

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2418

By Committee on Appropriations

2-15

1 AN ACT concerning certain state programs, boards and commissions;  
2 abolishing the study commission for the consolidation of Kansas City,  
3 Kansas, and Wyandotte county, consolidation commission of Topeka,  
4 Kansas, and Shawnee county, study commission for the consolidation  
5 in Greeley county, ~~podiatry review committee, state board of healing~~  
6 ~~arts review committee for each branch of the healing arts, contact lens~~  
7 ~~advisory council, state emergency response commission, naturopathic~~  
8 ~~advisory council, transportation vision task force, special education~~  
9 ~~funding task force, Persian Gulf war veterans health initiative act,~~  
10 Kansas export finance act, community strategic planning assistance act,  
11 natural and scientific areas advisory board, public finance transparency  
12 board, Kansas film services commission, Kansas bioscience authority,  
13 KAN-ED act and department of health and environment advisory  
14 committees; amending K.S.A. 12-340, 12-360, 45-229, 65-5702, 65-  
15 5728, 65-7406, 66-2010, 74-2916, 74-5210, 74-6603, 74-6609, 74-  
16 72,123, 74-99b03, 74-99b33, 74-99b63, 74-99b83 and 75-7403 ~~and~~  
17 ~~K.S.A. 2022 Supp. 65-4915~~ and repealing the existing sections; also  
18 repealing K.S.A. 12-341, 12-342, 12-343, 12-350, 12-351, 12-352, 12-  
19 353, 12-354, 12-355, 12-356, 12-357, 12-359, 12-361, 12-362, ~~65-~~  
20 ~~2016, 65-2840e, 65-4969, 65-5703, 65-7214, 68-185, 72-3441, 73-~~  
21 ~~1221, 73-1222, 73-1223, 73-1224, 73-1225, 73-1226, 73-1227, 73-~~  
22 ~~1228, 73-1229, 73-1230, 73-1231, 74-5069, 74-5070, 74-5071, 74-~~  
23 ~~5072, 74-5073, 74-5074, 74-5092, 74-5093, 74-5094, 74-5095, 74-~~  
24 ~~5096, 74-5097, 74-5098, 74-5099, 74-50,100, 74-50,101, 74-6614, 74-~~  
25 ~~6615, 74-72,124, 74-9201, 74-99b04, 74-99b05, 74-99b11, 74-99b12,~~  
26 ~~74-99b13, 74-99b17, 75-7221, 75-7222, 75-7223, 75-7224, 75-7225,~~  
27 ~~75-7226 and 75-7227.~~

28

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

30 New Section 1. On July 1, 2023, the commission for the  
31 consolidation of Kansas City, Kansas, and Wyandotte county,  
32 consolidation commission of Topeka, Kansas, and Shawnee county, study  
33 commission for the consolidation in Greeley county, ~~podiatry review~~  
34 ~~committee, state board of healing arts review committee for each branch of~~  
35 ~~the healing arts, contact lens advisory council, state emergency response~~  
36 ~~commission, naturopathic advisory council, transportation vision task~~

1 force, ~~special education funding task force~~, Persian Gulf war veterans  
2 health initiative act, Kansas export finance act, community strategic  
3 planning assistance act, natural and scientific areas advisory board, public  
4 finance transparency board, Kansas film services commission, Kansas  
5 bioscience authority, KAN-ED act and department of health and  
6 environment advisory committees are hereby abolished.

7 Sec. 2. K.S.A. 12-340 is hereby amended to read as follows: 12-340.  
8 As used in the act:

9 (a) "Commission" means the consolidation study commission of  
10 Kansas City, Kansas, and Wyandotte county *prior to such commission's*  
11 *abolishment*.

12 (b) "City" means Kansas City, Kansas.

13 (c) "County" means Wyandotte county.

14 Sec. 3. K.S.A. 12-360 is hereby amended to read as follows: 12-360.  
15 As used in K.S.A. ~~12-361~~ 12-363 through 12-367, and amendments  
16 thereto:

17 (a) "Commission" means the unification commission appointed  
18 pursuant to K.S.A. 12-361, ~~and amendments thereto~~ *prior to its repeal*.

19 (b) "City" means any city located in Greeley county.

20 (c) "County" means Greeley county.

21 Sec. 4. K.S.A. 45-229 is hereby amended to read as follows: 45-229.  
22 (a) It is the intent of the legislature that exceptions to disclosure under the  
23 open records act shall be created or maintained only if:

24 (1) The public record is of a sensitive or personal nature concerning  
25 individuals;

26 (2) the public record is necessary for the effective and efficient  
27 administration of a governmental program; or

28 (3) the public record affects confidential information.

29 The maintenance or creation of an exception to disclosure must be  
30 compelled as measured by these criteria. Further, the legislature finds that  
31 the public has a right to have access to public records unless the criteria in  
32 this section for restricting such access to a public record are met and the  
33 criteria are considered during legislative review in connection with the  
34 particular exception to disclosure to be significant enough to override the  
35 strong public policy of open government. To strengthen the policy of open  
36 government, the legislature shall consider the criteria in this section before  
37 enacting an exception to disclosure.

38 (b) Subject to the provisions of subsections (g) and (h), any new  
39 exception to disclosure or substantial amendment of an existing exception  
40 shall expire on July 1 of the fifth year after enactment of the new  
41 exception or substantial amendment, unless the legislature acts to continue  
42 the exception. A law that enacts a new exception or substantially amends  
43 an existing exception shall state that the exception expires at the end of

1 five years and that the exception shall be reviewed by the legislature  
2 before the scheduled date.

3 (c) For purposes of this section, an exception is substantially  
4 amended if the amendment expands the scope of the exception to include  
5 more records or information. An exception is not substantially amended if  
6 the amendment narrows the scope of the exception.

7 (d) This section is not intended to repeal an exception that has been  
8 amended following legislative review before the scheduled repeal of the  
9 exception if the exception is not substantially amended as a result of the  
10 review.

11 (e) In the year before the expiration of an exception, the revisor of  
12 statutes shall certify to the president of the senate and the speaker of the  
13 house of representatives, by July 15, the language and statutory citation of  
14 each exception that will expire in the following year that meets the criteria  
15 of an exception as defined in this section. Any exception that is not  
16 identified and certified to the president of the senate and the speaker of the  
17 house of representatives is not subject to legislative review and shall not  
18 expire. If the revisor of statutes fails to certify an exception that the revisor  
19 subsequently determines should have been certified, the revisor shall  
20 include the exception in the following year's certification after that  
21 determination.

22 (f) "Exception" means any provision of law that creates an exception  
23 to disclosure or limits disclosure under the open records act pursuant to  
24 K.S.A. 45-221, and amendments thereto, or pursuant to any other  
25 provision of law.

26 (g) A provision of law that creates or amends an exception to  
27 disclosure under the open records law shall not be subject to review and  
28 expiration under this act if such provision:

- 29 (1) Is required by federal law;  
30 (2) applies solely to the legislature or to the state court system;  
31 (3) has been reviewed and continued in existence twice by the  
32 legislature; or  
33 (4) has been reviewed and continued in existence by the legislature  
34 during the 2013 legislative session and thereafter.

35 (h) (1) The legislature shall review the exception before its scheduled  
36 expiration and consider as part of the review process the following:

- 37 (A) What specific records are affected by the exception;  
38 (B) whom does the exception uniquely affect, as opposed to the  
39 general public;  
40 (C) what is the identifiable public purpose or goal of the exception;  
41 (D) whether the information contained in the records may be obtained  
42 readily by alternative means and how it may be obtained;  
43 (2) an exception may be created or maintained only if it serves an

1 identifiable public purpose and may be no broader than is necessary to  
2 meet the public purpose it serves. An identifiable public purpose is served  
3 if the legislature finds that the purpose is sufficiently compelling to  
4 override the strong public policy of open government and cannot be  
5 accomplished without the exception and if the exception:

6 (A) Allows the effective and efficient administration of a  
7 governmental program that would be significantly impaired without the  
8 exception;

9 (B) protects information of a sensitive personal nature concerning  
10 individuals, the release of such information would be defamatory to such  
11 individuals or cause unwarranted damage to the good name or reputation  
12 of such individuals or would jeopardize the safety of such individuals.  
13 Only information that would identify the individuals may be excepted  
14 under this paragraph; or

15 (C) protects information of a confidential nature concerning entities,  
16 including, but not limited to, a formula, pattern, device, combination of  
17 devices, or compilation of information that is used to protect or further a  
18 business advantage over those who do not know or use it, if the disclosure  
19 of such information would injure the affected entity in the marketplace.

