

HOUSE BILL No. 2829

By Committee on Taxation

Requested by Representative Ellis

3-12

1 AN ACT concerning veterans and military; relating to the armed forces of
2 the United States; clarifying the definition of armed forces; updating
3 the definition thereof to include the space force; amending K.S.A. 44-
4 706, 48-3401 and 65-1116 and K.S.A. 2023 Supp. 48-3407, 48-3408,
5 48-3601 and 65-6129 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 44-706 is hereby amended to read as follows: 44-
9 706. The secretary shall examine whether an individual has separated from
10 employment for each week claimed. The secretary shall apply the
11 provisions of this section to the individual's most recent employment prior
12 to the week claimed. An individual shall be disqualified for benefits:

13 (a) If the individual left work voluntarily without good cause
14 attributable to the work or the employer, subject to the other provisions of
15 this subsection. For purposes of this subsection, "good cause" is cause of
16 such gravity that would impel a reasonable, not supersensitive, individual
17 exercising ordinary common sense to leave employment. Good cause
18 requires a showing of good faith of the individual leaving work, including
19 the presence of a genuine desire to work. Failure to return to work after
20 expiration of approved personal or medical leave, or both, shall be
21 considered a voluntary resignation. After a temporary job assignment,
22 failure of an individual to affirmatively request an additional assignment
23 on the next succeeding workday, if required by the employment
24 agreement, after completion of a given work assignment, shall constitute
25 leaving work voluntarily. The disqualification shall begin the day
26 following the separation and shall continue until after the individual has
27 become reemployed and has had earnings from insured work of at least
28 three times the individual's weekly benefit amount. An individual shall not
29 be disqualified under this subsection if:

30 (1) The individual was forced to leave work because of illness or
31 injury upon the advice of a licensed and practicing health care provider
32 and, upon learning of the necessity for absence, immediately notified the
33 employer thereof, or the employer consented to the absence, and after
34 recovery from the illness or injury, when recovery was certified by a
35 practicing health care provider, the individual returned to the employer and

1 offered to perform services and the individual's regular work or
2 comparable and suitable work was not available. As used in this paragraph
3 "health care provider" means any person licensed by the proper licensing
4 authority of any state to engage in the practice of medicine and surgery,
5 osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

6 (2) the individual left temporary work to return to the regular
7 employer;

8 (3) the individual left work to ~~enlist~~ *enter active service* in the armed
9 forces of the United States; but was rejected or delayed from entry;

10 (4) The spouse of an individual who is a member of the armed forces
11 of the United States who left work because of the voluntary or involuntary
12 transfer of the individual's spouse from one job to another job, ~~which that~~
13 is for the same employer or for a different employer, at a geographic
14 location ~~which that~~ makes it unreasonable for the individual to continue
15 work at the individual's job. For the purposes of this provision ~~the term~~
16 "*member of the armed forces*" means ~~active duty~~ *a person performing*
17 *active service* in the army, navy, marine corps, air force, *space force*, coast
18 guard or any ~~branch~~ *component* of the military reserves of the United
19 States;

20 (5) the individual left work because of hazardous working conditions;
21 in determining whether or not working conditions are hazardous for an
22 individual, the degree of risk involved to the individual's health, safety and
23 morals, the individual's physical fitness and prior training and the working
24 conditions of workers engaged in the same or similar work for the same
25 and other employers in the locality shall be considered; as used in this
26 paragraph, "hazardous working conditions" means working conditions that
27 could result in a danger to the physical or mental well-being of the
28 individual; each determination as to whether hazardous working
29 conditions exist shall include, but shall not be limited to, a consideration
30 of: (A) The safety measures used or the lack thereof; and (B) the condition
31 of equipment or lack of proper equipment; no work shall be considered
32 hazardous if the working conditions surrounding the individual's work are
33 the same or substantially the same as the working conditions generally
34 prevailing among individuals performing the same or similar work for
35 other employers engaged in the same or similar type of activity;

36 (6) the individual left work to enter training approved under section
37 236(a)(1) of the federal trade act of 1974, provided the work left is not of a
38 substantially equal or higher skill level than the individual's past adversely
39 affected employment, as defined for purposes of the federal trade act of
40 1974, and wages for such work are not less than 80% of the individual's
41 average weekly wage as determined for the purposes of the federal trade
42 act of 1974;

43 (7) the individual left work because of unwelcome harassment of the

1 individual by the employer or another employee of which the employing
2 unit had knowledge and that would impel the average worker to give up
3 such worker's employment;

4 (8) the individual left work to accept better work; each determination
5 as to whether or not the work accepted is better work shall include, but
6 shall not be limited to, consideration of: (A) The rate of pay, the hours of
7 work and the probable permanency of the work left as compared to the
8 work accepted; (B) the cost to the individual of getting to the work left in
9 comparison to the cost of getting to the work accepted; and (C) the
10 distance from the individual's place of residence to the work accepted in
11 comparison to the distance from the individual's residence to the work left;

12 (9) the individual left work as a result of being instructed or requested
13 by the employer, a supervisor or a fellow employee to perform a service or
14 commit an act in the scope of official job duties ~~which~~ *that* is in violation
15 of an ordinance or statute;

16 (10) the individual left work because of a substantial violation of the
17 work agreement by the employing unit and, before the individual left, the
18 individual had exhausted all remedies provided in such agreement for the
19 settlement of disputes before terminating. For the purposes of this
20 paragraph, a demotion based on performance does not constitute a
21 violation of the work agreement;

22 (11) after making reasonable efforts to preserve the work, the
23 individual left work due to a personal emergency of such nature and
24 compelling urgency that it would be contrary to good conscience to
25 impose a disqualification; or

26 (12) (A) the individual left work due to circumstances resulting from
27 domestic violence, including:

28 (i) The individual's reasonable fear of future domestic violence at or
29 en route to or from the individual's place of employment;

30 (ii) the individual's need to relocate to another geographic area in
31 order to avoid future domestic violence;

32 (iii) the individual's need to address the physical, psychological and
33 legal impacts of domestic violence;

34 (iv) the individual's need to leave employment as a condition of
35 receiving services or shelter from an agency ~~which~~ *that* provides support
36 services or shelter to victims of domestic violence; or

37 (v) the individual's reasonable belief that termination of employment
38 is necessary to avoid other situations ~~which~~ *that* may cause domestic
39 violence and to provide for the future safety of the individual or the
40 individual's family.

