

Journal of the Senate

FIFTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 5, 2023, 10:00 a.m.

The Senate was called to order by President Ty Masterson.
The roll was called with 40 senators present.
Invocation by Dave DePue.

Almighty God, thank You for raising public servants in these august chambers, leaders from forty statewide districts. Lord, today we have a drama packed schedule working through and acting on more than a dozen conference committee reports all of which are important to the people.

Lord, please add patience and understanding to the wisdom and knowledge You have blessed each of these senators with. Help them to negotiate positions on the proposed statutes and laws. Bless the work of their hands. Bless these precious support staff members who make this complex process bear much fruit.

I pray this in the Name of Jesus. Amen

The Pledge of Allegiance was led by President Masterson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 324, AN ACT concerning cities and counties; relating to grants; creating the legislative help grant fund; providing for transfers to and distributions from such fund; establishing help counties grants, state representative help grants and state senator help grants; prescribing procedures, requirements and limitations for such grants, by Committee on Ways and Means.

REFERENCE OF BILLS

Committee of the Whole: **SCR 1611**

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **H Sub SB 116**, and has appointed Representatives W. Carpenter, Kessler and Hoye as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 116** 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.

WILL CARPENTER

TOM KESSLER

Conferees on part of House

MIKE THOMPSON

RICK KLOOS

OLETHA FAUST GOUDEAU

Conferees on part of Senate

On motion of Senator Thompson the Senate adopted the conference committee report on **H Sub SB 116**, and requested a new conference be appointed.

The President appointed Senators Thompson, Kloos and Faust-Goudeau as a second Conference Committee on the part of the Senate on **H Sub SB 116**.

CHANGE OF CONFERENCE

Senators Thompson, Kloos and Faust Goudeau are appointed to replace Senators Longbine, Fagg, and Holscher as members of the conference committee on **SB 14**.

Senators Gossage, Erickson and Pettey are appointed to replace Senators Longbine, Fagg, and Holscher as members of the conference committee on **SB 26**.

Senators Thompson and Faust Goudeau are appointed to replace Senators Petersen and Corson as members of the conference committee on **HB 2014**.

Senators Erickson, Dietrich and Holland are appointed to replace Senators Kerschen, Ryckman, and Ware as members of the conference committee on **HB 2039**.

Senators Gossage, Erickson and Pettey are appointed to replace Senators Longbine, Fagg, and Holscher as members of the conference committee on **HB 2094**.

CHANGE OF REFERENCE

The President withdrew **HB 2083** from the Committee on **Local Government**, and rereferred to the calendar under the heading of **General Orders**.

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

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

ORIGINAL MOTION

Senator Tyson motioned to advance **SCR 1611** to Emergency Final Action, subject to amendment, debate and roll call.

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

On roll call, the vote was: Yeas 27; Nays 7; Present and Passing 0; Absent or Not Voting 6.

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

Nays: Francisco, Holland, Holscher, Pyle, Reddi, Sykes, Ware.

Absent or Not Voting: Corson, Doll, Faust-Goudeau, Haley, Pettey, Pittman.

Motion carried.

A motion by Senator Holland to amend **SCR 1611** failed and the following amendment was rejected: on page 1, by striking all in lines 27 through 36;

On page 2, by striking all in lines 1 through 8; in line 20, by striking "11½%" and inserting "9%";

On page 3, in line 31, by striking all after "would"; by striking all in lines 32 through 38; in line 39, by striking all before the period and inserting "decrease the assessed valuation in determining property taxes for residential purposes and real property necessary to accommodate a residential community of mobile or manufactured homes"; in line 40, by striking all after "would"; by striking all in lines 41 through 43;

On page 4, by striking all in lines 1 through 7; in line 8, by striking "provision" and inserting "decrease the assessed valuation in determining property taxes for residential purposes and real property necessary to accommodate a residential community of mobile or manufactured homes from 11½% to 9%"; in line 9, by striking all after "would"; in line 10, by striking all before the period and inserting "continue the assessed valuation of real property used for residential purposes and real property necessary to accommodate a residential community of mobile or manufactured homes at 11½%";

On page 1, in the title, in line 2, by striking all after the second semicolon; in line 3, by striking all before the period and inserting "decreasing the assessed valuation of property in determining property taxes for real property used for residential purposes and real property necessary to accommodate a residential community of mobile or manufactured homes"

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

On roll call, the vote was: Yeas 11; Nays 28; Present and Passing 0; Absent or Not Voting 1.

Yeas: Corson, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Pettey, Pittman, Reddi, Sykes, Ware.

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

Absent or Not Voting: Baumgardner.

EXPLANATION OF VOTE

I vote "NO" on the motion to amend. Although I understand there may be some benefit to some residential property owners, the significant tax increase to our Kansas agriculture producers is unacceptable. We all know that the Kansas economy is heavily reliant on agriculture industry. The property tax increase to production agriculture that would result from this amendment will potentially bankrupt some producers and we all rely on farmers for food and many other products. Production agriculture is already challenging, we should not intentionally pass legislation that makes it more expensive for the industry.—VIRGIL PECK

Senator Steffen requests the record to show he concurs with the "Explanation of Vote" offered by Senator Peck on **SCR 1611**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SCR 1611, A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas; relating to property taxation; limiting valuation increases for real property.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Corson, Doll, Faust-Goudeau, Francisco, Holland, Holscher, Longbine, Pettey, Reddi, Sykes, Ware.

Absent or Not Voting: Haley.

The resolution was adopted by the required 2/3 constitutional majority.

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

AFTERNOON SESSION

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

MESSAGES FROM THE HOUSE

The House nonconcur in Senate amendments to **S Sub HB 2058**, requests a conference and has appointed Representatives W. Carpenter, Kessler and Hoye as conferees on the part of the House.

The House announced the appointment of Representatives Awerkamp, Howell and Meyer as conferees on **HB 2094**.

The House announced the appointment of Representatives W. Carpenter, Kessler and Hoye as conferees on **HB 2014**.

The House announce the appointment of Representatives Hoheisel, L. Williams and Xu as conferees on **SB 17**.

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **HB 2238**,

AN ACT concerning education; relating to student athletes; creating the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations of the act., which was received on March 17, 2023 and read on March 20, 2023.

**MESSAGE FROM THE GOVERNOR
REGARDING VETO OF HOUSE BILL 2238**

“As I’ve said before, we all want a fair and safe place for our kids to play and compete.

That’s why I support the Kansas State High School Activities Association, which was set up to ensure nobody has an unfair advantage on the playing field. The Legislature should let the Association do its job.

Let’s be clear about what this bill is all about – politics. It won’t increase any test scores. It won’t help any kids read or write. It won’t help any teachers prepare our kids for the real world. Here’s what this bill would actually do: harm the mental health of our

students. That's exactly why Republican governors have joined me in vetoing similar bills.

This bill would also reverse the progress we've made in recruiting businesses and creating jobs. It would send a signal to prospective companies that Kansas is more focused on unnecessary and divisive legislation than becoming a place where young people want to work and raise a family.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2238**."

A motion was made that **HB 2238** be passed notwithstanding the Governor's veto. By vote of 84 Yeas and 40 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.

ACTION ON VETO MESSAGE

A motion was made by Senator Erickson that **HB 2238** be passed notwithstanding the Governor's veto.

AN ACT concerning education; relating to student athletes; creating the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations of the act.,

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

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

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

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

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

The Call was lifted.

EXPLANATION OF VOTE

It is not the job of the Kansas Legislature to be deciding what kindergarteners do and don't do. Sports federations such as the NCAA are making sport-appropriate decisions about this. In competitive swimming, athletes must transition by age 12 in order to compete. They've addressed the problem. For Christians, this week is Holy Week, when Jesus was crucified. And what this body is doing is crucifying a part of our community. I vote no.—DINAH SYKES

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Sykes on **HB 2338**.

ORIGINAL MOTION

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **HB 2002**.

The President appointed Senators Tyson, Peck and Holland as conferees on the part

of the Senate.

On motion of Senator Thompson, the Senate acceded to the request of the House for a conference on **S Sub HB 2058**.

The President appointed Senators Thompson, Kloos and Faust Goudeau as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Longbine moved the Senate concur in House amendments to **SB 44**.

SB 44, AN ACT concerning financial institutions; relating to cybersecurity; enacting the Kansas financial institutions information security act; requiring certain covered entities to protect customer information; authorizing the state bank commissioner to adopt rules and regulations; providing penalties for violations of such act.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

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, Reddi, Ryckman, Shallenburger, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Pyle, Steffen, Straub, Tyson.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2020** 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 23, by inserting:

"Sec. 2. (a) All transportation network company drivers shall be independent contractors and not employees of the transportation network company if all of the following conditions are met:

(1) The transportation network company does not prescribe specific hours that a transportation network company driver shall be logged into the transportation network company's digital network;

(2) the transportation network company imposes no restrictions on the transportation network company driver's ability to utilize digital networks from other transportation network companies;

(3) the transportation network company does not restrict a transportation network company driver from engaging in any other occupation or business; and

(4) the transportation network company and the transportation network company driver agree in writing that the driver is an independent contractor with respect to the transportation network company.

(b) The provisions of this section shall be limited to the relationship between transportation network companies and transportation network company drivers.

(c) This act shall be a part of and supplemental to the Kansas transportation network company services act.";

Also on page 1, in line 25, 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 "motor carriers" and inserting "transportation"; in line 3, after "vehicle" by inserting "; relating to the Kansas transportation network company services act; establishing conditions for when a driver is an independent contractor for a transportation network company";

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

MIKE PETERSEN

RICK KLOOS

Conferees on part of Senate

SHANNON FRANCIS

LANCE NEELLY

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2020**.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

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

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

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2059** submits the following report:

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

On page 1, following line 11, by inserting:

"New Section 1. (a) Notwithstanding any other provisions of state law, a food establishment, as defined in K.S.A. 65-656, and amendments thereto, that is a microbrewery as defined in K.S.A. 41-102, and amendments thereto, and is licensed as provided in K.S.A. 41-308b, and amendments thereto, may allow live dogs in outside and inside areas on the premises if the conditions specified in subsection (c) are met.

(b) Notwithstanding any other provisions of state law, a food establishment, as defined in K.S.A. 65-656, and amendments thereto, that is not a microbrewery as defined in K.S.A. 41-102, and amendments thereto, may allow live dogs in outside areas on the premises, if the conditions as specified in subsection (c) are met.

(c) The following conditions shall be met by a food establishment for dogs to be permitted on such food establishment's premises as permitted by subsections (a) and (b):

(1) The food establishment shall prepare a written plan describing the processes and procedures in place to prevent food contamination from dogs on the premises. The

plan shall be posted next to the food establishment license inside the premises of the food establishment. The employees of the food establishment shall be trained on the plan, and the plan shall be made available to the Kansas department of agriculture upon request;

(2) dogs shall be under handler control. Dogs shall be well behaved and respond to their handler's command. Dogs belonging to food establishment owners, management or employees shall not be required to be leashed. Dogs belonging to guests of the food establishment shall be leashed at all times;

(3) with respect to a food establishment that is a microbrewery, as provided by subsection (a), dogs in indoor areas shall not be permitted in food or drink preparation areas, including, but not limited to, kitchens and behind bars;

(4) dogs shall not be permitted on dining surfaces, including tables, bars or counter tops;

(5) dogs shall not be fed or watered from any food establishment equipment, including, but not limited to, plates, bowls and utensils, except for single-service items that are disposed of immediately following such use;

(6) an area outside the food establishment shall be designated for dog urination and defecation;

(7) employees shall be required to wash their hands after contact of any kind with a dog prior to handling any food, drink, utensil or food or drink production, preparation or serving equipment or the preparation or use of surfaces that may come into contact with food or drink;

(8) guests shall be advised to wash their hands after any contact with a dog; and

(9) a process for immediately sanitizing equipment or surfaces used for the production, preparation, serving or consumption of food or drink if a dog has contact with such equipment or surfaces shall be developed and followed by the food establishment. This process shall include instructions for disposing of contaminated food or drink.";

On page 7, following line 32, by inserting:

"Sec. 6. On and after July 1, 2023, K.S.A. 41-350 is hereby amended to read as follows: 41-350. (a) For the purposes of this act, the term "winery" means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit. The terms "director" and "secretary" ~~have the meaning ascribed to these terms~~ mean the same as defined in K.S.A. 41-102, and amendments thereto.

