

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 18, 2024, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.
The roll was called with 35 senators present.
Senators Claeys, Haley, Holland, Pyle and Steffen were excused.
Invocation by Reverend Cecil T. Washington:

How To Formulate And Build For Success
Luke 6:46-49

Heavenly Father, in the parable of the wise and foolish builders, Luke 6:46-49, a comparison is made between those of us that truly look to You for guidance versus those of us that only fake it, those who actually walk it vs. those who just talk it. In the analogy, You share that two houses were built. It contrasts two builders, one foolish and one wise.

Lord, as we develop and shape things for the future, help us to exercise wisdom and be guided by Your building codes. The foolish builder ignored your design, and the house he built collapsed. But in listening to You, the wise builder closely followed Your direction and the house he built stood strong. Energy was expended and two houses were actually built. While contrasting efforts were laid out, one was destined for success, the other destined for failure.

Lord, You show us the wisdom of the successful builder in three ways: 1) he came to You, the SOURCE of Godly Wisdom, seeking guidance from Your Holy Word; 2) he listened to You with ears to hear Your instructions and, 3) he did what You told Him, in the way that You told Him, living it out.

I thank You Lord for You are the Architect, the Designer, the Engineer that we must turn to for guaranteed success in all that we're trying to accomplish.

I offer this prayer in the beloved Name of Jesus, Amen.

The Pledge of Allegiance was led by Vice President Wilborn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 554, AN ACT concerning health and healthcare; relating to certain definitions; providing that a fertilized human ovum or embryo existing outside of the uterus of a human body shall not be considered an unborn child or human being, by Committee on Federal and State Affairs.

SB 555, AN ACT concerning health and healthcare; relating to medical cannabis;

creating the medical cannabis pilot program act; authorizing the secretary of health and environment to enter into contracts for the limited cultivation, processing and distribution of medical cannabis for patient use upon a physician's recommendation; imposing terms and conditions for such contracts; establishing requirements for physician certifications recommending medical cannabis use; levying an excise tax on the retail sale of medical cannabis; establishing the medical cannabis refund fund and the medical cannabis research and education fund; creating the crime of unlawful storage of medical cannabis; making exceptions to the crimes of unlawful manufacture and possession of controlled substances; amending K.S.A. 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 23-3201, 38-2269, 44-501, 79-5201 and 79-5210 and K.S.A. 2023 Supp. 65-1120 and 65-28b08 and repealing the existing sections, by Committee on Federal and State Affairs.

MESSAGES FROM THE GOVERNOR

SB 195 approved on March 15, 2024.

MESSAGES FROM THE HOUSE

Announcing passage of **HB 2781**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2781 was thereupon introduced and read by title.

CONSIDERATION OF ORIGINAL MOTIONS

On motion of Senator Longbine, the Senate acceded to the request of the House for a conference on **HB 2105**.

The Vice President appointed Senators Longbine, Fagg and Pittman as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Longbine the Senate nonconcurrent in the House amendments to **SB 340** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Fagg and Holscher as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2232** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2232," as follows:

"Senate Substitute for HOUSE BILL NO. 2232

By Committee on Assessment and Taxation

"AN ACT concerning income taxation; relating to certain net operating losses; allowing a carryback on loss from the sale of certain historic hotels; amending K.S.A. 2023 Supp. 79-32,143 and repealing the existing section.";

And the substitute bill be passed.

Committee on **Education** recommends **SB 532** be amended on page 1, in line 29, after "(b)" by inserting "Each provision of sections 1 through 7, and amendments thereto, that requires the expenditure of moneys shall be subject to legislative

appropriations therefor.

(c)";

On page 2, in line 17, after "education" by inserting ", appointed pursuant to section 3, and amendments thereto,";

On page 3, in line 12, after "(2)" by inserting "Except for the director of literacy education,"; in line 34, after "to" by inserting "at least 50% of students in each of the grades three through eight achieving level 3 or above and at least"; also in line 34, by striking "Kansas fourth graders" and inserting "students in each of the grades three through eight";

On page 4, in line 3, by striking "and"; in line 4, after "(7)" by inserting "report to the legislature on English language arts state assessment progress for each grade level and all defined subgroups, including, but not limited to, English language learners, students receiving free meals pursuant to the national school lunch act, students in the custody of the secretary for children and families and race and ethnicity subgroups, at the following times each calendar year:

(A) Once on or before February 1 to the senate committee on education and the house of representatives committee on education;

(B) once on or before May 1 to the senate committee on education and the house of representatives committee on education; and

(C) once on or before December 1 to any interim, special, or select committee, task force or commission that has membership that includes legislators, is related to education, has been approved by the legislative coordinating council and requests such report; and

(8)";

Also on page 4, in line 7, after "(d)" by inserting "The committee shall be subject to the Kansas open records act, K.S.A. 45-419 et seq., and amendments thereto, and the Kansas open meetings act, K.S.A. 75-4317 et seq., and amendments thereto. The committee shall publish each meeting agenda and any available meeting documents online prior to each scheduled meeting of the committee.

