

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 22, 2023, 10:30 a.m.

The Senate was called to order by President Ty Masterson.
The roll was called with 40 senators present.
Invocation by Doug Henkle:

Father God, I thank You this morning for Your tremendous love for us. Thank You for all You do for us. Thank You for the blessing it is to be able to confidently find peace in You, even as perspectives regarding the issues before this body differ greatly and are passionately debated.

In Your Word, You guide us saying, "Trust in the LORD with all your heart and lean not on your own understanding; in all your ways submit to Him and He will make your paths straight." Lord, we tend to trust ourselves rather than You, to rely on our own abilities and good intentions instead of Your sovereign goodness and loving care. Jesus, make our paths straight and true.

As turn-around approaches, give us peace Father. Give us a sense of inner peace, peace with You, peace with ourselves and peace with one another despite differing views and approaches to the legislation at hand.

Grant us a sense of priority. Give us the ability to separate the important from the unimportant, the critical from the trivial, the vital from the insignificant, the eternal from the temporary. Give us vision. Show us what can be and ought to be done and how to achieve it.

I pray for President Masterson, Vice President Wilborn, Majority Leader Alley and Minority Leader Sykes. Bless them with Your clear direction as they navigate this chamber through the legislative process. I lift up Speaker Hawkins and the entire leadership team of the House to You as well.

May Your will in each of us individually and collectively, in the Kansas Senate and in this entire building, be accomplished to Your glory and the benefit of all Kansans. In Jesus' Name, Amen!

The National Anthem was performed by Daysia Reneau from Leavenworth, guest of Senator Pittman.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 275, AN ACT concerning the state gaming revenues fund; changing the total amount credited to such fund; increasing the transfer of moneys from such fund to the correctional institutions building fund; decreasing the transfer of moneys from such

fund to the state economic development initiatives fund; amending K.S.A. 79-4801 and 79-4803 and K.S.A. 2022 Supp. 79-4804 and repealing the existing sections, by Committee on Ways and Means.

SB 276, AN ACT concerning industrial hemp; relating to hemp products; specifying the delta-9 tetrahydrocannabinol concentration for final hemp products; allowing certain hemp products to be manufactured, marketed, sold or distributed; amending K.S.A. 2-3901 and 2-3908 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 277, AN ACT concerning health and healthcare; relating to the Kansas department for aging and disability services; providing for the regulation of supplemental nursing services agencies thereby; creating the supplemental nursing services agency regulation fund, by Committee on Ways and Means.

SB 278, AN ACT concerning public utilities; relating to the state corporation commission; requiring public utilities to report information regarding customer assistance programs, account delinquencies and disconnections; requiring monthly, annual and historical reporting of such information, by Committee on Federal and State Affairs.

SB 279, AN ACT concerning the prescription monitoring program; relating to law enforcement officials; granting law enforcement access to the prescription monitoring program database without a warrant; replacing the member of the program advisory committee representing the Kansas bureau of investigation with the attorney general or the attorney general's designee; amending K.S.A. 65-1690 and K.S.A. 2022 Supp. 65-1685 and 65-1689 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 274**.

Financial Institutions and Insurance: **HB 2089**, **HB 2090**, **HB 2284**, **HB 2285**.

Judiciary: **SB 270**.

Local Government: **SB 273**.

Transportation: **SB 271**.

Ways and Means: **SB 272**.

COMMITTEE OF THE WHOLE

On motion of Senator Alley, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Longbine in the chair.

SB 3, **SB 27**, **SB 28**, **SB 119**, **SB 123**, **SB 229** be passed.

The Committee rose and reported progress. (See Committee of the Whole afternoon session)

On motion of Senator Alley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

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

FINAL ACTION ON CONSENT CALENDAR

SB 195 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

SB 195, AN ACT concerning the children's cabinet; authorizing the cabinet to establish a nonprofit corporation to raise funds to benefit the Dolly Parton's imagination library book gifting program.

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

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

Absent or Not Voting: Ware.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 66, AN ACT concerning education; relating to teacher licensure; enacting the interstate teacher mobility compact; recognizing equivalent teacher licenses from other member states, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kersch, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Reddi, Ryckman, Shallenburger, Straub, Sykes, Warren, Wilborn.

Nays: Pyle, Steffen, Thompson, Tyson.

Absent or Not Voting: Ware.

The bill passed.

SB 85, AN ACT concerning travel insurance; relating to the licensing and registration of limited lines travel insurance producers and travel retailers; enacting the Kansas travel insurance act; establishing a premium tax for travel insurers; regulating the sale and marketing of travel insurance and travel protection plans; providing for travel administrators; establishing standards for travel insurance policies; amending K.S.A. 40-4903 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kersch, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Reddi, Ryckman, Sykes, Thompson, Warren, Wilborn.