20 (3) Records made before the date of the expiration of an exception  
21 shall be subject to disclosure as otherwise provided by law. In deciding  
22 whether the records shall be made public, the legislature shall consider  
23 whether the damage or loss to persons or entities uniquely affected by the  
24 exception of the type specified in paragraph (2)(B) or (2)(C) would occur  
25 if the records were made public.

26 (i) (1) Exceptions contained in the following statutes as continued in  
27 existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas  
28 and that have been reviewed and continued in existence twice by the  
29 legislature as provided in subsection (g) are hereby continued in existence:  
30 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 12-189, 12-1,108,  
31 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-1312e, 17-  
32 2227, 17-5832, 17-7511, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707,  
33 22-4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-405,  
34 34-251, 38-2212, 39-709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222,  
35 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128,  
36 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613, 40-  
37 3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-  
38 1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-259, 46-2201, 47-  
39 839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427, 55-1,102, 58-  
40 4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-3336, 65-102b,  
41 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 65-1,116,  
42 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-1,171, 65-1,172,  
43 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-

1 1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-  
2 3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922, 65-4925, 65-  
3 5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05, 65-6803,  
4 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203, 66-1220a, 66-  
5 2010, 72-2232, 72-3438, 72-6116, 72-6267, 72-9934, ~~73-1228~~, 74-2424,  
6 74-2433f, 74-32,419, 74-4905, 74-4909, 74-50,131, 74-5515, 74-7308, 74-  
7 7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805, 75-104, 75-712, 75-  
8 7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133, 75-5266, 75-5665,  
9 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11, 76-12c03, 76-3305,  
10 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-3499, 79-34,113, 79-  
11 3614, 79-3657, 79-4301 and 79-5206.

12 (2) Exceptions contained in the following statutes as certified by the  
13 revisor of statutes to the president of the senate and the speaker of the  
14 house of representatives pursuant to subsection (e) and that have been  
15 reviewed during the 2015 legislative session and continued in existence by  
16 the legislature as provided in subsection (g) are hereby continued in  
17 existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-  
18 4616, 60-3351, 72-3415, 74-50,217 and 75-53,105.

19 (j) (1) Exceptions contained in the following statutes as continued in  
20 existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas  
21 and that have been reviewed and continued in existence twice by the  
22 legislature as provided in subsection (g) are hereby continued in existence:  
23 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and  
24 74-7508.

25 (2) Exceptions contained in the following statutes as certified by the  
26 revisor of statutes to the president of the senate and the speaker of the  
27 house of representatives pursuant to subsection (e) during 2015 and that  
28 have been reviewed during the 2016 legislative session are hereby  
29 continued in existence: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-  
30 2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05,  
31 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

32 (k) Exceptions contained in the following statutes as certified by the  
33 revisor of statutes to the president of the senate and the speaker of the  
34 house of representatives pursuant to subsection (e) and that have been  
35 reviewed during the 2014 legislative session and continued in existence by  
36 the legislature as provided in subsection (g) are hereby continued in  
37 existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-  
38 17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-  
39 2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48),  
40 50-6a11, 65-1,243, 65-16,104, 65-3239, 74-50,184, 74-8134, 74-99b06,  
41 77-503a and 82a-2210.

42 (l) Exceptions contained in the following statutes as certified by the  
43 revisor of statutes to the president of the senate and the speaker of the

1 house of representatives pursuant to subsection (e) during 2016 and that  
2 have been reviewed during the 2017 legislative session are hereby  
3 continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)  
4 (51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-  
5 8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

6 (m) Exceptions contained in the following statutes as certified by the  
7 revisor of statutes to the president of the senate and the speaker of the  
8 house of representatives pursuant to subsection (e) during 2012 and that  
9 have been reviewed during the 2013 legislative session and continued in  
10 existence by the legislature as provided in subsection (g) are hereby  
11 continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a,  
12 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-8268, 75-  
13 712 and 75-5366.

14 (n) Exceptions contained in the following statutes as certified by the  
15 revisor of statutes to the president of the senate and the speaker of the  
16 house of representatives pursuant to subsection (e) and that have been  
17 reviewed during the 2018 legislative session are hereby continued in  
18 existence: 9-513c(c)(2), 39-709, 45-221(a)(26), (53) and (54), 65-6832,  
19 65-6834, 75-7c06 and 75-7c20.

20 (o) Exceptions contained in the following statutes as certified by the  
21 revisor of statutes to the president of the senate and the speaker of the  
22 house of representatives pursuant to subsection (e) that have been  
23 reviewed during the 2019 legislative session are hereby continued in  
24 existence: 21-2511(h)(2), 21-5905(a)(7), 22-2302(b) and (c), 22-2502(d)  
25 and (e), 40-222(k)(7), 44-714(e), 45-221(a)(55), 46-1106(g) regarding 46-  
26 1106(i), 65-2836(i), 65-2839a(c), 65-2842(d), 65-28a05(n), article 6(d) of  
27 65-6230, 72-6314(a) and 74-7047(b).

28 (p) Exceptions contained in the following statutes as certified by the  
29 revisor of statutes to the president of the senate and the speaker of the  
30 house of representatives pursuant to subsection (e) that have been  
31 reviewed during the 2020 legislative session are hereby continued in  
32 existence: 38-2310(c), 40-409(j)(2), 40-6007(a), 45-221(a)(52), 46-1129,  
33 59-29a22(b)(10) and 65-6747.

34 (q) Exceptions contained in the following statutes as certified by the  
35 revisor of statutes to the president of the senate and the speaker of the  
36 house of representatives pursuant to subsection (e) that have been  
37 reviewed during the 2021 legislative session are hereby continued in  
38 existence: 22-2302(c)(4)(J) and (c)(6)(B), 22-2502(e)(4)(J) and (e)(6)(B)  
39 and 65-6111(d)(4).

40 ~~Sec. 5. K.S.A. 2022 Supp. 65-4915 is hereby amended to read as~~  
41 ~~follows: 65-4915. (a) As used in this section:~~

42 ~~(1) "Healthcare provider" means: (A) Those persons and entities~~  
43 ~~defined as a healthcare provider under K.S.A. 40-3401, and amendments~~

1 thereto; and (B) a dentist licensed by the Kansas dental board, a dental  
2 hygienist licensed by the Kansas dental board, a professional nurse  
3 licensed by the board of nursing, a practical nurse licensed by the board of  
4 nursing, a mental health technician licensed by the board of nursing, a  
5 physical therapist licensed by the state board of healing arts, a physical  
6 therapist assistant certified by the state board of healing arts, an  
7 occupational therapist licensed by the state board of healing arts, an  
8 occupational therapy assistant licensed by the state board of healing arts, a  
9 respiratory therapist licensed by the state board of healing arts, a physician  
10 assistant licensed by the state board of healing arts and emergency medical  
11 service provider and ambulance services certified by the emergency  
12 medical services board.