(e)";

Also on page 4, in line 14, by striking "(e)" and inserting "(f)"; in line 31, by striking "ex officio"; in line 35, after the second "the" by inserting "Kansas"; in line 36, by striking "Kansas"; in line 39, by striking "postsecondary" and inserting "state"; in line 41, after "(6)" by inserting "encourage independent institutions referred to in section 1(c)(2)(C), and amendments thereto, to use such tier I methodologies;

(7)";

On page 5, in line 14, by striking "state board's"; also in line 14, after "progress" by inserting "of the state board of regents";

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

Also on page 5, in line 26, by striking "by each school district" and inserting "in teacher preparation programs"; in line 31, by striking all after "available"; in line 32, by striking "districts"; in line 41, by striking all after "to"; in line 42, by striking all before the semicolon and inserting "the state board of education";

On page 6, in line 1, by striking "postsecondary" and inserting "state"; in line 2, by striking all after "(3)"; in line 3, by striking all before the period and inserting "On or before July 1, 2025, no school district shall use any textbooks or instructional materials

that utilize:

- (A) The three-cueing system model of reading;
- (B) visual memory as the primary basis for teaching word recognition; or
- (C) the three-cueing system model of reading based on meaning, structure and syntax and visual cues, commonly known as MVS";

Also on page 6, in line 6, by striking all after "the"; in line 7, after "progress" by inserting "of the state board of regents"; in line 12, by striking "or certification"; also in line 12, after "for" by inserting "in-service"; in line 13, after "teachers" by inserting "or certification requirements for pre-service teachers at state educational institutions"; also in line 13, by striking all after "literacy"; by striking all in lines 14 and 15; in line 16, by striking "thereto"; in line 23, after "programs" by inserting "at state educational institutions"; in line 39, after "programs" by inserting "at state educational institutions";

On page 7, in line 3, by striking "Kansas"; in line 16, by striking "Kansas";

On page 1, in the title, in line 4, by striking all after "system"; in line 5, by striking "districts"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2560** be amended on page 6, in line 35, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **HB 2562** be amended on page 9, in line 21, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

HB 2577, As Amended by House Committee of the Whole, be amended on page 4, in line 19, by striking "Kansas register" and inserting "statute book"; and the bill be passed as amended.

HB 2663 be amended on page 3, in line 2, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2557** be passed.

Committee on **Public Health and Welfare** recommends **SB 371** be amended on page 1, in line 13, after "of" by inserting "the following people may promptly be broadcast and a search may be timely undertaken with the cooperation of local law enforcement, news media and the general public in order to locate such person in time to avoid serious harm or death:

(1)"; in line 14, after the first "person" by inserting a semicolon; also in line 14, after the first "or" by inserting:

"(2)";

Also on page 1, in line 15, by striking "who" and inserting "":

(A)"; also in line 15, after "has" by inserting "been diagnosed with"; also in line 15, by striking all after "disability"; by striking all in lines 16 and 17; in line 18 by striking all before the period and inserting ";

(B) whose whereabouts are unknown;

(C) is believed to be in imminent danger of serious bodily injury or death because of such disability; and

(D) is believed to be unable to return to safety without assistance";

Also on page 1, in the title, in line 3, after "have" by inserting "been diagnosed with"; also in line 3, after "disability" by inserting "and are in certain dangerous circumstances"; and the bill be passed as amended.