41 (B) An individual may prove the existence of domestic violence by
42 providing one of the following:

43 (i) A restraining order or other documentation of equitable relief by a

- 1 court of competent jurisdiction;
- 2 (ii) a police record documenting the abuse;
- 3 (iii) documentation that the abuser has been convicted of one or more
- 4 of the offenses enumerated in articles 34 and 35 of chapter 21 of the
- 5 Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of
- 6 chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325,
- 7 21-6326 or 21-6418 through 21-6422, and amendments thereto, where the
- 8 victim was a family or household member;
- 9 (iv) medical documentation of the abuse;
- 10 (v) a statement provided by a counselor, social worker, health care
- 11 provider, clergy, shelter worker, legal advocate, domestic violence or
- 12 sexual assault advocate or other professional who has assisted the
- 13 individual in dealing with the effects of abuse on the individual or the
- 14 individual's family; or
- 15 (vi) a sworn statement from the individual attesting to the abuse.
- 16 (C) No evidence of domestic violence experienced by an individual,
- 17 including the individual's statement and corroborating evidence, shall be
- 18 disclosed by the department of labor unless consent for disclosure is given
- 19 by the individual.
- 20 (b) If the individual has been discharged or suspended for misconduct
- 21 connected with the individual's work. The disqualification shall begin the
- 22 day following the separation and shall continue until after the individual
- 23 becomes reemployed and in cases where the disqualification is due to
- 24 discharge for misconduct has had earnings from insured work of at least
- 25 three times the individual's determined weekly benefit amount, except that
- 26 if an individual is discharged for gross misconduct connected with the
- 27 individual's work, such individual shall be disqualified for benefits until
- 28 such individual again becomes employed and has had earnings from
- 29 insured work of at least eight times such individual's determined weekly
- 30 benefit amount. In addition, all wage credits attributable to the
- 31 employment from which the individual was discharged for gross
- 32 misconduct connected with the individual's work shall be canceled. No
- 33 such cancellation of wage credits shall affect prior payments made as a
- 34 result of a prior separation.
- 35 (1) ~~For the purposes of this~~ *As used in this* subsection, "misconduct" is
- 36 ~~defined as~~ *means* a violation of a duty or obligation reasonably owed the
- 37 employer as a condition of employment including, but not limited to, a
- 38 violation of a company rule, including a safety rule, if: (A) The individual
- 39 knew or should have known about the rule; (B) the rule was lawful and
- 40 reasonably related to the job; and (C) the rule was fairly and consistently
- 41 enforced.
- 42 (2) (A) Failure of the employee to notify the employer of an absence
- 43 and an individual's leaving work prior to the end of such individual's

1 assigned work period without permission shall be considered prima facie
2 evidence of a violation of a duty or obligation reasonably owed the
3 employer as a condition of employment.

4 (B) For the purposes of this subsection, misconduct shall include, but
5 not be limited to, violation of the employer's reasonable attendance
6 expectations if the facts show:

7 (i) The individual was absent or tardy without good cause;

8 (ii) the individual had knowledge of the employer's attendance
9 expectation; and

10 (iii) the employer gave notice to the individual that future absence or
11 tardiness may or will result in discharge.

12 (C) For the purposes of this subsection, if an employee disputes being
13 absent or tardy without good cause, the employee shall present evidence
14 that a majority of the employee's absences or tardiness were for good
15 cause. If the employee alleges that the employee's repeated absences or
16 tardiness were the result of health related issues, such evidence shall
17 include documentation from a licensed and practicing health care provider
18 as defined in subsection (a)(1).

19 (3) (A) The term "gross misconduct" as used in this subsection shall
20 be construed to mean conduct evincing extreme, willful or wanton
21 misconduct as defined by this subsection. Gross misconduct shall include,
22 but not be limited to: (i) Theft; (ii) fraud; (iii) intentional damage to
23 property; (iv) intentional infliction of personal injury; or (v) any conduct
24 that constitutes a felony.

25 (B) For the purposes of this subsection, the following shall be
26 conclusive evidence of gross misconduct:

27 (i) The use of alcoholic liquor, cereal malt beverage or a
28 nonprescribed controlled substance by an individual while working;

29 (ii) the impairment caused by alcoholic liquor, cereal malt beverage
30 or a nonprescribed controlled substance by an individual while working;

31 (iii) a positive breath alcohol test or a positive chemical test, ~~provided~~
32 *if*:

33 (a) The test was either:

34 (1) Required by law and was administered pursuant to the drug free
35 workplace act, 41 U.S.C. § 701 et seq.;

36 (2) administered as part of an employee assistance program or other
37 drug or alcohol treatment program in which the employee was
38 participating voluntarily or as a condition of further employment;

39 (3) requested pursuant to a written policy of the employer of which
40 the employee had knowledge and was a required condition of
41 employment;

42 (4) required by law and the test constituted a required condition of
43 employment for the individual's job; or

1 (5) there was reasonable suspicion to believe that the individual used,
2 had possession of, or was impaired by alcoholic liquor, cereal malt
3 beverage or a nonprescribed controlled substance while working;

4 (b) the test sample was collected either:

5 (1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et
6 seq.;

7 (2) as prescribed by an employee assistance program or other drug or
8 alcohol treatment program in which the employee was participating
9 voluntarily or as a condition of further employment;

10 (3) as prescribed by the written policy of the employer of which the
11 employee had knowledge and ~~which~~ that constituted a required condition
12 of employment;

13 (4) as prescribed by a test ~~which~~ that was required by law and which
14 constituted a required condition of employment for the individual's job; or

15 (5) at a time contemporaneous with the events establishing probable
16 cause;

17 (c) the collecting and labeling of a chemical test sample was
18 performed by a licensed health care professional or any other individual
19 certified pursuant to paragraph (b)(3)(A)(iii)(f) or authorized to collect or
20 label test samples by federal or state law, or a federal or state rule or
21 regulation having the force or effect of law, including law enforcement
22 personnel;

23 (d) the chemical test was performed by a laboratory approved by the
24 United States department of health and human services or licensed by the
25 department of health and environment, except that a blood sample may be
26 tested for alcohol content by a laboratory commonly used for that purpose
27 by state law enforcement agencies;

28 (e) the chemical test was confirmed by gas chromatography, gas
29 chromatography-mass spectroscopy or other comparably reliable
30 analytical method, except that no such confirmation is required for a blood
31 alcohol sample or a breath alcohol test;

32 (f) the breath alcohol test was administered by an individual trained
33 to perform breath tests, the breath testing instrument used was certified
34 and operated strictly according to a description provided by the
35 manufacturers and the reliability of the instrument performance was
36 assured by testing with alcohol standards; and

37 (g) the foundation evidence establishes, beyond a reasonable doubt,
38 that the test results were from the sample taken from the individual;

39 (iv) an individual's refusal to submit to a chemical test or breath
40 alcohol test, ~~provided if~~:

41 (a) The test meets the standards of the drug free workplace act, 41
42 U.S.C. § 701 et seq.;

43 (b) the test was administered as part of an employee assistance

1 program or other drug or alcohol treatment program in which the
2 employee was participating voluntarily or as a condition of further
3 employment;

4 (c) the test was otherwise required by law and the test constituted a
5 required condition of employment for the individual's job;

6 (d) the test was requested pursuant to a written policy of the employer
7 of which the employee had knowledge and was a required condition of
8 employment; or

9 (e) there was reasonable suspicion to believe that the individual used,
10 possessed or was impaired by alcoholic liquor, cereal malt beverage or a
11 nonprescribed controlled substance while working; *and*

12 (v) an individual's dilution or other tampering of a chemical test.