Nays: Pyle, Shallenburger, Steffen, Straub, Tyson.

Absent or Not Voting: Ware.

The bill passed.

SB 115, AN ACT concerning adoption; relating to the Kansas adoption and relinquishment act; required notice of hearing on a petition for adoption; amending K.S.A. 2022 Supp. 59-2133 and repealing the existing section, was considered on final

action.

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

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

Absent or Not Voting: Ware.

The bill passed.

SB 132, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the buffalo soldier license plate. , was considered on final action.

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

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

Absent or Not Voting: Ware.

The bill passed.

SB 144, AN ACT concerning the video competition act; exempting providers of broadcast satellite services and video programming delivered over the internet from the provisions of such act; amending K.S.A. 12-2022 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Holland, Holscher, Pettey, Reddi, Sykes.

Present and Passing: Francisco.

Absent or Not Voting: Ware.

The bill passed.

SB 189, AN ACT concerning law enforcement; relating to applicants for a law enforcement officer position; authorizing state and local law enforcement agencies to receive certain files and information about the applicant from agencies that received an application from the applicant for a law enforcement position or conducted an employment background investigation; amending K.S.A. 75-4379 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson,

Tyson, Warren, Wilborn.

Absent or Not Voting: Ware.

The bill passed.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2024, HB 2082, HB 2092, HB 2094, HB 2097, HB 2098, HB 2160.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2024, HB 2082, HB 2092, HB 2094, HB 2097, HB 2098, HB 2160 were thereupon introduced and read by title.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for considerations of bills under the heading of General Orders with Senator Longbine in the chair.

On motion of Senator Longbine the report for the morning and the following afternoon session was adopted:

SB 5, SB 6, SB 34, SB 113, SB 120, SB 180, SB 209, SB 210, SB 219, SB 233 be passed.

Two amendments were offered by Senator Tyson on **SB 209**. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendments not germane.

An amendment was offered by Senator Doll on **SB 210**. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

SB 75, SB 174, SB 217, SB 221 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 208 be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson; on page 1, in line 7, by striking all after "(a)"; by striking all in lines 8 through 27; in line 28, by striking all before the period and inserting "No county election office shall use any remote ballot box for the purposes of the return of advance voting ballots"; in line 30, by striking all after "section"; by striking all in lines 31 and 32; in line 33, by striking all before the period;

On page 2, in line 2, after the stricken material, by inserting "'Remote ballot box" does not include any ballot boxes located in a county election office or satellite advance voting site.";

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

On page 1, in the title, in line 2, by striking all before "remote" and inserting "prohibiting the use of"; also in line 2, by striking "that may be used"; in line 3, by striking all after "ballots"; in line 4, by striking all before the period

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 22; Nays 16; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Blasi, Claeys, Erickson, Fagg, Gossage, Kerschen, Kloos, Masterson, O'Shea, Olson, Peck, Petersen, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Longbine, McGinn, Pettey, Pittman, Reddi, Ryckman, Sykes.

Present and Passing: Pyle.

Absent or Not Voting: Ware.

and **SB 208** be passed as further amended.

EXPLANATION OF VOTE

Our Secretary of State, Scott Schwab, said that drop boxes are a more reliable and secure way for delivering ballots than the U.S. Postal Service. To quote him: "I don't understand the angst with drop boxes. If I owed you \$1,000, do you want me to put that cash and mail it to you, or would you rather me drop it off?"—DINAH SYKES

Senators Faust-Goudeau, Francisco, Haley, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **SB 208**.

I pass on the amendment to **SB 208**. It is redundant. The bill already accomplishes the same.—DENNIS PYLE

SB 194 be amended by the adoption of the committee amendments, be further amended by motion of Senator Billinger; on page 1, in line 10, after the second "county" by inserting "and own real property located in the territory included in the taxing district of the hospital"

and **SB 194** be passed as further amended.

SB 49 be amended by the adoption of the committee amendments, be further amended by motion of Senator Francisco; on page 2, by striking all in lines 9 through 14; in line 15, by striking all before "any"; also in line 15, by striking all after "bonds"; by striking all in lines 16 through 21; in line 22, by striking all before the period and inserting "pursuant to K.S.A. 12-1741b, and amendments thereto, for the purpose of paying all or part of the costs of the purchase, acquisition and equipping of a light-mitigating technology system, subject to the approval of the federal aviation administration, for a wind energy conversion system that has commenced commercial operations in the state without a light-mitigating technology system";

On page 1, in the title, in line 7, by striking "board of"; also in line 7, by striking "commissioners"; in line 9, by striking all after "system"; in line 10, by striking all before the semicolon

and **SB 49** be passed as further amended.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 248** be passed.