13 (2) ~~"Healthcare provider group" means:~~

14 (A) ~~A state or local association of healthcare providers or one or more~~  
15 ~~committees thereof;~~

16 (B) ~~the board of governors created under K.S.A. 40-3403, and~~  
17 ~~amendments thereto;~~

18 (C) ~~an organization of healthcare providers formed pursuant to state~~  
19 ~~or federal law and authorized to evaluate medical and healthcare services;~~

20 (D) ~~a review committee operating pursuant to K.S.A. 65-2840e, and~~  
21 ~~amendments thereto;~~

22 (E) ~~an organized medical staff of a licensed medical care facility as~~  
23 ~~defined by K.S.A. 65-425, and amendments thereto, an organized medical~~  
24 ~~staff of a private psychiatric hospital licensed under K.S.A. 39-2001 et~~  
25 ~~seq., and amendments thereto, or an organized medical staff of a state~~  
26 ~~psychiatric hospital or state institution for people with intellectual~~  
27 ~~disability, as follows: Larned state hospital, Osawatomie state hospital,~~  
28 ~~Rainbow mental health facility, Kansas neurological institute and Parsons~~  
29 ~~state hospital and training center;~~

30 (F)(E) ~~a healthcare provider;~~

31 (G)(F) ~~a professional society of healthcare providers or one or more~~  
32 ~~committees thereof;~~

33 (H)(G) ~~a Kansas corporation whose stockholders or members are~~  
34 ~~healthcare providers or an association of healthcare providers, which~~  
35 ~~corporation evaluates medical and healthcare services;~~

36 (I)(H) ~~an insurance company, health maintenance organization or~~  
37 ~~administrator of a health benefits plan that engages in any of the functions~~  
38 ~~defined as peer review under this section; or~~

39 (J)(I) ~~the university of Kansas medical center.~~

40 (3) ~~"Peer review" means any of the following functions:~~

41 (A) ~~Evaluate and improve the quality of healthcare services rendered~~  
42 ~~by healthcare providers;~~

43 (B) ~~determine that health services rendered were professionally~~

1 indicated or were performed in compliance with the applicable standard of  
2 care;

3 ~~(C) determine that the cost of healthcare rendered was considered~~  
4 ~~reasonable by the providers of professional health services in this area;~~

5 ~~(D) evaluate the qualifications, competence and performance of the~~  
6 ~~providers of healthcare or to act upon matters relating to the discipline of~~  
7 ~~any individual provider of healthcare;~~

8 ~~(E) reduce morbidity or mortality;~~

9 ~~(F) establish and enforce guidelines designed to keep within~~  
10 ~~reasonable bounds the cost of healthcare;~~

11 ~~(G) conduct of research;~~

12 ~~(H) determine if a hospital's facilities are being properly utilized;~~

13 ~~(I) supervise, discipline, admit, determine privileges or control~~  
14 ~~members of a hospital's medical staff;~~

15 ~~(J) review the professional qualifications or activities of healthcare~~  
16 ~~providers;~~

17 ~~(K) evaluate the quantity, quality and timeliness of healthcare~~  
18 ~~services rendered to patients in the facility;~~

19 ~~(L) evaluate, review or improve methods, procedures or treatments~~  
20 ~~being utilized by the medical care facility or by healthcare providers in a~~  
21 ~~facility rendering healthcare.~~

22 ~~(4) "Peer review officer or committee" means:~~

23 ~~(A) An individual employed, designated or appointed by, or a~~  
24 ~~committee of or employed, designated or appointed by, a healthcare~~  
25 ~~provider group and authorized to perform peer review; or~~

26 ~~(B) a healthcare provider monitoring the delivery of healthcare at~~  
27 ~~correctional institutions under the jurisdiction of the secretary of~~  
28 ~~corrections.~~

29 ~~(b) Except as provided by K.S.A. 60-437, and amendments thereto,~~  
30 ~~and by subsections (c) and (d), the reports, statements, memoranda,~~  
31 ~~proceedings, findings and other records submitted to or generated by peer~~  
32 ~~review committees or officers shall be privileged and shall not be subject~~  
33 ~~to discovery, subpoena or other means of legal compulsion for their release~~  
34 ~~to any person or entity or be admissible in evidence in any judicial or~~  
35 ~~administrative proceeding. Information contained in such records shall not~~  
36 ~~be discoverable or admissible at trial in the form of testimony by an~~  
37 ~~individual who participated in the peer review process. The peer review~~  
38 ~~officer or committee creating or initially receiving the record is the holder~~  
39 ~~of the privilege established by this section. This privilege may be claimed~~  
40 ~~by the legal entity creating the peer review committee or officer, or by the~~  
41 ~~commissioner of insurance for any records or proceedings of the board of~~  
42 ~~governors.~~

43 ~~(c) Subsection (b) shall not apply to proceedings in which a~~

1 healthcare provider contests the revocation, denial, restriction or  
2 termination of staff privileges or the license, registration, certification or  
3 other authorization to practice of the healthcare provider. A licensing  
4 agency in conducting a disciplinary proceeding in which admission of any  
5 peer review committee report, record or testimony is proposed shall hold  
6 the hearing in closed session when any such report, record or testimony is  
7 disclosed. Unless otherwise provided by law, a licensing agency  
8 conducting a disciplinary proceeding may close only that portion of the  
9 hearing in which disclosure of a report or record privileged under this  
10 section is proposed. In closing a portion of a hearing as provided by this  
11 section, the presiding officer may exclude any person from the hearing  
12 location except the licensee, the licensee's attorney, the agency's attorney,  
13 the witness, the court reporter and appropriate staff support for either  
14 counsel. The licensing agency shall make the portions of the agency record  
15 in which such report or record is disclosed subject to a protective order  
16 prohibiting further disclosure of such report or record. Such report or  
17 record shall not be subject to discovery, subpoena or other means of legal  
18 compulsion for their release to any person or entity. No person in  
19 attendance at a closed portion of a disciplinary proceeding shall at a  
20 subsequent civil, criminal or administrative hearing, be required to testify  
21 regarding the existence or content of a report or record privileged under  
22 this section that was disclosed in a closed portion of a hearing, nor shall  
23 such testimony be admitted into evidence in any subsequent civil, criminal  
24 or administrative hearing. A licensing agency conducting a disciplinary  
25 proceeding may review peer review committee records, testimony or  
26 reports but must prove its findings with independently obtained testimony  
27 or records that shall be presented as part of the disciplinary proceeding in  
28 open meeting of the licensing agency. Offering such testimony or records  
29 in an open public hearing shall not be deemed a waiver of the peer review  
30 privilege relating to any peer review committee testimony, records or  
31 report.

32 (d) Nothing in this section shall limit the authority that may otherwise  
33 be provided by law of the commissioner of insurance, the state board of  
34 healing arts or other healthcare provider licensing or disciplinary boards of  
35 this state to require a peer review committee or officer to report to it any  
36 disciplinary action or recommendation of such committee or officer; to  
37 transfer to it records of such committee's or officer's proceedings or actions  
38 to restrict or revoke the license, registration, certification or other  
39 authorization to practice of a healthcare provider; or to terminate the  
40 liability of the fund for all claims against a specific healthcare provider for  
41 damages for death or personal injury pursuant to K.S.A. 40-3403(i), and  
42 amendments thereto. Reports and records so furnished shall not be subject  
43 to discovery, subpoena or other means of legal compulsion for their release

1 to any person or entity and shall not be admissible in evidence in any  
2 judicial or administrative proceeding other than a disciplinary proceeding  
3 by the state board of healing arts or other healthcare provider licensing or  
4 disciplinary boards of this state.

5 (e) ~~A peer review committee or officer may report to and discuss its~~  
6 ~~activities, information and findings to other peer review committees or~~  
7 ~~officers or to a board of directors or an administrative officer of a~~  
8 ~~healthcare provider without waiver of the privilege provided by subsection~~  
9 ~~(b) and the records of all such committees or officers relating to such~~  
10 ~~report shall be privileged as provided by subsection (b).~~

11 (f) ~~Nothing in this section shall be construed to prevent an insured~~  
12 ~~from obtaining information pertaining to payment of benefits under a~~  
13 ~~contract with an insurance company, a health maintenance organization or~~  
14 ~~an administrator of a health benefits plan.~~

15 ~~Sec. 6.~~ 5. K.S.A. 65-5702 is hereby amended to read as follows: 65-  
16 5702. As used in this act:

17 (a) "Commission" means ~~the state emergency response commission~~  
18 ~~on emergency planning and response~~ created by K.S.A. ~~65-5703~~ 65-5721,  
19 ~~and amendments thereto.~~

20 (b) "Federal act" means the federal emergency planning and  
21 community right-to-know act of 1986 (Title III, P.L. 99-499).

22 ~~Sec. 7.~~ 6. K.S.A. 65-5728 is hereby amended to read as follows: 65-  
23 5728. (a) Except as otherwise provided by this order, the powers, duties,  
24 and functions of the adjutant general and secretary of health and  
25 environment related to approval of local planning districts as provided by  
26 K.S.A. ~~65-5703(f)~~ 65-5722(f) and (g), and amendments thereto, are hereby  
27 transferred to and conferred and imposed upon the commission on  
28 emergency planning and response.