Also, **SB 488** be amended on page 4, in line 39, after the comma by inserting "and as provided further,"; in line 40, after "hire" by inserting "not more than five"; also in line

40, by striking all after "service"; in line 41, by striking all before the period;

On page 5, in line 3, after the period by inserting "During fiscal year 2025, moneys expended by the attorney general for the office of the inspector general shall not exceed \$775,456. The attorney general shall not authorize more than five full-time employees in fiscal year 2025 in the office of the inspector general."; in line 26, after "(d)" by inserting "(1)";

Also on page 5, in line 38, before "State" by inserting:

"(2) Access to contractor or healthcare provider files shall be limited to those files necessary to verify the accuracy of the contractor's or healthcare provider's invoices or their compliance with the contract provisions or program requirements. No healthcare provider shall be compelled under the provisions of this section to provide individual medical records of patients who are not clients of a state health assistance program.";

On page 6, in line 43, by striking "and";

On page 7, in line 3, by striking the period and inserting: "; and"

Following line 7, by inserting:

"(6) Access to contractor files shall be limited to those files necessary to verify the accuracy of the contractor's invoices or its compliance with the contract provisions. No healthcare provider shall be compelled to provide individual medical records of patients who are not clients of such a program or programs.";

On page 9, following line 42, by inserting:

"(p) The amendments made by this act to this section shall expire on July 1, 2028."; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2690**, As Amended by House Committee, be amended on page 1, in line 32, by striking "a fire chief" and inserting "the Kansas state association of fire chiefs"; in line 34, after "Kansas" by inserting "board of";

On page 2, in line 1, by striking "board";

On page 3, in line 13, after the period by inserting "This paragraph shall not apply to the members appointed pursuant to subsection (a)(2).";

On page 4, in line 11, by striking "and"; in line 12, after "(5)" by inserting "enter into and support agreements for the interstate and interlocal interconnection of ESInet service; and

(6)";

On page 5, in line 40, by striking the first "county" and inserting "governing body"; also in line 40, by striking the second "county" and inserting "governing body of a PSAP"; in line 43, by striking "county" and inserting "governing body";

On page 6, in line 4, by striking the first "county" and inserting "governing body"; also in line 4, by striking the second "county" and inserting "governing body of a PSAP"; in line 6, by striking "or county and" and inserting a comma; in line 7, after the first "PSAP" by inserting "and, if applicable, the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services"; also in line 7, by striking "county" and inserting "governing body"; in line 10, by striking "county" and inserting "governing body"; in line 11, by striking "county" and inserting "governing body"; in line 14, by striking the first "county" and inserting "governing body"; also in line 14, by striking the second "county" and inserting "governing body of a PSAP"; in line 16, by striking "or county" and inserting ", the PSAP and, if applicable, the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services"; in line 17, by striking "county" and inserting

"governing body"; in line 20, by striking "county" and inserting "governing body"; in line 21, by striking "county" and inserting "governing body of a PSAP"; in line 23, by striking "or county" and inserting ", the PSAP and, if applicable, the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services"; in line 24, by striking "county" and inserting "governing body"; in line 27, by striking "county" and inserting "governing body"; in line 28, by striking "county" and inserting "governing body"; in line 33, after "PSAP" by inserting "or the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services";

On page 9, in line 21, by striking all after "On"; in line 22, by striking all before the second comma and inserting "or before the 15th day of each month"; in line 23, after "a" by inserting "monthly"; in line 32, by striking "12" and inserting "31"; in line 34, by striking all after "transactions"; in line 35, by striking all before the second "and" and inserting "reported in such monthly reports"; following line 40, by inserting:

"(c) This section shall expire on February 1, 2026.";

Also on page 9, in line 41, by striking "On and after July 1, 2024.";

On page 12, in line 24, before "K.S.A." by inserting "On and after July 1, 2024."; in line 28, by striking the first "counties" and inserting "governing bodies"; also in line 28, by striking "other counties" and inserting "another governing body of a PSAP";

On page 14, in line 5, after the period by inserting "This paragraph shall not apply to the members appointed pursuant to subsection (a)(3)."; in line 42, by striking "counties" and inserting "governing bodies"; also in line 42, by striking "other"; in line 43, by striking "counties" and inserting "another governing body of a PSAP";

On page 15, in line 14, by striking the first "counties" and inserting "governing bodies"; also in line 14, by striking "other counties" and inserting "another governing body of a PSAP"; in line 29, by striking the first "county" and inserting "governing body"; also in line 29, by striking the second "county" and inserting "governing body of a PSAP"; in line 32, by striking "or county" and inserting ", the PSAP and, if applicable, the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services"; in line 33, by striking "county" and inserting "governing body"; in line 35, by striking "county" and inserting "governing body"; in line 40, by striking "county" and inserting "governing body"; in line 41, by striking "county" and inserting "governing body";