Also, **SB 126** be amended on page 1, in line 6, before "Section" by inserting "New"; following line 23, by inserting:

"Sec. 2. K.S.A. 2022 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in

federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction, except that the federal net operating loss deduction shall not be added to an individual's federal adjusted gross income for tax years beginning after December 31, 2016.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted

gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to ~~K.S.A. 79-32,117(c)(xv), and amendments thereto, subsection (c)(xv)~~ or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned

subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income tax return.

(xxi) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-4357, and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

(xxvii) For all taxable years commencing after December 31, 2020, the amount deducted by reason of a carryforward of disallowed business interest pursuant to section 163(j) of the federal internal revenue code of 1986, as in effect on January 1, 2018.

(xxviii) For all taxable years beginning after December 31, 2021, the amount of any contributions to, or earnings from, a first-time home buyer savings account if distributions from the account were not used to pay for expenses or transactions authorized pursuant to K.S.A. 2022 Supp. 58-4904, and amendments thereto, or were not held for the minimum length of time required pursuant to K.S.A. 2022 Supp. 58-4904, and amendments thereto. Contributions to, or earnings from, such account shall also include any amount resulting from the account holder not designating a surviving transfer on death beneficiary pursuant to K.S.A. 2022 Supp. 58-4904(e), and amendments thereto.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b(a) and 228c(a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit, work opportunity tax credit and similar disallowances under 26 U.S.C. § 280C. For taxable years beginning after December 31, 2019, the provisions of this paragraph shall also apply to the employee retention credit disallowance. The subtraction modifications provided by this paragraph for the work opportunity tax credit and the employee retention credit disallowances shall be limited to 25% of the amount of such disallowances.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2017, the cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary that are contributed to: (1) A family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary; or (2) an achieving a better life experience (ABLE) account established under the Kansas ABLE savings program or a qualified ABLE program established and maintained by another state or agency or instrumentality thereof pursuant to section 529A of the internal revenue code of 1986, as amended, for the purpose of saving private funds to support an individual with a

disability. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 75-643 and 75-652, and amendments thereto, and the provisions of such sections are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b)(xix) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term "livestock" shall not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city's home rule authority.

(xxiv) For taxable years beginning after December 31, 2013, and ending before January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(xxv) For all taxable years commencing after December 31, 2020, 100% of global intangible low-taxed income under section 951A of the federal internal revenue code of 1986, before any deductions allowed under section 250(a)(1)(B) of such code.

(xxvi) For all taxable years commencing after December 31, 2020, the amount disallowed as a deduction pursuant to section 163(j) of the federal internal revenue code of 1986, as in effect on January 1, 2018.

(xxvii) For taxable years commencing after December 31, 2020, the amount disallowed as a deduction pursuant to section 274 of the federal internal revenue code of 1986 for meal expenditures shall be allowed to the extent such expense was deductible for determining federal income tax and was allowed and in effect on December 31, 2017.

(xxviii) For all taxable years beginning after December 31, 2021: (1) The amount contributed to a first-time home buyer savings account pursuant to K.S.A. 2022 Supp. 58-4903, and amendments thereto, in an amount not to exceed \$3,000 for an individual or \$6,000 for a married couple filing a joint return; or (2) amounts received as income earned from assets in a first-time home buyer savings account.

taxpayer who carried back federal net operating losses arising in a taxable year beginning after December 31, 2017, and before January 1, 2021, pursuant to section 172(b)(1) of the federal internal revenue code as amended by the coronavirus aid, relief, and economic security act (CARES act), the amount of such federal net operating loss carryback for each applicable year. If the amount of such federal net operating loss carryback exceeds the taxpayer's Kansas adjusted gross income for such taxable year, the amount thereof that exceeds such Kansas adjusted gross income may be carried forward as a subtraction modification in the following taxable year or years until the total amount of such federal net operating loss carryback has been deducted, except that no such unused amount shall be carried forward for deduction as a subtraction modification after the 20th taxable year following the taxable year of the net operating loss. Notwithstanding any other provision of law to the contrary, an extension of time shall be allowed for a claim for refund or amended return for tax years 2018, 2019 or 2020 limited to the application of the provisions of this paragraph, and such claim for refund or amended return must be filed on or before April 15, 2025.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

(f) No taxpayer shall be assessed penalties and interest from the underpayment of taxes due to changes to this section that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.

Sec. 3. K.S.A. 2022 Supp. 79-32,117 is hereby repealed.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 3, after "expenditures" by inserting "; relating to Kansas adjusted gross income; providing a subtraction modification to permit the carryforward of certain net operating losses for individuals and a subtraction modification for the federal work opportunity tax credit and the employee retention credit disallowances; amending K.S.A. 2022 Supp. 79-32,117 and repealing the existing section"; and the bill be passed as amended.