29 (b) Except as otherwise provided by this order, whenever the words  
30 "adjutant general" or "secretary of health and environment" or words of  
31 like effect are referred to or designated by a statute, rule and regulation,  
32 contract or other document in connection with the powers, duties, and  
33 functions transferred by this order from the adjutant general and the  
34 secretary of health and environment to the commission on emergency  
35 planning and response, the reference or designation shall be deemed to  
36 apply to the commission on emergency planning and response.

37 (c) All rules and regulations, orders, and directives of the adjutant  
38 general and of the secretary of health and environment relating to the  
39 powers, duties, and functions transferred to the commission on emergency  
40 planning and response by this order shall continue to be effective and shall  
41 be deemed to be rules and regulations, orders, and directives of the  
42 commission on emergency planning and response until revised, amended  
43 or nullified pursuant to law.

1       Sec.-8- 7. K.S.A. 65-7406 is hereby amended to read as follows: 65-  
2 7406. (a) Subject to appropriations, there is hereby established the primary  
3 care safety net clinic loan guarantee fund in the state treasury for the  
4 purposes of facilitating the financing for the acquisition and modernization  
5 of primary care safety net clinics in Kansas and the refinancing of capital  
6 improvements and acquisition and installation of equipment therefor. The  
7 primary care safety net clinic loan guarantee fund shall be administered by  
8 the secretary. All moneys in the primary care safety net clinic loan  
9 guarantee fund shall be used to provide guarantees against capital loan  
10 risks in accordance with this act and to pay for the administrative costs  
11 associated with the act as may be certified by the secretary. All  
12 expenditures from the primary care safety net clinic loan guarantee fund  
13 shall be made in accordance with appropriations acts upon warrants of the  
14 director of accounts and reports issued pursuant to vouchers approved by  
15 the secretary or the secretary's designee.

16       (b) All fees and charges imposed by the secretary and other moneys  
17 received by the secretary for the purposes of this act shall be remitted to  
18 the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
19 and amendments thereto. Upon receipt of each such remittance, the state  
20 treasurer shall deposit the entire amount in the state treasury to the credit  
21 of the primary care safety net clinic loan guarantee fund.

22       (c) Upon certification by the secretary to the director of accounts and  
23 reports that the unencumbered balance in the primary care safety net clinic  
24 loan guarantee fund is insufficient to pay an amount for a loan guarantee  
25 for which the fund is liable under this act, the director of accounts and  
26 reports shall transfer an amount equal to the insufficiency from the state  
27 general fund to the primary care safety net clinic loan guarantee fund. The  
28 secretary shall transmit a copy of each such certification to the director of  
29 the budget and to the director of legislative research at the same time that  
30 the secretary submits a certification to the director of accounts and reports  
31 under this subsection.

32       (d) On or before the 10<sup>th</sup> of each month, the director of accounts and  
33 reports shall transfer from the state general fund to the primary care safety  
34 net clinic loan guarantee fund interest earnings based on:

35       (1) The average daily balance of moneys in the ~~Kansas export~~  
36 *primary care safety net clinic* loan guarantee fund for the preceding  
37 month; and

38       (2) the net earnings rate of the pooled money investment portfolio for  
39 the preceding month.

40       Sec.-9- 8. K.S.A. 66-2010 is hereby amended to read as follows: 66-  
41 2010. (a) The commission shall utilize a competitive bidding process to  
42 select a neutral, competent and bonded third party to administer the KUSF.

43       (b) The administrator shall be responsible for: (1) Collecting and

1 auditing all relevant information from all qualifying telecommunications  
2 public utilities, telecommunications carriers or wireless  
3 telecommunications service providers receiving funds from or providing  
4 funds to the KUSF; (2) verifying, based on the calculations of each  
5 qualifying telecommunications carrier, telecommunications public utility  
6 or wireless telecommunications service provider, the obligation of each  
7 such qualifying carrier, utility or provider to generate the funds required by  
8 the KUSF; (3) collecting all moneys due to the KUSF from all  
9 telecommunications public utilities, telecommunications carriers and  
10 wireless telecommunications service providers in the state; and (4)  
11 distributing amounts on a monthly basis due to qualifying  
12 telecommunications public utilities, wireless telecommunications service  
13 providers and telecommunications carriers receiving KUSF funding.

14 (c) Any information made available or received by the administrator  
15 from carriers, utilities or providers receiving funds from or providing  
16 funds to the KUSF shall not be subject to any provisions of the Kansas  
17 open records act and shall be considered confidential and proprietary.

18 (d) The administrator shall be authorized to maintain an action to  
19 collect any funds owed by any telecommunications carrier, public utility or  
20 wireless telecommunications provider in the district court in the county of  
21 the registered office of such carrier, utility or provider or, if such carrier,  
22 utility or provider does not have a registered office in the state, such an  
23 action may be maintained in the county where such carrier's, utility's or  
24 provider's principal office is located. If such carrier, utility or provider has  
25 no principal office in the state, such an action may be maintained in the  
26 district court of any county in which such carrier, utility or provider  
27 provides service.

28 (e)-(f) The KUSF administrator shall be responsible to ensure that  
29 funds do not fall below the level necessary to pay all amounts collectively  
30 owed to all qualifying telecommunications public utilities, wireless  
31 telecommunications service providers and telecommunications carriers.  
32 The administrator shall have the authority to retain and invest in a prudent  
33 and reasonable manner any excess funds collected in any period to help  
34 ensure that adequate funds are available to cover amounts payable in other  
35 periods.

36 ~~(2) Subject to the provisions of appropriations acts, for fiscal year~~  
37 ~~2013, the KUSF administrator may transfer moneys from the KUSF to the~~  
38 ~~state treasurer. Upon the receipt of any payment, the state treasurer shall~~  
39 ~~deposit the entire amount in the state treasury and credit it to the KAN-ED~~  
40 ~~fund. Any such payments shall be made after all payments required by~~  
41 ~~K.S.A. 66-2008, and amendments thereto, for the month are made from~~  
42 ~~the KUSF.~~

43 ~~Sec. 10. 9.~~ K.S.A. 74-2916 is hereby amended to read as follows: 74-

1 2916. (a) ~~Notwithstanding the provisions of K.S.A. 74-5074, and~~  
2 ~~amendments thereto, on July 1, 2002, or as soon thereafter as moneys are~~  
3 ~~available, the secretary of commerce is authorized and directed to loan to~~  
4 ~~the director of the Kansas sports hall of fame \$100,000 from the Kansas~~  
5 ~~export loan guarantee fund. The director of the Kansas sports hall of fame~~  
6 ~~is authorized and directed to use any moneys in the Kansas sports hall of~~  
7 ~~fame surcharge fund to provide for the ongoing expenses of the Kansas~~  
8 ~~sports hall of fame. Such loan shall not bear interest. Such loan shall not~~  
9 ~~be deemed to be an indebtedness or debt of the state of Kansas within the~~  
10 ~~meaning of section 6 of article 11 of the constitution of the state of Kansas.~~

11 (b) ~~Upon certification by the secretary of commerce and by the~~  
12 ~~director of the Kansas sports hall of fame, the director of accounts and~~  
13 ~~reports shall transfer such amount from the Kansas export loan guarantee~~  
14 ~~fund to the Kansas sports hall of fame surcharge fund.~~

15 (c) ~~The loan authorized pursuant to subsection (a) shall be repaid in~~  
16 ~~one payment payable on or before June 30, 2003, of \$50,000, and one~~  
17 ~~payment payable on or before June 30, 2004, of \$50,000.~~

18 (d) ~~The state of Kansas sports hall of fame board of trustees, in~~  
19 ~~consultation with postsecondary educational institutions and the accredited~~  
20 ~~independent institutions, shall develop and implement a voluntary plan to~~  
21 ~~have such institutions participate in the raising of funds for the Kansas~~  
22 ~~sports hall of fame.~~