On page 16, in line 1, by striking "county" and inserting "governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services"; in line 32, by striking the first "county" and inserting "governing body"; also in line 32, by striking the second "county" and inserting "governing body of a PSAP"; in line 34, by striking "county" and inserting "governing body"; in line 39, by striking the first "county" and inserting "governing body"; also in line 39, by striking the second "county" and inserting "governing body of a PSAP"; in line 41, by striking "or county and" and inserting a comma; in line 42, by striking the first "county" and inserting "governing body"; also in line 42, by striking "or county" and inserting "governing body";

On page 17, in line 1, by striking "county" and inserting "governing body"; in line 3, by striking "county" and inserting "governing body"; in line 20, by striking the first "counties" and inserting "governing bodies"; also in line 20, by striking "other counties" and inserting "another governing body of a PSAP";

On page 20, in line 13, before "K.S.A." by inserting "On and after July 1, 2024,";

On page 27, in line 29, by striking "the counties" and inserting "governing bodies and PSAPs"; in line 34, by striking "PSAP"; in line 35, by striking all before the period and inserting "governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services"; in line 38, before "K.S.A." by inserting "On and after July 1, 2024,";

On page 28, in line 3, by striking the first "counties" and inserting "governing bodies"; also in line 3, by striking "other counties" and inserting "another governing body of a PSAP"; in line 4, by striking "pursuant to this section"; in line 5, by striking the second "county" and inserting "governing body"; in line 6, by striking "county" and inserting "governing body of a PSAP"; in line 12, by striking "82%" and inserting "85%"; in line 13, by striking "85%" and inserting "88%"; in line 14, by striking "88%" and inserting "91%"; in line 15, by striking "91%" and inserting "94%"; in line 16, by striking "94%" and inserting "97%"; by striking all in line 17; in line 18, by striking "25,000" and inserting "35,000"; in line 19, by striking all after "(2)"; by striking all in line 20; in line 21, by striking all before the period and inserting "If the calculated amount for distribution within a county is less than \$70,000, the \$70,000 shall be distributed for services within that county.

(3) If there is a single PSAP providing services for a county, such PSAP shall receive the governing body's distribution, if any";

Also on page 28, also in line 21, by striking "the"; by striking all in line 22; in line 23, by striking all before "shall" and inserting "distributions to each PSAP"; in line 24, after the period by inserting:

"(4)";

Also on page 28, in line 27, by striking "county" and inserting "governing body"; in line 36, by striking "counties" and inserting "governing bodies of PSAPs"; in line 42, by striking "county" and inserting "governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services"; in line 43, by striking "counties" and inserting "governing bodies";

On page 29, by striking all in lines 8 through 45;

On page 30, by striking all in lines 1 through 33; following line 33, by inserting:

"Sec. 24. On and after July 1, 2025, K.S.A. 12-5374, as amended by section 23 of this act, is hereby amended to read as follows: 12-5374. (a) (1) Except for the amounts withheld by the LCPA pursuant to K.S.A. 12-5368(b), and amendments thereto, and any amounts withheld pursuant to ~~K.S.A. 12-5364(b)~~ section 4, and amendments thereto, not later than 30 days after the receipt of 911 fees from providers pursuant to K.S.A. 12-5370, and amendments thereto, and prepaid wireless 911 fees from the department pursuant to K.S.A. 12-5372, and amendments thereto, the LCPA shall distribute such moneys to the PSAPs or to governing bodies that contract with another governing body of a PSAP for the provision of 911 PSAP services. The amount of money distributed to the PSAPs in each county, or to any governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services, shall be based upon the amount of 911 fees collected from service users located in that county, based on place of primary use information provided by the providers, by using the following distribution method:

| Population of county | Percentage of collected 911 fees to distribute |
|-----------------------|---|
| Over 80,000..... | 85% |
| 65,000 to 79,999..... | 88% |
| 55,000 to 64,999..... | 91% |
| 45,000 to 54,999..... | 94% |
| 35,000 to 44,999..... | 97% |
| Less than 35,000..... | 100% |

(2) If the calculated amount for distribution within a county is less than \$70,000, the \$70,000 shall be distributed for services within that county.

(3) The state 911 board may increase the minimum county distribution amount not more than once per calendar year by an amount that shall not exceed the minimum county distribution amount established for the preceding calendar year multiplied by the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor for the preceding calendar year. Prior to increasing the minimum county distribution amount, the state 911 board shall evaluate:

(A) Whether an increase is needed based on the expenditures of the counties that are subject to such minimum distribution; and

(B) the impact of any such proposed increase to the long-term financial stability of all other distributions made pursuant to this section.

