

# Journal of the Senate

## FIFTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, April 10, 2025, 10:00 a.m.

The Senate was called to order by President Ty Masterson.

The roll was called with 40 senators present.

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

Almighty God, as this legislative session rapidly comes to an end, remind us of the relationships that have been birthed and nurtured here in this chamber. For in years or even in just a few months to come, the thrill of legislative success or the agony of its defeat will fade but the relationships forged through the process will linger.

Instead of holding grudges against those who offend us, cause us to be eager to forgive. Instead of keeping a record of what we've done or whom we've helped, cause us to take delight in forgetting the deeds and cherishing those with whom we worked.

Heavenly Father, You love every senator here and Your heart's desire is that they would love one another. I ask that You cause communication to be clear and free flowing and that You bring reconciliation where it is needed and that as a result, the actions taken in the closing hours of this session would honor You and bless our state.

I pray for President Masterson, Vice President Shallenburger, Majority Leader Blasi and Minority Leader Sykes as well as each member of this body. Bless them with Your wisdom and Your grace and peace as this session comes to conclusion.

In Jesus' Name, Amen

The Pledge of Allegiance was led by President Masterson.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 299**, AN ACT concerning courts; relating to the supreme court nominating commission; requiring certain records of the commission to be released under the open records act; amending K.S.A. 20-123 and repealing the existing section, by Committee on Federal and State Affairs.

### INTRODUCTION AND CONSIDERATION OF SENATE RESOLUTIONS

Senator Bowser introduced the following Senate resolution, which was read:  
**SENATE RESOLUTION No. 1719—**

A RESOLUTION honoring the service and sacrifice of Vietnam War Medal of Honor recipient Danny J. Petersen.

WHEREAS, Danny J. Petersen was born on March 11, 1949, in Horton, Kansas, and joined the United States Army in Oskaloosa, Kansas, in March of 1969; and

WHEREAS, Danny J. Petersen was given the rank of Sp4, serving as a Specialist Fourth class in Company B, 4<sup>th</sup> Battalion, 23<sup>rd</sup> Infantry Regiment, 25<sup>th</sup> Infantry Division in the Tay Ninh Province of the Republic of Vietnam; and

WHEREAS, On January 9, 1970, Sp4. Petersen was assigned as an armored personnel carrier commander; and

WHEREAS, Under heavy attack by a battalion-sized force from the North Vietnamese Army, Sp4. Petersen saw that another U.S. armored personnel carrier had been disabled, and its crew were pinned down by intense enemy fire; and

WHEREAS, Sp4. Petersen decisively moved his armored personnel carrier between the disabled U.S. vehicle and enemy fire. Sp4. Petersen proceeded to unleash suppressive fire on the enemy's position; and

WHEREAS, When the driver of his vehicle was wounded by a direct hit to the vehicle, Sp4. Petersen carried his wounded comrade 45 meters to safety through enemy fire, with unwavering courage and disregard for his own safety; and

WHEREAS, Sp4. Petersen valiantly returned to his vehicle, and while standing exposed on top, he provided covering fire during the withdrawal of the remaining vehicles and his platoon's dismounted personnel; and

WHEREAS, For his courageous and selfless actions, Sp4. Petersen was posthumously awarded the Medal of Honor by President Gerald Ford on July 17, 1974, in addition to a Bronze Star, Commendation Medal with Oak Leaf Cluster and Purple Heart; and

WHEREAS, In memory of Sp4. Petersen's heroic actions, a portion of US-75 near Netawaka, Kansas, is named the "Danny J. Petersen Memorial Highway," Sp4. Petersen's name is inscribed on Panel 14W-Line 20 of the Vietnam Veterans Memorial and he is laid to rest at the Netawaka Cemetery in Netawaka, Kansas: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we honor the service and sacrifice of Vietnam War Medal of Honor recipient Danny J. Petersen; and

*Be it further resolved:* That the Secretary of the Senate shall send four enrolled copies of this resolution to Senator Bowser.

On emergency motion of Senator Bowser **SR 1719** was adopted by voice vote.

## MESSAGES FROM THE GOVERNOR

Enclosed is a message regarding issuance of executive clemency in 2024 pursuant to K.S.A. 22-3703. (April 10, 2025)

**SB 6, SB 36, SB 58, SB 78, SB 166, SB 194** approved on March 26, 2025

**SB 13; Sub 67; SB 77, SB 89, SB 97, SB 104, SB 117, SB 137** approved on April 1, 2025

**H Sub SB 9; SB 35; Sub SB 45, Sub SB 54; SB 114** approved on April 7, 2025

**SB 21, SB 42, SB 44, SB 50, SB 64; H Sub SB 126; SB 135, SB 139; Sub SB 193; SB 199, SB 227, SB 241** approved on April 8, 2025

## REGARDING VETO OF SENATE BILL 5

Restricting federal funds for elections and election-related activities without legislative approval is not just unnecessary micromanagement; it undermines our ability to conduct secure and efficient elections. Some legislators have voiced concerns about

voter fraud and foreign interference, but state and local election officials would be much more capable of addressing these threats if they received necessary funding from Congress. It doesn't make sense to turn down these resources that make our local elections in Kansas safe, secure, and accurate. Given that the Legislature only convenes for three months each year, how can we expect them to approve funding when they are not available year-round? Instead of obstructing our electoral process, lawmakers should concentrate on the real issues impacting Kansans, rather than complicating the management of election funds. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 5**.

LAURA KELLY, *Governor* (March 26, 2025)

**SB 5**, AN ACT concerning elections; relating to the transparency in revenues underwriting elections act; prohibiting the use of funds provided by the United States government for the conduct of elections and election-related activities unless approved by the legislature; amending K.S.A. 25-2436 and repealing the existing section.

#### ACTION ON VETO MESSAGE

A motion was made by Senator Thompson that **SB 5** be passed notwithstanding the Governor's veto.

**SB 5**, AN ACT concerning elections; relating to the transparency in revenues underwriting elections act; prohibiting the use of funds provided by the United States government for the conduct of elections and election-related activities unless approved by the legislature; amending K.S.A. 25-2436 and repealing the existing section.

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

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

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

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

#### REGARDING VETO OF SENATE BILL 14

Kansas entered statehood on January 29, 1861. Since that time, every single Legislature has managed to pass a budget that became law. In fact, technically speaking, it's the Legislature's only constitutionally required job. If this Legislature cannot do what every previous legislature has been able to do since our founding—through periods of war, famine, pandemic, recession, the Dust Bowl, and even the Great Depression—then they will have to do it over my veto because I will not sanction it, nor will the people of Kansas. This bill is the latest attempt at legislative overreach into the executive branch and is really nothing more than an invitation to government dysfunction—just like we see in Washington, D.C. Is that what we want for Kansas? I am confident that this Legislature will be able to continue the tradition of completing their constitutionally mandated duties, within the constitutionally mandated timeframe just as every one of their predecessors has been able to do. Therefore, under Article 2,

Section 14(a) of the Constitution, I hereby veto **Senate Bill 14**.

LAURA KELLY, *Governor* (March 26, 2025)

**SB 14**, AN ACT concerning the state budget; providing for a continuous budget until amended, lapsed or eliminated by the legislature; providing temporary reallocations; establishing conditions and limitations therefor; repealing section 1 of the 2025 Senate Bill No. 14.

#### **ACTION ON VETO MESSAGE**

A motion was made by Senator Masterson that **SB 14** be passed notwithstanding the Governor's veto.

**SB 14**, AN ACT concerning the state budget; providing for a continuous budget until amended, lapsed or eliminated by the legislature; providing temporary reallocations; establishing conditions and limitations therefor; repealing section 1 of the 2025 Senate Bill No. 14.

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

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

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

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

#### **REGARDING VETO OF SENATE BILL 18**

While the issuance of specialty state license plates for nonprofit organizations rarely produces controversy, **Senate Bill 18** was amended to funnel revenue generated by the royalties from these license plates to a 501(c)(4) entity that engages in political and state legislative campaigns. Official government-issued license plates should not be used by organizations to generate revenue that can be redirected by organizations for political purposes. Individuals are free to donate to any candidate or cause they choose, but using government-issued license plates for that purpose creates a dangerous precedent and does not serve a valid, justifiable public service. Simply put, it doesn't pass the smell test, which is why I cannot and will not support it. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 18**.

LAURA KELLY, *Governor* (APRIL 9, 2025)

**SB 18**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the hunter nation distinctive license plate.

#### **REGARDING VETO OF SUBSTITUTE FOR SENATE BILL 29**

Taking away the authority of public health officials to prohibit public gatherings and issue quarantines when necessary for the control of infectious or contagious disease directly contradicts effective, evidence-based health intervention advice and would put the health and safety of Kansans at unnecessary risk. While this legislation is likely

motivated by the politics coming out of the recent pandemic, it would cause actual harm in efforts to mitigate current outbreaks related to measles, tuberculosis and other infectious diseases. I will not sign legislation that hampers public health professionals' ability to take reasonable, measured steps to limit the spread of dangerous infections and protect the health of the communities they are entrusted to serve. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Substitute for Senate Bill 29**.

LAURA KELLY, *Governor* (April 3, 2025)

**Sub SB 29**, AN ACT concerning public health; removing the authorization for a county or joint board of health or local health officer to prohibit public gatherings when necessary for the control of infectious or contagious diseases; amending K.S.A. 65-119 and 65-129b and K.S.A. 2024 Supp. 65-101 and repealing the existing sections.

#### ACTION ON VETO MESSAGE

A motion was made by Senator Gossage that **Sub SB 29** be passed notwithstanding the Governor's veto.

**Sub SB 29**, AN ACT concerning public health; removing the authorization for a county or joint board of health or local health officer to prohibit public gatherings when necessary for the control of infectious or contagious diseases; amending K.S.A. 65-119 and 65-129b and K.S.A. 2024 Supp. 65-101 and repealing the existing sections.

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

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

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

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

#### REGARDING VETO OF SENATE BILL 79

This bill is simply wrong. Not only would it make it more difficult for Kansans to access the food they need to feed their families, it would also harm Kansas businesses. The waiver required by this bill is confusing and will cause problems for our grocers and small businesses. Under the definition in that waiver, Kansas businesses would be mandated to stop accepting food assistance benefits for protein bars, trail mix, and other food products many would consider "healthy." Meanwhile, items like Twix, Kit Kat, and Twizzlers would still be eligible for purchase using food assistance benefits. It's nonsensical. I support the idea that Kansans should eat healthier. However, changes to the SNAP food assistance program should be made at the federal level, not on a patchwork, state-by-state basis. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 79**.

LAURA KELLY, *Governor* (April 3, 2025)

**SB 79**, AN ACT concerning public assistance; relating to food assistance; directing the secretary for children and families to request a waiver from the supplemental nutrition assistance program that would allow the state to prohibit purchase of candy and soft drinks with food assistance; amending K.S.A. 2024 Supp. 39-709 and repealing the existing sections.

#### **ACTION ON VETO MESSAGE**

A motion was made by Senator Erickson that **SB 79** be passed notwithstanding the Governor's veto.

**SB 79**, AN ACT concerning public assistance; relating to food assistance; directing the secretary for children and families to request a waiver from the supplemental nutrition assistance program that would allow the state to prohibit purchase of candy and soft drinks with food assistance; amending K.S.A. 2024 Supp. 39-709 and repealing the existing sections.

Upon the showing of five hands a Call of the Senate was requested.

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

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

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

The call was lifted.

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

#### **REGARDING SENATE BILL 105**

While I understand the Legislature's desire to have a say in the appointment process for filling vacancies for United States senator, state treasurer and insurance commissioner, this bill puts forth a partisan power grab by the Legislature and includes an overly bureaucratic process ripe for undue influence by special interests. Had the Legislature passed a simpler method for modifying the appointment process for these offices, I would've signed it into law. However, given my concerns about the messy process this bill creates, the bill will become law without my signature.

LAURA KELLY, *Governor* (March 31, 2025)

#### **REGARDING SENATE BILL 125**

While I appreciate the Legislature's bipartisan work to craft **Senate Bill 125**, I have serious concerns with how this budget endangers our state's long-term fiscal health and jeopardizes our ability to fund the essential programs and services that matter most to Kansas families.

This budget will put Kansas in the red by fiscal year 2028. The Legislature will adjourn this year before the release of spring Consensus Revenue estimates, meaning we won't fully understand the actual fiscal impact of this budget until after the Legislature has left town. This is reckless and irresponsible policy making. Kansas

families don't set their household budgets without an accurate picture of their finances, and the state shouldn't either.

Given the ongoing economic uncertainty we are experiencing, I urge the Legislature to seriously consider revisiting this budget. We've spent the last seven years doing the hard work necessary to get Kansas back on the right fiscal track. We risk losing all of that progress and returning to the dark days of four-day school weeks and crumbling roads and bridges if we don't correct the structural imbalance we are currently facing.

This budget also falls short on education. Our families and teachers rely on state funding to ensure they have the resources necessary to provide Kansas kids with the best education possible. Instead of increasing those investments, this budget cuts existing and future funding for programs that help our students and teachers succeed.

This budget eliminates critical funding for teacher professional development programs and literacy training, both of which will ensure we are preparing our students for lifelong academic and workforce success. While I appreciate the \$10 million increase for Special Education included in this budget, this funding is roughly \$62 million short of keeping us on the path to fully funding our state obligation on Special Education. Kansas kids deserve better.

Additionally, this budget contains provisions that effectively decrease BASE state aid funding for public schools. That is unacceptable. While I have corrected this via a line-item veto, I remain extremely concerned about the future of education funding in Kansas. The Legislature must stop playing games with school finance, especially when it underfunds our public schools and could land the state back in court, relitigating issues we've worked to solve in a bipartisan manner.

I am also concerned that this budget does nothing to help Kansas families at a time of rising costs and rampant inflation. For example, this budget does not include my proposal to cut costs for families by covering the cost of reduced-lunch school meals for our kids, nor does it include funding to address rising healthcare costs by expanding Medicaid. Not only will expanding Medicaid make it easier and more affordable for Kansas families to access healthcare, it would also have substantial economic benefits for Kansans. Expansion would bring billions of dollars into the state and would especially benefit our rural communities. I will not stop encouraging the Legislature to do the right thing and expand Medicaid so that Kansans can get the affordable healthcare they need.

Last year, I encouraged the Legislature to put forth proposals that have been vetted and approved through the regular appropriations process. Unfortunately, the Legislature did not heed my advice. This budget includes proposals added at the last-minute that did not go through the public vetting process necessary to ensure they are an efficient and appropriate use of taxpayer dollars. I once again urge the Legislature to ensure budget proposals are transparently and rigorously reviewed prior to inclusion in the budget.

Despite my overall concerns, I appreciate that this budget does make investments in programs that improve state resources for Kansans. I also appreciate that this budget continues our recent trend of investing in economic development, workforce initiatives, and our higher education system, all of which play a role in making Kansas a national leader in economic development. This budget also continues to invest in water quality and quantity – issues that we must address to secure the long-term success of our state.

I look forward to working with the Legislature to address our long-term fiscal health and make investments that will provide Kansans the resources they need to prosper

without risking the future of our state.

Therefore, pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return Senate Bill 125 with my signature approving the bill, except for the items enumerated below.

Legislature — AI Project Sec. 35 (a) has been line-item vetoed in its entirety. While I welcome efforts to make government services more efficient and am willing to work with the Legislature to do so, I do not want to leave those decisions in the hands of an AI computer program that would have access to Kansans' personal financial and medical information. Additionally, given the state's fiscal outlook, this work to find efficiencies should be done by the Legislature through the use of existing staff and resources, not a new appropriation of taxpayer dollars.

Attorney General — KEY Fund Transfer Sec. 40(d) and Sec. 41(g) have been line-item vetoed in their entirety. This annual transfer from the Kansas Endowment for Youth Fund is unnecessary. The agency has continuously received this transfer to comply with the Master Tobacco Settlement but does not expend the entirety of the transfer each year. From previous transfers, the agency currently has enough funds to cover these compliance costs for at least two more years. Retaining these funds in the Kansas Endowment for Youth Fund will ensure greater sustainability of funds for our state's early childhood programs; this is especially critical given the Tobacco Settlement receipts continue to decrease, threatening the long-term sustainability of this essential funding source.

State Treasurer — Pregnancy Compassion Awareness Program The portion of Sec. 46(a) that reads as follows has been line item vetoed: Pregnancy compassion awareness program.....\$3,000,000 Provided, That expenditures shall be made by the above agency from such account during fiscal year 2026 to continue the statewide program, previously known as the alternatives to abortion program, to enhance and increase resources that promote childbirth instead of abortion to women facing unplanned pregnancies and to offer a full range of services, including pregnancy support centers, adoption assistance and maternity homes: Provided further, That the program shall include only the following services: Counseling and mentoring; care coordination for prenatal services, including connecting clients to health programs; providing educational materials and information about pregnancy and parenting; referrals to county and social service programs, including child care, transportation, housing and state and federal benefit programs; classes on life skills, budgeting, parenting, stress management, job training, job placement and obtaining a GED certificate; providing material items, including, but not limited to, car seats, cribs, maternity clothes, infant diapers and formula; and support groups in maternity homes: And provided further, That program services shall be made available to any Kansas resident who is a pregnant woman, the biological father of an unborn child, the biological or adoptive parent or legal guardian of a child 24 months of age or younger, a program participant who has experienced the loss of a child or a parent or legal guardian of a pregnant child who is a program participant: And provided further, That the provision and delivery of services under the program shall be dependent on participant needs as assessed by the nonprofit organization providing the services and not otherwise prioritized by any state agency: And provided further, That program services shall be available to participants only during pregnancy and continuing for up to 24 months after birth of the child: And provided further, That the state treasurer shall



continue to contract with the nonprofit organization that was awarded such contract in fiscal year 2025 to provide services under the pregnancy compassion awareness program, and such nonprofit organization shall subcontract with existing pregnancy centers, adoption agencies, maternity homes and social service organizations to provide program services to promote childbirth instead of abortion: And provided further, That such contract extension shall be for a term not longer than one year: And provided further, That the selected contractor and any subcontractors may provide services in addition to the enumerated program services, but such services shall not be funded through the pregnancy compassion awareness program: And provided further, That the state treasurer shall include as a condition of the contract extension with the nonprofit organization selected to provide program services: (1) The assessment of an administrative fine for failure to satisfy program requirements, including required reporting, or for the intentional or reckless misuse of any funds awarded by the terms of such contract, and such fine shall be in the amount of 10% of the funds awarded by the terms of such contract and shall be deposited into the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the state general fund; and (2) that such nonprofit organization shall submit a report to the legislature and the state treasurer on or before June 30, 2026, on the administration of the program during fiscal year 2026, including: The number of clients; the number of clients who participated in case management services; the number of case management hours provided to clients; the number of clients engaged in educational services or job training and placement activities; the number of newborns who were born to program participants; the number of such newborns placed for adoption; the number of fathers who participated in program services; the number of client satisfaction surveys completed; and any other information that shows the success of the contractor's administration of the program: And provided further, That the state treasurer shall establish the pregnancy compassion public awareness program to be administered by the same nonprofit organization contracted with to provide pregnancy compassion awareness program services: And provided further, That the purpose of the public awareness program is to help pregnant women who are at risk of having abortions to be made aware of the pregnancy compassion awareness program services: And provided further, That the public awareness program shall include the development and promotion of a website that provides a geographically indexed list of available pregnancy compassion awareness program services and nonprofit subcontractors that provide services: And provided further, That the public awareness program may include, but shall not be limited to, the use of television, radio, outdoor advertising, newspapers, magazines, other print media and the internet to provide information about the pregnancy compassion awareness program services and subcontractors: And provided further, That, to the greatest extent possible, the secretary for children and families shall supplement and match moneys appropriated for the pregnancy compassion awareness program with federal and other public and private moneys, and such moneys shall be prioritized to be used preferentially for the program and the public awareness program and be transferred from the special revenue fund or funds of the Kansas department for children and families as identified by the secretary for children and families to the pregnancy compassion awareness program account to be expended for such programs: Provided, however, That the pregnancy compassion awareness program and the pregnancy compassion public awareness program and any moneys

appropriated or expended therefor shall not be used to perform, induce, assist in the performing or inducing of or refer for abortions, and moneys appropriated or expended for such programs shall not be granted to organizations or affiliates of organizations that perform, induce, assist in the performing or inducing of or refer for abortions. I continue to believe that housing the pregnancy crisis center program in the Office of the State Treasurer is inappropriate and simply politically motivated. Additionally, Kansas women facing unplanned pregnancies deserve meaningful support from medical professionals who can provide evidence-based guidance, not from largely unregulated pregnancy resource centers. Kansans told the Legislature in August of 2022 that their private medical decisions should remain between them and their physician, and this appropriation is an attempt to subvert the will of the people.

State Treasurer —Duplicative Talent Attraction Program Sec. 46(c) and Sec. 47 have been line-item vetoed in their entirety. I agree we must invest state resources to attract talented workers to Kansas so that our workforce can keep pace with the historic levels of economic development occurring in the state. Unfortunately, the Legislature decided to defund an existing program at the Department of Commerce, Love, Kansas Program that does just that. It is highly inefficient to create a new, unvetted program with no guardrails in an agency that has nothing to do with workforce development or talent attraction. Instead of duplicating work already being done, the resources provided to this program should have gone towards enhancing the Department of Commerce's ongoing efforts to attract talented workers to Kansas.

Kansas Department of Administration —Docking State Office Building Expenditures Sec. 62(d) and Sec. 63(w) have been line-item vetoed in their entirety. The Legislature has already approved funding for the Docking State Office Building, and the project is nearing completion. Adding another level of bureaucratic approval for expenditures and transfers at this stage is needless and redundant, the height of government inefficiency. I am committed to the Docking State Office Building opening in a timely manner, and this proposal would create an unnecessary roadblock that could hamper this goal and waste taxpayer resources.

Kansas Department of Administration — Press Office Lease Costs Sec. 63(x) has been line-item vetoed in its entirety. Freedom of the press is one of the bedrocks of a free and open democratic society. This item appears to be targeted at the Kansas Capitol press corps to stymie their ability to effectively report on the actions occurring in the people's house. Provisions like this set a dangerous precedent and undermine one of the core principles enshrined in the U.S. Constitution. Instead of imposing barriers for the press to do their job in an efficient manner, the Legislature should look for ways to make the lawmaking process more transparent.

Kansas Lottery —Legislative Interference in Sports Gaming Sec. 72 (b) and Sec. 73 (f) have been line-item vetoed in their entirety. Robust processes are in place to negotiate any contract extension or renewal of existing sports wagering agreements. Inserting the Legislature into these negotiations would unnecessarily complicate the complex legal processes already in place to facilitate potential changes to the State's sports wagering agreements.

Kansas Department of Commerce – Purple UAS The portion of Sec. 76(a) that reads as follows has been line-item vetoed: Purple UAS certification innovation grant account.....\$1,000,000 Provided, That expenditures in an amount of not less than \$500,000 shall be made by the above agency from such account during fiscal year 2026

to provide a grant to the national institute for aviation research at Wichita state university to research and create an accurate and comprehensive checklist necessary for blue unmanned aircraft systems (UAS) compliance, which shall include the United States department of defense requirements for maintenance of supply chain security necessary for manufacturers of such department of defense drone technology: Provided further, That, national institute for aviation research shall include specific recommendations to Kansas state university Salina for the creation of a purple UAS public safety and commercial credentialing process: And provided further, That expenditures in an amount of not less than \$500,000 shall be made by the above agency from such account during fiscal year 2026 to provide a grant to Kansas state university Salina to create a purple UAS public safety and commercial credentialing process for credentialing drones for commercial and public safety use: Provided, however, That if such expenditures are not expended by January 1, 2026, on such date, any remaining moneys in such account are hereby lapsed: And provided further, That the above agency shall prepare and submit a report to the legislature on the purple UAS public safety and commercial credentialing process by January 20, 2026. The Department of Commerce did not request this item and it did not go through the agency vetting process. While I appreciate the intent of this item to provide additional funding for emerging technology in the aviation sector, I cannot ignore the deficiencies in the process that led to this being included in the budget. I encourage the Legislature to work with interested parties to resubmit this proposal as an official agency budget request next year.

Kansas Department of Commerce – Arts Commission Restrictions The portion of Sec. 76(b) that reads as follows has been line-item vetoed: Provided further, That expenditures shall not be made by the above agency from such account during fiscal year 2026 to employ persons on a contractual basis in order to ensure that the maximum amount of dollars may be distributed to Kansas communities for arts grants: And provided further, That expenditures shall be made by the above agency from such account during fiscal year 2026 to award matching grant funds: And provided further, That an amount of not to exceed 60% of grant moneys shall be awarded to applicants for matching grant funds located in counties with a population of 85,000 or less as of the 2020 census: And provided further, That an amount of not to exceed 40% of grant moneys shall be awarded to applicants for matching grant funds located in counties with a population of more than 85,000 as of the 2020 census. I'm proud that in recent years we have been able to reinvest in the Kansas Arts Commission. KAC enhances the role the arts play in all levels of education, community service, workforce development and quality of life in our state. This proviso would restrict the Commission's ability to issue grants. It would also bar it from using contractual support, which would likely require additional state employees to cover work the Commission currently partners with contractors to complete. Changing the structure of how the Commission works would cause inefficiencies and grow government.

Kansas Department of Health and Environment – Diseases Control The portion of Sec. 83(a) that reads as follows has been line item vetoed: Provided further, That expenditures in an amount of not less than \$250,000 shall be made by the above agency from such account during fiscal year 2026 to provide for efforts to control and prevent transmission of tuberculosis or other infectious and contagious diseases as designated by the secretary of health and environment pursuant to K.S.A. 65-128, and amendments thereto, including screening, diagnosis and treatment. The portion of Sec. 83(a) that

reads as follows has been line item vetoed: Provided further, That expenditures in an amount of not to exceed \$96,000 shall be made by the above agency from such account for fiscal year 2026 to provide for efforts to control and prevent transmission of tuberculosis, including screening, diagnosis and treatment. These provisos are poorly written and cause confusion regarding the funding for disease control and prevention that KDHE can use. The agency deserves clear and direct guidance from the Legislature to ensure adequate funding for these efforts, especially during the ongoing tuberculosis and measles outbreaks. The ability to screen, diagnose, and treat these contagious diseases is crucial to keeping Kansans safe and healthy.

Kansas Department of Health and Environment – Cerebral Palsy Research The portion of Sec. 83(a) that reads as follows has been line item vetoed: Cerebral palsy research.....\$263,000 The intent behind this budget proviso is unclear. It was not requested by any state agency. I encourage all stakeholders to work with the relevant agencies to get this vetted through the agency budget request process and resubmit next year.

Kansas Department of Health and Environment – Dental Services The portion of Sec. 83(a) that reads as follows has been line item vetoed: Donated dental services.....\$55,000 I support expanding access to dental services. However, there is already funding in the base budget for these types of services included in this proviso.

Kansas Department of Health and Environment – 12-month Medicaid continuous eligibility Sec. 84(e) and Sec. 85(o) have been line-item vetoed in their entirety. These sections will ultimately cost the state taxpayers approximately \$3.5 to \$4.3 million annually by causing the Kansas Department of Health and Environment to add additional staff to implement the policy required by this proviso. The state will not see the cost savings projected by the Legislature because federal regulation dictates that these caregivers and parents cannot be denied healthcare coverage without individual review. This proviso would require the agency to unnecessarily unenroll and then reenroll individuals. It is a highly inefficient, administratively burdensome, costly process.

Kansas Department of Aging and Disability Services – Continuation of SPARK Funding The portion of Sec. 88(a) that reads as follows has been line item vetoed: Aging services grants (039-00-1000-3006).....\$140,000 Provided, That expenditures in an amount of not less than \$140,000 shall be made by the above agency from such account during fiscal year 2025 to provide in-home services to low-income older individuals who would be able to remain in their homes for independence and self-sufficiency if such individuals received such services. The portion of Sec. 89(a) that reads as follows has been line item vetoed: Provided further, That expenditures in an amount of not less than \$540,000 shall be made by the above agency from such account during fiscal year 2026 to provide in-home services to low-income older individuals who would be able to remain in their homes for independence and self-sufficiency if such individuals received such services. I have always supported services that promote self-sufficiency and independence for the elderly. They keep older adults in their communities and prevents nursing home stays, saving taxpayer dollars in the long run. However, these provisos will continue to fund a pilot program that was initially funded by one-time federal grants. The state cannot shoulder the burden of ongoing costs created by lapsed federal funding. It is simply unsustainable.

Kansas Department of Aging and Disability Services – Lapsed Funding Sec. 89(aa) has been vetoed in its entirety 2024 S.B. 28 allocated funding for different types of entities to transform into Certified Community Behavioral Health Clinics over the course of four years. The lapse in funding outlined in this section reverses the progress that the KDADS has made in executing the intent of last year’s appropriation. This is not only a waste of resources, but it is also wholly inefficient.

Kansas Department for Aging and Disability Services – Lapsed Contract Staffing Sec. 90 has been line-item vetoed in its entirety. The patients and the surrounding community at Larned State Hospital will be the ones directly impacted by the elimination of funding for contract agency nursing staff. This maneuver will further strain the existing healthcare workforce, leading to a lack of capacity to care for these patients. Investing in recruiting and retaining our healthcare workforce, especially at these facilities, would be more beneficial and help relieve the reliance on contract nursing. In addition, the State could be at risk of losing significant federal funding if we are not able to meet the patient to staff ratios required by CMS.

Kansas Department for Children and Families – Interpreter Services The portion of Sec. 92(a) that reads as follows has been line item vetoed: Provided further, That expenditures in an amount of not less than \$375,000 shall be made by the above agency from such account during fiscal year 2026 to provide for additional deaf and hard of hearing services. Interpreter services, especially in government functions, are necessary to ensure every Kansan can be informed. However, I have significant concerns over the current limited geographic scope of interpreter services in Kansas. They are not structured in a way that ensures interpreter services are easily accessible and equally affordable in high-user areas. I encourage all relevant stakeholders to reconsider this proposal next year with a plan to widen its capabilities across the state.

Department of Education—Online Curriculum Sec. 96(n) has been line-item vetoed in its entirety. It is not the Legislature’s role to dictate our schools’ curricula. The State Board of Education has the constitutional authority and responsibility to determine curricula for our schools. It is wrong for the Legislature to sweep existing funds that are essential for the agency to function and direct them to expend funds on a particular curriculum and programs not vetted or recommended by the State Board.

Department of Education—SparkWheel Sec. 96(p) has been line-item vetoed in its entirety. While I would have considered additional funds for SparkWheel, funding an increase from existing department resources threatens the ability of the agency to conduct its core functions. As the Legislature considered this funding item, budget subcommittees recommended new funding to support SparkWheel’s expansion. While that position was not included in the final budget, it was a more responsible way to support this program.

Department of Education—Conditioning CPI-U Funding Increases Sec. 96(s) has been line-item vetoed in its entirety. School districts should strive to purchase and maintain AEDs within their academic buildings. I urge all districts to consider using the existing funds from their general funds or Capital Outlay Fund to purchase these devices. Districts and stakeholders should work with the Department of Education to determine how best to cover these costs through their existing resources. I am extremely troubled by the Legislature’s attempt to fund this priority through the appropriation from the BASE state aid per pupil increases required by the Supreme Court of Kansas’s rulings in the Gannon case. The Court was clear: to remain in constitutional

compliance, the State must increase the BASE state aid by a rolling average of the consumer price increase index. These increased funds are intended to account for cost increases to provide the basic level of instruction for all students in public schools. In effect, this proviso decreases the state BASE aid amount to a level lower than required by the Gannon rulings—creating an appropriation of funding that likely violates that ruling and constitutionally underfunds our schools. If the Legislature is serious about providing increased funding for the purchase of AEDs at schools, they should fund this initiative using different resources—rather than threatening to send the state back to court over school finance and siphoning off funding that would allow us to fully fund schools in accordance with the Kansas Constitution.

Kansas State University Extension Systems and Agriculture Research Programs—Double Funding Sec. 108(c) has been line-item vetoed in its entirety. This project was double funded with both State General Funds and Economic Development Initiative Funds (EDIF). This veto retains the funding for this project using State General Funds but eliminates the duplicative funding through EDIF.

Wichita State University—Dentistry Feasibility Study The portion of Sec. 116(a) that reads as follows has been line item-vetoed: Dentistry feasibility study.....\$750,000 Prior to the 2026 legislative session, stakeholders from both higher education and the dentistry profession should come together to discuss the feasibility of developing a dental school in Kansas. Through this collaborative discussion, a more comprehensive strategy could be crafted to determine how the state, higher education, and the profession can partner on this project, should it be deemed in the best interest of the state.

Kansas Board of Regents—Scholarship Lapses Sec. 118(h) and Sec. 118(i) have been line-item vetoed in their entirety. These scholarship funds are critical for students and workforce development. By lapsing these funds, the Legislature will undermine and negate their own hard work to ensure that higher education is affordable for more Kansans and that our businesses’ workforce needs are addressed.

Department of Corrections—O’Connell Children’s Shelter The portion of Sec. 121(a) that reads as follows has been line-item vetoed: And provided further, That expenditures in an amount of not less than \$1,000,000 shall be made by the above agency from such account during fiscal year 2026 to provide for services to families at the O’Connell children’s shelter in Lawrence, Kansas. While I support providing services to Kansas youth who need assistance, the funding in this section of the proviso is allocated toward one specific entity. The direct allocation of these funds circumvents the established grant process and the rigorous agency review that allows any qualified and interested entity to apply, ensuring that services provided are the best quality at the best price. We have made great progress towards eliminating “no-bid contracts” recently. We should not take an unnecessary step backwards.