SB 138 be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 76-6b01 is hereby amended to read as follows: 76-6b01. (a) There is hereby levied an annual permanent state tax in the year 2023 a state tax of 1 mill upon all tangible property in this state which that is subject to ad valorem taxation. The tax levy shall be .6 mill in the year 2003 and 1 mill in the year 2004 and each year thereafter until changed by statute. Such tax levy shall be in addition to all other state tax levies authorized by law. Such tax levy shall be for the use and benefit of the state institutions of higher education. The proceeds of such tax levy shall be apportioned in accordance with this act.

(b) The county treasurer of each county shall make the proceeds of the tax levy provided for in this section available to the state treasurer immediately upon collection. When available the state treasurer shall withdraw from each county the proceeds of the taxes raised by such tax levy. Upon such withdrawal the state treasurer shall deposit the same in the state treasury and shall credit the same as provided in K.S.A. 76-6b02, and

amendments thereto.

Sec. 2. K.S.A. 76-6b02 is hereby amended to read as follows: 76-6b02. (a) All moneys received by the state treasurer under K.S.A. 76-6b01, and amendments thereto, and pursuant to subsection (c) shall be credited to the Kansas educational building fund to be used for the construction, reconstruction, equipment and repair of buildings and grounds at the state educational institutions under the control and supervision of the state board of regents and for payment of debt service on revenue bonds issued to finance such projects, all subject to appropriation by the legislature.

(b) Subject to any restrictions imposed by appropriation acts, the state board of regents is authorized to pledge funds appropriated to it from the Kansas educational building fund or from any other source and transferred to a special revenue fund of the state board of regents specified by statute for the payment of debt service on revenue bonds issued for the purposes set forth in subsection (a). Subject to any restrictions imposed by appropriation acts, the state board of regents is also authorized to pledge any funds appropriated to it from the Kansas educational building fund or from any other source and transferred to a special revenue fund of the state board of regents specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state or the state board of regents shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the state board of regents for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the state board of regents for payment of debt service on revenue bonds and any such revenue bonds issued for the purposes set forth in subsection (a) shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(c) On July 1, 2024, or as soon thereafter as moneys are available, \$41,800,000 shall be transferred by the director of accounts and reports from the state general fund to the Kansas educational building fund. On July 1, 2025, and on July 1 each year thereafter, or as soon thereafter as moneys are available, an amount equal to the amount pursuant to this subsection for the immediately preceding year plus 2% shall be transferred by the director of accounts and reports from the state general fund to the Kansas educational building fund.

Sec. 3. K.S.A. 76-6b04 is hereby amended to read as follows: 76-6b04. (a) There is hereby levied ~~an annual permanent state tax in the year 2023 a state tax of 0.5 mill upon all tangible property in this state which that is subject to ad valorem taxation. The tax levy shall be .3 mill in the year 2003 and .5 mill in the year 2004 and each year thereafter until changed by statute.~~ The tax levy shall be in addition to all other state tax levies authorized by law. The tax levy shall be for the use and benefit of state institutions caring for persons who are mentally ill, retarded, visually handicapped, with a handicapping hearing loss or tubercular or state institutions caring for children who are deprived, wayward, miscreant, delinquent, children in need of care or juvenile offenders and who are in need of residential care or treatment, or institutions designed primarily to provide vocational rehabilitation for handicapped persons. As used in this section, "state institutions" shall include, but not be limited to, those institutions under the authority of the commissioner of juvenile justice. The proceeds of such tax levy shall be apportioned in accordance with this act.

(b) The county treasurer of each county shall make the proceeds of the tax levy

provided for in this section available to the state treasurer immediately upon collection. When available, the state treasurer shall withdraw from each county the proceeds of the taxes raised by such tax levy. Upon such withdrawal the state treasurer shall deposit the same in the state treasury and shall credit the same as provided in K.S.A. 76-6b05, and amendments thereto.

Sec. 4. K.S.A. 76-6b05 is hereby amended to read as follows: 76-6b05. (a) All moneys received by the state treasurer under K.S.A. 76-6b04, and amendments thereto, and pursuant to subsection (e) shall be credited to the state institutions building fund, which is hereby created in the state treasury, to be used for the construction, reconstruction, equipment and repair of buildings and grounds at institutions specified in K.S.A. 76-6b04, and amendments thereto, and for payment of debt service on revenue bonds issued to finance such projects, all subject to appropriation by the legislature.

