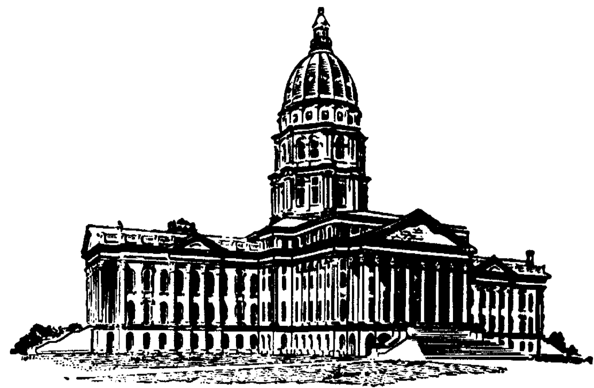
Kansas Legislature

2025 Summary of Legislation



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INTRODUCTION

This publication includes summaries of the legislation enacted by the 2025 Legislature. Not summarized are bills of a limited, local, technical, clarifying, or repealing nature, and bills that were vetoed (sustained). However, these bills are listed beginning on page 288.

During the 2025 Session, 707 bills were introduced: 299 in the Senate and 408 in the House. Of these 707 bills, 129 (18.2 percent) became law: 50 Senate bills and 79 House bills. Further, of the 129 bills becoming law, 126 (97.7 percent) were introduced by committees and 3 (2.3 percent) were introduced by individual legislators. [Note: Substitute bills or bills with conference committee reports with original subject matter that was substantially modified from the content in the introduced sponsor bill are included in the former category.]

The Governor vetoed 19 bills and 31 line items in the appropriations bill. The vetoes of 5 bills and 16 line items were sustained; vetoes of 14 bills and 15 line items were overridden.

A total of 547 bills will be carried over to the 2026 Session of the Legislature.

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AGRICULTURE AND NATURAL RESOURCES

Agriculture Conservation Districts; SB 36

SB 36 amends law regarding conservation districts.

[*Note:* Conservation districts were first established in law in 1937 in response to the Dust Bowl. The conservation district is the main local unit of government regarding the conservation of soil, water, and other related natural resources located within the boundaries of a county and operates under the purview of the Division of Conservation (Division) of the Kansas Department of Agriculture.]

The bill changes the date, from September 1 to November 1, by which conservation districts are required to submit a certification to the Division of the amount of moneys required for conservation district activities each year.

The bill increases the cap on the amount of funding that is allocated by the Division to the conservation districts from $25,000 to $50,000 per district, beginning in FY 2026, subject to appropriation.

The bill also increases the State's current matching funding from $1 to $2 in state funding for each $1 in county funding.

Amendments to the Poultry Disease Control Act; SB 89

SB 89 amends the Poultry Disease Control Act (Act) and establishes fees related to the Act and the National Poultry Improvement Plan (NPIP).

[*Note:* The NPIP was established in the early 1930s and provides a cooperative industry, state, and federal program to help diminish the spread of pullorum disease and other poultry diseases through testing and monitoring.]

Fees

The bill establishes the following fees to be paid to the Animal Health Commissioner (Commissioner), Kansas Department of Agriculture (KDA):

- NPIP participation fee of up to $50;
- Certification fee up to $50 for individuals providing testing or diagnostic services; and
- Testing and diagnostic services fee up to $100 per location.

NPIP Participation Fee

The bill establishes the NPIP participation fee, not to exceed $50. The bill requires the fee to be paid annually by each person participating in the NPIP and allows participation in the NPIP for one year.

Certification Fee

The bill establishes a certification fee, not to exceed $50, that would apply to each person performing any testing or poultry disease diagnostic services related to pullorum-typhoid or fowl typhoid pursuant to the Act. The bill requires each such person to annually obtain a certification to perform testing and diagnostic services from the Commissioner, and each certification would expire on September 30th following its issuance.

The bill also clarifies that each person performing poultry disease diagnostic services related to pullorum-typhoid or fowl typhoid pursuant to the Act must report within 48 hours to the Commissioner, or the Commissioner's authorized agent, the source of each poultry specimen from which salmonella pullorum or salmonella gallinarum is a reactor or is isolated.

Testing and Diagnostic Services Fee

The bill requires each person who requests that the Commissioner, or the Commissioner's authorized agent, perform testing or diagnostic services related to pullorum-typhoid or fowl typhoid pursuant to the Act to pay a fee not to exceed $100 per visit to each location participating in the NPIP. Payment is required prior to the performance of any testing or diagnostic services.

The bill provides that testing or poultry disease diagnostic services related to pullorum-typhoid or fowl typhoid that is not performed by the Commissioner, an authorized agent of the Commissioner, or an individual certified pursuant to the Act is not sufficient to support participation in the NPIP.

Failure to Pay NPIP Participating Fee

The bill authorizes the Commissioner to revoke any NPIP participation for failure to comply with the requirements of the Act or any applicable NPIP requirements, including failure to pay the annual NPIP participation fee within a 60-day grace period following the date that the fee is due.

Other Amendments to the Act

Out-of-State Poultry

The bill prohibits poultry from being shipped into Kansas other than from a source that is either:

- An NPIP participant in compliance with all NPIP requirements at the time of the shipment; or

- Meeting requirements equivalent to those contained in the NPIP.

The bill would also remove references to hatcheries and hatchery supply flocks.

Public Exhibition

The bill modifies the requirements for all poultry taken to a public exhibition in Kansas. It requires all poultry taken to a public exhibition to meet one of the following requirements:

- Come from a flock of poultry that participates in the NPIP and is compliant with all applicable provisions of the NPIP;
- Have a negative result from pullorum-typhoid and fowl typhoid test conducted within 90 days of the poultry being taken to the public exhibition; or
- Be included in a surveillance program approved by the Commissioner.

This includes all exhibition, exotic, and game birds, but excludes waterfowl.

Definitions

The bill clarifies the definition of "poultry," changes the term "pullorum" to "pullorum-typhoid," and removes the definition of "hatchery."

Rules and Regulations

The bill authorizes the Commissioner to adopt rules and regulations to establish annual fees for NPIP participation and annual fees for obtaining certification to perform and receive testing and diagnostic services related to pullorum-typhoid or fowl typhoid.

Kansas Department of Agriculture Programs; Conservation Reserve Enhancement Program; Weights and Measures; HB 2255

HB 2255 makes changes to two programs in the Kansas Department of Agriculture (KDA): the Conservation Reserve Enhancement Program (CREP) and the Weights and Measures Program.

Conservation Reserve Enhancement Program

[*Note:* CREP is a federal and state partnership created to enhance water conservation efforts in the Upper Arkansas River corridor, from Hamilton County to Rice County. Enrollment in CREP is voluntary, and a producer must enroll in the program to participate. The producer receives rental payments and other incentive payments to permanently retire state water rights on the producer's enrolled acres.]

Enrolled CREP Acres

The bill increases the aggregate total number of acres in the state enrolled in CREP from 40,000 to 60,000, with the exception of the last eligible enrollment that would exceed 60,000 acres.

The bill clarifies that:

- The aggregate total number of acres enrolled in all CREPs in any one Kansas county cannot exceed 20 percent of the statewide acreage cap, with the exception of the last eligible enrollment that would exceed the cap for any one county;

- An acreage is not be eligible for CREP enrollment if it is otherwise ineligible for enrollment under federal law; and

- No more than 1,600 acres may be enrolled in CREP in one county in the same calendar year unless the Secretary of Agriculture, in consultation with the Chief Engineer of the Division of Water Resources (DWR), certifies the Chief Engineer has determined:
  - The acreage is in an area where an impairment is occurring and enrolling the acreage in CREP will be responsive to the impairment; or
  - The acreage is less than 5 miles from a portion of the aquifer with less than 10 years of usable life.

CREP Land Practices

The bill allows DWR, if approved by the U.S. Department of Agriculture, to approve a CREP contract that allows for the establishment of native grasses, routine grazing, dryland farming, or limited irrigation practices for the purpose of meeting water quantity goals.

Administration Criteria

The bill requires DWR to administer each CREP established for the purpose of meeting water quantity goals, in accordance with the following criteria:

- All acreage that is an authorized place of use of an irrigation water right and is proposed to be enrolled in CREP will have been irrigated at a rate of no less than ½ acre-foot per acre per year for three out of the five years immediately preceding the year that the acreage is offered for enrollment, as determined by DWR;

- The water right or water rights used for the acreage proposed to be enrolled in CREP will not have been the subject of any sanctions or penalties by DWR that are in effect or pending determination at the time that the acreage is offered for enrollment; and

- The owner of the water right or water rights for which the acreage that is proposed to be enrolled in CREP is an authorized place of use, or the water use correspondent for such water right will have submitted the annual water use report required by KSA 82a-732 for each of the most recent ten years.

Exceptions to Eligibility Criteria

The Secretary of Agriculture, in consultation with the Conservation Program Policy Board and State Conservation Commission and the Kansas Farm Service Agency office, may grant exceptions to the eligibility criteria if the acreage proposed to be enrolled in CREP satisfies one or more of the following conditions:

- Located in an area designated as a high-priority area for water conservation pursuant to KSA 2024 Supp. 82a-1044;
- An authorized place of use of a high flow capacity water well;
- An authorized place of use of a water right that was not utilized in accordance within the time frame in law due to circumstances involving bankruptcy, probate, or other legal matters, excluding those related to any enforcement sanctions or penalties by DWR that are in effect or pending determination at the time that the acreage is offered for enrollment in CREP; or
- An authorized place of use of a water right that is or has been enrolled in a water conservation program, including, but not limited to, the U.S. Department of Agriculture Environmental Quality Incentives Program or a water conservation area pursuant to KSA 81a-745, or has been assigned a water quantity allocation pursuant to an intensive groundwater use control area or a local enhanced management area.

Reporting Requirements

The bill updates the KDA's reporting requirements to the Legislature. The KDA is required to report the following information to the Senate and House Committees on Agriculture and Natural Resources:

- The acreage enrolled in CREP during the preceding five years;
- The dollar amounts received and expended for CREP during the preceding five years; and
- An assessment of whether each of the program objectives identified in the agreement with the Farm Services Agency has been met.

The bill also updates the additional information that KDA is required to report for each CREP that is established with the purpose of meeting water quantity goals:

- The total amount of water, measured in acre-feet, that was permanently retired in CREP during the preceding five years;
- The change in groundwater water levels in the CREP area during the preceding five years;
- The total annual water usage in the CREP area during the preceding five years; and
- The average annual water use, measured in acre-feet, under each water right for which an authorized place of use is enrolled in CREP during the preceding five years.

Weights and Measures

The bill changes the fees for weights and measures inspections and reorganizes portions of Chapter 83 of the *Kansas Statutes Annotated* regarding weights and measures.

Changes to Weights and Measures Fees

The bill updates the weights and measures fee schedule in statute and increases the fees to the amounts listed in the following table.

Calibration Types	Calibration Ranges (Weight Set unless otherwise noted)	Calibration Fee	Adjustment Fee
Mass Echelon III (ASTM Class: 5, 6, 7)	Up to 10 lb, up to 5 kg	$120/set	$20/pc in the set
Mass Echelon III (NIST Class: F)	Up to 10 lb, up to 5 kg	$10/pc	$20/pc
Mass Echelon III (OIML Class: MI, MI-2, M2, M2-3, M3)	Over 10 lb up to 50 lb, over 5 kg up to 30 kg	$25/pc	$50/pc
	Over 50 lb up to 1,250 lb, over 30 kg up to 500 kg	$35/pc	$70/pc
	Over 1,250 lb up to 3,000 lb	$70/pc	$45/pc
	Weight Cart, 2,500 lb up to 6,000 lb	$250/pc	$170/pc
	Weight Cart, over 6,000 lb up to 8,000 lb	$350/pc	$225/pc
Mass Echelon II (ASTM Class: 2, 3, 4) (OIML Class: F1, F2)	Up to 1,000 lb, up to 500 kg	$40/pc	$80/pc
Mass Echelon I (ASTM Class:	500 lb, up to 30 kg	$75/pc	$75/pc

Calibration Types	Calibration Ranges (Weight Set unless otherwise noted)	Calibration Fee	Adjustment Fee
0, 1) (OIML Class: E1, E2)			
Volume Echelon II	5 gal	$70/pc	Due to the calibration procedure, adjustment is included in the cost of calibration.
	Over 5 gal up to 100 gal	$240/pc	
	Over 100 gal up to 200 gal	$300/pc	
	Over 200 gal up to 500 gal	$500/pc	
	Over 500 gal up to 1,000 gal	$900/pc	
	Over 1,000 gal up to 1,500 gal	$1,200/pc	
	LPG, 20 gal up to 100 gal	$460/pc	
Volume Echelon I	Up to 5 gal	$310/pc	$310/pc
Thermometry Echelon IV	-35 degrees Celsius up to 150 degrees Celsius	$90/point	$90/point

[*Note:* According to the KDA, there are different categories for each of the echelons based on the size of weights and the degree of accuracy needed for the weights. The category of up to 10 pounds applies to scales in grocery stores. The 10 pounds to 50 pounds category is small feed manufacturing scales used, for example, in pet food manufacturing. Larger weights include grain cart scales or larger feed manufacturing scales.

Smaller metrology weights come in sets that are in a small box with multiple weights. Larger versions of these weights may be in sets or single weights (pieces or pc). Companies request calibrations to be done by the set or individual pieces. Adjustment fees are a separate charge, as adjustments take time for a metrology lab to complete. Adjustments are made by adding or subtracting lead shot to the weight's cavity.]

In addition, the bill states that service that is not part of a routine calibration, including, but not limited to, cleaning or repairing a standard or performing non-routine calibration procedures, will be charged at a rate of $120 per hour.