Kansas Bureau of Investigation — DNA Analysis The portion of Sec. 129(a) that reads as follows has been line-item vetoed: Forensic DNA analysis.....\$500,000 Provided, That expenditures shall be made by the above agency from such account during fiscal year 2026 to provide for forensic genetic genealogy DNA analysis for the purposes of solving violent crimes and identifying human remains. The KBI did not request this item through the normal appropriations process. While the intent of this enhancement is admirable, it needs to go through the agency request process so it could be thoroughly vetted. I

encourage the KBI to request this item in next year's budget so it can be appropriately reviewed to ensure the state gets the best return on investment possible for these services.

State 911 Board – Mapping Grant Program Sec. 135(a) has been line-item vetoed in its entirety. Ensuring the safety of Kansans is one of my top priorities. However, the agency indicates it does not currently have the capacity to enact the program as described in the bill. Additionally, this program would require additional investments by the Legislature over the next several fiscal years to provide complete funding. It is unclear that the Legislature can meet this obligation given the financial picture ahead.

State Finance Council – ARPA Funds Sec. 153, Sec. 156 and Sec. 158 have been line-item vetoed in their entirety. These provisions create extra red tape and bureaucracy over the allocation of American Rescue Plan Act (ARPA) relief funds. Additionally, the federal requirements around the use of these funds are complex, and the state is limited in how they can be spent. The state would be best served if those funding decisions were guided by the experts in the Kansas Office of Recovery.

State Finance Council – 2027 State General Fund Reduction The portion of Sec. 159(a) that reads as follows has been line-item vetoed. (2) On July 1, 2026, of each amount appropriated or reappropriated for a state agency for the fiscal year ending June 30, 2027, by this act or other appropriation act of the 2025 or 2026 regular session of the legislature from the state general fund, that is identified as operating expenditures, including salaries and wages, contractual services, commodities and capital outlay, the sum equal to 1.5% of the aggregate amount of such operating expenditures is hereby lapsed. Given the state's fiscal outlook, I understand the Legislature's desire to find efficiencies in state government by implementing targeted State General Fund reductions, which is why I am leaving the fiscal year 2026 reduction in place. However, it does not make sense to decrease agency funding for fiscal year 2027 when we don't have a good sense of where the state will be financially. I am willing to revisit reductions next session when we will have a better understanding of the state's fiscal outlook for 2027.

State Finance Council – State Highway Fund Cut Sec. 159(b) has been line-item vetoed in its entirety. I am proud to have worked with the Legislature in a bipartisan manner over the last 7 years to stop extraordinary transfers from the State Highway Fund. This item would reverse that progress by redirecting funding to uses beyond the intended scope of the State Highway Fund. The Bank of KDOT closed three years ago and should remain closed.

Kansas State University Veterinary Medical Center—Bonding Authority Sec. 177(b) has been line-item vetoed in its entirety. Throughout my administration, it has been a key priority to eliminate debt and invest one-time funds in one-time projects. We have successfully partnered with the Legislature to pay down debt and limit ongoing budgetary costs. I fear this project backtracks on this progress. I urge Kansas State University to continue collaborating with stakeholders to develop a comprehensive plan for funding a new Animal Diagnostic Laboratory.

Kansas Highway Patrol—Jabara Airport Hangar Sec. 187(h) and Sec. 188 have been line-item vetoed in their entirety. The Kansas Highway Patrol has requested funding to purchase and operate a hangar at the Colonel James Jabara Airport in Wichita. Rather than fund the original request, the Legislature appropriated funds for the agency to work with a third-party entity that would own the hangar rather than the agency. This funding

structure would cost the state considerably more over the long term than would the agency's original request. I will direct the Kansas Highway Patrol to identify alternative solutions for the Legislature to consider next session.

LAURA KELLY, *Governor* (APRIL 9, 2025)

**SB 125**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2025, June 30, 2026, and June 30, 2027, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain capital improvement projects, assessments and fees; authorizing certain transfers; imposing certain restrictions and limitations; directing or authorizing certain disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2024 Supp. 2-223, 12-177a, 12-5256, 65-180, 74-50, 107, 74-8711, 74-99b34, 76-775, 76-7, 107, 76-7, 155, 76-7, 157, 79-2989, 79-3425i, 79-34, 171, 79-4804 and 82a-955 and repealing the existing sections.

#### ACTION ON VETO MESSAGE

A motion was made by Senator Masterson that line items 35a, 40d, 41g, 46a(part), 46c, 47, 62d, 63w, 63x, 72b, 73f, 76a (part), 76b (part), 83a (part), 84e, 85o, 88a (part), 89a (part), 89aa, 90, 92a (part), 96n, 96p, 96s, 108c, 116a (part), 118h, 118i, 121a (part), 129a (part), 135a, 153, 156, 158, 159a (part), 159b, 177b, 187h, 188 on **SB 125** be passed notwithstanding the Governor's veto.

**SB 125**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2025, June 30, 2026, and June 30, 2027, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain capital improvement projects, assessments and fees; authorizing certain transfers; imposing certain restrictions and limitations; directing or authorizing certain disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2024 Supp. 2-223, 12-177a, 12-5256, 65-180, 74-50, 107, 74-8711, 74-99b34, 76-775, 76-7, 107, 76-7, 155, 76-7, 157, 79-2989, 79-3425i, 79-34, 171, 79-4804 and 82a-955 and repealing the existing sections.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

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

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

A two-thirds constitutional majority having voted in favor of overriding the Governor's line-item vetoes, the motion prevailed and the line-items passed.

#### EXPLANATION OF VOTE

I vote "NO" on calling the question and then "NO" on the motion made to override all of the Governor's thirty-one line-item-vetoes on **SB 125** in one "bundle". The legislature has the responsibility to adopt a budget; the Governor can line-item veto, and then legislators can offer motions to override any of the line-item vetoes. However, this motion to vote on them all at once prevented thoughtful discussion and the chance to



record individual “ayes” and “nays”. Keeping several of the vetoes would have reduced expenditures. Overriding the veto of Sections 84(e) and 85(o) that eliminates 12-month Medicaid continuous eligibility is estimated to cost state taxpayers \$3.5 to \$4.3 million dollars annually by requiring a highly inefficient process to unenroll and then reenroll individuals. There is much talk about finding efficiencies but that would take work on the budget, including a more thorough review the Governor’s vetoes, that we continue to avoid.—MARCI FRANCISCO

#### REGARDING SENATE BILL 250

This bill gives Kansans with debilitating disease the option to make choices about their medical care. Now I think it’s time for the Legislature to finally legalize medical Marijuana, giving the Kansans suffering from chronic pain, or Post Traumatic Stress Disorder, and children suffering with Dravet’s Syndrome (epilepsy) the choice of the treatment they and their doctors determine best suits their needs.

LAURA KELLY, *Governor* (APRIL 9, 2025)

#### REGARDING VETO OF SENATE BILL 269

I have proposed and supported tax cuts when they are implemented responsibly and benefit the people of Kansas, especially those who need it most. This bill ignores Kansas families at a time of rising costs and inflation in favor of hundreds of millions of dollars in giveaways to corporations and the wealthy. Make no mistake, should this bill become law, it will put the state back on the path toward the failed Brownback tax experiment: the four-day school weeks, the budget cuts, and the crumbling roads and bridges that came with it. The income tax cuts made possible by this bill could cost the state up to \$1.3 billion annually. The triggers for those tax cuts are such that as soon as the state sees an uptick in revenue, taxes will be automatically cut regardless of any other economic factors or policy and budgetary considerations. We’ve been down this road before, and we can’t afford to go back to failed tax experiments and policies that will stifle economic opportunity for everyday Kansans and thwart efforts to ensure a sustainable water supply essential to our rural communities. I sincerely hope the Legislature listens to the people of Kansas and rethinks priorities on tax policy. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 269**.

LAURA KELLY, *Governor* (APRIL 9, 2025)

**SB 269**, AN ACT concerning taxation; relating to income and privilege taxes; providing the future tax rate decreases be contingent on exceeding revenue estimates and retaining a certain amount in the budget stabilization fund; amending K.S.A. 2024 Supp. 79-1107, 79-1108 and 79-32,110 and repealing the existing sections.

#### ACTION ON VETO MESSAGE

A motion was made by Senator Tyson that **SB 269** be passed notwithstanding the Governor's veto.

**SB 269**, AN ACT concerning taxation; relating to income and privilege taxes; providing the future tax rate decreases be contingent on exceeding revenue estimates and retaining a certain amount in the budget stabilization fund; amending K.S.A. 2024 Supp. 79-1107, 79-1108 and 79-32,110 and repealing the existing sections.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

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

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

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

### COMMUNICATIONS FROM STATE OFFICERS

The following reports were received by the Office of the Secretary of the Senate:  
Virtual Math Program Report, Kansas Department of Education  
2024 Kansas Enterprise Zone Act Annual Report, Kansas Department of Revenue  
2023 Community Technical and College Tax Credit Report, Kansas Department of Revenue

### MESSAGES FROM THE HOUSE

The House concurs in Senate amendments to **HB 2155**, and requests return of the bill.

The House adopts the Conference Committee report on **SB 24**.

The House adopts the Conference Committee report on **SB 30**.

The House adopts the Conference Committee report on **SB 156**.

The House adopts the Conference Committee report on **SB 186**.

The House adopts the Conference Committee report on **SB 204**.

The House adopts the Conference Committee report on **SB 237**.

The House adopts the Conference Committee report on **HB 2028**.

The House adopts the Conference Committee report on **S Sub HB 2054**.

The House adopts the Conference Committee report on **HB 2122**.

The House adopts the Conference Committee report on **HB 2134**.

The House adopts the Conference Committee report on **HB 2169**.

The House adopts the Conference Committee report on **S Sub HB 2172**.

The House adopts the Conference Committee report on **HB 2249**.

The House adopts the Conference Committee report on **HB 2255**.

The House adopts the Conference Committee report on **HB 2280**.

The House adopts the Conference Committee report on **HB 2334**.

The House adopts the Conference Committee report on **HB 2342**.

The House adopts the Conference Committee report on **HB 2371**.

The House adopts the Conference Committee report on **S Sub HB 2382**.

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **HB 2284**, AN ACT concerning the department of administration; relating to the procurement of managed care organizations for the Kansas program of medical assistance; requiring adoption of policies., which was received on April 3, 2025 and read on April 10, 2025.

“The bill, in its original form, contained several helpful provisions that I supported

and would have improved transparency and accountability overall. However, as amended, this bill is now unworkable and opens the state up to costly and protracted litigation.

Additionally, this bill is a dramatic overreach by the Legislature into the role of the Executive branch, which is charged with administering and executing policy. It also overreaches into the Judicial branch by removing the courts from the process entirely and vesting that duty squarely with the Legislature's ad hoc "appeals committee" — a move that calls into question the very constitutionality of this bill by denying the rights of 'judicial review' to those involved.

However, most alarmingly, this bill creates a haphazard procurement process that does nothing to mitigate conflicts of interest among legislators and creates an environment that is rife for exploitation and graft — exactly the opposite of what the existing process, overseen by the Department of Administration, is designed to do. I am happy to work with the Legislature next year on a clean bill that addresses some of the underlying concerns without creating all the legal, ethical and constitutional challenges of this current version of the bill.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2284**.

A motion was made that **HB 2284** be passed notwithstanding the Governor's veto. By vote of 88 Yeas and 37 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **HB 2291**, AN ACT creating the regulatory relief division within the office of the attorney general; establishing the general regulatory sandbox program to waive or suspend administrative rules and regulations for program participants; amending K.S.A. 75-4319 and repealing the existing section., which was received on April 3, 2025 and read on April 10, 2025.

"Although I support the intent of this bill to foster an environment where our businesses can thrive, I have concerns regarding the lawmaking power of the advisory committee established in this legislation. Granting an advisory committee the authority to overrule existing law without proper oversight could lead to problematic decision-making and open the door to special interests doing an end-run around the legislative process.

Additionally, this bill blocks any transparency in relation to the applications submitted for review which further exacerbates my concerns regarding the role of special interests.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2291**."

A motion was made that **HB 2291** be passed notwithstanding the Governor's veto. By vote of 88 Yeas and 37 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **HB 2033**, AN ACT concerning education; relating to at-risk educational programs; including programs and services provided by nonprofit

organizations accredited by the international multisensory structured language education council as approved at-risk educational programs; amending K.S.A. 2024 Supp. 72-5153 and repealing the existing section., which was received on April 3, 2025 and read on April 10, 2025.

While I believe that we must do everything possible to support at-risk students, this legislation is unnecessary because its goal has already been achieved by the State Board of Education. In February, the Kansas State Board of Education added programs provided by the proponents of this bill to the list of approved at-risk evidence-based programs.

Additionally, in K.S.A 72-5153, the Legislature has explicitly provided the authority to identify and approve these programs to the State Board of Education. Thus, it is the job of the Board to vet and approve at-risk programs and service providers. If program providers want to serve at-risk students, they should work in partnership with the Board.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto House Bill 2033.

A motion was made that **HB 2033** be passed notwithstanding the Governor's veto. By vote of 87 Yeas and 38 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **HB 2062**, AN ACT concerning children and families; relating to orders of child support; providing for child support for unborn children from the date of conception and including the direct medical and pregnancy-related expenses of the mother; requiring the court to consider the value of retirement accounts when determining support orders; eliminating the exemption and retirement moneys from claims to fulfill child support obligations; providing for an income tax exemption for unborn and stillborn children; amending K.S.A. 20-165, 23-2205, 23-3001 and 23-3002 and K.S.A. 2024 Supp. 60-2308 and 79-32,121 and repealing the existing sections., which was received on April 9, 2025 and read on April 10, 2025.

“At first glance, this bill may appear to be a proposal to support pregnant women and families.

However, this bill is yet another attempt by special interest groups and extremist lawmakers to ignore the will of Kansans and insert themselves into the lives of those making private medical decisions. It is a place where this Legislature has become all too comfortable — particularly for those who espouse freedom from government overreach.

The motives behind this bill are clear. Instead of helping pregnant women and families, the Legislature chose to pass a bill that connects the issue to a woman's constitutional rights. This bill is a dismissal of the will of the majority of Kansans who voted overwhelmingly in 2022 to keep politicians out of the private medical decisions made between a woman and her doctor.

Furthermore, the provisions of this bill are questionable, and it is surprising it has been put forward. There are legitimate worries surrounding its implications, and I encourage special interest groups and their legislative supporters to reflect on the broader impact of their actions.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2062**.

A motion was made that **HB 2062** be passed notwithstanding the Governor's veto. By vote of 87 Yeas and 38 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **S Sub HB 2240**, AN ACT concerning public assistance; requiring approval by an act of the legislature prior to any state agency seeking or implementing any public assistance program waiver or other authorization from the federal government that expands eligibility for any public assistance program, increases cost to the state or makes certain changes in services for persons with intellectual or developmental disabilities; authorizing approval of such waivers, other authorizations or changes by the legislative coordinating council when the legislature is not in session., which was received on April 9, 2025 and read on April 10, 2025.

**“Senate Substitute for House Bill 2240** is an unconstitutional overreach by the Legislature into the executive branch attempting to create an unlawful administration of the state’s Medicaid program with the legislative branch.

Our doctrine of independent governmental branches is firmly entrenched in the United States and Kansas constitutional law and significant intrusion by one branch into the duties of another has been held to be unlawful. There is little question in my mind that this represents such an intrusion.

Additionally, we estimate that the process established in this bill would require hundreds of hours of taxpayer-funded work and research by legislative staff to implement even the most basic of changes. Since the federal government issues various administrative changes almost daily, it jeopardizes the very functioning of the underlying programs.

Thousands of Kansans rely on these programs, including children, pregnant women, individuals with disabilities, and low-income seniors. This bill and the subsequent backlog that it would create threatens food and medical assistance benefits for our most vulnerable Kansans at a time of increased inflation and overall financial uncertainty.

Kansas already has very strict eligibility rules and significant verification requirements for these programs. For these reasons and many more, I cannot and will not support this bill.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Substitute for House Bill 2240.**”

A motion was made that **S Sub for HB 2240** be passed notwithstanding the Governor's veto. By vote of 87 Yeas and 47 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **S Sub HB 2382**, AN ACT concerning education; requiring school districts to include a human fetal development presentation as part of the curriculum for any course that addresses human growth, human development or human sexuality; authorizing the state board of education to establish the rate of compensation for members of the state board; amending K.S.A. 72-253 and repealing the existing section., which was received on April 9, 2025 and read on April 10, 2025.

“This bill is convoluted, manipulative, and wrong for a number of reasons.

It undermines the authority of the Kansas State Board of Education and local school boards, who are vested with the duty and responsibility to set and enforce curricula for our schools, no matter the subject.

The Board, teachers, and administrators put in significant effort to create curricula and lesson plans. This legislation undermines their autonomy and replaces the expertise of trained professionals with the desires of special interest groups and the politicians that enable them.

Additionally, this bill fails to establish standards to ensure the information included in the program is evidence-based. But it is not surprising, as the goal of this bill is not to educate developing and impressionable young minds – it is to push a specific agenda without proper research to back it up.

As policy makers and parents, we should demand that our children are provided with high-quality, relevant, researched, and age-appropriate educational experiences free from ideological prejudice. House Bill 2382 falls short of that goal. For these reasons, I cannot and will not support this bill.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Substitute for House Bill 2382.**”

A motion was made that **S Sub HB 2382** be passed notwithstanding the Governor's veto. By vote of 84 Yeas and 41 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **HB 2311**, AN ACT concerning children and minors; relating to the secretary for children and families; prohibiting the secretary from adopting and enforcing policies for placement, custody or appointment of a custodian that may conflict with sincerely held religious or moral beliefs regarding sexual orientation or gender identity; creating a right of action for violations {against the secretary for children and families}., which was received on April 3, 2025 and read on April 10, 2025.

“The top priority of the Kansas Department for Children and Families should be adhering to the "best interest of the child" standard. Legislation like this detracts from this standard and stands in the way of best serving those in the child welfare system. Children in need of care already face unique and complex challenges. I will not sign legislation that could further complicate their lives. I also have concerns that this bill could expose the state to frivolous lawsuits and hinder the agency by taking time and resources away from critical services. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2311.**”

A motion was made that **HB 2311** be passed notwithstanding the Governor's veto. By vote of 87 Yeas and 38 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **HB 2217**, AN ACT concerning the attorney general; relating to the office of the inspector general and the powers, duties and responsibilities thereof; expanding the power of the inspector general to investigate and audit all state

cash, food and health assistance programs; amending K.S.A. 75-7427 and repealing the existing section., which was received on April 3, 2025 and read on April 10, 2025.

“It is very unclear what problem, if any, this bill is attempting to solve. Expanding the inspector general’s authority to audit and investigate all state cash, food, and health assistance programs is completely redundant, inefficient, and a waste of taxpayer dollars.

Within the Kansas Department for Children and Families, there already exists a Fraud Investigations Unit that conducts this work with experts who have specific knowledge of how these programs work and what federal and state laws require. This bill also removes statutory protections for participants’ data and health privacy.

It makes no sense from a legal, policy, or fiscal standpoint to make this change.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2217.**”

A motion was made that **HB 2217** be passed notwithstanding the Governor's veto. By vote of 87 Yeas and 38 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

The House adopts the Conference Committee report to agree to disagree on **HB 2045**, and has appointed Representatives Tarwater, Turk and Clayton as Second conferees on the part of the House.

#### **ACTION ON VETO MESSAGE**

A motion was made by Senator Erickson that **HB 2033** be passed notwithstanding the Governor's veto.

**HB 2033**, AN ACT concerning education; relating to at-risk educational programs; including programs and services provided by nonprofit organizations accredited by the international multisensory structured language education council as approved at-risk educational programs; amending K.S.A. 2024 Supp. 72-5153 and repealing the existing section.

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

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

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

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

#### **ACTION ON VETO MESSAGE**

A motion was made by Senator Warren that **HB 2062** be passed notwithstanding the Governor's veto.

**HB 2062**, AN ACT concerning children and families; relating to orders of child support; providing for child support for unborn children from the date of conception and including the direct medical and pregnancy-related expenses of the mother; requiring the court to consider the value of retirement accounts when determining support orders;

eliminating the exemption and retirement moneys from claims to fulfill child support obligations; providing for an income tax exemption for unborn and stillborn children; amending K.S.A. 20-165, 23-2205, 23-3001 and 23-3002 and K.S.A. 2024 Supp. 60-2308 and 79-32,121 and repealing the existing sections.

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

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

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

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

#### **ACTION ON VETO MESSAGE**

A motion was made by Senator Gossage that **HB 2217** be passed notwithstanding the Governor's veto.

**HB 2217**, AN ACT concerning the attorney general; relating to the office of the inspector general and the powers, duties and responsibilities thereof; expanding the power of the inspector general to investigate and audit all state cash, food and health assistance programs; amending K.S.A. 75-7427 and repealing the existing section.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

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

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

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

#### **ACTION ON VETO MESSAGE**

A motion was made by Senator Erickson that **S Sub HB 2240** be passed notwithstanding the Governor's veto.

**S Sub HB 2240**, AN ACT concerning public assistance; requiring approval by an act of the legislature prior to any state agency seeking or implementing any public assistance program waiver or other authorization from the federal government that expands eligibility for any public assistance program, increases cost to the state or makes certain changes in services for persons with intellectual or developmental disabilities; authorizing approval of such waivers, other authorizations or changes by the legislative coordinating council when the legislature is not in session.

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

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



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

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

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

#### **ACTION ON VETO MESSAGE**

A motion was made by Senator Thompson that **HB 2284** be passed notwithstanding the Governor's veto.

**HB 2284**, AN ACT concerning the department of administration; relating to the procurement of managed care organizations for the Kansas program of medical assistance; requiring adoption of policies.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

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

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

The Call was lifted.

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

#### **ACTION ON VETO MESSAGE**

A motion was made by Senator Thompson that **HB 2291** be passed notwithstanding the Governor's veto.

**HB 2291**, AN ACT creating the regulatory relief division within the office of the attorney general; establishing the general regulatory sandbox program to waive or suspend administrative rules and regulations for program participants; amending K.S.A. 75-4319 and repealing the existing section.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

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

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

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

#### **ACTION ON VETO MESSAGE**

A motion was made by Senator Gossage that **HB 2311** be passed notwithstanding the

Governor's veto.

**HB 2311**, AN ACT concerning children and minors; relating to the secretary for children and families; prohibiting the secretary from adopting and enforcing policies for placement, custody or appointment of a custodian that may conflict with sincerely held religious or moral beliefs regarding sexual orientation or gender identity; creating a right of action for violations {against the secretary for children and families}.

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

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

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

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

#### **ACTION ON VETO MESSAGE**

A motion was made by Senator Erickson that **S Sub HB 2382** be passed notwithstanding the Governor's veto.

**S Sub HB 2382**, AN ACT concerning education; requiring school districts to include a human fetal development presentation as part of the curriculum for any course that addresses human growth, human development or human sexuality; authorizing the state board of education to establish the rate of compensation for members of the state board; amending K.S.A. 72-253 and repealing the existing section.

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

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

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

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

#### **CONSIDERATION OF ORIGINAL MOTIONS**

Senator Blasi moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 24, SB 156, SB 186, SB 204, SB 237; HB 2045; Sub HB 2125; HB 2231, HB 2289.**

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 156** submits the following report:

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

amendments, as follows:

On page 1, by striking all in lines 6 through 30; following line 30, by inserting:

"Section 1. K.S.A. 46-920 is hereby amended to read as follows: 46-920. (a) The secretary of corrections may reimburse any inmate of any correctional institution or other facility under the secretary's jurisdiction for any personal injury or personal property damage or loss occurring under circumstances which establish, in the secretary's opinion, that such loss or damage was caused by the negligence of the state or any agency, officer or employee thereof. No reimbursement payment shall be made on any claim for an amount of more than ~~\$500~~ \$750. An inmate shall provide notice to the secretary of the nature, time, date and place for claims exceeding \$750. Failure to provide such notice shall not prevent a claim from being considered by the joint committee on claims against the state. Nothing in this section shall prohibit the crediting of any payment made to an inmate of a correctional institution or other facility under the secretary's jurisdiction to such inmate's account within the institution or facility, as the case may be.

(b) When an inmate owes an outstanding unpaid amount of restitution ordered by a court pursuant to K.S.A. 21-4603, 21-4603d or 21-4610, prior to their repeal, or K.S.A. 21-6604, 21-6607 or 21-6702, and amendments thereto, the secretary of corrections shall withdraw from the inmate's trust account as a set-off:

(1) Money received by the inmate from the state as a settlement of a claim against the state through the joint committee on special claims against the state which is otherwise specifically approved for payment by appropriation act of the legislature, or which is approved through the department of corrections internal claims procedure under this section; or

(2) money received by the inmate from the state as the result of a settlement or a final judgment in a civil action in which the state of Kansas or an employee of the department of corrections was a named defendant and the state was found to be liable.

(c) When an inmate on post release, parole or conditional release supervision owes an outstanding unpaid amount of restitution ordered by a court pursuant to K.S.A. 21-4603, 21-4603d or 21-4610, prior to their repeal, or K.S.A. 21-6604, 21-6607 or 21-6702, and amendments thereto, the state shall setoff the unpaid restitution from:

(1) Money payable to the inmate from the state as a settlement of a claim against the state through the joint committee against the state which is specifically approved for payment by appropriation act of the legislature or which is approved through the department of corrections under this section; or

(2) money payable to the inmate from the state as a result of a settlement or final judgment in a civil action in which the state of Kansas or an employee of the department of corrections was a named defendant and the state was found to be liable.

(d) Vouchers certifying the amount to be setoff under subsection (c) for the outstanding unpaid restitution and any balance remaining payable to the inmate shall be prepared and submitted to the director of accounts and reports of the department of administration.

(e) When more than one state court order of restitution is outstanding and unpaid, moneys shall be applied to and paid for the restitution orders in accordance with this section in the order in which the final judgment orders were entered.

(f) ~~Moneys~~ Money collected for payment towards outstanding unpaid restitution in accordance with this section shall be forwarded to the appropriate clerk of the district

court for disbursement.

Sec. 2. K.S.A. 46-920 is hereby repealed.";

Also on page 1, in line 32, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "the secretary of corrections; increasing the amount of money that the secretary of corrections may reimburse inmates for personal injury or property damage or loss caused by negligence; requiring notice to the secretary for claims exceeding the reimbursement maximum; amending K.S.A. 46-920 and repealing the existing section";

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

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

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

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 156**.

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

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

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 186** submits the following report:

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

On page 1, by striking all in lines 17 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 33; following line 33, by inserting:

"Section 1. K.S.A. 21-5510 is hereby amended to read as follows: 21-5510. (a) Except as provided in K.S.A. 21-5610 and 21-5611, and amendments thereto, sexual exploitation of a child is:

(1) Employing, using, persuading, inducing, enticing or coercing a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, to engage in sexually explicit conduct with the intent to promote any performance;

(2) (A) possessing any visual depiction of a child under 18 years of age shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person; or

(B) possessing any artificially generated visual depiction with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person;

(3) being a parent, guardian or other person having custody or control of a child

under 18 years of age and knowingly permitting such child to engage in, or assist another to engage in, sexually explicit conduct for any purpose described in subsection (a)(1) or (2); or

(4) promoting any performance that includes sexually explicit conduct by a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, knowing the character and content of the performance.

(b) (1) Sexual exploitation of a child as defined in:

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

(B) subsection (a)(1) or (a)(4) is a severity level 3, person felony, except as provided in subsection (b)(2).

(2) Sexual exploitation of a child as defined in subsection (a)(1) or (a)(4) or attempt, conspiracy or criminal solicitation to commit sexual exploitation of a child as defined in subsection (a)(1) or (a)(4) is an off-grid person felony, when the offender is 18 years of age or older and the child is under 14 years of age.

(c) If the offender is 18 years of age or older and the child is under 14 years of age, the provisions of:

(1) K.S.A. 21-5301(c), and amendments thereto, shall not apply to a violation of attempting to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4);

(2) K.S.A. 21-5302(d), and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4); and

(3) K.S.A. 21-5303(d), and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4).

(d) As used in this section:

(1) "Sexually explicit conduct" means actual or simulated: Exhibition in the nude; sexual intercourse or sodomy, including genital-genital, oral-genital, anal-genital or oral-anal contact, whether between persons of the same or opposite sex; masturbation; sado-masochistic abuse with the intent of sexual stimulation; or lewd exhibition of the genitals, female breasts or pubic area of any person;

(2) "promoting" means procuring, transmitting, distributing, circulating, presenting, producing, directing, manufacturing, issuing, publishing, displaying, exhibiting or advertising:

(A) For pecuniary profit; or

(B) with intent to arouse or gratify the sexual desire or appeal to the prurient interest of the offender or any other person;

(3) "performance" means any film, photograph, negative, slide, book, magazine or other printed or visual medium, any audio tape recording or any photocopy, video tape, video laser disk, computer hardware, software, floppy disk or any other computer related equipment or computer generated image that contains or incorporates in any manner any film, photograph, negative, photocopy, video tape or video laser disk or any play or other live presentation;

(4) "nude" means any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered;

(5) "obscene" means a visual depiction or artificially generated visual depiction

that, taken as a whole, appeals to the prurient interest of an average person, applying contemporary community standards, that is patently offensive and that, taken as a whole, lacks serious literary, artistic, political or scientific value;

(6) "artificially generated visual depiction" means a visual depiction that is obscene and produced through the use of computer software, digital manipulation or other means that creates an image or video that appears to depict a child under 18 years of age shown or heard engaging in sexually explicit conduct. "Artificially generated visual depiction" includes depictions that are obscene and indistinguishable from a real child, morphed from a real child's image or generated without any actual child involvement; and

~~(5)(7)~~ "visual depiction" means any photograph, film, video picture, digital or computer-generated image or picture, whether made or produced by electronic, mechanical or other means.

(e) The provisions of this section shall not apply to possession of a visual depiction of a child in a state of nudity if the person possessing such visual depiction is the child who is the subject of such visual depiction.

Sec. 2. K.S.A. 21-5611 is hereby amended to read as follows: 21-5611. (a) Unlawful transmission of a visual depiction of a child is knowingly transmitting a visual depiction of ~~a~~ an identifiable child 12 or more years of age but less than 18 years of age in a state of nudity when the offender is less than 19 years of age.

(b) Aggravated unlawful transmission of a visual depiction of a child is:

(1) Knowingly transmitting a visual depiction of ~~a~~ an identifiable child 12 or more years of age but less than 18 years of age in a state of nudity:

(A) With the intent to harass, embarrass, intimidate, defame or otherwise inflict emotional, psychological or physical harm;

(B) for pecuniary or tangible gain; or

(C) with the intent to exhibit or transmit such visual depiction to more than one person; and

(2) when the offender is less than 19 years of age.

(c) (1) Unlawful transmission of a visual depiction of a child is a:

(A) Class A person misdemeanor, except as provided in subsection (c)(1)(B); and

(B) severity level 10, person felony upon a second or subsequent conviction.

(2) Aggravated unlawful transmission of a visual depiction of a child is a:

(A) Severity level 9, person felony, except as provided in subsection (c)(2)(B); and

(B) severity level 7, person felony upon a second or subsequent conviction.

(d) It shall be a rebuttable presumption that an offender had the intent to harass, embarrass, intimidate, defame or otherwise inflict emotional, psychological or physical harm if the offender transmitted a visual depiction of a person other than such child in a state of nudity to more than one person.

(e) The provisions of this section shall not apply to transmission of a visual depiction of a child in a state of nudity by the child who is the subject of such visual depiction.

(f) The provisions of this section shall not apply to a visual depiction of a child engaged in sexually explicit conduct or a visual depiction that constitutes obscenity as defined in K.S.A. 21-6401(f)(1), and amendments thereto.

(g) As used in this section and K.S.A. 21-5610, and amendments thereto:

(1) "Sexually explicit conduct" means actual or simulated: Sexual intercourse or

sodomy, including genital-genital, oral-genital, anal-genital or oral-anal contact, whether between persons of the same or opposite sex; masturbation and sado-masochistic abuse for the purpose of sexual stimulation;

(2) "state of nudity" means any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered;

(3) "transmission" means any form of communication, including, but not limited to, physical transmission of paper and electronic transmission that creates a record that may be retained and reviewed by a recipient thereof, and that may be directly reproduced in paper form by such a recipient through an automated process. Transmission also includes a request to receive a transmission of a visual depiction; and

(4) "visual depiction" means any photograph, film, video picture, digital or computer-generated image or picture made or produced by electronic, mechanical or other means, including, but not limited to, any such item created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict an identifiable child, regardless of whether such identifiable child was involved in the creation of the original image.

Sec. 3. K.S.A. 2024 Supp. 21-6101 is hereby amended to read as follows: 21-6101.

(a) Breach of privacy is knowingly and without lawful authority:

(1) Intercepting, without the consent of the sender or receiver, a message by telephone, telegraph, letter or other means of private communication;

(2) divulging, without the consent of the sender or receiver, the existence or contents of such message if such person knows that the message was illegally intercepted, or if such person illegally learned of the message in the course of employment with an agency in transmitting such message;

(3) entering with intent to listen surreptitiously to private conversations in a private place or to observe the personal conduct of any other person or persons entitled to privacy therein;

(4) installing or using outside or inside a private place any device for hearing, recording, amplifying or broadcasting sounds originating in such place, which sounds would not ordinarily be audible or comprehensible without the use of such device, without the consent of the person or persons entitled to privacy therein;

(5) installing or using any device or equipment for the interception of any telephone, telegraph or other wire or wireless communication without the consent of the person in possession or control of the facilities for such communication;

(6) installing or using a camcorder, motion picture camera or photographic camera of any type to videotape, film, photograph or record, by electronic or other means, another identifiable person under or through the clothing being worn by that other person or another identifiable person who is nude or in a state of undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to invade the privacy of that other person, under circumstances in which that other person has a reasonable expectation of privacy;

(7) disseminating or permitting the dissemination of any videotape, photograph, film or image obtained in violation of subsection (a)(6); or

(8) disseminating any videotape, photograph, film or image of another identifiable person 18 years of age or older who is nude or engaged in sexual activity and under

circumstances in which such identifiable person had a reasonable expectation of privacy, with the intent to harass, threaten or intimidate such identifiable person, and such identifiable person did not consent to such dissemination. This includes disseminating any videotape, photograph, film or image that has been created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict such identifiable person, regardless of whether such identifiable person was involved in the creation of the original image.

