire department, volunteer and non-volunteer fire protection association, emergency medical services provider or correctional institution of the department of corrections.

~~(8)~~(16) "Public safety officer" means a law enforcement officer, a firefighter, an emergency medical service provider or a public safety employee.

(17) (A) "Repetitive trauma" means the cause of an injury that occurs as a result of repetitive use, cumulative traumas or microtraumas. The repetitive nature of the injury shall be demonstrated by diagnostic or clinical tests. The "repetitive trauma" shall be the prevailing factor in causing the injury.

(B) For purposes of the educational benefit conferred by this section, "repetitive trauma" includes only an injury arising out of the performing of duties and resulting from the nature of the employment in which a covered person was engaged and that was actually contracted while so engaged. The injury shall appear to have had its origin in a special risk of the injury connected with the particular type of employment and to have resulted from that source as a reasonable consequence of the risk. Ordinary injuries of life and conditions to which the general public is or could be exposed outside of the particular employment, and hazards of injuries and conditions attending employment in general, shall not qualify as "repetitive trauma."

~~(9)~~(18) "Resident of Kansas" means a person who is a domiciliary resident as

defined by K.S.A. 76-729, and amendments thereto.

~~(10)(19)~~ "Spouse" means the spouse of a ~~deceased~~ public safety officer or ~~deceased~~ member of the military service who has not remarried.

~~(11)(20)~~ "State board" means the state board of regents.

~~(12)~~ "Public safety employee" means any employee of a law enforcement office, sheriff's department, municipal fire department, volunteer and non-volunteer fire protection association, emergency medical services provider or correctional institution of the department of corrections.

~~(b)(c)~~ (1) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for:

(A) Any eligible dependent or spouse of a public safety officer who:

(i) Was injured or disabled while performing duties as a public safety officer; or

(ii) died as the result of injury sustained while performing duties as a public safety officer;

(B) any dependent or spouse of any resident of Kansas who:

(i) Died or was injured or disabled on or after September 11, 2001, while, and as a result of, serving in military service; or

(ii) is entitled to compensation for a service-connected disability of at least 80% because of a public statute administered by the department of veterans affairs or a military department as a result of injuries or accidents sustained in combat after September 11, 2001; and

(C) any prisoner of war.

(2) Any such dependent or spouse and any prisoner of war shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed 10 semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.

~~(e)(d)~~ Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of a prisoner of war or a dependent or spouse is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. In any fiscal year, such reimbursement shall not exceed a total of ~~\$350,000~~ \$500,000. The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents or spouses or prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which any such eligible dependents or spouses or prisoners of war are enrolled. If an eligible dependent or spouse or prisoner of war discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount that such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment

made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

~~(d)~~(c) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.";

Also on page 15, by striking all in lines 41 and 42; following line 42, by inserting:

"Sec. 35. K.S.A. 2021 Supp. 74-32,271, 74-32,272, 74-32,273, 74-32,274, 74-32,275 and 74-32,276 are hereby repealed.

Sec. 36. On and after July 1, 2022, K.S.A. 19-5005, 38-2223, 72-3120, 72-3713, 72-3715, 72-5135, 72-5461 and 72-6316 and K.S.A. 2021 Supp. 72-1163, 72-4352, 72-5132, 72-5178, 72-5462 and 75-4364 are hereby repealed.

Sec. 37. On and after July 1, 2023, K.S.A. 72-13,101, 72-3122, 72-3123, 72-3124 and 72-3125 are hereby repealed.";

On page 16, in line 1, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the first semicolon by inserting "making and concerning appropriations for fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, for the state department of education; establishing the legislature's intention to focus on academic achievement; enacting the every child can read act to support literacy proficiency by third grade; authorizing the state board of education and school districts to allow students to earn course credit through alternative educational opportunities outside the traditional classroom; making members of or persons employed by the Kansas state high school activities association mandatory reporters of child abuse and neglect; requiring the board of education of each school district to consider the district building needs assessment and state academic assessments when approving the budget of the school district; requiring school districts to allow for part-time enrollment of certain students; allowing students to transfer to and attend school in any school district in the state; requiring school districts to set transfer capacity and adopt certain transfer policies; establishing an alternative method for calculating virtual school graduation rates; prohibiting virtual schools from offering or providing any financial incentives to attract a student to enroll; increasing virtual school state aid; authorizing virtual school state aid for students who are credit deficient; amending the tax credit for low income students scholarship program to allow students who are seven years of age or under to participate in the program without the need for prior enrollment in a public school"; in line 2, after the semicolon by inserting "requiring the state department of education to provide an annual written report on academic achievement outcomes;"; in line 5, after the semicolon by inserting "relating to the Kansas promise scholarship act; responsibilities of the state board of regents and postsecondary educational institutions relating thereto; authorizing designation of additional eligible programs and fields of study; increasing the limitation on reimbursements to Kansas educational institutions for educational benefits for spouses and dependents of deceased, injured or disabled public safety officers and employees and certain deceased, injured or disabled military personnel and prisoners of war; establishing requirements for the administration of certain nonacademic tests, questionnaires, surveys and examinations; authorizing additional research and education programs under the

Johnson county education research triangle authority act;"; also in line 5, by striking all after "amending"; in line 6, by striking all before the second "and" and inserting "K.S.A. 19-5005, 38-2223, 72-13,101, 72-3120, 72-3122, 72-3123, 72-3124, 72-3125, 72-3713, 72-3715, 72-5135, 72-5461 and 72-6316 and K.S.A. 2021 Supp. 72-1163, 72-4352, 72-5132, 72-5178, 72-5462, 74-32,271, 74-32,272, 74-32,273, 74-32,274, 74-32,275, 74-32,276 and 75-4364";

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

MOLLY BAUMGARDNER

RENEE ERICKSON

Conferees on part of Senate

KRISTEY WILLIAMS

KYLE HOFFMAN

Conferees on part of House

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **S Sub HB 2567**.

On roll call, the vote was: Yeas 24; Nays 14; Present and Passing 2; Absent or Not Voting 0.

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

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Pyle, Sykes, Tyson, Ware.

Present and Passing: Steffen, Straub.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. President: I cannot possibly support an educational funding bill built on an unconstitutional state Supreme Court ruling. As a side note, the bloated unconstitutional funding has brought only declining achievement scores. Education funding is a broken system thanks to a grossly political judicial system.—MARK STEFFEN

Vice President Rick Wilborn assumed the chair.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 421** 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, in line 16, by striking "\$1,000,000,000" and inserting "\$553,866,022"; in line 24, after "2019" by inserting ": *Provided further*, That the remaining balance of such transfer shall be for the payment, in full or in part, of the unfunded actuarial liability of participating employers under K.S.A. 74-4931, and amendments thereto, of the Kansas public employees retirement system.

(b) On June 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$300,000,000 from the state general fund to the

Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system for the payment, in full or in part, of the unfunded actuarial liability of participating employers under K.S.A. 74-4931, and amendments thereto, of the Kansas public employees retirement system";

Also on page 1, following line 34, by inserting:

"Sec. 2.

KANSAS PUBLIC EMPLOYEES
RETIREMENT SYSTEM

(a) Except as provided further, on August 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$146,133,978 from the state general fund to the Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system for the payment, in full or in part, of the unfunded actuarial liability of participating employers under K.S.A. 74-4931, and amendments thereto, of the Kansas public employees retirement system: *Provided, however*; That, if prior to such date, the state finance council approves a resolution stopping such transfer, then following such action by the state finance council: (1) The director of accounts and reports shall not transfer \$146,133,978 from the state general fund to the Kansas public employees retirement fund of the Kansas public employees retirement system pursuant to this subsection; and (2) on the effective date of such state finance council action, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect: *Provided further*; That the state finance council is hereby authorized to stop such transfer: *And provided further*; That the state finance council action on this matter is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto, except that such approval also may be given while the legislature is in session.

(b) Except as provided further, on December 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$125,000,000 from the state general fund to the Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system for the payment, in full or in part, of the unfunded actuarial liability of participating employers under K.S.A. 74-4931, and amendments thereto, of the Kansas public employees retirement system: *Provided, however*; That, if prior to such date, the state finance council approves a resolution stopping such transfer, then following such action by the state finance council: (1) The director of accounts and reports shall not transfer \$125,000,000 from the state general fund to the Kansas public employees retirement fund of the Kansas public employees retirement system pursuant to this subsection; and (2) on the effective date of such state finance council action, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect: *Provided further*; That the state finance council is hereby authorized to stop such transfer: *And provided further*; That state finance council action on this matter is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto, except that such approval also may be given while the legislature is in session.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 3, by striking "year" and inserting "years"; in line

5, before the semicolon by inserting ", and June 30, 2023"; in line 6, after the semicolon by inserting "allowing the state finance council to stop such fiscal year 2023 transfers;"

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

STEVE JOHNSON

CHRIS CROFT

CINDY NEIGHBOR

Conferees on part of House

RICK BILLINGER

J.R. CLAEYS

TOM HAWK

Conferees on part of Senate

Senator Billinger moved the Senate adopt the Conference Committee Report on **SB 421**.

On roll call, the vote was: Yeas 26; Nays 10; Present and Passing 2; Absent or Not Voting 2.

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

Nays: Corson, Francisco, Haley, Hawk, Holland, Holscher, Peck, Pettey, Sykes, Ware.

Present and Passing: Faust-Goudeau, Olson.

Absent or Not Voting: Masterson, Petersen.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: When this bill first came up for a vote in early March, this body had not yet passed legislation that provided tax relief for every single Kansan. We've done good work to address the needs of large groups of Kansans through property tax relief and policies that promote access to housing. But until yesterday, we had not considered legislation that touches every single person who consumes calories, that is to say every single Kansan. And yesterday, we let partisan politics get in the way of delivering that broad relief in the most common sense, comprehensive way possible. KPERS will be 80% funded by next year, even with no extra payments, and reported savings for the State General Fund will decrease if the assumed rate of return is lowered this year because of legislation like this. Our significant budget surplus has put us in an enviable position, and we have a responsibility to our constituents to be good stewards of these funds. Given our financial standing and the established stability of our KPERS fund, I believe it would be far more beneficial to Kansans in my district if we did not hastily drain our funds and instead increased SPED funding, provided a \$250 rebate for tax filers, and delivered a full elimination of the state sales tax on food July 1st.—DINAH SYKES

Senators Corson, Hawk, Pettey and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **SB 421**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **SB 331**, and has appointed Representatives Smith, A., Mason and Gartner as Second conferees on the part of the House.

The House adopts the Conference Committee report on **SB 84**.

ORIGINAL MOTION

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 331**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 331** 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.

ADAM SMITH

JIM GARTNER

LES MASON

Conferees on part of House

CARYN TYSON

VIRGIL PECK

TOM HOLLAND

Conferees on part of Senate

On motion of Senator Tyson the Senate adopted the conference committee report on **SB 331**, and requested a new conference be appointed.

The Vice President appointed Senators Tyson, Peck and Holland as a second Conference Committee on the part of the Senate on **SB 331**.

On motion of Senator Alley, the Senate recessed until 7:30 p.m.

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **S Sub HB 2567**.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2495** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2495," as follows:

"Senate Substitute for HOUSE BILL NO. 2495

By Committee on Judiciary

"AN ACT concerning law enforcement; relating to criminal history record information; requiring the retention of fingerprint information; participation in the rap

back program; limiting access to fingerprints and records relating to fingerprints; relating to privacy rights on real property; imposing restrictions on surveillance by employees of the Kansas department of wildlife and parks; expanding the jurisdiction and powers of law enforcement officers; relating to search and seizure; extending the time within which a search warrant may be executed; clarifying information exchange in investigations of child abuse between the Kansas department for children and families and law enforcement agencies; directing the department to release certain information to law enforcement agencies; amending K.S.A. 38-2210, 38-2211, 38-2212 and 72-6146 and K.S.A. 2021 Supp. 22-2401a and 22-2506 and repealing the existing sections; also repealing section 1 of 2022 House Bill No. 2299 and section 2 of 2022 House Bill No. 2299 and K.S.A. 38-2210, as amended by section 5 of 2022 House Bill No. 2299, 38-2211, as amended by section 6 of 2022 House Bill No. 2299, 38-2212, as amended by section 7 of 2022 House Bill No. 2299, and 72-6146, as amended by section 8 of 2022 House Bill No. 2299, and K.S.A. 2021 Supp. 22-2401a, as amended by section 3 of 2022 House Bill No. 2299, and 22-2506, as amended by section 4 of 2022 House Bill No. 2299.";

And the substitute bill be passed.

ORIGINAL MOTION

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub HB 2495; HB 2510.**

ORIGINAL MOTION

On motion of Senator Warren **S Sub HB 2595** was advanced to Final Action subject to amendment, debate and roll call. The motion was adopted by voice vote.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **S Sub HB 2495** was advanced to Final Action subject to amendment, debate, and roll call.

S Sub HB 2495, AN ACT concerning law enforcement; relating to criminal history record information; requiring the retention of fingerprint information; participation in the rap back program; limiting access to fingerprints and records relating to fingerprints; relating to privacy rights on real property; imposing restrictions on surveillance by employees of the Kansas department of wildlife and parks; expanding the jurisdiction and powers of law enforcement officers; relating to search and seizure; extending the time within which a search warrant may be executed; clarifying information exchange in investigations of child abuse between the Kansas department for children and families and law enforcement agencies; directing the department to release certain information to law enforcement agencies; amending K.S.A. 38-2210, 38-2211, 38-2212 and 72-6146 and K.S.A. 2021 Supp. 22-2401a and 22-2506 and repealing the existing sections; also repealing section 1 of 2022 House Bill No. 2299 and section 2 of 2022 House Bill No. 2299 and K.S.A. 38-2210, as amended by section 5 of 2022 House Bill No. 2299, 38-2211, as amended by section 6 of 2022 House Bill No. 2299, 38-2212, as amended by section 7 of 2022 House Bill No. 2299, and 72-6146, as amended by section 8 of 2022 House Bill No. 2299, and K.S.A. 2021 Supp.

22-2401a, as amended by section 3 of 2022 House Bill No. 2299, and 22-2506, as amended by section 4 of 2022 House Bill No. 2299.

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

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

The substitute bill passed.

ACTIONS ON VETO MESSAGE

A motion by Senator Gossage on **HB 2448**, AN ACT concerning public assistance; requiring able-bodied adults without dependents to complete an employment and training program in order to receive food assistance; amending K.S.A. 39-709 and repealing the existing section, be passed not withstanding the Governor's veto.

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

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

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

A two thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion passed and the veto was overridden.