Point-of-Sale System

The bill amends the definition of "point-of-sale system" to include electronic applications, software, and online purchasing systems.

The bill also makes it unlawful to limit, exclude, or otherwise fail to provide access to generic, store brand, or less costly versions of products on electronic and online ordering applications or similar systems unless such items are out of stock or unavailable for in-store purchase.

Reorganization of Statutes

Currently, Chapter 83 of the *Kansas Statutes Annotated* regarding weights and measures is divided into five articles that contain many similar sections regarding definitions, licensing and regulations, penalties for violations, administrative procedures, and severability. The bill consolidates and reorganizes these sections into Articles 2 and 5 of Chapter 83 and repeals current sections. Article 2 specifically authorizes the Secretary of Agriculture to adopt rules and regulations regarding service companies that test weights and measures.

BUSINESS, COMMERCE, AND LABOR

Prohibiting Certain Restrictive Covenants; SB 241

SB 241 prohibits certain restrictive covenants from being considered a restraint of trade pursuant to the Kansas Restraint of Trade Act and creates a presumption in law that such covenants are enforceable.

The bill requires the court to modify a restrictive covenant if it is presumed to be unenforceable pursuant to continuing law and determined to be overbroad or not reasonably necessary to protect the business interest of the business entity seeking enforcement of the covenant, enforce the covenant as modified, and grant only the relief reasonably necessary to protect such interests.

Written Covenants

The bill adds provisions for the enforceability of certain written covenants in which one party agrees not to solicit, induce, persuade, encourage, direct, or otherwise interfere with another party. The bill also adds a provision for the enforceability of certain written notice of termination agreements. The standards for determining enforceability will differ based on the contents of the agreement.

Owner Agrees Not to Solicit Employees or Other Owners

Such written covenants between a business entity and an owner of the business entity are enforceable if the covenant does not continue for more than four years following the owner's business relationship with the business entity, and the prohibited solicitation is for the purpose of interfering with the employment or ownership relationship of such employees or owners.

Owner Agrees Not to Solicit Business's Customers

Such written covenants between a business entity and an owner of the business entity are enforceable if the covenant is limited to material contact customers, as defined by the bill, and does not continue for more than four years following the end of the owner's business relationship with the business entity.

Employee Agrees Not to Solicit Entity's Employees or Owners

Such written covenants between a business entity and an employee of the business entity are enforceable if the purpose of such solicitation is for the purpose of interfering with the employment or ownership of such employees or owners and if:

- The employer seeks to protect confidential or secret trade information or customer or supplier relationships, goodwill, or loyalty; or

- The covenant does not continue for more than two years following the employee's employment.

Employee Agrees Not to Solicit Customers

Such written covenants between a business entity and employee of the business entity are enforceable if the covenant is limited to material contact customers and does not continue for more than two years following the end of the employee's employment.

Owner Agrees to Prior Notice of Termination

Covenants in which an owner agrees to provide prior notice of owner's intent to terminate ownership in a business entity are presumed to be enforceable.

Defense at Law or in Equity

The bill permits an employee or owner to assert any applicable defense available at law or in equity for the court's consideration in a dispute regarding a written covenant.

Definitions

The bill defines the following terms:

- "Employee": a current or former employee that agreed to a written covenant;
- "Material contact customer": any customer or prospective customer that is solicited, produced, or serviced, directly or indirectly, by the employee or owner at issue or any customer or prospective customer about whom the employee or owner, directly or indirectly, had confidential business or proprietary information or trade secrets in the course of the employee's or owner's relationship with the customer; and
- "Owner": a current or former owner or seller of all or any part of the assets of a business entity or any interest in a business entity, including, but not limited to a:
    - Partnership interest;
    - Membership interest in a limited liability company or series limited liability company; or
    - Any other equity or ownership interest.

Solicitations for Filing Documents with or Retrieving Documents from Federal, State, or Local Government; HB 2118

HB 2118 requires certain solicitations to provide specific notice requirements and subjects notice violations to penalties under the Kansas Consumer Protection Act (KCPA).

The bill applies to any person who directly advertises to a person (solicits) a fee for filing a document with, or retrieving a copy or certified copy of a certificate or public record from, the

federal government, the State, a state agency, or a local government. The bill does not apply to the federal government, the State, a state agency, or a local government.

The bill does not consider the following a solicitation:

- Consumer-initiated communications; or
- Advertising or marketing to a consumer with whom the solicitor has a current or former commercial relationship.

Notice Requirements

Statements

The bill requires a statement in the solicitation stating, "This is an advertisement. This offer is not being made by, or on behalf of, any government agency. You are not required to make any payment or take any other action in response to this offer.", or another substantially similar statement.

For solicitations in writing, the statement is required to be in at least 24-point type and located at the top of the physical document or at the beginning of the electronic communication.

If the solicitation is mailed, the bill requires the words, "THIS IS NOT A GOVERNMENT DOCUMENT" in 24-point type and all capital letters on the envelope, outside cover, or wrapper.

Information

The bill requires the solicitation to include:

- The name of the person making the solicitation;
- Such person's physical address, which could not be a post office box; and
- Information on where the consumer can file a document directly with the Secretary of State or retrieve a copy or certified copy of a certificate or public record.

Restrictions

The bill prohibits the solicitation to be in a form or use deadline dates or other language that makes the document appear to be issued by a government entity or appears to impose a legal duty on the person being solicited.

Consumer Protection Penalties

The bill makes a violation of the notice requirements listed above a deceptive act or practice under the KCPA.

The bill also specifies that, for the purposes of the remedies and penalties provided by the KCPA, the person committing the conduct prohibited by the bill is deemed the supplier, and the person who is the victim of such conduct is deemed the consumer.

Milk Processors' Payments in Trust; HB 2254

HB 2254 requires a milk processor to hold in trust all payments received from the sale of milk for the benefit of the milk producer from whom the milk was purchased until the milk producer has received full payment of the purchase price for the milk.

Definitions

The bill references the definitions of "association," "cooperative," "milk processor," and "milk producer" in continuing law. The bill also defines:

- "Milk producer" to also include any cooperative association that sells or markets milk on behalf of an individual milk producer;
- "Purchase price" is an amount of money, based on estimated butterfat content at the time of delivery, that a milk processor agrees to pay a milk producer for a purchase of raw milk; and
- "Timely payment" is a payment made within three days following the payment due date under a milk marketing order or similar terms in a contract.

Trust and Escrow Requirements

Trusts

The bill requires a milk processor (processor) to hold in trust all payments received from the sale of milk for the benefit of the milk producer (producer) from whom the milk was purchased. This practice continues until the producer has received full payment of the purchase price for the milk. The funds placed in escrow are held in trust.

Escrow Account

The bill allows a producer who sells milk to a processor to require that processor to establish an escrow account for the benefit of the producer. If a producer requires the establishment of an escrow account, the processor then deposits all payments into the escrow account until the producer has received full payment.

Sum of money determination. The bill requires the processor to deposit into the account a sum of money determined by multiplying the total amount of all payments received by the processor from the sale of milk or dairy products by the fraction determined by dividing the total quantity of milk purchased by the processor for sale as milk or dairy products into the quantity of milk sold by the producer to the processor.

Full payment. The bill requires the processor to continue making payments into the escrow account until the producer has received full payment of the purchase price of the milk.

Establishment of account. The bill requires the escrow account to be established as a segregated, interest-bearing account in a financial institution located in Kansas, the deposits of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

Combination of accounts. If a processor is required to establish more than one escrow account for purposes of this bill, the processor may combine the accounts into a single account. If the accumulated funds in a combined escrow account are insufficient to pay all producers, the agent of the financial institution (agent) will distribute funds in proportion to the amount due each producer.

Distribution of funds. The bill requires the agent to distribute funds to producers upon proof of identity or, if required by an applicable federal milk marketing order, to the Federal Milk Administration.

Failure of timely payment. These provisions do not apply to a processor until there has been failure to make a timely payment to a producer.

Ownership of the Funds

The bill determines that funds held in trust by a processor or in an escrow account are the property of the producer.

Exemption

A processor is not required to establish an escrow account or maintain payments in trust for a payment if:

- Full payment of the purchase price is not received, and the producer does not give written notice to the processor by the end of the 30th business day after the final date for payment of the purchase price; or
- A payment instrument received by the producer is dishonored, and the producer does not give written notice to the processor by the end of the 15th business day after the day that the notice of dishonor was received.

Prohibition of Purchase

The bill prohibits a processor from purchasing raw milk from a producer unless:

- Payment of the purchase price is made according to the provisions prescribed by an applicable federal milk marketing order;

- Any additional provisions are agreed on by both the producer or the producer's agent and the processor; and

- The medium of exchange used is cash, a check for the full amount of the purchase price, or a wire transfer of money in the full amount.

A payment delivered by a processor to the applicable federal milk market administrator on behalf of a producer in compliance with the terms of an applicable federal milk marketing order is considered to be delivery of payment to the producer.

Cooperative Associations

The bill does not apply to transactions between a cooperative association, while acting as a marketing agent, and its members.

Liability for Lack of Payment

A processor that fails to pay for raw milk, as provided by this act, is liable to the producer for:

- The purchase price of the raw milk;

- Interest on the purchase price at the highest legal rate, from the date that possession is transferred until the date the payment is made, in accordance with this act; and

- A reasonable attorney fee for the collection of the payment.

Regulatory Sandbox Program; HB 2291

HB 2291 creates a general regulatory sandbox program (Program) within the Regulatory Relief Division (Division) of the Office of the Attorney General (Office).

Program applicants may petition for relief from state laws and rules and regulations as approved by the Program for an applicant's innovative business offering that would typically require a license, certification, registration, or other authorization required by state law.

The Program may not consider certain applications related to liquor and cereal malt beverages. The Program does not apply to the waiver or suspension of any licensing requirement or rule and regulation regarding licensing for purposes of federal or state law.

The Division is authorized to provide recommendations to the Governor and Legislature on amending or repealing such laws and rules and regulations.

Regulatory Relief Division

The bill establishes and maintains the Division within the Office to administer and support the Program's operations. The Attorney General must establish and maintain the Division, appoint employees and agents as necessary, and prescribe the duties and compensation for each employee and agent, subject to appropriations. Such employee appointments are limited to one full-time and one part-time employee, unless additional staff is requested by and authorized pursuant to appropriations as approved by the House Committee on Appropriations and the Senate Committee on Ways and Means.

The Division will be headed by a Director appointed by the Attorney General. The Director reports to the Attorney General and is authorized to appoint staff subject to the Attorney General's approval.

The bill requires the Division to:

- Administer provisions of this Act;
- Administer the Program; and
- Act as a liaison between private businesses and applicable agencies to identify rules and regulations that could be waived or suspended under the Program.

The Division is authorized to:

- Review state laws and rules and regulations that may unnecessarily inhibit the creation or success of new and existing companies and provide recommendations to the Governor and the Legislature on amending or repealing such state laws and rules and regulations;
- Create a framework for analyzing the risk level to the health, safety, and financial well-being of consumers related to repealing state laws and rules and regulations;
- Propose potential reciprocity agreements with other states using, or proposing to use, similar programs;
- Adopt rules and regulations regarding the administration of the Program, including rules and regulations that administer the Program and set forth the application process; and
- Consult and cooperate with other state agencies relating to the Program.

Program Advisory Committee

The bill creates a Program Advisory Committee (Committee) consisting of 11 members as follows:

- Five members of the business community from various industries appointed by the Director;
- Two members appointed by the Director representing state agencies that license or regulate businesses;
- One member of the Senate appointed by the Senate President;
- One member of the Senate appointed by the Senate Minority Leader;
- One member of the House of Representatives appointed by the Speaker of the House of Representatives; and
- One member of the House of Representatives appointed by the House of Representatives Minority Leader.

Committee appointments made by the Director are for four-year renewable terms. Legislative appointments are for two-year renewable terms. Any vacancy in an unexpired term will be filled in the same manner as the original appointment. Notwithstanding the listed requirements, the Director has the authority to adjust the length of appointment terms so that approximately one-half of the Committee is appointed every two years.

The Director is required to select a chairperson from among the Committee members on an annual basis. A majority of the Committee constitutes a quorum. All Committee actions will be by motion adopted by a majority of those present when there is a quorum. The Committee can meet at any time and place within the state upon the call of the chairperson or a majority of the Committee members.

The Committee is required to advise and make recommendations to the Division. The Division is required to provide assistance to the Committee to prepare and publish meeting agendas, public notices, meeting minutes, and any research, data, or information requested by the Committee.

The Committee is authorized to recess for a closed or executive meeting when considering matters related to applications submitted by applicants.

If approved by the Legislative Coordinating Committee, legislative members of the Committee will be paid for expenses, mileage, and subsistence for attending authorized Committee meetings.

Division Report

Beginning in 2027, on or before the first day of each regular legislative session, the Director is required to prepare and submit a report to the Senate Committee on Commerce; the House Committee on Commerce, Labor and Economic Development; and the Joint Committee on Administrative Rules and Regulations or their successor committees. The bill requires the report to include:

- Information regarding each Program participant, including which industries each participant represents;
- Anticipated or actual cost savings each participant experienced due to their Program participation;
- Recommendations regarding any laws or rules and regulations that should be repealed or amended;
- Information regarding consumer outcomes; and
- Recommendations for changes to the Program or other Division duties.

General Regulatory Sandbox Program

The bill does not permit any waiver or suspension of any licensing requirement or rule and regulation regarding licensing or to permit a deemed license for purpose of federal or state law. The bill prohibits use for any innovative offerings regulated under the following acts, and no waiver or suspension of any licensing requirement or any other rule and regulation of those acts is permitted:

- Kansas Liquor Control Act;
- Club and Drinking Establishment Act; and
- Kansas Cereal Malt Beverage Act.