(b) Breach of privacy as defined in:

- (1) Subsection (a)(1) through (a)(5) is a class A nonperson misdemeanor;
- (2) subsection (a)(6) or (a)(8) is a:
  - (A) Severity level 8, person felony, except as provided in subsection (b)(2)(B); and
  - (B) severity level 5, person felony upon a second or subsequent conviction within the previous five years; and

(3) subsection (a)(7) is a severity level 5, person felony.

(c) Subsection (a)(1) shall not apply to messages overheard through a regularly installed instrument on a telephone party line or on an extension.

(d) The provisions of this section shall not apply to:

(1) An operator of a switchboard, or any officer, employee or agent of any public utility providing telephone communications service, whose facilities are used in the transmission of a communication, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity which is incident to the rendition of public utility service or to the protection of the rights of property of such public utility;

(2) a provider of an interactive computer service, as defined in 47 U.S.C. § 230, for content provided by another person;

(3) a radio common carrier, as defined in K.S.A. 66-1,143, and amendments thereto; ~~and~~

(4) a local exchange carrier or telecommunications carrier as defined in K.S.A. 66-1,187, and amendments thereto;

(5) a cable service, as defined in 47 U.S.C. § 522;

(6) a provider of direct-to-home satellite services, as defined in 47 U.S.C. § 303(v);  
and

(7) a multichannel video programming distributor, as defined in 47 U.S.C. § 522(13), or an affiliate thereof.

(e) The provisions of subsection (a)(8) shall not apply to a person acting with a bona fide and lawful scientific, educational, governmental, news or other similar public purpose.

(f) As used in this section, "private place" means a place where one may reasonably expect to be safe from uninvited intrusion or surveillance.";

On page 6, following line 11, by inserting:

"Sec. 5. K.S.A. 22-2502 is hereby amended to read as follows: 22-2502. (a) A search warrant shall be issued only upon the oral or written statement, including those conveyed or received by electronic communication, of ~~any person a law enforcement officer~~ under oath or affirmation ~~which that~~ states facts sufficient to show probable cause that a crime has been, is being or is about to be committed and which particularly describes a person, place or means of conveyance to be searched and things to be seized. Any statement ~~which that~~ is made orally shall be either taken down by a



certified shorthand reporter, sworn to under oath and made part of the application for a search warrant, or recorded before the magistrate from whom the search warrant is requested and sworn to under oath. Any statement orally made shall be reduced to writing as soon thereafter as possible. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate may issue a search warrant for:

(1) The search or seizure of the following:

(A) Anything that can be seized under the fourth amendment of the United States constitution;

(B) anything ~~which that~~ has been used in the commission of a crime, or any contraband or any property ~~which that~~ constitutes or may be considered a part of the evidence, fruits or instrumentalities of a crime under the laws of this state, any other state or of the United States. The term "fruits" as used in this act shall be interpreted to include any property into which the thing or things unlawfully taken or possessed may have been converted;

(C) any person who has been kidnapped in violation of the laws of this state or who has been kidnapped in another jurisdiction and is now concealed within this state;

(D) any human fetus or human corpse;

(E) any biological material, DNA, cellular material, blood, hair or fingerprints;

(F) any person for whom a valid felony arrest warrant has been issued in this state or in another jurisdiction; or

(G) (i) any information concerning the user of an electronic communication service; any information concerning the location of electronic communications systems, including, but not limited to, towers transmitting cellular signals involved in any wire communication; and any other information made through an electronic communications system; or

(ii) the jurisdiction granted in this paragraph shall extend to information held by entities registered to do business in the state of Kansas, submitting to the jurisdiction thereof, and entities primarily located outside the state of Kansas if the jurisdiction in which the entity is primarily located recognizes the authority of the magistrate to issue the search warrant; or

(2) the installation, maintenance and use of a tracking device.

(b) (1) The search warrant under subsection (a)(2) shall authorize the installation and use of the tracking device to track and collect tracking data relating to a person or property for a specified period of time, not to exceed 30 days from the date of the installation of the device.

(2) The search warrant under subsection (a)(2) may authorize the retrieval of the tracking data recorded by the tracking device during the specified period of time for authorized use of such tracking device within a reasonable time after the expiration of such warrant, for good cause shown.

(3) The magistrate may, for good cause shown, grant one or more extensions of a search warrant under subsection (a)(2) for the use of a tracking device, not to exceed 30 days each.

(c) Before ruling on a request for a search warrant, the magistrate may require the affiant to appear personally and may examine under oath the affiant and any witnesses that the affiant may produce. Such proceeding shall be taken down by a certified shorthand reporter or recording equipment and made part of the application for a search

warrant.

(d) For a warrant executed prior to July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section or search warrants for tracking devices shall not be made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire.

(e) (1) For a warrant executed on or after July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section or search warrants for tracking devices shall not be open to the public until the warrant has been executed. After the warrant has been executed, such affidavits or sworn testimony shall be made available to:

(A) The defendant or the defendant's counsel, when requested, for such disposition as either may desire; and

(B) any person, when requested, in accordance with the requirements of this subsection.

(2) Any person may request that affidavits or sworn testimony be disclosed by filing such request with the clerk of the court. The clerk of the court shall promptly notify the defendant or the defendant's counsel, the prosecutor and the magistrate that such request was filed. The prosecutor shall promptly notify any victim.

(3) Within five business days after receiving notice of a request for disclosure from the clerk of the court, the defendant or the defendant's counsel and the prosecutor may submit to the magistrate, under seal, either:

(A) Proposed redactions, if any, to the affidavits or sworn testimony and the reasons supporting such proposed redactions; or

(B) a motion to seal the affidavits or sworn testimony and the reasons supporting such proposed seal.

(4) The magistrate shall review the requested affidavits or sworn testimony and any proposed redactions or motion to seal submitted by the defendant, the defendant's counsel or the prosecutor. The magistrate shall make appropriate redactions, or seal the affidavits or sworn testimony, as necessary to prevent public disclosure of information that would:

(A) Jeopardize the physical, mental or emotional safety or well-being of a victim, witness, confidential source or undercover agent, or cause the destruction of evidence;

(B) reveal information obtained from a court-ordered wiretap or from a search warrant for a tracking device that has not expired;

(C) interfere with any prospective law enforcement action, criminal investigation or prosecution;

(D) reveal the identity of any confidential source or undercover agent;

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

(F) endanger the life or physical safety of any person;

(G) reveal the name, address, telephone number or any other information which specifically and individually identifies the victim of any sexual offense described in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 21-6419 through 21-6422, and amendments thereto;

(H) reveal the name of any minor;

(I) reveal any date of birth, personal or business telephone number, driver's license number, nondriver's identification number, social security number, employee identification number, taxpayer identification number, vehicle identification number or financial account information; or

(J) constitute a clearly unwarranted invasion of personal privacy. As used in this subparagraph, "clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person and is totally unrelated to the alleged crime that resulted in the issuance of the search warrant, including information totally unrelated to the alleged crime that may pose a risk to a person or property and is not of legitimate concern to the public. The provisions of this subparagraph shall only be used to redact and shall not be used to seal affidavits or sworn testimony.

(5) Within five business days after receiving proposed redactions or a motion to seal from the defendant, the defendant's counsel or the prosecutor, or within 10 business days after receiving notice of a request for disclosure, whichever is earlier, the magistrate shall either:

(A) Order disclosure of the affidavits or sworn testimony with appropriate redactions, if any; or

(B) order the affidavits or sworn testimony sealed and not subject to public disclosure.

(6) (A) If the magistrate orders disclosure of the affidavits or sworn testimony with appropriate redactions, if any, to any person in accordance with the requirements of this subsection, then such affidavits or sworn testimony shall become part of the court record and shall be accessible to the public.

(B) If the magistrate orders the affidavits or sworn testimony sealed and not subject to public disclosure in accordance with the requirements of this subsection, then such affidavits or sworn testimony shall become part of the court record that is not accessible to the public.

(C) Any request for disclosure of affidavits or sworn testimony in accordance with the requirements of this subsection shall become part of the court record and shall be accessible to the public, regardless of whether the magistrate orders disclosure with appropriate redactions, if any, or sealing of the requested affidavit or sworn testimony.

(f) As used in this section:

(1) "Electronic communication" means the use of electronic equipment to send or transfer a copy of an original document;

(2) "electronic communication service" and "electronic communication system" have the meaning as defined in K.S.A. 22-2514, and amendments thereto;

(3) "tracking data" means information gathered or recorded by a tracking device;

(4) "tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position or movement of a person or object. "Tracking device" includes, but is not limited to, a device that stores geographic data for subsequent access or analysis and a device that allows for the real-time monitoring of movement; and

(5) "victim" shall include any victim of an alleged crime that resulted in the issuance of the search warrant, or, if the victim is deceased, the victim's family, as defined in K.S.A. 74-7335, and amendments thereto.

(g) Nothing in this section shall be construed as requiring a search warrant for

cellular location information in an emergency situation pursuant to K.S.A. 22-4615, and amendments thereto.";

On page 10, following line 12, by inserting:

"Sec. 8. K.S.A. 22-2807 is hereby amended to read as follows: 22-2807. (a) If a defendant fails to appear as directed by the court and guaranteed by an appearance bond, the court in which the bond is deposited shall declare a forfeiture of the bail and issue a warrant for the defendant's arrest. If the defendant is charged with a felony offense, the sheriff shall enter such warrant into the national crime information center's index within 14 days of issuance of the warrant and, upon request, the court shall make a copy of the warrant available to a compensated surety who deposited the bond on behalf of the defendant. ~~If such warrant is not entered into such index, the sheriff shall notify the court thereof.~~

(b) An appearance bond may only be forfeited by the court upon a failure to appear. If a defendant violates any other condition of bond, the bond may be revoked and the defendant remanded to custody. An appearance bond is revoked by the execution of a warrant for a defendant's arrest for a violation of a bond condition. The magistrate shall promptly set a new bond pursuant to requirements of K.S.A. 22-2802, and amendments thereto.

(c) (1) The court may direct that a forfeiture be set aside, upon such conditions as the court may impose, if it appears that justice does not require the enforcement of the forfeiture.

(2) The court shall direct that a forfeiture be set aside, ~~upon such conditions as the court may impose, if:~~

(A) The surety can prove that the defendant is incarcerated somewhere within the United States prior to judgment of default by providing to the court a written statement, signed by the surety under penalty of perjury, setting forth details of the facts substantiating such incarceration;

(B) the warrant required to be issued by subsection (a) was not issued within 14 days of the forfeiture;

(C) a warrant that is required to be entered into the national crime information center's index pursuant to subsection (a) was not entered within 14 days of issuance or provided by the court to the surety upon request pursuant to subsection (a), unless there is good cause shown for the failure to enter such warrant into the index or provide such warrant to the compensated surety; ~~or~~

(D) ~~the defendant has been arrested outside of this state and the prosecuting attorney has declined to proceed with extradition;~~ or

(E) the defendant was not held subject to an immigration detainer when the bond was posted and the surety can prove that the defendant has been deported from the United States prior to judgment of default by providing to the court a written statement, signed by the surety under penalty of perjury, setting forth the facts substantiating the deportation.

(3) Upon the defendant's return, the surety may be ordered to pay the costs of such return.

(d) When a forfeiture has not been set aside, the court shall on motion enter a judgment of default and execution may issue thereon. If the forfeiture has been decreed by a district magistrate judge and the amount of the bond exceeds the limits of the civil jurisdiction prescribed by law for a district magistrate judge, the judge shall notify the

chief judge in writing of the forfeiture and the matter shall be assigned to a district judge who, on motion, shall enter a judgment of default. By entering into a bond the obligors submit to the jurisdiction of any court having power to enter judgment upon default and irrevocably appoint the clerk of that court as their agent upon whom any papers affecting their liability may be served. Their liability may be enforced on motion without the necessity of an independent action. The motion and notice thereof may be served on the clerk of the court, who shall ~~forthwith~~ promptly mail copies to the obligors to their last known addresses. No judgment may be entered against the obligor in an appearance bond until more than 60 days after notice is served as provided ~~herein~~ in this section. No judgment may be entered against the obligor in an appearance bond more than two years after a defendant's failure to appear.

(e) After entry of judgment pursuant to subsection (d), the court:

(1) May remit such judgment in whole or in part under the conditions applying to the setting aside of forfeiture in subsection (c); and

(2) shall remit a portion of the amount of the appearance bond to the obligor if the defendant is returned to custody within the following number of days after judgment is entered, as follows:

(A) 90% if the defendant is returned to custody within 90 days;

(B) 75% if the defendant is returned to custody within 91 to 180 days; and

(C) 50% if the defendant is returned to custody within 181 to 270 days.

Sec. 9. K.S.A. 2024 Supp. 22-2809b is hereby amended to read as follows: 22-2809b. (a) As used in this section:

(1) "Compensated surety" means any person who or entity that is organized under the laws of the state of Kansas that, as surety, issues appearance bonds for compensation, posts bail for four or more persons in a calendar year, is responsible for any forfeiture and is liable for appearance bonds written by such person's or entity's authorized agents. A "compensated surety" is either an insurance agent surety, a property surety or a bail agent.

(2) "Insurance agent surety" means a compensated surety licensed by the insurance commissioner to issue surety bonds or appearance bonds in this state and who represents an authorized insurance company. An "insurance agent surety" may have other insurance agent sureties working with or for such surety.

(3) "Property surety" means a compensated surety who secures appearance bonds by property pledged as security. A "property surety" may be a person or entity and may authorize bail agents to act on behalf of the "property surety" in writing appearance bonds.

(4) "Bail agent" means a person authorized by a compensated surety to execute surety bail bonds on such surety's behalf.

(5) "Appearance bond premium" means the fee charged by a compensated surety for posting an appearance bond.

(b) Every compensated surety shall submit an application to the chief judge of the judicial district, or the chief judge's designee, in each judicial district where such surety seeks to act as a surety. A compensated surety shall not act as a surety in such judicial district prior to approval of such application.

(1) The application shall include, but is not limited to, the following information for each insurance agent surety, property surety or bail agent:

(A) A copy of the applicant's Kansas driver's license or nondriver's identification

card;

(B) a statement, made under penalty of perjury, that the applicant is a resident of this state and is not prohibited by K.S.A. 22-2809a(c), and amendments thereto, from acting as a surety; and

(C) a certificate of continuing education compliance in accordance with subsection (g).

(2) The application for each insurance agent surety also shall include:

(A) A copy of the qualifying power of attorney certificates issued to such surety by any insurance company;

(B) a current and valid certificate of license from the insurance department; and

(C) a current and valid certificate of authority from the insurance department.

(3) The application for each property surety also shall include:

(A) A list of all bail agents authorized by such property surety to write appearance bonds on such property surety's behalf and all documentation from such bail agents demonstrating compliance with subsection (b)(1); and

(B) an affidavit describing the property by which such property surety proposes to justify its obligations and the encumbrances thereon, and all such surety's other liabilities. The description shall include a valuation of the property described therein. If the valuation is not readily evident, an appraisal of the property may be required and, if required, shall be incorporated into the affidavit.

(4) The chief judge of the judicial district may require, as a qualification for initial or continued authorization in the judicial district, a compensated surety to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The chief judge or the chief judge's designee is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The chief judge or the chief judge's designee may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for authorization in the judicial district. Disclosure or use of any information received by the chief judge or the chief judge's designee for any purpose other than the purposes provided for in this paragraph shall be a class A nonperson misdemeanor. The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check, and the individual seeking initial or continued authorization under this section shall pay the costs of fingerprinting and the state and national criminal history record check.

(c) A property surety authorized to act as a surety in a judicial district pursuant to subsection (b) shall be allowed outstanding appearance bonds in the state of Kansas not to exceed an aggregate amount that is 15 times the valuation of the property described in subsection (b)(3). Such property surety shall not write any single appearance bond that exceeds 35% of the total valuation of the property described in subsection (b)(3).

(d) (1) A compensated surety shall:

(A) Charge a minimum appearance bond premium of 10% of the face amount of the appearance bond;

(B) only post a bond after the compensated surety has received at least  $\frac{1}{2}$  of the required minimum appearance bond premium in one of the following forms:

(i) Currency of the United States paid to the compensated surety prior to the execution of an appearance bond;

(ii) a check delivered to a compensated surety that shall be properly payable when delivered and promptly deposited in the compensated surety's bank account;

(iii) a credit or debit card transaction if the compensated surety obtains authorization from the card issuer for the amount due and an approval number from the card issuer; or

(iv) a bank or wire transfer or other electronic funds transfer including, but not limited to, peer-to-peer transfer, if such transfer occurs prior to the execution of the appearance bond; and

(C) be physically present when the bond is posted and sign the bond at the jail.

(2) A compensated surety shall enter into a premium financing agreement for any unpaid minimum appearance bond premium amount. A compensated surety shall not provide a loan for the portion of the minimum appearance bond premium required by subsection (d)(1)(B). A compensated surety shall not be an owner, in whole or in part, or in any way affiliated with any financial institution making loans for the portion of the minimum appearance bond premium required by subsection (d)(1)(B).

(e) (1) Each judicial district may, by local rule, require additional information from any compensated surety and establish what property is acceptable for bonding purposes under subsection (b)(3).

(2) A judicial district shall not require any compensated surety to apply for authorization in such judicial district more than once per year, but may require additional reporting from any compensated surety in its discretion. If the judicial district does not require an annual application, each compensated surety or bail agent shall provide a certificate of continuing education compliance in accordance with subsection (g) to the judicial district each year.

(3) A judicial district shall not decline authorization for a compensated surety solely on the basis of type of compensated surety.

(f) (1) Nothing in this section shall be construed to require the chief judge of the judicial district, or the chief judge's designee, to authorize any compensated surety to act as a surety in such judicial district if the judge or designee finds, in such person's discretion, that such authorization is not warranted.

(2) (A) If such authorization is granted, the chief judge of the judicial district, or the chief judge's designee, may terminate or suspend the authorization at any time. Reasons for terminating or suspending such authorization include, but are not limited to:

(i) Filing false statements with the court;

(ii) failing to charge the minimum appearance bond premium as required by this section;

(iii) paying a fee or rebate or giving or promising anything of value to a jailer, law enforcement officer, any person who has the power to arrest or hold a person in custody or any public official or employee in order to secure a settlement, compromise, remission or reduction of the amount of any appearance bond, forfeiture or estreatment, or to secure or delay an appearance bond;

(iv) paying a fee or rebate or giving or promising anything of value, other than reward payments for information relating to the apprehension of fugitives, to an inmate in exchange for a business referral;

(v) requiring or accepting anything of value from a principal other than the appearance bond premium, except that the compensated surety may accept collateral security or other indemnity to secure the face amount of the bond;

(vi) intentionally failing to promptly return collateral security to the principal when the principal is entitled to return of such security;

(vii) knowingly employing or otherwise compensating for any appearance bond related work, any person who has been convicted of a felony unless such conviction has been expunged, other than reward payments for information relating to the apprehension of fugitives; or

(viii) failing to pay any forfeiture judgment within 30 days of the filing of the journal entry of judgment.

(B) The judge or the judge's designee may investigate claims of violations described in subparagraph (A). If the chief judge makes a finding that a violation has occurred, the chief judge may suspend or terminate the authorization of the compensated surety.

(C) If the authorization is suspended for 30 days or more, the chief judge shall make a record describing the length of the suspension and the underlying cause and provide such record to the surety. Such surety, upon request, shall be entitled to a hearing within 30 days after the suspension is ordered.

(D) If the authorization is terminated, the chief judge shall make a record describing the underlying cause and provide such record to the surety. Such surety, upon request, shall be entitled to a hearing within 30 days after the termination is ordered.

(3) If an authorized compensated surety does not comply with the continuing education requirements in subsection (g), the chief judge of the judicial district, or the chief judge's designee, may allow a conditional authorization to continue acting as a surety for 90 days. If such compensated surety does not comply with the continuing education requirements in subsection (g) within 90 days, such conditional authorization shall be terminated and such compensated surety shall not act as a surety in such judicial district.

(g) (1) Every compensated surety shall obtain at least eight hours of continuing education credits during each 12-month period.

(2) The Kansas bail agents association shall either provide or contract for a minimum of eight hours of continuing education classes to be held at least once annually in each congressional district and may provide additional classes in its discretion. The chief judge in each judicial district may provide a list of topics to be covered during the continuing education classes. A schedule of such classes shall be publicly available. The association shall not charge more than \$300 annually for the eight hours of continuing education classes, and the cost of any class with less than eight hours of continuing education may be prorated accordingly. Any fee charged for attending continuing education classes shall not be increased or decreased based upon a compensated surety's membership or lack of membership in the association.

(3) Upon completion of at least eight hours of continuing education credits during each 12-month period by a compensated surety, the Kansas bail agents association shall issue a certificate of continuing education compliance to such surety. The certificate shall be prepared and delivered to the compensated surety within 30 days of such surety's completion of the continuing education requirements. The certificate shall show in detail the dates and hours of each course attended, along with the signature of the



Kansas bail agents association official attesting that all continuing education requirements have been completed.

(4) Any continuing education credits used to comply with conditional authorization pursuant to subsection (f)(3) shall not be applied towards compliance in the current 12-month period or any subsequent 12-month period.";

Also on page 10, in line 13, by striking "21-6810" and inserting "21-5510, 21-5611"; also in line 13, after the second comma by inserting "22-2502,"; also in line 13, by striking "and" and inserting a comma; also in line 13, after "22-2803" by inserting "and 22-2807 and K.S.A. 2024 Supp. 21-6101 and 22-2809b";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 2 through 6; in line 7, by striking all before the semicolon and inserting "modifying elements in the crimes of sexual exploitation of a child, unlawful transmission of a visual depiction of a child and breach of privacy; prohibiting certain acts related to visual depictions in which the person depicted is indistinguishable from a real child, morphed from a real child's image or generated without any actual child involvement; providing an exception for cable services in the crime of breach of privacy; prohibiting dissemination of certain items that appear to depict or purport to depict an identifiable person"; in line 9, after the first semicolon by inserting "relating to search and seizure; requiring the statement of facts sufficient to show probable cause justifying a search warrant to be made by a law enforcement officer,"; in line 12, after the semicolon by inserting "relating to appearance bonds; requiring warrants for failure to appear to be given to sureties; allowing bond forfeiture to be set aside in certain circumstances if a surety can show that the defendant was deported from the United States; requiring remission in certain circumstances; prohibiting a compensated surety from making a loan for certain portions of the minimum appearance bond premium required,"; also in line 12, by striking "21-"; in line 13, by striking "6810" and inserting "21-5510, 21-5611"; also in line 13, after the second comma by inserting "22-2502,"; also in line 13, by striking the first "and" and inserting a comma; also in line 13, after "22-2803" by inserting "and 22-2807 and K.S.A. 2024 Supp. 21-6101 and 22-2809b";

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

SUSAN HUMPHRIES, LAURA WILLIAMS, DAN OSMAN—*Conferees on part of House*  
KELLIE WARREN, KENNY TITUS, ETHAN CORSON—*Conferees on part of Senate*

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 186**.

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

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

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House

amendments to **SB 204** submits the following report:

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

On page 1, following line 6, by inserting:

"Section 1. K.S.A. 20-3127 is hereby amended to read as follows: 20-3127. (a) Except as provided further, all fees collected pursuant to K.S.A. 20-3126, and amendments thereto, shall be used to establish and maintain the county law library. A board of trustees, appointed as provided in this section, shall have the management and control of such library and shall use the fees paid for registration, and all other sums, books, or library materials or equipment donated or provided by law, for the purpose of establishing and maintaining such library. Such library shall be established or maintained in the county courthouse or other suitable place to be provided and maintained by the county commissioners of such county, including acquiring and maintaining materials and technology that may, at the discretion of the board of trustees, be loaned to library users for use outside the premises of the library. The district judge or district judges of the district court, members of the bar who have registered and paid the fee provided for in K.S.A. 20-3126, and amendments thereto, judges of all other courts in the county and county officials shall have the right to use the library in accordance with the rules and regulations established by the board of trustees. The board of trustees shall develop guidelines to provide members of the public reasonable access to the law library.

(b) (1) The board of trustees of any law library established or governed under this act in Johnson, Sedgwick and Douglas counties shall consist of the following five members:

(A) Two judges of the district court, appointed by a consensus of all judges of the district court in such county; and

(B) three members of such county's bar association, appointed by selection of the county bar association pursuant to the county bar association's bylaws for two-year terms.

(2) The board of trustees of the law library in all other counties shall consist of the district judge or judges of the district court presiding in such county and not less fewer than two attorneys who shall be elected for two-year terms by a majority of the attorneys residing in the county reside in such county, appointed by the chief judge of the judicial district.

(c) The clerk of the district court of the county shall be treasurer of the library and shall safely keep the funds of such library and disburse them as the trustees shall direct. The clerk shall be liable on an official bond for any failure, refusal or neglect in performing such duties.

(d) The board of county commissioners of any county designated an urban area pursuant to K.S.A. 19-2654, and amendments thereto, ~~wherein in which~~ an election has been held to come under the provisions of this act is hereby authorized to appoint, by and with the advice and consent of the board of trustees of the law library of such county, a librarian, who and library assistants as are necessary to perform the duties of administering the law library. Such librarian shall act as custodian of the law library of such county and shall assist in the performance of the clerk's duties as treasurer ~~thereof, and such assistants as are necessary to perform the duties of administering the law of~~

the library. The librarian and any assistants so appointed shall be employees of the county under the supervision of the board of county commissioners, or the board's designated official, with the advice and recommendations of the board of trustees of the law library, and shall be subject to the personnel policies and procedures established by the board of county commissioners for all employees of the county. The librarian and any assistants shall receive as compensation such salaries and benefits as established by the law library board of trustees, subject to the approval of the board of county commissioners, ~~which. Such salaries and benefits~~ shall be payable from the general fund of the county, through the county payroll process, from funds budgeted and made available by the law library board of trustees for that purpose through the collection of fees or other funds authorized by this act.

(e) All attorneys registered under this act shall not be liable to pay any occupational tax or city license fees levied under the laws of this state by any municipality.

(f) (1) Except as provided by subsection (f)(2), the board of trustees of a county law library established pursuant to this section may authorize the chief judge of the judicial district to use fees collected pursuant to K.S.A. 20-3126 and 20-3129, and amendments thereto, for the purpose of facilitating and enhancing functions of the district court of the county. No judge shall participate in any decision made by the board of trustees of a county law library pursuant to this paragraph to authorize the chief judge of the judicial district to use fees collected pursuant to K.S.A. 20-3126 and 20-3129, and amendments thereto.

(2) The provisions of subsection (f)(1) shall not apply to the board of trustees of any law library established in Johnson and Sedgwick counties.";

On page 2, in line 40, before "K.S.A." by inserting "K.S.A. 20-3127 and"; also in line 40, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "court records" and inserting "courts; relating to county law libraries; providing that the attorney members of the board of trustees of the county law library in certain counties shall be appointed by the chief judge of the judicial district; allowing the board to authorize the chief judge to use certain fees for the purpose of facilitating and enhancing functions of the district court of the county"; in line 3, after "amending" by inserting "K.S.A. 20-3127 and"; in line 4, by striking "section" and inserting "sections";

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

SUSAN HUMPHRIES, LAURA WILLIAMS, DAN OSMAN—*Conferees on part of House*  
KELLIE WARREN, KENNY TITUS, ETHAN CORSON—*Conferees on part of Senate*

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 204**.

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

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

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 237** submits the following report:

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

On page 1, by striking all in lines 14 through 32;

On page 2, by striking all in lines 1 through 20; by striking all in lines 41 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 35; following line 35, by inserting:

"Section 1. K.S.A. 2024 Supp. 50-6,109a is hereby amended to read as follows: 50-6,109a. (a) (1) Except as provided in paragraph (2), the attorney general is hereby given jurisdiction and authority over all matters involving the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act including to:

~~(1)(A)~~ Employ or appoint agents as necessary to implement, administer and enforce the act;

~~(2)(B)~~ contract;

~~(3)(C)~~ expend funds;

~~(4)(D)~~ license and discipline;

~~(5)(E)~~ investigate;

~~(6)(F)~~ issue subpoenas;

~~(7)(G)~~ keep statistics; and

~~(8)(H)~~ conduct education and outreach programs to promote compliance with the act.

(2) Kansas law enforcement officers are hereby authorized to conduct investigations of violations of the scrap metal theft reduction act. Upon conclusion of an investigation, investigative reports shall be submitted to the attorney general regardless of whether any local action was taken as a result of such investigation.

(b) In accordance with the rules and regulations filing act, the attorney general is hereby authorized to adopt rules and regulations necessary to implement the provisions of the scrap metal theft reduction act.

(c) There is hereby established in the state treasury the scrap metal theft reduction fee fund to be administered by the attorney general. All moneys received by the attorney general from fees, charges or penalties collected under the provisions of the scrap metal theft reduction act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount thereof in the state treasury to the credit of the scrap metal theft reduction fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee. All moneys credited to the scrap metal theft reduction fee fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(d) There is hereby established in the state treasury the scrap metal data repository fund to be administered by the director of the Kansas bureau of investigation. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved

by the director of the Kansas bureau of investigation or the director's designee. All moneys credited to the scrap metal data repository fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(e) The attorney general may transfer any moneys from the scrap metal theft reduction fee fund to the scrap metal data repository fund. The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(f) On July 1, 2020, the Kansas bureau of investigation shall establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2024 Supp. 50-6,110, and amendments thereto. The database shall be maintained for the purpose of providing information to law enforcement and for any other purpose deemed necessary by the attorney general to implement and enforce the provisions of the scrap metal theft reduction act.

(g) The information maintained in such database by the Kansas bureau of investigation, or by any entity contracting with the Kansas bureau of investigation, submitted to, maintained or stored as part of the system may be provided to the attorney general and shall:

(1) Be confidential, shall only be used for investigatory, evidentiary or analysis purposes related to criminal violations of city, state or federal law and shall only be released to law enforcement in response to an official investigation or as permitted in subsection (f); and

(2) not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(h) On or before February 1, 2021, and annually on or before February 1 thereafter, the attorney general shall submit a report to the president of the senate, the speaker of the house of representatives and the standing committees on judiciary in the senate and the house of representatives on the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act.

(i) Any entity contracting with the attorney general or the Kansas bureau of investigation to provide or maintain the database required by this section shall not require a scrap metal dealer to contract with such entity for the authority to release proprietary or confidential data, including, but not limited to, customer information. Such entity shall not charge any fee to the scrap metal dealer as a condition of providing information to the database as required by the scrap metal theft reduction act, including, but not limited to, a fee for electronic submission of information.

(j) A scrap metal dealer providing information to the database as required by the scrap metal theft reduction act shall not be subject to civil liability for any claim arising from the negligence or omission by the state of Kansas or any contracting entity in the collection, storing or release of information provided by such scrap metal dealer to the database.

Sec. 2. K.S.A. 2024 Supp. 50-6,109a is hereby repealed.";

Also on page 4, in line 37, by striking "Kansas register" and inserting "statute book"; And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the stricken material; in line 5, by striking all after

the stricken material; by striking all in line 6; in line 7, by striking "3002"; also in line 7, by striking all after the stricken material; in line 8, by striking all before the period and inserting "the scrap metal theft reduction act; authorizing law enforcement officers to conduct investigations of violations of the act; amending K.S.A. 2024 Supp. 50-6,109a and repealing the existing section";

Also on page 1, by striking all in lines 10 through 12;

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

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

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

Senator Warren moved the Senate adopt the Conference Committee Report on **SB 237**.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Thompson, Tyson.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2045** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

BEVERLY GOSSAGE, DINAH SYKES—*Conferees on part of Senate*

SEAN TARWATER, ADAM TURK—*Conferees on part of House*

On motion of Senator Gossage the Senate adopted the conference committee report on **HB 2045**, and requested a new conference be appointed.

The President appointed Senators Gossage, Clifford and Sykes as a second Conference Committee on the part of the Senate on **HB 2045**.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2045** submits the following report:

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

On page 1, by striking all in lines 8 through 35;

By striking all on pages 2 through 11;

On page 12, by striking all in lines 1 through 5; following line 5, by inserting:

"New Section 1. (a) Each licensed child care center that provides care to any number or type of child shall hire a program director or lead teacher who:

(1) Is at least 18 years of age;

(2) has a high school diploma or equivalent; and

(3) has one of at least four educational or experience-based criteria specific to such licensure as determined by the director, which shall include one non-academic experience-based option for qualifications under this paragraph.

(b) Each licensed child care center may hire assistant teachers. Each assistant teacher shall be at least 16 years of age and have necessary skills and abilities as determined by the director. The director shall not require assistant teachers to meet educational requirements.

(c) Waivers to this section may be granted on a case-by-case basis by the secretary in accordance with section 5, and amendments thereto.

(d) On and after July 1, 2026, this section shall be administered by the director of early childhood and waivers to this section may be granted on a case-by-case basis by the director based on a recommendation from the deputy director of child care licensure and finance in accordance with section 5, and amendments thereto.

(e) From July 1, 2025, through June 30, 2026, this section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 2. (a) (1) For each licensure year beginning after July 1, 2025, each person who provides care to children in a licensed child care home shall complete professional development training in an amount determined by the secretary of health and environment of up to 10 clock hours per licensure year.

(2) Such training shall consist of a minimum of eight hours of training specified by the secretary.

(3) As part of the professional development training required under this subsection:

(A) Each person who provides care to children in a licensed child care home shall submit to the secretary proof of completion of up to four hours of such outside training in child care or any related subject. The secretary shall retain records of such person's compliance with this requirement; and

(B) a person who maintains a licensed child care home with one provider, if such provider provides care simultaneously to four infants at any time during the licensure year, shall submit to the secretary proof of completion of at least three hours of such professional development training in an infant-specific subject. The secretary shall retain records of such person's compliance with this requirement.