(4) If there is a single PSAP providing services for a county, such PSAP shall receive the governing body's distribution, if any. If there is more than one PSAP in a county then distributions to each PSAP shall be proportionately divided between the PSAPs in the county.

~~(4)~~(5) All moneys remaining after distribution, moneys withheld pursuant to K.S.A. 12-5368(b)(1), and amendments thereto, and any moneys that cannot be attributed to a specific PSAP or governing body shall be transferred to the 911 operations fund.

(b) All fees remitted to the LCPA shall be deposited in the 911 state fund and for the purposes of this act be treated as if they are public funds, pursuant to article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto.

(c) All moneys in the 911 state fund that have been collected from the prepaid wireless 911 fee shall be deposited in the 911 operations fund unless \$3 million of such moneys have been deposited in any given year then all remaining moneys shall be distributed to the governing bodies of PSAPs in an amount proportional to each county's population as a percentage share of the population of the state. If there is more than one PSAP in a county, such moneys shall be distributed to each PSAP in an amount proportional to the PSAP's population as a percentage share of the population of the county. If there is no PSAP within a county, then such moneys shall be distributed to the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services. Moneys distributed to governing bodies and PSAPs pursuant to this section only shall be used for the uses authorized in K.S.A. 12-5375, and amendments thereto.

(d) The LCPA shall keep accurate accounts of all receipts and disbursements of moneys from the 911 fees.

(e) Records provided by any provider to the LCPA or to the ~~state~~ 911-coordinating council board pursuant to this act shall be treated as proprietary records and shall be

withheld from the public upon request of the provider submitting such records.";

On page 32, by striking all in lines 4 through 43;

On page 33, by striking all in lines 1 through 37; following line 37, by inserting:

"Sec. 25. On and after January 1, 2026, K.S.A. 12-5374, as amended by section 24 of this act, is hereby amended to read as follows: 12-5374. (a) (1) Except for the amounts withheld by the LCPA pursuant to K.S.A. ~~12-5368(b)~~ 12-5368, and amendments thereto, and any amounts withheld pursuant to section 4, and amendments thereto, not later than 30 days after the receipt of 911 fees from providers pursuant to K.S.A. 12-5370, and amendments thereto, and prepaid wireless 911 fees from the department pursuant to K.S.A. 12-5372, and amendments thereto, the LCPA state 911 board shall distribute such moneys to the PSAPs or to governing bodies that contract with another governing body of a PSAP for the provision of 911 PSAP services. The amount of money distributed to the PSAPs in each county, or to any governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services, shall be based upon the amount of 911 fees collected from service users located in that county, based on place of primary use information provided by the providers, by using the following distribution method:

| Population of county | Percentage of collected 911 fees to distribute |
|-----------------------|---|
| Over 80,000..... | 85% |
| 65,000 to 79,999..... | 88% |
| 55,000 to 64,999..... | 91% |
| 45,000 to 54,999..... | 94% |
| 35,000 to 44,999..... | 97% |
| Less than 35,000..... | 100% |

(2) If the calculated amount for distribution within a county is less than \$70,000, the \$70,000 shall be distributed for services within that county.

(3) The state 911 board may increase the minimum county distribution amount not more than once per calendar year by an amount that shall not exceed the minimum county distribution amount established for the preceding calendar year multiplied by the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor for the preceding calendar year. Prior to increasing the minimum county distribution amount, the state 911 board shall evaluate:

(A) Whether an increase is needed based on the expenditures of the counties that are subject to such minimum distribution; and

(B) the impact of any such proposed increase to the long-term financial stability of all other distributions to PSAPs and counties made pursuant to this section.

(4) If there is a single PSAP providing services for a county, such PSAP shall receive the governing body's distribution, if any. If there is more than one PSAP in a county then distributions to each PSAP shall be proportionately divided between the PSAPs in the county.

(5) ~~All moneys remaining after distribution, moneys withheld pursuant to K.S.A. 12-5368(b)(1), and amendments thereto, and any moneys that cannot be attributed to a specific PSAP or governing body shall be transferred to the 911 operations fund.~~ After each distribution that is made pursuant to this section, the state 911 board or LCPA shall

certify to the director of accounts and reports the total amount of unencumbered moneys remaining in the state 911 fund and the amount of moneys that could not be attributed to a specific PSAP or governing body. Upon receipt of such certification, the director of accounts and reports shall transfer such certified amount from the state 911 fund to the state 911 operations fund.