EXPLANATION OF VOTE

Mr. President: I vote NO on this attempt to override the Governor's veto of **S Sub HB 2448**. This bill is about further limiting access to a very clear, simple need every human has: the ability to access food and to eat. Who among us has not had, at some point in time, the challenge of keeping adequate food on our table and keeping a roof over our head? It concerns me that we here in the greatest nation on the planet – and perhaps one of its' greatest states – cannot, for only a temporary period of time, bridge the gap of food insecurity and assist our neighbors, our brothers and our sisters, in keeping food on their tables without also adding requirements for training programs whether or not the programs are appropriate or helpful. It concerns me that, in an ongoing fashion, we, as supposedly public servants, don't say that we will look out for those all around us who, but for the grace of a merciful God, could be any of us.—DAVID HALEY

Senators Corson, Faust-Goudeau, Francisco, Holland, Holscher, Pettey, Pittman and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **S Sub HB 2448**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HB 2510** 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, by striking all in lines 9 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 4, and inserting the following:

"Section 1. (a) For the fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 2022 and shall constitute the omnibus reconciliation spending limit bill for the 2022 regular session of the legislature for purposes of K.S.A. 75-6702(a), and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.

Sec. 2.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 9(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from \$178,073 to \$198,073.

(b) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 9(b) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from \$172,840 to \$180,840.

Sec. 3.

BOARD OF NURSING

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 15(b) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the board of nursing fee fund (482-00-2716-0200) of the board of nursing is hereby increased from \$3,043,871 to \$3,084,471.

Sec. 4.

STATE BOARD OF PHARMACY

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 17(c) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby increased from \$3,152,132 to \$3,273,406.

Sec. 5.

KANSAS REAL ESTATE COMMISSION

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 18(a) of 2022 House Substitute for Substitute for Senate Bill

No. 267 on the real estate fee fund (549-00-2721-0100) of the Kansas real estate commission is hereby increased from \$1,197,838 to \$1,397,838.

Sec. 6.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 19(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the veterinary examiners fee fund (700-00-2727-1100) of the state board of veterinary examiners is hereby increased from \$339,745 to \$349,001.

Sec. 7.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Legislative research department –	
operations (425-00-1000-0103).....	\$81,842
Office of revisor of statutes –	
operations (579-00-1000-0103).....	\$163,684

Sec. 8.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Legislative information	
system (428-00-1000-0300).....	\$5,097,000

(b) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2023 as authorized by section 24 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2023 to create an interim study committee on Sedgwick county regional mental health bed expansion: *Provided*, That such committee shall consist of 11 members as follows: (1) The members of the legislative budget committee; (2) the chairperson and vice chairperson of the 2021 special committee on Kansas mental health modernization and reform; (3) a member of the minority party of the house of representatives appointed by the legislative coordinating council; and (4) a member of the senate appointed by the legislative coordinating council: *Provided further*, That such committee shall develop a plan for providing a facility with acute inpatient psychiatric adult beds and adult forensic beds in the Sedgwick county regional area: *And provided further*, That such facility shall not exceed 50 total beds: *And provided further*, That such committee shall define the terms of such facility and the operation agreement of such facility: *And provided further*, That such interim committee shall report any recommendations regarding such facility to the state finance council on or before October 1, 2022.

Sec. 9.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter

lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Nursing facilities support fund.....\$15,000,000

(b) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by section 28 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to consult with the director of the budget who shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the purposes of nursing facilities support, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided*, That, of such identified moneys, the director of the budget shall determine the remaining moneys available in special revenue funds: *Provided further*, That if the above agency, in consultation with the director of the budget, determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2022 to be used for the purposes of this subsection, the director of the budget shall certify the amount of such federal coronavirus relief moneys from each fund to the director of accounts and reports and upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount equal to \$15,000,000 as available from such funds to the the nursing facilities support fund of the above agency: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 10.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Court appointed special advocates.....\$225,000

(b) Expenditures shall be made from the American rescue plan – state fiscal relief federal fund (252-00-3756) for the fiscal year ending June 30, 2023, pursuant to the authority in 42 U.S.C. § 802(c)(1) or other relevant authority, to provide government services, for the following specified purposes:

Colby CC project grant.....\$1,843,594

Provided, That all moneys from the Colby CC project grant account shall be for the career and technical education agricultural center: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Seward County CC project grant.....\$1,843,594

Provided, That all moneys from the Seward County CC project grant account shall be for the professional truck driver program and diesel technology lab: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private

industry partner.

Coffeyville CC project grant.....\$425,987

Provided, That all moneys from the Coffeyville CC project grant account shall be for the construction, electrical, fire science and welding technology programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Butler County CC project grant.....\$572,268

Provided, That all moneys from the Butler County CC project grant account shall be for the culinary arts and hospitality and management programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Barton CC project grant.....\$1,843,594

Provided, That all moneys from the Barton CC project grant account shall be for the agriculture, farm machine and transportation technology complex: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

North central Kansas technical college project grant.....\$1,843,594

Provided, That all moneys from the North central Kansas technical college project grant account shall be for the carpentry and commercial drivers' license programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Northwest Kansas technical college project grant.....\$600,104

Provided, That all moneys from the Northwest Kansas technical college project grant account shall be for the cybersecurity and cryptosecurity programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Washburn institute of technology project grant.....\$1,843,594

Provided, That all moneys from the Washburn institute of technology project grant account shall be for the manufacturing training center: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Wichita state technical college project grant.....\$1,843,594

Provided, That all moneys from the Wichita state technical college project grant account shall be for the smart manufacturing, industry training 4.0 and associate degree nursing programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Flint hills technical college project grant.....\$500,000

Provided, That all moneys from the Flint hills technical college project grant account shall be for welding equipment: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a

\$1-for-\$1 basis from either the college or private industry partner.

Salina technical college project grant.....\$1,843,594
Provided, That all moneys from the Salina technical college project grant account shall be for the automation and maintenance programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Manhattan technical college project grant.....\$1,843,594
Provided, That all moneys from the Manhattan technical college project grant account shall be for the biomanufacturing program expansion: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Fort Hays state university project grant.....\$5,000,000
Provided, That all moneys from the Fort Hays state university project grant account shall be for the Gross coliseum improvements:.

Emporia state university project grant.....\$5,000,000
Provided, That all moneys from the Emporia state university project grant account shall be for the nursing program relocation and staffing:.

Pittsburg state university project grant.....\$5,000,000
Provided, That all moneys from the Pittsburg state university project grant account shall be for the expansion of the Tyler research development park and projects in block 22:.

Washburn university project grant.....\$3,000,000
Provided, That all moneys from the Washburn university project grant account shall be for the center for integrated health studies:.

Animal nourishment facility economic development infrastructure.....\$5,000,000
Provided, That expenditures from the animal nourishment facility economic development infrastructure account shall be used by the above agency for the purpose of infrastructure for an animal nourishment facility for a city in Kansas with a population greater than 24,000 and less than 24,500 as of the 2020 census.

Southeast Kansas economic development infrastructure.....\$5,000,000
Provided, That expenditures from the southeast Kansas economic development infrastructure account shall be used by the above agency for the purpose of infrastructure for a city in southeast Kansas with a population greater than 20,000 and less than 21,000 as of the 2020 census.

Northeast Kansas economic development.....\$3,100,000
Provided, That expenditures from the northeast Kansas economic development account shall be used by the above agency for the purpose of the refurbishment of a building for housing for a city in northeast Kansas with a population greater than 12,200 and less than 12,700 as of the 2020 census.

Port authority transload facility economic development.....\$2,500,000
Provided, That expenditures from the port authority transload facility economic

development account shall be used by the above agency for the purpose of establishing a transload facility for a county in Kansas with a population greater than 4,000 and less than 4,300 as of the 2020 census and such county has been awarded a building a stronger economy grant in fiscal year 2022.

Economic expansion rural housing grant.....\$20,000,000

Provided, That the expenditures from the economic expansion rural housing grant account shall be used by the above agency for the purpose of providing grants to housing projects intended to accommodate expansion due to recent economic development in a Kansas county with a population greater than 40,000 and less than 60,000 as of the 2020 census: *Provided further*; That the recent economic development will create over 500 new jobs and the housing project includes over \$50,000,000 in capital investments: *And provided further*; That all moneys in the economic expansion rural housing grant account expended for fiscal year 2023 shall be matched by nonstate moneys on a \$1-to-\$1 basis.

Nutritional program grant.....\$1,500,000

Provided, That the above agency shall consult with the Kansas department for aging and disability services to distribute such funding.

(c) During the fiscal year ending June 30, 2023, the expenditures in subsection (b) from the American rescue plan – state fiscal relief federal fund shall not be subject to the provisions of section 28(d) of 2022 House Substitute for Substitute for Senate Bill No. 267.

(d) During the fiscal year ending June 30, 2023, the provisions of section 196 of 2022 House Substitute for Substitute for Senate Bill No. 267 shall not apply to expenditures from the American rescue plan – state fiscal relief federal fund of the governor's department. Such expenditures are subject to the provisions of subsection (b).

(e) On July 1, 2022, the appropriation of all moneys credited to and available in the community colleges, technical colleges and Washburn project grant account of the American rescue plan – state fiscal relief federal fund for the fiscal year ending June 30, 2022, by section 28(f) of 2022 House Substitute for Substitute for Senate Bill No. 267 is hereby lapsed. On July 1, 2022, the community colleges, technical colleges and Washburn project grant account is hereby abolished.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2023, the following:

Affordable housing redevelopment.....\$1,000,000

Provided, That expenditures from the affordable housing redevelopment account shall be used by the above agency for the purpose of the redevelopment of a hotel into affordable apartments for moderate-income individuals for a city in central Kansas with a population greater than 4,350 and less than 4,450 as of the 2020 census.

(g) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

White collar crime fund.....No limit

(h) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made from the private and independent college project grant account of the American rescue plan – state fiscal relief federal fund (252-00-

3756) of the governor's department for fiscal year 2023 as authorized by section 28(f) of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures of \$200,000 shall be made from such account for fiscal year 2023 for the Benedictine college engineering program: *Provided, however;* That such expenditures shall be made only upon certification by the chief executive officer of Benedictine college to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$1 of state moneys basis: *Provided further;* That such private money matches shall not be existing college funds and shall be new moneys.

(i) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 28(f) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the Pratt CC program grant account of the American rescue plan – state fiscal relief federal fund (252-00-3756) of the governor's department is hereby decreased from \$788,445 to \$778,445.

Sec. 11.

SECRETARY OF STATE

(a) During the fiscal year ending June 30, 2023, notwithstanding the provisions of chapter 61 of the 2021 Session Laws of Kansas, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2023 as authorized by section 32 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agency from such moneys for the above agency to continue to require an annual filing of the written business entity information report by the business entities required to file such report.

Sec. 12.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

STAR bonds food sales tax revenue replacement fund.....No limit

Distinctive license plate royalty fund.....No limit

(b) Prior to June 30, 2023, the governing body of each city and county that has established a STAR bond project district as defined in K.S.A. 2021 Supp. 12-17,162, and amendments thereto, prior to December 31, 2022, in consultation with the secretary of revenue, shall certify to the director of accounts and reports the amount equal to the amount of sales tax revenue realized from sales within such district.

Sec. 13.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

STAR bonds food sales tax revenue replacement fund.....No limit

(b) On July 1, 2023, and January 1, 2024, the governing body of each such city or

county shall certify to the director of accounts and reports an amount equal to the amount by which revenues realized from such sales taxes imposed in such STAR bond project district are reduced for the preceding six-month period due to legislative changes in the state sales tax for food and food ingredients. Prior to September 1, 2023, and March 1, 2024, the director of accounts and reports shall certify to the state treasurer each amount certified by the governing bodies of cities or counties under this subsection for the preceding six months and shall transfer from the state general fund to the STAR bonds food sales tax revenue replacement fund the aggregate of all amounts so certified. Prior to October 15, 2023, and April 15, 2024, the state treasurer shall pay from the STAR bonds food sales tax revenue replacement fund to the city bond fund in the amount certified to the director of accounts and reports for each city or county for the preceding six months.

Sec. 14.

INSURANCE DEPARTMENT

(a) On the effective date of this act, the pharmacy benefits manager registration fund (331-00-2665-2665) of the insurance department is hereby redesignated as the pharmacy benefits manager licensure fund of the insurance department.

Sec. 15.

HEALTH CARE STABILIZATION
FUND BOARD OF GOVERNORS

(a) Notwithstanding the provisions of K.S.A. 40-3401, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds of the above agency for fiscal year 2023 as authorized by section 36 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2023 to deem a maternity center as a "healthcare provider" for the purposes of the healthcare provider insurance availability act, K.S.A. 40-3401 et seq., and amendments thereto, if such maternity center: (1) Has been granted accreditation by a national organization recognized by the board of governors and whose accreditation standards are approved by the board; or (2) is a maternity center as defined in K.S.A. 65-503, and amendments thereto.

Sec. 16.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Judiciary operations (677-00-1000).....\$17,328,850

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Specialty court resources fund.....No limit

Sec. 17.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the

fiscal year ending June 30, 2022, the following:

Debt service refunding –
2015A (173-00-1000-0463).....\$160,460,850

Provided, That expenditures from the debt service refunding – 2015A account shall be made by the above agency solely for the purposes of debt service payments and legally defeasing or cash redeeming the 2015A state of Kansas projects revenue bonds redeeming at their first optional redemption date of May 1, 2023.

National bio and agro-defense facility –
debt service (173-00-1000-0460).....\$171,765,300

Provided, That expenditures from the national bio and agro-defense facility – debt service account shall be made by the above agency solely for the purposes of debt service payments and legally defeasing or cash redeeming the 2015G national bio and agro-defense facility project revenue bonds redeeming at their first optional redemption date of April 1, 2023.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$250,000,000 from the state general fund to the budget stabilization fund (173-00-1600-1600): *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state general fund to the budget stabilization fund as prescribed by law.

Sec. 18.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Salary adjustments.....\$150,000

Provided, That expenditures shall be made by the above agency from this account in fiscal year 2023 to increase by the amount of 5% the salaries and wages, and associated fringe benefits, for office of facilities and property management custodial staff for buildings in the capitol complex.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas suffragist memorial fund.....No limit

Kansas gold star families memorial fund.....No limit

(c) On July 1, 2022, the director of accounts and reports shall transfer \$10,000,000 from the state general fund to the health benefits administration clearing fund – remit admin service org (173-00-7746-7746) of the department of administration.