(b) Any winery may be authorized to make direct shipments of wine to consumers in this state upon obtaining a special order shipping license from the secretary pursuant to this act.

(1) A special order shipping license shall only be issued to a winery upon compliance with all applicable provisions of this act and the regulations promulgated pursuant to this act, and upon payment of a license fee in the amount of \$100. The license term for a special order shipping license shall commence on the date specified on the license and shall end two years after that date.

(2) A special order shipping license shall entitle the winery to ship wine upon order directly to consumers for personal or household use in this state. The purchaser shall pay the purchase price and all shipping costs directly to the permit holder. Enforcement taxes collected herein shall be paid solely on the purchase price and not on the shipping

costs.

(c) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year.

(d) (1) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the person placing the order to state affirmatively that ~~he or she~~ such person is 21 years of age or older and shall verify the age of such person placing the order either by the physical examination of an approved government issued form of identification or by utilizing an internet based age and identification service approved by the director of alcoholic beverage control; or the director's designee.

(2) Every shipment of wine by the holder of a special order shipping license shall be clearly marked 'Alcoholic Beverages, Adult Signature Required' and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.

(e) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this act or the club and drinking establishment act.

(f) The failure to comply strictly with the requirements of this act and rules and regulations promulgated pursuant to this act shall be grounds for the revocation of a special order shipping license or other disciplinary action by the director. After notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a shipping permit upon a finding that the permit holder has failed to comply with any provision of this section or K.S.A. 41-501 et seq., and amendments thereto, or any rules and regulations adopted pursuant to such statutes. Upon revocation of a special order shipping license for shipment of wine to a person not of legal age as required herein such winery shall not be issued any special order shipping license pursuant to this act for a period of one year from the date of revocation.

(g) The holder of a special order shipping license shall collect all gallonage taxes imposed by K.S.A. 41-501 et seq., and amendments thereto, shall on a ~~quarterly~~ monthly basis electronically remit such taxes in a manner prescribed by the secretary and shall accompany such remittance with any reports, documentation or other information as may be required by the secretary. In addition, an applicant for and a holder of a special order shipping license, as a condition of receiving and holding a valid license, shall:

(1) Collect and pay the applicable Kansas enforcement tax on each sale shipped to a consumer in Kansas imposed by K.S.A. 79-4101 et seq., and amendments thereto;

(2) accompany each remittance with such sales tax reports, documentation and other information as may be required by the director of taxation; and

(3) if the holder of the license is an out-of-state shipper, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 41-501 et seq., and amendments thereto, and any related laws and rules and regulations and to accept service of any notice or order provided for in the liquor control act.

(h) The secretary of revenue may adopt rules and regulations to implement,

administer and enforce the provisions of this section.

(i) This section shall be a part of and supplemental to the Kansas liquor control act.";

On page 9, following line 31, by inserting:

"Sec. 8. K.S.A. 2022 Supp. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of the Kansas cereal malt beverage act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Within any city where the days of sale at retail of cereal malt beverage in the original package have not been expanded as provided by K.S.A. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 41-2911, and amendments thereto, no cereal malt beverages or beer containing not more than 6% alcohol by volume may be sold:

(1) Between the hours of 12 midnight and 6 a.m.; or

(2) on Sunday, except in a place of business ~~which that~~ is licensed to sell cereal malt beverage for consumption on the premises, ~~which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises and which that~~ is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(c) Within any city where the days of sale at retail of cereal malt beverage in the original package have been expanded as provided by K.S.A. 41-2911, and amendments thereto, and have not been subsequently restricted as provided in K.S.A. 41-2911, and amendments thereto, no person shall sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume:

(1) Between the hours of 12 midnight and 6 a.m.;

(2) in the original package not earlier than 9 a.m. and not later than 8 p.m. on Sunday;

(3) on Easter Sunday; or

(4) for consumption on the licensed premises on Sunday, except in a place of business ~~which that~~ is licensed to sell cereal malt beverage for consumption on the premises, ~~which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises and which that~~ is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(d) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises also are licensed as a club pursuant to the club and drinking establishment act.

(e) Each place of business shall be open to the public and to law enforcement officers at all times during business hours, except that a premises licensed as a club pursuant to the club and drinking establishment act shall be open to law enforcement officers and not to the public.

(f) Except as otherwise provided by this subsection, no licensee shall permit a person under the legal age for consumption of cereal malt beverage or beer containing

not more than 6% alcohol by volume to consume or purchase any cereal malt beverage in or about a place of business. A licensee's employee who is not less than 18 years of age may dispense or sell cereal malt beverage or beer containing not more than 6% alcohol by volume, if:

(1) The licensee's place of business is licensed only to sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume in the original package and not for consumption on the premises; or

(2) the licensee's place of business is a licensed food service establishment, as defined by K.S.A. 36-501, and amendments thereto, and not less than 50% of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.

(g) No person shall have any alcoholic liquor, except beer containing not more than 6% alcohol by volume, in such person's possession while in a place of business, unless the premises are currently licensed as a club or drinking establishment pursuant to the club and drinking establishment act or the business is a farm winery licensed pursuant to K.S.A. 41-316, and amendments thereto, or a producer licensed pursuant to K.S.A. 41-355, and amendments thereto.

(h) Cereal malt beverages may be sold on premises that are licensed pursuant to both the Kansas cereal malt beverage act and the club and drinking establishment act at any time when alcoholic liquor is allowed by law to be served on the premises.";

Also on page 9, in line 32, after "41-307" by inserting "and K.S.A. 2022 Supp. 41-2704"; in line 33, after "41-104" by inserting ", 41-350";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "beverages" by inserting "and food establishments"; in line 5, after the second semicolon by inserting "relating to the special order shipping of wine; requiring monthly remittance of gallonage taxes; allowing businesses to sell cereal malt beverage by the drink on Sundays without requiring that 30% of the gross receipts of such businesses be derived from the sale of food; permitting food establishments to allow dogs in outside areas on the premises and food establishments that are microbreweries to allow dogs in outside and inside areas on the premises notwithstanding certain provisions of the Kansas food code;"; in line 8, after "41-307" by inserting ", 41-350"; also in line 8, after the second "and" by inserting "K.S.A. 2022 Supp. 41-2704 and";

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

MIKE THOMPSON

RICK KLOOS

OLETHA FAUST GOUDEAU

Conferees on part of Senate

WILL CARPENTER

TIM KESSLER

JO ELLA HOYE

Conferees on part of House

Senator Thompson moved the Senate adopt the Conference Committee Report on **HB 2059**.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Baumgardner, Gossage, Peck, Pyle, Steffen, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2147** 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 3, following line 22, by inserting:

"(e) The provisions of this section shall take effect on and after January 1, 2024.

New Sec. 2. (a) No person shall knowingly or intentionally manufacture, import, distribute, sell, offer for sale, install or reinstall a device intended to replace a supplemental restraint system component if the device is:

(1) A counterfeit supplemental restraint system component;

(2) a nonfunctional airbag; or

(3) any object in lieu of a supplemental restraint system component that was not designed in accordance with federal safety regulations for the make, model and year of the motor vehicle in which such device is or will be installed.

(b) Violation of subsection (a) shall be a class A nonperson misdemeanor.

(c) As used in this section:

(1) "Airbag" means a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.

(2) "Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component that displays a mark identical or substantially similar to the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier.

(3) "Nonfunctional airbag" means a replacement airbag that:

(A) Was previously deployed or damaged;

(B) has an electric fault that is detected by the motor vehicle's diagnostic systems when the installation procedure is completed and the motor vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;

(C) includes a part or object, including a supplemental restraint system component, installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or

(D) is prohibited from being sold or leased in accordance with 49 U.S.C. § 30120(j).

(4) "Supplemental restraint system" means a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with active restraint systems as described in 49 C.F.R. § 571.208. A supplemental restraint system includes:

(A) Each airbag installed in accordance with the motor vehicle manufacturer's

design; and

(B) all components required to ensure that an airbag operates as designed in the event of a crash and in accordance with the federal motor vehicle safety standards for the specific make, model and year of the motor vehicle.

(d) This section shall be a part of and supplemental to the uniform act regulating traffic on highways.";

Also on page 3, in line 23, before "K.S.A." by inserting "On and after January 1, 2024,";

On page 4, in line 6, by striking "10" and inserting "15 calendar";

On page 6, in line 8, before "K.S.A." by inserting "On and after January 1, 2024,";

On page 8, following line 36, by inserting:

"Sec. 5. On and after January 1, 2024, K.S.A. 8-1104 is hereby amended to read as follows: 8-1104. (a) Before any such vehicle and personal property is sold, the person intending to sell such vehicle shall request verification from the division of vehicles of the last registered owner and any lienholders, if any. Such verification request shall be submitted to the division of vehicles not more than 30 days after such person took possession of the vehicle. Every person intending to sell any vehicle pursuant to this section that cannot be verified by the division of vehicles shall obtain an interstate search of registered owners and lienholders unless:

(1) The vehicle is 15 years of age or older; or

(2) the vehicle is determined by the division of vehicles to be a nonrepairable vehicle pursuant to K.S.A. 8-135c, and amendments thereto.

(b) Notice of sale, as provided in this act, shall be mailed by certified mail to any such registered owner and any such lienholders within ~~10~~ 15 calendar days after receipt of verification of the last owner and any lienholders, if any. The person intending to sell such vehicle and personal property pursuant to this act shall cause a notice of the time and place of sale, containing a description of the vehicle and personal property, to be published in a newspaper published in the county or city where such sale is advertised to take place, and if there is no newspaper published in such county, then the notice shall be published in some newspaper of general circulation in such county. Notices given under this section shall state that if the amount due, together with storage, publication, notice and sale costs, is not paid within 15 days from the date of mailing, the vehicle and personal property will be sold at public auction. Notice of an auction shall be published at least seven days prior to the scheduled auction.

Sec. 6. K.S.A. 8-1723 is hereby amended to read as follows: 8-1723. (a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(d) Any vehicle 80 inches or more in overall width, if not otherwise required by K.S.A. 8-1710, and amendments thereto, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in ~~subsection (g) of~~

K.S.A. 8-1710(g), and amendments thereto.

(e) Any vehicle may be equipped with one or more side marker lamps and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber and side marker lamps located toward the rear shall be red.

(f) Any motor vehicle may be equipped with ~~neon~~ ground effect lighting, except that such lighting shall not flash, be any shade of red nor shall any portion of the ~~neon tubes bulb or lighting fixture~~ be visible. "~~Neon~~ Ground effect lighting" means ~~neon tubes lights~~ placed underneath the motor vehicle for the purpose of illuminating the ground below the motor vehicle creating a halo light effect.