In administering the Program, the bill requires the Division to:

- Consult with each applicable state agency; and
- Establish a program to enable a person to obtain legal protections and limited access to the market in the state to demonstrate an innovative offering without obtaining a license, certification, registration, or other authorization that might otherwise be required by state law.

Additionally, the bill authorizes the Division to:

- Enter into agreements with, or adopt the best practices of, corresponding federal regulatory agencies or other states that are administering similar programs; and
- Consult with businesses within the state about existing or potential proposals for the Program.

Application Form

The Division is required to provide relevant information about the Program and how to apply for the Program. The Division may provide assistance to an applicant in preparing an application for submission. An applicant can contact the Division to request a consultation about

the Program before submitting an application. An applicant is required to submit a Program application in a form prescribed by the Division that:

- Confirms the applicant is subject to Kansas jurisdiction;
- Confirms the applicant has established a physical or virtual location in the state from where the demonstration of an innovative offering will be developed and performed and where all required records, documents, and data will be maintained;
- Contains relevant personal and contact information for the applicant, including legal names, addresses, telephone numbers, email addresses, website addresses, and other information required by the Division;
- Discloses the applicant's, or other participating personnel's, criminal convictions, if any;
- Contains a description of the innovative offering to be demonstrated, including statements regarding:
  - How the offering is subject to legal prohibition or other authorization requirements outside of the Program;
  - Each rule and regulation the applicant seeks to have waived or suspended while participating in the Program;
  - How the offering would benefit consumers;
  - How the offering is different from other available offerings in the state;
  - What risks might exist for consumers who use or purchase the offering;
  - How participating in the Program would enable a successful offering demonstration;
  - A description of the proposed demonstration plan, including estimated time periods for beginning and ending the demonstration;
  - Recognition that the applicant will be subject to all laws and rules and regulations pertaining to the applicant's offering after the demonstration's conclusion; and
  - How the applicant will end the demonstration and protect consumers if the demonstration fails;
- Lists each agency, if any, the applicant reasonably believes to regulate the applicant's business; and
- Provides any other required information as determined by the Division.

Application Fees and Information

For each submitted application, the Division is authorized to collect a fee not to exceed $250. An applicant is required to file a separate application for each innovative offering that the applicant seeks to demonstrate.

The application and any related information provided by the applicant is confidential and privileged, except that the application and related information can be disclosed to an expert contracted by the Division for specific services to review the records. This information is considered confidential and privileged with regards to the Kansas Open Records Act. This confidentiality and privilege expires on July 1, 2030, unless the Legislature reviews and reenacts the confidentiality and privilege prior to July 1, 2030.

Review Process

After an application is filed, the Division is required to consult with each applicable agency that regulates the applicant's business to determine whether more information is needed from the applicant and to seek any other information from the applicant the Division determines is necessary for a complete application.

No later than five business days after the day a complete application is received, the Division is required to review the application and refer the application to each applicable agency that regulates the applicant's business. The Division is also required to provide the applicant with an acknowledgment of application receipt and contact information of each agency the application has been referred to for review.

No later than 30 days after receiving a complete application for review, the applicable agency must provide a written report to the Director that:

- Describes any identifiable, likely, and significant harm to the health, safety, or financial well-being of consumers against which the relevant law or rule and regulation protects; and

- Makes a recommendation to the Division that the application be admitted or denied entrance into the Program.

An agency is authorized to request an additional five business days to deliver the written report by providing notice to the Director. Such request is automatically granted and the applicable agency can only request one extension per application.

If the agency recommends an application be denied from entering into the Program, the bill requires the written report to include a description of the reasons for the recommendation, including why a temporary waiver or suspension of the relevant rules and regulations is likely to significantly harm the health, safety, or financial well-being of consumers or the public and the likelihood of such harm occurring.

If the agency determines that the consumer's or public's health, safety, or financial well-being can be protected through less-restrictive means, the agency is required to provide a recommendation of how such less-restrictive means could be achieved.

If an agency fails to deliver a written report, the Director is required to assume the agency does not object to a temporary waiver or suspension of the relevant rules and regulations sought in the application.

An agency can reject an application if the agency determines the applicant's offering fails to comply with standards or specifications required by federal law or regulation or previously approved for use by a federal agency. Such rejection requires written notice to the Division within the review period (30 days, or 35 days with an extension).

An agency is authorized to reject an application preliminary approved by the Division if the agency's recommended rejection provides a description of the agency's reasons for why application approval would create a substantial risk of harm to the health or safety of the public or creates unreasonable expenses for state taxpayers. The Division is required to deny applications under these agency rejections unless the Committee recommends, by a two-thirds vote, that the application be approved.

Upon receiving a written report, the Director is required to provide the application and written report to the Committee. The Director is authorized to call the Committee to meet as needed, but not less than once per quarter if applications are available to review.

After receiving an application and reviewing the written report, the Committee is required to provide the Director with the Committee's recommendation as to whether the applicant should be admitted into the Program.

In reviewing an application and each agency's written report, the Division is required to consult with each agency and the Committee before admitting an applicant into the Program. Such consultation may seek information regarding whether the agency has previously issued a license or other authorization to the applicant and investigated, sanctioned, or pursued legal action against the applicant.

In reviewing an application, if an applicant's competitor is or has been a Program participant, the Division and each agency must weigh such competitor's participation as a factor in favor of allowing the applicant to also participate in the Program.

In reviewing an application, the Division is required to consider if:

- The applicant's plan will adequately protect consumers from potential harm identified by an agency in the written report;
- The risk of harm to consumers is outweighed by the potential benefits to consumers from the applicant's participation in the Program; and
- Certain rules and regulations that regulate an offering should not be waived or suspended, even if the applicant is approved as a Program participant, including applicable anti-fraud or disclosure provisions.

Participation Determination

An applicant becomes a Program participant if the Division approves the application and enters into a written agreement with the applicant describing the specific rules and regulations that are waived or suspended as part of Program participation.

The Division is not authorized to enter into an agreement that waives or suspends a tax, fee, or charge administered under Chapter 79 of the *Kansas Statutes Annotated*.

When an applicant is approved for Program participation, the Director is required to provide approval notice to the applicant's competitors and the public on the Attorney General's or Division's website.

The Division is authorized to end a participant's Program participation at any time for any reason, including if the Director determines that a participant is not operating in good faith to bring an innovative offering to market.

The Division and its employees are not held liable for any business losses or the recouping of application expenses or other expenses related to the Program, including for denying an applicant's application to participate in the Program or ending a participant's Program participation at any time for any reason.

The Director is authorized to deny any application submitted for any reason, including if the Director determines that suspending or waiving enforcement would cause a significant risk of harm to consumers or residents of the state.

The Director is required to deny a Program application if the applicant, or any person seeking to participate with the applicant, has been convicted or entered a plea of *nolo contendere* for any crime involving significant theft, fraud, or dishonesty if the crime bears a significant relationship to the applicant's or other participant's ability to safely and competently participate in the Program.

If the Division denies an application, the Division must provide a written description of the reasons for not allowing an applicant to participate in the Program. Such denial is not subject to the Kansas Administrative Procedure Act or the Kansas Judicial Review Act.

Program Participation

If an applicant is approved for Program participation, the participant has 24 months after the date of approval to demonstrate the offering described in the application.

The bill requires each consumer of a demonstration offering within the Program to be a Kansas resident, and the bill states no rule and regulation waived or suspended prevents a consumer from seeking restitution in the event the consumer is harmed.

A participant who holds a certification or registration in another jurisdiction is not restricted from acting in accordance with that authorization. A participant is deemed to possess an appropriate certification or registration under Kansas law for the purposes of any federal law provision requiring licensure or other authorization by the State.

A participant, during the demonstration period, is not subject to the enforcement of rules and regulations identified in the written agreement. A prosecutor is not authorized to file or pursue charges related to a rule and regulation identified in the agreement for any act or omission that occurs during the demonstration period. An agency is not authorized to file or pursue any punitive action against a participant, including a fine or license suspension or revocation, for the violation of a rule and regulation that was identified in the agreement and occurs during the demonstration period.

A participant does not have immunity related to any criminal offense committed during the participant's participation in the Program.

Consumer Disclosure

Before demonstrating an offering to a consumer, a participant must disclose to the consumer:

- The name and contact information of the sandbox participant;
- That the offering is authorized pursuant to the Program and, if applicable, the participant does not have a certification or registration to provide an offering under state laws that regulate offerings outside of the Program;
- That the offering is undergoing testing and may not function as intended and may expose the consumer to certain risks as identified by the applicable agency's report;
- That the provider of the offering is not immune from civil liability for any losses or damages caused by the offering;
- That the provider of the offering is not immune from criminal prosecution for violations of state law or rules and regulations that are not suspended or waived as allowed by the Program;
- That the offering is a temporary demonstration that may be discontinued at the end of the demonstration period;
- The expected end date of the demonstration period; and
- That a consumer may contact the Division and file a complaint regarding the demonstrated offering and provide the Division's telephone number and website address where a complaint may be filed.

The bill requires such disclosure to be provided in a clear and conspicuous form, and for an offering on a website or application, a consumer would be required to acknowledge receipt of the disclosure before any transaction could be completed. The Division is authorized to require participants to make additional consumer disclosures.

Winding Down the Demonstration

At least 30 days before the end of the Program demonstration period, the participant is required to either notify the Division that the participant will leave the Program and discontinue the participant's demonstration after the day on which the 24-month demonstration period ends or seek an extension of the demonstration period.

If an extension is sought, the Division is required to grant or deny such a request by the end of the 24-month testing period. If such an extension is granted, the extension can be granted for up to 12 months after the end of the original testing period.

If the Division does not receive notice the participant will either end the program or seek an extension, the demonstration period ends at the end of the 24-month testing period. If a demonstration includes an offering that requires ongoing duties, the participant can continue to do so but is subject to enforcement of the rules and regulations that were waived or suspended as identified in the written agreement.

Data Retention and Reporting

The bill requires a participant to retain records, documents, and data produced in the ordinary course of business regarding a demonstrated offering in the Program.

If a participant ceases to provide an offering before the end of a demonstration period, the participant is required to notify the Division and each applicable agency and report on actions taken by the participant to ensure consumers have not been harmed as a result.

The Division is required to establish quarterly reporting requirements for a participant, including information about any consumer complaints. The Division can request records, documents, and data from a Program participant, and upon such request, the participant is required to make such information available for Division inspection.

Within three business days, a participant is required to notify the Division, each applicable agency, and the Joint Committee on Administrative Rules and Regulations of the existence of any incidents that result in harm to the health, safety, or financial well-being of a consumer. Within seven business days, a participant is required to provide the details surrounding any such incident to those entities.

If a participant fails to notify the Division and each applicable agency of such an incident, or an applicable agency has evidence that significant harm to a consumer has occurred, the Division is authorized to immediately remove the participant from the Program.

Within 30 days after the date a participant leaves the Program, the participant is required to submit an exit report to the Division, each applicable agency, and the Joint Committee on Administrative Rules and Regulations describing an overview of the participant's demonstration, including any:

- Incidents of consumer harm;
- Legal action filed against the participant as a result of the participant's demonstration; and

- Complaints filed with an applicable agency as result of the participant's demonstration.

Within 30 days after an applicable agency receives the quarterly reporting described below or an exit report, the agency is required to provide a written report to the Division and the Joint Committee on Administrative Rules and Regulations on the demonstration that describes any statutory or regulatory reform the agency recommends as a result of the demonstration.

The Division is authorized to remove a participant from the Program at any time if the Division determines that a participant has engaged in, is engaging in, or is about to engage in any practice or transaction that violates this Act or constitutes a violation of a law or rule and regulation whose suspension or waiver was not granted in the written agreement.

The Division is required to create and maintain a website that invites residents and businesses in the state to make suggestions regarding laws and rules and regulations that can be modified or eliminated to reduce the regulatory burden on those individuals and entities.

On at least a quarterly basis, the Division is required to compile the results of such suggestions and provide a report to the Governor; Senate Committee on Commerce; House Committee on Commerce, Labor and Economic Development; and the Joint Committee on Administrative Rules and Regulations or their successor committees.

In creating the report, the Division is required to ensure private information of residents and businesses making suggestions on the website is not made public, and the Division can evaluate the suggestions and provide analysis and suggestions regarding which state laws and rules and regulations can be modified or eliminated to reduce the regulatory burden while still protecting consumers.

The Kansas Open Meetings Act is amended to authorize the Committee to hold closed or executive meetings to discuss applications to the Program.

CHILDREN AND YOUTH

Precedence of Child-related Orders in Protection from Abuse Act; SB 135

SB 135 makes technical amendments to law concerning orders issued under the Protection from Abuse Act (PFAA) by reorganizing certain sections to clarify how a protection order may be affected when a child-related order is issued pursuant to another legal action.

The bill replaces language referencing orders issued pursuant to various specified chapters and articles of the *Kansas Statutes Annotated* with "order issued in any action." [*Note:* The bill does not make any substantive change to the order of precedence currently applied by Kansas courts.]

Establishment of Kansas Office of Early Childhood and Updating Law Regulating Child Care Centers and Child Care Homes; HB 2045

HB 2045 establishes the Kansas Office of Early Childhood (Office), updates law regulating child care centers and child care homes, and provides certain definitions, staffing requirements, and requirements for professional development training.

The bill transfers Kansas Department of Health and Environment (KDHE) statutes related to Lexie's Law to the Office of Early Childhood with certain modifications.