Sec. 19.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas historic site fund.....No limit

Gage park improvement authority sales tax fund.....No limit

Sec. 20.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 67(b) of chapter 98 of the 2021 Session Laws of Kansas to be transferred from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) during the fiscal year ending June 30, 2022, is hereby increased from \$69,590,000 to \$70,740,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Sports wagering receipts fund.....No limit
 - Privilege fee repayment fund.....No limit
- Sec. 21.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,000,000 from the state general fund to the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto: *Provided*, That the above agency, with the approval of the state finance council, shall expend such moneys for the purpose of preparing land for an economic development project in accordance with this subsection to fulfill the purposes of the attracting powerful economic expansion act established by House Substitute for Senate Bill No. 347: *Provided further*, That the state finance council acting on this matter is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto: *Provided, however*, That if the state finance council does not approve an agreement with a qualified firm or qualified supplier pursuant to section 2 of House Substitute for Senate Bill No. 347, then, on June 30, 2022, the director of accounts and reports shall transfer \$4,000,000 from the job creation program fund to the state general fund: *And provided further*, That, upon transferring such moneys to the state general fund, the director of accounts and reports shall certify to the director of the budget and the director of legislative research that such transfer has occurred.

Sec. 22.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

- Kansas semiquincentennial commission support.....\$73,500

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Kansas commission for the United States
 - semiquincentennial gifts and donations fund.....No limit
- Attracting professional sports to Kansas fund.....No limit
- Attracting powerful economic expansion payroll
 - incentive fund.....No limit
- Attracting powerful economic expansion new
 - employee training and education fund.....No limit
- Attracting powerful economic expansion Kansas

residency incentive fund.....No limit

(c) During the fiscal year ending June 30, 2023, the secretary of commerce shall certify to the director of accounts and reports if the state finance council has approved an agreement with a qualified firm or qualified supplier pursuant to section 2 of House Substitute for Senate Bill No. 347: *Provided*, That upon receipt of such certification, the director of accounts and reports shall transfer an aggregate amount of not more than \$19,000,000 from the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto, to the attracting powerful economic expansion payroll incentive fund, the attracting powerful economic expansion new employee training and education fund and the attracting powerful economic expansion Kansas residency incentive fund of the above agency: *Provided further*, That the secretary of commerce shall certify to the director of accounts and reports the appropriate amount to be transferred to each such special revenue fund to fulfill the purposes of the attracting powerful economic expansion act established by House Substitute for Senate Bill No. 347 and shall transmit a copy of such certification to the director of the budget and the director of legislative research.

Sec. 23.

KANSAS COMMISSION ON
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures – Kansas	
soldiers' home (694-00-1000-0403).....	\$105,000
Operating expenditures – Kansas	
veterans' home (694-00-1000-0503).....	\$105,000

Sec. 24.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Specialty health care access programs (264-00-1000).....	\$750,000
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Provided, That of the amount appropriated for the specialty health care access programs account, \$250,000 shall be distributed to each of the following programs: Project access of Wichita, health access of Shawnee county, and Wy Jo care of Wyandotte and Johnson counties.

Child abuse review and evaluation program.....	\$757,000
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Provided, That expenditures shall be made from the child abuse review and evaluation program account to train healthcare providers to recognize signs of child abuse and reimburse reviews and examinations conducted by such trained healthcare providers: *Provided further*, That on or before January 9, 2023, the above agency shall submit a report to the house of representatives committee on appropriations and the senate committee on ways and means on services provided and the location of services provided by the program.

Any unencumbered balance in the cerebral palsy posture seating account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) During the fiscal year ending June 30, 2023, expenditures shall be made by the above agency from the infant and toddler program (264-00-1000-0570) account of the

state general fund in the amount of \$6,000,000 for the purposes of aid to local units and other assistance: *Provided, however*; That such moneys shall not be expended for administrative costs incurred by the above agency.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

HIV care formula grant federal fund (264-00-3328-3311).....No limit
Sec. 25.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF HEALTH CARE FINANCE

(a) On the effective date of this act, of the \$759,750,000 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 80(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the other medical assistance account (264-00-1000-3026), the sum of \$21,989,024 is hereby lapsed.

(b) During the fiscal year ending June 30, 2022, the above agency shall not expend any moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 by section 80 of chapter 98 of the 2021 Session Laws of Kansas, section 40 of chapter 116 of the 2021 Session Laws of Kansas, section 69 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature to impose any limitation on funding, including, but not limited to, a maximum amount that may be paid for services, for the prospective payment system established pursuant to K.S.A. 39-2019, and amendments thereto, under the medical assistance program for certified community behavioral health clinics other than limitations imposed by the United States centers for medicare and medicaid services.

Sec. 26.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Other medical assistance (264-00-1000-3026).....\$34,249,128

(b) During the fiscal year ending June 30, 2023, the above agency shall not expend any moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by section 70 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature to impose any limitation on funding, including, but not limited to, a maximum amount that may be paid for services, for the prospective payment system established pursuant to K.S.A. 39-2019, and amendments thereto, under the medical assistance program for certified community behavioral health clinics other than limitations imposed by the United States centers for medicare and medicaid services.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Ryan White title II – federal fund (264-00-3328-3310).....No limit
Sec. 27.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Table with 2 columns: Description and Amount. Rows include KanCare caseloads (\$16,000,000), Larned state hospital - operating expenditures (\$5,500,000), and Sec. 28.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Table with 2 columns: Description and Amount. Rows include KanCare caseloads (\$30,015,118), Non-KanCare caseloads (\$2,340,230), State operations (\$3,190,000), and 988 suicide prevention and mental health crisis hotline (\$10,000,000).

Provided however, That, on July 1, 2022, if House Substitute for Senate Bill No. 19, or other legislation that establishes a 988 suicide prevention and mental health crisis hotline fund and transfers moneys to such special revenue fund, has been passed by the legislature during the 2022 regular session and enacted into law, then, of the moneys appropriated in the 988 suicide prevention and mental health crisis hotline account, the sum of \$10,000,000 is hereby lapsed.

Table with 2 columns: Description and Amount. Row: Community services and programs (039-00-1000-0520) \$500,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Table with 2 columns: Description and Amount. Row: 988 suicide prevention and mental health crisis hotline fund. No limit

(c) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from the regional beds funding account (039-00-1000-3003) of the state general fund of the above agency for fiscal year 2023, as authorized by section 74(a) of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, subject to the provisions of this subsection, expenditures shall be made by the above agency from the regional beds funding account for fiscal year 2023, in an amount not to exceed \$15,000,000, for the purpose of expanding regional mental health bed access in the Sedgwick county regional area: Provided, however, That such expenditures shall be subject to approval by the state finance council: Provided further, That the state finance council is hereby authorized to approve such expenditures: And provided further, That state finance council action on this matter is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto: And provided further, That prior to any state finance council action, the interim legislative study committee on Sedgwick county regional area mental health bed expansion shall provide recommendations to the state finance council on or before October 1, 2022: And provided further, That the state finance council shall consider the recommendations from such interim study committee in determining whether to authorize expenditures for the purpose of expanding regional

mental health bed access.

Sec. 29.

KANSAS DEPARTMENT FOR
CHILDREN AND FAMILIES

(a) On the effective date of this act, of the \$220,433,685 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 87(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the youth services aid and assistance account (629-00-1000-7020), the sum of \$6,600,000 is hereby lapsed.

Sec. 30.

KANSAS DEPARTMENT FOR
CHILDREN AND FAMILIES

(a) On the effective date of this act, of the \$235,276,149 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 76(a) of House Substitute for Substitute for Senate Bill No. 267 from the state general fund in the youth services aid and assistance account (629-00-1000-7020), the sum of \$5,350,000 is hereby lapsed.

(b) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2023 as authorized by section 76 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency to collaborate with community partners and stakeholders to jointly develop a plan for implementation of a set of performance-based contracts to provide an array of evidence-based prevention and early intervention services for families who are at risk for an out-of-home placement or have a child in out-of-home care and for children who are awaiting adoption: *Provided*, That such plan shall describe the services that are required to be delivered under any such contract in order to assure that providers have the ability to provide adequate, appropriate and relevant evidence-based services to individual families, the outcome measures that will be used to evaluate the effectiveness of provider performance under such contracts, how families will be referred to contracted providers, including the protocols for continued communication or coordination between providers and the above agency in order to assure child safety and well-being and to promote such family's engagement and the optimum balance of shared responsibility for child protection and child welfare between the above agency and such providers, including a description of the core functions to be performed by each: *Provided further*, That in developing such plan, the above agency shall consider the capacity for regionwide delivery of an array of evidence-based prevention and early intervention services to children and families, paying particular attention to the willingness and ability of community and stakeholders to collaborate in the development of the implementation plan by January 31, 2023, and whether there are any existing and available multidisciplinary or multisystem work groups engaged in performance improvement or reform efforts: *And provided further*, That the above agency shall report to the governor, the house of representatives committee on children and seniors and the senate committee on public health and welfare by January 31, 2023, with a plan to begin implementation on July 1, 2023.

Sec. 31.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) During the fiscal year ending June 30, 2024, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2024 as authorized by this or other appropriation act of the 2022 or 2023 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2024 to provide, not later than January 31, 2024, to the governor and the legislature a status update and recommendations for continued progress on the plan to implement performance-based contract criteria as described in section 29(b): And provided further, That the above agency shall submit a proposal to the legislature and the governor on or before January 31, 2024, for the reinvestment of savings from reduced foster care caseloads into evidence-based prevention and early intervention programs designed to prevent the need for or reduce the duration of out-of-home placements: And provided further, That such proposal shall include sufficient detail regarding accounting, budgeting and allocation of resources or other procedures for legislative consideration and approval.

Sec. 32.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Veterinary training program for rural Kansas (368-00-1000-5013).....\$250,000

Sec. 33.

UNIVERSITY OF KANSAS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the geological survey account (682-00-100-0023) of the state general fund for fiscal year 2023, expenditures shall be made by the above agency from the geological survey account of the state general fund for fiscal year 2023 for seismic surveys in an amount not less than \$100,000.

Sec. 34.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Cancer research and public information trust (683-00-2925-2925).....No limit

Sec. 35.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Digital transformation program fund.....\$10,000,000

Provided, That all moneys in the digital transformation program fund expended for fiscal year 2023 shall be matched by nonstate moneys on a \$1-to-\$1 basis.

(b) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by section 103 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to consult with the director of the budget who shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the digital transformation program, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided*, That, of such identified moneys, the director of the budget shall determine the remaining moneys available in special revenue funds: *Provided further*, That if the above agency, in consultation with the director of the budget, determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2023 to be used for such program, the director of the budget shall certify the amount of such federal coronavirus relief moneys from each fund to the director of accounts and reports and upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount equal to \$10,000,000 as available from such funds to the digital transformation program fund of Wichita state university for the purpose of providing such program: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 36.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Postsecondary education operating grant (including official hospitality) (561-00-1000-0770).....	\$12,500,000
Computer science preservice educator grant.....	\$1,000,000

Provided, That expenditures shall be made by the above agency from the computer science preservice educator grant account for fiscal year 2023 to promote the advancement of computer science preservice teacher preparation in Kansas and to award scholarships to licensed and preservice teachers pursuant to the provisions of 2022 Substitute for House Bill No. 2466: *Provided further*, That, if 2022 Substitute for House Bill No. 2466 is not passed by the legislature during the 2022 regular session and enacted into law, then on July 1, 2022, the \$1,000,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, by this section in the computer science preservice educator grant account is hereby lapsed.

(b) On the effective date of this act, the provisions of the proviso for the postsecondary education operating grant (including official hospitality) account (561-00-1000-0770) of the state board of regents in section 109(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 are hereby declared to be null and void and shall have no force and effect.

Sec. 37.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Community corrections (521-00-1000-0220).....	\$841,113
Treatment and programs –	
offender programs (521-00-1000-0151).....	\$1,132,216
Facility operations (521-00-1000-0303).....	\$850,000

(b) On July 1, 2022, of the \$47,829,331 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 112(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 from the state general fund in the operating expenditures account (521-00-1000-0603), the sum of \$71,313 is hereby lapsed.

Sec. 38.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (034-00-1000-0053).....	
.....	\$37,160

Sec. 39.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (034-00-1000-0053).....	
	\$147,055

Sec. 40.

STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Elevator safety fee fund.....	No limit
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(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 116(a) of House Substitute for Substitute for Senate Bill No. 267 on the fire marshal fee fund (234-00-2330-2000) of the state fire marshal is hereby increased from \$6,015,655 to \$6,205,639.

Sec. 41.

KANSAS HIGHWAY PATROL

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,600,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the aircraft fund – on budget (280-00-2368-2360) of the Kansas highway patrol: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state highway fund to the aircraft fund – on budget as prescribed by law: *Provided further*, That expenditures from the above transfer shall be made by the above agency to purchase two additional forward-looking infrared radars.

Sec. 42.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the following special revenue

fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

DUI-IID designation fund.....No limit

(b) On July 1, 2022, the director of accounts and reports shall transfer all moneys in the _____ DUI-IID designation fund (565-00-2380-2370) of the department of revenue to the DUI-IID designation fund of the above agency. On July 1, 2022, all liabilities of the DUI-IID designation fund of the department of revenue are hereby transferred to and imposed on the DUI-IID designation fund of the above agency and the DUI-IID designation fund of the department of revenue is hereby abolished.

Sec. 43.

ATTORNEY GENERAL – KANSAS
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Forensic science laboratory early payment of bonds.....\$41,487,988

Sec. 44.

ATTORNEY GENERAL – KANSAS
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (083-00-1000-0083).....\$85,371

(b) On July 1, 2022, the \$4,322,800 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 164(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 from the state general fund in the KBI – debt service account (083-00-1000-0820) is hereby lapsed.

Sec. 45.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (626-00-1000-0303).....\$74,628

Sec. 46.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Dairy industry expansion needs assessment.....\$350,000

Sec. 47.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Bison arena renovation.....\$10,000,000

State fair facilities upgrades.....\$4,450,000

Sec. 48.

DEPARTMENT OF TRANSPORTATION

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 136(b) of House Substitute for Substitute for Senate Bill No. 267 on the agency operations account (276-00-4100-0403) of the state highway fund (276-00-4100-4100) of the department of transportation is hereby increased from \$305,591,473 to \$305,622,993.

Sec. 49.

STATE FINANCE COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

State employee pay increase.....\$800,000

(b) On the effective date of this act, the provisions of section 140(h)(3)(E) of House Substitute for Substitute for Senate Bill No. 267 are hereby declared to be null and void and shall have no force and effect.