(b) Subject to any restrictions imposed by appropriation acts, the juvenile justice authority is authorized to pledge funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the juvenile justice authority specified by statute for the payment of debt service on revenue bonds issued for the purposes set forth in subsection (a). Subject to any restrictions imposed by appropriation acts, the juvenile justice authority is also authorized to pledge any funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the juvenile justice authority specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state or the juvenile justice authority shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the juvenile justice authority for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the juvenile justice authority for payment of debt service on revenue bonds and any such revenue bonds issued for the purposes set forth in subsection (a) shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(c) Subject to any restrictions imposed by appropriation acts, the Kansas department for aging and disability services is authorized to pledge funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the Kansas department for aging and disability services specified by statute for the payment of debt service on revenue bonds issued for a new state security hospital on the Larned state hospital grounds or any other capital improvement projects at any other institution or facility of the Kansas department for aging and disability services. Subject to any restrictions imposed by appropriation acts, the Kansas department for aging and disability services is also authorized to pledge any funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the Kansas department for aging and disability services specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state or the Kansas department for aging and disability services shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the Kansas department for aging and disability services for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the Kansas

department for aging and disability services for payment of debt service on revenue bonds and any such revenue bonds issued for a new state security hospital on the Larned state hospital grounds or any other capital improvement projects at any other institution or facility of the Kansas department for aging and disability services shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(d) Subject to any restrictions imposed by appropriation acts, the director of the Kansas commission on veterans affairs office is authorized to pledge funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the Kansas commission on veterans affairs office specified by statute for the payment of debt service on revenue bonds issued for veterans' home HVAC system replacement. Subject to any restrictions imposed by appropriation acts, the director of the Kansas commission on veterans affairs office is also authorized to pledge any funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the Kansas commission on veterans affairs office specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state nor the director of the Kansas commission on veterans affairs office shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the Kansas commission on veterans affairs office for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the Kansas commission on veterans affairs office for payment of debt service on revenue bonds and any such revenue bonds issued for veterans' home HVAC system replacement shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(e) On July 1, 2024, or as soon thereafter as moneys are available, \$20,900,000 shall be transferred by the director of accounts and reports from the state general fund to the state institutions building fund. On July 1, 2025, and on July 1 each year thereafter, or as soon thereafter as moneys are available, an amount equal to the amount pursuant to this subsection for the immediately preceding year plus 2% shall be transferred by the director of accounts and reports from the state general fund to the state institutions building fund.

Sec. 5. K.S.A. 76-6b11 is hereby amended to read as follows: 76-6b11. (a) ~~Except as provided in subsection (e);~~ On July 1 of each year, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas educational building fund, the state institutions building fund and the state general fund and shall record a corresponding credit to each such fund in an amount equal to 95% of the amount credited respectively to each such fund during the immediately preceding fiscal year, except that such amount shall be proportionally adjusted with respect to any such fund in any fiscal year for any change in the tax levy rate for any such fund.

(b) All taxes received by the state treasurer under K.S.A. 76-6b01; and 76-6b04 and section 15 [L. 2003, ch. 146, § 15], and amendments thereto, and the provisions of section 15 of chapter 146 of the 2003 Session Laws of Kansas during the current fiscal year shall be deposited in the state treasury to the credit of the Kansas educational building fund, the state institutions building fund and the state general fund, respectively, and shall reduce the amount debited and credited to such funds under subsection (a).

(c) On June 30 of each year, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the Kansas educational building fund, the state institutions building fund and the state general fund pursuant to this section, to reflect the taxes actually received by the state treasurer and deposited during the fiscal year in the state treasury to the credit of each such fund.

(d) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas educational building fund, the state institutions building fund and the state general fund pursuant to this section and all reductions and adjustments thereto made pursuant to this section. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for such funds by the state treasurer in accordance with the notice thereof.

~~(e) On October 1, 2003, the director of accounts and reports shall make such adjustments and amendments as may be required to reflect and account for the property tax imposed by K.S.A. 79-2976 as if such tax had been in effect on July 1, 2003. The provisions of this section shall expire on June 30, 2024.~~;

Also on page 1, following line 22, by inserting:

"Sec. 7. K.S.A. 2022 Supp. 79-201x is hereby amended to read as follows: 79-201x. (a) For taxable year ~~2022~~ 2023, and all taxable years thereafter, the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 72-5142, and amendments thereto: Property used for residential purposes to the extent of ~~\$40,000~~ \$65,000 of its appraised valuation.