Kansas Office of Early Childhood

The bill establishes the Office for the purpose of creating greater transparency, safety, and efficiency to Kansans with the oversight of all funds, programs, and policies related to early childhood care services provided in Kansas.

The Office will be under the supervision of the Director, who will be appointed by the Governor, subject to confirmation by the Senate, and will serve at the pleasure of the Governor. The Director will be in the unclassified service under the Kansas Civil Service Act and will receive an annual salary to be fixed by the Governor.

The Director will be required to submit to the Legislature an annual request for the Office for appropriations and include the use of moneys subject to the provisions of Kansas law applicable to the Kansas Children's Cabinet.

The provisions of the Kansas Governmental Operations Accountability Law will apply to the Office, and the Office will be subject to audit, review, and evaluation.

Responsibilities of the Office

The Office will be responsible for:

- The implementation of child care policies, processes, procedures, and funding with direction from the Governor, the Director, and the Legislature;

- The implementation of policies, processes, and awards granted through the Children's Cabinet, subject to appropriations and approval of the Legislature;

- The provision of mediation, support, and problem-solving resolutions through child care advocacy services;

- Providing easily accessible support to the public and persons providing and receiving child care services;

- Ensuring access to information, services, resolution of issues, rules and regulations, and funding in a user-friendly manner as prescribed the Director;

- Serving as a central point of contact for federal and state agencies on child care services, funding, and grants;

- Maximizing administrative efficiencies to reduce burdens on families and improve access to early childhood services;

- Supporting the healthy development of Kansas children through the coordination of early childhood programs and services in the fields of early childhood care, child care, home visitation, and other related issues;

- Managing and administering various programs serving young children and families; and

- Ensuring all Kansas Children's Cabinet functions are executed.

Responsibilities of the Director of the Office

The bill requires the Director of the Office to:

- Ensure efficient use of funds for child care services and report such efficient use through:
  - Maximizing funds for child care services, support programs, and grant initiatives for efficiency and reducing administrative waste, fraud, and abuse, and ensuring greatest possible benefit to eligible families and providers;
  - Establishing clear performance metrics and accountability measures to ensure effective use of state and federal resources, including conducting regular audits, outcome-based evaluations, and cost-efficiency reviews; and
  - Complying with all rules and regulations adopted pursuant to requirements set forth in the public assistance eligibility statute. [*Note:* KSA 39-709 was reorganized in enacted 2025 HB 2027.]

- Submit an annual report to the Legislature that includes:
  - The allocation and expenditure of funds and resources;
  - Measurable outcomes of programs funded through the Office;
  - Identified inefficiencies within the Office and system and corrective action taken in response;
  - Recommendations for improving fiscal stewardship, service delivery, implementation of statutory requirements, and any potential changes;
  - Updates on changes to rules and regulations; and
  - All data and metrics related to service rates for children and families, workforce and private actors, service delivery and fiscal efficiency of all programs, and recommendations for continuation or termination of such programs;
- Prepare, submit to the Legislature, and implement plans for a comprehensive service delivery system for children and families;
- Facilitate and coordinate interagency cooperation toward the goal of serving children and families with other state agencies as listed in the bill;
- Provide a central contact for information and assistance for children, families, communities, and businesses in need of early child care and related services;
- Enter into such contracts and agreements as necessary or incidental to the performance of the powers and duties of the Director;
- Charge and collect, by order, a fee necessary for the administration and processing of paper documents necessary for the execution of the laws related to the Office;
- Appoint and oversee Deputy Directors within the Office;
- Transition the administration of programs and state functions listed in the bill;
- Enter into agreements with the Secretary of Administration for the provision of shared services;
- Adopt, amend, or revoke any rules and regulations necessary to carry out the responsibilities of the Office;
- Develop and adopt rules and regulations for operating and maintaining day care facilities, to set a fee not to exceed $35 for an amended child care license, and to set a fee for fingerprinting employees in a day care facility;

- Supervise all budgeting, purchasing, and related management functions of the Office;

- Submit an annual appropriations request to the Legislature; and

- Maintain an office in Topeka, Kansas.

The bill authorizes the Director to establish policies governing the transaction of business of the Office. The Deputy Directors and all other subordinate officers and employees will be required to perform such duties and exercise such powers as the Director may prescribe and such duties and powers as are prescribed by law. Such Deputy Directors will act for and exercise the powers of the Director to the extent that authority to do so is delegated by the Director. Administration of programs transferred will be subject to federal and state appropriations.

Deputy Directors

All of the powers, duties, and functions of existing programs will be transferred. Any reference or designation by any statute, rule and regulation, contract, or any document created pursuant to the authorities related to the existing program will be transferred.

Each Deputy Director will be in the unclassified service under the Kansas Civil Service Act and each will be appointed by the Director.

The Deputy Directors of the Office will be as follows:

- Deputy Director of the Division of Home Visitation;
- Deputy Director of the Kansas Children's Cabinet; and
- Deputy Director of Child Care Licensure and Finance, who will:
  - Oversee child care facility and child care resource and referral licensing and child care finance quality;
  - Manage all components of licensure, including, but not limited to, inspections, final waiver approvals, and revocation of licenses;
  - Be allowed to enter into agreements with the Department for Children and Families (DCF) for the administration of child care subsidy payments. Such agreements will require the Secretary for Children and Families to determine an applicant's eligibility for the child care subsidy and provide information pertaining to such eligible applicants to the Division for administration of such benefits; and
  - Oversee the Child Care Ombudsman.

Child Care Ombudsman

The Child Care Ombudsman will:

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

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

- Work closely with state agencies, the Director, service providers, and advocacy organizations to improve the quality, accessibility, and affordability of child care services in Kansas;

- Provide clear guidance and information, in conjunction with and under the direction of the Director, to the public about child care regulations, available support programs, and how to access services when concerns arise;

- Submit an annual report to the Director, to be shared with the Legislature, detailing the number and nature of concerns addressed, actions taken, and recommendations for improvements in child care services and policies;

- Review all revocations of licensure upon a complaint and make appeal to the Director. If an unsatisfactory determination is made, the provider could appeal through the Administrative Procedure Act; and

- Recommend changes in policies, rules and regulations, or procedures to improve the functioning of child care services in Kansas to the Director, Governor, and Legislature.

Kansas Children's Cabinet

The Kansas Children's Cabinet (Cabinet) is expanded from 15 to 18 members. The bill specifies that the five members of the public and the legislative members are the only voting members of the Cabinet. The three new members are the following: the Director as a non-voting member; the legislative member appointed by the Majority Leader of the House of Representatives as a voting member; and the legislative member appointed by the Majority Leader of the Senate as a voting member. The voting members of the Cabinet will appoint a Chairperson of the Cabinet from among the voting members. The bill also specifies that each voting member will serve at the pleasure of such voting member's appointing authority.

The bill requires the Cabinet to review each individual application submitted to the Cabinet for any grant funding opportunities and allocate such grants administered by the Office. The bill authorizes the Cabinet to adopt rules and regulations as necessary.

The bill requires payments for subsistence allowances, mileage, and other expenses to be paid from available appropriations to the Office. [*Note:* Former law required such costs to be paid from available appropriations for DCF.]

Children's Initiatives Fund

Continuing law requires the Cabinet to advise the Governor and Legislature regarding the uses of the moneys credited to the Children's Initiatives Fund. The bill will subject such money to appropriations made by the Legislature and add the Director to the list of those advised by the Cabinet. The bill clarifies that the existing Children's Initiatives Accountability Fund will be under the purview of the Office.

Interagency Transition Team

The Governor will appoint an interagency transition team to begin office operations after July 1, 2025. The bill requires the Governor to appoint the Director by January 1, 2026, and the Office will be required to begin transitioning programs from state agencies to the Office. All identified programs will be under the direction and supervision of the Director, including staff and other operational functions, by July 1, 2026.

Child Care Centers

Licensed Child Care Centers

Each licensed child care center that provides care to any number or type of child will be required to hire a program director and lead teacher who is at least 18 years of age, has a high school diploma or equivalent, and meets one of at least four education or experience-based criteria specific to such licensure as determined by the program director, which must include one non-academic experienced-based option.

Each licensed child care center will be allowed to hire assistant teachers who are at least 16 years of age and have necessary skills and abilities as determined by the program director. The bill prohibits the program director from requiring assistant teachers to meet educational requirements.

The bill authorizes the Director to waive licensed child care center requirements for hiring lead and assistant teachers on a case-by-case basis based on recommendation from the Deputy Director of Child Care Licensure and Finance.

The bill requires the Secretary of Health and Environment (Secretary) to update rules and regulations regarding child care ratios on or before October 1, 2025.

The Secretary is required to update rules and regulations to not require licensure for:

- An individual who provides care for fewer than 35 hours per week, unless otherwise increased by the Secretary, to 4 or fewer children, no more than 2 of whom may be infants who are not related to the individual by blood, marriage, or legal adoption; or

- An individual who provides care for children in their own home when care is arranged between friends and neighbors on an irregular basis.

Professional Development Training for Child Care Home Providers

For each licensure year beginning after July 1, 2025, each licensed person who provides care to children in a child care home will be required to complete professional development training in an amount determined by the Secretary of eight to ten clock hours per licensure year.

Each licensed person who provides care to children in a child care home will be required to submit proof of completion of up to four hours of outside training in child care or any related subject to the Secretary. Each licensed person who maintains a child care home with one provider and simultaneously cares for four infants at any time during the licensure will be required to submit proof of completion of at least three hours of infant-specific professional development training.

The Secretary will be required to retain records of compliance with outside training and infant-specific professional development training requirements for each person. The Director will assume the retention responsibilities regarding compliance with professional development training as of July 1, 2026.

Conditions for Child Care Center Licensure

A licensed child care center will be required to meet the legal requirements of the local jurisdiction where the child care center is located for fire protection, water supply, and sewage disposal.

Conditions for Child Care Home Licensure

The bill prohibits the Secretary from requiring a licensee to live in the child care home as a condition for licensure. The bill authorizes a licensee to request a waiver regarding licensure conditions in a manner approved by the Secretary, and the bill requires the request contain the provisions being sought to be waived and the reasons thereof.

The bill prohibits, on or after July 1, 2026, the Director from requiring a licensee to live in the child care home as a condition for licensure. The bill will authorize a licensee to submit a request for a waiver regarding licensure conditions to the Deputy Director of Child Care Licensure and Finance. Upon recommendation by the Deputy Director, the Director will be authorized to grant waivers on a case-by-case basis.

Pilot Programs for Child Care Facilities or Youth Development Programs

A “youth development program” means a child care facility where youth activities are conducted that is not located in an individual’s residence and that serves children who are enrolled in kindergarten to less than 18 years of age. “Child” means an individual who is enrolled in or attending kindergarten, is less than 18 years of age, is not a volunteer or employee, and is attending a youth development program. “Premises” means the location, including the building and adjoining grounds, for which the applicant has a temporary permit or license to conduct a youth development program.

The bill renames drop-in programs as youth development programs and states the term "drop-in program" in any statute, rule and regulation, contract, or other document refers to a youth development program.

If a licensed youth development program or school age program operates on or within the premises of a public or private school that is required to pass a fire safety inspection each school year, no additional fire safety inspection of the licensed youth development program or school age program will be required by the Secretary; the Office as of July 1, 2026; the State Fire Marshal; the Fire Chief; or any local political or taxing subdivision.

On or after July 1, 2026, the Director will be authorized to develop and operate pilot programs designed to increase the availability or capacity of child care facilities in the state. The pilot programs will be authorized to request state funding for operations, subject to appropriations. The bill will authorize the Director to grant licensure to a person to maintain a child care facility or youth development program in a pilot program that waives the requirements or rules and regulations regarding licensure and operations of a child care facility or youth development program, including requirements for staff, for up to five years with a possible two-year extension. The facility or program will be required to comply with any alternative terms, conditions, and requirements set by the Director as may be necessary to protect the health, safety, and welfare of any child. The Director will be prohibited from granting a license for a pilot program if it would endanger the health, safety, and welfare of any child.

If the Director determines that a pilot program has been successful and will increase the availability or capacity of child care facilities in the state, the Director will:

- Make suggestions and recommendations to the Legislature for statutory changes to child care facilities and youth development programs; and

- Adopt any rules and regulations consistent with the findings from such pilot program, including additional licensure categories or requirements.

On or before the first day of each regular session of the Legislature, the Director will be required to prepare and submit a report to the Legislature regarding any pilot program. Such report will include, but not be limited to:

- The number of participating child care facilities or youth development programs;
- Provisions of statutes and regulations waived by the Director;
- Recommendations for changes; and
- A summary of findings from the pilot program based on available information.

Lexie's Law

The bill transfers KDHE statutes related to Lexie's Law to the Office. [*Note:* The provisions of Lexie's Law, enacted in 2010, included requiring the inspections of all child care facilities; issuing licenses with an expiration date and sticker; requiring the adoption of additional health, safety, and supervision regulations; and developing an online information dissemination system, which provides survey findings within KDHE.] The following modifications are made within KDHE statutes and within the provisions of Lexie's Law under the Office:

- A summer instructional camp that is provided by a not-for-profit, school, verifiable nonpublic school, an employee of such school or verifiable non-public school, or person or group of persons providing educational activities for children ages pre-kindergarten to high school to such persons' children or organizations or persons providing services defined as day care under this bill is authorized to apply for and be granted a waiver as provided under this bill but is not required to hold a license or temporary permit from the Director of the Office;

- "Child" is defined as an individual who is enrolled or attending kindergarten, is less than 18 years of age, is not a volunteer or employee, and is attending a youth development program;

- If a licensed youth development program or school age program operates on or within the premises of a public or private school that is required to pass a fire safety inspection each school year, no additional fire safety inspection of the licensed youth development program or school age program will be required by the Director, the State Fire Marshal, the Fire Chief, or any local political or taxing subdivision; and

- The immunization requirement does not apply if a written statement is signed by the child's parent or guardian that such immunizations violate sincerely held religious beliefs of the parent or guardian. Information and records that pertain to the immunization status of persons against childhood diseases and whose parent or guardian has submitted a written statement of sincerely held religious beliefs regarding immunizations will not be disclosed or exchanged without a parent or guardian's written release authorizing such disclosure.