(c) Section 140(g) of House Substitute for Substitute for Senate Bill No. 267 shall not apply to employees of the office of administrative hearings and the Kansas sentencing commission who received an agency salary enhancement in fiscal year 2022, are anticipated to receive an agency salary enhancement in fiscal year 2023 or may receive such salary enhancements in both fiscal years.

(d) Section 140(h)(3)(F) of House Substitute for Substitute for Senate Bill No. 267 shall not apply to employees of the state fire marshal or state board of indigents' defense services.

Sec. 50. Notwithstanding the provisions of K.S.A. 46-2102, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, any state agency named in chapter 98 of the 2021 Session Laws of Kansas, 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 to advise and consult with the joint committee on information technology prior to releasing any request for proposal for an information technology project, as defined in K.S.A. 75-7201, and amendments thereto.

Sec. 51. K.S.A. 2021 Supp. 76-1959 is hereby amended to read as follows: 76-1959. (a) (1) Except as provided in paragraph (2), for the purpose of financing a capital improvement project relating to construction of a state veterans home facility located in northeast Kansas, including, but not limited to, Douglas, Jefferson, Leavenworth, Shawnee and Wyandotte counties, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901 et seq., and amendments thereto, in a total amount not to exceed \$10,500,000, plus all amounts required for costs of bond issuance, costs of insurance or credit enhancement, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds.

(2) During state fiscal years 2022 and 2023, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901 et seq., and amendments thereto, in a total amount not to exceed \$17,200,000, plus all amounts required for costs of bond issuance, costs of insurance or credit enhancement, costs of interest on the

bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds.

(b) The proceeds from the sale of any bonds, other than refunding bonds, issued pursuant to this section, after payment of any costs related to the issuance of such bonds, shall be paid by the Kansas development finance authority to the department of administration to be applied to the payment of costs of the capital improvement project authorized pursuant to this section as requested by the secretary of administration and by resolution of the Kansas development finance authority and shall constitute the state's required 35% match for the United States department of veterans affairs state veterans home construction grant program under 38 U.S.C. §§ 8131 through 8138, as in effect on July 1, 2021.

(c) On and after July 1, 2021, prior to the issuance of any bonds pursuant to this section, the capital improvement project described in subsection (a) is hereby approved for the department of administration for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority shall be approved by the Kansas development finance authority in accordance with K.S.A. 74-8901 et seq., amendments thereto, and the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given when the legislature is in session.

(d) The department of administration shall only make expenditures from the moneys received from the issuance of any bonds pursuant to this section for those purposes set forth in subsection (a) for such capital improvement project.

(e) The debt service for any such bonds issued pursuant to this section shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.

(f) The date of maturity on bonds issued pursuant to this section shall not be fixed for a period of time that exceeds 20 years from the date of issuance.

(g) The state hereby pledges and covenants with the holders of any bonds issued pursuant to the provisions of this section, that the state will not limit or alter the rights or powers vested in the Kansas development finance authority by this section, nor limit or alter the rights or powers of the authority, or the department of administration, in any matter that would jeopardize the interest of the holders, or any trustee of such holders, or inhibit or prevent performance or fulfillment by the Kansas development finance authority or the department of administration with respect to the terms of any agreement made with the holders of the bonds or agreements made pursuant to this section, except that the failure of the legislature to appropriate moneys for debt service on any bonds issued pursuant to this section shall not be deemed a violation of this pledge and covenant. The department of administration is hereby specifically authorized to include this pledge and covenant in any agreement with the Kansas development finance authority. The Kansas development finance authority is hereby specifically authorized to include this pledge and covenant in any bond resolution, trust indenture or agreement for the benefit of the holders of the bonds.

(h) Neither the state nor the department of administration shall have the power to pledge the full faith and credit or taxing power of the state for debt service on any bonds issued pursuant to this section, and any payment by the department of administration for

such purpose shall be subject to and dependent on appropriations by the legislature. Any obligation of the state or the department of administration for payment of debt service on bonds issued pursuant to this section shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(i) Subject to the provisions of appropriation acts, the secretary of administration shall enter into pledge agreements with the Kansas development finance authority to pledge moneys for the payment of bonds issued pursuant to this section, which pledge shall be subject to the appropriation of moneys therefor.

Sec. 52. *Severability.* If any provision or clause of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 53. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

Sec. 54. If any fund or account name described by words and the numerical accounting code that follows such fund or account name do not match, it shall be conclusively presumed that the legislature intended that the fund or account name described by words is the correct fund or account name, and such fund or account name described by words shall control over a contradictory or incorrect numerical accounting code.

Sec. 55. K.S.A. 2021 Supp. 76-1959 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 5; in line 6, by striking "sections" and inserting "making and concerning appropriations for the fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2021 Supp. 76-1959 and repealing the existing section"

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

TROY WAYMASTER

KYLE HOFFMAN

KATHY WOLFE MOORE

Conferees on part of House

RICK BILLINGER

J.R. CLAEYS

TOM HAWK

Conferees on part of Senate

Senator Billinger moved the Senate adopt the Conference Committee Report on **HB 2510**.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Hilderbrand, Holland, Olson, Peck, Pyle, Straub, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2540** 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, by striking all in lines 6 through 26; following line 26, by inserting:

"Section 1. K.S.A. 2021 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 2021 Supp. 21-5701 through 21-5717, and amendments thereto:

(a) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(b) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(c) "Cultivate" means the planting or promotion of growth of five or more plants that contain or can produce controlled substances.

(d) "Distribute" means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale or any act that causes some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act or otherwise authorized by law.

(e)(1) "Drug" means:

~~(A)~~ Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopeia of the United States or official national formulary or any supplement to any of them;

~~(B)~~ substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

~~(C)~~ substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

~~(D)~~ substances intended for use as a component of any article specified in paragraph (1), (2) or (3) subparagraph (A), (B) or (C).

~~(2)~~ "Drug" does not include devices or their components, parts or accessories.

(f) "Drug paraphernalia" means all equipment and materials of any kind that are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance and in violation of this act. "Drug paraphernalia" shall include, but is not limited to:

(1) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant that is a controlled substance or from which a controlled substance can be derived;

(2) kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) isomerization devices used or intended for use in increasing the potency of any species of plant that is a controlled substance;

(4) testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(5) scales and balances used or intended for use in weighing or measuring controlled substances;

(6) diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose that are used or intended for use in cutting controlled substances;

(7) separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana;

(8) blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

(9) capsules, balloons, envelopes, bags and other containers used or intended for use in packaging small quantities of controlled substances;

(10) containers and other objects used or intended for use in storing or concealing controlled substances;

(11) hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;

(12) objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(B) water pipes, bongs or smoking pipes designed to draw smoke through water or another cooling device;

(C) carburetion pipes, glass or other heat resistant tubes or any other device used, intended to be used or designed to be used to cause vaporization of a controlled substance for inhalation;

(D) smoking and carburetion masks;

(E) roach clips, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(F) miniature cocaine spoons and cocaine vials;

(G) chamber smoking pipes;

(H) carburetor smoking pipes;

(I) electric smoking pipes;

(J) air-driven smoking pipes;

(K) chillums;

(L) bongs;

(M) ice pipes or chillers;

(N) any smoking pipe manufactured to disguise its intended purpose;

(O) wired cigarette papers; or

(P) cocaine freebase kits.

"Drug paraphernalia" shall not include any products, chemicals or materials described in K.S.A. 2021 Supp. 21-5709(a), and amendments thereto.

(g) "Immediate precursor" means a substance that the state board of pharmacy has found to be and by rules and regulations designates as being the principal compound commonly used or produced primarily for use and that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(h) "Isomer" means all enantiomers and diastereomers.

(i) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacture" does not include:

(1) The preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(A) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(B) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or

chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance; or

(2) the addition of diluents or adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose or lactose that are intended for use in cutting a controlled substance.

(j) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant that is incapable of germination;

(2) any substance listed in schedules II through V of the uniform controlled substances act;

(3) drug products approved by the United States food and drug administration as of the effective date of this act;

(4) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or

~~(4)~~(5) industrial hemp as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto, when cultivated, produced, possessed or used for activities authorized by the commercial industrial hemp act.

(k) "Minor" means a person under 18 years of age.

(l) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof that is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves and any salt, compound, isomer, derivative or preparation thereof that is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine.

(m) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). "Opiate" does include its racemic and levorotatory forms.

(n) "Opium poppy" means the plant of the species Papaver somniferum L. except its seeds.

(o) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any other legal entity.

(p) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(q) "Possession" means having joint or exclusive control over an item with knowledge of and intent to have such control or knowingly keeping some item in a place where the person has some measure of access and right of control.

(r) "School property" means property upon which is located a 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. This definition shall not be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the above definition, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.

(s) "Simulated controlled substance" means any product that identifies itself by a common name or slang term associated with a controlled substance and that indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 2. K.S.A. 2021 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

- (1) A practitioner or pursuant to the lawful direction of a practitioner; or
- (2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance that, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(i) "Cultivate" means the planting or promotion of growth of five or more plants that contain or can produce controlled substances.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p) ~~(1)~~ "Drug" means:

~~(1)(A)~~ Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

~~(2)(B)~~ substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals;

~~(3)(C)~~ substances (other than food) intended to affect the structure or any function of the body of human or animals; and

~~(4)(D)~~ substances intended for use as a component of any article specified in paragraph (1), (2) or (3) subparagraph (A), (B) or (C).

~~(2)~~ "Drug" does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance that the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and that is an immediate chemical intermediary used or

likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions that identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) "Marijuana" means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and

every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant that is incapable of germination;

(2) any substance listed in schedules II through V of the uniform controlled substances act;

(3) drug products approved by the United States food and drug administration as of the effective date of this act:

(4) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or

(4)(5) industrial hemp as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto, when cultivated, produced, possessed or used for activities authorized by the commercial industrial hemp act.

(bb) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof that is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof that is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine.

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(ff) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

(gg) "Person" means an individual, corporation, government, or governmental

subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States that is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized recordkeeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.

Sec. 3. K.S.A. 2021 Supp. 65-4105 is hereby amended to read as follows: 65-4105.

(a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....9821
- (2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).....9815
- (3) Acetylmethadol.....9601
- (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide; acryloylfentanyl).....9811
- (5) AH-7921 (3,4-dichloro-N-[(1-

	dimethylamino)cyclohexylmethyl]benzamide).....	9551
(6)	Allylprodine.....	9602
(7)	Alphacetylmethadol.....	9603
	(except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM)	
(8)	Alphameprodine.....	9604
(9)	Alphamethadol.....	9605
(10)	Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine)	9814
(11)	Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide).....	9832
(12)	Benzethidine.....	9606
(13)	Betacetylmethadol.....	9607
(14)	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidyl]-N-phenylpropanamide).....	9830
(15)	Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidyl]-N-phenylpropanamide).....	9831
(16)	Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide).....	9836
(17)	Betameprodine.....	9608
(18)	Betamethadol.....	9609
(19)	Betaprodine.....	9611
(20)	Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide)	9822
(21)	Clonitazene.....	9612
(22)	<u>Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide)</u>	9844
(23)	Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide).....	9847
(23) (24)	Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide).....	9845
(24) (25)	Dextromoramide.....	9613
(25) (26)	Diampromide.....	9615
(26) (27)	Diethylthiambutene.....	9616
(27) (28)	Difenoxin.....	9168
(28) (29)	Dimenoxadol.....	9617
(29) (30)	Dimepheptanol.....	9618
(30) (31)	Dimethylthiambutene.....	9619
(31) (32)	Dioxaphetyl butyrate.....	9621
(32) (33)	Dipipanone.....	9622
(33) (34)	Ethylmethylthiambutene.....	9623
(34) (35)	Etonitazene.....	9624
(35) (36)	Etoperidine.....	9625
(36) (37)	Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide).....	9834

(37)(38)	Furethidine.....	9626
(38)(39)	Hydroxypethidine.....	9627
(39)(40)	<u>Isotonitazene (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1 H-benzimidazol-1-yl)ethan-1-amine; N,N-diethyl-2-[[4-(1- methylethoxy)phenyl]methyl]-5-nitro-1 H-benzimidazole-1-ethanamine)</u>	<u>9614</u>
(41)	<u>Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N- phenylisobutyramide).....</u>	<u>9827</u>
(40)(42)	Ketobemidone.....	9628
(41)(43)	Levomoramide.....	9629
(42)(44)	Levophenacilmorphan.....	9631
(43)(45)	Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N- phenylacetamide).....	9825
(44)(46)	3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide).....	9813
(45)(47)	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide).....	9833
(46)(48)	Morpheridine.....	9632
(47)(49)	Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N- (1-phenethylpiperidin-4-yl)acetamide).....	<u>9838</u>
(48)(50)	O-desmethyltramadol Some trade or other names: 2-((dimethylamino)methyl-1-(3- hydroxycyclohexyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1- hydroxycyclohexyl)phenol	
(49)(51)	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
(50)(52)	MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine).....	<u>9560</u>
(51)(53)	Noracymethadol.....	9633
(52)(54)	Norlevorphanol.....	9634
(53)(55)	Normethadone.....	9635
(54)(56)	Norpipanone.....	9636
(55)(57)	Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4- yl)propionamide; 2-fluorofentanyl).....	9816
(56)(58)	Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1- phenethylpiperidin-4-yl)isobutyramide).....	<u>9826</u>
(57)(59)	Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin- 4-yl)butyramide).....	<u>9823</u>
(58)(60)	Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide).....	9812
(59)(61)	Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1- phenethylpiperidin-4-yl)isobutyramide, 4-fluoroisobutyryl fentanyl).....	9824
(60)(62)	Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1- phenethylpiperidin-4-yl)butyramide).....	<u>9837</u>
(61)(63)	PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine).....	9663
(62)(64)	Phenadoxone.....	9637
(63)(65)	Phenampramide.....	9638
(64)(66)	Phenomorphan.....	9647

(65) (67)	Phenoperidine.....	9641
(66) (68)	Piritramide.....	9642
(67) (69)	Proheptazine.....	9643
(68) (70)	Propерidine.....	9644
(69) (71)	Propiram.....	9649
(70) (72)	Racemoramide.....	9645
(71) (73)	Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide).....	9843
(72) (74)	Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide).....	9835
(73) (75)	Tilidine.....	9750
(74) (76)	Trimeperidine.....	9646
(75) (77)	U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide).....	9547
(76) (78)	Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide).....	9840