23 (e) ~~Quarterly, during fiscal year 2003 and 2004, the state of Kansas~~  
24 ~~sports hall of fame board of trustees shall submit a report to the~~  
25 ~~chairperson of the legislative budget committee concerning the progress~~  
26 ~~and provisions of this act when the legislature is not in session and the~~  
27 ~~chairperson of the committee on appropriations of the house of~~  
28 ~~representatives and the chairperson of the committee on ways and means~~  
29 ~~of the senate when the legislature is in session.~~

30 (f)(b) ~~"Postsecondary educational institution" means Kansas state~~  
31 ~~university, the university of Kansas, Wichita state university, Emporia state~~  
32 ~~university, Fort Hays state university, Pittsburg state university, Washburn~~  
33 ~~university and any community college.~~

34 **Sec. H. 10.** ~~K.S.A. 74-5210 is hereby amended to read as follows:~~  
35 ~~74-5210. (a) The Kansas arts commission created by K.S.A. 74-5202, and~~  
36 ~~amendments thereto prior to its repeal, and the Kansas film services~~  
37 ~~commission created by K.S.A. 74-9201, and amendments thereto prior to~~  
38 ~~its repeal, are hereby abolished.~~

39 (b) ~~Except as otherwise provided by this act, all of the powers, duties~~  
40 ~~and functions of the existing Kansas arts commission and the Kansas film~~  
41 ~~services commission are hereby transferred to, conferred and imposed~~  
42 ~~upon the creative arts industries commission within the department of~~  
43 ~~commerce, established by this act.~~

1 (c) Except as otherwise provided by this act, the creative arts  
2 industries commission within the department of commerce established by  
3 this act shall be the successor in every way to the powers, duties and  
4 functions of the Kansas arts commission and the Kansas film services  
5 commission in which the same were vested prior to the effective date of  
6 this act. Every act performed in the exercise of such powers, duties and  
7 functions by or under the authority of the creative arts industries  
8 commission within the department of commerce established by this act  
9 shall be deemed to have the same force and effect as if performed by the  
10 Kansas arts commission and the Kansas film services commission in  
11 which such powers, duties and functions were vested prior to the effective  
12 date of this act.

13 (d) Except as otherwise provided by this act, whenever the Kansas  
14 arts commission or the Kansas film services commission, or words of like  
15 effect, are referred to or designated by a statute, contract or other  
16 document, such reference or designation shall be deemed to apply to the  
17 creative arts industries commission within the department of commerce  
18 established by this act.

19 (e) All rules and regulations of the Kansas arts commission and the  
20 Kansas film services commission in existence on the effective date of this  
21 act shall continue to be effective and shall be deemed to be duly adopted  
22 rules and regulations of the creative arts industries commission within the  
23 department of commerce established by this act until revised, amended,  
24 revoked or nullified pursuant to law.

25 (f) All orders and directives of the Kansas arts commission and the  
26 Kansas film services commission in existence on the effective date of this  
27 act shall continue to be effective and shall be deemed to be orders and  
28 directives of the creative arts industries commission within the department  
29 of commerce established by this act, until revised, amended, revoked or  
30 nullified pursuant to law.

31 (g) On the effective date of this act, the creative arts industries  
32 commission within the department of commerce shall succeed to whatever  
33 right, title or interest the Kansas arts commission and the Kansas film  
34 services commission have acquired in any real property in this state, and  
35 the creative arts industries commission within the department of commerce  
36 shall hold the same for and in the name of the state of Kansas. On and after  
37 the effective date of this act, whenever any statute, contract, deed or other  
38 document concerns the power or authority of the Kansas arts commission  
39 or the Kansas film services commission to acquire, hold or dispose of real  
40 property or any interest therein, the creative arts industries commission  
41 within the department of commerce shall succeed to such power or  
42 authority.

43 (h) The creative arts industries commission within the department of

1 commerce established by this act shall be a continuation of the Kansas arts  
2 commission and the Kansas film services commission.

3 (i) On the effective date of this act, all officers and employees who,  
4 immediately prior to such date, were engaged in the performance of  
5 powers, duties or functions of the Kansas arts commission and the Kansas  
6 film services commission which are transferred by this act, or who become  
7 a part of the creative arts industries commission within the department of  
8 commerce, and who, in the opinion of the director of the creative arts  
9 industries commission within the department of commerce, are necessary  
10 to perform the powers, duties and functions of the creative arts industries  
11 commission within the department of commerce, shall be transferred to,  
12 and shall become officers and employees of the creative arts industries  
13 commission within the department of commerce.

14 (j) Officers and employees of the Kansas arts commission and the  
15 Kansas film services commission transferred by this act shall retain all  
16 retirement benefits and leave balances and rights which had accrued or  
17 vested prior to the date of transfer. The service of each such officer and  
18 employee so transferred shall be deemed to have been continuous. All  
19 transfers, layoffs or abolition of classified service positions under the  
20 Kansas civil service act shall be made in accordance with the civil service  
21 laws and any rule and regulation adopted thereunder. Nothing in this act  
22 shall affect the classified status of any transferred person employed by the  
23 Kansas arts commission and the Kansas film services commission prior to  
24 the date of transfer.

25 (k) For the purposes of K.S.A. 12-2536, and amendments thereto, the  
26 creative arts industries commission within the department of commerce,  
27 instead of the Kansas arts commission, shall provide an appointee to serve  
28 on the metropolitan culture commission.

29 ~~Sec. 12.~~ **11.** K.S.A. 74-6603 is hereby amended to read as follows:  
30 74-6603. As used in this act, the following words and terms shall have the  
31 meanings ascribed to them in this section, unless the context shall indicate  
32 another or different meaning or intent:

33 (a) "Natural and scientific area" means an area of land or water in  
34 public or private ownership which either retains to some degree its  
35 primeval character, though it need not be completely natural and  
36 undisturbed, or has natural flora, fauna, ecological, geological, historical  
37 or archeological features of scientific or educational interest.

38 (b) "Natural and scientific preserve" means a natural or scientific area  
39 which is formally dedicated under the provisions of this act to be  
40 maintained as nearly as possible in its natural condition and to be used in a  
41 manner and under limitations consistent with its continued preservation,  
42 without impairment, disturbance, or artificial development except that  
43 deemed necessary for scientific research, education, or public

1 interpretation of the area.

2 ~~(e) "Board" means the natural and scientific areas advisory board~~  
3 ~~created by K.S.A. 74-6614.~~

4 ~~Sec. 13.~~ **12.** K.S.A. 74-6609 is hereby amended to read as follows:  
5 74-6609. A natural or scientific area ~~which has been found by the board to~~  
6 ~~be suitable for inclusion in the system~~ shall become a natural and scientific  
7 preserve upon its dedication by the owner of the land or of an interest or a  
8 right therein, with the approval of the state biological survey. The  
9 dedication shall be evidenced by articles of dedication which shall be in  
10 such form as the state biological survey may approve. The articles of  
11 dedication may, consistent with the purposes of this act, define the  
12 respective rights and duties of the owner or custodian and the state  
13 biological survey; contain provisions relating to management,  
14 development use, public access, sale or transfer; provide or create  
15 reversionary rights; contain such other provisions as may be necessary or  
16 advisable; and vary in provisions from one natural and scientific preserve  
17 to another.

18 ~~Sec. 14.~~ **13.** K.S.A. 74-72,123 is hereby amended to read as follows:  
19 74-72,123. (a) As used in the Kansas taxpayer transparency act:

20 (1) "Searchable website" means a website that allows the public to  
21 search and aggregate the information identified in subsection (b) including  
22 requirements that the website offer the public the ability to efficiently  
23 search and display data, and ascertain the total amounts of revenues and  
24 expenditures (A) of funds established within the state treasury in an  
25 aggregate or summary form in a manner determined by the secretary of  
26 administration, (B) of compensation paid to public employees employed  
27 by state agencies, and (C) of bond debt as specified in this act.

28 (2) "Agency" means any entity or instrumentality of the state of  
29 Kansas as defined in K.S.A. 75-3701, and amendments thereto, and any  
30 other entity or instrumentality delegated statutory authority by the  
31 legislature to issue bonds and to collect revenue for the purpose of  
32 repaying bonds issued under authority delegated by statute.