Parent Education Programs

The bill replaces the State Board of Education with the Office in laws regarding the administration of grants of state money for the development and operation of a parent education program. The bill also defines "parent education program" for this purpose.

The amount of a grant awarded to a school district will be determined by the Director in accordance with established priorities, and reported to the Senate Committee on Education, the House Committee on K-12 Budget, or any successor committees. Any grant awarded under this section will be included in a district's budget with proper notation of such grant awarded. Review of equity for pre-kindergarten programs will be reviewed by committees on a bi-annual basis.

Occupational Licensing

The bill adds the Office in the expedited state licensure procedure statute as it relates to licensed, certified, or registered military service members, military spouses, or individuals who have established or intend to establish residency in Kansas. The bill requires the Office to provide information requested by the Director of Legislative Research to fulfill the requirements of continuing law.

Use of Hygiene Products

The bill provides child care facilities with the option to use toothbrushes after meals or as appropriate.

The bill also clarifies that maternity centers and child care facilities are required to provide each resident and employee with an individual towel, washcloth, or disposable products.

Surveyors and Certification

The bill requires any inspection of any day care facility to be conducted by an employee of the Secretary or Director or have a contract with the Secretary to provide inspection services.

The bill requires the Secretary or Director to create a surveyor certification and provide a minimum of yearly continuing education to qualify for such certification. If a surveyor fails to comply with certification requirements, the bill requires such surveyor to complete an improvement plan. The Secretary or Director will be authorized to terminate a surveyor's certification if the surveyor does not satisfactorily complete the improvement plan.

Transfer of State Agency Existing Funds and Employees

The bill declares all rules and regulations, orders, and directives of state agencies related to the programs transferred to continue to be effective and be deemed to be rules and regulations, orders, and directives of the Office until revised, amended, revoked, or nullified by law. The Office will succeed to all property, property rights, and records of such agencies used for or pertaining to the transferred powers, duties, and functions of such agencies.

The bill will transfer all funds and accounts appropriated or reappropriated that were used for or pertaining to the powers, duties, and functions of programs transferred to the Office for the purposes for which the appropriation was originally made. The Director will determine and certify to the Director of Accounts and Reports the amount in each account of the State General Fund or Special Revenue Fund of state agencies that have been determined by the Director to be transferred. Upon receipt of a certification, the Director of Accounts and Reports will transfer the amount certified.

Any conflict as to the proper disposition of the unexpended balance of any appropriation, property, property rights, personnel, or records as a result of the transfer of programs to the Office will be determined by the Governor.

No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or that could have been commenced, by or against any state agency or program mentioned in this act or by or against any officer of the State in such officer's official duties will abate by reason of this act. The bill authorizes a court to allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

No criminal action commenced or that could have been commenced by the State will abate.

All officers and employees of the state agencies related to the programs transferred who, immediately prior to the effective date of this act, are engaged in the exercise and performance of the powers, duties, and functions transferred, as well as all officers and employees of the state agencies related to the programs transferred who are determined by the Director of the Office to be engaged in providing administrative, technical, or other support services that are essential to the programs of the Office, will be transferred. All classified officers and employees will retain their status as classified employees.

Officers and employees transferred will retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred will be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas Civil Service Act will be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act will affect the classified status of any transferred person employed prior to the date of the transfer.

The date of the transfer will commence at the start of a payroll period.

Additional Changes

- The bill prohibits the Secretary and, on or after July 1, 2026, the Director from imposing restrictions on the use of 15-passenger vans purchased on or before July 1, 2025;

- The Director will be prohibited from adopting rules and regulations or policies requiring educational outcomes or curriculum for persons or entities licensed under this bill;

- The bill removes the requirement that a day care facility's license have an expiration sticker stating the license's expiration date on the face of the license;

- The bill prohibits funds expended for child care services that are subject to federal requirements and appropriations acts of the Legislature from being expended by any agency or office to reimburse providers for unfilled child care slots; and

- The bill requires consent by a child's parent prior to an interview by an agent and removes the caveat requiring that an interview would be required when the agent conducting the inspection is either an authorized person or a licensed physician.

Definitions

The following definitions are updated:

- "Assistant teacher" means a staff member of a child care center;

- "Boarding school" means a facility that provides 24-hour care to school age children, provides education as its primary function, and is accredited by an accrediting agency acceptable to the Secretary;

- "Child care center" means a facility that meets child care center regulations and provides care and educational activities for children;

- "Child care home" means the premises where care is provided for children at a residence;

- "Child care resource and referral agency" means a business or service conducted, maintained, or operated by a person engaged in providing resource and referral services, including information on specific services provided by child care facilities, to assist parents to find child care;

- "Child placement agency" means a business or service conducted, maintained, or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care;

- "Day care facility" does not include a youth development program for the purposes of this bill;

- "Employee" means a person working, regularly volunteering, or residing in a child care facility;

- "Infant" means a child who is between 2 weeks and 12 months of age or a child older than 12 months who has not yet learned to walk;

- "Lead teacher" means an individual who can independently staff any unit in a child care center;

- "Licensure year" means the period of time beginning on the effective date and ending on the expiration date of a license;

- "Maternity center" means a facility that provides delivery services for normal, uncomplicated pregnancies, but does not include a medical care facility;

- "Program director" means the staff member of a child care center who is responsible for implementing and supervising the comprehensive and coordinated plan of activities that provide for the education, care, protection, and development of children who attend a child care center;

- "School-age" means a child who will be at least 6 years of age on or before the first day of September of any school year, but is under 16 years of age; and

- "Unit" means the number of children who may be present in one group in a child care center.

Child Support and Tax Exemption for Unborn Child; HB 2062

HB 2062 amends law regarding child support to require such support be calculated from the date of conception; to require the court to consider the value of a qualified retirement account in determination of child support orders in certain circumstances; and to eliminate the exemption of such accounts from claims to collect child support. The bill also allows a personal exemption for any unborn child for the purposes of income taxation.

Child Support for Unborn Child

The bill requires determination of the child support to be calculated from the date of conception of the child, with accruing interest to be determined by the statutory rate provided in continuing law. The bill limits the maximum amount of child support to the direct medical and pregnancy-related expenses of the mother, excluding any costs related to an elective abortion.

The bill defines the following terms:

- "Elective abortion," to mean an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed, except that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that such mother will engage in conduct that would result in such mother's death; and

- "Unborn child," to mean a living individual organism of the species *Homo sapiens*, in utero, at any stage of gestation from fertilization to birth.

Consideration of Retirement Plan Accounts for Child Support

For purposes of the bill, a qualified retirement plan account is one that is qualified under certain subsections of the federal Internal Revenue Code of 1986.

The bill allows courts to consider and order the use of the total value of certain retirement plan accounts if the person has experienced a loss of income or termination from employment due to:

- Loss, revocation, suspension, or surrender of a professional license due to professional misconduct; or

- Voluntary underemployment.

If a parent accumulates a child support arrearage and experiences a loss of income or termination from employment as described above, the bill requires the court to order the arrearage paid with a one-time lump-sum distribution from the retirement account upon the occurrence of a distributable event as defined by the terms of the qualified plan.

The bill does not require a plan to make distributions that are not otherwise authorized, and such distributions continue to be subject to early withdrawal penalties and taxable income. The bill requires such distribution to be executed through direct payment from the retirement account through the Kansas Payment Center.

The bill clarifies that retirement accounts are not exempt under a qualified domestic relations or child support order, and recipients of funds for such orders are exempt from all claims of any creditor, other than the Kansas Department for Children and Families.

Tax Exemption for Unborn Child

The bill amends law concerning income taxation to allow a personal exemption of $2,320 for any unborn child, as defined by the bill, starting in tax year 2025. The bill specifies that an unborn child is to be recognized as a dependent for this purpose. For live births, the personal exemption is an additional exemption for any qualifying dependent of the taxpayer who was born in the taxable year. For pregnancies resulting in stillbirth, the bill allows a personal exemption by the taxpayer who is a parent for the taxable year in which the certificate of stillbirth was issued.

Children in Need of Care—Police Protective Custody and Permanency Hearings; HB 2075

HB 2075 amends law concerning when law enforcement may take a child under 18 into custody for suspected abuse or neglect (police protective custody); adds a procedure for law enforcement to report suspected abuse or neglect to the Secretary for Children and Families (Secretary) for the purposes of initiating an investigation; and amends law concerning the frequency of, and requirements for, permanency hearings under the Revised Kansas Code for the Care of Children.

Police Protective Custody

The bill requires that before a child is taken into police protective custody due to a law enforcement officer’s reasonable belief that the child will be harmed if not immediately removed, the officer must explore other options to separate the child from the source of serious harm before taking the child into custody.

The bill requires the Secretary to provide an electronic means of communication for a responding law enforcement officer to refer a child who may be a victim of abuse or neglect to the Secretary. Within 24 hours of receipt of a referral, the Secretary must initiate an investigation and contact the persons who are subject to the investigation. Within 24 hours of the contact, the Secretary must respond to the referring law enforcement agency with the status of the investigation.

Permanency Hearings

The bill requires a permanency hearing for a child in the custody of the Secretary to be held within nine months of a child’s removal from the home and requires subsequent hearings be held every six months thereafter, changed from requirements for a permanency hearing to be held within 12 months of removal and every 12 months thereafter.

In addition to entering certain findings related to permanency under continuing law, the bill requires the court to review with all the present parties, including parents and interested parties, the current permanency goal, and on the record, make the following inquiries of each party at each permanency hearing:

- Whether the party participated in the most recent permanency plan; if the party did not participate, the court must inquire regarding the reason for non-participation;

- Whether the party received a copy of such plan; if the party did not receive a copy, the court must order the Secretary provide a copy within two business days of entering the order; and

- Whether the party has made reasonable efforts to achieve the permanency goal in place at the time of the hearing.

Policies Prohibited in the Kansas Revised Code for the Care of Children; HB 2311

HB 2311 creates law in the Kansas Revised Code for the Care of Children prohibiting the Secretary for Children and Families (Secretary) from adopting, implementing, or enforcing certain policies with respect to who can be considered for selection as out-of-home or adoptive placement or custody, or for appointment as permanent or SOUL custodian for a child in need of care.

Policies that the Secretary is prohibited from adopting, implementing, or enforcing include any that:

- Require a person to affirm, accept, or support any governmental policy regarding sexual orientation or gender identity that may conflict with the person's sincerely held religious or moral beliefs; or

- Prohibit selection, appointment, or licensure, if otherwise eligible, of a person because of such person's sincerely held religious or moral beliefs regarding sexual orientation or gender identity or intent to guide or instruct a child consistent with such beliefs.

The bill specifies that nothing could be construed to prohibit the Secretary from considering the religious or moral beliefs of a child or the child's biological family or community, including beliefs regarding sexual orientation and gender identity, in relation to those persons who are being considered for out-of-home or adoptive placement, custody, or appointment when determining what placement is in the best interests of the child.

The bill allows a person aggrieved by a violation of the proscribed conduct in the bill to recover actual damages, injunctive relief, costs, and reasonable attorney fees from the Department for Children and Families (DCF), but prohibits actions from being brought against an entity that contracts with DCF.

CORRECTIONS

Claims Against the State—Reimbursement Limit Increase; SB 156

SB 156 increases the reimbursement limit for inmate claims paid by the Secretary of Corrections (Secretary) from $500 to $750. For claims exceeding $750, the bill requires an inmate to provide notice to the Secretary of the nature, time, date, and place for the claim. Failure to provide such notice does not prevent the claim from being considered by the Joint Committee on Special Claims Against the State.

Raising the State Match for Public-Private Partnerships; HB 2215

HB 2215 amends the definition of "public-private partnership" in law regarding partnerships established by the Department of Corrections for building projects at a correctional institution to authorize the Department to contribute up to 50 percent of the total cost of the project, increased from 25 percent.

COUNTRIES OF CONCERN

Countries of Concern—Kansas Land and Drones; House Sub. for SB 9

House Sub. for SB 9 creates the Kansas Land and Military Installation Protection Act (Act) and prohibits government agencies from purchasing or acquiring drones whose critical components were produced in a country of concern or whose critical components were produced or owned by a foreign principal.

Kansas Land and Military Installation Protection Act

The bill requires foreign principals from countries of concern that own or acquire any interest in non-residential real property located within 100 miles of the boundary of any military installation located in Kansas or an adjacent state to register such interest with the Attorney General. The Act does not apply to a *de minimis* interest in such real property or residential property or certain Governor-approved transactions.

Real Property Acquisition

The bill generally prohibits a foreign principal from directly or indirectly acquiring any interest in any real property located within 100 miles of the boundary of any military installation in Kansas or in any adjacent state, on and after July 1, 2025.

The bill allows a foreign principal that owns real property as described above prior to July 1, 2025, and seeks to acquire additional real property for the purpose of expanding operations, to request transaction approval from the Governor. The bill requires the Governor to consult with the Attorney General and the Fusion Center Oversight Board to determine whether the transaction poses any security risk to military installations or critical infrastructure. The Governor is required to approve or deny such expansion within 90 days of receiving the request.

Real Property Reporting Requirement

The bill generally requires any foreign principal to report any ownership or acquisition of any interest in real property located within 100 miles of any military installation's boundary in Kansas or any adjacent state. The bill requires divestiture of the interest in such real property for failing to register.