(b) For taxable year ~~2023~~ 2024, and all taxable years thereafter, the dollar amount of the extent of appraised valuation that is exempt pursuant to subsection (a) shall be adjusted to reflect the average percentage change in statewide residential valuation of all residential real property for the preceding 10 years. Such average percentage change shall not be less than zero. The director of property valuation shall calculate the average percentage change for purposes of this annual adjustment and calculate the dollar amount of the extent of appraised valuation that is exempt pursuant to this section each year.";

Also on page 1, in line 23, after "K.S.A." by inserting "76-6b01, 76-6b02, 76-6b04, 76-6b05, 76-6b11 and"; also in line 23, by striking "is" and inserting "and K.S.A. 2022 Supp. 79-201x are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "increasing the extent of exemption for residential property from the statewide school levy; relating to tax levies; discontinuing the state tax levies for the Kansas educational building fund and the state institutions building fund; providing financing therefor from the state general fund;"; in line 3, after "K.S.A." by inserting "76-6b01, 76-6b02, 76-6b04, 76-6b05, 76-6b11 and"; also in line 3, after "and" by inserting "K.S.A. 2022 Supp. 79-201x and"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

SB 252 be amended on page 1, in line 14, by striking "ambulance service,"; in line 15, by striking "county" and inserting "city"; in line 17, after "business" by inserting ", such competing activity by the governmental entity began after the business started using the real property for qualifying purposes"; in line 27, by striking the colon; in line

28, by striking "(A)"; in line 31, by striking "; or"; by striking all in line 32; in line 33, by striking all before the period;

On page 39, in line 13, by striking "ambulance service,"; in line 15, by striking "county" and inserting "city"; in line 16, after "business" by inserting ", such competing activity by the governmental entity began after the business started using the real property for qualifying purposes"; in line 19, by striking "ambulance"; in line 20, by striking "service,"; in line 23, by striking all before "child"; and the bill be passed as amended.

Committee on **Education** recommends **SB 13** be amended on page 1, in line 7, after "into" by inserting "or renews"; in line 8, after the first "a" by inserting "regular season activity or"; also in line 8, by striking the second "a"; in line 9, by striking "broadcaster" and inserting "broadcasters"; also in line 9, after "school's" by inserting "regular season activity or"; in line 10, by striking "broadcaster" and inserting "broadcasters"; in line 11, by striking "Provides" and inserting "Provide"; in line 13, by striking "broadcasts a majority" and inserting "broadcast at least $\frac{1}{3}$ "; in line 15, by striking "broadcasts" and inserting "broadcast"; in line 18, by striking the first "a"; also in line 18, by striking "broadcaster" and inserting "broadcasters"; also in line 18, by striking the second "a" and inserting "regular season or"; in line 19, by striking "agreement" and inserting "agreements"; in line 26, by striking "means" and inserting "mean"; and the bill be passed as amended.

Also, **SB 82** be amended on page 1, in line 12, before "'Athlete'" by inserting "'Activity" means any school activity or contest in the fields of athletics, music, forensics, dramatics and any other interschool extracurricular activity by students enrolled in any of the grades seven through 12.

(2)";

Also on page 1, in line 13, by striking "extracurricular"; in line 22, by striking "extracurricular"; in line 28, by striking "either"; also in line 28, by striking "extracurricular"; in line 29, by striking "activity or non-extracurricular"; by striking all in lines 32 through 36;

On page 2, by striking all in lines 1 through 3; in line 5, by striking "extracurricular"; in line 14, by striking "extracurricular"; in line 18, after "(11)" by inserting "'Licensed speech-language pathologist" means an individual who is licensed by the Kansas department for aging and disability services and practicing in a school setting as an employee of a school district or special education cooperative.

(12)";

Also on page 2, in line 29, by striking "extracurricular";

On page 3, in line 7, by striking "extracurricular"; in line 9, after "(3)" by inserting "Schools shall establish a return-to-learn protocol for any athlete who has sustained a concussion. The return-to-learn protocol shall recognize that a student who has sustained a concussion and returned to school may need formal or informal accommodations, modifications of curriculum and monitoring by medical or academic staff until the athlete has fully recovered.

(4) The school concussion management team shall establish a return-to-learn protocol based on scientific evidence-based practices consistent with the United States centers for disease control and prevention guidelines and the Kansas state high school activities association guidelines for the student's return to the classroom.

(5)";

Also on page 3, by striking all in lines 14 through 18; in line 19, by striking "shall" and inserting "may"; in line 20, by striking "shall"; in line 26, by striking "and"; in line 27, after "any" by inserting ";

(F) licensed speech-language pathologist; and

(G) any other licensed individual deemed appropriate by the school";

Also on page 3, in line 31, by striking "extracurricular"; by striking all in lines 33 through 38; in line 39, by striking "extracurricular";

On page 4, in line 7, by striking "and"; in line 8, after "(G)" by inserting "licensed speech-language pathologist; and

(H)";

Also on page 4, in line 11, by striking "extracurricular"; in line 15, by striking "extracurricular"; in line 21, by striking "extracurricular"; in line 36, by striking "extracurricular";

On page 5, in line 3, by striking all after "(B)"; by striking all in lines 4 and 5; in line 6, by striking "(C)"; in line 8, after "learn" by inserting "; and

(C) has successfully completed each requirement of the return-to-play protocol established by the school necessary for the athlete to return to play";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

SB 98 be amended on page 1, following line 9, by inserting:

"Section 1. K.S.A. 74-3265 is hereby amended to read as follows: 74-3265. (a) Within the limits of appropriations for osteopathic medical service scholarships, and in accordance with the provisions of this section, the state board of regents may award such scholarships to Kansas residents who are undergraduate students enrolled in or admitted to accredited or pre-accredited schools of osteopathic medicine in a course of instruction leading to the degree of doctor of osteopathy and who enter into a written agreement with the state board of regents as provided in K.S.A. 74-3266, and amendments thereto.