~~(b) All fees remitted to the LCPA shall be deposited in the 911 state fund and for the purposes of this act be treated as if they are public funds, pursuant to article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto.~~

~~(c) All moneys in the 911 state fund that have been collected from the prepaid wireless 911 fee shall be deposited in the 911 operations fund unless \$3 million of such moneys have been deposited in any given year then all remaining moneys shall be distributed to the governing bodies of PSAPs in an amount proportional to each county's population as a percentage share of the population of the state. If there is more than one PSAP in a county, such moneys shall be distributed to each PSAP in an amount proportional to the PSAP's population as a percentage share of the population of the county. If there is no PSAP within a county, then such moneys shall be distributed to the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services. Moneys distributed to governing bodies and PSAPs pursuant to this section only shall be used for the uses authorized in K.S.A. 12-5375, and amendments thereto.~~

~~(d) The state 911 board and the LCPA shall keep accurate accounts of all receipts and disbursements of moneys from the 911 fees.~~

~~(e)(c) Records provided by any provider to the LCPA or to the state 911 board pursuant to this act shall be treated as proprietary records and shall be withheld from the public upon request of the provider submitting such records."~~

Also on page 33, in line 38, before "K.S.A." by inserting "On and after July 1, 2024,"; in line 40, by striking "counties" and inserting "governing bodies"; in line 43, by striking "counties" and inserting "governing bodies";

On page 34, in line 9, by striking "or"; in line 10, after "(H)" by inserting "maintenance and updates that are necessary to maintain accurate GIS data;

(I) emergency repair or replacement of a radio tower; or

(J);

Also on page 34, in line 17, by striking the first "county" and inserting "governing body"; also in line 17, by striking the second "county" and inserting "governing body of a PSAP"; in line 18, after "to" by inserting "any"; also in line 18, by striking "county" and inserting "governing body"; in line 20, after the period by inserting "If a governing body serves as the provider of PSAP services for another governing body, both governing bodies shall enter into a contract or memorandum of agreement that addresses contingency plans and overflow arrangements. Any such contract or memorandum of agreement shall be reviewed by the 911 coordinating council with respect to the provisions that relate to contingency plans and overflow arrangements or that may conflict with the function of the statewide 911 system. If the 911 coordinating council determines that any such provisions are not acceptable, the 911 coordinating council and the governing bodies shall collaborate and work to resolve such concerns prior to the effective date of such contract or memorandum of agreement. Any governing body contracting with another governing body of a PSAP for the provision of 911 PSAP services shall establish in the contract or memorandum of agreement an

agreed upon percentage of the governing body's distribution amount for the LCPA to distribute to the governing body of the PSAP that is providing the 911 services."; in line 22, by striking "county" and inserting "governing body"; in line 23, by striking "county" and inserting "governing body of a PSAP"; in line 28, by striking "county" and inserting "governing body"; in line 35, by striking the first "county" and inserting "governing body"; also in line 35, by striking the second "county" and inserting "governing body of a PSAP"; in line 39, by striking the first "county" and inserting "governing body"; also in line 39, by striking "county's" and inserting "governing body's"; in line 40, by striking "county" and inserting "governing body"; in line 41, by striking "county" and inserting "governing body";

On page 35, in line 1, by striking "county" and inserting "governing body"; in line 2, by striking "county" and inserting "governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services"; in line 4, by striking "county" and inserting "governing body"; in line 7, by striking "county" and inserting "governing body"; in line 12, by striking "county" and inserting "governing body"; in line 14, by striking "county" and inserting "governing body"; by striking all in lines 20 through 43;

By striking all on page 36;

On page 37, by striking all in lines 1 and 2; following line 2, by inserting:

"Sec. 27. On and after July 1, 2025, K.S.A. 12-5375, as amended by section 26 of this act, is hereby amended to read as follows: 12-5375. (a) (1) Moneys distributed to governing bodies and PSAPs pursuant to K.S.A. 12-5374, and amendments thereto, and any interest earned on revenue derived from such moneys, shall be used only for necessary and reasonable costs incurred or to be incurred by governing bodies and PSAPs for:

- (A) Implementation of 911 services;
- (B) purchase of 911 equipment and upgrades;
- (C) maintenance and license fees for 911 equipment;
- (D) training of personnel, not to include salaries;
- (E) monthly recurring charges billed by service suppliers;
- (F) installation, service establishment and nonrecurring start-up charges billed by the service supplier;
- (G) charges for capital improvements and equipment or other physical enhancements to the 911 system;
- (H) maintenance and updates that are necessary to maintain accurate GIS data;
- (I) emergency repair or replacement of a radio tower; or
- (J) the original acquisition and installation of road signs designed to aid in the delivery of emergency service.