(g) Any motor vehicle may be equipped with head lamps which alternately flash or simultaneously flash when such motor vehicle is being used as the lead motor vehicle of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

Sec. 7. K.S.A. 8-1723 is hereby repealed.";

Also on page 8, in line 37, before "K.S.A." by inserting "On and after January 1, 2024,"; also in line 37, by striking "and" and inserting a comma; also in line 37, before "are" by inserting "and 8-1104"; in line 40, by striking "January 1, 2024, and"; also in line 40, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 9, before "amending" by inserting "modifying requirements for certified mail notices to prior owners of abandoned or towed vehicles; relating to the uniform act regulating traffic on highways; creating the crime of knowingly or intentionally manufacturing, importing, distributing, selling, offering for sale, installing or reinstalling counterfeit supplemental restraint system components and nonfunctional airbags and providing criminal penalties for violation thereof; expanding permitted lighting equipment on vehicles to include all ground effect lighting;"; also in line 9, by striking the first "and" and inserting a comma; also in line 9, before the second "and" by inserting ", 8-1104 and 8-1723";

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

MIKE PETERSEN

RICK KLOOS

ETHAN CORSON

Conferees on part of Senate

SHANNON FRANCIS

LANCE NEELLY

BARBARA BALLARD

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2147**.

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

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, Ware, Warren, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2279** 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, in line 30, before "The" by inserting "An itemized list of all income and the source from which the income was received, including any grants and interest income earned;

(2) an itemized list of all expenditures by the board;

(3) an accounting of all assets currently held by the board;

(4)";

Also on page 1, by striking all in line 33;

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

On page 2, in line 23, by striking "December 31" and inserting "July 1"; in line 34, by striking all after "or"; in line 35, by striking all before the semicolon and inserting "a similar measure of future water availability can be determined based on local water use and water level data";

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

DAN KERSCHEN

RON RYCKMAN

MARY WARE

Conferees on part of Senate

JIM MINNIX

CYNDI HOWERTON

LINDSAY VAUGHN

Conferees on part of House

Senator Ryckman moved the Senate adopt the Conference Committee Report on **HB 2279**.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Baumgardner, Holland, Pyle, Steffen, Straub, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2298** 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 13, by inserting:

"Sec. 2. The portion of United States highway 69 from its junction with K-47 highway in Crawford county then north on United States highway 69 to its junction with 650th avenue is hereby designated as the Robert Lessen memorial highway. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place suitable signs along the highway right-of-way at proper intervals to indicate that the highway is the Robert Lessen memorial highway.";

Also on page 1, in line 15, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 3, after "highway" by inserting "; designating a portion of United States highway 69 as the Robert Lessen memorial highway";

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

MIKE PETERSEN

RICK KLOOS

ETHAN CORSON

Conferees on part of Senate

SHANNON FRANCIS

LANCE NEELLY

BARBARA BALLARD

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2298**.

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

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, Ware, Warren, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2335** 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 2, in line 35, by striking "Kansas register" and inserting "statute book";

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

MIKE PETERSEN

RICK KLOOS

ETHAN CORSON

Conferees on part of Senate

SHANNON FRANCIS

LANCE NEELLY

BARBARA BALLARD

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2335**.

On roll call, the vote was: Yeas 35; Nays 2; Present and Passing 3; Absent or Not Voting 0.

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

Nays: Steffen, Straub.

Present and Passing: Francisco, Haley, McGinn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

While I vote yes on **HB 2335**, I wish we had kept the Senate position putting in **Senate Bill 271**, which protects Kansans by restricting the length of our trains and making railroad crossings safer.—DINAH SYKES

Senators Faust Goudeau, Haley and Holland request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **HB 2335**.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2346** 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 4, by striking all in lines 14 through 29;

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking all after the semicolon; by striking all in line 5; in line 6, by striking "plate;"

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

MIKE PETERSEN

RICK KLOOS

ETHAN CORSON

Conferees on part of Senate

SHANNON FRANCIS
LANCE NEELLY
BARBARA BALLARD

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2346**.

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

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, Ware, Warren, Wilborn.

The Conference Committee Report was adopted.

On motion of Senator Alley, the Senate recessed until 5:00 p.m.

EVENING SESSION

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 119**.

The House adopts the Conference Committee report on **H Sub SB 116**.

The House announces the appointment of Representatives Proctor, Waggoner and Woodard to replace Representatives Sutton, Penn and Neighbor as conferees on **SB 14**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 116** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 116, as follows:

On page 1, by striking all in lines 14 through 36; by striking all on pages 2 through 10;

On page 11, by striking all in lines 1 through 21; following line 21, by inserting:

"Section 1. K.S.A. 2022 Supp. 75-7c05 is hereby amended to read as follows: 75-7c05. (a) The application for a license pursuant to this act shall be completed, under oath, on a form prescribed by the attorney general and shall only include:

(1) (A) Subject to the provisions of subsection (a)(1)(B), the name, address, social security number, Kansas driver's license number or Kansas nondriver's license identification number, place and date of birth, a photocopy of the applicant's driver's license or nondriver's identification card and a photocopy of the applicant's certificate of training course completion; (B) in the case of an applicant who presents proof that such person is on active duty with any branch of the armed forces of the United States, or is the dependent of such a person, and who does not possess a Kansas driver's license or

Kansas nondriver's license identification, the number of such license or identification shall not be required;

(2) a statement that the applicant is in compliance with criteria contained within K.S.A. 75-7c04, and amendments thereto;

(3) a statement that the applicant has been furnished a copy of this act and is knowledgeable of its provisions;

(4) a conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under K.S.A. 2022 Supp. 21-5903, and amendments thereto; and

(5) a statement that the applicant desires a concealed handgun license as a means of lawful self-defense.

(b) Except as otherwise provided in subsection (i), the applicant shall submit to the sheriff of the county where the applicant resides, during any normal business hours:

(1) A completed application described in subsection (a);

(2) ~~a nonrefundable license fee of \$132.50, if the applicant has not previously been issued a statewide license or if the applicant's license has permanently expired, which fee shall be in the form of two cashier's checks, personal checks or money orders of an amount of \$32.50 payable to the sheriff of the county where the applicant resides and \$100 payable to the attorney general for the purpose of covering the cost of taking fingerprints pursuant to subsection (c);~~

(3) if applicable, a photocopy of the proof of training required by K.S.A. 75-7c04(b)(1), and amendments thereto; and

(4) a full frontal view photograph of the applicant taken within the preceding 30 days.

(c) (1) Except as otherwise provided in subsection (i), the sheriff, upon receipt of the items listed in subsection (b), shall provide for the full set of fingerprints of the applicant to be taken and forwarded to the attorney general for purposes of a criminal history records check as provided by subsection (d). In addition, the sheriff shall forward the application to the attorney general ~~the application and the portion of the original license fee which is payable to the attorney general. The cost of taking such fingerprints shall be included in the portion of the fee retained by the sheriff.~~ Notwithstanding ~~anything any provision~~ in this section to the contrary, an applicant shall not be required to submit fingerprints for a renewal application under K.S.A. 75-7c08, and amendments thereto.

(2) The sheriff of the applicant's county of residence or the chief law enforcement officer of any law enforcement agency, at the sheriff's or chief law enforcement officer's discretion, may participate in the process by submitting a voluntary report to the attorney general containing readily discoverable information, corroborated through public records, which, when combined with another enumerated factor, establishes that the applicant poses a significantly greater threat to law enforcement or the public at large than the average citizen. Any such voluntary reporting shall be made within 45 days after the date the sheriff receives the application. Any sheriff or chief law enforcement officer submitting a voluntary report shall not incur any civil or criminal liability as the result of the good faith submission of such report.

(3) All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office which shall be used solely for the

purpose of administering this act.

(d) Each applicant shall be subject to a state and national criminal history records check which conforms to applicable federal standards, including an inquiry of the national instant criminal background check system for the purpose of verifying the identity of the applicant and whether the applicant has been convicted of any crime or has been the subject of any restraining order or any mental health related finding that would disqualify the applicant from holding a license under this act. The attorney general is authorized to use the information obtained from the state or national criminal history record check to determine the applicant's eligibility for such license.

(e) Within 90 days after the date of receipt of the items listed in subsection (b), the attorney general shall:

(1) (A) Issue the license and certify the issuance to the department of revenue; and

(B) if it is impractical for the division of vehicles of the department of revenue to issue physical cards consistent with the requirements of this act and the attorney general has determined that the conditions for such impracticality have existed for at least 30 days, the attorney general shall issue an authorization document in accordance with K.S.A. 75-7c03(d), and amendments thereto; or

(2) deny the application based solely on: (A) The report submitted by the sheriff or other chief law enforcement officer under subsection (c)(2) for good cause shown therein; or (B) the ground that the applicant is disqualified under the criteria listed in K.S.A. 75-7c04, and amendments thereto. If the attorney general denies the application, the attorney general shall notify the applicant in writing, stating the ground for denial and informing the applicant the opportunity for a hearing pursuant to the Kansas administrative procedure act.

(f) ~~Each~~ No person who is issued a license or has such license renewed shall be required to pay to the department of revenue a fee for the cost of the license which shall be in amounts equal to the fee required pursuant to K.S.A. 8-243 and 8-246, and amendments thereto, for replacement of a driver's license or renewal except as otherwise provided in subsection (b) for the purpose of covering the cost of taking fingerprints.

(g) (1) A person who is a retired law enforcement officer, as defined in K.S.A. 2022 Supp. 21-5111, and amendments thereto, shall be: (A) ~~Required to pay an original license fee as provided in subsection (b)(2), to be forwarded by the sheriff to the attorney general;~~ (B) Exempt from the required completion of a handgun safety and training course if such person was certified by the Kansas commission on peace officer's standards and training, or similar body from another jurisdiction, not more than eight years prior to submission of the application; (C) ~~required to pay the license renewal fee;~~ (D) ~~required to pay to the department of revenue the fees required by subsection (f);~~ and (E) (B) required to comply with the criminal history records check requirement of this section.

(2) Proof of retirement as a law enforcement officer shall be required and provided to the attorney general in the form of a letter from the agency head, or their designee, of the officer's retiring agency that attests to the officer having retired in good standing from that agency as a law enforcement officer for reasons other than mental instability and that the officer has a nonforfeitable right to benefits under a retirement plan of the agency.

(h) A person who is a corrections officer, a parole officer or a corrections officer

employed by the federal bureau of prisons, as defined by K.S.A. 75-5202, and amendments thereto, shall be: (1) ~~Required to pay an original license fee as provided in subsection (b)(2);~~ (2) Exempt from the required completion of a handgun safety and training course if such person was issued a certificate of firearms training by the department of corrections or the federal bureau of prisons or similar body not more than one year prior to submission of the application; ~~(3) required to pay the license renewal fee;~~ (4) ~~required to pay to the department of revenue the fees required by subsection (f);~~ and ~~(5)~~ (2) required to comply with the criminal history records check requirement of this section.

(i) A person who presents proof that such person is on active duty with any branch of the armed forces of the United States and is stationed at a United States military installation located outside this state, may submit by mail an application described in subsection (a) and the other materials required by subsection (b) to the sheriff of the county where the applicant resides. Provided the applicant is fingerprinted at a United States military installation, the applicant may submit a full set of fingerprints of such applicant along with the application. Upon receipt of such items, the sheriff shall forward to the attorney general the application ~~and the portion of the original license fee which is payable to the attorney general.~~

Sec. 2. K.S.A. 2022 Supp. 75-7c08 is hereby amended to read as follows: 75-7c08. (a) Not less than 90 days prior to the expiration date of the license, the attorney general shall mail to the licensee a written notice of the expiration and a renewal form prescribed by the attorney general. The licensee shall renew the license on or before the expiration date by filing with the attorney general the renewal form, a notarized affidavit, either in person or by certified mail, stating that the licensee remains qualified pursuant to the criteria specified in K.S.A. 75-7c04, and amendments thereto, and a full frontal view photograph of the applicant taken within the preceding 30 days ~~and a nonrefundable license renewal fee of \$25 payable to the attorney general.~~ The attorney general shall complete a name-based background check, including a search of the national instant criminal background check system database. ~~A licensee who fails to file a renewal application on or before the expiration date of the license must pay an additional late fee of \$15.~~ A renewal application is considered filed on the date the renewal form, and affidavit, ~~and required fees~~ are delivered in person to the attorney general's office or on the date a certified mailing to the attorney general's office containing these items is postmarked.