(b) The secretary shall update rules and regulations to not require licensure for an individual who provides care for less than 35 hours, unless otherwise increased by the secretary, to four or fewer children, not more than two of whom may be infants who are not related to the individual by blood, marriage or legal adoption, nor to individuals who provide care for children in such child's own home or when care is arranged between friends and neighbors on an irregular basis.

(c) The secretary shall update rules and regulations regarding child ratios on or before October 1, 2025.

(d) On and after July 1, 2026, this section shall be administered by the director of early childhood.

(e) From July 1, 2025, through June 30, 2026, this section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 3. (a) A licensed child care center shall meet the legal requirements of the local jurisdiction where the child care center is located for fire protection, water supply and sewage disposal.

(b) (1) The designated area for children's activities shall contain a minimum of 28 square feet of floor space per child, excluding kitchens, passageways, storage areas and bathrooms.

(2) There shall be a minimum of 60 square feet of outdoor play space on the premises for each child using the space at any given time.

(c) On and after July 1, 2026, this section shall be administered by the director of early childhood.

(d) From July 1, 2025, to June 30, 2026, this section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 4. (a) The secretary of health and environment shall not require as a condition of licensure for a child care home that the licensee live in the child care home.

(b) On and after July 1, 2026, this section shall be administered by the director of early childhood.

(c) From July 1, 2025, through June 30, 2026, this section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 5. (a) (1) Notwithstanding any law to the contrary, a person granted licensure to maintain a day care facility may request from the secretary of health and environment a waiver from the requirements of this act for a set period of time. Waiver requests shall be made in a form and manner approved by the secretary and shall contain the provisions of the statute sought to be waived.

(2) Such waiver request shall be submitted to the secretary and may be granted on a case-by-case basis.

(b) (1) On and after July 1, 2026, notwithstanding any law to the contrary, a person granted licensure to maintain a day care facility may request a waiver from the requirements of this act for a set period of time. Waiver requests shall be made in a form and manner approved by the director of early childhood and shall contain the provisions of the statute sought to be waived.

(2) Such waiver request shall be submitted to the deputy director of child care licensure and finance. Upon a recommendation by the deputy director of child care licensure and finance on a case-by-case basis, the director may grant a waiver.

(c) From July 1, 2025, through June 30, 2026, this section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 6. (a) (1) Notwithstanding any other law to the contrary, the secretary of health and environment may develop and operate pilot programs designed to increase the availability or capacity of day care facilities in the state. Such pilot programs may request state funding for operations, subject to appropriations.

(2) The secretary may grant licensure to a person to maintain a day care facility or youth development program in a pilot program under this section that waives the requirements of this act or rules and regulations related to licensure and operation of a day care facility or youth development program, including requirements for staff at such day care facility or youth development program. A day care facility or youth



development program granted a license under this section shall comply with any alternative terms, conditions and requirements set by the secretary as may be necessary to protect the health, safety and welfare of any children who attend such day care facility or youth development program.

(3) The secretary shall not grant a license under this section if the secretary determines that a day care facility or youth development program or staff of such facility or program would endanger the health, safety and welfare of any child.

(b) The secretary may grant licensure to a person to maintain a day care facility or youth development program under this section for up to five licensure years, except that the secretary may grant an additional two years of licensure to any facility or program that participated in a pilot program pursuant to subsection (c).

(c) If the secretary determines that a pilot program has been successful and will increase the availability or capacity of child care facilities in the state, the secretary shall make suggestions and recommendations to the legislature for statutory changes relating to day care facilities or youth development programs.

(d) On and after July 1, 2026, this section shall be administered by the director of early childhood.

(e) From July 1, 2025, through June 30, 2026, this section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 7. (a) The secretary of health and environment shall not impose restrictions on the use of 15-passenger vans purchased on or before July 1, 2025.

(b) On and after July 1, 2026, this section shall be administered by the director of early childhood.

(c) From July 1, 2025, through June 30, 2026, this section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 8. (a) There is hereby established within the executive branch the Kansas office of early childhood for the purpose of creating greater transparency, safety and efficiency to Kansans with the oversight of all funds, programs and policies related to early childhood care services provided in Kansas.

(b) The Kansas office of early childhood shall be administered under the direction and supervision of the director of early childhood.

(c) The governor shall appoint the director of early childhood, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided in K.S.A. 46-2601, and amendments thereto, no person appointed as director shall exercise any power, duty or function as director until confirmed by the senate.

(d) The director shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the governor. The director shall serve at the pleasure of the governor.

(e) Except as provided in K.S.A. 38-2103, and amendments thereto, all budgeting, purchasing and related management functions of the Kansas office of early childhood shall be administered under the direction and supervision of the director of early childhood.

(f) All expenditures shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved

by the director of early childhood or the director's designee. The director shall submit to the legislature the annual request for the Kansas office of early childhood for appropriations, including the use of moneys subject to K.S.A. 38-2102 and 38-2103, and amendments thereto. The office's request shall be prepared and submitted in the form and manner provided by K.S.A. 75-3716 and 75-3717, and amendments thereto.

(g) The Kansas governmental operations accountability law applies to the Kansas office of early childhood, and the office shall be subject to audit, review and evaluation under such law.

(h) The director shall maintain an office in Topeka, Kansas.

(i) (1) On or before July 1, 2025, the governor shall appoint an interagency transition team to begin office operations.

(2) On or before January 1, 2026:

(A) The governor shall appoint the director; and

(B) the office shall begin transitioning programs identified in section 12, and amendments thereto, from state agencies to the office.

(3) On or before July 1, 2026, all identified programs shall be under the direction and supervision of the director, including staff and other operational functions.

(j) Nothing in this act shall be construed to preempt, supersede or impinge on the authority of the Kansas department for children and families provided in K.S.A. 75-3084 through 75-3089, and amendments thereto.

New Sec. 9. (a) The Kansas office of early childhood shall be responsible for:

(1) The implementation of child care policies, processes, procedures and funding with direction from the governor, the director of early childhood and the legislature;

(2) the implementation of policies, processes and awards granted through the children's cabinet, subject to appropriations and approval of the legislature;

(3) the provision of mediation, support and problem-solving resolutions through child care advocacy services;

(4) providing easily-accessible support to the public and persons providing and receiving child care services;

(5) ensuring access to information, services, resolution of issues, rules and regulations and funding in a user-friendly manner as prescribed by the director;

(6) serving as a central point of contact for federal and state agencies on child care services, funding and grants; and

(7) maximizing administrative efficiencies to reduce burdens on families and improve access to early childhood services.

(b) The director of early childhood shall ensure efficient use of funds for the provision of child care services and report such efficient use through the following:

(1) Maximizing funds for child care services, support programs and grant initiatives for efficiency and reducing administrative waste, fraud and abuse and ensuring greatest possible benefit to eligible families and providers;

(2) establishing clear performance metrics and accountability measures to ensure effective use of state and federal resources, including conducting regular audits, outcome-based evaluations and cost-efficiency reviews; and

(3) complying with all rules and regulations adopted pursuant to the requirements set forth in K.S.A. 39-709, and amendments thereto.

(c) On or before January 20, 2026, and each year thereafter, the director shall submit a report to the Kansas legislature that includes:

- (1) The allocation and expenditure of funds and resources;
- (2) measurable outcomes of programs funded through the office, including, but not limited to, compliance to safety regulations and number of complaints received and resolved;
- (3) identified inefficiencies within the office and system and the corrective action taken in response;
- (4) recommendations for improving fiscal stewardship, service delivery, implementation of statutory requirement and any potential changes;
- (5) updates on changes to rules and regulations;
- (6) all data and metrics related to service rates for children and families, workforce and private actors, service delivery and fiscal efficiency of all programs and recommendations for continuation or termination of such programs; and
- (7) any pilot program, including, but not limited to, the number of participating day care facilities or youth development programs and number of children attending such facilities or programs, provisions of statutes and regulations waived by the director, recommendations for changes to this act and a summary of findings from the pilot program based on available information.

New Sec. 10. (a) The director of early childhood shall:

- (1) Prepare, submit to the legislature and implement plans for a comprehensive service delivery system for children and families;
- (2) facilitate and coordinate interagency cooperation toward the goal of serving children and families with a variety of other state agencies, such as the Kansas department for children and families, the department of health and environment, the department of corrections, the state board of education, the state board of regents and any other state offices, department or board providing services to Kansas children and families;
- (3) provide a central contact for information and assistance for children, families, communities and businesses in need of early childhood care and related services;
- (4) serve as the primary contact for the Kansas legislature on policy, administrative support and constituent services relating to early childhood care and related services;
- (5) enter into such contracts and agreements as necessary or incidental to the performance of the powers and duties of the executive director;
- (6) charge and collect, by order, a fee necessary for the administration and processing of paper documents, including, but not limited to, applications, registrations, permits, licenses, certifications, renewals, reports and remittance of fees that are necessary or incidental to the execution of the laws relating to the Kansas office of early childhood;
- (7) appoint and oversee deputy directors within the office;
- (8) transition the administration of the following programs and state functions to the office:
  - (A) Child care subsidy;
  - (B) children's cabinet and trust fund;
  - (C) day care facility licensing, youth development programs, school-age programs and early youth care programs;
  - (D) child care quality;
  - (E) head start collaboration office;
  - (F) healthy families America;

- (G) Kansas early head start child care partnership;
  - (H) Kansas early head start home visitation;
  - (I) maternal and child health home visitation;
  - (J) maternal, infant and early childhood home visitation; and
  - (K) parents as teachers;
- (9) enter into agreements with the secretary of administration for the provision of shared services, including, but not limited to, personnel and other administrative services for the office;
- (10) adopt, amend or revoke any rules and regulations necessary to carry out this act and the programs and duties of the office; and
- (11) ensure that all Kansas children's cabinet functions are executed in accordance with K.S.A. 38-1901, and amendments thereto.
- (b) The director shall not adopt rules and regulations or policies requiring educational outcomes or curriculum for persons or entities licensed pursuant to this act.
- (c) Nothing in this section shall be construed to authorize the director to administer the preschool programs in K.S.A. 72-3215 and 72-5154, and amendments thereto.
- (d) Subject to this act, the director shall organize the Kansas office of early childhood in the manner that the director deems most efficient. The director may establish policies governing the transaction of business of the office and the administration of each division within the office. The deputy directors shall perform such duties and exercise such powers as the director may prescribe and such duties and powers as are prescribed by law. Such deputy directors shall act for and exercise the powers of the director to the extent that authority to do so is delegated by the director.
- (e) Administration of programs transferred by this section are subject to federal and state appropriations.
- New Sec. 11. (a) Except as otherwise provided by law, and subject to the Kansas civil service act, the director shall appoint:
- (1) Subordinate officers and employees as are necessary to enable the director to exercise or perform the functions, powers and duties pursuant to this act;
  - (2) the deputy director of child care licensure and finance;
  - (3) the deputy director of home visitation; and
  - (4) the deputy director of the Kansas children's cabinet.
- (b) Nothing in this section shall be construed to affect the status, rights or benefits of civil service accrued or vested in any employee of the Kansas children's cabinet, the Kansas department for children and families, the department for health and environment or the state department of education.
- New Sec. 12. (a) (1) There is hereby established within and as a part of the Kansas office of early childhood the deputy director of child care licensure and finance. The deputy director shall oversee day care licensure, including, day care facility and child care resource and referral agency licensing and child care finance and quality.
- (2) The deputy director shall be in the unclassified service under the Kansas civil service act and appointed by the director.
- (3) All of the powers, duties and functions of the existing day care and child care resource and referral agency licensing programs pursuant to this act within the division of public health of the department of health and environment are hereby transferred to the deputy director.
- (4) The deputy director shall manage all components of licensure, including, but

not limited to, inspections, waiver approvals and revocation of licenses.

(5) Whenever day care and child care resource and referral agency licensing, or words of like effect, are referred to or designated by any statute, rule and regulation, contract or any other document, including any statute, rule and regulation, contract or any document created pursuant to the authorities transferred by this section, such reference or designation shall apply to the deputy director.

(6) The deputy director may enter into agreements with the Kansas department for children and families for the administration of child care subsidy payments. If executed, such agreements shall require that the secretary for children and families determine an applicant's eligibility for the child care subsidy according to K.S.A. 39-709, and amendments thereto, and provide information pertaining to such eligible applicants to the deputy director for the administration of such benefits.

(7) There is hereby established the child care ombudsman to be overseen by the deputy director of child care licensing and finance. Such ombudsman shall:

(A) Serve as a central point of contact for concerns regarding the delivery and system of child care services and receive, investigate and address complaints, concerns and inquiries in a timely manner from the public regarding child care services, providers and related programs;

(B) act as an advocate for parents, families and child care providers by facilitating communication between stakeholders and ensuring that concerns are resolved efficiently and fairly;

(C) work collaboratively with state agencies, the director of early childhood, service providers and advocacy organizations to improve the quality, accessibility and affordability of child care services in Kansas;

(D) provide clear guidance and information, in conjunction with and direction from the director, to the public about child care regulations, available support programs and how to access services when concerns arise;

(E) submit an annual report to the director, to be shared with the legislature, detailing the number and nature of concerns addressed, actions taken and recommendations for improvements in child care services and policies;

(F) review all revocations of licensure upon a complaint and make appeal to director. If an unsatisfactory determination is made, the provider may appeal through the administrative procedure act; and

(G) recommend changes in policies, rules and regulations or procedures to improve the functioning of child care services in Kansas to the director, the governor and the legislature.

(b) (1) There is hereby established within and as a part of the Kansas office of early childhood the deputy director of home visitation. The deputy director shall oversee home visitation programs.

(2) The deputy director shall be in the unclassified service under the Kansas civil services act and appointed by the director.

(3) All the powers, duties and functions of existing home visitation programs are hereby transferred to the deputy director of home visitation.

(4) Whenever the existing home visitation programs or word of like effect, are referred to or designated by any statute, rule and regulation, contract or any other document, including any statute, rule and regulation, contract or any document created pursuant to the authorities transferred by this section, such reference or designation

shall apply to the deputy director.

(c) (1) There is hereby established within and as a part of the Kansas office of early childhood the deputy director of the Kansas children's cabinet established under K.S.A. 38-1901, and amendments thereto.

(2) The Kansas children's cabinet shall be administered by the deputy director of the Kansas children's cabinet, who shall be in the unclassified service under the Kansas civil service act and appointed by the director.

(3) All of the powers, duties, functions and cabinet-approved programs of the existing Kansas children's cabinet and the Kansas children's cabinet director are hereby transferred to the Kansas office of early childhood.

(4) The children's cabinet established in K.S.A 38-1901, and amendments thereto, is subject to appropriations of the legislature.

New Sec. 13. (a) On or before July 1, 2026, except as otherwise provided by this act, all rules and regulations, orders and directives of state agencies related to the programs transferred by this act that are in effect on the effective date of this act shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the Kansas office of early childhood until revised, amended, revoked or nullified pursuant to law.

(b) (1) On or before July 1, 2026, the balances of all funds and accounts appropriated or reappropriated that were used for or pertain to the powers, duties and functions of programs transferred to the Kansas office of early childhood pursuant to this act are hereby transferred within the state treasury to the Kansas office of early childhood and shall be used for the purpose for which the appropriation was originally made. The director of Kansas office of early childhood shall determine and certify to the director of accounts and reports the amount in each account of the state general fund or special revenue fund of state agencies that have been determined by the director of the Kansas office of early childhood to be transferred. Upon receipt of a certification pursuant to this paragraph, the director of accounts and reports shall transfer the amount certified pursuant to this paragraph from each account of the state general fund or special revenue fund of a state agency that has been determined by the director of the Kansas office of early childhood to be transferred.

(2) On or before July 1, 2026, the Kansas office of early childhood shall succeed to all property, property rights and records of state agencies that were used for or pertain to the powers, duties and functions of the programs transferred to the Kansas office of early childhood pursuant to this act.

(3) On or before July 1, 2026, any conflict as to the proper disposition of the unexpended balance of any appropriation, property, property rights, personnel or records as a result of the transfer of programs to the Kansas office of early childhood pursuant to this act arising under this subsection shall be determined by the governor.

(c) (1) On or after July 1, 2026, no suit, action or other proceeding, judicial or administrative, lawfully commenced or that could have been commenced by or against any state agency or program mentioned in this act or by or against any officer of the state in such officer's official duties shall abate by reason of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(2) On or after July 1, 2026, no criminal action commenced or that could have been commenced by the state shall abate by the taking effect of this act.

(d) (1) On or before July 1, 2026, all officers and employees of the state agencies related to the programs transferred in this act who, immediately prior to the effective date of this act, are engaged in the exercise and performance of the powers, duties and functions transferred by this act, as well as all officers and employees of the state agencies related to the programs transferred in this act who are determined by the director of the Kansas office of early childhood to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this act, are hereby transferred to the Kansas office of early childhood. All classified officers and employees so transferred shall retain their status as classified employees.

(2) On or before July 1, 2026, officers and employees transferred by this act shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed prior to the date of this transfer.

(3) On or before July 1, 2026, notwithstanding the effective date of this act, the provisions of this act prescribing the transfer of officers and employees to the Kansas office of early childhood established by this act, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

New Sec. 14. (a) To the extent that funds expended for child care services are subject to federal requirements and appropriation acts of the legislature, such funds shall not be expended by any agency or office to reimburse providers for unfilled child care slots, not including reimbursement for a child who is temporarily absent due to illness or other reason and intend to resume receiving child care services.

(b) On and after July 1, 2026, this section shall be administered by the director of early childhood.

(c) From July 1, 2025, through June 30, 2026, this section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 15. (a) It shall be unlawful for any person, firm, corporation or association to conduct or maintain a day care facility for children under 16 years of age without having a license or temporary permit therefor from the executive director of the Kansas office of early childhood. Nothing in this act shall apply to:

(1) A residential facility or hospital that is operated and maintained by a state agency as defined in K.S.A. 75-3701, and amendments thereto;

(2) child care facilities as defined in K.S.A. 65-503, and amendments thereto;

(3) a summer instructional camp that is provided by a not-for-profit, school, verifiable nonpublic school or an employee of such school; or

(4) a person or group of persons providing educational activities for children ages pre-K through high school to such persons' children.

(b) Organizations or persons providing services defined as a day care under this act and not included in this section may apply for and be granted a waiver as provided for under the act.

(c) This section shall take effect on and after July 1, 2026.

New Sec. 16. (a) As used in this act:

- (1) "Act" means sections 8 through 36, and amendments thereto.
- (2) "Assistant teacher" means a staff member of a child care center who is responsible for assisting the lead teacher in the care of children.
- (3) "Child care center" means a facility that meets child care center regulations and provides care and educational activities for children.
- (4) "Child care home" means the premises where care is provided for children at a residence.
- (5) "Child care resource and referral agency" means a business or service conducted, maintained or operated by a person engaged in providing resource and referral services, including information on specific services provided by child care facilities, to assist parents to find child care.
- (6) "Day care facility" means a day care home, preschool, child care center, school-age program, youth development program or other facility of a type determined by the director to require regulation under this act.
- (7) "Employee" means a person working, regularly volunteering or residing in a day care facility.
- (8) "Infant" means a child who is between two weeks and 12 months of age or a child older than 12 months who has not yet learned to walk.
- (9) "Lead teacher" means an individual who can independently staff any unit in a child care center.
- (10) "Licensure year" means the period of time beginning on the effective date and ending on the expiration date of a license.
- (11) "Person" means any individual, association, partnership, corporation, government, governmental subdivision or other entity.
- (12) "Program director" means the staff member of a child care center is responsible for implementing and supervising the comprehensive and coordinated plan of activities that provide for the education, care, protection and development of children who attend a child care center.
- (13) "Religious beliefs" means the same as defined in K.S.A. 44-663, and amendments thereto.
- (14) "School-age" means a child who will be at least six years of age on or before the first day of September of any school year but is under 16 years of age.
- (15) "Unit" means the number of children who may be present in one group in a child care center.
- (16) "Youth development program" means the same as defined in section 32, and amendments thereto.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 17. (a) The director of the Kansas office of early childhood shall have the power to grant a license to a person to maintain a day care facility for children under 16 years of age. A license granted to maintain a day care facility shall state the name of the licensee, describe the particular premises in or at which the business shall be carried on, whether it shall receive and care for children, and the number of children that may be cared for at any one time. No greater number of children than is authorized in the license shall be kept on such premises, and the business shall not be carried on in a building or place not designated in the license. The license shall be kept posted in a conspicuous place on such premises, where the business is conducted. A license granted



to maintain a day care facility shall have on its face an expiration sticker stating the date of expiration of the license.

(b) The director of the Kansas office of early childhood shall not grant a license in any case until careful inspection of the day care facility has been made according to the terms of this act and until such day care facility has complied with all the requirements of this act. The director of the Kansas office of early childhood may issue a temporary permit to operate for a period of not to exceed 90 days upon receipt of an initial application for license. The director of the Kansas office of early childhood may extend the temporary permit to operate for an additional period of not to exceed 90 days if an applicant is not in full compliance with this act but has made efforts toward full compliance.

(c) (1) In all cases where the secretary for children and families deems it necessary, an investigation of the day care facility shall be made under the supervision of the secretary for children and families or other designated qualified agents. For that purpose and for any subsequent investigations, such agents shall have the right of entry and access to the premises of the facility and to any information deemed necessary for the completion of the investigation. In all cases where an investigation is made, a report of the investigation of such facility shall be filed with the director of the Kansas office of early childhood.

(2) In cases where neither approval nor disapproval can be given within a period of 30 days following a formal request for such a study, the director of the Kansas office of early childhood may issue a temporary license without a fee, pending final approval or disapproval of the center or facility.

(d) Whenever the director of the Kansas office of early childhood refuses to grant a license to an applicant, the director of the Kansas office of early childhood shall issue an order to that effect, stating the reasons for such denial and, within five days after the issuance of such order, notify the applicant of the refusal. Upon application and not more than 15 days after the date of issuance of such order, a hearing on the order shall be held in accordance with the Kansas administrative procedure act.

(e) When the director of the Kansas office of early childhood finds, upon investigation or is advised by the secretary for children and families, that K.S.A. 59-2123, and amendments thereto, or this act are being violated or the day care facility is maintained without due regard to the health, safety or welfare of any child, the director of the Kansas office of early childhood may issue an order revoking such license after giving notice and the opportunity for a hearing in accordance with the Kansas administrative procedure act. Such order shall clearly state the reason for the revocation.

(f) If the director revokes or refuses to renew a license, the licensee who had a license revoked or not renewed shall not be eligible to apply for a license for a period of one year subsequent to the date such revocation or refusal to renew becomes final. If the director revokes or refuses to renew a license of a licensee who is a repeat violator for three or more times of statutory requirements or rules and regulations or is found to have contributed to the death or serious bodily harm of a child under such licensee's care, such licensee shall be permanently prohibited from applying for a new license to provide child care or from seeking employment under another licensee.

(g) Any applicant or licensee aggrieved by a final order of the director of the Kansas office of early childhood denying or revoking a license under this act may

appeal the order in accordance with the Kansas judicial review act.

(h) This section shall take effect on and after July 1, 2026.

New Sec. 18. (a) The annual fee for a license to conduct a day care facility or child care resource and referral agency shall be fixed by the director of the Kansas office of early childhood by rules and regulations in an amount not to exceed the following:

(1) For a child care resource and referral agency, \$150; and

(2) for any day care facility subject to this act, there shall be no annual fee for a license to conduct a day care facility.

(b) The license fee shall be paid to the director of the Kansas office of early childhood when the license is applied for and annually thereafter. The fee shall not be refundable. Fees in effect under subsection (a) immediately prior to July 1, 2026, shall continue in effect on and after July 1, 2026, until a different fee is established by the director of the Kansas office of early childhood by rules and regulations.

(c) Any licensee who fails to renew such license within 30 days after the expiration of the license shall pay to the director the renewal fee plus a late fee in an amount of \$75 or an amount equal to the fee for the renewal of a license, whichever is greater.

(d) Any licensee applying for an amended license shall pay to the director of the Kansas office of early childhood a fee established by rules and regulations of the director in an amount of not to exceed \$35.

(e) There is hereby created the day care facilities and child care resource and referral agencies licensing fee fund. The director of the Kansas office of early childhood shall remit all moneys received by the director from fees under this section to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer, notwithstanding any other law to the contrary, shall deposit the entire amount in the state treasury to the credit of the day care facilities and child care resource and referral agencies licensing fee fund. All expenditures from the day care facilities and child care resource and referral agencies licensing fee fund shall be made only for the purposes of this act in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas office of early childhood or by the director's designee. Notwithstanding any other law to the contrary, no moneys shall be transferred or otherwise revert from this fund to the state general fund by appropriation act or other act of the legislature. Moneys available under this section by the creation of the day care facilities or child care resource and referral agencies licensing fee fund shall not be substituted for or used to reduce or eliminate moneys available to the Kansas office of early childhood to administer this act. Nothing in this act shall be construed to authorize a reduction or elimination of moneys made available by the state to local units of government for the purposes of this act.

(f) This section shall take effect on and after July 1, 2026.

New Sec. 19. (a) The director of the Kansas office of early childhood shall serve notice of the issuance, limitation, modification, suspension or revocation of a license to conduct a day care facility to the secretary for children and families, the secretary of corrections, state department of education, office of the state fire marshal, county, city-county or multi-county department of health and any licensed child placement agency or licensed child care resource and referral agency serving the area where the facility is located. A day care facility or child care resource and referral agency that has had a license limited, modified, suspended, revoked or denied by the director of the Kansas

office of early childhood shall notify in writing the parents or guardians of the enrollees of the limitation, modification, suspension, revocation or denial. Neither the secretary for children and families nor any other person shall place or cause to be placed any child under 16 years of age in any day care facility or child care resource and referral agency that is not licensed by the director of the Kansas office of early childhood.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 20. (a) Each day care facility licensee shall keep a record upon forms prescribed and provided by the director of the Kansas office of early childhood. Such record shall include the name and age of each child received and cared for in the facility together with the names and addresses of the parents or guardians of such children and such other information as the director of the Kansas office of early childhood may require. Each day care facility licensee shall apply to and shall receive without charge from the director of the Kansas office of early childhood forms for such records as may be required. Such forms shall contain a copy of this act.

(b) (1) Information obtained under this section shall be confidential and shall not be made public in a manner that would identify an individual.

(2) Such records shall be confidential and shall not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto. This subsection shall expire on July 1, 2031, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2031.

(c) This section shall take effect on and after July 1, 2026.

New Sec. 21. (a) Each day care facility subject to this act shall:

(1) Be properly heated, plumbed, lighted and ventilated;

(2) have plumbing, water and sewerage systems that conform to all applicable state and local laws; and

(3) be operated with strict regard to the health, safety and welfare of each child.

(b) (1) Every day care facility shall furnish or cause to be furnished for the use of each child and employee an individual towel, washcloth or disposable towel, comb, individual drinking cup or sanitary bubbling fountain and toothbrushes for all children other than infants, and keep or require such articles to be kept at all times in a clean and sanitary condition.

(2) Toothbrushes in a day care facility may be used after meals or as appropriate.

(3) Every day care facility or child care resource and referral agency shall comply with all applicable fire codes and rules and regulations of the state fire marshal.

(c) The director of the Kansas office of early childhood shall develop and adopt rules and regulations for the operation and maintenance of day care facilities. The rules and regulations for operating and maintaining day care facilities shall be designed to promote the health, safety and welfare of any child served in such facilities by ensuring safe and adequate physical surroundings, healthful food, adequate handwashing, safe storage of toxic substances and hazardous chemicals, sanitary diapering and toileting, home sanitation, supervision and care of the residents by capable, qualified persons of sufficient number, after-hour care, an adequate program of activities and services, sudden infant death syndrome and safe sleep practices training, prohibition on corporal punishment, crib safety, protection from electrical hazards, protection from swimming pools and other water sources, fire drills, emergency plans, safety of outdoor playground surfaces, door locks, safety gates and transportation and such appropriate parental participation as may be feasible under the circumstances.

(d) In addition to any rules and regulations adopted under this section for safe sleep practices, a day care facility shall ensure that all of the following requirements are met for children under 12 months of age:

(1) A child shall only be placed to sleep on a surface and in an area that has been approved for use as such by the director of the Kansas office of early childhood;

(2) the sleep surface shall be free from soft or loose bedding, including, but not limited to, blankets, bumpers and pillows; and

(3) the sleep surface shall be free from toys, including mobiles and other types of play equipment or devices.

(e) A day care facility shall ensure that children over 12 months of age only be placed to sleep on a surface and in an area that has been approved for use as such by the director of the Kansas office of early childhood.

(f) The director of the Kansas office of early childhood may exercise discretion to make exceptions to requirements in subsections (d) and (e) where special health needs exist.

(g) Each child cared for in a day care facility, including children of the person maintaining the facility, shall be required to have current immunizations as the secretary of health and environment considers necessary. The person maintaining a day care facility shall maintain a record of each child's immunizations and provide to the secretary of health and environment and the director of the Kansas office of early childhood such information relating thereto, in accordance with rules and regulations of the secretary of health and environment and director, except that the person maintaining a day care facility shall not have such person's license revoked solely for the failure to have or maintain the immunization records required by this subsection.

(h) The immunization requirement of subsection (g) shall not apply if one of the following is obtained:

(1) Certification from a licensed physician stating that the physical condition of the child is such that immunization would endanger the child's life or health; or

(2) a written statement signed by the child's parent or guardian that such immunization violates sincerely held religious beliefs of the parent or guardian.

(i) This section shall take effect on and after July 1, 2026.

New Sec. 22. (a) It shall be unlawful for any day care facility to receive or care for any adult except as authorized by rules and regulations adopted by the director of the Kansas office of early childhood.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 23. (a) It is hereby made the duty of the director of the Kansas office of early childhood to inspect or cause to be inspected on or after July 1, 2026, and once every 12 months thereafter, every day care facility, unless otherwise provided in subsection (b). For the purpose of inspection, the director or the director's authorized agent, as an employee of the director or who has a contract with the director to provide inspections pursuant to this act and who holds a certificate issued pursuant to subsection (c), shall have the right of entry and access to every department and every place in the premises, to call for and examine the records that are required to be kept according to this act and to make and preserve a record of every inspection. The licensee shall give all reasonable information to the authorized agent of the director of the Kansas office of early childhood and afford every reasonable facility for viewing the premises and seeing the children therein. No such child, without the consent of the child's parent, shall be

required to be interviewed by any agent.

(b) The director of the Kansas office of early childhood shall conduct an inspection of any day care facility upon receiving a complaint. Any new day care facility shall be inspected prior to issuance of a license. The director may conduct an inspection of any day care facility that has a record of repeated complaints or serious violations at any time. Every 12 months, the director or authorized agent of the director shall inspect any day care facility that provides services to military families receiving military assistance for child care.

(c) (1) The director shall create a surveyor certification and provide a minimum of yearly continuing education to qualify for such certification.

(2) If a surveyor fails to comply with the certification requirements established by the director pursuant to paragraph (1), the director may require such surveyor to complete an improvement plan.

(3) If such surveyor does not satisfactorily complete the improvement plan, the director may terminate such surveyor's current certification.

(d) Persons conducting inspections and surveys pursuant to this act shall hold a certification issued by the director.

(e) This section shall take effect on and after July 1, 2026.

New Sec. 24. (a) Whenever an authorized agent of the director of the Kansas office of early childhood or the secretary for children and families finds a day care facility that is not being conducted according to law, it shall be the duty of such agent to notify the licensee in writing of changes or alterations as such agent determines is necessary in order to comply with the requirements of the law, and such agent shall file a copy of such notice with the director of the Kansas office of early childhood. It shall thereupon be the duty of the licensee to make such changes or alterations as are contained in the written notice within five days from the receipt of such notice. Notice shall be given in accordance with the Kansas administrative procedure act.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 25. (a) Any person, firm, corporation or association that violates this act shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$5 but not more than \$50. Each and every day that the person fails or refuses to comply with such provisions shall be deemed a separate offense under this act. If, for 30 days after any final conviction for such violation or revocation of license, the person still fails or refuses to comply with the orders in the notice under section 24, and amendments thereto, upon notice and opportunity for a hearing in accordance with the Kansas administrative procedure act, the building or premises where such day care facility is conducted may be closed until such person has complied with this act.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 26. (a) Upon complaint of any authorized agent of the director of the Kansas office of early childhood, the county or district attorney in the appropriate jurisdiction is hereby authorized and required to file a complaint and prosecute to the final determination all actions or proceedings against any person under this act.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 27. (a) No person shall knowingly maintain a day care facility if an employee in this state or in other states or the federal government:

(1) (A) Has been convicted of a crime that is classified as a person felony under the Kansas criminal code;

(B) has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;

(C) has been convicted of any act that is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto, to commit any such act or been convicted of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, to commit such act, or similar statutes of any other state or the federal government;

(D) has been convicted of any act that is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government; or

(E) has been convicted of any act that is described in K.S.A. 21-3718 or 21-3719, prior to their repeal, or K.S.A. 21-5812, and amendments thereto, or similar statutes of any other state or the federal government;

(2) except as provided in subsection (b), has been adjudicated a juvenile offender because of having committed an act which, if committed by an adult, would constitute the commission of a felony and that is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or similar statutes of any other state or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government;

(3) has been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, as a sex offender in any other state or on the national sex offender registry;

(4) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to K.S.A. 38-2226, and amendments thereto, or any similar child abuse and neglect registries maintained by any other state or the federal government and:

(A) Has failed to successfully complete a corrective action plan that has been deemed appropriate and approved by the Kansas department for children and families or requirements of similar entities in any other state or the federal government; or

(B) such person's record has not been expunged;

(5) has had a child removed from the home based on a court order pursuant to K.S.A. 38-2251, and amendments thereto, in this state, or a court order from any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual abuse and the child has not been returned to the home or the child has reached the age

of majority before being returned to the home and such person has failed to satisfactorily complete a corrective action plan approved by the department of health and environment;

(6) has had parental rights terminated pursuant to the revised Kansas code for care of children, or a similar statute of other states;

(7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense; or

(8) has an infectious or contagious disease.