(2) Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities. Such costs shall also not include expenditures to purchase, procure, maintain or upgrade subscriber radio equipment.

(3) A governing body may contract with another governing body of a PSAP for the provision of 911 PSAP services provided that the moneys distributed to any such governing body pursuant to K.S.A. 12-5374, and amendments thereto, shall only be used as authorized by this section. If a governing body serves as the provider of PSAP services for another governing body, both governing bodies shall enter into a contract or

memorandum of agreement that addresses contingency plans and overflow arrangements. Any such contract or memorandum of agreement shall be reviewed by the ~~state 911-coordinating-council board~~ with respect to the provisions that relate to contingency plans and overflow arrangements or that may conflict with the function of the statewide 911 system. If the ~~state 911-coordinating-council board~~ determines that any such provisions are not acceptable, the ~~state 911-coordinating-council board~~ and the governing bodies shall collaborate and work to resolve such concerns prior to the effective date of such contract or memorandum of agreement. Any governing body contracting with another governing body of a PSAP for the provision of 911 PSAP services shall establish in the contract or memorandum of agreement an agreed upon percentage of the governing body's distribution amount for the LCPA to distribute to the governing body of the PSAP that is providing the 911 services.

(b) The ~~state 911-coordinating-council board~~ shall, pursuant to rules and regulations, establish a process for a PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services, to seek pre-approval of an expenditure. The ~~council state 911 board~~ shall respond in writing to any pre-approval request within 30 days and inform the PSAP stating whether the requested expenditure is approved or disapproved. If the expenditure is disapproved, the written notification shall state the reason for the disapproval and such PSAP or governing body may, within 15 days after service of the notification, make a written request to the ~~council state 911 board~~ to appeal the ~~council's board's~~ decision and for a hearing to be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) The ~~state 911-coordinating-council board~~ shall annually review expenditures of 911 moneys reported on the annual report for each PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services and shall appoint a committee to review such expenditures. If the committee determines that a reported expenditure was not authorized by this act, the committee shall request that the expenditure be refunded by the PSAP or governing body to the PSAP's or governing body's 911 account. If a PSAP or governing body does not concur with the finding of the committee, the PSAP or governing body may request a review of the decision of the committee before the ~~state 911-coordinating-council board~~. If the ~~state 911-coordinating-council board~~, based upon information obtained from an audit, determines that any PSAP or governing body has used any 911 fees for any purpose other than those authorized in this act, the governing body for such PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services shall repay all such moneys used for any unauthorized purposes to the 911 fee fund of such PSAP or governing body. Upon a finding that the expenditure was made intentionally for a purpose clearly established as an unauthorized expenditure, the ~~state 911-coordinating-council board~~ may require such PSAP or governing body to pay the lesser of \$500 or 10%, of such misused moneys, to the LCPA for deposit in the 911 state grant fund. No such repayment of 911 fees shall be imposed pursuant to this section except upon the written order of the ~~council state 911 board~~. Such order shall state the unauthorized purposes for which the funds were used, the amount of funds to be repaid and the right of such PSAP or governing body to appeal to a hearing before the Kansas office of administrative hearings. Any such PSAP or governing body may, within 15 days after service of the order, make a written request to the ~~council state 911~~

board for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(d) Any final action of the ~~council~~ state 911 board pursuant to subsection (b) or (c) is subject to review in accordance with the Kansas judicial review act.