13 (C) For purposes of this subsection:

14 (i) "Alcohol concentration" means the number of grams of alcohol
15 per 210 liters of breath;

16 (ii) "alcoholic liquor" means the same as ~~provided~~ *defined* in K.S.A.
17 41-102, and amendments thereto;

18 (iii) "cereal malt beverage" means the same as ~~provided~~ *defined* in
19 K.S.A. 41-2701, and amendments thereto;

20 (iv) "chemical test" includes, but is not limited to, tests of urine,
21 blood or saliva;

22 (v) "controlled substance" means the same as ~~provided~~ *defined* in
23 K.S.A. 21-5701, and amendments thereto;

24 (vi) "required by law" means required by a federal or state law, a
25 federal or state rule or regulation having the force and effect of law, a
26 county resolution or municipal ordinance, or a policy relating to public
27 safety adopted in an open meeting by the governing body of any special
28 district or other local governmental entity;

29 (vii) "positive breath test" means a test result showing an alcohol
30 concentration of 0.04 or greater, or the levels listed in 49 C.F.R. part 40, if
31 applicable, unless the test was administered as part of an employee
32 assistance program or other drug or alcohol treatment program in which
33 the employee was participating voluntarily or as a condition of further
34 employment, in which case "positive chemical test" ~~shall mean~~ *means* a
35 test result showing an alcohol concentration at or above the levels
36 provided for in the assistance or treatment program; *and*

37 (viii) "positive chemical test" means a chemical result showing a
38 concentration at or above the levels listed in K.S.A. 44-501, and
39 amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or
40 abuse listed therein, unless the test was administered as part of an
41 employee assistance program or other drug or alcohol treatment program
42 in which the employee was participating voluntarily or as a condition of
43 further employment, in which case "positive chemical test" means a

1 chemical result showing a concentration at or above the levels provided for
2 in the assistance or treatment program.

3 (4) An individual shall not be disqualified under this subsection if the
4 individual is discharged under the following circumstances:

5 (A) The employer discharged the individual after learning the
6 individual was seeking other work or when the individual gave notice of
7 future intent to quit, except that the individual shall be disqualified after
8 the time ~~at which~~ *that* such individual intended to quit and any individual
9 who commits misconduct after such individual gives notice to such
10 individual's intent to quit shall be disqualified;

11 (B) the individual was making a good-faith effort to do the assigned
12 work but was discharged due to:

13 (i) Inefficiency;

14 (ii) unsatisfactory performance due to inability, incapacity or lack of
15 training or experience;

16 (iii) isolated instances of ordinary negligence or inadvertence;

17 (iv) good-faith errors in judgment or discretion; or

18 (v) unsatisfactory work or conduct due to circumstances beyond the
19 individual's control; or

20 (C) the individual's refusal to perform work in excess of the contract
21 of hire.

22 (c) If the individual has failed, without good cause, to either apply for
23 suitable work when so directed by the employment office of the secretary
24 of labor, or to accept suitable work when offered to the individual by the
25 employment office, the secretary of labor, or an employer, such
26 disqualification shall begin with the week in which such failure occurred
27 and shall continue until the individual becomes reemployed and has had
28 earnings from insured work of at least three times such individual's
29 determined weekly benefit amount. In determining whether or not any
30 work is suitable for an individual, the secretary of labor, or a person or
31 persons designated by the secretary, shall consider the degree of risk
32 involved to health, safety and morals, physical fitness and prior training,
33 experience and prior earnings, length of unemployment and prospects for
34 securing local work in the individual's customary occupation or work for
35 which the individual is reasonably ~~fitted~~ *fit* by training or experience, and
36 the distance of the available work from the individual's residence.
37 Notwithstanding any other provisions of this act, an otherwise eligible
38 individual shall not be disqualified for refusing an offer of suitable
39 employment, or failing to apply for suitable employment when notified by
40 an employment office, or for leaving the individual's most recent work
41 accepted during approved training, including training approved under
42 section 236(a)(1) of the trade act of 1974, if the acceptance of or applying
43 for suitable employment or continuing such work would require the

1 individual to terminate approved training and no work shall be deemed
2 suitable and benefits shall not be denied under this act to any otherwise
3 eligible individual for refusing to accept new work under any of the
4 following conditions:

5 (1) If the position offered is vacant due directly to a strike, lockout or
6 other labor dispute;

7 (2) if the remuneration, hours or other conditions of the work offered
8 are substantially less favorable to the individual than those prevailing for
9 similar work in the locality;

10 (3) if as a condition of being employed, the individual would be
11 required to join or to resign from or refrain from joining any labor
12 organization; and

13 (4) if the individual left employment as a result of domestic violence,
14 and the position offered does not reasonably accommodate the individual's
15 physical, psychological, safety, or legal needs relating to such domestic
16 violence.

17 (d) For any week with respect to which the secretary of labor, or a
18 person or persons designated by the secretary, finds that the individual's
19 unemployment is due to a stoppage of work ~~which~~ *that* exists because of a
20 labor dispute or there would have been a work stoppage had normal
21 operations not been maintained with other personnel previously and
22 currently employed by the same employer at the factory, establishment or
23 other premises at which the individual is or was last employed, except that
24 this subsection (d) shall not apply if it is shown to the satisfaction of the
25 secretary of labor, or a person or persons designated by the secretary, that:

26 (1) The individual is not participating in or financing or directly
27 interested in the labor dispute ~~which~~ *that* caused the stoppage of work; and

28 (2) the individual does not belong to a grade or class of workers of
29 which, immediately before the commencement of the stoppage, there were
30 members employed at the premises ~~at which~~ *where* the stoppage occurs
31 any of whom are participating in or financing or directly interested in the
32 dispute. If in any case separate branches of work ~~which~~ *that* are commonly
33 conducted as separate businesses in separate premises are conducted in
34 separate departments of the same premises, each such department shall, for
35 the purpose of this subsection be deemed to be a separate factory,
36 establishment or other premises. For the purposes of this subsection,
37 failure or refusal to cross a picket line or refusal for any reason during the
38 continuance of such labor dispute to accept the individual's available and
39 customary work at the factory, establishment or other premises where the
40 individual is or was last employed shall be considered as participation and
41 interest in the labor dispute.