33 ~~(3) "Board" means the public finance transparency board.~~

34 (b) ~~No later than March 1, 2009,~~ The secretary of administration shall  
35 develop and operate a single, searchable website accessible by the public  
36 at no cost to access, that includes:

37 (1) Annual expenditures, as determined by the secretary of  
38 administration and as available within the central accounting system and  
39 state payroll system, shall include, but not be limited to:

40 (A) Disbursements by any state agency from funds established within  
41 the state treasury;

42 (B) bond debt payments;

43 (C) salaries and wages including, but not limited to, compensation

- 1 paid to individual employees of state agencies;
- 2 (D) contractual services including, but not limited to, amounts paid to  
3 individual vendors;
- 4 (E) commodities including, but not limited to, amounts paid to  
5 individual vendors;
- 6 (F) capital outlay including, but not limited to, amounts paid to  
7 individual vendors;
- 8 (G) debt service including, but not limited to, amounts of bond  
9 interest paid and sources of funds paid for individual bond issues;
- 10 (H) aid to local units including, but not limited to, amounts paid to  
11 individual units of government for individually identifiable aid programs;
- 12 (I) other assistance and benefits;
- 13 (J) capital improvements including, but not limited to, amounts of  
14 bond principal paid and sources of funds paid for individual bond issues;  
15 and
- 16 (K) tax expenditures as reported by the secretary of revenue in the  
17 annual tax expenditure report.
- 18 (2) Annual revenues, as determined by the secretary of administration  
19 and as available within the central accounting system, shall include, but  
20 not be limited to:
- 21 (A) Receipts or deposits by any state agency into funds established  
22 within the state treasury;
- 23 (B) taxes including, but not limited to, compulsory contributions  
24 imposed by the state for the purpose of financing services;
- 25 (C) agency earnings including, but not limited to, amounts collected  
26 by each agency for merchandise sold, services performed, licenses and  
27 permits issued, or regulation;
- 28 (D) revenue for the use of money and property including, but not  
29 limited to, amounts received for compensation for the use of state-owned  
30 money and property;
- 31 (E) gifts, donations and federal grants including, but not limited to,  
32 amounts received from public and private entities to aid in support of a  
33 specific function or other governmental activity;
- 34 (F) other revenue including, but not limited to, receipts not classified  
35 elsewhere; and
- 36 (G) non-revenue receipts including, but not limited to, all receipts that  
37 do not constitute revenue.
- 38 (3) Annual bonded indebtedness which shall include, but not be  
39 limited to the amount of the total original obligation stated in terms of  
40 principal and interest, the term of the obligation, the source of funding for  
41 repayment of the obligation, the amounts of principal and interest  
42 previously paid to reduce the obligation, the balance remaining of the  
43 obligation, any refinancing of the obligation, and the cited statutory

1 authority to issue such bonds.

2 (4) Any other relevant information specified by the secretary of  
3 administration ~~after consulting with and seeking the advice of the public~~  
4 ~~finance transparency board as established in K.S.A. 74-72,124, and~~  
5 ~~amendments thereto.~~

6 (c) The single website provided for in subsection (b) ~~of this section~~  
7 shall include data for ~~fiscal year 2003 and~~ each fiscal year ~~thereafter~~. The  
8 website shall be designed so that such data shall be retained on the single  
9 website for not less than 10 years and shall include data for the most recent  
10 fiscal years. Data that is available in the central accounting system and  
11 state payroll system shall be on the single website as soon as possible, but  
12 not later than 45 days after the last day of the preceding fiscal year. The  
13 secretary of administration shall develop policies and procedures to make  
14 data available from any other source. Nothing in this act shall require the  
15 secretary of administration to provide information on the website that is  
16 not available in the central accounting system and the state payroll system  
17 at the time of initial implementation of the website. After implementation  
18 of the initial website, the public finance transparency board shall advise  
19 the secretary of administration on incorporating additional information  
20 described by this act from any other source of information available to the  
21 secretary of administration including information submitted by state  
22 agencies pursuant to subsection (d) ~~of this section~~.

23 (d) Any state agency shall provide, at the request of the secretary of  
24 administration, such information as is necessary to accomplish the  
25 purposes of this act.

26 (e) Nothing in this act shall permit or require the disclosure of  
27 information which is considered confidential by state or federal law.

28 ~~Sec. 15.~~ **14.** K.S.A. 74-99b03 is hereby amended to read as follows:  
29 74-99b03. As used in the bioscience authority act, and amendments  
30 thereto, the following words and phrases shall have the following  
31 meanings unless a different meaning clearly appears from the content:

32 (a) "Authority" means the ~~Kansas bioscience authority created by this~~  
33 ~~act~~ *department of commerce*.

34 (b) ~~"Authority employee" means an employee of the authority who~~  
35 ~~performs services for the authority and whose salary is paid in whole or in~~  
36 ~~part by the authority. An authority employee will not be considered to be a~~  
37 ~~state employee, as such term is defined in this act or in any other statute or~~  
38 ~~regulation.~~

39 (c) "Bioscience" means the use of compositions, methods and  
40 organisms in cellular and molecular research, development and  
41 manufacturing processes for such diverse areas as pharmaceuticals,  
42 medical therapeutics, medical diagnostics, medical devices, medical  
43 instruments, biochemistry, microbiology, veterinary medicine, plant

1 biology, agriculture and industrial, environmental, and homeland security  
2 applications of bioscience, and future developments in the biosciences.  
3 Bioscience includes biotechnology and life sciences.

4 ~~(d)~~(c) "Bioscience company" means a corporation, limited liability  
5 company, S corporation, partnership, registered limited liability  
6 partnership, foundation, association, nonprofit entity, sole proprietorship,  
7 business trust, person, group, or other entity that is engaged in the business  
8 of bioscience in the state and has business operations in the state,  
9 including, without limitation, research, development, or production  
10 directed towards developing or providing bioscience products or processes  
11 for specific commercial or public purposes and are identified by the  
12 following NAICS codes: 325411, 325412, 325413, 325414, 325193,  
13 325199, 325311, 32532, 334516, 339111, 339112, 339113, 334510,  
14 334517, 339115, 621511, 621512, 54171, 54138, 54194.

15 ~~(e)~~(d) "Bioscience development project" means an approved project  
16 to implement a project plan in a bioscience development district.

17 ~~(f)~~(e) "Bioscience research" means any investigation for the  
18 advancement of scientific or technological knowledge of bioscience and  
19 any activity that seeks to utilize, synthesize, or apply existing knowledge,  
20 information or resources to the resolution of a specific problem, question  
21 or issue of bioscience.

22 ~~(g)~~(f) "Bioscience research institutions" means all universities and  
23 colleges located in the state of Kansas conducting bioscience research.

24 ~~(h)~~(g) "Biotechnology" means those fields focusing on technological  
25 developments in such areas as molecular biology, genetic engineering,  
26 genomics, proteomics, physiomics, nanotechnology, biodefense,  
27 biocomputing and bioinformatics.

28 ~~(i)~~(h) "Board" means the ~~board of directors of the authority created~~  
29 ~~by this act~~ *department of commerce*.

30 ~~(j)~~(i) "Bonds" ~~has the same meaning~~ *means the same* as in K.S.A. 74-  
31 8902, and amendments thereto.

32 ~~(k)~~(j) "Bioscience development and investment fund" means the fund  
33 created by K.S.A. 74-99b34, and amendments thereto.

34 ~~(l)~~(k) "Eminent scholar" means world-class, distinguished and  
35 established investigators recognized nationally for their research,  
36 achievements and ability to garner significant federal funding on an annual  
37 basis. Eminent scholars are recognized for their scientific knowledge and  
38 entrepreneurial spirit to enhance the innovative research that leads to  
39 economic gains. Eminent scholars are either members of or likely  
40 candidates for the national academy of sciences or other prominent  
41 national academic science organizations.

42 ~~(m)~~(l) "Life sciences" means the areas of medical sciences,  
43 pharmaceutical sciences, biological sciences, zoology, botany, horticulture,

1 ecology, toxicology, organic chemistry, physical chemistry, physiology and  
2 any future advances associated with life sciences.

3 ~~(m)~~(m) "NAICS" means the north American industry classification  
4 system.