(b) Notwithstanding the provisions in subsection (a), no person shall maintain a day care facility if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.

(c) Any person who resides in a day care facility and who has been found to be in need of a guardian or a conservator, or both, shall be counted in the total number of children allowed in care.

(d) In accordance with this subsection, the director of the Kansas office of early childhood shall have access to any court orders or adjudications of any court of record, any records of such orders or adjudications, criminal history record information, including, but not limited to, diversion agreements in the possession of the Kansas bureau of investigation and any report of investigations as authorized by K.S.A. 38-2226, and amendments thereto, or the Kansas department for children and families or court of this state concerning employees in a day care facility. The director shall have access to these records for the purpose of determining whether or not the home meets the requirements of this section, K.S.A. 59-2132, and amendments thereto, and sections 16 and 21, and amendments thereto.

(e) In accordance with this subsection, the director is authorized to conduct national criminal history record checks to determine criminal history on employees in a day care facility. In order to conduct a national criminal history check, the director shall require fingerprinting for identification and determination of criminal history in accordance with K.S.A. 22-4714, and amendments thereto.

(f) (1) The director of the Kansas office of early childhood shall adopt rules and regulations to fix a fee for fingerprinting employees in a day care facility, as may be required by the Kansas office of early childhood to reimburse the Kansas office of early childhood for the cost of the fingerprinting.

(2) The director shall remit all moneys received from the fees established under this section to the state treasurer in accordance with K.S.A. 72-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the day care criminal background and fingerprinting fund.

(g) The day care criminal background and fingerprinting fund is hereby created in the state treasury to be administered by the director of the Kansas office of early childhood. All moneys credited to the day care criminal background and fingerprinting fund shall be used to pay local and state law enforcement officers and agencies for the processing of fingerprints and criminal history background checks for the Kansas office of early childhood. All expenditures from the day care criminal background and fingerprinting fund shall be made in accordance with appropriation acts upon warrants

of the director of accounts and reports issued pursuant to vouchers approved by the director or the director's designee.

(h) The director shall notify the day care applicant or licensee within seven days by certified mail, with return receipt requested, when the result of the national criminal history record check or other appropriate review reveals unfitness specified in subsection (a)(1) through (a)(8) of the person who is the subject of the review.

(i) No day care facility or the employees thereof shall be liable for civil damages to any person who is refused employment or discharged from employment by reason of such facility's compliance with this section, if such facility acts in good faith to comply with this section.

(j) For the purpose of subsection (a)(3), a person listed in the child abuse and neglect central registry shall not be prohibited from being an employee in a day care facility unless such person has:

(1) Had an opportunity to be interviewed and present information during the investigation of the alleged act of abuse or neglect; and

(2) been given notice of the agency decision and an opportunity to appeal such decision to the director and to the courts pursuant to the Kansas judicial review act.

(k) No person shall maintain a day care facility unless such person is a high school graduate or the equivalent thereof, except that, if extraordinary circumstances exist, the director of the Kansas office of early childhood may exercise discretion to make exceptions from this requirement. This subsection shall not apply to any person who was maintaining a day care facility on the day immediately prior to July 1, 2010.

(l) This section shall take effect on and after July 1, 2026.

New Sec. 28. (a) The director may limit, modify or suspend any license or temporary permit issued under sections 15 through 27, and amendments thereto, upon any of the following grounds and in the manner provided in this act:

(1) Violation by the licensee or holder of a temporary permit of any provision of this act, or of the rules and regulations promulgated under this act;

(2) aiding, abetting or permitting the violation of any provision of this act or of the rules and regulations promulgated under this act;

(3) conduct in the operation or maintenance, or both the operation and maintenance, of a day care facility that is inimical to the health, safety or welfare of any child receiving services from such day care facility or to the public;

(4) the conviction of a licensee or holder of a temporary permit, at any time during licensure or during the time that the temporary permit is in effect, of crimes as defined in section 27, and amendments thereto; and

(5) a third or subsequent violation by the licensee or holder of a temporary permit of section 34(b), and amendments thereto.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 29. (a) The director may limit, modify or suspend any license or temporary permit issued under sections 15 through 27, and amendments thereto, prior to any hearing when, in the opinion of the director, the action is necessary to protect any child in the day care facility from physical or mental abuse, abandonment or any other substantial threat to health, safety or welfare. Administrative proceedings under this section shall be conducted in accordance with the emergency adjudicative proceedings of the Kansas administrative procedure act and in accordance with other relevant provisions of the Kansas administrative procedure act.



(b) This section shall take effect on and after July 1, 2026.

New Sec. 30. (a) Records in the possession of the director of early childhood or such director's agents regarding day care facilities shall not be released publicly in a manner that would identify individuals, except that individual names of licensees, applicants, facilities and day care facilities may be released. Nothing in this section prohibits the release of any information as required by law.

(b) Records in the possession of the director of early childhood or such director's agents regarding day care facilities may be released to:

(1) An agency or organization authorized to receive notice under section 19, and amendments thereto;

(2) any local, state or federal governmental entity or subdivision thereof;

(3) any child and adult care food program sponsoring agency; or

(4) any disaster or emergency entity.

(c) The director of the Kansas office of early childhood shall prohibit the release of the name, address and telephone number of a day care facility if the director determines that prohibition of the release of the information is necessary to protect the health, safety or welfare of the public or the children enrolled in the day care facility.

(d) Any records under subsection (a), (b) or (c) shall be available to any member of the standing committee on appropriations of the house of representatives or the standing committee on ways and means of the senate carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by  $\frac{2}{3}$  of the members of such committee, records received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. Such records shall not identify individuals but shall include data and contact information concerning specific facilities.

(e) In any hearings conducted under the licensing or regulation provisions of this act, the presiding officer may close the hearing to the public to prevent public disclosure of matters relating to persons restricted by other laws.

(f) Such records shall be confidential and shall not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto. This subsection shall expire on July 1, 2031, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2031.

(g) This section shall take effect on and after July 1, 2026.

New Sec. 31. (a) The director of the Kansas office of early childhood, in addition to any other penalty prescribed under this act, may assess a civil fine, after proper notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, against a licensee for each violation of such provisions or rules and regulations adopted pursuant thereto that affect significantly and adversely the health, safety or sanitation of children in a day care facility. Each civil fine assessed under this section shall not exceed \$500. In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(b) All fines assessed and collected under this section shall be remitted 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 to the credit of the state general fund.

(c) This section shall take effect on and after July 1, 2026.

New Sec. 32. (a) As used in this section:

(1) "Child" means an individual who is enrolled or attending kindergarten, is less than 18 years of age, is not a volunteer or employee and is attending a youth development program.

(2) "Premises" means the location, including the building and adjoining grounds, for which the applicant has a temporary permit or license to conduct a youth development program.

(3) "Public recreation center" means any building used by a political or taxing subdivision of this state, or by an agency of such subdivision, for recreation programs that serve children who are less than 18 years of age.

(4) "School" means any building used for instruction of students enrolled in kindergarten or any of the grades one through 12 by a school district or an accredited nonpublic school.

(5) "School-age program" means a child care facility that serves exclusively school-age children and youth but does not include a youth development program.

(6) "Youth development program" means a child care facility where youth activities are conducted that is not located in an individual's residence and that serves children who are enrolled in kindergarten to less than 18 years of age.

(b) No license for a youth development program or school-age program shall be denied, suspended or revoked on the basis that the building does not meet the requirements for licensure if the building:

(1) Is a public recreation center or school and is used by school-age children and youth that are of the same age as children and who are cared for in a youth development program or school-age program;

(2) complies, during all hours of operation of a youth development program or school-age program, with the Kansas fire prevention code or a building code that is by law deemed to comply with the Kansas fire prevention code; and

(3) except as provided in subsection (c), complies during all hours of operation of a youth development program or school-age program with all local building code provisions that apply to recreation centers if the building is a public recreation center or to schools if the building is a school.

(c) If the standards that a building is required to comply with under subsections (b)(2) and (b)(3) are in conflict or are otherwise inconsistent, then the building standards shall be subject to subsection (b)(2).

(d) No license for a youth development program or school-age program that operates in accordance with subsection (b)(1) shall be denied, suspended or revoked based on an environmental deficiency and shall be approved or renewed if:

(1) The environmental deficiency does not pose an imminent risk to children and youth;

(2) the environmental deficiency is outside the applicant's or licensee's immediate authority to correct; and

(3) the applicant or licensee has notified the public recreation center or school of the environmental deficiency.

(e) The director is authorized to adopt rules and regulations applicable to the services provided by youth development programs, regarding health, safety, supervisory qualifications or training and premises safety, including modifications of occupancy capacity limits or group gathering restrictions, consistent with the local or state building

or fire codes.

(f) The director shall consult with youth development programs to identify and resolve barriers to such programs qualifying as eligible providers of child care services for which participating families may receive state or federal child care financial assistance.

(g) The director shall develop and implement pilot programs and is authorized to adopt modifications to licenses issued pursuant to this section to provide flexibility to youth development programs to address the needs of families served.

(h) Whenever drop-in program or words of like effect, are referred to or designated by any statute, rule or regulation, contract or any other document, such reference or designation shall apply to a youth development program.

(i) If a licensed youth development program or school age program operates on or within the premises of a public or private school that is required to pass a fire safety inspection each school year pursuant to K.S.A. 31-144(b), and amendments thereto, no additional fire safety inspection of the licensed youth development program or school age program shall be required by the director, the state fire marshal, the fire chief or any local political or taxing subdivision.

(j) This section shall take effect on July 1, 2026.

New Sec. 33. (a) Any license, certificate of registration or temporary permit that was issued prior to the effective date of this act and is in effect on the effective date of this act shall continue in effect until the expiration thereof, unless suspended or revoked prior to such time.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 34. (a) As used in this section:

(1) "Day care home" means a child care home as defined in section 16, and amendments thereto, or a group day care home.

(2) "Smoking" means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

(b) Smoking is hereby prohibited within any room, enclosed area or other enclosed space of a facility or facilities of a day care home during a time when children who are not related by blood, marriage or legal adoption to the person who maintains the home are being cared for as part of the operation of the day care home within the facility or facilities. Nothing in this subsection shall be construed to prohibit smoking on the premises of the day care home or outside the facility or facilities of a day care home, including, but not limited to, porches, yards or garages.

(c) Each day care license shall contain a statement in bold print that smoking is prohibited within a room, enclosed area or other enclosed space of the facility or facilities of the day care home under the conditions specified in subsection (b). The statement shall be phrased in substantially the same language as subsection (b). The license shall be posted in a conspicuous place in the facility or facilities.

(d) Each day care home shall be equipped with a fire extinguisher that shall be maintained in an operable condition in a readily accessible location.

(e) The director of the Kansas office of early childhood may levy a civil fine against any day care home for a first or second violation of this section. A third or subsequent violation shall be subject to this act.

(f) In addition to any civil fine that may be levied pursuant to subsection (e), any day care home that violates any provision of this section may also be subject to criminal

punishment pursuant to K.S.A. 21-6112, and amendments thereto.

(g) This section shall take effect on and after July 1, 2026.

New Sec. 35. (a) Except as otherwise provided, information and records pertaining to the immunization status of persons against childhood diseases as required by section 21, and amendments thereto, may be disclosed and exchanged without a parent or guardian's written release authorizing such disclosure to the following individuals and groups who need to know such information in order to assure compliance with state statutes or to achieve age-appropriate immunization status for children:

- (1) Employees of public agencies or departments;
- (2) health records staff of day care facilities, including, but not limited to, facilities licensed by the director of the Kansas office of early childhood;
- (3) persons other than public employees who are entrusted with the regular care of those under the care and custody of a state agency, including, but not limited to, operators of day care facilities, group homes, residential care facilities and adoptive or foster homes; and
- (4) healthcare professionals.

(b) Information and records that pertain to the immunization status of persons against childhood diseases as required by section 21, and amendments thereto, whose parent or guardian has submitted a written statement of sincerely held religious beliefs regarding immunization as provided in section 21, and amendments thereto, shall not be disclosed or exchanged without a parent's or guardian's written release authorizing such disclosure.

(c) This section shall take effect on and after July 1, 2026.

New Sec. 36. (a) The director of the Kansas office of early childhood shall establish or cause to be established an online information dissemination system that is accessible to the public, including names of licensees, applicants and history of citations and substantiated findings. The director shall adopt rules and regulations that are consistent with the requirements for the receipt of child care ARRA funds and provide for the establishment of an online information dissemination system in accordance with this subsection.

(b) This section shall take effect on and after July 1, 2026.

Sec. 37. K.S.A. 38-1901 is hereby amended to read as follows: 38-1901. On and after ~~the effective date of this act~~ July 1, 2025:

(a) (1) The advisory committee on children and families is hereby redesignated and shall be known and referred to as the Kansas children's cabinet.

(2) The Kansas children's cabinet shall be within the Kansas office of early childhood.

(b)(1) The Kansas children's cabinet shall consist of ~~15~~ 18 members as follows:

(+)(A) The director of the Kansas office of early childhood;

(B) The secretary of health and environment, or the secretary's designee;

(2)(C) the secretary for children and families, or the secretary's designee;

(3)(D) a member of the state board of regents selected by the state board of regents, or such member's designee;

(4)(E) the commissioner of education, or the commissioner's designee;

(5)(F) the commissioner of juvenile justice secretary of corrections, or the commissioner's secretary's designee;

(6)(G) a member of the Kansas supreme court selected by the Kansas supreme

court, or such member's designee;

~~(7)(H) five members of the public appointed by the governor who are interested in and knowledgeable about the needs of children and families shall be appointed by the governor, which and who, subject to the provisions of subsection (c), may include persons who are children's advocates, members of organizations with experience in programs that benefit children or other individuals who have experience with children's programs and services;~~

~~(8)(I) one person legislative member appointed by the speaker of the house of representatives;~~

~~(9)(J) one legislative member appointed by the majority leader of the house of representatives;~~

~~(K) one person legislative member appointed by the minority leader of the house of representatives;~~

~~(10)(L) one person legislative member appointed by the president of the senate; and~~

~~(11)(M) one legislative member appointed by the majority leader of the senate; and~~

~~(N) one person legislative member appointed by the minority leader of the senate.~~

~~(2) The members designated by clauses (1), (2), (3), (4), (5) and (6) of this subsection subparagraphs (1)(A) through (1)(G) shall be nonvoting members of the Kansas children's cabinet. All other members shall be voting members.~~

~~(c) (1) Except as provided in paragraph (2) of this subsection, the members of the Kansas children's cabinet appointed by the governor, speaker, president and minority leaders shall serve for terms of four years and until their successors are appointed and qualified. The governor voting members shall appoint a chairperson of the committee cabinet from among the voting members appointed by the governor. The chairperson shall serve in such office throughout such member's current term of office and until a successor is appointed and qualified. The members of the Kansas children's cabinet may elect any additional officers from among its members necessary to carry out the duties and functions of the Kansas children's cabinet.~~

~~(2) Of the members first appointed by the governor, two shall be appointed for terms of two years, two shall be appointed for terms of three years and the member selected by the governor to be the chairperson shall be appointed for a term of four years. The member first appointed by the speaker of the house of representatives shall be appointed for a term of one year, the member first appointed by the minority leader of the house of representatives shall be appointed for a term of two years, the member first appointed by the president of the senate shall be appointed for a term of three years and the member first appointed by the minority leader of the senate shall be appointed for a term of four years. The governor shall designate the term for which each of the members first appointed by the governor shall serve. Each voting member shall serve at the pleasure of such voting member's appointing authority.~~

~~(3) All members appointed to fill vacancies in the membership of the Kansas children's cabinet and all members appointed to succeed members appointed to membership on the Kansas children's cabinet shall be appointed in like manner as that provided for the original appointment of the member succeeded. All members appointed to fill vacancies of a member of the Kansas children's cabinet appointed by the governor, the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate or the minority leader of the senate shall be appointed to fill the unexpired term of such member.~~

(d) Not more than three members of the Kansas children's cabinet appointed by the governor under subsection ~~(b)(7)~~ (b)(1)(H) shall be members of the same political party.

(e) (1) No person shall serve on the Kansas children's cabinet if such person has knowingly acquired a substantial interest in any business. Any such person who knowingly acquires such an interest shall vacate such member's position on the Kansas children's cabinet.

(2) ~~For purposes of As used in~~ this subsection:-

(A) "Substantial interest" means any of the following:

~~(A)(i)~~ If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the individual has a substantial interest in that business.

~~(B)(ii)~~ If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation ~~which that~~ is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.

~~(C)(iii)~~ If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, the individual has a substantial interest in ~~that the~~ business, irrespective of that amount of compensation received by the individual or the individual's spouse.

~~(D)(iv)~~ If an individual or an individual's spouse receives compensation ~~which that~~ is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

~~(3) As used in this subsection, (B)~~ "Client or customer" means a business or combination of businesses.

~~(4) As used in this subsection, (C)~~ "Business" means any entity ~~which that~~ is eligible to receive funds from the children's initiatives fund, as provided in K.S.A. 38-2102, and amendments thereto, from the children's initiatives accountability fund, established by K.S.A. 38-2103, and amendments thereto, or from the family and children trust account of the family and children investment fund, as provided in K.S.A. 38-1808, and amendments thereto.

(f) The Kansas children's cabinet shall meet upon the call of the chairperson as necessary to carry out the duties and functions of the Kansas children's cabinet. A quorum of the Kansas children's cabinet shall be five voting members.

(g) The Kansas children's cabinet shall have and perform the following functions:

(1) Assist the governor and the director of the Kansas office of early childhood in developing and implementing a coordinated, comprehensive service delivery system to serve the children and families of Kansas;

(2) identify barriers to service and gaps in service due to strict definitions of boundaries between departments and agencies;

(3) facilitate interagency and interdepartmental cooperation toward the common

goal of serving children and families;

(4) investigate and identify methodologies for the combining of funds across departmental boundaries to better serve children and families;

(5) propose actions needed to achieve coordination of funding and services across departmental lines;

(6) encourage and facilitate joint planning and coordination between the public and private sectors to better serve the needs of children and families; ~~and~~

(7) perform the duties and functions prescribed by K.S.A. 38-2103, and amendments thereto; ~~and~~

(8) review each individual application submitted to the cabinet for any grant funding opportunities and allocate and administer such grants upon direction by the director of the Kansas office of early childhood.

(h) Members of the Kansas children's cabinet shall not be paid compensation; but shall receive subsistence allowances, mileage and other expenses as provided by K.S.A. 75-3223, and amendments thereto. The subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto, shall be paid from available appropriations of the ~~Kansas department for children and families~~ Kansas office of early childhood, except that expenses of members who are employed by a state agency shall be reimbursed by that state agency.

~~(i) On the effective date of this act, the advisory committee on children and families is hereby abolished and all powers, duties, functions, records and other property of the advisory committee on children and families are hereby transferred to the Kansas children's cabinet created by this section. Except as otherwise specifically provided by this act, the Kansas children's cabinet shall be a continuation of the advisory committee on children and families as it existed prior to the effective date of this act.~~

Sec. 38. K.S.A. 38-2103 is hereby amended to read as follows: 38-2103. (a) The Kansas children's cabinet established by K.S.A. 38-1901, and amendments thereto, shall advise the governor ~~and~~, the legislature ~~and the director of the Kansas office of early childhood~~ regarding the uses of the moneys credited to the children's initiatives fund.

~~(b) Use of such funds shall be subject to appropriations made by the legislature.~~

~~(c)~~ The Kansas children's cabinet shall review, assess and evaluate all uses of the moneys in the children's initiatives fund. The Kansas children's cabinet shall study and shall initiate studies, assessments and evaluations, by contract or otherwise, through institutions of higher education and other appropriate research entities to identify best practices and to measure and otherwise determine the efficiency and efficacy of practices that are utilized in programs, projects, improvements, services and other purposes for which moneys are allocated or appropriated from the children's initiatives fund. The costs of such reviews, assessments and evaluations shall be paid from the children's initiatives accountability fund.

~~(e)(d)~~ There shall be conducted performance audits and other audit work by the legislative post auditor upon request by the Kansas children's cabinet and as directed by the legislative post audit committee in accordance with ~~the provisions of~~ the legislative post audit act. The purpose of such performance audits and other audit work shall be to provide interested parties with the program evaluation and research needed to make informed decisions for the uses of moneys credited to the children's initiatives fund. The auditor to conduct such performance audit or other audit work shall be specified in accordance with K.S.A. 46-1122, and amendments thereto, and if the legislative post

audit committee specifies under such statute that a firm, as defined by K.S.A. 46-1112, and amendments thereto, is to perform all or part of the audit work of such audit, such firm shall be selected and shall perform such audit work as provided in K.S.A. 46-1123, ~~and amendments thereto~~, and K.S.A. 46-1125 through 46-1127, and amendments thereto. The audit work required pursuant to this subsection shall be conducted in accordance with generally accepted governmental auditing standards. The post auditor shall compute the reasonably anticipated cost of the audit work performed by a firm for such performance audit or other audit work pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto, and the Kansas children's cabinet shall pay such cost from the children's initiatives accountability fund. If all or part of the audit work for such performance audit or other audit work is performed by the division of post audit and the division of post audit incurs costs in addition to those attributable to the operations of the division of post audit in the performance of other duties and responsibilities, the post auditor shall charge the Kansas children's cabinet for such additional costs and the Kansas children's cabinet shall pay such charges from the children's initiatives accountability fund. The payment of any such costs and any such charges shall be a transaction between the division of post audit and the Kansas children's cabinet and such transaction shall be settled in accordance with ~~the provisions of~~ K.S.A. 75-5516, and amendments thereto. All moneys received by the division of post audit for such costs and charges shall be credited to the audit services fund.

~~(d)~~(e) There is hereby established in the state treasury the children's initiatives accountability fund within the Kansas office of early childhood, which shall be administered in accordance with this section and ~~the provisions of~~ appropriation acts. The governor shall recommend and the legislature shall provide for moneys to be credited annually to the children's initiatives accountability fund by transfers or ~~other provisions of~~ appropriation acts.

~~(e)~~(f) All moneys credited to the children's initiatives accountability fund shall be used for the purposes of providing funding for assessment and evaluation of programs, projects, improvements, services and other purposes for which moneys are allocated or appropriated from the children's initiatives fund. All expenditures from the children's initiatives accountability fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved in the manner prescribed by law.

~~(f)~~(g) On or before the 10<sup>th</sup> day of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas endowment for youth fund interest earnings based on the:

(1) ~~The~~ Average daily balance of moneys in the children's initiatives accountability fund for the preceding month; and

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

Sec. 39. K.S.A. 2024 Supp. 48-3406 is hereby amended to read as follows: 48-3406. (a) For the purposes of this section:

(1) "Applicant" means an individual who is:

(A) A military spouse or military servicemember who resides or plans to reside in this state due to the assigned military station of the individual or the individual's spouse; or



(B) an individual who has established or intends to establish residency in this state.

(2) "Complete application" means the licensing body has received all forms, fees, documentation, a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate and any other information required or requested by the licensing body for the purpose of evaluating the application, consistent with this section and the rules and regulations adopted by the licensing body pursuant to this section. If the licensing body has received all such forms, fees, documentation and any other information required or requested by the licensing body, an application shall be deemed to be a complete application even if the licensing body has not yet received a criminal background report from the Kansas bureau of investigation. An application by a military spouse of an active military servicemember shall be considered a "complete application" without the submission of fees, pursuant to the provisions of subsection (u).

(3) "Electronic credential" or "electronic certification, license or registration" means an electronic method by which a person may display or transmit to another person information that verifies the status of a person's certification, licensure, registration or permit as authorized by a licensing body and is equivalent to a paper-based certification, license, registration or permit.

(4) "Licensing body" means an official, agency, board or other entity of the state that authorizes individuals to practice a profession in this state and issues a license, registration, certificate, permit or other authorization to an individual so authorized.

(5) "Military servicemember" means a current member of any branch of the United States armed services, United States military reserves or national guard of any state or a former member with an honorable discharge.

(6) "Military spouse" means the spouse of a military servicemember.

(7) "Person" means a natural person.

(8) "Private certification" means a voluntary program in which a private organization grants nontransferable recognition to an individual who meets personal qualifications and standards relevant to performing the occupation as determined by the private organization.

(9) "Scope of practice" means the procedures, actions, processes and work that a person may perform under a government issued license, registration or certification.

(10) "Verification system" means an electronic method by which the authenticity and validity of electronic credentials are verified.

(b) Notwithstanding any other provision of law, any licensing body shall, upon submission of a complete application, issue a paper-based and verified electronic license, registration or certification to an applicant as provided by this section, so that the applicant may lawfully practice the person's occupation. Any licensing body may satisfy any requirement under this section to provide a paper-based license, registration, certification or permit in addition to an electronic license, registration, certification or permit by issuing such electronic credential to the applicant in a format that permits the applicant to print a paper copy of such electronic credential. Such paper copy shall be considered a valid license, registration, certification or permit for all purposes.

(c) An applicant who holds a valid current license, registration or certification in another state, district or territory of the United States shall receive a paper-based and verified electronic license, registration or certification:

(1) If the applicant qualifies under the applicable Kansas licensure, registration or

certification by endorsement, reinstatement or reciprocity statutes, then pursuant to applicable licensure, registration or certification by endorsement, reinstatement or reciprocity statutes of the licensing body of this state for the license, registration or certification within 15 days from the date a complete application was submitted if the applicant is a military servicemember or military spouse or within 45 days from the date a complete application was submitted for all other applicants; or

(2) if the applicant does not qualify under the applicable licensure, registration or certification by endorsement, reinstatement or reciprocity statutes of the licensing body of this state, or if the Kansas professional practice act does not have licensure, registration or certification by endorsement, reinstatement or reciprocity statutes, then the applicant shall receive a license, registration or certification as provided herein if, at the time of application, the applicant:

(A) Holds a valid current license, registration or certification in another state, district or territory of the United States with licensure, registration or certification requirements that the licensing body determines authorize a similar scope of practice as those established by the licensing body of this state, or holds a certification issued by another state for practicing the occupation but this state requires an occupational license, and the licensing body of this state determines that the certification requirements certify a similar scope of practice as the licensing requirements established by the licensing body of this state;

(B) has worked for at least one year in the occupation for which the license, certification or registration is sought;

(C) has not committed an act in any jurisdiction that would have constituted grounds for the limitation, suspension or revocation of the license, certificate or registration, or that the applicant has never been censured or had other disciplinary action taken or had an application for licensure, registration or certification denied or refused to practice an occupation for which the applicant seeks licensure, registration or certification;

(D) has not been disciplined by a licensing, registering, certifying or other credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure or disciplinary proceeding conducted by a licensing, registering, certifying or other credentialing entity in another jurisdiction nor has surrendered their membership on any professional staff in any professional association or society or faculty for another state or jurisdiction while under investigation or to avoid adverse action for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action in a Kansas practice act;

(E) does not have a disqualifying criminal record as determined by the licensing body of this state under Kansas law;

(F) provides proof of solvency, financial standing, bonding or insurance if required by the licensing body of this state, but only to the same extent as required of any applicant with similar credentials or experience;

(G) pays any fees required by the licensing body of this state; and

(H) submits with the application a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate.

Upon receiving a complete application and the provisions of subsection (c)(2) apply and have been met by the applicant, the licensing body shall issue the license, registration or certification within 15 days from the date a complete application was

submitted by a military servicemember or military spouse, or within 45 days from the date a complete application was submitted by an applicant who is not a military servicemember or military spouse, to the applicant on a probationary basis, but may revoke the license, registration or certification at any time if the information provided in the application is found to be false. The probationary period shall not exceed six months. Upon completion of the probationary period, the license, certification or registration shall become a non-probationary license, certification or registration.

(d) Any applicant who has not been in the active practice of the occupation during the two years preceding the application for which the applicant seeks a license, registration or certification under subsection (c)(2) may be required to complete such additional testing, training, monitoring or continuing education as the Kansas licensing body may deem necessary to establish the applicant's present ability to practice in a manner that protects the health and safety of the public, as provided by subsection (j).

(e) Upon submission of a complete application, an applicant may receive an occupational license, registration or certification based on the applicant's work experience in another state, if the applicant:

(1) Worked in a state that does not use an occupational license, registration, certification or private certification to regulate an occupation, but this state uses an occupational license, registration or certification to regulate the occupation;

(2) worked for at least three years in the occupation during the four years immediately preceding the application; and

(3) satisfies the requirements of subsection (c)(2)(C) through (H).

(f) Upon submission of a complete application, an applicant may receive an occupational license, registration or certification under subsection (b) based on the applicant's holding of a private certification and work experience in another state, if the applicant:

(1) Holds a private certification and worked in a state that does not use an occupational license or government certification to regulate an occupation, but this state uses an occupational license or government certification to regulate the occupation;

(2) worked for at least two years in the occupation;

(3) holds a current and valid private certification in the occupation;

(4) is held in good standing by the organization that issued the private certification; and

(5) satisfies the requirements of subsection (c)(2)(C) through (H).

(g) An applicant licensed, registered or certified under this section shall be entitled to the same rights and subject to the same obligations as are provided by the licensing body for Kansas residents, except that revocation or suspension of an applicant's license, registration or certificate in the applicant's state of residence or any jurisdiction in which the applicant held a license, registration or certificate shall automatically cause the same revocation or suspension of such applicant's license, registration or certificate in Kansas. No hearing shall be granted to an applicant where such applicant's license, registration or certificate is subject to such automatic revocation or suspension, except for the purpose of establishing the fact of revocation or suspension of the applicant's license, registration or certificate by the applicant's state of residence or jurisdiction in which the applicant held a license, registration or certificate.

(h) In the event the licensing body determines that the license, registration or certificate currently held by an applicant under subsection (c)(2) or the work experience

or private credential held by an applicant under subsections (e) or (f), who is a military spouse or military servicemember does not authorize a similar scope of practice as the license, registration or certification issued by the licensing body of this state, the licensing body shall issue a temporary permit for a limited period of time to allow the applicant to lawfully practice the applicant's occupation while completing any specific requirements that are required in this state for licensure, registration or certification that were not required in the state, district or territory of the United States in which the applicant was licensed, registered, certified or otherwise credentialed, unless the licensing body finds, based on specific grounds, that issuing a temporary permit would jeopardize the health and safety of the public.

(i) In the event the licensing body determines that the license, registration or certification currently held by an applicant under subsection (c)(2) or the work experience or private credential held by an applicant under subsections (e) or (f), who is not a military spouse or military servicemember, does not authorize a similar scope of practice as the license, registration or certification issued by the licensing body of this state, the licensing body may issue a temporary permit for a limited period of time to allow the applicant to lawfully practice the applicant's occupation while completing any specific requirements that are required in this state for licensure, registration or certification that was not required in the state, district or territory of the United States in which the applicant was licensed, registered, certified or otherwise credentialed, unless the licensing body finds, based on specific grounds, that issuing a temporary permit would jeopardize the health and safety of the public.

(j) Any testing, continuing education or training requirements administered under subsection (d), (h) or (i) shall be limited to Kansas law that regulates the occupation and that are materially different from or additional to the law of another state, or shall be limited to any materially different or additional body of knowledge or skill required for the occupational license, registration or certification in Kansas.

(k) A licensing body may grant licensure, registration, certification or a temporary permit to any person who meets the requirements under this section but was separated from such military service under less than honorable conditions or with a general discharge under honorable conditions.

(l) Nothing in this section shall be construed to apply in conflict with or in a manner inconsistent with federal law or a multistate compact, or a rule or regulation or a reciprocal or other applicable statutory provision that would allow an applicant to receive a license. Nothing in this section shall be construed as prohibiting a licensing body from denying any application for licensure, registration or certification, or declining to grant a temporary or probationary license, if the licensing body determines that granting the application may jeopardize the health and safety of the public.

(m) Nothing in this section shall be construed to be in conflict with any applicable Kansas statute defining the scope of practice of an occupation. The scope of practice as provided by Kansas law shall apply to applicants under this section.

(n) Notwithstanding any other provision of law, during a state of emergency declared by the legislature, a licensing body may grant a temporary emergency license to practice any profession licensed, certified, registered or regulated by the licensing body to an applicant whose qualifications the licensing body determines to be sufficient to protect health and safety of the public and may prohibit any unlicensed person from practicing any profession licensed, certified, registered or regulated by the licensing

body.

(o) ~~Not later than January 1, 2025,~~ Licensing bodies shall provide paper-based and verified electronic credentials to persons regulated by the licensing body. A licensing body may prescribe the format or requirements of the electronic credential to be used by the licensing body. Any statutory or regulatory requirement to display, post or produce a credential issued by a licensing body may be satisfied by the proffer of an electronic credential authorized by the licensing body. A licensing body may use a third-party electronic credential system that is not maintained by the licensing body.

(p) ~~On or before January 1, 2025, and~~ Subject to appropriations ~~therefore~~ therefor, the secretary of administration shall develop and implement a uniform or singular license verification portal for the purpose of verifying or reporting license statuses such as credentials issued, renewed, revoked or suspended by licensing bodies or that have expired or otherwise changed in status. The secretary of administration may utilize the services or facilities of a third party for the central electronic record system. The central electronic record system shall comply with the requirements adopted by the information technology executive council pursuant to K.S.A. 75-7203, and amendments thereto. ~~Beginning January 1, 2025,~~ Each licensing body shall be able to integrate with the uniform or singular license verification portal in the manner and format required by the secretary of administration indicating any issuance, renewal, revocation, suspension, expiration or other change in status of an electronic credential that has occurred. No charge for the establishment or maintenance of the uniform or singular license verification portal shall be imposed on any licensing body or any person with a license, registration, certification or permit issued by a licensing body. The centralized electronic credential data management systems shall include an instantaneous verification system that is operated by the licensing body's respective secretary, or the secretary's designee, or the secretary's third-party agent on behalf of the licensing body for the purpose of instantly verifying the authenticity and validity of electronic credentials issued by the licensing body. Centralized electronic credential data management systems shall maintain an auditable record of credentials issued by each licensing body.