(b) Osteopathic medical service scholarships shall be in effect for the period of time specified in subsection (c) and shall provide to the person receiving the scholarship the payment of an amount not to exceed the maximum amount of a loan authorized to be made under the medical student loan act.

(c) Osteopathic medical service scholarships shall be awarded on an annual basis and shall be in effect for one year unless otherwise terminated before the expiration of such period of time. A Kansas resident who is an undergraduate student enrolled in or admitted to an accredited or pre-accredited school of osteopathic medicine in a course of instruction leading to the degree of doctor of osteopathy may be awarded a scholarship for each year the student enters into a written agreement with the state board of regents as provided in K.S.A. 74-3266, and amendments thereto, up to a maximum of four years. For each year a student is awarded a scholarship, the student shall engage in the practice of medicine and surgery in Kansas for the period of time specified in ~~subsection (a)(3) of~~ K.S.A. 74-3266~~(a)(3)~~, and amendments thereto, unless such obligation is otherwise satisfied as provided in K.S.A. 74-3268, and amendments thereto.

(d) The state board of regents shall not award more than ~~15~~ 25 osteopathic medical service scholarships in any year to persons who have not previously been awarded such a scholarship and, in any case, the state board shall not award more than ~~60~~ 80 such

scholarships in any year. In selecting Kansas residents to be awarded osteopathic medical service scholarships, the state board shall give primary consideration to students commencing their first year of instruction at accredited or pre-accredited schools of osteopathic medicine and thereafter shall consider students in later years of instruction.

Sec. 2. K.S.A. 74-3268 is hereby amended to read as follows: 74-3268. (a) An obligation to engage in the practice of medicine and surgery in accordance with an agreement under K.S.A. 74-3266, and amendments thereto, shall be postponed during any period of time: (1) ~~During any~~ Of required ~~period of~~ active military service; (2) ~~during any period~~ of service as a part of volunteers in service to America (VISTA); (3) ~~during any period~~ of service in the peace corps; (4) ~~during any period~~ of service commitment to the United States public health service; (5) ~~during any period~~ of religious missionary work conducted by an organization exempt from tax under section 501(c)(3) of the federal internal revenue code as in effect on December 31, 2000; (6) ~~during any period of time~~ the person obligated is engaged solely in the teaching of medicine; (7) ~~during any period of time~~ the person obligated is engaged solely in medical research; (8) ~~during any period of time~~ the person obligated is unable because of temporary medical disability to practice medicine and surgery; (9) ~~during any period of time~~ the person obligated is on job-protected leave under the federal family and medical leave act of 1993; ~~or~~ (10) ~~during any period of time~~ the state board of regents determines that the person obligated is unable because of special circumstances to practice medicine and surgery; or (11) not longer than one year during which the person participates in a healthcare-related fellowship program.

(b) ~~Except for clauses subsection (a)(8), (9) and (10), an obligation to engage in the practice of medicine and surgery in accordance with an agreement under K.S.A. 74-3266, and amendments thereto, shall not be postponed more than five years from the time the practice of medicine and surgery was to have been commenced under any such agreement. An obligation to engage in the practice of medicine and surgery in accordance with an agreement under K.S.A. 74-3266, and amendments thereto, shall be postponed under clause subsection (a)(8) during the period of time the medical disability exists. An obligation to engage in the practice of medicine and surgery in accordance with an agreement under K.S.A. 74-3266, and amendments thereto, shall be postponed under clause subsection (a)(9) during the period of time the person obligated remains on FMLA leave. An obligation to engage in the practice of medicine and surgery in accordance with an agreement under K.S.A. 74-3266, and amendments thereto, shall be postponed under clause subsection (a)(10) during the period of time the state board of regents determines that the special circumstances exist. The state board of regents shall adopt rules and regulations prescribing criteria or guidelines for determination of the existence of special circumstances causing an inability to practice medicine and surgery, and shall determine the documentation required to prove the existence of such circumstances.~~