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Acetorphine.....	9319
(2)	Acetyldihydrocodeine.....	9051
(3)	Benzylmorphine.....	9052
(4)	<u>Brorphine.....</u>	<u>9098</u>
(5)	Codeine methylbromide.....	9070
(5) (6)	Codeine-N-Oxide.....	9053
(6) (7)	Cyprenorphine.....	9054
(7) (8)	Desomorphine.....	9055
(8) (9)	Dihydromorphine.....	9145
(9) (10)	Drotebanol.....	9335
(10) (11)	Etorphine (except hydrochloride salt).....	9056
(11) (12)	Heroin.....	9200
(12) (13)	Hydromorphanol.....	9301
(13) (14)	Methyl-desorphine.....	9302
(14) (15)	Methyldihydromorphine.....	9304
(15) (16)	Morphine methylbromide.....	9305
(16) (17)	Morphine methylsulfonate.....	9306
(17) (18)	Morphine-N-Oxide.....	9307
(18) (19)	Myorphine.....	9308
(19) (20)	Nicocodeine.....	9309
(20) (21)	Nicomorphine.....	9312
(21) (22)	Normorphine.....	9313
(22) (23)	Pholcodine.....	9314
(23) (24)	Thebacon.....	9315

(d) Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of

isomers is possible within the specific chemical designation:

- (1) Alpha-ethyltryptamine 7249 Some trade or other names: etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET.
- (2) 4-bromo-2,5-dimethoxy-amphetamine.....7391
Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.
- (3) 2,5-dimethoxyamphetamine.....7396
Some trade or other names: 2,5-dimethoxy-alpha-methyl-phenethylamine; 2,5-DMA.
- (4) 4-methoxyamphetamine.....7411
Some trade or other names: 4-methoxy-alpha-methylphene-thylamine; paramethoxyamphetamine; PMA.
- (5) 5-methoxy-3,4-methylenedioxy-amphetamine.....7401
- (6) 4-methyl-2,5-dimethoxy-amphetamine.....7395
Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".
- (7) 3,4-methylenedioxy amphetamine.....7400
- (8) 3,4-methylenedioxy-methamphetamine (MDMA).....7405
- (9) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA).....7404
- (10) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine, and N-hydroxy MDA).....7402
- (11) 3,4,5-trimethoxy amphetamine.....7390
- (12) Bufotenine.....7433
Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.
- (13) Diethyltryptamine.....7434
Some trade or other names: N,N-Diethyltryptamine; DET.
- (14) Dimethyltryptamine.....7435
Some trade or other names: DMT.
- (15) Ibogaine.....7260
Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2]azepino[5,4-b]indole; Tabernanthe iboga
- (16) Lysergic acid diethylamide.....7315
- (17) Marijuana.....7360
- (18) Mescaline.....7381
- (19) Parahexyl.....7374
Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.
- (20) Peyote.....7415
Meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds

thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.

- (21) N-ethyl-3-piperidyl benzilate.....7482
- (22) N-methyl-3-piperidyl benzilate.....7484
- (23) Psilocybin.....7437
- (24) Psilocyn.....7438
Some trade or other names: Psilocin.
- (25) Ethylamine analog of phencyclidine.....7455
Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.
- (26) Pyrrolidine analog of phencyclidine.....7458
Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP.
- (27) Thiophene analog of phencyclidine.....7470
Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.
- (28) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine.....7473
Some other names: TCPy.
- (29) 2,5-dimethoxy-4-ethylamphetamine.....7399
Some trade or other names: DOET.
- (30) Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
- (31) Datura stramonium, commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as datura stramonium, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
- (32) N-benzylpiperazine.....7493
Some trade or other names: BZP.
- (33) 1-(3-[trifluoromethylphenyl])piperazine
Some trade or other names: TFMPP.
- (34) 4-Bromo-2,5-dimethoxyphenethylamine.....7392
- (35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of optical isomers.....7348
- (36) Alpha-methyltryptamine (other name: AMT).....7432
- (37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers.....7439
- (38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....7509
- (39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....7508
- (40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....7519
- (41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....7518
- (42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....7385

(43)	2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).....	7532
(44)	2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....	7517
(45)	2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....	7521
(46)	2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).....	7524
(47)	5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT).....	7431
	Some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole.	
(48)	2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....	7538
	Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5.	
(49)	2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....	7537
	Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82.	
(50)	2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....	7536
	Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36.	
(51)	2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine	
	Some trade or other names: 25H-NBOMe.	
(52)	2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine	
	Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.	
(53)	2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl)ethanamine	
	Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.	
(54)	<u>1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1 H-pyrrolo[2,3-b]pyridine-3-carboxamide (5F-CUMYL-P7AICA).....</u>	<u>7085</u>

(e) Any material, compound, mixture or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1)	Etizolam	
	Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)	
(2)	Mecloqualone.....	2572
(3)	Metaqualone.....	2565
(4)	Gamma hydroxybutyric acid	

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1)	Aminorex.....	1585
	Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine	
(2)	Fenethylamine.....	1503
(3)	N-ethylamphetamine.....	1475

- (4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).....1590
- (5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethylbenzeneethanamine; N,N-alpha-trimethylphenethylamine).....1480
- (6) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone).....1235
- (7) Substituted cathinones
Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
- (A) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
- (B) by substitution at the 3-position with an acyclic alkyl substituent;
- (C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
- (D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.
- (g) Any material, compound, mixture or preparation that contains any quantity of the following substances:
- (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers
- (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thénylfentanyl), its optical isomers, salts and salts of isomers
- (h) Any of the following cannabinoids, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
- (1) Tetrahydrocannabinols.....7370
Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.), except tetrahydrocannabinols in any of the following:
- (A) Industrial hemp, as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto;
- (B) solid waste, as defined in K.S.A. 65-3402, and amendments

thereto, and hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, if such waste is the result of the cultivation, production or processing of industrial hemp, as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto, and such waste contains a delta-9 tetrahydrocannabinol concentration of not more than 0.3%; or

(C) hemp products, as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to K.S.A. 2021 Supp. 2-3908, and amendments thereto.

(2) Naphthoylindoles

~~Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or naphthyl ring to any extent.~~

(3) Naphthylmethylinindoles

~~Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring group by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in on the indole ring group to any extent and whether or not substituted in on the benzyl or naphthyl ring to any extent.~~

(4)(3) Naphthoylpyrroles

~~Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring group by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in on the pyrrole ring group to any extent, whether or not substituted in on the benzyl or naphthyl ring to any extent.~~

(5)(4) Naphthylmethylinindenes

~~Any compound containing a naphthylideneindene naphthylmethylinindene structure with substitution at the 3-position of the indene ring group by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in on the indene ring group to any extent, whether or not substituted in on the benzyl or naphthyl ring to any extent.~~

(6) Phenylacetylinindoles

~~Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not~~

- substituted in the benzyl or phenyl ring to any extent.
- (7)(5) Cyclohexylphenols
Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted ~~in~~ on the cyclohexyl ring to any extent.
- (8) ~~Benzo~~indoles
Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or phenyl ring to any extent.
- (9)(6) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.
Some trade or other names: WIN 55,212-2.
- (10)(7) 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
Some trade or other names: HU-210, HU-211.
- (11) ~~Tetramethylecyclopropanoyl~~indoles
Any compound containing a 3-tetramethylecyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or tetramethylecyclopropyl rings to any extent.
- (12)(8) Indole-3-carboxylate esters
Any compound containing a 1H-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or adamantyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.
- (13)(9) Indazole-3-carboxamides
Any compound containing a 1H-indazole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not

substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

(14)(10)

Indole-3-carboxamides

Any compound containing a 1H-indole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not further substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

(15)(11)

(1H-indazol-3-yl)methanones

Any compound containing a (1H-indazol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.

(12)

(1H-indol-3-yl)methanones

Any compound containing a (1H-indol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl, quinolinyl, isoquinolinyl, adamantyl, phenyl, benzyl or tetramethylcyclopropyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, phenyl, benzyl or tetramethylcyclopropyl groups to any extent.

Sec. 4. K.S.A. 65-4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone, 6β-naltrexol and naltrexone and their respective salts, but including the following:

(A)	Raw opium.....	9600
(B)	Opium extracts.....	9610
(C)	Opium fluid.....	9620
(D)	Powdered opium.....	9639
(E)	Granulated opium.....	9640
(F)	Tincture of opium.....	9630
(G)	Codeine.....	9050
(H)	Ethylmorphine.....	9190
(I)	Etorphine hydrochloride.....	9059
(J)	Hydrocodone.....	9193
(K)	Hydromorphone.....	9150
(L)	Metopon.....	9260
(M)	Morphine.....	9300
(N)	<u>Noroxymorphone.....</u>	<u>9668</u>
(O)	Oxycodone.....	9143
(P)	Oxymorphone.....	9652
(Q)	Thebaine.....	9333
(R)	Dihydroetorphine.....	9334
(S)	Oripavine.....	9330

(2) Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine (9041) or ecgonine (9180).

(5) Cocaine, its salts, isomers and salts of isomers (9041).

(6) Ecgonine, its salts, isomers and salts of isomers (9180).

(7) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation dextrorphan and levopropoxyphene excepted:

(1)	Alfentanil.....	9737
(2)	Alphaprodine.....	9010
(3)	Anileridine.....	9020
(4)	Bezitramide.....	9800
(5)	Bulk dextropropoxyphene (nondosage forms).....	9273
(6)	Carfentanil.....	9743
(7)	Dihydrocodeine.....	9120
(8)	Diphenoxylate.....	9170
(9)	Fentanyl.....	9801
(10)	Isomethadone.....	9226
(11)	Levomethorphan.....	9210

(12)	Levorphanol.....	9220
(13)	Metazocine.....	9240
(14)	Methadone.....	9250
(15)	Methadone-intermediate,4-cyano-2-dimethyl amino-4,4-diphenyl butane	9254
(16)	Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.....	9802
(17)	<u>Oliceridine (N-[(3-methoxythiophen-2-yl)methyl] {2-[(9 R)-9-(pyridin-2-yl)-6-oxaspiro [4.5]decan-9-yl]ethyl}amine fumarate).....</u>	<u>9245</u>
(18)	Pethidine (meperidine).....	9230
(18) (19)	Pethidine-intermediate-A, 4-cyano-1-methyl-4- phenylpiperidine.....	9232
(19) (20)	Pethidine-intermediate-B, ethyl-4-phenyl- piperidine-4-carboxylate.....	9233
(20) (21)	Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-carboxylic acid	9234
(21) (22)	Phenazocine.....	9715
(22) (23)	Piminodine.....	9730
(23) (24)	Racemethorphan.....	9732
(24) (25)	Racemorphan.....	9733
(25) (26)	Sufentanil.....	9740
(26) (27)	Levo-alphaacetyl methadol.....	9648
	Some other names: levo-alpha-acetyl methadol, levomethadyl acetate or LAAM.	
(27) (28)	Remifentanil.....	9739
(28) (29)	Tapentadol.....	9780
(29) (30)	Thiafentanil.....	9729

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1)	Amphetamine, its salts, optical isomers and salts of its optical isomers..	1100
(2)	Phenmetrazine and its salts.....	1631
(3)	Methamphetamine, including its salts, isomers and salts of isomers.....	1105
(4)	Methylphenidate.....	1724
(5)	Lisdexamfetamine, its salts, isomers, and salts of its isomers.....	1205

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Amobarbital.....	2125
(2)	Glutethimide.....	2550
(3)	Secobarbital.....	2315

- (4) Pentobarbital.....2270
- (5) Phencyclidine.....7471

(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

- (1) Immediate precursor to amphetamine and methamphetamine:
 - (A) Phenylacetone.....8501
Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.
- (2) Immediate precursors to phencyclidine (PCP):
 - (A) 1-phenylcyclohexylamine.....7460
 - (B) 1-piperidinocyclohexanecarbonitrile (PCC).....8603
- (3) Immediate precursor to fentanyl:
 - (A) 4-anilino-N-phenethyl-4-piperidinephenethylpiperidine (ANPP).....8333
 - (B) N-phenyl-N-(piperidin-4-yl)propionamide (norfentanyl).....8366

(g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States food and drug administration.....7365
- (2) Nabilone.....7379
[Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one]

(h) Any material, compound, mixture or preparation containing any of the following narcotic drugs or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with a fourfold or greater quantity of an isoquinoline alkaloid of opium 9805
- (2) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9806

Sec. 5. K.S.A. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

(b) Any material, compound, mixture or preparation that contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a potential for abuse associated with a depressant

effect on the central nervous system:

(1)	Alprazolam.....	2882
(2)	Barbital.....	2145
(3)	<u>Brexanolone.....</u>	<u>2400</u>
(4)	Bromazepam.....	2748
(4) (5)	Camazepam.....	2749
(5) (6)	Carisoprodol.....	8192
(6) (7)	Chloral betaine.....	2460
(7) (8)	Chloral hydrate.....	2465
(8) (9)	Chlordiazepoxide.....	2744
(9) (10)	Clobazam.....	2751
(10) (11)	Clonazepam.....	2737
(11) (12)	Clorazepate.....	2768
(12) (13)	Clotiazepam.....	2752
(13) (14)	Cloxazolam.....	2753
(14) (15)	Delorazepam.....	2754
(15) (16)	Diazepam.....	2765
(16) (17)	Dichloralphenazone.....	2467
(17) (18)	Estazolam.....	2756
(18) (19)	Ethchlorvynol.....	2540
(19) (20)	Ethinamate.....	2545
(20) (21)	Ethyl loflazepate.....	2758
(21) (22)	Fludiazepam.....	2759
(22) (23)	Flunitrazepam.....	2763
(23) (24)	Flurazepam.....	2767
(24) (25)	Fospropofol.....	2138
(25) (26)	Halazepam.....	2762
(26) (27)	Haloxazolam.....	2771
(27) (28)	Ketazolam.....	2772
(28) (29)	<u>Lemborexant.....</u>	<u>2245</u>
(30)	Loprazolam.....	2773
(29) (31)	Lorazepam.....	2885
(30) (32)	Lormetazepam.....	2774
(31) (33)	Mebutamate.....	2800
(32) (34)	Medazepam.....	2836
(33) (35)	Meprobamate.....	2820
(34) (36)	Methohexital.....	2264
(35) (37)	Methylphenobarbital (mephobarbital).....	2250
(36) (38)	Midazolam.....	2884
(37) (39)	Nimetazepam.....	2837
(38) (40)	Nitrazepam.....	2834
(39) (41)	Nordiazepam.....	2838
(40) (42)	Oxazepam.....	2835
(41) (43)	Oxazolam.....	2839
(42) (44)	Paraldehyde.....	2585
(43) (45)	Petrichloral.....	2591
(44) (46)	Phenobarbital.....	2285

(45) (47)	Pinazepam.....	2883
(46) (48)	Prazepam.....	2764
(47) (49)	Quazepam.....	2881
(48) (50)	Remimazolam.....	2846
(51)	Temazepam.....	2925
(49) (52)	Tetrazepam.....	2886
(50) (53)	Triazolam.....	2887
(51) (54)	Zolpidem.....	2783
(52) (55)	Zaleplon.....	2781
(53) (56)	Zopiclone.....	2784
(54) (57)	2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol)..	9752
(55) (58)	Alfaxalone.....	2731
(56) (59)	Suvorexant.....	2223

(c) Any material, compound, mixture, or preparation that contains any quantity of fenfluramine (1670), including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible. The provisions of this subsection (c) shall expire on the date fenfluramine and its salts and isomers are removed from schedule IV of the federal controlled substances act (21 U.S.C. § 812; 21 code of federal regulations 1308.14).