5 ~~(n)~~(n) "NISTAC" means the national institute for strategic technology  
6 acquisition and commercialization.

7 ~~(o)~~(o) "President" or "secretary" means the ~~chief executive officer of~~  
8 ~~the authority~~ *secretary of commerce*.

9 ~~(p)~~(p) "Principal operation" means the operation of the authority  
10 requiring at least 75% of the total number of employees at all times.

11 ~~(q)~~(q) "Qualified company" means a Kansas company conducting  
12 bioscience research and development that may be granted a funding  
13 voucher.

14 ~~(r)~~(r) "Rising star scholar" means up-and-coming distinguished  
15 investigators growing in their national reputations in their fields, who are  
16 active and demonstrate leadership in their associated professional  
17 societies, and who attract significant federal research grant support. Rising  
18 star scholars would be likely candidates for the national academy of  
19 sciences or other prominent national academic science organizations in the  
20 future.

21 ~~(s)~~(s) "State" means the state of Kansas.

22 ~~(t)~~(t) "State employee" means a person employed by the state of  
23 Kansas whether or not a classified or unclassified employee in the state  
24 personnel system. ~~Authority employees shall not be considered state~~  
25 ~~employees, as such term is defined in this act or in any other statute or rule~~  
26 ~~and regulation.~~

27 ~~(u)~~(u) "State universities" includes state educational institutions as  
28 defined in K.S.A. 76-711, and amendments thereto, and the municipal  
29 university as defined in K.S.A. 74-3201b, and amendments thereto.

30 ~~(v)~~(v) "Taxpayer" means a person, corporation, limited liability  
31 company, S corporation, partnership, registered limited liability  
32 partnership, foundation, association, nonprofit entity, sole proprietorship,  
33 business trust, group or other entity that is subject to the Kansas income  
34 tax act K.S.A. 79-3201 et seq., and amendments thereto.

35 ~~(w)~~(w) "Technology transfer" means, without limitation, assisting with  
36 filing patent applications, executing licenses, paying maintenance fees and  
37 managing the finance, production, sales and marketing of bioscience  
38 intellectual property.

39 ~~(x)~~(x) "This act" means the bioscience authority act.

40 ~~(y)~~(y) Notwithstanding any other provision of this act, the terms  
41 "bioscience," "biotechnology" and "life sciences" shall not be construed to  
42 include:

43 (1) Induced abortion in humans, performed after the date of

1 enactment of this act, or the use of cells or tissues derived therefrom; or

2 (2) any research the federal funding of which would be contrary to  
3 federal laws that are in effect on the date of enactment of this act.

4 Sec. ~~16~~. 15. K.S.A. 74-99b33 is hereby amended to read as follows:  
5 74-99b33. As used in the emerging industry investment act, and  
6 amendments thereto, the following words and phrases shall have the  
7 following meanings unless a different meaning clearly appears from the  
8 content:

9 (a) "Authority" means the ~~Kansas bioscience authority as created by~~  
10 ~~K.S.A. 74-99b04, and amendments thereto~~ *department of commerce*.

11 (b) "Base year taxation" means 95% of the 2003 state withholding  
12 taxes of bioscience employees working for bioscience companies and state  
13 universities currently located in or operating in the state. The base year  
14 taxation may be adjusted in future years to account for the addition of new  
15 bioscience companies and the identification of existing bioscience  
16 companies inadvertently omitted from prior determinations. When a  
17 bioscience company is added, the base year taxation shall be amended by  
18 95% of the company's 2003 state withholding taxes, if any.

19 (c) "Bioscience" means the use of compositions, methods and  
20 organisms in cellular and molecular research, development and  
21 manufacturing processes for such diverse areas as pharmaceuticals,  
22 medical therapeutics, medical diagnostics, medical devices, medical  
23 instruments, biochemistry, microbiology, veterinary medicine, plant  
24 biology, agriculture, industrial, environmental, and homeland security  
25 applications of bioscience and future developments in the biosciences.  
26 Bioscience includes biotechnology and life sciences.

27 (d) "Bioscience company" or "bioscience companies" means a  
28 corporation, limited liability company, S corporation, partnership,  
29 registered limited liability partnership, foundation, association, nonprofit  
30 entity, sole proprietorship, business trust, person, group or other entity that  
31 is engaged in the business of bioscience in the state and has business  
32 operations in the state, including, without limitation, research,  
33 development, sales, services, distribution or production directed towards  
34 developing or providing bioscience products or processes for specific  
35 commercial or public purposes but shall not include entities engaged in the  
36 distribution or retail sale of pharmaceuticals or other bioscience products.  
37 The authority and the secretary of revenue shall jointly determine whether  
38 an entity qualifies as a "bioscience company" based on verifiable evidence.  
39 One of the factors that shall be considered is whether a company has been  
40 identified by the department of labor by one of the following NAICS  
41 codes: 325411, 325412, 325413, 325414, 325193, 325199, 325311,  
42 325320, 334516, 339111, 339112, 339113, 334510, 334517, 339115,  
43 621511, 621512, 541710, 541380, 541940 and 622110. Such company

1 shall be presumed to be a bioscience company unless the authority and the  
2 secretary of revenue agree, based on verifiable evidence, that the company  
3 is not engaged in the business of bioscience in the state. A company  
4 identified by another NAICS code may be determined to be a bioscience  
5 company by the authority and the secretary of revenue based on verifiable  
6 evidence that the company is engaged in the business of bioscience in the  
7 state. From and after July 1, 2014, the authority and the secretary of  
8 revenue, based upon verifiable evidence, may determine that a company  
9 which has previously been determined to be a bioscience company shall no  
10 longer be considered to be a bioscience company for the purposes of the  
11 emerging industry investment act.

12 (e) "Bioscience development and investment fund" means the fund  
13 created by K.S.A. 74-99b34, and amendments thereto.

14 (f) "Bioscience employee" means any employee, officer or director of  
15 a bioscience company who is employed in the 2003 tax year or after  
16 December 31, 2003, and who is also a state taxpayer and any employee of  
17 state universities who is associated with bioscience research in the 2003  
18 tax year or after December 31, 2003, and who is also a state taxpayer.

19 (g) "Bioscience research" means any original investigation for the  
20 advancement of scientific or technological knowledge of bioscience and  
21 any activity that seeks to utilize, synthesize, or apply existing knowledge,  
22 information or resources to the resolution of a specific problem, question  
23 or issue of bioscience.

24 (h) "Biotechnology" means those fields focusing on technological  
25 developments in such areas as molecular biology, genetic engineering,  
26 genomics, proteomics, physiomics, nanotechnology, biodefense,  
27 biocomputing and bioinformatics and future developments associated with  
28 biotechnology.

29 (i) "Board" means ~~the board of directors of the authority~~ *department*  
30 *of commerce*.

31 (j) "Eminent scholar" means world-class, distinguished and  
32 established investigators recognized nationally for their research,  
33 achievements and ability to garner significant federal funding on an annual  
34 basis. Eminent scholars are recognized for their scientific knowledge and  
35 entrepreneurial spirit to enhance the innovative research that leads to  
36 economic gains. Eminent scholars are either members of or likely  
37 candidates for the national academy of sciences or other prominent  
38 national academic science organizations.

39 (k) "Life sciences" means, without limitation, the areas of medical  
40 sciences, pharmaceutical sciences, biological sciences, zoology, botany,  
41 horticulture, ecology, toxicology, organic chemistry, physical chemistry  
42 and physiology and any future advances associated with the life sciences.

43 (l) "NAICS" means the north American industry classification

1 system.

2 (m) "Rising star scholar" means up-and-coming distinguished  
3 investigators growing in their national reputations in their fields, who are  
4 active and demonstrate leadership in their associated professional  
5 societies, and who attract significant federal research grant support. Rising  
6 star scholars would be likely candidates for the national academy of  
7 science or other prominent national academic science organizations in the  
8 future.

9 (n) "State" means the state of Kansas.

10 (o) "State universities" includes state educational institutions as  
11 defined in K.S.A. 76-711, and amendments thereto, and the municipal  
12 university as defined in K.S.A. 74-3201b, and amendments thereto.