Any foreign principal that owns or acquires any interest in such real property is required to file registration of ownership with the Attorney General no later than 90 days after the effective date of the Act, or the date the interest is acquired, whichever is later. The bill requires the filing of registration of such property to include the:

- Name of the individual or entity holding such interest;
- Date of acquisition;
- Address and legal description of the real property; and
- Number of acres composing the real property.

The bill requires the Secretary of State (Secretary) to provide notice of the registration requirement to all business entities and nonprofit organizations at the time of such entity's registration with the Secretary or any other filing with the Secretary.

The Attorney General is required to provide the Secretary with instructions for fulfilling the registration filing requirement. The Secretary is required to provide those instructions with the notice.

Property obtained by a foreign principal through devise or bequest, security interest enforcement, or the collection of debt also is subject to the reporting provision of this Act, but the foreign principal is not required to divest unless the foreign principal fails to register.

Divestiture of Property

The bill requires the Attorney General to send a warning to any foreign principal that owns any property requiring registration on July 1, 2025, and fails to register such property, advising the foreign principal of the registration requirement and instructing the foreign principal as to the manner of fulfilling such requirement.

The foreign principal is allowed 30 days from the receipt date of such warning and instructions to file the required registration without having to divest the property. If the foreign principal fails to file the registration within the 30-day period, such foreign principal is required to divest such interest in real property.

This warning requirement and 30-day period to file expires on June 30, 2028.

After July 1, 2025, any foreign principal that fails to report affected real property is required to divest of the property.

The bill permits a foreign principal that is subject to the Act to enter into an agreement with the Attorney General to divest such foreign principal's interest in real property no later than 360 days from entering into that agreement.

The bill requires a copy of all documentation showing the required divestiture to be submitted to the Attorney General no later than 30 days after the divestiture's effective date.

Reporting Violations and Enforcement

The bill requires the Attorney General to investigate any suspected violation of the Act. The Attorney General is authorized to commence an action in a court of competent jurisdiction to enforce the Act. In any such action, the bill authorizes the Attorney General to seek:

- A court order directing the defendant's divestiture of the real property;
- Injunctive relief;
- Civil forfeiture of the defendant's interest in the real property; and
- Reasonable attorney fees and court costs.

Upon a determination by a court of competent jurisdiction that the defendant violated the requirements of the Act, the bill requires the defendant to divest their interest in the real property within 180 days from the date such court order is issued.

The bill updates civil asset forfeiture law to allow such property to be eligible for forfeiture.

Reporting on Foreign Investment

The bill allows any person to report information concerning non-notified transactions to the Attorney General in such form and manner as prescribed by the Attorney General. The bill defines "non-notified transaction" as any transaction involving foreign investment that is not voluntarily submitted to the U.S. Committee on Foreign Investment in the United States (CFIUS) for review.

The bill requires the Attorney General to prepare and submit a report on such transactions to CFIUS. The Attorney General is required to retain copies of any documents that are submitted to CFIUS along with the required report. The bill requires the report to be submitted to the:

- Governor;
- Adjutant General;
- Senate Committee on Federal and State Affairs;
- House Committee on Federal and State Affairs; and
- Any successor committee of those standing committees.

On or before February 1 of each year, the Attorney General is required to submit a report detailing the implementation of the Act and including the Attorney General's recommended amendments to the definition of "country of concern" to the:

- Governor;
- Adjutant General;
- House Committee on Commerce, Labor and Economic Development;
- Senate Committee on Commerce;
- Senate Committee on Federal and State Affairs;
- House Committee on Federal and State Affairs; and
- Any successor committee of those standing committees.

On or before January 1, 2026, the Attorney General is required to adopt rules and regulations to implement the reporting requirements listed above.

Report on Foreign Land Holdings of Real Property

On or before March 1 of each year, the bill requires Kansas State University to use available data and resources to prepare and submit a report to the Legislature and the Attorney General detailing the status and trends of all foreign land holdings of real property within Kansas.

Other Provisions

The bill authorizes the Fusion Center Oversight Board to adopt rules and regulations to reflect new designations or removals of foreign terrorist organizations on the federal terrorist organization list. The bill prohibits the Board from adopting any rules or regulations that would designate an organization as a foreign terrorist organization if that organization is not on the federal terrorist organization list.

[*Note:* The Fusion Center Oversight Board was established with enactment of 2017 SB 184, codified at KSA 2024 Supp. 48-3705. The Board consists of the Attorney General, Adjutant General, and an appointee of the Attorney General with expertise in critical infrastructure protection.]

The bill prevents any foreign principal from receiving any direct benefit related to any economic development program.

Severability

The bill declares any provision of the Act severable from the other provisions in the event one or more provisions are held to be unconstitutional or invalid.

Drone Procurement and Usage

The bill prohibits government agencies from purchasing and acquiring drones, or any related services, maintenance agreements, or equipment, whose critical components were produced in a country of concern, or whose critical components were produced or owned by any foreign principal. The prohibition does not apply to any drone, related services, or equipment acquired, or any contract or agreement entered into, prior to July 1, 2025.

Component Replacement

When a government agency determines a critical component must be replaced, the bill allows the agency to use any replacement component acquired prior to July 1, 2027, but prohibits acquiring any new replacement component from any foreign principal unless:

- There is no other reasonable means to acquire such critical components or of addressing the needs of the agency necessitating the purchase;
- An agreement for such acquisition is approved by the Secretary of Administration after consulting with the Adjutant General; and
- Failing to acquire such components or otherwise address the agency's need would pose a greater threat to state safety and security than the risk posed by acquiring the component.

Definitions

"Country of concern" means the following countries:

- People's Republic of China, including the Hong Kong Special Administrative Region;
- Republic of Cuba;
- Islamic Republic of Iran;
- Democratic People's Republic of Korea (North Korea);
- Russian Federation; and
- Bolivarian Republic of Venezuela.

The bill excludes the Republic of China (Taiwan) from the countries of concern definition.

For purposes of the Act, the definition includes any organization designated as a foreign terrorist organization as of July 1, 2025, under federal law except as changed by the Fusion Center Oversight Board.

[*Note:* Excluding terrorist organizations, the list of countries of concern will not be subject to modification by the Fusion Center Oversight Board.]

"Foreign principal" for purposes of the Act means:

- The government or any official of the government of a country of concern;
- Any political party or any subdivision thereof, or any member of a political party, of a country of concern;
- Any corporation, partnership, association, organization, or other combination of persons organized under the laws of or having its principal place of business in a country of concern. The definition would also include any subsidiary owned or wholly controlled by any such entity;
- Any agent of or any entity otherwise under the control of a country of concern;
- Any individual who is a citizen or resident in a country of concern and who is not a citizen or lawful permanent resident of the United States; or
- Any individual, entity, or combination described above that has a controlling interest in any company formed for the purpose of holding any interest in real property (for purposes of the Act) or selling critical components for drones and related services and equipment (for purposes of drone procurement).

"Drone" means an unmanned aircraft that is controlled remotely by a human operator or that operates autonomously through computer software or other programming.

"Critical component" means a component or subcomponent that is a distinct and serviceable article and the primary component of an identifiable process or subprocess necessary to the recording, storing, or transmitting of data or any other form of information. "Critical component" also includes any software installed in a drone or in any network device used to operate the drone.

"Military installation" means any land, buildings, or other structures owned or controlled by any division of the U.S. Department of Defense, Kansas National Guard, or any other federal or state agency that is critical to the safety and security of Kansas or the United States.

"Real property" means any real estate located within Kansas except real property used exclusively as a place of residence for human habitation.

An "interest in real property" means:

- Ownership interest in any parcel of real property acquired by purchase, gift, grant, devise, bequest, or other transfer of such interest;
- Ownership or other interest in any easement or other right of egress onto or across any parcel of real property;
- Ownership or other interest in any right to any oil, gas, minerals, or water located on or under any parcel of real property; and
- Any interest or right to possess or use any parcel of real property acquired by the execution of a lease, lease-purchase, or any other form of rental agreement.

"*De minimis* interest" means any interest in real property that is:

- The result of ownership of registered securities in a publicly traded company; and
- Such ownership is:
  - Less than 10 percent of any class of registered securities or less than 10 percent of the aggregate registered securities of multiple classes of securities; or
  - A non-controlling interest in an entity that is controlled by a company that is registered with the U.S. Securities and Exchange Commission as an investment adviser under the federal Investment Advisers Act of 1940 and such company is not domiciled outside the United States.

"Economic development incentive program" means:

- Any economic development incentive program administered wholly or in part by the Secretary of Commerce;
- Any tax credit, except for social and domestic tax credits, regardless of the administering state agency;
- Property that has been exempted from ad valorem taxation under the State's constitution;
- Any economic development fund, including but not limited to, the Job Creation Program Fund and the Economic Development Initiatives Fund; and

- Any other economic development incentive program that provides any form of tax credit, abatement, or exemption or financial assistance provided by or authorized by a governmental entity.

"Tax credit" means any credit allowed against the tax imposed by the Kansas Income Tax Act, the premium or privilege fees imposed, or the privilege tax as measured by net income of financial institutions.

"Social and domestic tax credits" means the adoption credit, earned income tax credit, food sales tax credit, child and dependent care tax credit, and the homestead property tax refund credit.

Prohibition on AI Platforms and Genetic Sequencers of Concern; Senate Sub. for HB 2313

Senate Sub. for HB 2313 prohibits state agencies from allowing employees to access artificial intelligence (AI) platforms of concern on state-owned or state-issued electronic devices and prohibits all medical and research facilities in the state from using genetic sequencers or operational or research software used for genetic analysis produced in or by a foreign adversary or affiliated entity.

Prohibition on Artificial Intelligence Platforms of Concern

The bill prohibits state agencies from allowing employees to access AI platforms of concern on state-owned or state-issued electronic devices. Additionally, state agencies are required to block user access to such platforms on state networks.

State agencies that currently utilize or operate an account with platforms of concern are required to stop using such platform and deactivate and delete such accounts.

The bill provides an exception for state agencies accessing such platforms for law enforcement activities or cybersecurity investigations.

Prohibition on Genetic Sequencers Produced by a Foreign Adversary

The bill prohibits medical and research facilities in the state from utilizing genetic sequencers or operational or research software used for genetic analysis produced in or by:

- A foreign adversary;
- A state-owned enterprise of a foreign adversary;
- A company domiciled within a foreign adversary; or
- A company-owned or company-controlled subsidiary of a company domiciled within a foreign adversary.

The bill requires all genetic sequencers, operational and research software used for genetic sequencing, or genetic analysis devices that are not permanently disabled to be removed and replaced with equipment that is not prohibited under the bill.

The bill authorizes, subject to appropriations, a medical facility or research facility in Kansas to request reimbursement from the State Treasurer up to the cost of replacement for the prohibited equipment and software. The request must include purchase orders and be submitted prior to October 1, 2025.

Severability

The bill declares the provisions regarding genetic sequencers and operational or research software severable. If any of these provisions are declared unconstitutional or invalid, or the application of any portion of these provisions to any person or circumstance are held unconstitutional or invalid, the invalidity will not affect other portions of these provisions that can be given effect without the invalid portion or application. The applicability of other portions of the provisions regarding genetic sequencers and operational or research software will remain valid and enforceable.

Definitions

The bill defines the following terms:

- "Artificial intelligence platform of concern" means the AI model DeepSeek and any AI models owned or controlled by Hangzhou DeepSeek Artificial Intelligence Basic Technology Research Company or its subsidiaries or successors;
- "DNA" means deoxyribonucleic acid, ribonucleic acid, and chromosomes that may be analyzed to detect heritable diseases or conditions, including the identification of carriers, predicting risk of disease, or establishing a clinical diagnosis;
- "Country of concern" means the People's Republic of China (including Hong Kong), Republic of Cuba, Islamic Republic of Iran, Democratic People's Republic of Korea, Russian Federation, and Bolivarian Republic of Venezuela;
    - This definition does not include the Republic of China (Taiwan);
- "Foreign adversary" means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic, including any agent of or any other entity under significant control of such foreign adversary, or any other entity deemed to be a foreign adversary by the Governor in consultation with the Adjutant General;
- "Genetic sequencer" means any device or platform used to conduct genetic analysis, resequencing, isolation, or other genetic research;
- "Human genome" means DNA or ribonucleic acid that is found in human cells;
- "Medical facility" means a facility for the delivery of health services that receives state moneys, including interagency pass-through appropriations from the federal

government, and conducts research or testing on, with, or relating to genetic analysis or the human genome;

- "Operational or research software" means computer programs used for the operation, control, analysis, or other necessary functions of genetic analysis or genetic sequencers;

- "Research facility" means a facility that receives state moneys, including interagency pass-through appropriations from the federal government, and conducts research on, with, or relating to genetic analysis or the human genome; and

- "State agency" means any state office or officers, department, board, commission, institution, bureau, agency, division, or unit.

CRIMES AND CRIMINAL MATTERS

Crimes and Criminal Procedure; SB 186

SB 186 amends criminal procedure laws related to the availability of probable cause information, issuance of search warrants, setting bond for persons charged with certain sex offenses, forfeiture of appearance bonds, and the regulation of compensated sureties. The bill also revises the Kansas Criminal Code definition of certain sex crimes to include conduct related to artificially generated visual depictions and to define related terms.

Probable Cause Information—Warrant or Summons

The bill requires affidavits or sworn testimony supporting probable cause in the issuance of a warrant or summons to be made available to law enforcement agencies prior to the execution of such warrant or summons.