42 (e) For any week ~~with respect to which~~ or a part of *the week* in which
43 the individual has received or is seeking unemployment benefits under the

1 unemployment compensation law of any other state or of the United
2 States, except that if the appropriate agency of such other state or the
3 United States finally determines that the individual is not entitled to such
4 unemployment benefits, this disqualification shall not apply.

5 (f) For any week ~~with respect to~~ *in* which the individual is entitled to
6 receive any unemployment allowance or compensation granted by the
7 United States under an act of congress to ~~ex-service men and women~~
8 *former members of the armed forces* in recognition of former service with
9 the military ~~or~~, naval, *air or space* services of the United States.

10 (g) If the individual, or another in such individual's behalf with the
11 knowledge of the individual, has knowingly made a false statement or
12 representation, or has knowingly failed to disclose a material fact to obtain
13 or increase benefits under this act or any other unemployment
14 compensation law administered by the secretary of labor, unless the
15 individual has repaid the full amount of the overpayment as determined by
16 the secretary or the secretary's designee, including, but not limited to, the
17 total amount of money erroneously paid as benefits or unlawfully
18 obtained, interest, penalties and any other costs or fees provided by law. If
19 the individual has made such repayment, the individual shall be
20 disqualified for a period of one year for the first occurrence or five years
21 for any subsequent occurrence, beginning with the first day following the
22 date the department of labor confirmed the individual has successfully
23 repaid the full amount of the overpayment. In addition to the penalties set
24 forth in K.S.A. 44-719, and amendments thereto, an individual who has
25 knowingly made a false statement or representation or who has knowingly
26 failed to disclose a material fact to obtain or increase benefits under this
27 act or any other unemployment compensation law administered by the
28 secretary of labor shall be liable for a penalty in the amount equal to 25%
29 of the amount of benefits unlawfully received. Notwithstanding any other
30 provision of law, such penalty shall be deposited into the employment
31 security trust fund. No person who is a victim of identify theft shall be
32 subject to the provisions of this subsection. The secretary shall investigate
33 all cases of an alleged false statement or representation or failure to
34 disclose a material fact to ensure no victim of identity theft is disqualified,
35 required to repay or subject to any penalty as provided by this subsection
36 as a result of identity theft.

37 (h) For any week ~~with respect to~~ *in* which the individual is receiving
38 compensation for temporary total disability or permanent total disability
39 under the workmen's compensation law of any state or under a similar law
40 of the United States.

41 (i) For any week of unemployment on the basis of service in an
42 instructional, research or principal administrative capacity for an
43 educational institution as defined in K.S.A. 44-703(v), and amendments

1 thereto, if such week begins during the period between two successive
2 academic years or terms or, when an agreement provides instead for a
3 similar period between two regular but not successive terms during such
4 period or during a period of paid sabbatical leave provided for in the
5 individual's contract, if the individual performs such services in the first of
6 such academic years or terms and there is a contract or a reasonable
7 assurance that such individual will perform services in any such capacity
8 for any educational institution in the second of such academic years or
9 terms.

10 (j) For any week of unemployment on the basis of service in any
11 capacity other than service in an instructional, research, or administrative
12 capacity in an educational institution, as defined in K.S.A. 44-703(v), and
13 amendments thereto, if such week begins during the period between two
14 successive academic years or terms if the individual performs such
15 services in the first of such academic years or terms and there is a
16 reasonable assurance that the individual will perform such services in the
17 second of such academic years or terms, except that if benefits are denied
18 to the individual under this subsection and the individual was not offered
19 an opportunity to perform such services for the educational institution for
20 the second of such academic years or terms, such individual shall be
21 entitled to a retroactive payment of benefits for each week for which the
22 individual filed a timely claim for benefits and ~~for which~~ *such* benefits
23 were denied solely by reason of this subsection.

24 (k) For any week of unemployment on the basis of service in any
25 capacity for an educational institution as defined in K.S.A. 44-703(v), and
26 amendments thereto, if such week begins during an established and
27 customary vacation period or holiday recess, if the individual performs
28 services in the period immediately before such vacation period or holiday
29 recess and there is a reasonable assurance that such individual will perform
30 such services in the period immediately following such vacation period or
31 holiday recess.

32 (l) For any week of unemployment on the basis of any services,
33 ~~substantially all of which consist~~ *consisting* of participating in sports or
34 athletic events or training or preparing to so participate, if such week
35 begins during the period between two successive sport seasons or similar
36 period if such individual performed services in the first of such seasons or
37 similar periods and there is a reasonable assurance that such individual
38 will perform such services in the later of such seasons or similar periods.

39 (m) For any week on the basis of services performed by an alien
40 unless such alien is an individual who was lawfully admitted for
41 permanent residence at the time such services were performed, was
42 lawfully present for purposes of performing such services, or was
43 permanently residing in the United States under color of law at the time

1 such services were performed, including an alien who was lawfully present
2 in the United States as a result of the application of the provisions of
3 section 212(d)(5) of the federal immigration and nationality act. Any data
4 or information required of individuals applying for benefits to determine
5 whether benefits are not payable to them because of their alien status shall
6 be uniformly required from all applicants for benefits. In the case of an
7 individual whose application for benefits would otherwise be approved, no
8 determination that benefits to such individual are not payable because of
9 such individual's alien status shall be made except upon a preponderance
10 of the evidence.