13 (p) "Subsequent year taxation" means 95% of all state withholding  
14 taxes payable by bioscience companies that commence operating in the  
15 state after December 31, 2003, and 95% of withholding associated with  
16 new bioscience employees added to bioscience companies and state  
17 universities and associated with growth of the existing bioscience  
18 employee withholding base after December 31, 2003.

19 (q) "Taxpayer" means a person, corporation, limited liability  
20 company, S corporation, partnership, registered limited liability  
21 partnership, foundation, association, nonprofit entity, sole proprietorship,  
22 business trust, group or other entity that is subject to the Kansas income  
23 tax act, K.S.A. 79-3201 et seq., and amendments thereto.

24 (r) "This act" means the emerging industry investment act.

25 ~~Sec. 17.~~ **16.** K.S.A. 74-99b63 is hereby amended to read as follows:  
26 74-99b63. As used in the bioscience research and development voucher  
27 program act, and amendments thereto, the following words and phrases  
28 have the following meanings unless a different meaning clearly appears  
29 from the content:

30 (a) "Authority" means the ~~Kansas bioscience authority as created by~~  
31 ~~K.S.A. 74-99b04, and amendments thereto~~ *department of commerce*.

32 (b) "Bioscience" means, without limitation, the use of compositions,  
33 methods and organisms in cellular and molecular research, development  
34 and manufacturing processes for such diverse areas as pharmaceuticals,  
35 medical therapeutics, medical diagnostics, medical devices, medical  
36 instruments, biochemistry, microbiology, veterinary medicine, plant  
37 biology, agriculture, industrial, environmental and homeland security  
38 applications of bioscience and future developments in the biosciences.  
39 Bioscience includes biotechnology and life sciences.

40 (c) "Bioscience research" means any investigation for the  
41 advancement of scientific or technological knowledge of bioscience and  
42 any activity that seeks to utilize, synthesize, or apply existing knowledge,  
43 information or resources to the resolution of a specific problem, question

1 or issue of bioscience.

2 (d) "Bioscience research institutions" means all universities and  
3 colleges located in the state of Kansas conducting bioscience research.

4 (e) "Biotechnology" means, without limitation, those fields focusing  
5 on technological developments in such areas as molecular biology, genetic  
6 engineering, genomics, proteomics, physiomics, nanotechnology,  
7 biodefense, biocomputing, bioinformatics and future developments  
8 associated with biotechnology.

9 (f) "Life sciences" means the areas of medical sciences,  
10 pharmaceutical sciences, biological sciences, zoology, botany, horticulture,  
11 ecology, toxicology, organic chemistry, physical chemistry, physiology and  
12 any future advances associated with life sciences.

13 (g) "Qualified company" means a Kansas company conducting  
14 bioscience research and development that may be granted a funding  
15 voucher.

16 (h) "State" means the state of Kansas.

17 (i) "This act" means the bioscience research and development  
18 voucher program act.

19 Sec. ~~18~~ 17. K.S.A. 74-99b83 is hereby amended to read as follows:  
20 74-99b83. As used in the bioscience research matching funds act, and  
21 amendments thereto, the following words and phrases have the following  
22 meanings unless a different meaning clearly appears from the content:

23 (a) "Authority" or "board" means the ~~Kansas bioscience authority as~~  
24 ~~created by K.S.A. 74-99b04, and amendments thereto~~ *department of*  
25 *commerce*.

26 (b) ~~"Board" means the board of directors of the authority.~~

27 ~~(c)~~ "Bioscience" means the use of compositions, methods and  
28 organisms in cellular and molecular research, development and  
29 manufacturing processes for such diverse areas as pharmaceuticals,  
30 medical therapeutics, medical diagnostics, medical devices, medical  
31 instruments, biochemistry, microbiology, veterinary medicine, plant  
32 biology, agriculture, industrial, environmental and homeland security  
33 applications of bioscience and future developments in the biosciences.  
34 Bioscience includes biotechnology and life sciences.

35 ~~(d)~~(c) "Bioscience research" means any investigation for the  
36 advancement of scientific or technological knowledge of bioscience and  
37 any activity that seeks to utilize, synthesize, or apply existing knowledge,  
38 information or resources to the resolution of a specific problem, question  
39 or issue of bioscience.

40 ~~(e)~~(d) "Bioscience research institutions" means all universities and  
41 colleges located in the state of Kansas conducting bioscience research.

42 ~~(f)~~(e) "Biotechnology" means, without limitation, those fields  
43 focusing on technological developments in such areas as molecular

1 biology, genetic engineering, genomics, proteomics, physiomics,  
 2 nanotechnology, biodefense, biocomputing, bioinformatics and future  
 3 developments associated with biotechnology.

4 ~~(g)~~(f) "Life sciences" means, without limitation, the areas of medical  
 5 sciences, pharmaceutical sciences, biological sciences, zoology, botany,  
 6 horticulture, ecology, toxicology, organic chemistry, physical chemistry,  
 7 physiology and any future advances associated with life sciences.

8 ~~(h)~~(g) "State" means the state of Kansas.

9 ~~(i)~~(h) "This act" means the bioscience research matching funds act.

10 Sec. ~~19~~. **18.** K.S.A. 75-7403 is hereby amended to read as follows:  
 11 75-7403. (a) The secretary of health and environment is hereby authorized  
 12 to establish policies and to adopt rules and regulations for the  
 13 implementation and administration of the powers, duties and functions  
 14 prescribed for or transferred to the department as provided by law.

15 (b) The secretary of health and environment may enter into contracts  
 16 as may be necessary to perform the powers, duties and functions of *the*  
 17 department and as provided by law. As provided by this act or as otherwise  
 18 the secretary of health and environment may enter into contracts with other  
 19 state agencies or with local governmental entities for the coordination of  
 20 health services, including care and prevention programs and activities, and  
 21 public health programs.

22 ~~(c) The secretary of health and environment may appoint advisory~~  
 23 ~~committees as deemed necessary by the secretary. The advisory~~  
 24 ~~committees shall consult with and advise the secretary of health and~~  
 25 ~~environment regarding the matters referred thereto by the department.~~  
 26 ~~Members of any advisory committee created under this section attending~~  
 27 ~~meetings of such committee or attending a subcommittee meeting thereof~~  
 28 ~~authorized by such committee shall be paid subsistence allowances,~~  
 29 ~~mileage and other expenses as provided in K.S.A. 75-3223, and~~  
 30 ~~amendments thereto, but shall receive no compensation for services as~~  
 31 ~~members of such advisory committee.~~

32 Sec. ~~20~~. **19.** K.S.A. 12-340, 12-341, 12-342, 12-343, 12-350, 12-351,  
 33 12-352, 12-353, 12-354, 12-355, 12-356, 12-357, 12-359, 12-360, 12-361,  
 34 12-362, 45-229, ~~65-2016, 65-2840e, 65-4969, 65-5702, 65-5703, 65-5728,~~  
 35 ~~65-7214, 65-7406, 66-2010, 68-185, 72-3441, 73-1221, 73-1222, 73-1223,~~  
 36 ~~73-1224, 73-1225, 73-1226, 73-1227, 73-1228, 73-1229, 73-1230, 73-~~  
 37 ~~1231, 74-2916, 74-5069, 74-5070, 74-5071, 74-5072, 74-5073, 74-5074,~~  
 38 ~~74-5092, 74-5093, 74-5094, 74-5095, 74-5096, 74-5097, 74-5098, 74-~~  
 39 ~~5099, 74-50,100, 74-50,101, 74-5210, 74-6603, 74-6609, 74-6614, 74-~~  
 40 ~~6615, 74-72,123, 74-72,124, 74-9201, 74-99b03, 74-99b04, 74-99b05, 74-~~  
 41 ~~99b11, 74-99b12, 74-99b13, 74-99b17, 74-99b33, 74-99b63, 74-99b83,~~  
 42 ~~75-7221, 75-7222, 75-7223, 75-7224, 75-7225, 75-7226, 75-7227 and 75-~~  
 43 ~~7403 and K.S.A. 2022 Supp. 65-4915 are hereby repealed.~~

- 1       Sec.~~24~~. **20**. This act shall take effect and be in force from and after
- 2       its publication in the statute book.