(b) Upon receipt of a renewal application as specified in subsection (a), a background check in accordance with K.S.A. 75-7c05(d), and amendments thereto, shall be completed. Fingerprints shall not be required for renewal applications. If the licensee is not disqualified as provided by this act, the license shall be renewed upon receipt by the attorney general of the items listed in subsection (a) and the completion of the background check. If the licensee holds a valid provisional license at the time the renewal application is submitted, then the attorney general shall issue a standard license to the licensee if the licensee is not disqualified as provided by this act.

(c) No license shall be renewed if the renewal application is filed six months or more after the expiration date of the license, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure but an application for licensure ~~and fees~~ pursuant to K.S.A. 75-7c05, and amendments thereto, shall be submitted, and a background investigation

including the submission of fingerprints, shall be conducted pursuant to the provisions of that section.

Sec. 3. K.S.A. 2022 Supp. 75-7c05 and 75-7c08 are hereby repealed.";

Also on page 11, in line 23, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 10; in line 11, by striking all before the period and inserting "the personal and family protection act; removing state agency fees for licenses to carry concealed handguns; amending K.S.A. 2022 Supp. 75-7c05 and 75-7c08 and repealing the existing sections";

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

WILL CARPENTER

TIM KESSLER

Conferees on part of House

MIKE THOMPSON

RICK KLOOS

Conferees on part of Senate

Senator Thompson moved the Senate adopt the Conference Committee Report on **H Sub SB 116**.

On roll call, the vote was: Yeas 27; Nays 10; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Doll, Erickson, Fagg, Gossage, Haley, Kerschen, Kloos, Longbine, Masterson, Olson, Peck, Petersen, Pittman, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Francisco, Holscher, McGinn, O'Shea, Pettey, Pyle, Reddi, Sykes, Ware.

Present and Passing: Dietrich, Faust-Goudeau, Holland.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 119** 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 5, following line 19, by inserting:

"Sec. 4. K.S.A. 40-247 is hereby amended to read as follows: 40-247. (a) An insurance agent or broker who acts in negotiating or renewing or continuing a contract of insurance including any type of annuity by an insurance company lawfully doing business in this state, and who receives any money or substitute for money as a premium for such a contract from the insured, whether such agent or broker shall be entitled to an interest in same or otherwise, shall be deemed to hold such premium in trust for the company making the contract. If such agent or broker fails to pay the same over to the company ~~after written demand made upon such agent or broker~~, less such

agent's or broker's commission and any deductions, to which by the written consent of the company such agent or broker may be entitled, such failure shall be prima facie evidence that such agent or broker has used or applied the premium for a purpose other than paying the same over to the company.

(b) (1) An agent or broker who violates the provisions of this section shall be guilty of a:

(A) Severity level 7, nonperson felony if the value of the insurance premium is \$25,000 or more;

(B) severity level 9, nonperson felony if the value of the insurance premium is at least \$1,000 but less than \$25,000; or

(C) class A nonperson misdemeanor if the value of the insurance premium is less than \$1,000.

(2) If the value of the insurance premium is less than \$1,000 and such agent or broker has, within five years immediately preceding commission of the crime, been convicted of violating this section two or more times shall be guilty of a severity level 9, nonperson felony.

Sec. 5. K.S.A. 40-2,125 is hereby amended to read as follows: 40-2,125. (a) If the commissioner determines after notice and opportunity for a hearing that any person has engaged or is engaging in any act or practice constituting a violation of any provision of Kansas insurance statutes or any rule and regulation or order thereunder, the commissioner may in the exercise of discretion, order any one or more of the following:

(1) Payment of a monetary penalty of not more than \$1,000 for each and every act or violation, unless the person knew or reasonably should have known such person was in violation of the Kansas insurance statutes or any rule and regulation or order thereunder, in which case the penalty shall be not more than \$2,000 for each and every act or violation;

(2) suspension or revocation of the person's license or certificate if such person knew or reasonably should have known that such person was in violation of the Kansas insurance statutes or any rule and regulation or order thereunder; or

(3) that such person cease and desist from the unlawful act or practice and take such affirmative action as in the judgment of the commissioner will carry out the purposes of the violated or potentially violated provision.

(b) If any person fails to file any report or other information with the commissioner as required by statute or fails to respond to any proper inquiry of the commissioner, the commissioner, after notice and opportunity for hearing, may impose a civil penalty of up to \$1,000, for each violation or act, along with an additional penalty of up to \$500 for each week thereafter that such report or other information is not provided to the commissioner.

(c) If the commissioner makes written findings of fact that there is a situation involving an immediate danger to the public health, safety or welfare or the public interest will be irreparably harmed by delay in issuing an order under subsection (a)(3), the commissioner may issue an emergency temporary cease and desist order. Such order, even when not an order within the meaning of K.S.A. 77-502, and amendments thereto, shall be subject to the same procedures as an emergency order issued under K.S.A. 77-536, and amendments thereto. Upon the entry of such an order, the commissioner shall promptly notify the person subject to the order that: (1) It has been entered; (2) the reasons therefor; and (3) that upon written request within 15 days after

service of the order the matter will be set for a hearing which shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to the person subject to the order, shall by written findings of fact and conclusions of law vacate, modify or make permanent the order.

(d) For purposes of this section:

(1) "Person" means any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyd's insurer, fraternal benefit society and any other legal entity engaged in the business of insurance, rating organization, third party administrator, nonprofit dental service corporation, nonprofit medical and hospital service corporation, automobile club, premium financing company, health maintenance organization, insurance holding company, mortgage guaranty insurance company, risk retention or purchasing group, prepaid legal and dental service plan, captive insurance company, automobile self-insurer or reinsurance intermediary and any other legal entity under the jurisdiction of the commissioner. The term "person" ~~shall~~ does not include insurance agents and brokers as such terms are defined in K.S.A. 40-4902, and amendments thereto.

(2) "Commissioner" means the commissioner of insurance of this state.

Sec. 6. K.S.A. 2022 Supp. 40-2c01 is hereby amended to read as follows: 40-2c01. As used in this act:

(a) "Adjusted RBC report" means an RBC report that has been adjusted by the commissioner in accordance with K.S.A. 40-2c04, and amendments thereto.

(b) "Corrective order" means an order issued by the commissioner specifying corrective actions that the commissioner has determined are required to address an RBC level event.

(c) "Domestic insurer" means any insurance company or risk retention group that is licensed and organized in this state.

(d) "Foreign insurer" means any insurance company or risk retention group not domiciled in this state that is licensed or registered to do business in this state pursuant to article 41 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 40-209, and amendments thereto.

(e) "NAIC" means the national association of insurance commissioners.

(f) "Life and health insurer" means any insurance company licensed under article 4 or 5 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or a licensed property and casualty insurer writing only accident and health insurance.

(g) "Property and casualty insurer" means any insurance company licensed under articles 9, 10, 11, 12, 12a, 15 or 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, but does not include monoline mortgage guaranty insurers, financial guaranty insurers and title insurers.

(h) "Negative trend" means, with respect to a life and health insurer, a negative trend over a period of time, as determined in accordance with the "trend test calculation" included in the RBC instructions defined in subsection (j).

(i) "RBC" means risk-based capital.

(j) "RBC instructions" means the risk-based capital instructions promulgated by the NAIC that are in effect on December 31, ~~2021~~ 2022, or any later version promulgated

by the NAIC as may be adopted by the commissioner under K.S.A. 40-2c29, and amendments thereto.

(k) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC or mandatory control level RBC where:

(1) "Company action level RBC" means, with respect to any insurer, the product of 2.0 and its authorized control level RBC;

(2) "regulatory action level RBC" means the product of 1.5 and its authorized control level RBC;

(3) "authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instructions; and

(4) "mandatory control level RBC" means the product of 0.70 and the authorized control level RBC.

(l) "RBC plan" means a comprehensive financial plan containing the elements specified in K.S.A. 40-2c06, and amendments thereto. If the commissioner rejects the RBC plan, and it is revised by the insurer, with or without the commissioner's recommendation, the plan shall be called the "revised RBC plan."

(m) "RBC report" means the report required by K.S.A. 40-2c02, and amendments thereto.

(n) "Total adjusted capital" means the sum of:

(1) An insurer's capital and surplus or surplus only if a mutual insurer; and

(2) such other items, if any, as the RBC instructions may provide.

(o) "Commissioner" means the commissioner of insurance.";

On page 9, following line 9, by inserting:

"Sec. 8. K.S.A. 40-3203 is hereby amended to read as follows: 40-3203. (a) Except as otherwise provided by this act, it shall be unlawful for any person to provide health care services in the manner prescribed in ~~subsection (n) or subsection (r)~~ of K.S.A. 40-3202~~(n) or (r)~~, and amendments thereto, without first obtaining a certificate of authority from the commissioner.

(b) Applications for a certificate of authority shall be made in the form required by the commissioner and shall be verified by an officer or authorized representative of the applicant and shall set forth or be accompanied by:

(1) A copy of the basic organizational documents of the applicant such as articles of incorporation, partnership agreements, trust agreements or other applicable documents;

(2) a copy of the bylaws, regulations or similar document, if any, regulating the conduct of the internal affairs of the applicant;

(3) a list of the names, addresses, official capacity with the organization and biographical information for all of the persons who are to be responsible for the conduct of its affairs, including all members of the governing body, the officers and directors in the case of a corporation and the partners or members in the case of a partnership or corporation;

(4) a sample or representative copy of any contract or agreement made or to be made between the health maintenance organization or medicare provider organization and any class of providers and a copy of any contract made or agreement made or to be made, excluding individual employment contracts or agreements, between third party administrators, marketing consultants or persons listed in subsection (3) and the health maintenance organization or medicare provider organization;

(5) a statement generally describing the organization, its enrollment process, its

operation, its quality assurance mechanism, its internal grievance procedures, in the case of a health maintenance organization the methods it proposes to use to offer its enrollees an opportunity to participate in matters of policy and operation, the geographic area or areas to be served, the location and hours of operation of the facilities at which ~~health care~~ healthcare services will be regularly available to enrollees in the case of staff and group practices, the type and specialty of ~~health care~~ healthcare personnel and the number of personnel in each specialty category engaged to provide ~~health care~~ healthcare services in the case of staff and group practices; and a records system providing documentation of utilization rates for enrollees. In cases other than staff and group practices, the organization shall provide a list of names, addresses and telephone numbers of providers by specialty;

(6) copies of all contract forms the organization proposes to offer enrollees together with a table of rates to be charged;

(7) the following statements of the fiscal soundness of the organization:

(A) Descriptions of financing arrangements for operational deficits and for developmental costs if operational one year or less;

(B) a copy of the most recent unaudited financial statements of the health maintenance organization or medicare provider organization;

(C) financial projections in conformity with statutory accounting practices prescribed or otherwise permitted by the department of insurance of the state of domicile for a minimum of three years ~~from the anticipated date of certification and on a monthly basis from the date of certification through one year from the date of application~~. If the health maintenance organization or medicare provider organization is expected to incur a deficit, projections shall be made for each deficit year and for one year thereafter, up to a maximum of five years. All financial projections shall include:

(i) ~~Monthly statements of revenue and expense for the first year on a gross dollar as well as per member per month basis, with quarters consistent with standard calendar year quarters;~~

~~(ii) quarterly~~ Statements of revenue and expense for each ~~subsequent~~ year;

~~(iii)~~(ii) a ~~quarterly~~ balance sheet for each year; and

~~(iv)~~(iii) a statement and justification of assumptions;

(8) a description of the procedure to be utilized by a health maintenance organization or medicare provider organization to provide for:

(A) Offering enrollees an opportunity to participate in matters of policy and operation of a health maintenance organization;

(B) monitoring of the quality of care provided by such organization including, as a minimum, peer review; and

(C) resolving complaints and grievances initiated by enrollees;

(9) a written irrevocable consent duly executed by such applicant, if the applicant is a nonresident, appointing the commissioner as the person upon whom lawful process in any legal action against such organization on any cause of action arising in this state may be served and that such service of process shall be valid and binding in the same extent as if personal service had been had and obtained upon said nonresident in this state;

(10) a plan, in the case of group or staff practices, that will provide for maintaining a medical records system ~~which that~~ is adequate to provide an accurate documentation of utilization by every enrollee, such system to identify clearly, at a minimum, each

patient by name, age and sex and to indicate clearly the services provided, when, where, and by whom, the diagnosis, treatment and drug therapy, and in all other cases, evidence that contracts with providers require that similar medical records systems be in place;

(11) evidence of adequate insurance coverage or an adequate plan for self-insurance to respond to claims for injuries arising out of the furnishing of ~~health care~~ healthcare;

(12) such other information as may be required by the commissioner to make the determinations required by K.S.A. 40-3204, and amendments thereto; and

(13) in lieu of any of the application requirements imposed by this section on a medicare provider organization, the commissioner may accept any report or application filed by the medicare provider organization with the appropriate examining agency or official of another state or agency of the federal government.