11 (n) For any week in which an individual is receiving a governmental
12 or other pension, retirement or retired pay, annuity or other similar
13 periodic payment under a plan maintained by a base period employer and
14 to which the entire contributions were provided by such employer, except
15 that:

16 (1) If the entire contributions to such plan were provided by the base
17 period employer but such individual's weekly benefit amount exceeds such
18 governmental or other pension, retirement or retired pay, annuity or other
19 similar periodic payment attributable to such week, the weekly benefit
20 amount payable to the individual shall be reduced, but not below zero, by
21 an amount equal to the amount of such pension, retirement or retired pay,
22 annuity or other similar periodic payment ~~which~~ *that* is attributable to such
23 week; or

24 (2) if only a portion of contributions to such plan were provided by
25 the base period employer, the weekly benefit amount payable to such
26 individual for such week shall be reduced, but not below zero, by the
27 prorated weekly amount of the pension, retirement or retired pay, annuity
28 or other similar periodic payment after deduction of that portion of the
29 pension, retirement or retired pay, annuity or other similar periodic
30 payment that is directly attributable to the percentage of the contributions
31 made to the plan by such individual; or

32 (3) if the entire contributions to the plan were provided by such
33 individual, or by the individual and an employer, or any person or
34 organization, who is not a base period employer, no reduction in the
35 weekly benefit amount payable to the individual for such week shall be
36 made under this subsection; or

37 (4) whatever portion of contributions to such plan were provided by
38 the base period employer, if the services performed for the employer by
39 such individual during the base period, or remuneration received for the
40 services, did not affect the individual's eligibility for, or increased the
41 amount of, such pension, retirement or retired pay, annuity or other similar
42 periodic payment, no reduction in the weekly benefit amount payable to
43 the individual for such week shall be made under this subsection. No

1 reduction shall be made for payments made under the social security act or
2 railroad retirement act of 1974.

3 (o) For any week of unemployment on the basis of services
4 performed in any capacity and under any of the circumstances described in
5 subsection (i), (j) or (k) that an individual performed in an educational
6 institution while in the employ of an educational service agency. For the
7 purposes of this subsection, the term "educational service agency" means a
8 governmental agency or entity ~~which~~ that is established and operated
9 exclusively for the purpose of providing such services to one or more
10 educational institutions.

11 (p) For any week of unemployment on the basis of service as a school
12 bus or other motor vehicle driver employed by a private contractor to
13 transport pupils, students and school personnel to or from school-related
14 functions or activities for an educational institution, as defined in K.S.A.
15 44-703(v), and amendments thereto, if such week begins during the period
16 between two successive academic years or during a similar period between
17 two regular terms, whether or not successive, if the individual has a
18 contract or contracts, or a reasonable assurance thereof, to perform
19 services in any such capacity with a private contractor for any educational
20 institution for both such academic years or both such terms. An individual
21 shall not be disqualified for benefits as provided in this subsection for any
22 week of unemployment on the basis of service as a bus or other motor
23 vehicle driver employed by a private contractor to transport persons to or
24 from nonschool-related functions or activities.

25 (q) For any week of unemployment on the basis of services
26 performed by the individual in any capacity and under any of the
27 circumstances described in subsection (i), (j), (k) or (o) ~~which~~ that are
28 provided to or on behalf of an educational institution, as defined in K.S.A.
29 44-703(v), and amendments thereto, while the individual is in the employ
30 of an employer ~~which~~ that is a governmental entity, Indian tribe or any
31 employer described in section 501(c)(3) of the federal internal revenue
32 code of 1986 ~~which~~ that is exempt from income under section 501(a) of
33 the code.

34 (r) For any week in which an individual is registered at and attending
35 an established school, training facility or other educational institution, or is
36 on vacation during or between two successive academic years or terms. An
37 individual shall not be disqualified for benefits as provided in this
38 subsection ~~provided if~~:

39 (1) The individual was engaged in full-time employment concurrent
40 with the individual's school attendance;

41 (2) the individual is attending approved training as defined in K.S.A.
42 44-703(s), and amendments thereto; or

43 (3) the individual is attending evening, weekend or limited day time

1 classes, ~~which~~ *that* would not affect availability for work, and is otherwise
2 eligible under K.S.A. 44-705(c), and amendments thereto.

3 (s) For any week ~~with respect to~~ *in* which an individual is receiving
4 or has received remuneration in the form of a back pay award or
5 settlement. The remuneration shall be allocated to the week or weeks in
6 the manner as specified in the award or agreement, or in the absence of
7 such specificity in the award or agreement, such remuneration shall be
8 allocated to the week or weeks ~~in~~ *for* which such remuneration, in the
9 judgment of the secretary, would have been paid.

10 (1) For any such weeks that an individual receives remuneration in
11 the form of a back pay award or settlement, an overpayment will be
12 established in the amount of unemployment benefits paid and shall be
13 collected from the claimant.

14 (2) If an employer chooses to withhold from a back pay award or
15 settlement, amounts paid to a claimant while they claimed unemployment
16 benefits, such employer shall pay the department the amount withheld.
17 With respect to such amount, the secretary shall have available all of the
18 collection remedies authorized or provided in K.S.A. 44-717, and
19 amendments thereto.

20 (t) (1) Any applicant for or recipient of unemployment benefits who
21 tests positive for unlawful use of a controlled substance or controlled
22 substance analog shall be required to complete a substance abuse treatment
23 program approved by the secretary of labor, secretary of commerce or
24 secretary for children and families, and a job skills program approved by
25 the secretary of labor, secretary of commerce or the secretary for children
26 and families. Subject to applicable federal laws, any applicant for or
27 recipient of unemployment benefits who fails to complete or refuses to
28 participate in the substance abuse treatment program or job skills program
29 as required under this subsection shall be ineligible to receive
30 unemployment benefits until completion of such substance abuse
31 treatment and job skills programs. Upon completion of both substance
32 abuse treatment and job skills programs, such applicant for or recipient of
33 unemployment benefits may be subject to periodic drug screening, as
34 determined by the secretary of labor. Upon a second positive test for
35 unlawful use of a controlled substance or controlled substance analog, an
36 applicant for or recipient of unemployment benefits shall be ordered to
37 complete again a substance abuse treatment program and job skills
38 program, and shall be terminated from unemployment benefits for a period
39 of 12 months, or until such applicant for or recipient of unemployment
40 benefits completes both substance abuse treatment and job skills programs,
41 whichever is later. Upon a third positive test for unlawful use of a
42 controlled substance or controlled substance analog, an applicant for or a
43 recipient of unemployment benefits shall be terminated from receiving

1 unemployment benefits, subject to applicable federal law.

2 (2) Any individual who has been discharged or refused employment
3 for failing a preemployment drug screen required by an employer may
4 request that the drug screening specimen be sent to a different drug testing
5 facility for an additional drug screening. Any such individual who requests
6 an additional drug screening at a different drug testing facility shall be
7 required to pay the cost of drug screening.

8 (u) If the individual was found not to have a disqualifying
9 adjudication or conviction under K.S.A. 39-970 or 65-5117, and
10 amendments thereto, was hired and then was subsequently convicted of a
11 disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments
12 thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and
13 amendments thereto. The disqualification shall begin the day following the
14 separation and shall continue until after the individual becomes
15 reemployed and has had earnings from insured work of at least three times
16 the individual's determined weekly benefit amount.