Issuance of Search Warrants

The bill amends law regarding who may provide sworn statements supporting a finding of probable cause to issue a search warrant to specify that only sworn statements provided by law enforcement may support such finding of probable cause.

Bond Setting—Sex Crimes

The bill amends criminal bond laws to require a magistrate to determine prior convictions of the underlying offense or comparable out-of-state convictions upon available evidence when setting bond if the defendant has been charged with:

- Rape;
- Criminal sodomy or aggravated criminal sodomy;
- Aggravated sexual battery; or
- Indecent liberties with a child or aggravated indecent liberties with a child.

If the magistrate determines that the defendant has a prior conviction of a sexually violent crime, as defined in continuing law, the bill requires a minimum bond amount of $750,000. Additionally, the bill requires minimum conditions for the bond to include no contact with any victims or witnesses, and to require the magistrate to place the defendant under a house arrest program.

The bill prohibits reducing or modifying downward such a bond unless the magistrate determines by a preponderance of the evidence at an evidentiary hearing and makes a written finding on the record that the defendant is not a public safety risk or a flight risk. At the evidentiary hearing, there shall be a presumption that the defendant is both a public safety risk and a flight risk.

Forfeiture of Appearance Bonds

The bill requires warrants issued for failure to appear to be provided to a compensated surety, changes the criteria for setting aside bond forfeitures, and requires the return of a percentage of an appearance bond in certain circumstances.

Warrants Provided to Surety Upon Forfeiture

Under continuing law, whenever a defendant is charged with a felony offense and fails to appear as directed by the court, the sheriff must enter the warrant into the National Crime Information Center index within 14 days of issuance of the warrant. The bill requires, upon request, the court to make a copy of the warrant available to the compensated surety who deposited the bond on behalf of the defendant.

When Bond Forfeiture May Be Set Aside

The bill requires a court to set aside (not enforce) a forfeiture in certain circumstances, in addition to other ways the court may or must direct forfeitures to be set aside in continuing law.

The bill requires the court to set aside a bond forfeiture when the warrant has not been provided to the compensated surety as directed by the bill unless there is good cause shown.

The bill also requires the court to set aside a bond forfeiture when the defendant was not held subject to an immigration detainer when the bond was posted and the surety can prove that the defendant has been deported from the United States prior to judgment of default. The bill requires the surety to provide to the court a written statement, signed by the surety under penalty of perjury, setting forth facts substantiating the deportation.

Remission of Appearance Bond

The bill requires, when a forfeiture has not been set aside and a judgment of default has been issued, the court to remit (return) a portion of the amount of the appearance bond to the obligor if the defendant is returned to custody within a certain number of days after judgment is entered, as follows:

- 90 percent if returned within 90 days;
- 75 percent if returned within 91 to 180 days; or
- 50 percent if returned within 181 to 270 days.

Regulation of Compensated Sureties

The bill prohibits a compensated surety from making loans for the purpose of financing the minimum appearance bond premium required to be paid before posting a bond.

Under continuing law, a compensated surety must charge a minimum appearance bond premium of 10 percent of the face amount of the bond and post a bond only after the compensated surety has received at least 5 percent of such premium. The bill specifies that a

compensated surety shall not provide a loan, nor be affiliated with any financial institution providing such loan, for this 5 percent minimum.

[*Note:* The Kansas Code of Criminal Procedure defines "compensated surety" as any person or entity that issues appearance bonds for compensation, posts bail for four or more persons in a calendar year, is responsible for any forfeiture, and is liable for appearance bonds written by such person's or entity's authorized agents. A compensated surety is an insurance agent surety, a property surety, or a bail agent.]

Sexual Exploitation of a Child

The bill expands the conduct that constitutes the crime of sexual exploitation of a child to include possessing any artificially generated visual depiction with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person.

The bill defines "artificially generated visual depiction" as an obscene visual depiction produced through the use of computer software, digital manipulation, or other means that creates an image or video depicting a child under 18 years of age shown or heard engaging in sexually explicit conduct. The definition includes depictions that are obscene and indistinguishable from a real child, morphed from a real child's image, or generated without any actual child involvement.

The bill defines "obscene" as a visual depiction or artificially generated visual depiction that, taken as a whole, appeals to the prurient interest of an average person, applying contemporary community standards, that is patently offensive, and that, taken as a whole, lacks literary, artistic, political, or scientific value.

Unlawful Transmission of a Visual Depiction of a Child

The bill also expands the definition of "visual depiction" as used in the crime of unlawful transmission of a visual depiction of an identifiable child to include, but not be limited to, such items created, in whole or in part, altered, or modified by artificial intelligence or any digital means to appear to depict or purport to depict an identifiable child, regardless of whether such identifiable child was involved in the creation of the original image.

Breach of Privacy

The bill also expands the crime of breach of privacy to include disseminating any videotape, photograph, film, or image that was created, altered, or modified by artificial intelligence to appear to depict or purport to depict an identifiable person regardless of whether such person was involved in the creation of the original image.

The bill specifies that the crime of breach of privacy shall not apply to a cable service, a provider of direct-to-home satellite services, or a multi-channel video programming distributor or affiliate as defined by federal law.

Scrap Metal Theft Reduction Act Investigations; SB 237

SB 237 amends the Scrap Metal Theft Reduction Act (Act) to authorize law enforcement officers to conduct investigations of the Act. The bill requires investigative reports to be submitted to the Attorney General upon the investigation's conclusion, regardless of whether any local action was taken as a result of the investigation.

Critical Infrastructure Facility Trespass; HB 2061

HB 2061 amends the definition of "critical infrastructure facility" as it relates to the crimes of trespassing on a critical infrastructure facility and criminal damage to a critical infrastructure facility in the Kansas Criminal Code.

The bill expands the definition of a critical infrastructure facility, when the facility is used for wireline, broadband, or wireless telecommunications or video services infrastructure, to include any aboveground or belowground line, cable, or wire.

Additionally, the bill specifies that the term "critical infrastructure facility" includes:

- Antennas, radio transceivers, towers, wireless support structures, small cell facilities, and any associated support structures and accessory equipment; and
- Related equipment buildings, cabinets and storage sheds, shelters, or similar structures.

EDUCATION

Graduation Rate Calculation for Accreditation; Sub. for SB 45

Sub. for SB 45 establishes a statutory calculation, for purposes of accreditation, of the four-year adjusted cohort graduation rate for each school district and any school within the district, including virtual schools.

Graduation Rate Calculation

The bill requires, for purposes of accreditation, a school district to calculate the four-year adjusted cohort graduation rate for the school district and the district's schools, including virtual schools, and exclude students who:

- Had not earned sufficient credits to be expected to graduate in the same school year as the student's cohort at the time the student transferred to and enrolled in the school or school district; and
- Were enrolled in the school or school district but subsequently transferred to a non-accredited private school in Kansas or another state.

Repealed Graduation Rate Calculation

The bill also repeals the current statutory four-year adjusted cohort calculation for only virtual schools that is found in KSA 72-3713.

[*Note:* The current calculation is similar to the one described above but does not allow for the exclusion of students in a virtual school who transferred to a non-accredited private school.]

Postsecondary Financial Aid—Uniform Interest Rates and Low-income Family Postsecondary Savings Account Incentive; SB 50

SB 50 establishes uniform interest rates, repayment schedules, and fees for all scholarships, grants, or other student financial aid programs established in law (*Kansas Statutes Annotated* Chapter 74, Article 32) under the authority of the State Board of Regents (Board). The bill also changes the Low-income Family Postsecondary Savings Accounts Incentive (KIDS) Program by reducing the number of grants available, reducing expenditure auditing requirements, and sunsetting the program on January 1, 2028.

Uniform Interest Rates for State Board of Regents Financial Aid Programs

Uniform Interest and Accrual

The bill establishes a uniform rate of 5.0 percent per year for all repayments arising from the following conditions:

- Any scholarship, grant, or other student financial aid program established in law and under the authority of the Board or under any agreement entered into pursuant to any such scholarship, grant, or other student financial aid program; and

- The scholarship, grant, or student financial aid program requires the payment of interest either in the term of the program or under the agreement entered into by the recipient.

The bill also prohibits interest from accruing prior to the date at which the award recipient becomes obliged to repay the scholarship, grant, or student financial aid as determined by the Board.

The bill retroactively applies these provisions to all scholarship, grant, and other student financial aid awards made prior to July 1, 2025, but does not impose an interest rate:

- In excess of the interest rate specified in either the applicable statute at the time an individual received the aid relating to the repayment obligation or the agreement between the individual and an educational institution, a sponsor, or the Board; or

- Upon amounts owed to the Board by educational institutions or sponsors, or amounts owed to educational institutions or sponsors by the Board.

The bill specifies that the changes in interest rate and accrual date do not grant any right, claim, or entitlement of an individual to a refund of payments made before July 1, 2025.

[*Note:* The programs affected by these changes include the Reserve Officers' Training Corps (ROTC) Service Scholarship, Osteopathic Medical Service Scholarship, Optometry Service Scholarship, Nursing Service Scholarship, Teacher Service Scholarship, Teacher Service Scholarship, Ethnic Minority Fellowship, Advanced Practice Registered Nurse Service Scholarship, Workforce Development Loan, Nurse Educator Service Scholarship, Promise Scholarship, and Adult Learner Grant.]

State Board of Regents Recovery and Application Fees

The bill authorizes the Board to recover reasonable costs for scholarship, grant, and other student financial aid collections; those costs include, but are not limited to, court costs, attorney fees, and collection agency fees.

The bill also authorizes the Board to charge fees for processing applications and generally administering student financial assistance programs. The fees are set by the Chief Executive Officer of the Board in an amount required to recover all or part of the direct and indirect costs of administering the programs. Any fees charged are deposited in the State Treasury and credited to the Financial Aid Services Fee Fund of the Board.

Student Agreements—Adult Learner Grants

The bill changes the student agreements entered into under the Adult Learner Grants to be between the student and the Board. [*Note:* Under previous law, a student entered into an agreement with their postsecondary educational institution.]

Conforming Amendments

The bill makes conforming amendments to align the interest rate and accrual date of each affected scholarship, grant, or other student financial aid program with the provisions of the bill.

Low-income Family Postsecondary Savings Accounts Incentive

Program Applications

The bill changes the maximum number of approved applications for the Low-Income Family Postsecondary Savings Accounts Incentive (KIDS) Program for calendar years (CYs) 2025, 2026, and 2027 from 300 to 250 per congressional district (district) and from 1,200 to 1,000 applications per year for the statewide maximum. [*Note:* Continuing law authorizes the State Treasurer (Treasurer), if the maximum number of applications from a district are not approved, to approve applications from other districts to the 1,000 application maximum.]

The bill prohibits the Treasurer from accepting or approving new applications for the KIDS Program after CY 2027.

Auditing Requirements

The bill removes requirements that the Treasurer prospectively approve any withdrawals under the KIDS Program and requires audits of withdrawals of matching funds under the Program.

The bill requires the Treasurer to audit at least 10 withdrawals of matching funds each year for CYs 2025, 2026, and 2027 and determine whether such withdrawals were qualified or non-qualified.

The bill requires the Treasurer to notify any participant who is selected for an audit and request the participant provide, in the manner and form required and on or before a deadline specified by the Treasurer, any documentation and information deemed necessary by the Treasurer to facilitate said audit.

The bill deems any failure to comply with the audit as indicating a non-qualified withdrawal and the Treasurer will provide notice thereof to the Kansas Department of Revenue and other appropriate taxing authorities. The Treasurer's determination of an unqualified withdrawal will be considered conclusive, with the exception of obvious error.

A participant found to have made a non-qualified withdrawal is required to pay back the portion of withdrawn funds on payment terms established by the Treasurer. Should a participant

not pay back the funds within the allotted time, the bill establishes an interest rate of 5.0 percent per year, compounded monthly, and authorizes the Treasurer to exercise enforcement available to the Treasurer to recover said funds. This requirement is in addition to, and not in substitution for, any other fine, penalty, interest, or other consequence otherwise imposed by law in connection to withdrawals from the KIDS Program.

The bill requires all refunds and interest to be credited to the State General Fund.

Reporting

The bill changes the annual reporting requirement for the Program to report the number and results of any audits performed each year to the Governor and Legislature on or before January 31 in 2026, 2027, and 2028.

Postsecondary Accreditation; SB 78

SB 78 requires a governing body of a postsecondary educational institution (institution) to regularly review and update the institution's accreditation policies, allows the institution greater freedom in selecting its accrediting agency, and prohibits accrediting agencies from compelling institutions to violate state laws.

Accreditation Policies and Practices

The bill requires each governing body of an institution to regularly review and update the institution's policies and practices on accreditation. The bill also requires, on or before December 31, 2025, the governing body of each institution to do the following:

- Identify the accrediting agencies or associations eligible to accredit such an institution. Such agencies and associations are those recognized by the U.S. Department of Education in the agency's database; and
- Update the policies and practices on accreditation for the institution to ensure it may freely pursue accreditation by any accrediting agency or association previously identified that is appropriate to the programs offered by the institution.

Definition of Postsecondary Educational Institution

The bill defines a "postsecondary educational institution" as one of the following:

- State educational institution as defined in law regarding operations of institutions;
- Private postsecondary education institution as defined in the Kansas Private and Out-of-state Postsecondary Educational Institution Act;
- Municipal university as defined in the Kansas Higher Education Coordination Act;

- Not-for-profit institution of postsecondary education with its main campus or principal place of operation in Kansas, that is operated independently and not controlled or administered by any state agency or subdivision of the state, maintains open enrollment, and is accredited by a nationally recognized accrediting agency for higher education in the United States; and

- Community college as defined in the Kansas Higher Education Coordination Act.