(c) The commissioner may promulgate rules and regulations the commissioner deems necessary to the proper administration of this act to require a health maintenance organization or medicare provider organization, subsequent to receiving its certificate of authority to submit the information, modifications or amendments to the items described in subsection (b) to the commissioner prior to the effectuation of the modification or amendment or to require the health maintenance organization to indicate the modifications to the commissioner. Any modification or amendment for which the approval of the commissioner is required shall be deemed approved unless disapproved within 30 days, except the commissioner may postpone the action for such further time, not exceeding an additional 30 days, as necessary for proper consideration.";

Also on page 9, in line 10, by striking "and" and inserting ", 40-247, 40-2,125,"; also in line 10, after "40-955" by inserting "and 40-3203 and K.S.A. 2022 Supp. 40-2c01"; in line 13, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "relating to insurance law"; in line 2, by striking "obsolete"; also in line 2, by striking "therein" and inserting "in chapter 40 of the Kansas Statutes Annotated; specifying certain requirements of documents submitted by medicare provider organizations and health maintenance organizations to demonstrate fiscal soundness; removing the requirement of a documented written demand for premium as part of a prima facie case; adding certain legal entities to the definition of person for purposes of violations of insurance law; updating the version of risk-based capital insurance in effect"; in line 3, by striking the first "and" and inserting ", 40-247, 40-2,125,"; also in line 3, after "40-955" by inserting "and 40-3203 and K.S.A. 2022 Supp. 40-2c01";

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

BILL SUTTON
PATRICK PENN
CINDY NEIGHBOR

Conferees on part of House

JEFF LONGBINE
MICHAEL FAGG
CINDY HOLSCHER

Conferees on part of Senate

Senator Longbine moved the Senate adopt the Conference Committee Report on **SB 119**.

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

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, Ware, Warren, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2015** submits the following report:

The Senate recedes from all of its amendments to the bill.

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

KELLIE WARREN

RICK WILBORN

ETHAN CORSON

Conferees on part of Senate

FRED PATTON

MARK SCHREIBER

JOHN CARMICHAEL

Conferees on part of House

Senator Warren moved the Senate adopt the Conference Committee Report on **HB 2015**.

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

Yeas: Alley, 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, Reddi, Sykes, Ware, Warren, Wilborn.

Nays: Baumgardner, Pyle, Ryckman, Shallenburger, Steffen, Straub, 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 2065** submits the following report:

The Senate recedes from all of its amendments to the bill.

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

KELLIE WARREN

RICK WILBORN

ETHAN CORSON
Conferees on part of Senate

FRED PATTON
MARK SCHREIBER
JOHN CARMICHAEL
Conferees on part of House

Senator Warren moved the Senate adopt the Conference Committee Report on **HB 2065**.

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

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, Ware, Warren, Wilborn.

Nays: Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2090** 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 10, by inserting:

"Section 1. K.S.A. 40-246c is hereby amended to read as follows: 40-246c. (a) (1) On March 1 of each year, each licensed agent shall collect and pay to the commissioner a tax of 6%_on the total gross premiums charged, less any return premiums, for the preceding calendar year for surplus lines insurance transacted by the licensee pursuant to the license for insureds whose home state is this state.

(2) On March 1 of each year, each licensed agent shall collect and pay to the commissioner a tax of 3% on the total gross premiums charged, less any returned premiums, for the preceding calendar year for surplus lines insurance transacted by the licensee for insureds whose home state is this state. The provisions of this paragraph shall commence with the taxable year beginning January 1, 2024.

(b) The tax on any portion of the premium unearned at termination of insurance, if any, having been credited by the state to the licensee shall be returned to the policyholder directly by the surplus lines licensee or through the producing broker. The surplus lines licensee is prohibited from rebating any part of the tax for any reason.

(c) The individual responsible for filing the statement shall be the agent who signs the policy or the agent of record with the company. The commissioner of insurance may assess a penalty up to double the amount of tax prescribed in subsection (a) from any licensee or other individual responsible for filing the statement as described in this subsection who fails, refuses or neglects to transmit the required affidavit or statement or fails to pay the tax imposed by this section to the commissioner within the period specified.

Sec. 2. K.S.A. 40-4209 is hereby amended to read as follows: 40-4209. (a) (1) No person shall act as or hold such person out to be a prepaid service plan in this state unless such person holds a certificate of registration as a prepaid service plan issued by the commissioner of insurance. An application for such certificate may be made to the commissioner of insurance on a form on forms prescribed by the commissioner and shall be accompanied by and shall include: (A) The completed application form; (B) a list of each individual who solicits memberships on behalf of such prepaid service plan; and (C) a filing fee of \$100.

(2) The certificate of registration may be continued for successive annual periods by notifying the commissioner of such intent and, paying an annual continuation fee of \$50 and advising the commissioner of insurance of any additions to or deletions from the list of individuals who solicit memberships on behalf of such prepaid service plan since the last reporting date.

(b) The certificate of registration shall be issued to or continued for a prepaid service plan by the commissioner of insurance unless the commissioner of insurance, after due notice and hearing, determines that the prepaid service plan is not competent, trustworthy, financially responsible or of good personal and business reputation, or has had a previous application for a certificate of registration denied for cause since ~~the effective date of this act~~ January 1, 1988, or within five years of the date of application, whichever is later.;

On page 5, in line 39, after "K.S.A." by inserting "40-246c, 40-4203, 40-4209,"; in line 41, 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 "to"; in line 2, by striking all before the second semicolon and inserting "fees, assessments and taxes imposed thereon"; in line 7, after the semicolon by inserting "discontinuing annual registration fees for prepaid service plans; modifying the requirement to report individuals who solicit memberships on behalf of such plans from semi-annually to annually and upon application for registration; decreasing the premium tax rate imposed on surplus lines insurance,"; in line 8, before "40-4905" by inserting "40-246c, 40-4209,"; also in line 8, after "sections" by inserting "; also repealing K.S.A. 40-4203";

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

JEFF LONGBINE

MICHAEL FAGG

CINDY HOLSCHER

Conferees on part of Senate

BILL SUTTON

PATRICK PENN

CINDY NEIGHBOR

Conferees on part of House

Senator Longbine moved the Senate adopt the Conference Committee Report on **HB 2090**.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, 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, Reddi, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Baumgardner, Pyle, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2093** 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 35, by inserting:

"Sec. 2. K.S.A. 12-2624 is hereby amended to read as follows: 12-2624. In addition to the fees required to be paid in K.S.A. ~~12-2622~~ 12-2623, and amendments thereto, and as a condition precedent to the continuation of the certificate of authority provided in this act, all group-funded pools shall pay ~~no~~ not later than 90 days after the end of each ~~fiscal~~ calendar year a tax upon the annual Kansas gross premium collected by the pool at the rate of 1% per annum applied to the collective premium relating to all Kansas members of the pool for the preceding ~~fiscal~~ calendar year. In the computation of the tax, all pools shall be entitled to deduct any annual Kansas gross premiums returned on account of cancellation or dividends returned to members of such pools or expenditures used for the purchase of specific and aggregate excess insurance, as provided in ~~subsection (h)~~ of K.S.A. 12-2618~~(h)~~, and amendments thereto.

Sec. 3. K.S.A. 40-1709 is hereby amended to read as follows: 40-1709. (a) (1) Except as provided in paragraph (2), whenever a municipality provides for the payment of premiums for any health benefit plan for its firefighters, it shall pay premiums for the continuation of coverage under COBRA for the surviving spouse and eligible dependent children under the age of 26 years of a firefighter who dies in the line of duty. Premiums for continuation of coverage under COBRA shall be paid for 18 months.

(2) A municipality may not be required to pay the premiums described in paragraph (1) for a surviving spouse:

(A) On or after the end of the 18th calendar month after the date of death of the deceased firefighter;

(B) upon the remarriage of the deceased firefighter's surviving spouse; or

(C) upon the deceased firefighter's surviving spouse reaching the age of 65.

(b) For the purposes of this section:

(1) "Firefighter" means an actual member of an organized fire department, of a municipality, whether regular or volunteer.

(2) "Health benefit plan" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 40-4602, and amendments thereto.

(3) "Municipality" means a city, county, fire district or township.

(4) ~~"Postsecondary educational institution" shall have the meaning ascribed to it in K.S.A. 74-3201b, and amendments thereto."~~

On page 2, in line 5, by striking "fiscal" and inserting "calendar"; in line 7, by striking "fiscal" and inserting "calendar"; in line 13, after the comma by inserting "12-

2624, 40-1709,"; in line 15, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first "pools" by inserting "and certain municipal insurance coverage"; in line 6, after the semicolon by inserting "adjusting the basis upon which certain premium tax calculations are made; requiring such premium taxes to be paid 90 days after each calendar year and basing such premium taxes upon the gross premiums collected for the previous calendar year; adding fire districts to the definition of "municipality" for purposes of the payment of COBRA premiums under certain circumstances;"; also in line 6, after "K.S.A." by inserting "12-2624, 40-1709 and"; in line 7, by striking "section" and inserting "sections";

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

JEFF LONGBINE

MICHAEL FAGG

CINDY HOLSCHER

Conferees on part of Senate

BILL SUTTON

PATRICK PENN

CINDY NEIGHBOR

Conferees on part of House

Senator Longbine moved the Senate adopt the Conference Committee Report on **HB 2093**.

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

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, Ware, Warren, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2130** 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 2, following line 4, by inserting:

"Sec. 2. K.S.A. 2022 Supp. 59-618a is hereby amended to read as follows: 59-618a.

(a) Any person possessing a decedent's will may file in the district court of the county of the decedent's last residence the decedent's will or a copy of such will and an affidavit ~~which that~~ complies with subsection (b).

(b) (1) An affidavit filed pursuant to this section shall state:

~~(+)~~(A) The name, residence address and date and place of death of the decedent;

~~(?)~~(B) the names, addresses and relationships of all the decedent's heirs, legatees and devisees which are known to the affiant after a diligent search and inquiry;

~~(3)~~(C) the name and address of any trustee of any trust established under the will;
~~(4)~~(D) that the will is being filed with the district court for the purpose of preserving it for record in the event that probate proceedings are later required; and
~~(5)~~(E) that a copy of the affidavit and will has been mailed to each heir, legatee and devisee named in the affidavit.

(2) An affidavit filed pursuant to this section on or after July 1, 2023, shall state whether the original will or a copy of such will is being filed with the court.