(q) Nothing in this section shall be construed as prohibiting or preventing a licensing body from developing, operating, maintaining or using a separate electronic credential system of the licensing body or of a third party in addition to making the reports to the central electronic record system required by subsection (p) or participating in a multistate compact or a reciprocal licensure, registration or certification process as long as the separate electronic credential system of the licensing body integrates with the uniform or singular license verification portal.

(r) Each licensing body shall adopt rules and regulations necessary to implement and carry out ~~the provisions of~~ this section.

(s) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto, or to the certification of law enforcement officers pursuant to the Kansas law enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto.

(t) The state board of healing arts and the state board of technical professions, with respect to an applicant who is seeking a license to practice professional engineering or engage in the practice of engineering, as defined in K.S.A. 74-7003, and amendments thereto, may deny an application for licensure, registration or certification, or decline to

grant a temporary or probationary license, if the board determines the applicant's qualifications are not substantially equivalent to those established by the board. Such boards shall not otherwise be exempt from the provisions of this act.

(u) Notwithstanding any other provision of law to the contrary, applicants who are military spouses of active military service members shall be exempt from all fees assessed by any licensing body to obtain an occupational credential in Kansas and renew such credential including initial or renewal application, licensing, registration, certification, endorsement, reciprocity or permit fees and any criminal background report fees, whether assessed by the licensing body or another agency. Licensing bodies shall adopt rules and regulations to implement the provisions of this subsection.

(v) This section shall apply to all licensing bodies not excluded under subsection (s), including, but not limited to:

- (1) The abstracters' board of examiners;
- (2) the board of accountancy;
- (3) the board of adult care home administrators;
- (4) the secretary for aging and disability services, with respect to K.S.A. 65-5901 et seq. and 65-6503 et seq., and amendments thereto;
- (5) the Kansas board of barbering;
- (6) the behavioral sciences regulatory board;
- (7) the Kansas state board of cosmetology;
- (8) the Kansas dental board;
- (9) the state board of education;
- (10) the Kansas board of examiners in fitting and dispensing of hearing instruments;
- (11) the board of examiners in optometry;
- (12) the state board of healing arts, as provided by subsection (t);
- (13) the secretary department of health and environment, with respect to K.S.A. 82a-1201 et seq., and amendments thereto;
- (14) the department of health and environment, with respect to child care facility licensure pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, on or before June 30, 2026;
- (15) the Kansas office of early childhood, on and after July 1, 2026;
- (16) the commissioner of insurance, with respect to K.S.A. 40-241 and 40-4901 et seq., and amendments thereto;
- ~~(15)~~(17) the state board of mortuary arts;
- ~~(16)~~(18) the board of nursing;
- ~~(17)~~(19) the state board of pharmacy;
- ~~(18)~~(20) the Kansas real estate commission;
- ~~(19)~~(21) the real estate appraisal board;
- ~~(20)~~(22) the state board of technical professions, as provided by subsection (t); and
- ~~(21)~~(23) the state board of veterinary examiners.

(w) All proceedings pursuant to this section shall be conducted in accordance with ~~the provisions of~~ the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.

(x)(1) ~~Commencing on July 1, 2021, and each year thereafter,~~ Each licensing body listed in subsection ~~(u)(1)~~ ~~(v)(1)~~ through ~~(21)~~ ~~(22)~~ shall provide a report for the period of July 1 through June 30 to the director of legislative research by August 31 of each

year, providing information requested by the director of legislative research to fulfill the requirements of this subsection. The director of legislative research shall develop the report format, prepare an analysis of the reports and submit and present the analysis to the office of the governor, the house of representatives committee on commerce, labor and economic development ~~of the house of representatives or any successor committee thereof~~, the senate committee on commerce ~~of the senate or any successor committee thereof~~, the house of representatives committee on appropriations ~~of the house of representatives or any successor committee thereof~~ and the senate committee on ways and means ~~of the senate or any successor committee thereof~~ by January 15 of the succeeding year. The director's report may provide any analysis the director deems useful and shall provide the following items, detailed by applicant type, including military servicemember, military spouse and non-military individual:

- (1)(A) The number of applications received under ~~the provisions of~~ this section;
- (2)(B) the number of applications granted under this section;
- (3)(C) the number of applications denied under this section;
- (4)(D) the average time between receipt of the application and completion of the application;
- (5)(E) the average time between receipt of a complete application and issuance of a license, certification or registration; and
- (6)(F) identification of applications submitted under this section where the issuance of credentials or another determination by the licensing body was not made within the time limitations pursuant to this section and the reasons for the failure to meet such time limitations.

(2) All information shall be provided by the licensing body to the director of legislative research in a manner that maintains the confidentiality of all applicants and in aggregate form that does not permit identification of individual applicants.

Sec. 40. K.S.A. 65-501 is hereby amended to read as follows: 65-501. (a) It shall be unlawful for any person, firm, corporation or association to conduct or maintain a maternity center or a child care facility for children under 16 years of age without having a license or temporary permit therefor from the secretary of health and environment. Nothing in this act shall apply to:

~~(a)(1)~~ (1) A residential facility or hospital that is operated and maintained by a state agency as defined in K.S.A. 75-3701, and amendments thereto; ~~or~~

~~(b)(2)~~ (2) a summer instructional camp that:

~~(1) Is operated by a Kansas educational institution as defined in K.S.A. 74-32,120, and amendments thereto, or a postsecondary educational institution as defined in K.S.A. 74-3201b, and amendments thereto;~~

~~(2) is operated for not more than five weeks;~~

~~(3) provides instruction to children, all of whom are 10 years of age and older; and~~

~~(4) is accredited by an agency or organization acceptable to the secretary of health and environment is provided by a not-for-profit, school, verifiable nonpublic school or an employee of such school; or~~

(3) a person or group of persons providing educational activities for children ages pre-K through high school to such persons' children.

(b) Organizations or persons providing services defined as a day care in K.S.A. 65-503, and amendments thereto, and not included in this section may apply for and be granted a waiver as allowed under this act.

Sec. 41. K.S.A. 2024 Supp. 65-503 is hereby amended to read as follows: 65-503. As used in this act:

(a) ~~"Child placement agency" means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care.~~

~~(b) "Child care resource and referral agency" means a business or service conducted, maintained or operated by a person engaged in providing resource and referral services, including information of specific services provided by child care facilities, to assist parents to find child care. "Act" means article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.~~

(b) "Assistant teacher" means a staff member of a child care center and is responsible for assisting the lead teacher in the care of children.

(c) "Boarding school" means a facility that provides 24-hour care to school age children, provides education as its primary function and is accredited by an accrediting agency acceptable to the secretary of health and environment.

(d) "Child care center" means a facility that meets child care center regulations and provides care and educational activities for children.

(e) "Child care facility" means:

(1) A facility maintained by a person who has control or custody of one or more children under 16 years of age, unattended by parent or guardian, for the purpose of providing the children with food or lodging, or both, ~~except excluding~~ children in the custody of the secretary for children and families who are placed with a prospective adoptive family pursuant to the provisions of an adoptive placement agreement or who are related to the person by blood, marriage or legal adoption;

(2) a children's home, orphanage, maternity home, day care facility or other facility ~~of a type determined by that~~ the secretary determines to require regulation under ~~the provisions of this act;~~

(3) a child placement agency or child care resource and referral agency, or a facility maintained by such an agency for the purpose of caring for children under 16 years of age; or

(4) any receiving or detention home for children under 16 years of age provided or maintained by, or receiving aid from, any city or county or the state.

(5) On and after July 1, 2026, "child care facility" does not include day care facility or child resource and referral agency.

~~(d)(f)~~ "Child care home" means the premises where care is provided for children at a residence.

(g) "Child care resource and referral agency" means a business or service conducted, maintained or operated by a person engaged in providing resource and referral services, including information of specific services provided by child care facilities, to assist parents to find child care.

(h) "Child placement agency" means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care.

(i) (1) "Day care facility" means a child care facility that includes a day care home, preschool, child care center, school-age program or other facility of a type determined by the secretary to require regulation under the provisions of K.S.A. 65-501 et seq., and amendments thereto.



(2) "Day care facility" does not include a youth development program.

(3) On and after July 1, 2026, this subsection shall expire.

(e)(j) "Employee" means a person working, regularly volunteering or residing in a child care facility.

(k) "Infant" means a child who is between two weeks and 12 months of age or a child older than 12 months who has not yet learned to walk.

(l) "Lead teacher" means an individual who meets the requirements of section 1, and amendments thereto, and can independently staff any unit in a child care center.

(m) "Licensure year" means the period of time beginning on the effective date and ending on the expiration date of a license.

(n) "Maternity center" means a facility that provides delivery services for normal, uncomplicated pregnancies but does not include a medical care facility as defined by K.S.A. 65-425, and amendments thereto.

(o) "Person" means any individual, association, partnership, corporation, government, governmental subdivision or other entity.

(f) "Boarding school" means a facility which provides 24-hour care to school-age children, provides education as its primary function, and is accredited by an accrediting agency acceptable to the secretary of health and environment.

(g) "Maternity center" means a facility which provides delivery services for normal, uncomplicated pregnancies but does not include a medical care facility as defined by K.S.A. 65-425, and amendments thereto.

(h) "Employee" means a person working, regularly volunteering or residing in a child care facility.

(p) "Program director" means the staff member of a child care center and is responsible for implementing and supervising the comprehensive and coordinated plan of activities that provide for the education, care, protection and development of children who attend a child care center.

(q) "Religious beliefs" means the same as defined in K.S.A. 44-663, and amendments thereto.

(r) "School-age" means a child who will be at least six years of age on or before the first day of September of any school year but is under 16 years of age.

(s) "Unit" means the number of children who may be present in one group in a child care center.

(t) "Youth development program" means the same as defined in K.S.A. 65-527, and amendments thereto.

Sec. 42. On and after July 1, 2026, K.S.A. 65-504 is hereby amended to read as follows: 65-504. (a) The secretary of health and environment shall have the power to grant a license to a person to maintain a maternity center or child care facility for children under 16 years of age. A license granted to maintain a maternity center or child care facility shall state the name of the licensee, describe the particular premises in or at which the business shall be carried on, whether it shall receive and care for women or children, and the number of women or children that may be treated, maintained, boarded or cared for at any one time. No greater number of women or children than is authorized in the license shall be kept on those premises and the business shall not be carried on in a building or place not designated in the license. The license shall be kept posted in a conspicuous place on the premises where the business is conducted. ~~A license granted to maintain a day care facility shall have on its face an expiration sticker~~

~~stating the date of expiration of the license.~~

The secretary of health and environment shall grant no license in any case until careful inspection of the maternity center or child care facility shall have been made according to the terms of this act and until such maternity center or child care facility has complied with all the requirements of this act. Except as provided by this subsection, no license shall be granted without the approval of the secretary for children and families. The secretary of health and environment may issue, without the approval of the secretary for children and families, a temporary permit to operate for a period not to exceed 90 days upon receipt of an initial application for license. The secretary of health and environment may extend, without the approval of the secretary for children and families, the temporary permit to operate for an additional period not to exceed 90 days if an applicant is not in full compliance with the requirements of this act but has made efforts towards full compliance.

(b) (1) In all cases where the secretary for children and families deems it necessary, an investigation of the maternity center or child care facility shall be made under the supervision of the secretary for children and families or other designated qualified agents. For that purpose and for any subsequent investigations they shall have the right of entry and access to the premises of the center or facility and to any information deemed necessary to the completion of the investigation. In all cases where an investigation is made, a report of the investigation of such center or facility shall be filed with the secretary of health and environment.

(2) In cases where neither approval or disapproval can be given within a period of 30 days following formal request for such a study, the secretary of health and environment may issue a temporary license without fee pending final approval or disapproval of the center or facility.

(c) Whenever the secretary of health and environment refuses to grant a license to an applicant, the secretary shall issue an order to that effect stating the reasons for such denial and within five days after the issuance of such order shall notify the applicant of the refusal. Upon application not more than 15 days after the date of its issuance a hearing on the order shall be held in accordance with ~~the provisions of the Kansas administrative procedure act.~~

(d) When the secretary of health and environment finds upon investigation or is advised by the secretary for children and families that ~~any of the provisions of this act or the provisions of K.S.A. 59-2123, and amendments thereto, are being violated, or that the maternity center or child care facility is maintained without due regard to the health, safety or welfare of any woman or child, the secretary of health and environment may issue an order revoking such license after giving notice and conducting a hearing in accordance with the provisions of the Kansas administrative procedure act. The order shall clearly state the reason for the revocation.~~

(e) If the secretary revokes or refuses to renew a license, the licensee who had a license revoked or not renewed shall not be eligible to apply for a license for a period of one year subsequent to the date such revocation or refusal to renew becomes final. If the secretary revokes or refuses to renew a license of a licensee who is a repeat, three or more times, violator of statutory requirements or rules and regulations or is found to have contributed to the death or serious bodily harm of a child under such licensee's care, such licensee shall be permanently prohibited from applying for a new license to provide child care or from seeking employment under another licensee.

(f) Any applicant or licensee aggrieved by a final order of the secretary of health and environment denying or revoking a license under this act may appeal the order in accordance with the Kansas judicial review act.

Sec. 43. K.S.A. 65-505 is hereby amended to read as follows: 65-505. (a) (1) The annual fee for a license to conduct a maternity center or child care facility shall be fixed by the secretary of health and environment by rules and regulations in an amount not exceeding the following:

~~(1)(A)~~ For a maternity center, \$150;  
~~(2)(B)~~ for a child placement agency, \$150; ~~and~~  
~~(3)(C)~~ for a child care resource and referral agency, \$150; ~~and~~.  
(4)(2) Except for child care facilities listed in paragraph (1), there shall be no annual fee for a license to conduct a child care facility, \$75 plus \$1 times the maximum number of children authorized under the license to be on the premises at any one time.

(3) The license fee shall be paid to the secretary of health and environment when the license is applied for and annually thereafter. The fee shall not be refundable. No fee shall be charged for a license to conduct a home for children ~~which that~~ is a family foster home as defined in K.A.R. 28-4-311, and amendments thereto. ~~Fees in effect under this subsection (a) immediately prior to the effective date of this act shall continue in effect on and after the effective date of this act until a different fee is established by the secretary of health and environment by rules and regulations under this subsection.~~

(b) Any licensee who fails to renew such license within 30 days after the expiration of the license shall pay to the secretary the renewal fee plus a late fee in an amount of \$75 or equal to the fee for the renewal of a license, whichever is greater.

(c) Any licensee applying for an amended license shall pay to the secretary of health and environment a fee established by rules and regulations of the secretary in an amount not exceeding \$35.

(d) The secretary of health and environment shall remit all moneys received by the secretary from fees under the provisions of this section to the state treasurer in accordance ~~with the provisions of~~ K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer, notwithstanding any other law to the contrary, shall deposit the entire amount in the state treasury to the credit of the maternity centers and child care licensing fee fund. All expenditures from the maternity centers and child care licensing fee fund shall be made only for the purposes of article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or by a person or persons designated by the secretary. Notwithstanding any other law to the contrary, no moneys shall be transferred or otherwise revert from this fund to the state general fund by appropriation act or other act of the legislature. Moneys available under this section by the creation of the maternity centers and child care licensing fee fund shall not be substituted for or used to reduce or eliminate moneys available to the department of health and environment to administer the provisions of article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. Nothing in this act shall be construed to authorize a reduction or elimination of moneys made available by the state to local units of government for the purposes of article 5 of chapter 65 of

the Kansas Statutes Annotated, and amendments thereto.

Sec. 44. K.S.A. 65-508 is hereby amended to read as follows: 65-508. (a) Any maternity center or child care facility subject to ~~the provisions of this act shall:~~

- (1) Be properly heated, plumbed, lighted and ventilated;
- (2) have plumbing, water and sewerage systems ~~which~~ that conform to all applicable state and local laws; and
- (3) be operated with strict regard to the health, safety and welfare of any woman or child.

(b) ~~(1)~~ Every maternity center or child care facility shall furnish or cause to be furnished for the use of each resident and employee an individual towel, wash cloth, washcloth or disposable products, comb ~~and,~~ individual drinking cup or sanitary bubbling fountain; and toothbrushes for all children other than infants, and shall keep or require such articles to be kept at all times in a clean and sanitary condition.

~~(2)~~ Toothbrushes in a day care facility may be used after meals or as appropriate.

~~(3)~~ Every maternity center or child care facility shall comply with all applicable fire codes and rules and regulations of the state fire marshal.

(c) (1) The secretary of health and environment with the cooperation of the secretary for children and families shall develop and adopt rules and regulations for the operation and maintenance of maternity centers and child care facilities. The rules and regulations for operating and maintaining maternity centers and child care facilities shall be designed to promote the health, safety and welfare of any woman or child served in such facilities by ensuring safe and adequate physical surroundings, healthful food, adequate handwashing, safe storage of toxic substances and hazardous chemicals, sanitary diapering and toileting, home sanitation, supervision and care of the residents by capable, qualified persons of sufficient number, after-hour care, an adequate program of activities and services, sudden infant death syndrome and safe sleep practices training, prohibition on corporal punishment, crib safety, protection from electrical hazards, protection from swimming pools and other water sources, fire drills, emergency plans, safety of outdoor playground surfaces, door locks, safety gates and transportation and such appropriate parental participation as may be feasible under the circumstances. Boarding schools are excluded from requirements regarding the number of qualified persons who must supervise and provide care to residents.

(2) Rules and regulations developed under this subsection shall include provisions for the competent supervision and care of children in day care facilities. For purposes of such rules and regulations, competent supervision as this term relates to children less than five years of age includes, but is not limited to, direction of activities, adequate oversight including sight or sound monitoring, or both, physical proximity to children, diapering and toileting practices; and for all children, competent supervision includes, but is not limited to, planning and supervision of daily activities, safe sleep practices, including, but not limited to, visual or sound monitoring, periodic checking, emergency response procedures and drills, illness and injury response procedures, food service preparation and sanitation, playground supervision, pool and water safety practices.

(d) In addition to any rules and regulations adopted under this section for safe sleep practices, child care facilities shall ensure that all of the following requirements are met for children under 12 months of age:

- (1) A child shall only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment;

(2) the sleep surface shall be free from soft or loose bedding, including, but not limited to, blankets, bumpers and pillows; and

(3) the sleep surface shall be free from toys, including mobiles and other types of play equipment or devices.

(e) Child care facilities shall ensure that children over 12 months of age only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment.

(f) The secretary of health and environment may exercise discretion to make exceptions to requirements in subsections (d) and (e) where special health needs exist.

(g) Each child cared for in a child care facility, including children of the person maintaining the facility, shall be required to have current such immunizations as the secretary of health and environment considers necessary. The person maintaining a child care facility shall maintain a record of each child's immunizations and shall provide to the secretary of health and environment such information relating thereto, in accordance with rules and regulations of the secretary, but the person maintaining a child care facility shall not have such person's license revoked solely for the failure to have or to maintain the immunization records required by this subsection.

(h) The immunization requirement of subsection (g) shall not apply if one of the following is obtained:

(1) Certification from a licensed physician stating that the physical condition of the child is such that immunization would endanger the child's life or health; or

(2) a written statement signed by a the child's parent or guardian that the parent or guardian is an adherent of a such immunization violates sincerely held religious denomination whose teachings are opposed to immunizations beliefs of the parent or guardian.

(i) On and after July 1, 2026, any references to day care facilities shall be under the administration of the director of early childhood.

Sec. 45. K.S.A. 65-512 is hereby amended to read as follows: 65-512. (a) It is hereby made the duty of the secretary of health and environment to inspect or cause to be inspected at least once every 15 months prior to July 1, 2012, and once every 12 months thereafter, every maternity center or child care facility, unless otherwise provided in subsections (b) and (c). For the purpose of inspection, the secretary or the secretary's authorized agent, as an employee of the secretary or who has a contract with the secretary to provide inspections pursuant to K.S.A. 65-501 et seq. and who holds a certificate issued pursuant to subsection (c), shall have the right of entry and access ~~thereto in to~~ every department and ~~to every place in the premises, shall to~~ call for and examine the records ~~which that~~ are required to be kept by the provisions of this act and ~~shall to~~ make and preserve a record of every inspection. The licensee shall give all reasonable information to the authorized agent of the secretary of health and environment and shall afford every reasonable facility for viewing the premises and seeing the patients or children therein. No such patient or child, without the consent of the patient or ~~child~~ child's parent, shall be required to be interviewed by any agent ~~unless the agent is an authorized person or a licensed physician.~~

~~(b) (1) On or after the effective date of this act, the secretary of health and environment shall commence the inspection of registered family day care homes pursuant to K.S.A. 65-533, and amendments thereto.~~

(2) The secretary of health and environment shall conduct an inspection of any

child care facility upon receiving a complaint. Any new child care facility shall be inspected prior to issuance of a license. The secretary may conduct an inspection of any child care facility that has a record of repeated complaints or serious violations at any time. Every 12 months, the secretary shall inspect any child care facility that provides services to military families receiving military assistance for child care ~~every 12 months~~.

(c) (1) ~~Except as provided in subsection (b)(2), the following categories of child care facilities which were in compliance on the effective date of this act are not required to be inspected until July 1, 2011: Day care homes, as defined in K.A.R. 28-4-113; group day care homes, as defined in K.A.R. 28-4-113; child care centers, as defined in K.A.R. 28-4-420; preschools, as defined in K.A.R. 28-4-420; school-age programs, as defined in K.A.R. 28-4-576; and drop-in programs, as defined in K.A.R. 28-4-700.~~ The secretary shall create a surveyor certification and provide a minimum of yearly continuing education to qualify for such certification.

(2) If a surveyor fails to comply with the certification requirements established by the secretary as provided in paragraph (1), the secretary may require such surveyor to complete an improvement plan.

(3) If such surveyor does not satisfactorily complete the improvement plan, the secretary may terminate such surveyor's current certification.

(d) Persons conducting inspections and surveys pursuant to K.S.A. 65-501 et seq., and amendments thereto, shall hold a certification issued by the secretary.

Sec. 46. K.S.A. 2024 Supp. 65-516 is hereby amended to read as follows: 65-516.

(a) No person shall knowingly maintain a child care facility if an employee who, in this state or in other states or the federal government:

(1) (A) Has been convicted of a crime that is classified as a person felony under the Kansas criminal code;

(B) has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;

(C) has been convicted of any act that is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto, to commit any such act or been convicted of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, to commit such act, or similar statutes of any other state or the federal government;

(D) has been convicted of any act that is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government; or

(E) has been convicted of any act that is described in K.S.A. 21-3718 or 21-3719, prior to their repeal, or K.S.A. 21-5812, and amendments thereto, or similar statutes of any other state or the federal government;

(2) ~~except as provided in subsection (b), has been adjudicated a juvenile offender because of having committed an act that which, if done committed by an adult, would~~

constitute the commission of a felony and that is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or similar statutes of any other state or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government;

(3) has been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, as a sex offender in any other state or as a sex offender on the national sex offender registry;

(4) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to K.S.A. 38-2226, and amendments thereto, or any similar child abuse and neglect registries maintained by any other state or the federal government and:

(A) The person has failed to successfully complete a corrective action plan that had been deemed appropriate and approved by the Kansas department for children and families or requirements of similar entities in any other state or the federal government; or

(B) the record has not been expunged pursuant to rules and regulations adopted by the secretary for children and families or similar entities in any other state or the federal government;

(5) has had a child removed from home based on a court order pursuant to K.S.A. 38-2251, and amendments thereto, in this state, or a court order in any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan approved by the department of health and environment;

(6) has had parental rights terminated pursuant to the ~~Kansas juvenile code or K.S.A. 38-2266 through 38-2270, and amendments thereto~~ revised Kansas code for care of children, or a similar statute of other states;

(7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense; or

(8) has an infectious or contagious disease.

(b) If the secretary determines that there is no safety concern, the secretary may license a family foster home, as defined in K.S.A. 38-134, and amendments thereto, when a person who has been adjudicated as a juvenile offender for an offense described in subsection (a)(2):

(1) Was a child in the custody of the secretary and placed with such family foster home by the secretary;

(2) is 18 years of age or older;

(3) (A) maintains residence at such family foster home; or

(B) has been legally adopted by any person who resides at such family foster home;

and

(4) six months have passed since the date of adjudication.

(c) No person shall maintain a child care facility if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.

(d) Any person who resides in a child care facility and who has been found to be in need of a guardian or a conservator, or both, shall be counted in the total number of children allowed in care.

(e) In accordance with the provisions of this subsection, the secretary of health and environment shall have access to any court orders or adjudications of any court of record, any records of such orders or adjudications, criminal history record information including, but not limited to, diversion agreements, in the possession of the Kansas bureau of investigation and any report of investigations as authorized by K.S.A. 38-2226, and amendments thereto, in the possession of the Kansas department for children and families or court of this state concerning employees in a child care facility. The secretary shall have access to these records for the purpose of determining whether or not the home meets the requirements of K.S.A. 59-2132, 65-503, 65-508 and 65-516, and amendments thereto.

(f) In accordance with the provisions of this subsection, the secretary is authorized to conduct national criminal history record checks to determine criminal history on employees in a child care facility. In order to conduct a national criminal history check the secretary shall require fingerprinting for identification and determination of criminal history in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto.

(g) (1) ~~The secretary shall adopt rules and regulations on or before January 1, 2019, to fix a fee for fingerprinting persons residing, working or regularly volunteering~~ employees in a child care facility, as may be required by the department to reimburse the department for the cost of the fingerprinting.

(2) The secretary shall remit all moneys received from the fees established under this section to the state treasurer in accordance with ~~the provisions of~~ K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the child care criminal background and fingerprinting fund.

~~(+)(h)~~ (h) The child care criminal background and fingerprinting fund is hereby created in the state treasury to be administered by the secretary of health and environment. All moneys credited to the child care criminal background and fingerprinting fund shall be used to pay local and state law enforcement officers and agencies for the processing of fingerprints and criminal history background checks for the department. All expenditures from the child care criminal background and fingerprinting fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary.

~~(+)(i)~~ (i) The secretary shall notify the child care applicant or licensee, within seven days by certified mail with return receipt requested, when the result of the national criminal history record check or other appropriate review reveals unfitness specified in subsections (a)(1) through (8) with regard to the person who is the subject of the review.

~~(+)(j)~~ (j) No child care facility or the employees thereof, shall be liable for civil damages to any person refused employment or discharged from employment by reason



of such facility's or home's compliance with the provisions of this section if such home acts in good faith to comply with this section.

~~(h)(k)~~ For the purpose of subsection (a)(3), a person listed in the child abuse and neglect central registry shall not be prohibited from residing, working or volunteering in a child care facility unless such person has:

(1) Had an opportunity to be interviewed and present information during the investigation of the alleged act of abuse or neglect; and

(2) been given notice of the agency decision and an opportunity to appeal such decision to the secretary and to the courts pursuant to the Kansas judicial review act.

~~(m)(l)~~ In regard to Kansas issued criminal history records:

(1) The secretary of health and environment shall provide in writing information available to the secretary to each child placement agency requesting information under this section, including the information provided by the Kansas bureau of investigation pursuant to this section, for the purpose of assessing the fitness of persons living, working or regularly volunteering in a family foster home under the child placement agency's sponsorship.

(2) The child placement agency is considered to be a governmental entity and the designee of the secretary of health and environment for the purposes of obtaining, using and disseminating information obtained under this section.

(3) The information shall be provided to the child placement agency regardless of whether the information discloses that the subject of the request has been convicted of any offense.

(4) Whenever the information available to the secretary reveals that the subject of the request has no criminal history on record, the secretary shall provide notice thereof in writing to each child placement agency requesting information under this section.

(5) Any staff person of a child placement agency who receives information under this subsection shall keep such information confidential, except that the staff person may disclose such information on a need-to-know basis to:

(A) The person who is the subject of the request for information;

(B) the applicant or operator of the family foster home in which the person lives, works or regularly volunteers;

(C) the department of health and environment;

(D) the Kansas department for children and families;

(E) the department of corrections; and

(F) the courts.

~~(6) A violation of the provisions of paragraph (5) shall be an unclassified misdemeanor punishable by a fine of \$100 for each violation.~~

~~(m)(l)~~ (1) No person shall maintain a day care facility unless such person is a high school graduate or the equivalent thereof, except where extraordinary circumstances exist, the secretary of health and environment may exercise discretion to make exceptions to this requirement. The provisions of this subsection shall not apply to any person who was maintaining a day care facility on the day immediately prior to July 1, 2010, or who had an application for an initial license or the renewal of an existing license pending on July 1, 2010.

(2) This subsection shall expire on June 30, 2026.

Sec. 47. K.S.A. 65-527 is hereby amended to read as follows: 65-527. (a) As used in this section:

(1) "Drop-in program" means a child care facility that is not located in an individual's residence, that serves exclusively school-age children and youth and where the operator permits children and youth to arrive at and depart from the program at the child or youth's own volition at unscheduled times. "Child" means an individual who is enrolled or attending kindergarten, is less than 18 years of age, is not a volunteer or employee and is attending a youth development program.

(2) "Premises" means the location, including the building and adjoining grounds, for which the applicant has a temporary permit or license to conduct a youth development program.

(2)(3) "Public recreation center" means any building used by a political or taxing subdivision of this state, or by an agency of such subdivision, for recreation programs that serve children who are less than 18 years of age.

(3)(4) "School" means any building used for instruction of students enrolled in kindergarten or any of the grades one through 12 by a school district or an accredited nonpublic school.

(4)(5) "School-age program" means a child care facility that serves exclusively school-age children and youth but does not include a drop-in youth development program.

(6) "Youth development program" means a child care facility where youth activities are conducted that is not located in an individual's residence and that serves children who are enrolled in kindergarten to less than 18 years of age.

(b) No license for a drop-in youth development program or school-age program shall be denied, suspended or revoked on the basis that the building does not meet the requirements for licensure if the building:

(1) Is a public recreation center or school and is used by school-age children and youth that are of the same age as children and youth who are cared for in the drop-in a youth development program or school-age program;

(2) complies, during all hours of operation of the drop-in a youth development program or school-age program, with the Kansas fire prevention code or a building code that is by law deemed to comply with the Kansas fire prevention code; and

(3) complies, except as provided in subsection (c), during all hours of operation of the drop-in a youth development program or school-age program, with all local building code provisions that apply to recreation centers; if the building is a public recreation center; or to schools; if the building is a school.

(c) If the standards that a building is required to comply with pursuant to subsections (b)(2) and (b)(3) conflict or are otherwise inconsistent, then the standards provided by subsection (b)(2) shall control.

(d) No license for a drop-in youth development program or school-age program that operates in accordance with subsection (b)(1) shall be denied, suspended or revoked based on an environmental deficiency and shall be approved or renewed if:

(1) The environmental deficiency does not pose an imminent risk to children and youth;

(2) the environmental deficiency is outside the applicant's or licensee's immediate authority to correct; and

(3) the applicant or licensee has notified the public recreation center or school of the environmental deficiency.

(e) Whenever drop-in program or words of like effect, are referred to or designated

by any statute, rule or regulation, contract or any other document, such reference or designation shall apply to a youth development program.

(f) If a licensed youth development program or school age program operates on or within the premises of a public or private school that is required to pass a fire safety inspection each school year pursuant to K.S.A. 31-144(b), and amendments thereto, no additional fire safety inspection of the licensed youth development program or school age program shall be required by the director, the state fire marshal, the fire chief or any local political or taxing subdivision.

(g) This section shall expire on June 30, 2026.

Sec. 48. K.S.A. 65-531 is hereby amended to read as follows: 65-531. ~~On and after July 1, 1996:~~ (a) Except as provided further, information and records ~~which that~~ that pertain to the immunization status of persons against childhood diseases as required by K.S.A. 65-508, and amendments thereto, may be disclosed and exchanged without a parent or guardian's written release authorizing such disclosure, to the following, who need to know such information to assure compliance with state statutes or to achieve ~~age-appropriate age-appropriate~~ immunization status for children:

- (1) Employees of public agencies or departments;
- (2) health records staff of child care facilities, including, but not limited to, facilities licensed by the secretary of health and environment;
- (3) persons other than public employees who are entrusted with the regular care of those under the care and custody of a state agency, including, but not limited to, ~~operators of day care facilities~~, group homes, residential care facilities and adoptive or foster homes; and
- (4) ~~health care~~ healthcare professionals.

(b) Notwithstanding K.S.A. 60-427, and amendments thereto, or any other Kansas statute ~~which that~~ that provides for privileged information between a patient and a ~~health care~~ healthcare provider, there shall be no privilege preventing the furnishing of information and records as authorized by this section by any ~~health care~~ healthcare provider.

(c) Information and records ~~which that~~ that pertain to the immunization status of persons against childhood diseases as required by K.S.A. 65-508, and amendments thereto, whose parent or guardian has submitted a written statement of sincerely held religious objection to beliefs regarding immunization as provided in K.S.A. 65-508, and amendments thereto, may not be disclosed or exchanged without a parent or guardian's written release authorizing such disclosure.

Sec. 49. On and after July 1, 2026, K.S.A. 72-4161 is hereby amended to read as follows: 72-4161. As used in this act:

- (a) "Board" means the board of education of any school district.
- (b) "Director" means the director of the Kansas office of early childhood.
- (c) "Infant" or "toddler" means any child under the age of eligibility for school attendance.
- (d) "Parent education program" means a program developed and operated by a board for the purpose of providing expectant parents and parents of infants or toddlers or both with information, advice, assistance, resource materials, guidance and learning experiences regarding such measures as parenting skills and the various styles of parenting, the processes and principles of growth and development of children, home learning activities designed for infants and toddlers, techniques emphasizing a positive

approach to discipline, effective methods of communicating and interacting with children to foster the development of self-esteem, strategies for structuring behavioral limits and increasing mutual positive regard and other elements of effective parenting that are conducive to the structuring of a home environment in which children are encouraged to be successful and productive learners.