17 (v) Notwithstanding the provisions of any subsection, an individual
18 shall not be disqualified for such week of part-time employment in a
19 substitute capacity for an educational institution if such individual's most
20 recent employment prior to the individual's benefit year begin date was for
21 a non-educational institution and such individual demonstrates application
22 for work in such individual's customary occupation or for work for which
23 the individual is reasonably ~~fitted~~ fit by training or experience.

24 Sec. 2. K.S.A. 48-3401 is hereby amended to read as follows: 48-
25 3401. As used in K.S.A. 48-3401 through 48-3405 ~~of this act, and~~
26 ~~amendments thereto:~~

27 (a) "~~Military~~Active service" means *service on active duty performed*
28 ~~by a licensee in~~ *who is a member of the army, navy, marine corps, air*
29 *force, space force, air or army national guard of any of the several states*
30 *and territories, Puerto Rico and the District of Columbia, coast guard or*
31 *any ~~branch~~ component of the military reserves of the United States.*

32 (b) "License" means any permit, certificate, authority, privilege or
33 registration whether temporary or permanent issued, granted or made by
34 the state of Kansas or any officer, board, department or commission or
35 agency thereof authorizing a person to engage in or practice an occupation
36 or profession in this state.

37 (c) "Licensee" means a person who had, at the time of commencing a
38 period of military service, a valid, existing license to engage in or practice
39 an occupation or profession in this state. "Licensee" also means a person
40 who, while ~~in military~~ *performing active service*, obtains a valid license to
41 engage in or practice an occupation or profession in this state.

42 Sec. 3. K.S.A. 2023 Supp. 48-3407 is hereby amended to read as
43 follows: 48-3407. (a) ~~For the purposes of~~ *As used in this section:*

1 (1) "Applicant" means a person who entered into ~~military active~~
2 service and separated from such ~~military active~~ service with an honorable
3 discharge or a general discharge under honorable conditions;

4 (2) "licensing body" ~~has the meaning ascribed thereto~~ means the
5 same as defined in K.S.A. 74-146, and amendments thereto, except for
6 licensing boards under K.S.A. 65-1116 and 65-6129, and amendments
7 thereto; and

8 (3) "~~military active~~ service" means *service on active duty performed*
9 *by a member of the army, navy, marine corps, air force, space force, air or*
10 *army national guard of any ~~state of the several states and territories,~~*
11 *Puerto Rico and the District of Columbia, coast guard or any ~~branch~~*
12 *component of the military reserves of the United States.*

13 (b) (1) Notwithstanding any other provision of law, upon presentation
14 of a completed application by an applicant with an honorable discharge for
15 certification or licensure, a licensing body shall accept education, training
16 or service completed in ~~military active~~ service by the applicant towards
17 any educational requirements for certification or licensure in this state if
18 the applicant demonstrates to the satisfaction of the licensing body that
19 such education, training or service obtained is substantially equivalent to
20 the existing educational requirements of such licensure or certification. No
21 education, training or service shall count towards any examination
22 requirements unless such licensing body has provided a waiver for such
23 requirement. The licensing body may require the applicant to provide
24 documentation of such education, training or service as deemed necessary
25 by the licensing body to determine substantial equivalency.

26 (2) A licensing board under this section may accept education,
27 training or service completed in ~~military active~~ service towards any
28 educational requirements for certification or licensure in this state if an
29 applicant was separated from ~~military service~~ *the armed forces* with a
30 general discharge under honorable conditions.

31 (c) Each licensing body may adopt rules and regulations necessary to
32 implement and carry out the provisions of this section.

33 (d) This section shall not apply to the practice of law or the regulation
34 of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

35 Sec. 4. K.S.A. 2023 Supp. 48-3408 is hereby amended to read as
36 follows: 48-3408. (a) ~~For the purposes of~~ *As used in* this section:

37 (1) "Accreditation" ~~has the meaning ascribed thereto~~ means the same
38 as defined in K.S.A. 74-32,163, and amendments thereto;

39 (2) "accredited educational institution" means an educational
40 institution that has achieved and maintained accreditation;

41 (3) "applicant" means a person who entered into ~~military active~~
42 service and separated from such ~~military service~~ *the armed forces* under
43 conditions other than dishonorable;

1 (4) "community college" means any community college established
2 under the laws of this state;

3 (5) "distance education course" means a course consisting solely or
4 primarily of instruction provided online or in other computer-assisted
5 formats, or by correspondence, audiotape, videotape or other media;

6 (6) "educational institution" means any postsecondary educational
7 institution, private postsecondary educational institution and out-of-state
8 postsecondary educational institution;

9 (7) "institute of technology" or "Washburn institute of technology"
10 means the institute of technology at Washburn university;

11 (8) "licensing body" ~~has the meaning ascribed thereto~~ means the
12 same as defined in K.S.A. 74-146, and amendments thereto;

13 (9) "~~military~~ active service" means *service on active duty performed*
14 *by a member of the army, navy, marine corps, air force, space force, air*
15 *army national guard of any* ~~state of the several states and territories,~~
16 *Puerto Rico and the District of Columbia, coast guard or any ~~branch~~
17 *component of the military reserves of the United States;**

18 (10) "municipal university" means Washburn university of Topeka or
19 any other municipal university established under the laws of this state;

20 (11) "out-of-state postsecondary educational institution" ~~has the~~
21 ~~meaning ascribed thereto~~ means the same as defined in K.S.A. 74-32,163,
22 and amendments thereto;

23 (12) "postsecondary educational institution" means any state
24 educational institution, municipal university, community college, technical
25 college and institute of technology, and includes any entity resulting from
26 the consolidation or affiliation of any two or more of such postsecondary
27 educational institutions;

28 (13) "private postsecondary educational institution" ~~has the meaning~~
29 ~~ascribed thereto~~ means the same as defined in K.S.A. 74-32,163, and
30 amendments thereto;

31 (14) "state educational institution" means ~~any state educational~~
32 ~~institution,~~ the same as defined in K.S.A. 76-711, and amendments thereto;
33 and

34 (15) "technical college" means any technical college established
35 under the laws of this state.

36 (b) Notwithstanding any other provision of law, a licensing body may
37 authorize any educational requirements for certification or licensure in this
38 state to be waived if an applicant provides satisfactory evidence of
39 completion of a distance education course. To qualify for such a waiver,
40 the distance education course must be:

41 (1) Provided by an accredited educational institution; and

42 (2) substantially equivalent to the educational standards required for
43 certification or licensure in this state.

1 (c) Each licensing body may adopt rules and regulations necessary to
2 implement and carry out the provisions of this section.