(d) Any material, compound, mixture or preparation that contains any quantity of lorcaserin (1625), including its salts, isomers and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible (21 U.S.C. § 812; 21 code of federal regulations 1308.14).

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Cathine ((+)-norpseudoephedrine).....	1230
(2)	Diethylpropion.....	1610
(3)	Fencamfamin.....	1760
(4)	Fenproporex.....	1575
(5)	Mazindol.....	1605
(6)	Mefenorex.....	1580
(7)	Pemoline (including organometallic complexes and chelates thereof)....	1530
(8)	Phentermine.....	1640

The provisions of this subsection (e)(8) shall expire on the date phentermine and its salts and isomers are removed from schedule IV of the federal controlled substances act (21 U.S.C. § 812; 21 code of federal regulations 1308.14).

(9)	Pipradrol.....	1750
(10)	SPA((-)-1-dimethylamino-1, 2-diphenylethane).....	1635
(11)	Sibutramine.....	1675
(12)	Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-	

	<u>amino-, carbamate (ester).....</u>	<u>1650</u>
(13)	Mondafinil.....	1680

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following, including salts thereof:

(1)	Pentazocine.....	9709
(2)	Butorphanol (including its optical isomers).....	9720
(3)	Cannabidiol, when comprising the sole active ingredient of a drug product approved by the United States food and drug administration Some other names for cannabidiol: 2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol	
(4)	Eluxadolone (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid),(including its optical isomers) and its salts, isomers, and salts of isomers.....	9725

(g) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1)	Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.....	9167
(2)	Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propion-oxybutane).....	9278

(h) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

(i) The board may except by rule and regulation any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances that have a depressant effect on the central nervous system.

Sec. 6. K.S.A. 65-4113 is hereby amended to read as follows: 65-4113. (a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V.

(b) Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.
- (2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.
- (3) Not more than 100 milligrams of ethylmorphine or any of its salts per 100

milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(6) Not more than .5 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Propylhexedrine (except when part of a compound used for nasal decongestion which is authorized to be sold lawfully over the counter without a prescription under the federal food, drug and cosmetic act, so long as it is used only for such purpose).....8161

(2) Pyrovalerone.....1485

(d) Any compound, mixture or preparation containing any detectable quantity of ephedrine, its salts or optical isomers, or salts of optical isomers.

(e) Any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.

(f) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

(1) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (some trade or other names BRV; UCB-34714; Briviact).....2710

(2) Cenobamate [(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate.2720

(3) Ezogabine N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester.....2779

~~(3)~~(4) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide].....2746

~~(4)~~(5) Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)-benzamide].....2790

(6) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].....2782

Sec. 7. K.S.A. 65-4107, 65-4111 and 65-4113 and K.S.A. 2021 Supp. 21-5701, 65-4101 and 65-4105 are hereby repealed.";

Also on page 1, in line 28, by striking "statute book" and inserting "Kansas register";
And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after "ACT"; by striking all in line 2; in line 3, by striking all before the period and inserting "concerning controlled substances; relating to substances included in schedules I, II, IV and V of the uniform controlled substances act; amending the definition of controlled substances in the Kansas criminal code; excluding certain drug products from the definition of marijuana; amending K.S.A. 65-4107, 65-4111 and 65-4113 and K.S.A. 2021 Supp. 21-5701, 65-4101 and 65-4105 and repealing the existing sections";

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

RICHARD HILDERBRAND

BEVERLY GOSSAGE

PAT PETTEY

Conferees on part of Senate

BRENDA LANDWEHR

JOHN EPLEE

SUSAN RUIZ

Conferees on part of House

Senator Hilderbrand moved the Senate adopt the Conference Committee Report on **HB 2540**.

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

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

Absent or Not Voting: Warren.

The Conference Committee Report was adopted.

On motion of Senator Alley, the Senate recessed until 9:30 p.m.

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

MESSAGE FROM THE HOUSE

Announcing the House herewith transmits certificate of action by the House of Representatives on **Senate Bill 58**, AN ACT concerning education; relating to schools and school districts; establishing the parents' bill of rights.

The veto message from the Governor having been received, a motion was made that notwithstanding the Governor's objections to Senate Bill 58, the bill be passed. By a vote of 72 Yeas and 50 Nays, the motion not having received the required two-thirds majority of the members elected to the House of Representatives voting in the affirmative, the bill not pass and the veto was sustained.

Announcing the House herewith transmits certificate of action by the House of Representatives on **Senate Bill 160**, AN ACT concerning education; relating to student

athletes; enacting the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations.

The veto message from the Governor having been received, a motion was made that notwithstanding the Governor's objections to Senate Bill 160, the bill be passed. By a vote of 81 Yeas and 41 Nays, the motion not having received the required two-thirds majority of the members elected to the House of Representatives voting in the affirmative, the bill not pass and the veto was sustained.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 579, AN ACT concerning education; relating to scholarship programs; establishing the homegrown Kansas leadership scholarship program; providing scholarships for individuals seeking a teaching degree or master's degree in education, by Committee on Federal and State Affairs.

SB 580, AN ACT concerning education; relating to state educational institutions; requiring such institutions to establish an accelerated teacher training program, by Committee on Federal and State Affairs.

On motion of Senator Alley, the Senate recessed until the sound of the gavel.

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

ORIGINAL MOTION

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **Sub SB 34**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub SB 19**.

The House adopts the Conference Committee report on **SB 331**.

The House adopts the Conference Committee report on **HB 2510**.

The House adopts the Conference Committee report on **HB 2106**.

The House concurs in Senate amendments to **S Sub HB 2495**.

The House adopts the Conference Committee report on **Sub SB 34**.

Announcing adoption of **HCR 5037**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 34** 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 Amended by House Committee as follows:

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

By striking all on pages 2 through 6;

On page 7, by striking all in lines 1 through 33; following line 33, by inserting:

"New Section 1. (a) Notwithstanding any provision of law to the contrary, a

governmental entity or public official shall not order or otherwise require any individual to wear a face mask as a response to a contagious or infectious disease.

(b) A governmental entity or public official may recommend that any individual wear a face mask as a response to a contagious or infectious disease.

(c) The provisions of this section shall not apply to a governmental entity that is a medical care facility as defined in K.S.A. 65-425, and amendments thereto, or an adult care home as defined in K.S.A. 39-923, and amendments thereto.

New Sec. 2. (a) (1) Notwithstanding any provision of law to the contrary, a governmental entity or public official shall not:

(A) Issue a COVID-19 vaccination passport to any individual without such individual's consent;

(B) require any individual to use a COVID-19 vaccination passport within this state for any purpose; or

(C) deny housing to any individual or refuse access by any individual to a place accessible to the general public, or separate any individual from others in a place accessible to the general public, including entry, education, travel and services within this state, based on such individual's COVID-19 vaccination status.

(2) Nothing in this section shall prohibit a governmental entity or public official from instituting COVID-19 screening protocols in accordance with state and federal law to protect the public health.

(b) The provisions of this section shall not apply to a governmental entity that is a medical care facility as defined in K.S.A. 65-425, and amendments thereto, or an adult care home as defined in K.S.A. 39-923, and amendments thereto.

(c) As used in this section:

(1) "COVID-19 vaccination passport" means written or electronic documentation of an individual's COVID-19 vaccination status; and

(2) "screening protocol" means a non-invasive method to determine whether an individual has symptoms or other risk factors for developing COVID-19, including, but not limited to, temperature checks, self-reporting of exposure, self-reported vaccination status and questionnaires.

Sec. 3. K.S.A. 2021 Supp. 48-925 is hereby amended to read as follows: 48-925.

(a) During any state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, the governor shall be commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement, embodied in appropriate executive orders or in rules and regulations of the adjutant general, but nothing shall restrict the authority of the governor to do so by executive orders issued at the time of a disaster.

(b) Under the provisions of this act and for the implementation of this act, the governor may issue executive orders to exercise the powers conferred by subsection (c) that have the force and effect of law during the period of a state of disaster emergency declared under K.S.A. 48-924(b), and amendments thereto, or as provided in K.S.A. 2021 Supp. 48-924b, and amendments thereto. The chairperson of the legislative coordinating council shall call a meeting of the council to occur within 24 hours of the issuance of an executive order issued pursuant to this section for the purposes of reviewing such order. Such executive orders shall be null and void after the period of a state of disaster emergency has ended. Such executive orders may be revoked at any

time by concurrent resolution of the legislature or, when the legislature is not in session or is adjourned during session for three or more days, such orders may be revoked by the legislative coordinating council with the affirmative vote of five members thereof.

(c) Except as provided in K.S.A. 2021 Supp. 48-924b, and amendments thereto, during a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, in addition to any other powers conferred upon the governor by law and subject to the provisions of subsections (d) and (e), the governor may:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders or rules and regulations of any state agency which implements such statute, if strict compliance with the provisions of such statute, order or rule and regulation would prevent, hinder or delay in any way necessary action in coping with the disaster;

(2) utilize all available resources of the state government and of each political subdivision as reasonably necessary to cope with the disaster;

(3) transfer the supervision, personnel or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management activities;

(4) subject to any applicable requirements for compensation under K.S.A. 48-933, and amendments thereto, commandeer or utilize any private property if the governor finds such action necessary to cope with the disaster;

(5) direct and compel the evacuation of all or part of the population from any area of the state stricken or threatened by a disaster, if the governor deems this action necessary for the preservation of life or other disaster mitigation, response or recovery;

(6) prescribe routes, modes of transportation and destinations in connection with such evacuation;

(7) control ingress and egress of persons and animals to and from a disaster area, the movement of persons and animals within the area and the occupancy by persons and animals of premises therein;

(8) suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles;

(9) make provision for the availability and use of temporary emergency housing;

(10) require and direct the cooperation and assistance of state and local governmental agencies and officials; and

(11) perform and exercise such other functions, powers and duties in conformity with the constitution and the bill of rights of the state of Kansas and with the statutes of the state of Kansas, except any regulatory statute specifically suspended under the authority of subsection (c)(1), as are necessary to promote and secure the safety and protection of the civilian population.

(d) The governor shall not have the power or authority under the provisions of the Kansas emergency management act or any other law to:

(1) Limit or otherwise restrict the sale, purchase, transfer, ownership, storage, carrying or transporting of firearms or ammunition, or any component or combination thereof, including any components or combination thereof used in the manufacture of firearms or ammunition, or seize or authorize the seizure of any firearms or ammunition, or any component or combination thereto, except as otherwise permitted by state or federal law pursuant to subsection (c)(8) or any other executive authority;

~~(e) The governor shall not have the power under the provisions of the Kansas~~

~~emergency management act or the provisions of any other law to~~

(2) ~~alter or modify any provisions of the election laws of the state including, but not limited to, the method by which elections are conducted or the timing of such elections;~~
or

~~(3) order or otherwise require any individual to wear a face mask as a response to a contagious or infectious disease.~~

(f) The governor shall exercise the powers conferred by subsection (c) by issuance of executive orders under subsection (b). Each executive order issued pursuant to the authority granted by subsection (b) shall specify the provision or provisions of subsection (c) by specific reference to each paragraph of subsection (c) that confers the power under which the executive order was issued. The adjutant general, subject to the direction of the governor, shall administer such executive orders.

(g) (1) Any party aggrieved by an executive order issued pursuant to this section that has the effect of substantially burdening or inhibiting the gathering or movement of individuals or the operation of any religious, civic, business or commercial activity, whether for-profit or not-for-profit, may file a civil action in the district court of the county in which such party resides or in the district court of Shawnee county, Kansas, within 30 days after the issuance of such executive order. Notwithstanding any order issued pursuant to K.S.A. 2021 Supp. 20-172(a), and amendments thereto, the court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless the court finds such executive order is narrowly tailored to respond to the state of disaster emergency and uses the least restrictive means to achieve such purpose. The court shall issue an order on such petition ~~within seven days without unreasonable delay~~ after the hearing is conducted. ~~If the court does not issue an order on such petition within seven days, the relief requested in the petition shall be granted.~~

(2) Relief under this section shall not include a stay or injunction concerning the contested executive order that applies beyond the county in which the petition was filed.

(3) The supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

(h) (1) The board of county commissioners of any county may issue an order relating to public health that includes provisions that are less stringent than the provisions of an executive order effective statewide issued by the governor. Any board of county commissioners issuing such an order must make the following findings and include such findings in the order:

(A) The board has consulted with the local health officer or other local health officials regarding the governor's executive order;

(B) following such consultation, implementation of the full scope of the provisions in the governor's executive order are not necessary to protect the public health and safety of the county; and

(C) all other relevant findings to support the board's decision.

(2) If the board of county commissioners of a county issues an order pursuant to paragraph (1), such order shall operate in the county in lieu of the governor's executive order.

Sec. 4. K.S.A. 2021 Supp. 48-932 is hereby amended to read as follows: 48-932.

(a) A state of local disaster emergency may be declared by the chairperson of the board

of county commissioners of any county, or by the mayor or other principal executive officer of each city of this state having a disaster emergency plan, upon a finding by such officer that a disaster has occurred or the threat thereof is imminent within such county or city. No state of local disaster emergency shall be continued for a period in excess of seven days or renewed, except with the consent of the board of county commissioners of such county or the governing body of such city. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed with the county clerk or city clerk. Any such declaration may be reviewed, amended or revoked by the board of county commissioners or the governing body of the city, respectively, at a meeting of such governing body.