Sec. 28. On and after January 1, 2026, K.S.A. 12-5375, as amended by section 27 of this act, is hereby amended to read as follows: 12-5375. (a) (1) Moneys distributed to governing bodies and PSAPs pursuant to K.S.A. 12-5374, and amendments thereto, and any interest earned on revenue derived from such moneys, shall be used only for necessary and reasonable costs incurred or to be incurred by governing bodies and PSAPs for:

- (A) Implementation of 911 services;
- (B) purchase of 911 equipment and upgrades;
- (C) maintenance and license fees for 911 equipment;
- (D) training of personnel, not to include salaries;
- (E) monthly recurring charges billed by service suppliers;
- (F) installation, service establishment and nonrecurring start-up charges billed by the service supplier;
- (G) charges for capital improvements and equipment or other physical enhancements to the 911 system;
- (H) maintenance and updates that are necessary to maintain accurate GIS data;
- (I) emergency repair or replacement of a radio tower; or
- (J) the original acquisition and installation of road signs designed to aid in the delivery of emergency service.

(2) Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities. Such costs shall also not include expenditures to purchase, procure, maintain or upgrade subscriber radio equipment.

(3) A governing body may contract with another governing body of a PSAP for the provision of 911 PSAP services provided that the moneys distributed to any such governing body pursuant to K.S.A. 12-5374, and amendments thereto, shall only be used as authorized by this section. If a governing body serves as the provider of PSAP services for another governing body, both governing bodies shall enter into a contract or memorandum of agreement that addresses contingency plans and overflow arrangements. Any such contract or memorandum of agreement shall be reviewed by the state 911 board with respect to the provisions that relate to contingency plans and overflow arrangements or that may conflict with the function of the statewide 911 system. If the state 911 board determines that any such provisions are not acceptable, the state 911 board and the governing bodies shall collaborate and work to resolve such concerns prior to the effective date of such contract or memorandum of agreement. Any governing body contracting with another governing body of a PSAP for the provision of 911 PSAP services shall establish in the contract or memorandum of agreement an agreed upon percentage of the governing body's distribution amount for the LCPA to distribute to the governing body of the PSAP that is providing the 911 services.

(b) The state 911 board shall, pursuant to rules and regulations, establish a process for a PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services, to seek pre-approval of an expenditure. The state 911 board shall respond in writing to any pre-approval request within 30 days and

inform the PSAP stating whether the requested expenditure is approved or disapproved. If the expenditure is disapproved, the written notification shall state the reason for the disapproval and such PSAP or governing body may, within 15 days after service of the notification, make a written request to the state 911 board to appeal the board's decision and for a hearing to be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) The state 911 board shall annually review expenditures of 911 moneys reported on the annual report for each PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services and shall appoint a committee to review such expenditures. If the committee determines that a reported expenditure was not authorized by this act, the committee shall request that the expenditure be refunded by the PSAP or governing body to the PSAP's or governing body's 911 account. If a PSAP or governing body does not concur with the finding of the committee, the PSAP or governing body may request a review of the decision of the committee before the state 911 board. If the state 911 board, based upon information obtained from an audit, determines that any PSAP or governing body has used any 911 fees for any purpose other than those authorized in this act, the governing body for such PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services shall repay all such moneys used for any unauthorized purposes to the 911 fee fund of such PSAP or governing body. Upon a finding that the expenditure was made intentionally for a purpose clearly established as an unauthorized expenditure, the state 911 board may require such PSAP or governing body to pay the lesser of \$500 or 10%, of such misused moneys, to the LCPA ~~for deposit in the 911 state grant fund.~~ Upon receipt of any moneys paid pursuant to this subsection, the LCPA shall remit such moneys to the state treasurer in accordance with 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 and credit such amount to the state 911 grant fund. No such repayment of 911 fees shall be imposed pursuant to this section except upon the written order of the state 911 board. Such order shall state the unauthorized purposes for which the funds were used, the amount of funds to be repaid and the right of such PSAP or governing body to appeal to a hearing before the Kansas office of administrative hearings. Any such PSAP or governing body may, within 15 days after service of the order, make a written request to the state 911 board for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(d) Any final action of the state 911 board pursuant to subsection (b) or (c) is subject to review in accordance with the Kansas judicial review act.";

Also on page 37, by striking all in lines 3 through 43;

On page 38, by striking all in lines 1 through 31;

On page 39, in line 36, before "K.S.A." by inserting "On and after July 1, 2024,";

On page 40, in line 5, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 9, after "authorizing" by inserting "governing bodies of cities or"; in line 10, by striking "county" and inserting "governing body of a PSAP; increasing the amount of 911 fee distributions to PSAPs and governing bodies"; and the bill be passed as amended.

On motion of Senator Erickson, the Senate adjourned until 2:30 p.m., Tuesday, March 19, 2024.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.
COREY CARNAHAN, *Secretary of the Senate*.