(c) Any will or copy of a will filed pursuant to this section within a period of six months after the death of the testator may be admitted to probate after such six-month period.";

On page 11, in line 41, after "59-403," by inserting "59-618a,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "permitting a copy of a will to be filed and admitted to probate,"; in line 14, after "59-403," by inserting "59-618a,";

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

KELLIE WARREN

RICK WILBORN

ETHAN CORSON

Conferees on part of Senate

FRED PATTON

MARK SCHREIBER

JOHN CARMICHAEL

Conferees on part of House

Senator Warren moved the Senate adopt the Conference Committee Report on **HB 2130**.

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

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, Ware, Warren, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2131** 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 4, by inserting:

"Section 1. K.S.A. 2022 Supp. 20-362 is hereby amended to read as follows: 20-362. The clerk of the district court shall remit all revenues received from docket fees as follows:

(a) At least monthly to the county treasurer, for deposit in the county treasury and credit to the county general fund:

(1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A. 60-2001 and 60-3005, and amendments thereto, during the preceding calendar month;

(2) a sum equal to \$10 for each \$46 or \$76 docket fee paid pursuant to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and amendments thereto; and

(3) a sum equal to \$5 for each \$26 docket fee paid pursuant to K.S.A. 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding calendar month.

(b) At least monthly to the board of trustees of the county law library fund, for deposit in the fund, a sum equal to the library fees paid during the preceding calendar month for cases filed in the county.

(c) At least monthly to the county treasurer, for deposit in the county treasury and credit to the prosecuting attorneys' training fund, a sum equal to \$2 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month for cases filed in the county and a sum equal to \$1 for each fee paid pursuant to K.S.A. 28-170(c), and amendments thereto, during the preceding calendar month for cases filed in the county.

(d) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the law enforcement training center fund a sum equal to \$15 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month.

(e) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury a sum equal to the balance ~~which that~~ remains from all docket fees paid during the preceding calendar month after deduction of the amounts specified in subsections (a), (b), (c) and (d). ~~Of the balance remitted to the state treasury pursuant to this subsection, the state treasurer shall credit 0.99% to the judicial council fund.~~ During the fiscal year ending June 30, 2022, and each fiscal year thereafter, of the remainder, the state treasurer shall deposit and credit the first \$1,500,000 to the electronic filing and management fund created in K.S.A. 2022 Supp. 20-1a20, and amendments thereto. Of the balance ~~which that~~ remains after deduction of the amounts specified in this subsection, the state treasurer shall deposit and credit the remainder to the state general fund.";

Also on page 1, following line 14, by inserting:

"Sec. 3. K.S.A. 2022 Supp. 20-2207 is hereby amended to read as follows: 20-2207. (a) The judicial council may fix, charge and collect fees for sale and distribution of legal publications in order to recover direct and indirect costs incurred for preparation, publication and distribution of legal publications. The judicial council may request and accept gifts, grants and donations from any person, firm, association or corporation or from the federal government or any agency thereof for preparation, publication or distribution of legal publications.

(b) The publications fee fund of the judicial council ~~which that~~ was established in the state treasury pursuant to appropriation acts is hereby continued in existence and shall be administered by the judicial council. Revenue from the ~~following sources fees collected under this section~~ shall be deposited in the state treasury and credited to ~~such fund~~:

(1) ~~All moneys received by or for the judicial council from fees collected under this section; and~~

(2)— the state general fund. All moneys received as gifts, grants or donations for preparation, publication or distribution of legal publications shall be deposited in the state treasury and credited to the publications fee fund.

(c) Moneys deposited in the publications fee fund of the judicial council may be expended for operating expenditures related to preparation, publication and distribution of legal publications of the judicial council and for operating expenses that are not related to publication activities.

(d) All expenditures from the publications fee 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 chairperson of the judicial council or the chairperson's designee.

Sec. 4. K.S.A. 2022 Supp. 20-2208 is hereby amended to read as follows: 20-2208. ~~There is hereby established in the state treasury the judicial council fund. All expenditures from the judicial council fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the chairperson of the Kansas judicial council or by a person or persons designated by the chairperson of the Kansas judicial council.~~ On July 1, 2023, the director of accounts and reports shall transfer all moneys in the judicial council fund to the state general fund. On July 1, 2023, all liabilities of the judicial council fund are hereby transferred to and imposed on the state general fund, and the judicial council fund is hereby abolished.";

Also on page 1, in line 15, by striking "is" and inserting "and K.S.A. 2022 Supp. 20-362, 20-2207 and 20-2208 are"; in line 17, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after the second semicolon by inserting "abolishing the judicial council fund; transferring all moneys and liabilities of such fund to the state general fund; eliminating the transfer of funds from docket fees to the judicial council fund; transferring annually unencumbered funds from the publications fee fund to the state general fund;"; in line 2, after "and" by inserting "K.S.A. 2022 Supp. 20-362, 20-2207 and 20-2208 and"; also in line 2, by striking "section" and inserting "sections";

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

KELLIE WARREN

RICK WILBORN

ETHAN CORSON

Conferees on part of Senate

FRED PATTON

MARK SCHREIBER

JOHN CARMICHAEL

Conferees on part of House

Senator Warren moved the Senate adopt the Conference Committee Report on **HB 2131**.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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, Reddi, Ryckman, Shallenburger, Straub, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Pyle, Steffen, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2216** submits the following report:

The Senate recedes from all of its amendments to the bill.

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

KELLIE WARREN

RICK WILBORN

ETHAN CORSON

Conferees on part of Senate

FRED PATTON

MARK SCHREIBER

JOHN CARMICHAEL

Conferees on part of House

Senator Warren moved the Senate adopt the Conference Committee Report on **HB 2216**.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Doll, Shallenburger, Steffen, Straub, 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 2100** 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.

MIKE THOMPSON

RICK KLOOS

Conferees on part of Senate

BILL SUTTON

PATRICK PENN

Conferees on part of House

On motion of Senator Thompson the Senate adopted the conference committee report on **HB 2100**, and requested a new conference be appointed.

The President appointed Senators Thompson, Kloos and Holscher as a second Conference Committee on the part of the Senate on **HB 2100**.

On motion of Senator Alley, the Senate recessed until 8:00 p.m.

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

MESSAGES FROM THE HOUSE

The House adopts the Conference Committee report on **SB 66**.

The House adopts the Conference Committee report on **HB 2020**.

The House adopts the Conference Committee report on **HB 2059**.

The House adopts the Conference Committee report on **HB 2147**.

The House adopts the Conference Committee report on **HB 2279**.

The House adopts the Conference Committee report on **HB 2298**.

The House adopts the Conference Committee report on **HB 2335**.

The House adopts the Conference Committee report on **HB 2346**.

The House adopts the Conference Committee report to agree to disagree on **HB 2100**, and has appointed Representatives Hoheisel, Clifford and Xu as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 14**, and has appointed Representatives Proctor, Waggoner and Woodard as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **H Sub SB 83**, and has appointed Representatives Williams, K., Landwehr and Winn as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **H Sub SB 169**, and has appointed Representatives Smith, A., Bergkamp and Sawyer as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 228**, and has appointed Representatives Owens, Smith, E. and Highberger as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 14** 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.

PAT PROCTOR

PAUL WAGGONER

Conferees on part of House

MIKE THOMPSON

RICK KLOOS

Conferees on part of Senate

On motion of Senator Thompson the Senate adopted the conference committee report on **SB 14**, and requested a new conference be appointed.

The President appointed Senators Thompson, Kloos and Faust Goudeau as a second Conference Committee on the part of the Senate on **SB 14**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 83** 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.

KRISTY WILLIAMS
BRENDA LANDWWEHR
VALDENIA WINN
Conferees on part of House

MOLLY BAUMGARDNER
RENEE ERICKSON
DINAH SYKES
Conferees on part of Senate

On motion of Senator Baumgardner the Senate adopted the conference committee report on **H Sub SB 83**, and requested a new conference be appointed.

The President appointed Senators Baumgardner, Erickson and Sykes as a second Conference Committee on the part of the Senate on **H Sub SB 83**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 169** submits the following report:

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

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

ADAM SMITH
BRIAN BERGKAMP
TOM SAWYER
Conferees on part of House

CARYN TYSON
VIRGIL PECK
Conferees on part of Senate

On motion of Senator Tyson the Senate adopted the conference committee report on **H Sub SB 169**, and requested a new conference be appointed.

The President appointed Senators Tyson, Peck and Holland as a second Conference Committee on the part of the Senate on **H Sub SB 169**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 228** 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.

STEPHEN OWENS
ERIC SMITH
BOOG HIGHBERGER
Conferees on part of House

KELLIE WARREN
RICK WILBORN
ETHAN CORSON
Conferees on part of Senate

On motion of Senator Alley the Senate adopted the conference committee report on **SB 228**, and requested a new conference be appointed.

The President appointed Senators Warren, Wilborn and Corson as a second Conference Committee on the part of the Senate on **SB 228**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 66** 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, in line 6, before "Section" by inserting "New";

On page 14, following line 25, by inserting:

"Sec. 2. K.S.A. 2022 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 military spouse, military servicemember or an individual who has established or intends to establish residency in this state. ~~"Applicant" with respect to law enforcement certification by the Kansas commission on peace officers' standards and training means an applicant who has met the employment requirement pursuant to K.S.A. 74-5605(a), and amendments thereto.~~

(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.

(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 ~~which 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.

~~(4)~~~~(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.

~~(5)~~~~(6)~~ "Military spouse" means the spouse of a military servicemember.

~~(6)~~~~(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.

~~(7)~~~~(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 may shall provide paper-based and verified electronic credentials to persons regulated by the licensing body. For purposes of this subsection, "electronic credential" means an electronic method by which a person may display or transmit to another person information that verifies a person's certification, licensure, registration or permit. 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, 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. ~~Such electronic credential system~~ The centralized electronic credential data management systems shall include a an instantaneous verification system that is operated by the licensing body or its 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.

~~(p)~~(r) Each licensing body shall adopt rules and regulations necessary to implement and carry out the provisions of this section.

~~(q)~~(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.

~~(r)~~(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.

~~(s)~~(u) This section shall apply to all licensing bodies not excluded under subsection ~~(q)~~(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 ~~K.S.A. 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 of health and environment, with respect to K.S.A. 82a-1201 et seq., and amendments thereto;
- (14) the commissioner of insurance, with respect to K.S.A. 40-241 and 40-4901 et seq., and amendments thereto;
- (15) the state board of mortuary arts;
- (16) the board of nursing;
- (17) the state board of pharmacy;
- (18) the Kansas real estate commission;
- (19) the real estate appraisal board;
- (20) the state board of technical professions, as provided by subsection ~~(+)~~(t); and
- (21) the state board of veterinary examiners.

~~(+)~~(v) 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.

~~(+)~~(w) Commencing on July 1, 2021, and each year thereafter, each licensing body listed in subsection ~~(s)~~(t) ~~(u)~~(l) through (21) 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 committee on commerce, labor and economic development of the house of representatives, the committee on commerce of the senate, the committee on appropriations of the house of representatives and the committee on ways and means of the senate 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) The number of applications received under the provisions of this section;
- (2) the number of applications granted under this section;
- (3) the number of applications denied under this section;
- (4) the average time between receipt of the application and completion of the application;
- (5) the average time between receipt of a complete application and issuance of a license, certification or registration; and
- (6) 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.