(b) In the event of the absence of the chairperson of the board of county commissioners from the county or the incapacity of such chairperson, the board of county commissioners, by majority action of the remaining members thereof, may declare a state of local disaster emergency in the manner provided in and subject to the provisions of subsection (a). In the event of the absence of the mayor or other principal executive officer of a city from the city or the incapacity of such mayor or officer, the governing body of the city, by majority action of the remaining members thereof, may declare a state of local disaster emergency in the manner provided in and subject to the provisions of subsection (a). Any state of local disaster emergency and any actions taken pursuant to applicable local and interjurisdictional disaster emergency plans, under this subsection shall continue and have full force and effect as authorized by law unless modified or terminated in the manner prescribed by law.

(c) The declaration of a local disaster emergency shall activate the response and recovery aspects of any and all local and interjurisdictional disaster emergency plans which are applicable to such county or city, and shall initiate the rendering of aid and assistance thereunder.

(d) No interjurisdictional disaster agency or any official thereof may declare a local disaster emergency, unless expressly authorized by the agreement pursuant to which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services in accordance with the agreement pursuant to which it functions in the case of a state of local disaster emergency declared under subsection (a).

(e)(1) A governmental entity or public official shall not have the power under the provisions of the Kansas emergency management act or any other law to order or otherwise require any individual to wear a face mask as a response to a contagious or infectious disease.

(2) The provisions of this subsection shall not apply to a governmental entity that is a medical care facility as defined in K.S.A. 65-425, and amendments thereto, or an adult care home as defined in K.S.A. 39-923, and amendments thereto.

(f)(1) Any party aggrieved by an action taken by a local unit of government pursuant to this section that has the effect of substantially burdening or inhibiting the gathering or movement of individuals or the operation of any religious, civic, business or commercial activity, whether for-profit or not-for-profit, may file a civil action in the district court of the county in which such action was taken within 30 days after such action is taken. Notwithstanding any order issued pursuant to K.S.A. 2021 Supp. 20-172(a), and amendments thereto, the court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless

the court finds such action is narrowly tailored to respond to the state of local disaster emergency and uses the least restrictive means to achieve such purpose. The court shall issue an order on such petition ~~within seven days~~ without unreasonable delay after the hearing is conducted. ~~If the court does not issue an order on such petition within seven days, the relief requested in the petition shall be granted.~~

(2) Relief under this section shall not include a stay or injunction concerning the contested action that applies beyond the county in which the action was taken.

(3) The supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

Sec. 5. K.S.A. 65-129b is hereby amended to read as follows: 65-129b. (a) Notwithstanding the provisions of K.S.A. 65-119, 65-122, 65-123, 65-126 and 65-128, and amendments thereto, and any rules or regulations adopted thereunder, in investigating actual or potential exposures to an infectious or contagious disease that is potentially life-threatening, the local health officer or the secretary:

(1)-~~(A)~~ May issue an order requiring an individual who the local health officer or the secretary has reason to believe has been exposed to an infectious or contagious disease to seek appropriate and necessary evaluation and treatment;

~~(B)~~(2) when the local health officer or the secretary determines that it is medically necessary and reasonable to prevent or reduce the spread of the disease or outbreak believed to have been caused by the exposure to an infectious or contagious disease, may order an individual or group of individuals to go to and remain in places of isolation or quarantine until the local health officer or the secretary determines that the individual no longer poses a substantial risk of transmitting the disease or condition to the public;

~~(C)~~(3) if a competent individual of 18 years of age or older or an emancipated minor refuses vaccination, medical examination, treatment or testing under this section, may require the individual to go to and remain in a place of isolation or quarantine until the local health officer or the secretary determines that the individual no longer poses a substantial risk of transmitting the disease or condition to the public; and

~~(D)~~(4) if, on behalf of a minor child or ward, a parent or guardian refuses vaccination, medical examination, treatment or testing under this section, may require the minor child or ward to go to and remain in a place of isolation or quarantine and must allow the parent or guardian to accompany the minor child or ward until the local health officer or the secretary determines that the minor child or ward no longer poses a substantial risk of transmitting the disease or condition to the public; ~~and~~

~~(2) may order any sheriff, deputy sheriff or other law enforcement officer of the state or any subdivision to assist in the execution or enforcement of any order issued under this section.~~

Sec. 6. K.S.A. 2021 Supp. 65-201 is hereby amended to read as follows: 65-201. (a) The board of county commissioners of each county shall act as the county board of health for the county. Each county board shall appoint a person licensed to practice medicine and surgery, preference being given to persons who have training in public health, who shall serve as the local health officer and who shall act in an advisory capacity to the county board of health. The appointing authority of city-county, county or multicounty health units with less than 100,000 population may appoint a qualified local health program administrator as the local health officer if a person licensed to

practice medicine and surgery or person licensed to practice dentistry is designated as a consultant to direct the administrator on program and related medical and professional matters. The local health officer or local health program administrator shall hold office at the pleasure of the board.

(b) (1) Except as provided in paragraph (2), any order issued by the local health officer, including orders issued as a result of an executive order of the governor, may be reviewed, amended or revoked by the board of county commissioners of the county affected by such order at a meeting of the board. Any order reviewed or amended by the board shall include an expiration date set by the board and may be amended or revoked at an earlier date by a majority vote of the board.

(2) If a local health officer determines it is necessary to issue an order ~~mandating the wearing of face masks~~, limiting the size of gatherings of individuals, curtailing the operation of business, controlling the movement of the population of the county or limiting religious gatherings, the local health officer shall propose such an order to the board of county commissioners. At the next regularly scheduled meeting of the board or at a special meeting of the board, the board shall review such proposed order and may take any action related to the proposed order the board determines is necessary. The order shall become effective if approved by the board or, if the board is unable to meet, if approved by the chairperson of the board or the vice chairperson of the board in the chairperson's absence or disability.

(c) The board of county commissioners in any county having a population of less than 15,000 may contract with the governing body of any hospital located in such county for the purpose of authorizing such governing body of the hospital to supply services to a county board of health.

(d) (1) Any party aggrieved by an order issued pursuant to subsection (b)(2) may file a civil action in the district court of the county in which the order was issued within 30 days after such order is issued. Notwithstanding any order issued pursuant to K.S.A. 2021 Supp. 20-172(a), and amendments thereto, the court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless the court finds such order is narrowly tailored to the purpose stated in the order and uses the least restrictive means to achieve such purpose. The court shall issue an order on such petition ~~within seven days~~ without unnecessary delay after the hearing is conducted. ~~If the court does not issue an order on such petition within seven days, the relief requested in the petition shall be granted.~~

(2) Relief under this section shall not include a stay or injunction concerning the contested action that applies beyond the county in which the action was taken.

(3) The supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

Sec. 7. K.S.A. 72-6262 is hereby amended to read as follows: 72-6262. (a) (1) In each school year, every ~~pupil student~~ enrolling or enrolled in any school for the first time in this state, and each child enrolling or enrolled for the first time in a preschool or day care program operated by a school, and such other ~~pupils students~~ as may be designated by the secretary, prior to admission to and attendance at school, shall present to the appropriate school board certification from a physician or local health department that the ~~pupil student~~ has received such tests and inoculations as are deemed necessary by the secretary by such means as are approved by the secretary. Pupils Students who

have not completed the required inoculations may enroll or remain enrolled while completing the required inoculations if a physician or local health department certifies that the ~~pupil~~ student has received the most recent appropriate inoculations in all required series. Failure to timely complete all required series shall be deemed non-compliance.

(2) A test or inoculation shall not be deemed necessary by the secretary if such test or inoculation has not received full approval by the federal food and drug administration for the age of the student to whom the requirement applies.

(b) As an alternative to the certification required under subsection (a), a ~~pupil~~ student shall present:

(1) An annual written statement signed by a licensed physician stating the physical condition of the child to be such that the tests or inoculations would seriously endanger the life or health of the child; or

(2) a written statement signed by one parent or guardian that the child is an adherent of a religious denomination whose religious teachings are opposed to such tests or inoculations.

(c) On or before May 15 of each school year, the school board of every school affected by this act shall notify the parents or guardians of all known ~~pupils~~ students who are enrolled or who will be enrolling in the school of the provisions this act and any policy regarding the implementation of the provisions of this act adopted by the school board.

(d) If a ~~pupil~~ student transfers from one school to another, the school from which the ~~pupil~~ student transfers shall forward with the ~~pupil's~~ student's transcript the certification or statement showing evidence of compliance with the requirements of this act to the school to which the ~~pupil~~ student transfers.

Sec. 8. K.S.A. 65-129b and 72-6262 and K.S.A. 2021 Supp. 48-925, 48-932 and 65-201 are hereby repealed.;

Also on page 7, in line 35, by striking "Kansas register" and inserting "statute book";
And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 4; in line 5, by striking all before the period and inserting "public health; prohibiting a governmental entity or public official from ordering or otherwise requiring any individual to wear a face mask as a response to a contagious or infectious disease; prohibiting a governmental entity or public official from issuing or requiring use of a COVID-19 vaccination passport or discriminating against any individual based upon COVID-19 vaccination status; limiting powers of the governor and other governmental entities under the Kansas emergency management act related to face masks; modifying judicial review provisions related to certain executive orders issued during a state of disaster emergency and certain actions taken by a local unit of government during a state of local disaster emergency; requiring court petitions challenging orders and similar actions by public officials relating to gathering limitations, business restrictions and religious gathering limitations to be ruled on without unreasonable delay; restricting the power of the secretary of health and environment and local health officers to order law enforcement to assist in execution or enforcement of orders related to isolation or quarantine; prohibiting the secretary of health and environment from requiring a test or inoculation for admission to and attendance at a school that has not received full approval by the federal food and drug administration for the student to whom the

requirement applies; amending K.S.A. 65-129b and 72-6262 and K.S.A. 2021 Supp. 48-925, 48-932 and 65-201 and repealing the existing sections";

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

BRENDA LANDWEHR

JOHN EPLEE

SUSAN RUIZ

Conferees on part of House

RICHARD HILDERBRAND

BEVERLY GOSSAGE

PAT PETTEY

Conferees on part of Senate

Senator Hilderbrand moved the Senate adopt the Conference Committee Report on **Sub SB 34**.

On roll call, the vote was: Yeas 23; Nays 17; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Kloos, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Longbine, McGinn, Pettey, Pittman, Sykes, Ware.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. President: While I support portions of CCR **SB 34** – I have worries about the bill due to questions from our agricultural community and Ag Secretary who is now dealing with Avian Influenza in the state. I also have concerns of removing local control which we granted in earlier sessions to deal with Government overreach during the pandemic. This bill deals with any contagious disease and not just Covid and deserves local decisions and not a state mandate.—ELAINE BOWERS

Senator Kerschen requests the record to show he concurs with the “Explanation of Vote” offered by Senator Bowers on **SB 34**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 84** 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 Further Amended by House Committee of the Whole, as follows:

On page 51, in line 32, by striking all before "manage";

On page 52, in line 14, after "(b)" by inserting "(1)"; in line 24, after "director" by inserting "shall issue a final decision regarding approval of an interactive sports wagering platform within 30 days after the date the request for approval was submitted and"; following line 28, by inserting:

"(2) On or before September 1, 2022, the executive director shall prescribe a

process for submission of requests for approval and a process for approval of interactive sports wagering platforms and shall notify all lottery gaming facility managers of such processes.

(3) On or before August 1, 2022, the executive director of the Kansas racing and gaming commission shall prescribe a process for conducting background investigations of interactive sports wagering platforms and shall notify all lottery gaming facility managers of such process. The Kansas racing and gaming commission shall commence background investigations of interactive sports wagering platforms on or before August 15, 2022.";

Also on page 52, in line 30, by striking "one" and inserting "three"; also in line 30, by striking "interface" and inserting "interfaces"; in line 31, after "team" by inserting "or auto racetrack facility";

On page 54, in line 7, after "team" by inserting ", auto racetrack facility"; in line 10, after "team" by inserting ", auto racetrack facility"; in line 11, by striking all after "be"; in line 14, by striking "operation"; in line 15, by striking "or"; in line 18, after "team" by inserting ", auto racetrack facility"; in line 20, after "team" by inserting ", auto racetrack facility"; in line 26, after "team" by inserting "or auto racetrack facility"; in line 30, by striking "operating and"; in line 31, by striking "the" and inserting "such"; in line 33, after "team" by inserting ", auto racetrack facility"; in line 34, after "team" by inserting ", auto racetrack facility"; in line 38, by striking "operate and";

On page 55, in line 39, after "wagers" by inserting "with the manager at the manager's location or through the manager's interactive sports wagering platform;

(2) prohibit an interactive sports wagering platform, any director, officer, owner and employee of such platform and any relative living in the same household as such persons from placing any wager through such platform or at the manager's location, except that nothing in this paragraph shall be construed to prohibit any such person from placing any wager through a lottery gaming facility manager or interactive sports wagering platform with which such person has no affiliation";

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

On page 58, in line 2, by striking "Such records" and inserting "The records described in subsections (a)(1) through (a)(6)"; also in line 2, by striking "three" and inserting "two"; in line 3, after the period by inserting "Video recordings described in subsection (a)(7) shall be maintained for at least 30 days after the sporting event occurs.";

On page 59, following line 9, by inserting:

"(c) The executive director shall allow lottery gaming facility managers to carry over negative sports wagering revenues and apply such amounts to returns filed for subsequent weeks. Sports wagering revenues for a week will be considered negative if the sum of the winnings paid to patrons wagering on such manager's sports wagering plus all voided wagers and excise taxes on sports wagering paid pursuant to federal law, exceeds the manager's total bets accepted from sports wagering by patrons. The negative amount of sports wagering revenues shall not be applied back to an earlier week, and moneys previously received by the Kansas lottery will not be refunded unless the manager ceases to manage sports wagering and the last return reported negative sports wagering revenues.";

Also on page 59, in line 10, by striking "(c)" and inserting "(d)"; also in line 10, by

striking "monthly" and inserting "weekly"; in line 19, by striking "At least once each month,"; in line 20, by striking "from" and inserting "remaining in";

On page 60, following line 12, by inserting:

"New Sec. 13. (a) There is hereby established in the state treasury the attracting professional sports to Kansas fund. The attracting professional sports to Kansas fund shall be administered by the secretary of commerce. All expenditures from the 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 commerce, or the secretary's designee, for the purpose set forth in this section.

(b) The secretary of commerce is authorized to pledge all or a portion of the funds held in the attracting professional sports to Kansas fund or sports wagering revenues credited to or to be credited to the attracting professional sports to Kansas fund for the benefit of any professional sports team and used to pay the principal or interest on any bonds issued by the state or any municipality, including, but not limited to, bonds issued pursuant to K.S.A. 12-1740 et seq., 12-1770 et seq. or 12-17,160 et seq., and amendments thereto, which shall include any such financing structured as pay-as-you-go, issued to fund the construction, rehabilitation, revitalization or expansion of a professional sports team's primary facility or any other ancillary development to such primary facility.