3 (d) This section shall not apply to the practice of law or the regulation
4 of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

5 Sec. 5. K.S.A. 2023 Supp. 48-3601 is hereby amended to read as
6 follows: 48-3601. (a) A current member of the armed forces of the United
7 States or the member's spouse or dependent child who is enrolled or has
8 been accepted for admission at a postsecondary educational institution as a
9 postsecondary student shall be deemed to be a resident of the state for the
10 purpose of tuition and fees for attendance at such postsecondary
11 educational institution.

12 (b) A person is entitled to pay tuition and fees at an institution of
13 higher education at the rates provided for Kansas residents without regard
14 to the length of time the person has resided in the state if the person:

15 (1) (A) Files a letter of intent to establish residence in the state with
16 the postsecondary educational institution at which the person intends to
17 register;

18 (B) lives in the state while attending the postsecondary educational
19 institution; and

20 (C) is eligible for benefits under the federal post-9/11 veterans
21 educational assistance act of 2008, 38 U.S.C. § 3301 et seq., or any other
22 federal law authorizing educational benefits for veterans;

23 (2) (A) is a veteran;

24 (B) was stationed in Kansas for at least 11 months during service in
25 the armed forces or had established residency in Kansas prior to service in
26 the armed forces; and

27 (C) lives in Kansas at the time of enrollment; or

28 (3) (A) is the spouse or dependent of a veteran who was stationed in
29 Kansas for at least 11 months during such veteran's service in the armed
30 forces or had established residency in Kansas prior to service in the armed
31 forces; and

32 (B) lives in Kansas at the time of enrollment.

33 (c) As used in this section:

34 (1) "Armed forces" means the army, navy, marine corps, air force,
35 *space force*, coast guard, Kansas army or air national guard or any ~~branch~~
36 *component* of the military reserves of the United States;

37 (2) "postsecondary educational institution" means the same as
38 ~~provided~~ *defined* in K.S.A. 74-3201b, and amendments thereto; and

39 (3) "veteran" means a person who ~~has been separated from the armed~~
40 ~~forces~~ *served in the active military, naval, air or space service* and who
41 was ~~honorably~~ discharged or ~~received a general discharge~~ *released*
42 *therefrom under honorable conditions other than dishonorable.*

43 (d) This section shall be a part of and supplemental to chapter 48 of

1 the Kansas Statutes Annotated, and amendments thereto.

2 Sec. 6. K.S.A. 65-1116 is hereby amended to read as follows: 65-
3 1116. (a) *Qualification*. An applicant for a license to practice as a licensed
4 practical nurse shall:

5 (1) Have graduated from an approved school of practical nursing or
6 professional nursing in the United States or its territories or from a school
7 of practical nursing or professional nursing in a foreign country ~~which that~~
8 is approved by the board as defined in rules and regulations;

9 (2) have obtained other qualifications not in conflict with this act as
10 the board may prescribe by rule and regulation; and

11 (3) file with the board a written application for a license.

12 (b) If the board finds in evaluating any applicant that such applicant is
13 deficient in qualification or in the quality of such applicant's educational
14 experience, the board may require such applicant to fulfill such remedial
15 or other requirements as the board may prescribe.

16 (c) *License*. (1) The board shall issue a license to an applicant to
17 practice as a practical nurse who has:

18 (A) Met the qualifications set forth in subsections (a) and (b);

19 (B) passed a written examination as prescribed by the board; and

20 (C) no disqualifying factors under K.S.A. 65-1120, and amendments
21 thereto.

22 (2) The board may issue a license to practice nursing as a practical
23 nurse to an applicant who has been duly licensed as a practical nurse by
24 examination under the laws of another state or territory if, in the opinion of
25 the board, the applicant meets the qualifications required of a practical
26 nurse in this state. Verification of the applicant's licensure status shall be
27 required from the original state of licensure.

28 (3) The board may authorize the educational requirement under
29 subsection (a)(1) to be waived for an applicant who has attained a passing
30 score on the national council licensure examination for practical nurses
31 and provided evidence to the board of such applicant's practical nursing
32 experience ~~with the military~~ *during a period of active service as a member*
33 *of the armed forces*. To qualify for such a waiver, the applicant ~~must~~ *shall*
34 *have been a member or is a current member* of the army, navy, marine
35 corps, air force, *space force*, air or army national guard of any of the
36 *several states and territories, Puerto Rico and the District of Columbia,*
37 *coast guard or any ~~branch~~ component* of the military reserves of the United
38 States; and separated from such ~~military~~ *period of active service* with an
39 honorable discharge. *Current members of the armed forces are presumed*
40 *to be serving honorably*. If such applicant was separated from such
41 ~~military~~ *period of active service* with a general discharge under honorable
42 conditions and meets the requirements of this paragraph, the board may
43 authorize the educational requirements under subsection (a)(1) be waived.

1 (4) *Refresher course.* Notwithstanding the provisions of subsections
2 (a) and (b), an applicant for a license to practice as a licensed practical
3 nurse who has not been licensed to practice practical nursing for five years
4 preceding application shall be required to successfully complete a
5 refresher course as defined by the board.

6 (5) *Renewal license.* A licensed practical nurse licensed under this act
7 shall be eligible for renewal licenses upon compliance with K.S.A. 65-
8 1117, and amendments thereto.

9 (6) *Licensure examination within 24 months of graduation.* (A)
10 Persons who do not take the licensure examination within 24 months after
11 graduation shall petition the board for permission prior to taking the
12 licensure examination. The board may require the applicant to submit and
13 complete a plan of study prior to taking the licensure examination.

14 (B) Persons who are unsuccessful in passing the licensure
15 examination within 24 months after graduation shall petition the board for
16 permission prior to subsequent attempts. The board may require the
17 applicant to submit and complete a plan of study prior to taking the
18 licensure examination a subsequent time. The study plan shall contain
19 subjects related to deficiencies identified on the failed examination
20 profiles.

21 (7) An application for initial licensure or endorsement will be held
22 awaiting completion of meeting qualifications for a time period specified
23 in rules and regulations.

24 (d) *Title and abbreviation.* Any person who holds a license to practice
25 as a licensed practical nurse in this state shall have the right to use the title,
26 "licensed practical nurse," and the abbreviation, "L.P.N." No other person
27 shall assume the title or use the abbreviation or any other words, letters,
28 signs or figures to indicate that the person is a licensed practical nurse.

29 (e) *Temporary permit.* The board may issue a temporary permit to
30 practice nursing as a licensed practical nurse for a period not to exceed 120
31 days. A temporary permit for 120 days may be issued to an applicant for
32 licensure as a licensed practical nurse who is a graduate of a practical
33 school of nursing in a foreign country after verification of licensure in that
34 foreign country and approval of educational credentials.