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. 3. K.S.A. 2022 Supp. 48-3406 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "education" and inserting "occupational licensure"; in line 3, after "states" by inserting "; requiring that licensing bodies provide verified electronic credentials, in addition to paper-based credentials, to all credential holders, including military servicemembers and others receiving Kansas credentials based on their credentials from other jurisdictions; requiring licensing bodies to use centralized electronic credential data management systems capable of providing instantaneous credential verification; mandating that such systems maintain an auditable record; excepting certification of law enforcement officers from such electronic credential requirements and other provisions; amending K.S.A. 2022 Supp. 48-3406 and repealing the existing section";

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

ADAM THOMAS
SUSAN ESTES
JERRY STOGSDILL

Conferees on part of House

MOLLY BAUMGARDNER
RENEE ERICKSON
DINAH SYKES

Conferees on part of Senate

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **SB 66**.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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, Reddi, Ryckman, Shallenburger, Straub, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Pyle, Steffen, Tyson.

The Conference Committee Report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **HB 2133** be amended on page 1, by striking all in lines 8 through 36;

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

"Section 1. K.S.A. 9-2307 is hereby amended to read as follows: 9-2307. (a) A fiduciary financial institution shall make a report to the commissioner pursuant to the provisions of K.S.A. 9-1704, and amendments thereto. In making such a report, a fiduciary financial institution shall:

(1) Report the fiduciary financial institution's fidfin transactions pursuant to generally accepted accounting principles; and

(2) calculate such fiduciary financial institution's capital solvency by including the value of all tangible and intangible assets owned by the fiduciary financial institution, regardless of use.

(b) In examining a fiduciary financial institution, the state banking board and the commissioner shall:

(1) Consider that the collateral or underlying assets associated with fidfin transactions are volatile in nature and that such volatility has been accepted by the members and customers of the fiduciary financial institution;

(2) respect the form, treatment and character of fidfin transactions under the laws of this state notwithstanding the treatment or characterization of such transactions under generally accepted accounting principles or for tax purposes;

(3) evaluate whether available capital, including the agreement of a fiduciary financial institution's members to contribute capital pursuant to K.S.A. 9-2305, and amendments thereto, exceeds the fiduciary financial institution's obligations, determined in accordance with generally accepted accounting principles;

(4) evaluate the background and qualifications of a fiduciary financial institution's executive officers and directors, the internal controls and audit processes enacted by the fiduciary financial institution and adherence to its policies and procedures;

(5) evaluate the profitability of a fiduciary financial institution in accordance with subsection (c);

(6) evaluate a fiduciary financial institution's compliance with applicable state and federal laws; and

(7) evaluate a fiduciary financial institution's information technology systems, policies and practices.

(c) Profitability shall not be a consideration in evaluating a fiduciary financial institution if sufficient capital and equity exist in the business, including, without limitation, membership capital, surplus, undivided profits and commitments by members to contribute additional capital to the fiduciary financial institution pursuant to K.S.A. 9-2305, and amendments thereto, to satisfy the fiduciary financial institution's obligations.

(d) A fiduciary financial institution shall be overseen, supervised and examined by the office of the state bank commissioner as a chartered trust company as defined in K.S.A. 9-701, and amendments thereto, exercising fiduciary powers and engaging in trust business pursuant to K.S.A. 9-2310, and amendments thereto, and rules and regulations adopted pursuant to state law by such office and shall be designated, recognized and referenced as a chartered trust company as defined in K.S.A. 9-701, and amendments thereto, by the office of the state bank commissioner without exception.

Sec. 2. K.S.A. 9-2308 is hereby amended to read as follows: 9-2308. A fiduciary financial institution may use in such fiduciary financial institution's business name or advertising the words "fiduciary financial institution" or any similar term or phrase, but may not use in such institution's name the words "bank" or "trust company" without reference to fidfin trusts or any other term that tends to imply that such fiduciary financial institution is a bank or trust company, unless the commissioner has approved the use in writing after finding that the use will not be misleading. A fiduciary financial institution is a chartered trust company as defined in K.S.A. 9-701, and amendments thereto, for all purposes under federal and state law as if authorized under K.S.A. 9-804(c), and amendments thereto. While a fiduciary financial institution is a trust company for purposes of federal and state law and rules and regulations and possesses trust powers under this act, it is the intent of this section to impose restrictions on the business name of such institution to avoid confusion with other banks and trust

companies that operate in this state but that are not fiduciary financial institutions. The ~~naming~~ restrictions on the business name imposed under this section shall in no way reduce or eliminate the trust powers granted to a fiduciary financial institution as a trust company under this act. Other than indicating that the fiduciary financial institution is headquartered and chartered in Kansas, no fiduciary financial institution's name or advertising shall infer or imply that such fiduciary financial institution is endorsed by, an affiliate of or otherwise connected with the government of the state of Kansas. Nothing in this section or K.S.A. 9-2011, and amendments thereto, shall restrict a fiduciary financial institution from publishing or promulgating itself as a trust company as defined in K.S.A. 9-701, and amendments thereto, in legal or regulatory filings or disclosures to existing or prospective customers or investors.

Sec. 3. K.S.A. 9-2310 is hereby amended to read as follows: 9-2310. Any fiduciary financial institution is hereby authorized to exercise by its board of directors or duly authorized officers or agents, subject to law, the following powers:

(a) To engage in fidfin transactions in accordance with K.S.A. 9-2311, and amendments thereto;

(b) to receive, retain and manage alternative asset custody accounts in accordance with K.S.A. 9-2313, and amendments thereto; ~~and~~

(c) to exercise fiduciary powers and full trust powers and to engage as a trust company in trust business as defined in K.S.A. 9-701, and amendments thereto, ~~as incidental to and any other applicable federal or state law or rules and regulations, in any manner that assists in the performance of~~ the activities in subsections (a) and (b); and

(d) to publish and promulgate itself as a chartered trust company as defined in K.S.A. 9-701, and amendments thereto, in legal or regulatory filings or disclosures to existing or prospective customers or investors, subject only to the restriction on the business name as provided in K.S.A. 9-2308, and amendments thereto.

Sec. 4. K.S.A. 9-2307, 9-2308 and 9-2310 are hereby repealed.";

Also on page 2, in line 39, by striking "statute book" and inserting "Kansas register"; And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "payments made with"; by striking all in lines 2 through 4; in line 5, by striking all before the period and inserting "the technology-enabled fiduciary financial institutions act; providing that fiduciary financial institutions shall be overseen, supervised and examined by the office of the state bank commissioner as a chartered trust company; allowing a fiduciary financial institution to publish or promulgate itself as a trust company in legal or regulatory filings or in disclosures to existing or prospective customers or investors; authorizing a fiduciary financial institution to exercise fiduciary powers and full trust powers and to engage as a trust company under state and federal law; amending K.S.A. 9-2307, 9-2308 and 9-2310 and repealing the existing sections"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 152** be amended on page 1, by striking all in lines 13 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 16; following line 16, by inserting:

"New Section 1. (a) There is created the legislative compensation commission consisting of nine members as follows:

(1) One member appointed by the speaker of the house of representatives. Such member appointed by the speaker shall be a former member of the legislature;

(2) one member appointed by the president of the senate. Such member appointed by the president shall be a former member of the legislature;

(3) one member appointed by the speaker pro tempore of the house of representatives;

(4) one member appointed by the vice president of the senate;

(5) one member appointed by the majority leader of the house of representatives;

(6) one member appointed by the majority leader of the senate;

(7) one member appointed by the minority leader of the house of representatives;

(8) one member appointed by the minority leader of the senate; and

(9) one member appointed by the governor.

(b) The initial member appointed by the speaker shall be appointed prior to August 1, 2023. All other initial members shall be appointed prior to September 1, 2023.

(c) No person shall be appointed to the commission who is a current member of the legislature, a current employee of the legislature or a registered lobbyist.

(d) The member appointed by the speaker shall serve as the first chairperson of the commission. The member appointed by the president shall serve as the first vice chairperson of the commission. Thereafter, the next chairperson to be appointed prior to August 1, 2026, shall be appointed by the president and the next vice chairperson to be appointed prior to September 1, 2026, shall be appointed by the speaker. The authority to appoint the chairperson and vice chairperson for future commissions shall alternate between the speaker and the president in similar manner as for the original appointments. Vacancies shall be filled in the same manner as for the original appointments.

(e) Any member of the commission shall be eligible for reappointment.

(f) The term of each appointment to the commission shall end upon the completion of the responsibilities of the commission pursuant to subsections (h) and (i).

(g) The commission shall meet upon call of the chairperson. A majority of the members of the commission shall constitute a quorum for the transaction of any business of the commission. Any action taken by the commission shall be by majority vote of the members present.

(h) The legislative compensation commission shall:

(1) Make a comprehensive study of the compensation, salary and retirement benefits of the members of the legislature;

(2) set the rates of compensation and salary for members of the legislature to be effective as provided in subsection (i) and for state officials as provided in subsection (j); and

(3) make recommendations related to retirement benefits for members of the legislature.

(i) In 2023, the legislative compensation commission shall establish the rate of compensation and salary for services rendered by members of the legislature during the four-year period that commences on the first day of the term of office that commences on the first day of the legislative session in January of 2025. Such rate of compensation and salary established by the commission shall be submitted to the legislature on or before December 1, 2023. Such rate of compensation and salary established by the commission shall be the rate of compensation and salary for members of the legislature

unless, prior to 30 days after the commencement of the legislative session next occurring after submission of such established rate of compensation and salary to the legislature, the legislature rejects such rate of compensation and salary by the adoption of a concurrent resolution. In the concurrent resolution that rejects such rate of compensation and salary, the legislature may include a requirement that the legislative compensation commission meet within 14 days after the adoption of the concurrent resolution by the legislature to set another rate of compensation and salary to be submitted to the legislature prior to 30 days after such adoption of the concurrent resolution. The legislature may reject such rate of compensation and salary by the adoption of a concurrent resolution prior to adjournment sine die of that legislative session. In the event of rejection by the legislature of the second rate of compensation and salary set by the commission, the rate of compensation and salary prevailing at the time of the previous session shall remain in effect.

(j) (1) New members of the commission shall be appointed in 2026 and every four years thereafter. The member designated as chairperson of the commission pursuant to subsection (d) shall be appointed prior to August 1 of such year. All other members of the commission shall be appointed prior to September 1 of such year.

(2) Commissions appointed in 2026 and thereafter may meet on call of the chairperson during the calendar year when appointed or the following calendar year. The commission shall set the rate of compensation and salary for members of the legislature and, subject to appropriations therefor, any additional rate of compensation and salary for the governor, attorney general, secretary of state, state treasurer and commissioner of insurance above the salary established in section 2, and amendments thereto, to be effective during the four-year period that commences on the first day of the next commencing term of office of elected senators. The commission shall submit such rate of compensation and salary to the legislature on or before December 1 of the calendar year following the commission's appointment.

(3) The legislature may take such actions as provided in subsection (i) during the legislative session next occurring after the submission of such rate of compensation and salary as provided in paragraph (2).

(k) Members of the commission shall receive compensation, subsistence allowances, mileage and expenses as provided in K.S.A. 75-3223, and amendments thereto, when attending meetings of the commission.

New Sec. 2. (a) Subject to appropriations and except as provided further, on July 1, 2023:

(1) The governor shall receive for services an annual salary equal to the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on July 1, 2023;

(2) the attorney general shall receive for services an annual salary equal to the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on July 1, 2023, minus 2.5% of such congressional annual rate of pay; and

(3) the secretary of state, state treasurer and commissioner of insurance shall receive for services an annual salary equal to the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on July 1, 2023, minus 7.5% of such congressional annual rate of pay.

(b) If, for any reason, such congressional salary is decreased, the salaries

established in this section shall remain the same for the next ensuing fiscal year unless diminished by general law applicable to all salaried officers of the state.

New Sec. 3. (a) Subject to appropriations, on July 1, 2023, the minimum amount of annual salary that the members of the governor's cabinet shall receive for services shall be equal to the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on July 1, 2023, minus 17.5% of such congressional annual rate of pay.