(c) Each month, the secretary of commerce shall certify to the director of accounts and reports the amount of moneys held in the attracting professional sports to Kansas fund that are in excess of the amount necessary for the purposes described in subsection (b). Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the attracting professional sports to Kansas fund to the lottery operating fund established in K.S.A. 74-8711, and amendments thereto.";

Also on page 60, in line 16, by striking "17" and inserting "18"; in line 24, by striking "operatedand";

On page 61, in line 42, by striking "14" and inserting "15";

On page 62, in line 9, by striking "14" and inserting "15"; in line 12, by striking "14" and inserting "15";

On page 63, in line 12, by striking all after "(f)"; by striking all in lines 13 through 34; in line 35, striking "(g)(1)";

On page 64, by striking all in lines 2 through 12; in line 13, by striking "(h)" and inserting "(g)"; in line 15, by striking "14 and"; also in line 15, after "15" by inserting "and 16"; in line 17, by striking "14 and"; also in line 17, after "15" by inserting "and 16";

On page 69, following line 14, by inserting:

"Sec. 22. K.S.A. 2021 Supp. 21-6508 is hereby amended to read as follows: 21-6508. (a) Tampering with a sports contest is seeking to influence a sports participant or sports official, or tampering with any animal or equipment or other thing involved in the conduct or operation of a sports contest, in a manner known to be contrary to the rules and usages governing such contest and with intent to influence the outcome of such contest.

(b) Tampering with a sports contest is a severity level-9 8, nonperson felony.";

Also on page 69, in line 17, by striking "17" and inserting "18"; in line 34, after "(b)" by inserting ""Auto racetrack facility" means the same as defined in K.S.A. 2021 Supp. 12-17,162, and amendments thereto, and that is located in Wyandotte county with a

minimum investment of \$50,000,000 and is in operation on July 1, 2022.

(c)";

On page 70, in line 32, by striking all after "means"; by striking all in lines 33 through 35; in line 36, by striking all before the period and inserting "an integrated system of hardware, software and applications, including, but not limited to, mobile applications and servers, through which sports wagering may be made available to persons physically located within the state of Kansas at the time of submitting the wager to a sports wagering manager over the internet or wireless services as defined in K.S.A. 66-2019, and amendments thereto, including, but not limited to, through websites and mobile device applications";

On page 71, in line 35, by striking ", as of January 1, 2007,"; in line 36, by striking all after "at"; by striking all in line 37; in line 38, by striking all before the period and inserting "any licensed gaming facilities in the United States";

On page 77, in line 13, after "wagers" by inserting ", federal excise taxes, free plays or other promotional credits";

On page 79, in line 17, by striking "13" and inserting "14"; in line 23, by striking "and"; following line 25, by inserting:

"(D) permitting each lottery gaming facility manager, or such manager's contracted parties, including any approved interactive sports wagering platform, to have employees located outside the state of Kansas so that all job functions will conform with 18 U.S.C. § 1081 et seq.;

(E) permitting the establishment of online sports wagering accounts held by a lottery gaming facility manager as approved by the Kansas lottery and preestablished online accounts from other states to be accessed within the borders of Kansas so that revenue is recorded correctly and all other Kansas online rules are followed; and

(F) allowing lottery gaming facility managers to carry over negative amounts to returns filed for subsequent weeks when sports wagering revenues for a week are a negative number because the sum of the winnings paid to patrons wagering on the manager's sports wagering plus all voided wagers and excise taxes on sports wagering paid pursuant to federal law exceeds the manager's total bets accepted from sports wagering by patrons. The negative amounts of sports wagering revenues shall not be carried back to an earlier week, and moneys previously received by the lottery will not be refunded, except if the manager ceases to manage sports wagering and the last return reported negative adjusted gross receipts.";

On page 80, in line 32, by striking "and"; in line 33, after "(9)" by inserting "transfers to the attracting professional sports to Kansas fund of the department of commerce pursuant to subsection (h); and

(10)";

On page 81, following line 31, by inserting:

"(h) On July 1, 2023, and each July 1 thereafter, or as soon thereafter as moneys are available, after the transfer required under subsection (f) has been made, 80% of the remaining moneys credited to the lottery operating fund from sports wagering revenues deposited in the lottery operating fund shall be transferred by the director of accounts and reports from the lottery operating fund to the attracting professional sports to Kansas fund established in section 13, and amendments thereto.";

On page 83, in line 21, by striking "13" and inserting "14";

On page 88, in line 17, by striking "operating and"; in line 22, by striking all after

"include"; in line 23, by striking all before "receive" and inserting "a provision for the state to"; also in line 23, by striking "20%" and inserting "10%"; in line 24, by striking all after "facility"; by striking all in lines 25 and 26; in line 27, by striking all before the period and inserting "manager";

On page 89, in line 31, by striking all after "to"; in line 36, by striking "operating and";

On page 91, in line 13, by striking all after "(3)"; by striking all in lines 14 through 26; in line 27, by striking all before the semicolon and inserting "(A) a certification requirement and enforcement procedure for:

(i) Employees of a lottery gaming facility manager or another entity owned by the lottery gaming facility manager's parent company that are directly involved in the management of sports wagering managed by such manager; and

(ii) those persons who propose to contract with a lottery gaming facility manager in an amount that exceeds \$250,000 per year for the provision of goods or services related to sports wagering, including any interactive sports wagering platform requested by a lottery gaming facility manager under section 2, and amendments thereto; and

(B) such certification requirement shall include compliance with such security, fitness and background investigations and standards as the executive director deems necessary to determine whether such person's reputation, habits or associations pose a threat to the public interest of the state or to the reputation of, or effective regulation and control of, sports wagering conducted by the lottery gaming facility. Such certification shall be valid for one year from the date of issuance";

On page 92, in line 12, by striking all after "(b)"; by striking all in lines 13 through 16; in line 17, by striking "(c)";

On page 93, following line 36, by inserting:

"Sec. 32. K.S.A. 74-8756 is hereby amended to read as follows: 74-8756. (a) Wagers shall be received only from a person at the location where the electronic gaming machine or lottery facility game is authorized pursuant to the Kansas expanded lottery act. No person present at such location shall place or attempt to place a wager on behalf of another person who is not present at such location.

(b) No employee or contractor of, or other person who has any legal affiliation with, a racetrack gaming facility manager shall loan money to or otherwise extend credit to patrons of the parimutuel licensee.

(c)(1) Except as otherwise provided, no employee or contractor of, or other person who has any legal affiliation with, a lottery gaming facility manager shall loan money to or otherwise extend credit to patrons of a lottery gaming facility.

(2) A patron of a lottery gaming facility may fund an account held by a lottery gaming facility manager for the payment of sports wagers and pay for sports wagers through the use of:

(A) Cash and cash equivalents;

(B) electronic bank transfers of money, including transfers through third parties;

(C) bank and wire transfers of money;

(D) debit and credit cards;

(E) online and mobile application payment systems that support online money transfers;

(F) promotional funds provided by a lottery gaming facility manager; and

(G) any other payment method approved by the Kansas lottery.

(3) Nothing in this subsection shall be construed to prohibit any lottery gaming facility manager from obtaining insurance or check guarantee services to protect against any loss as a result of any check that is returned or otherwise not honored due to a stop payment order or nonsufficient funds.

(d) Violation of this section is a class A nonperson misdemeanor upon a conviction for a first offense. Violation of this section is a severity level 9, nonperson felony upon conviction for a second or subsequent offense.";

On page 94, by striking all in line 24; in line 25, by striking "facility" and inserting "sports wager"; in line 28, by striking the second "or"; by striking all in lines 29 through 43;

On page 95, by striking all in lines 1 through 3; in line 4, by striking all before the period and inserting:

"(3) a lottery gaming facility manager, any director, officer, owner or employee of such manager or any relative living in the same household as such persons who places any wager with the manager at the manager's location or through the manager's interactive sports wagering platform;

(4) an interactive sports wagering platform, any director, officer, owner or employee of such platform or any relative living in the same household as such persons who places any wager with the manager through such platform or at the manager's location, except that nothing in this paragraph shall be construed to prohibit any such person from placing any wager through a lottery gaming facility manager or interactive sports wagering platform with which such person has no affiliation;

(5) any owner, officer, athlete, coach or other employee of a team or any person participating as an individual in any sporting event; or

(6) any director, officer or employee of a player or referee union";

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

On page 96, following line 14, by inserting:

"Sec. 36. K.S.A. 74-8772 is hereby amended to read as follows: 74-8772. On or before January 1, 2023, the Kansas racing and gaming commission shall adopt such permanent rules and regulations as the commission deems necessary to carry out the duties and functions of the commission pursuant to the Kansas expanded lottery act. Such Temporary rules and regulations may be adopted by the commission without being subject to the provisions and requirements of K.S.A. 77-415 through 77-438, and amendments thereto, but shall be subject to approval by the attorney general as to legality and shall be filed with the secretary of state and published in the Kansas register. Temporary and permanent rules and regulations shall include, but not be limited to, rules and regulations:

(a) Promoting the integrity of the gaming and finances of lottery gaming facilities and racetrack gaming facilities and shall meet or exceed industry standards for monitoring and controlling the gaming and finances of lottery gaming facility operations and racetrack gaming facility operations and shall give the Kansas racing and gaming commission sufficient authority to monitor and control the gaming operation and to ensure its integrity and security;

(b) prescribing the on-site security arrangements for lottery gaming facilities and racetrack gaming facilities;

(c) requiring reporting of information about any lottery gaming facility manager or

racetrack gaming facility manager, and its employees, vendors and finances, necessary or desirable to ensure the security of lottery gaming facility and racetrack gaming facility operations. None of the information disclosed pursuant to this subsection shall be subject to disclosure under the Kansas open records act;

(d) requiring reporting and auditing of financial information of lottery gaming facility managers and racetrack gaming facility managers, including, but not limited to, the reporting of profits or losses incurred by lottery gaming facility managers and racetrack gaming facility managers and the reporting of such other information as the Kansas racing and gaming commission requires to determine compliance with the Kansas expanded lottery act and rules and regulations adopted hereunder. None of the information disclosed pursuant to this subsection shall be subject to disclosure under the Kansas open records act; and

(e) provisions for oversight of all lottery gaming facility operations and racetrack gaming facility operations, including, but not limited to, oversight of internal controls; oversight of security of facilities; performance of background investigations, determination of qualifications and credentialing of employees, contractors and agents of lottery gaming facility managers, ancillary lottery gaming facility operations and racetrack gaming facilities; auditing of lottery gaming facility revenues and net electronic gaming machine income of racetrack gaming facilities; enforcement of all state laws; and maintenance of the integrity of lottery gaming facility and racetrack gaming facility operations.";

On page 112, in line 23, after "(f)" by inserting "On or before January 15, 2023, and each January 15 thereafter, the secretary for aging and disability services shall prepare and submit a report on expenditures from the problem gambling and addictions grant fund to the standing committees on federal and state affairs of the senate and house of representatives.

(g)";

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

Also on page 112, in line 42, after the fourth comma by inserting "74-8756,"; also in line 42, after the seventh comma by inserting "74-8772,";

On page 113, in line 1, by striking "and" and inserting a comma; also in line 1, after "21-6507" by inserting "and 21-6508";

And by renumbering sections accordingly;

On page 1, in the title, in line 10, after the second "the" by inserting "attracting professional sports to Kansas fund and the"; in line 11, by striking all after "fund": in line 12, by striking all before the semicolon; in line 14, after the seventh comma by inserting "74-8756,"; in line 15, after the third comma by inserting "74-8772,"; in line 16, by striking the third "and" and inserting a comma; in line 17, after "6507" by inserting "and 21-6508";

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

JOHN BARKER
TORI MARIE ARNBERGER
LOUIS RUIZ

Conferees on part of House

ROB OLSON

MIKE PETERSEN
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

Senator Olson moved the Senate adopt the Conference Committee Report on **H Sub Sub SB 84**.

On roll call, the vote was: Yeas 21; Nays 13; Present and Passing 6; Absent or Not Voting 0.

Yeas: Bowers, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Longbine, O'Shea, Olson, Pettey, Pittman, Suellentrop, Sykes, Tyson, Ware, Wilborn.

Nays: Baumgardner, Billinger, Erickson, Gossage, Hilderbrand, McGinn, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Thompson.

Present and Passing: Alley, Claeys, Kerschen, Kloos, Masterson, Warren.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. President: Kansans are already betting on sports, but many do it through illegal platforms that take money out of our state or they drive to other states from districts like mine on the border to do destination sports betting. Sports betting is not for everyone; some like games like texas hold em, some like slot machines, some like craps, this is just one other avenue for avid players and it is time for us to legalize sports betting in Kansas. I particularly like the ability of local VFW and American Legion halls to enter into marketing agreements to raise extra funds with sports betting. I'm excited to vote yes on **H Sub Sub SB 84**. And I will add that even with Hollywood Casino and the Speedway in my senate district 5, we still have enough space and infrastructure for a new professional football stadium.—JEFF PITTMAN

HCR 5037, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2022 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Alley, **HCR 5037** was adopted by voice vote.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes:

Senator Bowers: congratulating Joyce Campbell on receiving the 2022 Friends and Contributors of Phillipsburg Kids Wrestling Award, congratulating Rich Krause on being named the KRWA 2022 Public Works Director of the Year, congratulating Wes O'Bannon on receiving the 2022 Grain Elevator and Processing Society International Member of Distinction Award;

Senator Faust-Goudeau: honoring the life of Dr. Val Brown, Sr.;

Senator Hawk: congratulating Latoya Whitted-Witcher on being named the 2022 ANCOR Kansas Direct Support Professional of the Year;

Senator Masterson: congratulating Steven Parker on his retirement from the United States Air Force;

Senator O'Shea: celebrating David and Diane Appelhanz's 50th Wedding Anniversary;

Senator Petersen: congratulating Peyton R. Petersen on his academic achievements and also extending best wishes;

Senator Pittman: extending official recognition to Jermaine Wilson for his service to the Leavenworth Community, congratulating Esa Lozoya on achieving the rank of Eagle Scout;

Senator Warren: congratulating Harlan Jack Eitzmann on achieving the rank of Eagle Scout; and

Senator Bowers and Senator Petersen: congratulating Tom Whitaker on his retirement from the Kansas Motor Carriers Association.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Monday, May 23, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