(e) "School district" means any public school district organized and operating under the laws of this state.

~~(e) "Parent education program" means a program developed and operated by a board for the purpose of providing expectant parents and parents of infants or toddlers or both with information, advice, assistance, resource materials, guidance and learning experiences regarding such measures as parenting skills and the various styles of parenting, the processes and principles of growth and development of children, home learning activities designed for infants and toddlers, techniques emphasizing a positive approach to discipline, effective methods of communicating and interacting with children so as to foster the development of self-esteem, strategies for structuring behavioral limits and increasing mutual positive regard, and other elements of effective parenting that are conducive to the structuring of a home environment in which children are encouraged to be successful and productive learners.~~

(d) "Infant" and "toddler" means any child under the age of eligibility for school attendance:

~~(e) "State board" means the state board of education.~~

Sec. 50. On and after July 1, 2026, K.S.A. 72-4162 is hereby amended to read as follows: 72-4162. (a) The board of every school district may:

- (1) Develop and operate a parent education program;
- (2) enter into cooperative or interlocal agreements with one or more other boards for the development and operation of a parent education program;
- (3) contract with private, nonprofit corporations or associations or with any public or private agency or institution, whether located within or outside the state, for the provision of services ~~which that~~ are appropriate to a parent education program; and
- (4) apply for a grant of state moneys to supplement amounts expended by the school district for development and operation of a parent education program.

(b) In order to be eligible to receive a grant of state moneys for the development and operation of a parent education program, a board shall submit to the ~~state board director~~ an application for a grant and a description of the program. The application and description shall be prepared in such form and manner as the ~~state board director~~ shall require and shall be submitted at a time to be determined and specified by the ~~state board director~~. Approval by the ~~state board director~~ of the program and the application is prerequisite to the award of a grant.

(c) Each board ~~which that~~ is awarded a grant under this act shall make such periodic and special reports of statistical and financial information to the ~~state board~~ as ~~it the director~~ may request.

Sec. 51. On and after July 1, 2026, K.S.A. 72-4163 is hereby amended to read as follows: 72-4163. (a) The state board, in consultation with the secretary for children and families and the director of early childhood, shall adopt rules and regulations for the administration of this act and shall:

- (1) Establish standards and criteria for reviewing, evaluating and approving parent education programs and applications of school districts for grants;

(2) conduct a needs-assessment survey of school districts applying for grants;  
 (3) evaluate and approve parent education programs;  
 (4) establish priorities in accordance with the findings of the needs-assessment survey for the award of grants to school districts and for determination of the amount of such grants;

(5) be responsible for awarding grants to school districts; and

(6) request of and receive from each school district ~~which~~ that is awarded a grant for development and operation of a parent education program reports containing information with regard to the effectiveness of the program.

(b) In evaluating and approving parent education programs for the award of grants to school districts, the ~~state board~~ director shall consider:

(1) Prior experiences of school districts in the development and operation of parent education programs;

(2) level of effort exhibited by school districts in the development and operation of parent education programs;

(3) the amounts budgeted by school districts for the development and operation of parent education programs; and

(4) the potential effectiveness of the parent education programs for which applications for the grant of state moneys are made.

Sec. 52. On and after July 1, 2026, K.S.A. 72-4164 is hereby amended to read as follows: 72-4164. (a) ~~(1) In the 1990-91 school year, to the extent that appropriations are available therefor, and on the basis of established priorities, the state board shall select for the award of grants of state moneys those school districts, not to exceed 100 school districts, which the state board determines to be most capable of developing and operating successful parent education programs.~~

~~(2) In the 1991-92 school year, to the extent that appropriations are available therefor, and on the basis of established priorities, the state board shall select for the award of grants of state moneys those school districts, not to exceed 200 school districts, which the state board determines to be most capable of developing and operating successful parent education programs.~~

~~(3) In the 1992-93 school year and~~ In each school year ~~thereafter~~, to the extent that appropriations are available therefor, each school district ~~which~~ that has developed and is operating an approved parent education program shall be eligible to receive a grant of state moneys.

(b) The amount of a grant awarded to a school district shall be determined by the ~~state board~~ director in accordance with established priorities and reported to the senate committee on education and the house of representatives committee on K-12 budget, or any successor committees, but in no event shall such amount exceed the amount of actual expenses incurred by the school district in the development and operation of a program. If the amount of appropriations for parent education programs is insufficient to pay in full the amount that each school district is determined to be eligible to receive, the ~~state board~~ director shall prorate the amount appropriated among all school districts in proportion to the amount that each such school district is determined to be eligible to receive.

(c) Any grant awarded under this section shall be included in district budgets with proper notation of such grant awarded.

(d) Review of equity for pre-K programs shall be reviewed by committees on a bi-

annual basis.

Sec. 53. On and after July 1, 2026, K.S.A. 72-4166 is hereby amended to read as follows: 72-4166. ~~The state board director, in cooperation with the Kansas department for children and families, the state department of health and environment, and other appropriate associations and organizations, may provide any board, upon its request therefor, with technical advice and assistance regarding the development and operation of a parent education program or an application for a grant of state moneys; and may make studies and gather and disseminate information regarding materials, resources, procedures and personnel—which that~~ are or may become available to assist school districts in the development and operation of parent education programs.

Sec. 54. K.S.A. 38-1901, 38-2103, 65-501, 65-505, 65-508, 65-512, 65-527 and 65-531 and K.S.A. 2024 Supp. 48-3406, 65-503 and 65-516 are hereby repealed.

Sec. 55. On and after July 1, 2026, K.S.A. 65-504, 72-4161, 72-4162, 72-4163, 72-4164 and 72-4166 are hereby repealed.";

Also on page 12, in line 7, by striking "Kansas register" and inserting "statute book"; And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking "insurance" and inserting "child care; relating to licensure of day care facilities, child care homes and child care centers; reducing license fees and training requirements; creating a process for a temporary waiver of certain statutory requirements; authorizing the secretary of health and environment and the director of early childhood to develop and operate pilot programs to increase child care facility availability and capacity; establishing the Kansas office of early childhood and the director of early childhood; transferring administration of day care licensing, parent education programs and the child care subsidy program to the Kansas office of early childhood; creating the day care facilities and child care resource and referral agencies licensing fee fund and the day care criminal background and fingerprinting fund; defining youth development programs"; in line 4, by striking "40-2102, 40-2109, 40-3116, 40-3413 and"; in line 5, by striking "75-4101" and inserting "38-1901, 38-2103, 65-501, 65-504, 65-505, 65-508, 65-512, 65-527, 65-531, 72-4161, 72-4162, 72-4163, 72-4164 and 72-4166 and K.S.A. 2024 Supp. 48-3406, 65-503 and 65-516";

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

BEVERLY GOSSAGE, DINAH SYKES—*Conferees on part of Senate*

SEAN TARWATER, ADAM TURK—*Conferees on part of House*

Senator Gossage moved the Senate adopt the Conference Committee Report on **HB 2045**.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Argabright, Blasi, Blew, Bowers, Bowser, Joseph Claeys, J.R. Claeys, Corson, Dietrich, Fagg, Faust Goudeau, Francisco, Gossage, Haley, Klemp, Kloos, Masterson, Owens, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Starnes, Sykes, Thomas, Ware, Warren.

Nays: Billinger, Clifford, Erickson, Holscher, Murphy, Peck, Shane, Thompson, Titus, Tyson.

The Conference Committee Report was adopted.

## EXPLANATION OF VOTE

I vote NO on **HB 2045** due to incorporation of dangerous vaccine exemption language from KSA 44-663. At a time when measles has reappeared in Kansas due to under vaccination, it is critical that we protect the most vulnerable in our state. As the father of public health, Samuel Crumbine, MD, so well stated, “the health of all of us depends on the health of each of us.” At this critical time, I could not agree more.—  
WILLIAM CLIFFORD

I stand in opposition to the conference committee report for **HB 2045** because approval of this conference committee report will mean that we are approving the creation of a new government agency and a 63 page bill without fully debating it in front of the senate body. I appreciate and agree with a lot of the changes that are brought forth in the bill including the efforts to decouple child care providers from burdensome regulations, but I am concerned that without the opportunity to thoroughly vet this bill we set ourselves up for long term challenges. Echoing the famous words of President Ronald Reagan, this feels a lot like “we are from the government and we are here to help”, when that is probably what contributed to or created our childcare crisis to begin with. For these reasons I vote no.—DOUG SHANE

Senator Erickson, Murphy, Thompson and Titus request the record to show they concur with the "Explanation of Vote" offered by Senator Shane on **HB 2045**.

## CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2231** submits the following report:

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

On page 1, following line 11, by inserting:

"New Section 1. (a) At the end of fiscal year 2028, the director of the budget, in consultation with the director of legislative research, shall certify the amount of actual corporate income tax receipt revenues generated pursuant to K.S.A. 79-32,110(c), and amendments thereto, that is in excess of the prior fiscal year's corporate income tax receipts. The director of the budget shall transmit such certification to the secretary of revenue. Upon receipt of such certification, the secretary shall compute the reduction of the corporate income tax rate pursuant to K.S.A. 79-32,110(c), and amendments thereto. The certified amount shall be computed in dollars by the secretary for a reduction rounded down to the nearest 0.1% in the corporate income tax rate, if any, to go into effect for the next tax year that would reduce the corporate income tax rate in an amount approximately equal to the amount computed by the secretary. The secretary shall reduce the normal tax on corporations. Such rate reductions shall remain in effect unless further reduced pursuant to law.

(b) The secretary shall publish by October 1, 2028, the new income tax rates to take effect for all taxable years commencing after December 31, 2028.

New Sec. 2. (a) The following described property, to the extent herein specified, is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

(1) Any off-road vehicle that is not operated upon any highway;

(2) any motorized bicycle, electric-assisted bicycle, electric-assisted scooter, electric personal assistive mobility device and motorized wheelchair as such terms are defined in K.S.A. 8-126, and amendments thereto;

(3) any trailer having a gross weight of 15,000 pounds or less that is used exclusively for personal use and not for the production of income; and

(4) any marine equipment.

(b) For purposes of this section:

(1) "Marine equipment" means any watercraft trailer designed to launch, retrieve, transport and store watercraft and any watercraft motor designed to operate watercraft on the water;

(2) "off-road motorcycle" means any motorcycle as defined in K.S.A. 8-126, and amendments thereto, that has been manufactured for off-road use only and is used exclusively off roads and highways; and

(3) "off-road vehicle" means:

(A) Any all-terrain vehicle, recreational off-highway vehicle and golf cart as such terms are defined in K.S.A. 8-126, and amendments thereto; and

(B) any off-road motorcycle and snowmobile.

(c) The provisions of this section shall apply to all taxable years commencing after December 31, 2025.

Sec. 3. K.S.A. 79-213 is hereby amended to read as follows: 79-213. (a) Any property owner requesting an exemption from the payment of ad valorem property taxes assessed, or to be assessed, against their property shall be required to file an initial request for exemption, on forms approved by the state board of tax appeals and provided by the county appraiser.

(b) The initial exemption request shall identify the property for which the exemption is requested and state, in detail, the legal and factual basis for the exemption claimed.

(c) The request for exemption shall be filed with the county appraiser of the county where such property is principally located.

(d) After a review of the exemption request, and after a preliminary examination of the facts as alleged, the county appraiser shall recommend that the exemption request either be granted or denied, and, if necessary, that a hearing be held. If a denial is recommended, a statement of the controlling facts and law relied upon shall be included on the form.

(e) The county appraiser, after making such written recommendation, shall file the request for exemption and the recommendations of the county appraiser with the state board of tax appeals. With regard to a request for exemption from property tax pursuant to the provisions of K.S.A. 79-201g and 82a-409, and amendments thereto, not filed with the board of tax appeals by the county appraiser on or before the effective date of this act, if the county appraiser recommends the exemption request be granted, the exemption shall be provided in the amount recommended by the county appraiser and the county appraiser shall not file the request for exemption and recommendations of the county appraiser with the state board of tax appeals. The county clerk or county assessor shall annually make such adjustment in the taxes levied against the real property as the owner may be entitled to receive under the provisions of K.S.A. 79-201g, and amendments thereto, as recommended by the county appraiser, beginning with the first period, following the date of issue of the certificate of completion on



which taxes are regularly levied, and during the years which the landowner is entitled to such adjustment.

(f) Upon receipt of the request for exemption, the board shall docket the same and notify the applicant and the county appraiser of such fact.

(g) After examination of the request for exemption and the county appraiser's recommendation related thereto, the board may fix a time and place for hearing, and shall notify the applicant and the county appraiser of the time and place so fixed. A request for exemption pursuant to: (1) Section 13 of article 11 of the constitution of the state of Kansas; or (2) K.S.A. 79-201a *Second*, and amendments thereto, for property constructed or purchased, in whole or in part, with the proceeds of revenue bonds under the authority of K.S.A. 12-1740 through 12-1749, and amendments thereto, prepared in accordance with instructions and assistance which shall be provided by the department of commerce, shall be deemed approved unless scheduled for hearing within 30 days after the date of receipt of all required information and data relating to the request for exemption, and such hearing shall be conducted within 90 days after such date. Such time periods shall be determined without regard to any extension or continuance allowed to either party to such request. In any case where a party to such request for exemption requests a hearing thereon, the same shall be granted. Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act. In all instances where the board sets a request for exemption for hearing, the county shall be represented by its county attorney or county counselor.

(h) Except as otherwise provided by subsection (g), in the event of a hearing, the same shall be originally set not later than 90 days after the filing of the request for exemption with the board.

(i) During the pendency of a request for exemption, no person, firm, unincorporated association, company or corporation charged with real estate or personal property taxes pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, on the tax books in the hands of the county treasurer shall be required to pay the tax from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon and the same becomes a final order. In the event that taxes have been assessed against the subject property, no interest shall accrue on any unpaid tax for the year or years in question nor shall the unpaid tax be considered delinquent from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon. In the event the board determines an application for exemption is without merit and filed in bad faith to delay the due date of the tax, the tax shall be considered delinquent as of the date the tax would have been due pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, and interest shall accrue as prescribed therein.

(j) In the event the board grants the initial request for exemption, the same shall be effective beginning with the date of first exempt use except that, with respect to property the construction of which commenced not to exceed 24 months prior to the date of first exempt use, the same shall be effective beginning with the date of commencement of construction.

(k) In conjunction with its authority to grant exemptions, the board shall have the authority to abate all unpaid taxes that have accrued from and since the effective date of the exemption. In the event that taxes have been paid during the period where the subject property has been determined to be exempt, the board shall have the authority to

order a refund of taxes for the year immediately preceding the year in which the exemption application is filed in accordance with subsection (a).

(l) The provisions of this section shall not apply to: (1) Farm machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (2) personal property exempted from ad valorem taxation by K.S.A. 79-215, and amendments thereto; (3) wearing apparel, household goods and personal effects exempted from ad valorem taxation by K.S.A. 79-201c, and amendments thereto; (4) livestock; (5) all property exempted from ad valorem taxation by K.S.A. 79-201d, and amendments thereto; (6) merchants' and manufacturers' inventories exempted from ad valorem taxation by K.S.A. 79-201m, and amendments thereto; (7) grain exempted from ad valorem taxation by K.S.A. 79-201n, and amendments thereto; (8) property exempted from ad valorem taxation by K.S.A. 79-201a *Seventeenth*, and amendments thereto, including all property previously acquired by the secretary of transportation or a predecessor in interest, which is used in the administration, construction, maintenance or operation of the state system of highways. The secretary of transportation shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (9) property exempted from ad valorem taxation by K.S.A. 79-201a *Ninth*, and amendments thereto, including all property previously acquired by the Kansas turnpike authority which is used in the administration, construction, maintenance or operation of the Kansas turnpike. The Kansas turnpike authority shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (10) aquaculture machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto. As used in this section, "aquaculture" has the same meaning ascribed thereto by K.S.A. 47-1901, and amendments thereto; (11) Christmas tree machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (12) property used exclusively by the state or any municipality or political subdivision of the state for right-of-way purposes. The state agency or the governing body of the municipality or political subdivision shall at the time of acquisition of property for right-of-way purposes notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (13) machinery, equipment, materials and supplies exempted from ad valorem taxation by K.S.A. 79-201w, and amendments thereto; (14) vehicles owned by the state or by any political or taxing subdivision thereof and used exclusively for governmental purposes; (15) property used for residential purposes which is exempted pursuant to K.S.A. 79-201x, and amendments thereto, from the property tax levied pursuant to K.S.A. 72-5142, and amendments thereto; (16) from and after July 1, 1998, vehicles which are owned by an organization having as one of its purposes the assistance by the provision of transit services to the elderly and to disabled persons and which are exempted pursuant to K.S.A. 79-201 *Ninth*, and amendments thereto; (17) from and after July 1, 1998, motor vehicles exempted from taxation by K.S.A. 79-5107(e), and amendments thereto; (18) commercial and industrial machinery and equipment exempted from property or ad valorem taxation by K.S.A. 79-223, and amendments thereto; (19) telecommunications machinery and equipment and railroad machinery and equipment exempted from property or ad valorem taxation by K.S.A. 79-224, and amendments

thereto; (20) property exempted from property or ad valorem taxation by K.S.A. 79-234, and amendments thereto; (21) recreational vehicles exempted from property or ad valorem taxation by K.S.A. 79-5121(e), and amendments thereto; (22) property acquired by a land bank exempt from property or ad valorem taxation pursuant to K.S.A. 12-5909 or K.S.A. 19-26,111, and amendments thereto; ~~and~~ (23) property belonging exclusively to the United States and exempted from ad valorem taxation by K.S.A. 79-201a *First*, and amendments thereto, except that the provisions of this subsection (l)(23) shall not apply to any such property that the congress of the United States has expressly declared to be subject to state and local taxation; (24) watercraft exempted from property or ad valorem taxation by K.S.A. 79-5501, and amendments thereto; and (25) property exempted from property or ad valorem taxation by section 2, and amendments thereto.

(m) The provisions of this section shall apply to property exempt pursuant to the provisions of section 13 of article 11 of the constitution of the state of Kansas.

(n) The provisions of subsection (k) as amended by this act shall be applicable to all requests for exemptions filed in accordance with subsection (a) after December 31, 2001.

(o) No exemption authorized by K.S.A. 79-227, and amendments thereto, of property from the payment of ad valorem property taxes assessed shall be granted unless the requesting property owner files an initial request for exemption pursuant to this section within two years of the date in which construction of a new qualifying pipeline property began. The provisions of this subsection shall be applicable to all requests for exemptions filed in accordance with subsection (a) after June 30, 2017.

Sec. 4. K.S.A. 79-1129 is hereby amended to read as follows: 79-1129. (a) Except as otherwise specifically provided, a financial institution whose business activity is taxable both within and without this state shall allocate and apportion its net income as provided in this act. All items of nonbusiness income, income which is not includable in the apportionable income tax base, shall be allocated pursuant to the provisions of K.S.A. 79-3274 through 79-3278 and amendments thereto. A financial institution organized under the laws of a foreign country, the commonwealth of Puerto Rico, or a territory or possession of the United States whose effectively connected income, as defined under the federal internal revenue code, is taxable both within this state and within another state, other than the state in which it is organized, shall allocate and apportion its net income as provided in this act and its apportionment factors shall include the part of its property, payroll and receipts that is related to its apportionable income.

(b)(1) For taxable years commencing prior to January 1, 2027, all business income shall be apportioned as follows:

All business income, income which is includable in the apportionable income tax base, shall be apportioned to this state by multiplying such income by the apportionment percentage. The apportionment percentage is determined by adding the taxpayer's receipts factor, as described in K.S.A. 79-1130, and amendments thereto, property factor, as described in K.S.A. 79-1131, and amendments thereto, and payroll factor, as described in K.S.A. 79-1132, and amendments thereto, together and dividing the sum by three. If one of the factors is missing, the two remaining factors are added and the sum is divided by two. If two of the factors are missing, the remaining factor is the apportionment percentage. A factor is missing if both its numerator and denominator

are zero, but it is not missing merely because its numerator is zero.

(2) For tax years commencing on or after January 1, 2027, all business income shall be apportioned to this state by multiplying the business income by the receipts factor.

(c) Each factor shall be computed according to the method of accounting, cash or accrual basis, used by the taxpayer for the taxable year.

(d) If the allocation and apportionment provisions of this act do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the secretary of revenue may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

- (1) Separate accounting;
- (2) the exclusion of any one or more of the factors;
- (3) the inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this state; or
- (4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(e) In the event a combined report is utilized to determine the Kansas income attributable to a unitary group of financial institutions, the financial institutions in the combined group shall include only those institutions which have a branch or office in Kansas.

(f) (1) There shall be allowed as a deduction an amount computed in accordance with this subsection.

(2) As of July 1, 2025, only publicly traded companies, including affiliated corporations participating in the filing of a publicly traded company's financial statements prepared in accordance with generally accepted accounting principles, shall be eligible for this deduction.

(3) If the provisions of this section result in an aggregate increase in the taxpayer's net deferred tax liability or an aggregate decrease in the taxpayer's net deferred tax asset, or an aggregate change from a net deferred tax asset to a net deferred tax liability, the taxpayer shall be entitled to a deduction, as determined in this subsection. For the purposes of this section, the term "taxpayer" includes a unitary group of businesses that is required to file a combined report. The deferred tax impact deduction provided under this section for a unitary group of businesses that is required to file a combined report shall be calculated using unitary net deferred tax assets and liabilities and deducted against unitary group income.

(4) A taxpayer shall be entitled to a deferred tax impact deduction from the taxpayer's net business income before apportionment equal to the amount necessary to offset the increase in the net deferred tax liability or decrease in the net deferred tax asset, or aggregate change from a net deferred tax asset to a net deferred tax liability. Such increase in the net deferred tax liability, decrease in the net deferred tax asset or the aggregate change from a net deferred tax asset to a net deferred tax liability shall be computed based on the change that would result from the imposition of the single sales factor requirements pursuant to this section, excluding the deduction provided under this paragraph, as of the end of the tax year prior to tax year 2025. The amount of the deduction shall equal the annual deferred tax deduction amount set forth in paragraph (5).

(5) The annual deferred tax deduction amount shall be calculated as follows:

(A) The deferred tax impact determined in paragraph (4) shall be divided by the

privilege tax rate in effect for the tax year pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto;

(B) the resulting amount shall be further divided by the Kansas apportionment factor that was used by the taxpayer in the calculation of the deferred tax assets and deferred tax liabilities as provided in this subsection; and

(C) the result multiplied by  $\frac{1}{10}$  shall represent the total net deferred tax deduction available for the first tax year beginning on or after January 1, 2035, and the next nine successive tax years.

(6) The deduction calculated under paragraph (5) shall not be adjusted as a result of any events subsequent to such calculation, including, but not limited to, any disposition or abandonment of assets. Such deduction shall be calculated without regard to any tax liabilities under the federal internal revenue code and shall not alter the tax basis of any asset. If the deduction under this section is greater than the taxpayer's net business income before apportionment, any excess deduction shall be carried forward and applied as a deduction for future tax years until fully utilized.

(7) At the discretion of the taxpayer, the taxpayer shall be allowed to claim other available tax credits before claiming the deferred tax deduction calculated under this section. Any deferred tax deduction calculated under this section not claimed on a return shall be carried forward and applied as a deduction for future tax years until fully utilized.

(8) Any taxpayer intending to claim a deduction under this subsection shall file a statement with the secretary on or before July 1, 2027, specifying the total amount of the deduction that the taxpayer claims. The statement shall be made on such form and in such manner as prescribed by the secretary and shall contain such information or calculations as the secretary may specify. No deduction shall be allowed under this section for any taxable year except to the extent claimed in the manner prescribed on or before July 1, 2027.

(9) For purposes of this subsection:

(A) "Net deferred tax liability" means deferred tax liabilities that exceed the deferred tax assets of the taxpayer, as computed in accordance with generally accepted accounting principles.

(B) "Net deferred tax asset" means that deferred tax assets exceed the deferred tax liabilities of the taxpayer, as computed in accordance with generally accepted accounting principles.

Sec. 5. K.S.A. 79-3279 is hereby amended to read as follows: 79-3279. (a) For tax years commencing before January 1, 2027, all business income of railroads and interstate motor carriers of persons or property ~~for hire~~ for hire shall be apportioned to this state by multiplying the business income by a fraction, in the case of railroads, the numerator of which is the freight car miles in this state and the denominator of which is the freight car miles everywhere, and, in the case of interstate motor carriers, the numerator of which is the total number of miles operated in this state and the denominator of which is the total number of miles operated everywhere.

(b) For tax years commencing before January 1, 2027, all business income of any other taxpayer shall be apportioned to this state by one of the following methods:

(1) By multiplying the business income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three; or

(2) at the election of a qualifying taxpayer, by multiplying the business income by a fraction, the numerator of which is the property factor plus the sales factor, and the denominator of which is two.

(A) For purposes of this subsection (b)(2), a qualifying taxpayer is any taxpayer whose payroll factor for a taxable year exceeds 200% of the average of the property factor and the sales factor. Whenever two or more corporations are engaged in a unitary business and required to file a combined report, the fraction comparison provided by this subsection (b)(2) shall be calculated by using the payroll factor, property factor and sales factor of the combined group of unitary corporations.

(B) An election under this subsection (b)(2) shall be made by including a statement with the original tax return indicating that the taxpayer elects to apply the apportionment method under this subsection (b)(2). The election shall be effective and irrevocable for the taxable year of the election and the following nine taxable years. The election shall be binding on all members of a unitary group of corporations. Notwithstanding the above, the secretary of revenue may upon the request of the taxpayer, grant permission to terminate the election under this subsection (b)(2) prior to expiration of the ten-year period.

(3) At the election of a qualifying telecommunications company, by multiplying the business income by a fraction, the numerator of which is the information carrying capacity of wire and fiber optic cable available for use in this state, and the denominator of which is the information carrying capacity of wire and fiber optic cable available for use everywhere during the tax year.

(A) For purposes of this subsection (b)(3), a qualifying telecommunications company is a telecommunications company that is a qualifying taxpayer under ~~paragraph (A) of subsection (b)(2) (b)(2)(A).~~

(B) A qualifying telecommunications company shall make the election under this ~~subsection (b)(3) paragraph~~ in the same manner as provided under ~~paragraph (B) of subsection (b)(2) (b)(2)(B).~~

(4) At the election of a distressed area taxpayer, by multiplying the business income by the sales factor. The election shall be made by including a statement with the original tax return indicating that the taxpayer elects to apply this apportionment method. The election may be made only once, it must be made on or before December 31, 1999 and it shall be effective for the taxable year of the election and the following nine taxable years for so long as the taxpayer maintains the payroll amount prescribed by ~~subsection (j) of K.S.A. 79-3271(j),~~ and amendments thereto.

(5) At the election of the taxpayer made at the time of filing of the original return, the qualifying business income of any investment funds service corporation organized as a corporation or S corporation which maintains its primary headquarters and operations or is a branch facility that employs at least 100 individuals on a full-time equivalent basis in this state and has any investment company fund shareholders resided in this state shall be apportioned to this state as provided in this subsection, as follows:

(A) By multiplying the investment funds service corporation's qualifying business income from administration, distribution and management services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year

that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year.

(B) A separate computation shall be made to determine the qualifying business income from each fund of each investment company. The qualifying business income from each investment company shall be multiplied by the fraction calculated pursuant to paragraph (A) for each fund of such investment company.

(C) The qualifying portion of total business income of an investment funds service corporation shall be determined by multiplying such total business income by a fraction, the numerator of which is the gross receipts from the provision of management, distribution and administration services to or on behalf of an investment company, and the denominator of which is the gross receipts of the investment funds service company. To the extent an investment funds service corporation has business income that is not qualifying business income, such business income shall be apportioned to this state pursuant to subsection (b)(1).

(D) For tax year 2002, the tax liability of an investment funds service corporation that has elected to apportion its business income pursuant to paragraph (5) shall be increased by an amount equal to 50% of the difference of the amount of such tax liability if determined pursuant to subsection (b)(1) less the amount of such tax liability determined with regard to paragraph (5).

(E) When an investment funds service corporation is part of a unitary group, the business income of the unitary group attributable to the investment funds service corporation shall be determined by multiplying the business income of the unitary group by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three. The property factor is a fraction, the numerator of which is the average value of the investment funds service corporation's real and tangible personal property owned or rented and used during the tax period and the denominator of which is the average value of the unitary group's real and tangible personal property owned or rented and used during the tax period. The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the investment funds service corporation for compensation, and the denominator of which is the total compensation paid by the unitary group during the tax period. The sales factor is a fraction, the numerator of which is the total sales of the investment funds service corporation during the tax period, and the denominator of which is the total sales of the unitary group during the tax period.

(F) A taxpayer seeking to make the election available pursuant to subsection (b)(5) of K.S.A. 79-3279, and amendments thereto, shall only be eligible to continue to make such election if the taxpayer maintains at least 95% of the Kansas employees in existence at the time the taxpayer first makes such an election.

(6) At the election of a qualifying taxpayer, by multiplying such taxpayer's business income by the sales factor. The election shall be made by including a statement with the original tax return indicating that the taxpayer elects to apply this apportionment method. The election may be made only once and must be made on or before the last day of the taxable year during which the investment described in paragraph (A) is placed in service, but not later than December 31, 2009, and it shall be effective for the

taxable year of the election and the following nine taxable years or for so long as the taxpayer maintains the wage requirements set forth in paragraph (A). If the qualifying taxpayer is a member of a unitary group of corporations, all other members of the unitary group doing business within this state shall apportion their business income to this state pursuant to subsection (b)(1).

(A) For purposes of this subsection, a qualifying taxpayer is any taxpayer making an investment of \$100,000,000 for construction in Kansas of a new business facility identified under the North American industry classification system (NAICS) subsectors of 31-33, as assigned by the secretary of the department of labor, employing 100 or more new employees at such facility after July 1, 2007, and prior to December 31, 2009, and meeting the following requirements for paying such employees higher-than-average wages within the wage region for such facility:

(i) The taxpayer's new Kansas business facility with 500 or fewer full-time equivalent employees will provide an average wage that is above the average wage paid by all Kansas business facilities that share the same assigned NAICS category used to develop wage thresholds and that have reported 500 or fewer employees to the Kansas department of labor on the quarterly wage reports;

(ii) the taxpayer's new Kansas business facility with 500 or fewer full-time equivalent employees is the sole facility within its assigned NAICS category that has reported wages for 500 or fewer employees to the Kansas department of labor on the quarterly wage reports;

(iii) the taxpayer's new Kansas business facility with more than 500 full-time equivalent employees will provide an average wage that is above the average wage paid by all Kansas business facilities that share the same assigned NAICS category used to develop wage thresholds and that have reported more than 500 employees to the Kansas department of labor on the quarterly wage reports;

(iv) the taxpayer's new Kansas business facility with more than 500 full-time equivalent employees is the sole facility within its assigned NAICS category that has reported wages for more than 500 employees to the Kansas department of labor on the quarterly wage reports, in which event it shall either provide an average wage that is above the average wage paid by all Kansas business facilities that share the same assigned NAICS category and that have reported wages for 500 or fewer employees to the Kansas department of labor on the quarterly wage reports, or be the sole Kansas business facility within its assigned NAICS category that has reported wages to the Kansas department of labor on the quarterly wage reports;

(v) the number of NAICS digits to use in developing each set of wage thresholds for comparison purposes shall be determined by the secretary of commerce;

(vi) the composition of wage regions used in connection with each set of wage thresholds shall be determined by the secretary of commerce; and

(vii) alternatively, a taxpayer may wage-qualify its new Kansas business facility if, after excluding the headcount and wages reported on the quarterly wage reports to the Kansas department of labor for employees at that new Kansas business facility who own five percent or more equity in the taxpayer, the average wage calculated for the taxpayer's new Kansas business facility is greater than or equal to 1.5 times the aggregate state-wide average wage paid by industries covered by the employment security law based on data maintained by the secretary of labor.

(B) For the purposes of the wage requirements in paragraph (A), the number of



full-time equivalent employees shall be determined by dividing the number of hours worked by part-time employees during the pertinent measurement interval by an amount equal to the corresponding multiple of a 40-hour work week and adding the quotient to the average number of full-time employees.

(C) When the qualifying taxpayer is part of a unitary group, the business income of the unitary group attributable to the qualifying taxpayer shall be determined by multiplying the business income of the unitary group by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three. The property factor is a fraction, the numerator of which is the average value of the qualifying taxpayer's real and tangible personal property owned or rented and used during the tax period and the denominator of which is the average value of the unitary group's real and tangible personal property owned or rented and used during the tax period. The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the qualifying taxpayer for compensation, and the denominator of which is the total compensation paid by the unitary group during the tax period. The sales factor is a fraction, the numerator of which is the total sales of the qualifying taxpayer during the tax period, and the denominator of which is the total sales of the unitary group during the tax period.

(D) For purposes of this subsection, the secretary of revenue, upon a showing of good cause and after receiving a certification by the secretary of commerce of substantial compliance with provisions of this subsection (b)(6), may extend any required performance date provided in this subsection (b)(6) for a period not to exceed six months.

(c) For tax years commencing on or after January 1, 2027, all business income shall be apportioned to this state by multiplying the business income by the sales factor.

(d) Any taxpayer having previously made an election pursuant to subsection (b)(2) shall be permitted to apportion income through the use of the single sales factor.

(e) (1) There shall be allowed as a deduction an amount computed in accordance with this subsection.

(2) As of July 1, 2025, only publicly traded companies, including affiliated corporations participating in the filing of a publicly traded company's financial statements prepared in accordance with generally accepted accounting principles, shall be eligible for this deduction.