(b) For the purposes of this section, the members of the governor's cabinet shall be determined by the governor.

New Sec. 4. (a) Subject to appropriations and except as provided further, on July 1, 2023, and each July 1 thereafter:

(1) A district judge who is not a chief judge of a judicial district shall receive for services an annual salary equal to 75% of the annual rate of pay for a district judge of the United States on such date;

(2) a district magistrate judge shall receive for services an annual salary equal to 55% of a district judge's salary as determined pursuant to subsection (a)(1);

(3) a chief judge of the district court shall receive for services an annual salary equal to 105% of a district judge's salary as determined pursuant to subsection (a)(1);

(4) a judge of the court of appeals who is not chief judge of the court of appeals shall receive for services an annual salary equal to 110% of a district judge's salary as determined pursuant to subsection (a)(1);

(5) the chief judge of the court of appeals shall receive for services an annual salary equal to 115% of a district judge's salary as determined pursuant to subsection (a)(1);

(6) a justice of the supreme court who is not chief justice of the supreme court shall receive for services an annual salary equal to 120% of a district judge's salary as determined pursuant to subsection (a)(1); and

(7) the chief justice of the supreme court shall receive for services an annual salary equal to 125% of a district judge's salary as determined pursuant to subsection (a)(1).

(b) If, for any reason, such district judge of the United States salary is decreased, the salaries established in this section shall remain the same for the next ensuing fiscal year unless diminished by general law applicable to all salaried officers of the state.

Sec. 5. K.S.A. 2022 Supp. 20-318 is hereby amended to read as follows: 20-318.

(a) There is hereby created within the state of Kansas; a judicial department for the supervision of all courts in the state of Kansas. The supreme court shall divide the state into separate sections, not to exceed six in number, to be known as judicial departments, each of which shall be assigned a designation to distinguish it from the other departments. A justice of the supreme court shall be assigned as departmental justice for each judicial department.

(b) There is created hereby the position of judicial administrator of the courts, who shall be appointed by the chief justice of the supreme court to serve at the will of the chief justice. The judicial administrator shall have a broad knowledge of judicial administration and substantial prior experience in an administrative capacity. No person appointed as judicial administrator shall engage in the practice of law while serving in such capacity. Compensation of the judicial administrator shall be determined by the justices, ~~but shall not exceed the salary authorized by law for the judge of the district court.~~ The judicial administrator shall be responsible to the chief justice of the supreme court of the state of Kansas; and shall implement the policies of the court with respect to

the operation and administration of the courts, subject to the provisions of K.S.A. 2022 Supp. 20-384, and amendments thereto, under the supervision of the chief justice. The administrator shall perform such other duties as are provided by law or assigned by the supreme court or the chief justice.

(c) Expenditures from appropriations for district court operations to be paid by the state shall be made on vouchers approved by the judicial administrator. All claims for salaries, wages or other compensation for district court operations to be paid by the state shall be certified as provided in K.S.A. 75-3731, and amendments thereto, by the judicial administrator.

Sec. 6. K.S.A. 20-2616 is hereby amended to read as follows: 20-2616. (a) Any retired justice of the supreme court, retired judge of the court of appeals, retired district judge or retired associate district judge may be designated and assigned to perform such judicial service and duties as such retired justice or judge is willing to undertake. Designation and assignment of a retired justice or judge in connection with any matter pending in the supreme court shall be made by the supreme court. Designation and assignment of a retired justice or judge in connection with any matter pending in any other court, including any court located within the judicial district in which the justice or judge resides, or to perform any other judicial service or duties shall be made by the chief justice of the supreme court. Any such judicial service or duties shall include necessary preparation and other out-of-court judicial service for hearings or for deciding matters or cases in conjunction with the judicial services and duties assigned under this section. Any designation and assignment may be revoked in the same manner and all such designations and assignments and revocations shall be filed of record in the office of the clerk of the court to which such assignment is made.

(b) A retired justice or judge so designated and assigned to perform judicial service or duties shall have the power and authority to hear and determine all matters covered by the assignment.

(c) Except as otherwise provided in this section, each retired justice or judge who performs judicial service or duties under this section shall receive: (1) Per diem compensation at the rate of per diem compensation in effect under K.S.A. 46-137a, and amendments thereto; (2) a per diem subsistence allowance at the per diem subsistence allowance rate in effect under K.S.A. 46-137a, and amendments thereto; (3) a mileage allowance at the rate fixed under K.S.A. 75-3203a, and amendments thereto; and (4) all actual and necessary expenses for other than subsistence or travel, including necessary stenographic assistance, as may be incurred in performing such service or duties.

(d) No retired justice or judge shall be entitled to receive per diem compensation under this section for any day in a fiscal year after the date that the total of (1) the amount of per diem compensation earned under this section during that fiscal year and (2) the amount of the retirement annuity payable to such retired justice or judge for that fiscal year under the retirement system for judges, becomes equal to or more than the amount of the current annual salary of a district judge paid by the state under ~~K.S.A. 75-3120g~~ section 4, and amendments thereto, but such retired justice or judge shall receive the subsistence allowance, mileage allowance and actual and necessary expenses as provided under this section after such date.

(e) As used in this section, a retired justice or judge shall not include those justices or judges who were not retained in office, were not reelected to office, have been impeached from office or removed by the supreme court from office.

Sec. 7. K.S.A. 22a-105 is hereby amended to read as follows: 22a-105. Each of the district attorneys elected under this act shall receive an annual salary in the amount of no less than the salary provided for district judges in ~~K.S.A. 75-3120g~~ section 4, and amendments thereto. The salary of each district attorney shall be paid by the county comprising the judicial district in which the district attorney is elected in equal monthly installments and in the manner county officers and employees are paid. The district attorneys and their deputies and assistants shall be reimbursed for their actual travel and subsistence expenses incurred while in the performance of their official duties within or without the district.

Sec. 8. K.S.A. 40-102 is hereby amended to read as follows: 40-102. There is hereby established a department to be known as the insurance department, ~~which and such department~~ shall have a chief officer entitled the commissioner of insurance ~~who shall receive, except as otherwise provided in K.S.A. 75-3111a, and amendments thereto, a salary at a biweekly pay rate of \$3,307.81, and such officer. The commissioner of insurance~~ shall be charged with the administration of all laws relating to insurance, insurance companies and fraternal benefit societies doing business in this state; and all other duties ~~which that~~ are or may be imposed upon such officer by law.

Sec. 9. K.S.A. 75-3103 is hereby amended to read as follows: 75-3103. (a) The lieutenant governor shall receive, as reimbursement for expenses ~~the following: (1) Biweekly the sum of \$76.91, except as otherwise provided in subsection (c), and (2)~~ when attending the duties of office or attending any authorized meeting, in addition to other provisions of this section, travel expenses and subsistence expenses and allowances in amounts equal to those provided for by K.S.A. 75-3212, and amendments thereto.

(b) ~~In addition to any other compensation provided by law and except as otherwise provided in K.S.A. 75-3111a, and amendments thereto, the lieutenant governor shall also receive for services in the performance of duties imposed by law compensation at the biweekly pay rate of \$1,204.35 an annual salary equal to 25% of the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on July 1, 2023.~~ While acting as governor, the lieutenant governor shall receive the same salary as the governor. The lieutenant governor may appoint an administrative assistant and ~~other~~ office ~~and stenographic~~ employees, all of whom shall be in the unclassified service of the Kansas civil service act. Such administrative assistant shall receive travel expenses and subsistence expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto, when traveling as authorized by the lieutenant governor.

~~(b)(c)~~ (c) If the lieutenant governor is appointed by the governor under the provision of K.S.A. 75-303, and amendments thereto, the lieutenant governor shall receive a salary ~~to be fixed by the governor pursuant to section 3, and amendments thereto,~~ or a salary as provided for in subsection ~~(a) of this section~~ (b), whichever is greater.

~~(c)~~ (e) Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 2009, the sum provided biweekly for reimbursement of expenses pursuant to subsection (a)(1) for the lieutenant governor shall be increased on the effective date of any such pay plan increase by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the biweekly sum provided to the lieutenant governor for reimbursement of

expenses as authorized by this section.

Sec. 10. K.S.A. 75-3120k is hereby amended to read as follows: 75-3120k. (a) ~~The annual salary of district magistrate judges shall be paid in equal installments each payroll period in accordance with this section.~~

(b) ~~Subject to the provisions of subsection (c) and except as otherwise provided in K.S.A. 75-3120l, and amendments thereto, the annual salary of district magistrate judges shall be \$59,059.~~

(c) ~~Within the limits of the appropriations therefor, the county or counties comprising the judicial district may supplement the salary of, or pay any compensation to, any district magistrate judge. Any such supplemental salary or compensation shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the district magistrate judge supplemental compensation fund. Any associated employer contributions and payments with respect to such supplemental salary or compensation that are made payable under law shall be paid by the county or counties providing such supplemental salary or compensation, in addition to such supplemental salary or compensation, in the same manner and under the same conditions and requirements as compensation payable pursuant to ~~subsection (b) section 4, and amendments thereto.~~ All such associated employer contributions and payments shall be remitted for deposit in the state treasury and shall be credited to the district magistrate supplemental compensation fund at the same time and in the same manner as such supplemental salary or compensation. As used in this section, employer contributions shall include, and the county or counties shall be required to contribute, employer contributions required pursuant to K.S.A. 20-2605, and amendments thereto, for any district magistrate judge who is a member of the retirement system for judges.~~

(d) There is hereby established in the state treasury the district magistrate judge supplemental compensation fund.

(e) All moneys credited to the district magistrate judge supplemental compensation fund shall be paid to, or on behalf of, the district magistrate judge or district magistrate judges for whom such moneys were remitted by the county or counties subject to the same conditions or restrictions imposed or prescribed by law, including any applicable withholding or other taxes, associated employer contributions and authorized payroll deductions.

(f) All expenditures from the district magistrate judge supplemental compensation fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to payrolls approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

(g) All salary or other compensation under this section shall be considered to be compensation provided by law for services as a district magistrate judge for all purposes under law.

Sec. 11. K.S.A. 20-2616, 22a-105, 40-102, 46-3101, 75-3101, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111a, 75-3120f, 75-3120g, 75-3120h, 75-3120k and 75-3120l and K.S.A. 2022 Supp. 20-318 are hereby repealed.";

And by renumbering sections accordingly;

legislative compensation commission; prescribing powers and duties of the commission; authorizing the commission to set rates of compensation and salary for members of the legislature and an additional rate of compensation for certain state officials; establishing procedures for review and possible rejection of such rates of compensation and salary by the legislature; eliminating the previously established compensation commission; relating to the salaries of the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance and members of the governor's cabinet; establishing the rate of pay for such state officials based on the annual rate of pay for members of congress, as adjusted by the provisions of this act; relating to the salaries of the justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges; establishing the rate of pay for such justices and judges based on the annual rate of pay for a district judge of the United States, as adjusted by the provisions of this act; amending K.S.A. 20-2616, 22a-105, 40-102, 75-3103 and 75-3120k and K.S.A. 2022 Supp. 20-318 and repealing the existing sections; also repealing K.S.A. 46-3101, 75-3101, 75-3104, 75-3108, 75-3110, 75-3111a, 75-3120f, 75-3120g, 75-3120h and 75-3120l"; and the bill be passed as amended.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2094** 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

RENEE ERICKSON

PAT PETTEY

Conferees on part of Senate

FRANCIS AWERKAMP

LEAH HOWELL

HEATHER MEYER

Conferees on part of House

On motion of Senator Gossage the Senate adopted the conference committee report on **HB 2094**, and requested a new conference be appointed.

The President appointed Senators Gossage, Erickson and Pettey as a second Conference Committee on the part of the Senate on **HB 2094**.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Thursday, April 6, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