~~(b)(c)~~ (c) An obligation to engage in the practice of medicine and surgery in accordance with an agreement under K.S.A. 74-3266, and amendments thereto, shall be satisfied: (1) If the obligation to engage in the practice of medicine and surgery has been completed in accordance with the agreement; (2) if the person obligated dies; (3) if, because of permanent physical disability, the person obligated is unable to practice medicine and surgery; (4) if the person obligated fails to satisfy the requirements for a

degree of doctor of osteopathy after making the best effort possible to obtain such degree; or (5) if the person obligated fails to satisfy all requirements for a permanent license to practice medicine and surgery in Kansas or any other jurisdiction or has been denied a license after the person has applied for a license and has made the best effort possible to obtain a license.";

On page 4, in line 32, after the period by inserting "Any person who fails to satisfy the obligation to engage in the full-time practice of medicine and surgery in accordance with this section due to active military service of such person or such person's spouse shall not be required to pay the 15% annual interest rate on any moneys received under such agreement.";

On page 6, following line 34, by inserting:

"Sec. 6. K.S.A. 76-386 is hereby amended to read as follows: 76-386. (a) An obligation to engage in the practice of medicine and surgery in accordance with an agreement under this act shall be postponed during any period of time for: (1) During any Required period of active military service of the person obligated or such person's spouse; (2) during any period of service as a part of volunteers in service to America (VISTA); (3) during any period of service in the peace corps; (4) during any period of service commitment to the United States public health service; (5) during any period of religious missionary work conducted by an organization exempt from tax under subsection (c) of section 501 of the federal internal revenue code of 1986; or (6) during any period of temporary medical disability during which the person obligated is unable because of such medical disability to practice medicine and surgery; or (7) not more than one year during which the person participates in a healthcare-related fellowship program.

~~(b)~~ Except for ~~clause (6) of this subsection (a)(6)~~, an obligation to engage in the practice of medicine and surgery in accordance with an agreement under this act shall not be postponed more than five years from the time the practice of medicine and surgery was to have been commenced under any such agreement. An obligation to engage in the practice of medicine and surgery in accordance with an agreement under this act shall be postponed under ~~clause (6) of this subsection (a)(6)~~ during the period of time the medical disability exists.

~~(b)(c)~~ An obligation to engage in the practice of medicine and surgery in accordance with an agreement under this act shall be satisfied: (1) If the obligation to engage in the practice of medicine and surgery in accordance with an agreement under this act has been completed; (2) if the person obligated dies; or (3) if, because of permanent physical disability, the person obligated is unable to practice medicine and surgery.";

On page 8, in line 4, after the period by inserting "Any person who fails to satisfy the obligation to engage in the full-time practice of medicine and surgery in accordance with this section due to active military service of such person or such person's spouse shall not be required to pay the 15% annual interest rate on any moneys received under such agreement."; in line 9, after the semicolon by inserting "(2) any period of not more than one year during which the person participates in a healthcare-related fellowship program; (3) any required period of active military service of the person obligated or such person's spouse;"; also in line 9, by striking "(2)" and inserting "(4)";

On page 10, in line 12, after "K.S.A." by inserting "74-3265, 74-3268,"; also in line 12, after "76-385," by inserting "76-386,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "loan" and inserting "medical"; in line 2, by striking "the university of Kansas school of medicine" and inserting "financial assistance therefor; osteopathic medical service scholarships"; in line 6, after "K.S.A." by inserting "74-3265, 74-3268,"; also in line 6, after "76-385" by inserting ", 76-386"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 232** be amended by substituting with a new bill to be designated as "Substitute for SENATE BILL NO. 232," as follows:

"Substitute for SENATE BILL NO. 232

By Committee on Judiciary

"AN ACT concerning children and minors; establishing the office of the child advocate as an independent state agency and prescribing certain powers, duties and functions therefor; authorizing access to certain records; relating to children in need of care; making orders granting custody for adoption subject to the federal Indian child welfare act; directing the secretary for children and families to consider foster parents as prospective adoptive parents under certain circumstances; requiring the secretary to report certain data on adoptions; authorizing the appeal of any order of placement of a child; providing for retroactivity; amending K.S.A. 38-2203, 38-2213, 38-2270, 38-2273, 38-2309 and 38-2310 and K.S.A. 2022 Supp. 38-2211 and 38-2212 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **SB 131** be amended by substituting with a new bill to be designated as "Substitute for SENATE BILL NO. 131," as follows:

"Substitute for SENATE BILL NO. 131

By Committee on Public Health and Welfare

"AN ACT concerning certain healthcare providers; relating to the powers, duties and functions thereof; providing a sports waiver for certain out-of-state physicians to practice medicine on a limited basis in this state during certain sporting events; authorizing the state board of healing arts to adopt procedures to allow other licensed and regulated healthcare professionals to be issued a sports waiver; authorizing the state board of healing arts to adopt rules and regulations related thereto.";

And the substitute bill be passed.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Thursday, February 23, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