35 (f) *Exempt license.* The board may issue an exempt license to any
36 licensee as defined in rules and regulations who makes written application
37 for such license on a form provided by the board, who remits a fee as
38 established pursuant to K.S.A. 65-1118, and amendments thereto, and who
39 is not regularly engaged in the practice of practical nursing in Kansas but
40 volunteers practical nursing service or is a charitable health care provider
41 as defined by K.S.A. 75-6102, and amendments thereto. Each exempt
42 licensee shall be subject to all provisions of the nurse practice act, except
43 as otherwise provided in this subsection-(f). Each exempt license may be

1 renewed biennially subject to the provisions of this section. The holder of
2 the exempt license shall not be required to submit evidence of satisfactory
3 completion of a program of continuing nursing education for renewal. To
4 convert an exempt license to an active license, the exempt licensee shall
5 meet all the requirements of subsection (c) or K.S.A. 65-1117, and
6 amendments thereto. The board shall have authority to write rules and
7 regulations to carry out the provisions of this section.

8 Sec. 7. K.S.A. 2023 Supp. 65-6129 is hereby amended to read as
9 follows: 65-6129. (a) (1) Application for an emergency medical service
10 provider certificate shall be made to the board. The board shall not grant
11 an emergency medical service provider certificate unless the applicant
12 meets the following requirements:

13 (A) (i) Has successfully completed coursework required by the rules
14 and regulations adopted by the board;

15 (ii) has successfully completed coursework in another jurisdiction
16 that is substantially equivalent to that required by the rules and regulations
17 adopted by the board; or

18 (iii) has provided evidence that such applicant holds a current and
19 active certification with the national registry of emergency medical
20 technicians, completed emergency medical technician training as a
21 member of the army, navy, marine corps, air force, *space force*, air or army
22 national guard of *any of the several states and territories, Puerto Rico and*
23 *the District of Columbia*, coast guard or any ~~branch~~ *component* of the
24 military reserves of the United States that is substantially equivalent to that
25 required by the rules and regulations adopted by the board, and such
26 applicant separated from such ~~military~~ *period of active service as a*
27 *member of the armed forces* with an honorable discharge. *Applicants*
28 *currently performing active service as a member of the armed forces are*
29 *presumed to be serving honorably;*

30 (B) (i) has passed the examination required by the rules and
31 regulations adopted by the board; or

32 (ii) has passed the certification or licensing examination in another
33 jurisdiction that has been approved by the board; and

34 (C) has paid an application fee required by the rules and regulations
35 adopted by the board.

36 (2) The board may grant an emergency medical service provider
37 certificate to any applicant who meets the requirements under subsection
38 (a)(1)(A)(iii) but was separated from such ~~military~~ *period of active service*
39 *as a member of the armed forces* with a general discharge under honorable
40 conditions.

41 (b) (1) The emergency medical services board may require an original
42 applicant for certification as an emergency medical services provider to be
43 fingerprinted and submit to a state and national criminal history record

1 check. The fingerprints shall be used to identify the applicant and to
2 determine whether the applicant has a record of criminal history in this
3 state or another jurisdiction. The emergency medical services board is
4 authorized to submit the fingerprints to the Kansas bureau of investigation
5 and the federal bureau of investigation for a state and national criminal
6 history record check. The emergency medical services board may use the
7 information obtained from fingerprinting and the applicant's criminal
8 history for purposes of verifying the identification of the applicant and
9 making the official determination of the qualifications and fitness of the
10 applicant to be issued or to maintain a certificate.

11 (2) Local and state law enforcement officers and agencies shall assist
12 the emergency medical services board in taking the fingerprints of
13 applicants for license, registration, permit or certificate. The Kansas
14 bureau of investigation shall release all records of adult convictions,
15 nonconvictions or adjudications in this state and any other state or country
16 to the emergency medical services board.

17 (3) The emergency medical services board may fix and collect a fee
18 as may be required by the board in an amount equal to the cost of
19 fingerprinting and the criminal history record check. The emergency
20 medical services board shall remit all moneys received from the fees
21 established by this section to the state treasurer in accordance with the
22 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
23 each such remittance, the state treasurer shall deposit the entire amount in
24 the state treasury to the credit of the emergency medical services criminal
25 history and fingerprinting fund.

26 (4) There is hereby created in the state treasury the emergency
27 medical services criminal history and fingerprinting fund. All moneys
28 credited to the fund shall be used to pay the Kansas bureau of investigation
29 for the processing of fingerprints and criminal history record checks for
30 the emergency medical services board. The fund shall be administered by
31 the emergency medical services board. All expenditures from the fund
32 shall be made in accordance with appropriation acts upon warrants of the
33 director of accounts and reports issued pursuant to vouchers approved by
34 the chairperson of the emergency medical services board or the
35 chairperson's designee.

36 (c) The board shall not grant an initial advanced emergency medical
37 technician certificate or paramedic certificate as a result of successful
38 course completion in the state of Kansas, ~~unless~~ *except if* the applicant for
39 such an initial certificate is certified as an emergency medical technician.

40 (d) An emergency medical service provider certificate shall expire on
41 the date prescribed by the board. An emergency medical service provider
42 certificate may be renewed for a period of two years upon payment of a
43 fee as prescribed by rule and regulation of the board and upon presentation

1 of satisfactory proof that the emergency medical service provider has
2 successfully completed continuing education as prescribed by the board.

3 (e) All fees received pursuant to the provisions of this section shall be
4 remitted to the state treasurer in accordance with the provisions of K.S.A.
5 75-4215, and amendments thereto. Upon receipt of each such remittance,
6 the state treasurer shall deposit the entire amount in the state treasury to
7 the credit of the emergency medical services operating fund established by
8 K.S.A. 65-6151, and amendments thereto.

9 (f) If a person who was previously certified as an emergency medical
10 service provider applies for an emergency medical service provider's
11 certificate after the certificate's expiration, the board may grant a
12 certificate without the person completing an initial course of instruction or
13 passing a certification examination if the person has completed education
14 requirements and has paid a fee as specified in rules and regulations
15 adopted by the board.

16 (g) The board shall adopt, through rules and regulations, a formal list
17 of graduated sanctions for violations of article 61 of chapter 65 of the
18 Kansas Statutes Annotated, and amendments thereto, that shall specify the
19 number and severity of violations for the imposition of each level of
20 sanction.

21 Sec. 8. K.S.A. 44-706, 48-3401 and 65-1116 and K.S.A. 2023 Supp.
22 48-3407, 48-3408, 48-3601 and 65-6129 are hereby repealed.

23 Sec. 9. This act shall take effect and be in force from and after its
24 publication in the statute book.