(3) If the provisions of this section result in an aggregate increase in the taxpayer's net deferred tax liability or an aggregate decrease in the taxpayer's net deferred tax asset, or an aggregate change from a net deferred tax asset to a net deferred tax liability, the taxpayer shall be entitled to a deduction, as determined in this subsection. For the purposes of this section, the term "taxpayer" includes a unitary group of businesses that is required to file a combined report. The deferred tax impact deduction provided under this section for a unitary group of businesses that is required to file a combined report shall be calculated using unitary net deferred tax assets and liabilities and deducted against unitary group income.

(4) A taxpayer shall be entitled to a deferred tax impact deduction from the taxpayer's net business income before apportionment equal to the amount necessary to offset the increase in the net deferred tax liability or decrease in the net deferred tax asset, or aggregate change from a net deferred tax asset to a net deferred tax liability. Such increase in the net deferred tax liability, decrease in the net deferred tax asset or

the aggregate change from a net deferred tax asset to a net deferred tax liability shall be computed based on the change that would result from the imposition of the single sales factor requirements pursuant to this section, excluding the deduction provided under this paragraph, as of the end of the tax year prior to tax year 2025. The amount of the deduction shall equal the annual deferred tax deduction amount set forth in paragraph (5).

(5) The annual deferred tax deduction amount shall be calculated as follows:

(A) The deferred tax impact determined in paragraph (4) shall be divided by the income tax rate for corporations in effect for the tax year pursuant to K.S.A. 79-32.110, and amendments thereto;

(B) the resulting amount shall be further divided by the Kansas apportionment factor that was used by the taxpayer in the calculation of the deferred tax assets and deferred tax liabilities as provided in this subsection; and

(C) the result multiplied by  $\frac{1}{10}$  shall represent the total net deferred tax deduction available for the first tax year beginning on or after January 1, 2035, and the next nine successive tax years.

(6) The deduction calculated under paragraph (5) shall not be adjusted as a result of any events subsequent to such calculation, including, but not limited to, any disposition or abandonment of assets. Such deduction shall be calculated without regard to any tax liabilities under the federal internal revenue code and shall not alter the tax basis of any asset. If the deduction under this section is greater than the taxpayer's net business income before apportionment, any excess deduction shall be carried forward and applied as a deduction for future tax years until fully utilized.

(7) At the discretion of the taxpayer, the taxpayer shall be allowed to claim other available tax credits before claiming the deferred tax deduction calculated under this section. Any deferred tax deduction calculated under this section not claimed on a return shall be carried forward and applied as a deduction for future tax years until fully utilized.

(8) Any taxpayer intending to claim a deduction under this subsection shall file a statement with the secretary on or before July 1, 2027, specifying the total amount of the deduction that the taxpayer claims on such form and in such manner as prescribed by the secretary and shall contain such information or calculations as the secretary may specify. No deduction shall be allowed under this section for any taxable year except to the extent claimed in the manner prescribed on or before July 1, 2027.

(9) For purposes of this subsection:

(A) "Net deferred tax liability" means deferred tax liabilities that exceed the deferred tax assets of the taxpayer, as computed in accordance with generally accepted accounting principles.

(B) "Net deferred tax asset" means that deferred tax assets exceed the deferred tax liabilities of the taxpayer, as computed in accordance with generally accepted accounting principles.

(f) Any manufacturer of alcoholic liquor as defined in K.S.A. 41-102, and amendments thereto, who sells to a distributor as defined in K.S.A. 41-102, and amendments thereto, shall be apportioned to this state by multiplying the business income by a fraction, the numerator of which is the property factor plus the payroll factor and the sales factor, and the denominator of which is three.

Sec. 6. K.S.A. 79-3287 is hereby amended to read as follows: 79-3287. Sales, other

than sales of tangible personal property, are in this state if:

(a) ~~the income-producing activity is performed in this state; or~~  
 (b) ~~the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance;~~

(a) For tax years commencing before January 1, 2027:

(1) The income-producing activity is performed in this state; or

(2) the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance; and

(b) for tax years commencing after December 31, 2026, the taxpayer's market for the sales is in this state. The taxpayer's market for the sales is in this state if:

(1) In the case of sale of a service, if and to the extent that the service is delivered to a location in this state:

(2) in the case of intangible property, such property is:

(A) Rented, leased or licensed, if and to the extent that the property is used in this state, if that intangible property utilized in marketing a good or service to a consumer is used in this state, provided that such good or service is purchased by a consumer who is in this state; or

(B) that is sold, if and to the extent the property is used in this state, if:

(i) A contract right, government license or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is used in this state if the geographic area includes all or part of this state; or

(ii) net gains from intangible property sales that are contingent on the productivity, use or disposition of the intangible property shall be treated as receipts from the rental, lease or licensing of such intangible property under paragraph (2)(A);

(3) in the case of interest from a loan:

(A) Secured by real property, if and to the extent the property is located in this state; or

(B) not secured by real property, if and to the extent the borrower is located in this state; or

(c) in the case of dividends, if and to the extent the payor's commercial domicile is located in this state.

(d) If the state or states of assignment of receipts under subsection (a)(1) or (2) cannot be determined, the state or states of assignment shall be reasonably approximated. If the state or states of assignment of receipts or net gains cannot be reasonably approximated, such assignment of receipts shall be excluded from the denominator of the sales factor.

(e) Notwithstanding the provisions of this section, a communications service provider may assign sales, other than sales of tangible personal property, to this state pursuant to this section as it applied to tax years commencing before January 1, 2027.

(f) For purposes of this subsection:

(A) "Communications service" means telecommunications service as defined in K.S.A. 79-3602, and amendments thereto, internet access as defined in section 1105(5) of the internet tax freedom act, 47 U.S.C. § 151, note, and cable service as defined in 47 U.S.C. § 522(6), or any combination thereof.

(B) "Communications service provider" means any person, corporation, partnership

or other entity that provides communications service in this state.

Sec. 7. K.S.A. 2024 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110. (a) *Resident individuals.* Except as otherwise provided by K.S.A. 79-3220(a), and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

(1) *Married individuals filing joint returns.*

(A) For tax years 2018 through 2023:

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

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

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

(2) *All other individuals.*

(A) For tax years 2018 through 2023:

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

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

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

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

(c) *Corporations.* A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources

within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows unless otherwise modified pursuant to K.S.A. 2024 Supp. 74-50,321 and section 1, and amendments thereto:

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

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

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

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

Sec. 8. K.S.A. 2024 Supp. 79-32,113 is hereby amended to read as follows: 79-32,113. (a) A person or organization exempt from federal income taxation under the provisions of the federal internal revenue code shall also be exempt from the tax imposed by this act in each year in which such person or organization satisfies the requirements of the federal internal revenue code for exemption from federal income taxation. If the exemption applicable to any person or organization under the provisions of the federal internal revenue code is limited or qualified in any manner, the exemption from taxes imposed by this article shall be limited or qualified in a similar manner.

(b) Notwithstanding the provisions of subsection (a), the unrelated business taxable income, as computed under the provisions of the federal internal revenue code, of any person or organization otherwise exempt from the tax imposed by this act and subject to the tax imposed on unrelated business income by the federal internal revenue code shall be subject to the tax which would have been imposed by this act but for the provisions of subsection (a).

(c) In addition to the persons or organizations exempt from federal income taxation under the provision of the federal internal revenue code, there shall also be exempt from the tax imposed by this act, insurance companies, banks, trust companies, savings and loan associations, credit unions and any other organizations, entities or persons specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(d) Notwithstanding the provisions of K.S.A. 79-32,110, and amendments thereto, the following entities shall be exempt from the tax imposed by the Kansas income tax act pursuant to K.S.A. 79-32,110, and amendments thereto:

(1) Any utility that is a cooperative as defined in K.S.A. 66-104d, and amendments thereto, or owned by one or more such cooperatives; and

(2) effective for tax years ending on or after January 1, 2021, every electric and natural gas public utility as defined in K.S.A. 66-104, and amendments thereto, that is subject to rate regulation by the state corporation commission.

(e) Every electric and natural gas public utility as defined in K.S.A. 66-104, and amendments thereto, not including any such utility that is a cooperative as defined in K.S.A. 66-104d, and amendments thereto, or owned by one or more such cooperatives shall:

(1) Not be permitted to be included in a consolidated or unitary combined return; ~~and~~

(2) except as provided in K.S.A. 2024 Supp. 66-1,239, and amendments thereto,

not collect, as a component of such utility's retail rates, Kansas income tax expenses; and

(3) exclude sales from the sales factor from sales to the affiliated utility by members in a unitary business group."

On page 2, following line 4, by inserting:

"Sec. 10. K.S.A. 79-4301 is hereby amended to read as follows: 79-4301. "The multistate tax compact" is hereby enacted into law and entered into with all jurisdictions legally joining therein, in the form substantially as follows:

#### MULTISTATE TAX COMPACT

##### ARTICLE I.—Purposes

The purposes of this compact are to:

(1) Facilitate proper determination of state and local tax liability of multistate taxpayers, including the equitable apportionment of tax bases and settlement of apportionment disputes.

(2) Promote uniformity or compatibility in significant components of tax systems.

(3) Facilitate taxpayer convenience and compliance in the filing of tax returns and in other phases of tax administration.

(4) Avoid duplicative taxation.

##### ARTICLE II.—Definitions

As used in this compact:

(1) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(2) "Subdivision" means any governmental unit or special district of a state.

(3) "Taxpayer" means any corporation, partnership, firm, association, governmental unit or agency or person acting as a business entity in more than one state.

(4) "Income tax" means a tax imposed on or measured by net income including any tax imposed on or measured by an amount arrived at by deducting expenses from gross income, one or more forms of which expenses are not specifically and directly related to particular transactions.

(5) "Capital stock tax" means a tax measured in any way by the capital of a corporation considered in its entirety.

(6) "Gross receipts tax" means a tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax an income tax.

(7) "Sales tax" means a tax imposed with respect to the transfer for a consideration of ownership, possession or custody of tangible personal property or the rendering of services measured by the price of the tangible personal property transferred or services rendered and which is required by state or local law to be separately stated from the sales price by the seller, or which is customarily separately stated from the sales price, but does not include a tax imposed exclusively on the sale of a specifically identified commodity or article or class of commodities or articles.

(8) "Use tax" means a nonrecurring tax, other than a sales tax, which (a) is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership, possession or custody of that property or the leasing of that property from another including any consumption, keeping, retention, or other use of tangible personal property and (b) is complimentary to a sales tax.

(9) "Tax" means an income tax, capital stock tax, gross receipts tax, sales tax, use tax, and any other tax which has a multistate impact, except that the provisions of articles III, IV and V of this compact shall apply only to the taxes specifically designated therein and the provisions of article IX of this compact shall apply only in respect to determinations pursuant to article IV.

#### ARTICLE III.—Elements of Income Tax Laws

(1) *Taxpayer option, state and local taxes.* Any taxpayer subject to an income tax whose income is subject to apportionment and allocation for tax purposes pursuant to the laws of a party state or pursuant to the laws of subdivisions in two or more party states may elect to apportion and allocate his income in the manner provided by the laws of such state or by the laws of such states and subdivisions without reference to this compact, or may elect to apportion and allocate in accordance with article IV, except that for tax years commencing on or after January 1, 2027, any taxpayer subject to the tax imposed by K.S.A. 79-32,110(c), and amendments thereto, shall apportion and allocate in accordance with article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and shall not apportion or allocate in accordance with article IV. This election for any tax year may be made in all party states or subdivisions thereof or in any one or more of the party states or subdivisions thereof without reference to the election made in the others. For the purposes of this paragraph, taxes imposed by subdivisions shall be considered separately from state taxes and the apportionment and allocation also may be applied to the entire tax base. In no instance wherein article IV is employed for all subdivisions of a state may the sum of all apportionments and allocations to subdivisions within a state be greater than the apportionment and allocation that would be assignable to that state if the apportionment or allocation were being made with respect to a state income tax.

(2) *Taxpayer option, short form.* Each party state or any subdivision thereof which imposes an income tax shall provide by law that any taxpayer required to file a return, whose only activities within the taxing jurisdiction consist of sales and do not include owning or renting real estate or tangible personal property, and whose dollar volume of gross sales made during the tax year within the state or subdivision, as the case may be, is not in excess of \$100,000 may elect to report and pay any tax due on the basis of a percentage of such volume, and shall adopt rates which shall produce a tax which reasonably approximates the tax otherwise due. The multistate tax commission, not more than once in five years, may adjust the \$100,000 figure in order to reflect such changes as may occur in the real value of the dollar, and such adjusted figure, upon adoption by the commission, shall replace the \$100,000 figure specifically provided herein. Each party state and subdivision thereof may make the same election available to taxpayers additional to those specified in this paragraph.

(3) *Coverage.* Nothing in this article relates to the reporting or payment of any tax other than in income tax.

#### ARTICLE IV.—Division of Income

(1) As used in this article, unless the context otherwise requires:

(a) "Business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations.

(b) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(c) "Compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(d) "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, or any type of insurance company.

(e) "Nonbusiness income" means all income other than business income.

(f) "Public utility" means any business entity (1) which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, except by pipeline, or the production, transmission, sale, delivery, or furnishing of electricity, water or steam; and (2) whose rates of charges for goods or services have been established or approved by a federal, state or local government or governmental agency.

(g) "Sales" means all gross receipts of the taxpayer not allocated under paragraphs of this article.

(h) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

(i) "This state" means the state in which the relevant tax return is filed or, in the case of application of this article to the apportionment and allocation of income for local tax purposes, the subdivision or local taxing district in which the relevant tax return is filed.

(2) Any taxpayer having income from business activity which is taxable both within and without this state, other than activity as a financial organization or public utility or the rendering of purely personal services by an individual, shall allocate and apportion his net income as provided in this article. If a taxpayer has income from business activity as a public utility but derives the greater percentage of his income from activities subject to this article, the taxpayer may elect to allocate and apportion his entire net income as provided in this article.

(3) For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another state if (1) in that state he is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax, or (2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

(4) Rents and royalties from real or tangible personal property, capital gains, interest, dividends or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in paragraphs 5 through 8 of this article.

(5) (a) Net rents and royalties from real property located in this state are allocable to this state.

(b) Net rents and royalties from tangible personal property are allocable to this state: (1) If and to the extent that the property is utilized in this state, or (2) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.



(c) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(6) (a) Capital gains and losses from sales of real property located in this state are allocable to this state.

(b) Capital gains and losses from sales of tangible personal property are allocable to this state if (1) the property had a situs in this state at the time of the sale, or (2) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(c) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

(7) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

(8) (a) Patent and copyright royalties are allocable to this state: (1) If and to the extent that the patent or copyright is utilized by the payer in this state, or (2) if and to the extent that the patent copyright is utilized by the payer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(b) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(c) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

(9) All business income shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three.

(10) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period.

(11) Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

(12) The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the tax administrator may require the

averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

(13) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the tax period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the tax period.

(14) Compensation is paid in this state if:

(a) The individual's service is performed entirely within the state;  
(b) The individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or

(c) Some of the service is performed in the state and (1) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or (2) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(15) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period.

(16) Sales of tangible personal property are in this state if:

(a) The property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of the f.o.b. point or other conditions of the sale; or

(b) The property is shipped from an office, store, warehouse, factory, or other place of storage in this state and (1) the purchaser is the United States government or (2) the taxpayer is not taxable in the state of the purchaser.

(17) Sales, other than sales of tangible personal property, are in this state if:

(a) The income-producing activity is performed in this state; or  
(b) The income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(18) If the allocation and apportionment provisions of this article do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the tax administrator may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

(a) Separate accounting;  
(b) The exclusion of any one or more of the factors;  
(c) The inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this state; or  
(d) The employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

#### ARTICLE V.—Elements of Sales and Use Tax Laws

(1) *Tax credit.* Each purchaser liable for a use tax on tangible personal property shall be entitled to full credit for the combined amount or amounts of legally imposed sales or use taxes paid by him with respect to the same property to another state and any subdivision thereof. The credit shall be applied first against the amount of any use tax due the state, and any unused portion of the credit shall then be applied against the

amount of any use tax due a subdivision.

(2) *Exemption certificates, vendors may rely.* Whenever a vendor receives and accepts in good faith from a purchaser a resale or other exemption certificate or other written evidence of exemption authorized by the appropriate state or subdivision taxing authority, the vendor shall be relieved of liability for a sales or use tax with respect to the transaction.

#### ARTICLE VI.—The Commission

(1) *Organization and management.* (a) The multistate tax commission is hereby established. It shall be composed of one "member" from each party state who shall be the head of the state agency charged with the administration of the types of taxes to which this compact applies. If there is more than one such agency the state shall provide by law for the selection of the commission member from the heads of the relevant agencies. State law may provide that a member of the commission be represented by an alternate but only if there is on file with the commission written notification of the designation and identity of the alternate. The attorney general of each party state or his designee, or other counsel if the laws of the party state specifically provide, shall be entitled to attend the meetings of the commission, but shall not vote. Such attorneys general, designees, or other counsel shall receive all notices of meetings required under paragraph (1) (e) of this article.

(b) Each party state shall provide by law for the selection of representatives from its subdivisions affected by this compact to consult with the commission member from that state.

(c) Each member shall be entitled to one vote. The commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the total number of members.

(d) The commission shall adopt an official seal to be used as it may provide.

(e) The commission shall hold an annual meeting and such other regular meetings as its bylaws may provide and such special meetings as its executive committee may determine. The commission bylaws shall specify the dates of the annual and any other regular meetings, and shall provide for the giving of notice of annual, regular and special meetings. Notices of special meetings shall include the reasons therefor and an agenda of the items to be considered.

(f) The commission shall elect annually, from among its members, a chairman, a vice-chairman and a treasurer. The commission shall appoint an executive director who shall serve at its pleasure, and it shall fix his duties and compensation. The executive director shall be secretary of the commission. The commission shall make provision for the bonding of such of its officers and employees as it may deem appropriate.

(g) Irrespective of the civil service, personnel or other merit system laws of any party state, the executive director shall appoint or discharge such personnel as may be necessary for the performance of the functions of the commission and shall fix their duties and compensation. The commission bylaws shall provide for personnel policies and programs.

(h) The commission may borrow, accept or contract for the services of personnel from any state, the United States, or any other governmental entity.

(i) The commission may accept for any of its purposes and functions any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any governmental entity, and may utilize and dispose of the same.

(j) The commission may establish one or more offices for the transacting of its business.

(k) The commission shall adopt bylaws for the conduct of its business. The commission shall publish its bylaws in convenient form, and shall file a copy of the bylaws and any amendments thereto with the appropriate agency or officer in each of the party states.

(l) The commission annually shall make to the governor and legislature of each party state a report covering its activities for the preceding year. Any donation or grant accepted by the commission or services borrowed shall be reported in the annual report of the commission, and shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender. The commission may make additional reports as it may deem desirable.

(2) *Committees.* (a) To assist in the conduct of its business when the full commission is not meeting, the commission shall have an executive committee of seven members, including the chairman, vice-chairman, treasurer and four other members elected annually by the commission. The executive committee, subject to the provisions of this compact and consistent with the policies of the commission, shall function as provided in the laws of the commission.

(b) The commission may establish advisory and technical committees, membership on which may include private persons and public officials, in furthering any of its activities. Such committees may consider any matter of concern to the commission, including problems of special interest to any party state and problems dealing with particular types of taxes.

(c) The commission may establish such additional committees as its bylaws may provide.

(3) *Powers.* In addition to powers conferred elsewhere in this compact, the commission shall have power to:

(a) Study state and local tax systems and particular types of state and local taxes.

(b) Develop and recommend proposals for an increase in uniformity or compatibility of state and local tax laws with a view toward encouraging the simplification and improvement of state and local tax law and administration.

(c) Compile and publish information as in its judgment would assist the party states in implementation of the compact and taxpayers in complying with state and local tax laws.

(d) Do all things necessary and incidental to the administration of its functions pursuant to this compact.

(4) *Finance.* (a) The commission shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

(b) Each of the commission's budget of estimated expenditures shall contain specific recommendations of the amounts to be appropriated by each of the party states. The total amount of appropriations requested under any such budget shall be apportioned among the party states as follows: One-tenth in equal shares; and the remainder in proportion of the amount of revenue collected by each party state and its subdivisions from income taxes, capital stock taxes, gross receipts taxes, sales and use taxes. In determining such amounts, the commission shall employ such available public sources of information as, in its judgment, present the most equitable and accurate

comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the sources used in obtaining information employed in applying the formula contained in this paragraph.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under paragraph (1) (i) of this article: *Provided*, That the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under paragraph (1) (i), the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

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

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained in this article shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

#### ARTICLE VII.—Uniform Regulations and Forms

(1) Whenever any two or more party states, or subdivisions of party states, have uniform or similar provisions of law relating to an income tax, capital stock tax, gross receipts tax, sales or use tax, the commission may adopt uniform regulations for any phase of the administration of such law, including assertion of jurisdiction to tax, or prescribing uniform tax forms. The commission may also act with respect to the provisions of article IV of this compact.

(2) Prior to the adoption of any regulation, the commission shall:

(a) As provided in its bylaws, hold at least one public hearing on due notice to all affected party states and subdivisions thereof and to all taxpayers and other persons who have made timely request of the commission for advance notice of its regulation-making proceedings.

(b) Afford all affected party states and subdivisions and interested persons an opportunity to submit relevant written data and views, which shall be considered fully by the commission.

(3) The commission shall submit any regulations adopted by it to the appropriate officials of all party states and subdivisions to which they might apply. Each such state and subdivision shall consider any such regulation for adoption in accordance with its own laws and procedures.

#### ARTICLE VIII.—Interstate Audits

(1) This article shall be in force only in those party states that specifically provide therefor by statute.

(2) Any party state or subdivision thereof desiring to make or participate in an audit of any accounts, books, papers, records or other documents may request the commission to perform the audit on its behalf. In responding to the request, the commission shall

have access to and may examine, at any reasonable time, such accounts, books, papers, records, and other documents and any relevant property or stock of merchandise. The commission may enter into agreements with party states or their subdivisions for assistance in performance of the audit. The commission shall make charges, to be paid by the state or local government or governments for which it performs the service, for any audits performed by it in order to reimburse itself for the actual costs incurred in making the audit.

(3) The commission may require the attendance of any person within the state where it is conducting an audit or part thereof at a time and place fixed by it within such state for the purpose of giving testimony with respect to any account, book, paper, document, other record, property or stock of merchandise being examined in connection with the audit. If the person is not within the jurisdiction, he may be required to attend for such purpose at any time and place fixed by the commission within the state of which he is a resident: *Provided*, That such state has adopted this article.

(4) The commission may apply to any court having power to issue compulsory process for orders in aid of its powers and responsibilities pursuant to this article and any and all such courts shall have jurisdiction to issue such orders. Failure of any person to obey any such order shall be punishable as contempt of the issuing court. If the party or subject matter on account of which the commission seeks an order is within the jurisdiction of the court to which application is made, such application may be to a court in the state or subdivision on behalf of which the audit is being made or a court in the state in which the object of the order being sought is situated. The provisions of this paragraph apply only to courts in a state that has adopted this article.

(5) The commission may decline to perform any audit requested if it finds that its available personnel or other resources are insufficient for the purpose or that, in the terms requested, the audit is impracticable of satisfactory performance. If the commission, on the basis of its experience, has reason to believe that an audit of a particular taxpayer, either at a particular time or on a particular schedule, would be of interest to a number of party states or their subdivisions, it may offer to make the audit or audits, the offer to be contingent on sufficient participation therein as determined by the commission.

(6) Information obtained by any audit pursuant to this article shall be confidential and available only for tax purposes to party states, their subdivisions or the United States. Availability of information shall be in accordance with the laws of the states or subdivisions on whose account the commission performs the audit, and only through the appropriate agencies or officers of such states or subdivisions. Nothing in this article shall be construed to require any taxpayer to keep records for any period not otherwise required by law.

(7) Other arrangements made or authorized pursuant to law for cooperative audit by or on behalf of the party states or any of their subdivisions are not superseded or invalidated by this article.

(8) In no event shall the commission make any charge against a taxpayer for an audit.

(9) As used in this article, "tax," in addition to the meaning ascribed to it in article II, means any tax or license fee imposed in whole or in part for revenue purposes.

#### ARTICLE IX.—Arbitration

(1) Whenever the commission finds a need for settling disputes concerning

apportionments and allocations by arbitration, it may adopt a regulation placing this article in effect, notwithstanding the provisions of article VII.

(2) The commission shall select and maintain an arbitration panel composed of officers and employees of state and local governments and private persons who shall be knowledgeable and experienced in matters of tax law and administration.

(3) Whenever a taxpayer who has elected to employ article IV, or whenever the laws of the party state or subdivision thereof are substantially identical with the relevant provisions of article IV, the taxpayer, by written notice to the commission and to each party state or subdivision thereof that would be affected, may secure arbitration of an apportionment or allocation, if he is dissatisfied with the final administrative determination of the tax agency of the state or subdivision with respect thereto on the ground that it would subject him to double or multiple taxation by two or more party states or subdivisions thereof. Each party state and subdivision thereof hereby consents to the arbitration as provided herein, and agrees to be bound thereby.

(4) The arbitration board shall be composed of one person selected by the taxpayer, one by the agency or agencies involved, and one member of the commission's arbitration panel. If the agencies involved are unable to agree on the person to be selected by them, such person shall be selected by lot from the total membership of the arbitration panel. The two persons selected for the board in the manner provided by the foregoing provisions of this paragraph shall jointly select the third member of the board. If they are unable to agree on the selection, the third member shall be selected by lot from among the total membership of the arbitration panel. No member of a board selected by lot shall be qualified to serve if he is an officer or employee or is otherwise affiliated with any party to the arbitration proceeding. Residence within the jurisdiction of a party to the arbitration proceeding shall not constitute affiliation within the meaning of this paragraph.

(5) The board may sit in any state or subdivision party to the proceeding, in the state of the taxpayer's incorporation, residence or domicile, in any state where the taxpayer does business, or in any place that it finds most appropriate for gaining access to evidence relevant to the matter before it.

(6) The board shall give due notice of the times and places of its hearings. The parties shall be entitled to be heard, to present evidence, and to examine and cross-examine witnesses. The board shall act by majority vote.

(7) The board shall have power to administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of accounts, books, papers, records, and other documents, and issue commissions to take testimony. Subpoenas may be signed by any member of the board. In case of failure to obey a subpoena, and upon application by the board, any judge of a court of competent jurisdiction of the state in which the board is sitting or in which the person to whom the subpoena is directed may be found may make an order requiring compliance with the subpoena, and the court may punish failure to obey the order as a contempt. The provisions of this paragraph apply only in states that have adopted this article.

(8) Unless the parties otherwise agree the expenses and other costs of the arbitration shall be assessed and allocated among the parties by the board in such manner as it may determine. The commission shall fix a schedule of compensation for members of arbitration boards and of other allowable expenses and costs. No officer or employee of a state or local government who serves as a member of a board shall be

entitled to compensation therefor unless he is required on account of his service to forego the regular compensation attaching to his public employment, but any such board member shall be entitled to expenses.

(9) The board shall determine the disputed apportionment or allocation and any matters necessary thereto. The determinations of the board shall be final for purposes of making the apportionment or allocation, but for no other purpose.

(10) The board shall file with the commission and with each tax agency represented in the proceeding: The determination of the board; the board's written statement of its reasons therefor; the record of the board's proceedings; and any other documents required by the arbitration rules of the commission to be filed.

(11) The commission shall publish the determinations of boards together with the statements of the reasons therefor.

(12) The commission shall adopt and publish rules of procedure and practice and shall file a copy of such rules and of any amendment thereto with the appropriate agency or officer in each of the party states.

(13) Nothing contained herein shall prevent at any time a written compromise of any matter or matters in dispute, if otherwise lawful, by the parties to the arbitration proceeding.

#### ARTICLE X.—Entry Into Force and Withdrawal

(1) This compact shall enter into force when enacted into law by any seven states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof. The commission shall arrange for notification of all party states whenever there is a new enactment of the compact.

(2) Any party state may withdraw from this compact by enacting a statute repealing the same. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

(3) No proceeding commenced before an arbitration board prior to the withdrawal of a state and to which the withdrawing state or any subdivision thereof is a party shall be discontinued or terminated by the withdrawal, nor shall the board thereby lose jurisdiction over any of the parties to the proceeding necessary to make a binding determination therein.

#### ARTICLE XI.—Effect on Other Laws and Jurisdiction

Nothing in this compact shall be construed to:

(a) Affect the power of any state or subdivision thereof to fix rates of taxation, except that a party state shall be obligated to implement article III (2) of this compact.

(b) Apply to any tax or fixed fee imposed for the registration of a motor vehicle or any tax on motor fuel, other than a sales tax: *Provided*, That the definition of "tax" in article VIII (9) may apply for the purposes of that article and the commission's powers of study and recommendation pursuant to article VI (3) may apply.

(c) Withdraw or limit the jurisdiction of any state or local court or administrative officer or body with respect to any person, corporation or other entity or subject matter, except to the extent that such jurisdiction is expressly conferred by or pursuant to this compact upon another agency or body.

(d) Supersede or limit the jurisdiction of any court of the United States.

#### ARTICLE XII.—Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or



provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.";

Also on page 2, in line 31, by striking "(A) For tax years 2022, 2023 and 2024,"; in line 33, by striking all after "less"; in line 34, by striking all before the semicolon; by striking all in lines 35 through 37; in line 38, by striking "(A) For base years 2021, 2022 and 2023,"; in line 39, by striking all after "less"; by striking all in line 40; in line 41, by striking all before the period;

On page 3, in line 1, by striking "2025" and inserting "2022"; in line 6, by striking all after the period; by striking all in lines 7 through 11; following line 20, by inserting:

"Sec. 12. K.S.A. 79-5501 is hereby amended to read as follows: 79-5501. (a) ~~On and after Commencing on July 1, 2013, and through December 31, 2025,~~ watercraft shall be appraised at fair market value determined therefor pursuant to K.S.A. 79-503a, and amendments thereto, and assessed at the percentage of value as follows: (1) 11.5% in tax year 2014; and (2) 5% in tax-year years 2015 ~~and all tax years thereafter through 2025.~~ On and after January 1, 2014, the levy used to calculate the tax on watercraft shall be the county average tax rate. In no case shall the assessed value of any watercraft, as determined under the provisions of this section, cause the tax upon such watercraft to be less than \$12.

(b) As used in this section, the term "watercraft" means any watercraft designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water which, if not for the provisions of this section, would be properly classified under subclass 5 or 6 of class 2 of section 1 of article 11 of the Kansas constitution. This section shall not be construed as taxing any watercraft which otherwise would be exempt from property taxation under the laws of the state of Kansas. Each watercraft may include one trailer which is designed to launch, retrieve, transport and store such watercraft and any nonelectric motor or motors which are necessary to operate such watercraft on the water.

(c) Any watercraft which is designed to be propelled through the water through human power alone shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas.

(d) The "county average tax rate" means the total amount of general property taxes levied within the county by the state, county and all other taxing subdivisions divided by the total assessed valuation of all taxable property within the county as of November 1 of the year prior to the year of valuation as certified by the secretary of revenue.

(e) On and after January 1, 2026, all watercraft shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas."

Also on page 3, in line 21, before "K.S.A." by inserting "K.S.A. 79-213, 79-1129, 79-3279, 79-3287, 79-4301 and 79-5501 and"; also in line 21, after "Supp." by inserting "79-32,110, 79-32,113,";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, by striking all after the first "income"; by striking all

in line 7; in line 8, by striking all before the semicolon and inserting "relating to income and privilege taxes; providing for the apportionment of business income by the single sales factor and the apportionment of financial institution income by the receipts factor; providing for the apportionment pursuant to the three-factor test of a manufacturer who sells alcoholic liquor; requiring the use of single sales factor pursuant to the multistate tax compact; establishing deductions from income when using the single sales factor and receipts factor; providing for the decrease in corporate income tax rates; determining when sales other than tangible personal property are made in the state; excluding sales of a unitary business group of electric and natural gas public utilities; relating to property taxation; providing exemptions for certain personal property including watercraft, marine equipment, off-road vehicles, motorized bicycles and certain trailers"; also in line 8, after "amending" by inserting "K.S.A. 79-213, 79-1129, 79-3279, 79-3287, 79-4301 and 79-5501 and"; also in line 8, after "Supp." by inserting "79-32,110, 79-32,113,";

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

CARYN TYSON, VIRGIL PECK, ETHAN CORSON—*Conferees on part of Senate*

ADAM SMITH, CARL TURNER, TOM SAWYER—*Conferees on part of House*

Senator Tyson moved the Senate adopt the Conference Committee Report on **HB 2231**.

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

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

The Conference Committee Report was adopted.

## REPORTS OF STANDING COMMITTEES

Your Committee on **Judiciary** begs leave to submit the following report: The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Attorney General:

Member, Crime Victims Compensation Board: K.S.A. 74-7303

Rebecca Dickinson, to fill a term expiring on March 15, 2029

## REPORT ON ENROLLED BILLS, CONCURRENT AND SENATE RESOLUTIONS

**SB 117, SB 137** reported correctly enrolled, properly signed and presented to the Governor on March 28, 2025.

**H Sub SB 9; SB 35; Sub SB 45, Sub SB 54; SB 114, SB 125, SB 269** reported correctly enrolled, properly signed and presented to the Governor on March 31, 2025.

**SB 18, SB 21, SB 42, SB 44, SB 50, SB 64; H Sub SB 126; SB 135, SB 139; Sub SB 193; SB 199, SB 227, SB 241, SB 250** reported correctly enrolled, properly signed and presented to the Governor on April 4, 2025.

**SCR 1611** reported correctly enrolled, properly signed and presented to the Secretary of State on March 28, 2025.

**SCR 1602** reported correctly enrolled, properly signed and presented to the Secretary

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of State on April 4, 2025.

On motion of Senator Blasi, the Senate adjourned until 9:30 a.m., Friday, April 11, 2025.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