Prohibition on Accrediting Agencies and Associations

The bill prohibits an accrediting agency or association from compelling an institution to violate state law. Furthermore, the bill allows an institution to bring a civil cause of action against the accrediting agency or association if the agency or association took any adverse action against an institution based, in part or in whole, on the institution's compliance with any state law that is not preempted by federal law.

The governing body of an affected institution is also required by the bill to notify the Legislature in writing within 30 calendar days of any such violation.

Other References to Accrediting Agencies

The bill replaces references to specific accrediting agencies throughout state law with the phrase "an accrediting agency or association recognized by the U.S. Department of Education in the database maintained by such department."

High School Activities Participation; SB 114

SB 114 authorizes non-public school students and virtual school students participating in a school activity governed by the Kansas State High School Activities Association (KSHSAA) to also participate in certain ancillary school district activities. The bill also permits students at the Kansas Academy of Mathematics and Science to participate in KSHSAA activities at the local public school.

Participation in KSHSAA Activities

Continuing law authorizes non-public school and virtual students who meet the requirements of law to participate in activities that are regulated, supervised, promoted, and developed by the KSHSAA. The bill adds provisions to require participating students to also be permitted to participate in any district-sponsored events, ceremonies, programs, or other functions directly related to the activity. The bill authorizes each school district board of education to adopt policies regarding the participation of those students in district-sponsored events, ceremonies, programs, or other functions that are not directly related to the activity.

The bill deems any student who withdraws from a school district and subsequently enrolls in an accredited private school, a non-public elementary or secondary school, or a virtual school to be ineligible for full participation in any activities offered by the school district for a period subject to KSHSAA rules immediately following the student's withdrawal, unless the student was eligible and participating in the activities at the school from which the student

withdrew on the date of withdrawal. Such student can be permitted limited participation in any qualifying activities, in accordance with the eligibility policies of the school district and KSHSAA.

The bill also provides that a student participating in a KSHSAA activity in this manner is entitled to all rights and subject to all responsibilities of any other participating student except as otherwise provided for in law, regardless of the student's enrollment status.

The bill deems it unlawful for any school district or the KSHSAA to discriminate against any student who meets the requirements of the law based upon the student's enrollment status.

Eligibility Requirements

The bill amends the eligibility requirements so that a student who meets the following requirements could participate in KSHSAA-regulated activities in the school district in which the Kansas Academy of Mathematics and Science (KAMS) is located:

- Be enrolled in KAMS;
- Comply with requirements established in law;
- Meet applicable age and eligibility requirements set forth by the KSHSAA; and
- Pay any fees required by the school district on all students participating in the activity.

Adding IMSLEC-accredited Organizations to Approved At-risk Programs; HB 2033

HB 2033 amends law to add non-profit organizations accredited by the International Multisensory Structured Language Education Council (IMSLEC) to the list of approved at-risk educational programs that are eligible to receive distributions from school districts' at-risk education funds.

Curriculum and Compensation; Senate Sub. for HB 2382

Senate Sub. for HB 2382 requires a human fetal development presentation in certain courses and authorizes the State Board of Education (State Board) to establish the rates of certain compensation that board members.

Human Fetal Development Presentation Requirements

The bill requires the human fetal development presentation to meet the following requirements:

- Be a high-quality, computer-generated animation or high-definition ultrasound;
- Be at least three minutes in length; and

- Show the development of the brain, heart, and other vital organs in early human fetal development.

The bill further requires that such human fetal development presentations be included in any course or instruction regarding human growth, human development, or human sexuality.

State Board of Education Member Compensation

The bill authorizes the State Board to determine the compensation amounts received by board members for their service at regularly scheduled meetings of the State Board and any other in-state meeting for participation in matters of education interest to the State of Kansas.

ELECTIONS AND ETHICS

Validating Election Results on Questions Submitted by USD 200; Notification Requirements of Elections for Issuance of Bonds; SB 2

SB 2 declares valid the result of the question-submitted election held May 21, 2024, approving issuance of not more than $4.6 million in general obligation bonds for USD 200 (Greeley County), for specified improvements to its facilities.

The bill also amends a general statute regarding bond elections to require publication of notice of a bond election on the website of any county election office of a county where the election is to be conducted only if the county election office has a website. It requires the notice to remain on the county election office website until the day after the election only if the notice was published on such a website. The bill does not amend requirements for publication of bond election notices in a newspaper of general circulation in the municipality.

Deadline for Receipt by Mail of Advance Voting Ballots; SB 4

SB 4, on and after January 1, 2026, changes the deadline for the receipt by mail of advance voting ballots from the third day following the date of the election to 7:00 p.m. on the date of the election.

Requiring Legislative Approval for Use of Federal Election Funds; SB 5

SB 5 amends the Transparency in Revenues Underwriting Elections Act (Act) regarding the acceptance and use of certain election-related funds.

Definitions

The bill defines the following terms:

- “Federal government” means any branch, agency, department, office, bureau, or instrumentality of the government of the United States; and

- “Governmental agency” means the State or any agency or political subdivision or instrumentality thereof.

Requiring Funds to Be Provided By Law

Continuing law provides that no election official can knowingly accept or expend any moneys, directly or indirectly, from any person, except as provided in any acts of appropriation, or as otherwise provided by law, for any expenditures related to conducting, funding, or otherwise facilitating the administration of a lawful election.

The bill amends the Act to clarify that no election official can knowingly accept or expend any moneys except as provided in any acts of appropriation, or as otherwise provided by state law, specifically for such election expenditures.

The bill also prohibits government agencies, including election officials, from knowingly accepting or expending any moneys, directly or indirectly, from the federal government, except as appropriated or otherwise provided by state law, for any expenditures related to election administration or for any election-related activities, including, but not limited to, voter registration and voter assistance.

The bill requires such election expenditures to be authorized by acts of appropriation or other state law and any moneys received from the federal government be expended only for those purposes authorized by an act of Congress.

The bill exempts the receipt and expenditure of moneys for election security from these provisions.

Prohibition on Ranked Choice Voting; SB 6

SB 6 prohibits any form of ranked-choice voting methods from being used in determining the election or nomination of any candidate to any federal, state, county, or other municipal elected office.

The bill defines "ranked-choice voting" to mean a form of voting that allows voters to rank two or more candidates in order of preference. Votes are tabulated in multiple rounds, where the lowest vote-receiving candidate is eliminated after each round until a candidate receives the majority of the votes cast.

The bill declares null and void any ordinance, resolution, or regulation prohibited by the bill and adopted before July 1, 2025.

Election Procedures and Voting; HB 2016

HB 2016 amends various provisions of election law concerning the maintenance of voter registration rolls, qualifications for poll workers and election board judges or clerks, and the solicitation of advance voting ballot applications.

Voter Registration Rolls

The bill requires a county election officer to remove the name of a registered voter from the registration books and party affiliation lists when an obituary for the voter is published online by a funeral home located in the county.

[*Note:* Continuing law requires a county election officer to remove a registered voter from the registration books and party affiliation lists when an obituary notice reporting the death of such voter appears in a newspaper having general circulation in the county.]

Poll Workers and Election Board Judges or Clerks

The bill prohibits county election officers from disqualifying active military members and the members' spouses and other dependents from service as poll workers on the basis of

residency or registered voter status. The bill also adds U.S. citizenship and Kansas residency as requirements for service as an election board judge or clerk.

[*Note:* Continuing law requires all election judges and election clerks to be residents of the area served by the voting place in which they are a judge or clerk.]

The bill defines “active military member” for poll worker purposes as any person with full-time duty status in the U.S. Armed Forces, including members of the National Guard and reserve.

Soliciting Advance Voting Ballot Applications

Current law provides the requirements for any person who solicits by mail a registered voter to file an application for an advance voting ballot and includes an application for an advance voting ballot in such mailing. The bill makes the following amendments to these requirements:

- Removes the requirement that the name of the president, chief executive officer, or executive director be included in the mailing, if an organization caused the solicitation to be mailed;
- Requires the name and address of the individual or organization that caused the solicitation to be mailed and the required disclosure statement—“Disclosure: This is not a government mailing. It is from a private individual or organization”—to be included on one page within the mailing instead of both on the exterior of the mailing and on each page contained within the mailing;
- Changes the required font size for such information from 14-point or larger to 10-point or larger;
- Clarifies the requirement that the advance voting ballot application must be the official application provided by the Secretary of State or the appropriate county election office [*Note:* Prior law stated the advance voting ballot application must be provided by the Secretary of State.];
- Modifies the requirement prohibiting any portion of an advance voting ballot application from being completed prior to mailing to allow the date of the election to be printed on the application prior to being mailed to registered voters; and
- Replaces the requirement that the advance voting ballot application include an envelope addressed to the appropriate county election office with a requirement that the advance voting ballot application include information on how to mail such application to the appropriate county election office.

Non-citizens’ Driver’s Licenses Report; HB 2020

HB 2020 directs the Director of Vehicles (Director), Department of Revenue, to quarterly provide the Secretary of State (Secretary) a list of all permanent and temporary driver’s licenses

issued to non-citizens. The list of non-citizens must contain the names, addresses, phone numbers, Social Security numbers, alien registration numbers, dates of birth, temporary driver's license numbers, and the expiration dates of such licenses. The bill directs the Secretary to compare the list provided by the Director with the voter registration rolls and investigate. The Secretary shall then direct the county election officer to remove the names of any non-citizens that appear on the voter registration rolls within five business days. The bill requires the county election officer to notify such person that they may be reinstated on the voter registration rolls by providing proof of their citizenship.

Special Election Date Requirements; HB 2022

HB 2022 amends the definition of "special election" in election law to mean any election held on the Tuesday following the first Monday in March of any year or on the same day as a general or primary election. The bill also makes conforming amendments to other provisions of election law concerning special elections.

Campaign Contribution Limits; Senate Sub. for HB 2054

Senate Sub. for HB 2054 amends provisions in the Campaign Finance Act (Act) to increase limits on certain campaign contributions and eliminate limits on contributions made by party committees to candidates for certain elections.

Contributions to Campaigns

The bill increases aggregate limits for each of the following campaigns for each primary and general election:

- For the pair of offices of Governor and Lieutenant Governor or other statewide offices, from $2,000 to $4,000;
- For the office of member of the House of Representatives, district judge, district attorney, or a candidate for local office whose jurisdiction has a population less than 50,000, from $500 to $1,000; and
- For the office of state senator or member of the State Board of Education, or a candidate for local office whose jurisdiction has a population of 50,000 or more, from $1,000 to $2,000.

The bill also increases the amount any person may contribute to any candidate or candidate committee in cash for any primary or general election from $100 to $200.

Applicability

Under continuing law, these limits apply to:

- Persons except party committees, the candidate, or the candidate's spouse; and
- Political committees.

The bill eliminates contribution limits made by party committees to candidates for each general election. [*Note:* Party committees will be subject to the contribution limits listed above for a primary election at which two or more candidates are seeking the party nomination.]

The bill clarifies that no expenditures made by a party committee in support of a candidate, with or without a candidate's cooperation or consent, constitutes a contribution.

Contributions to Party Committees

The bill increases aggregate limits on contributions by persons other than a party committee and by a national party committee to:

- $35,000 per calendar year to a state party committee, recognized political committee for the Senate, or recognized political committee for the House of Representatives; and
- $10,000 per calendar year to a congressional district party committee or county party committee.

[*Note:* The bill replaces the following limits on contributions to party committees:

- Contributions by a person other than a national party committee or a political committee to a state party committee must not exceed $15,000 per calendar year;
- Contributions by a person other than a national party committee or a political committee to any other party committee must not exceed $5,000 per calendar year;
- Contributions by a national party committee to a state party committee must not exceed $25,000 per calendar year;
- Contributions by a national party committee to any other party committee must not exceed $10,000 per calendar year; and
- Contributions by a political committee to a party committee must not exceed $5,000 per calendar year.]

Receipt of Contributions

The bill allows a candidate or the candidate's committee to accept a contribution for both the primary and general election prior to the date of the primary election if the candidate or the candidate's committee uses an acceptable accounting method to distinguish between which contributions are received for the primary election and which are for the general election.

The bill provides examples of acceptable accounting methods, including, but not limited to, the designation of separate accounts for each election or the establishment of separate books and records for each election. The bill requires the authorized records of a candidate or

the candidate's committee show the cash on hand prior to the primary election was, at all times, equal to or greater than the amount of contributions received and designated for the general election minus any disbursements made for the general election.

Definition of "Jurisdiction"

The bill defines the term "jurisdiction" to mean:

- The city, county, or school district if the candidate is seeking election to a local office that is elected at large in such city, county, or school district; and
- The electoral district if the candidate is seeking election as a member of a governing body that has member districts.

False Representation of an Election Official; Political Party Nominations; Voting Equipment; Senate Sub. for HB 2056

Senate Sub. for HB 2056 amends various provisions of election law concerning the crime of false representation of an election official, nominations by political parties, and the testing of certain voting equipment before an election.

False Representation of an Election Official

The bill amends the conduct included under the election crime of false representation of an election official to add the intent to cause a person to believe that the person is an election official.

The bill removes the criterion of "engaging in conduct that gives the appearance of being an election official." The bill also clarifies that engaging in conduct including, but not limited to, using an official seal or other insignia of the Secretary of State or any county election office in any communication with voters, with the intent to cause a person to believe that the person engaging in the conduct is an election official, will be a qualifying criminal act.

Political Party Nominations

The bill amends election law regarding nominations for elected office to require that any person nominated for an elected office accept such nomination and restrict the number of nominations a person may accept to one nomination.

Nominations by Political Parties Not Participating in Primaries

Continuing law authorizes any recognized political party that does not participate in a primary election to, by means of a delegate or mass convention or caucus, nominate one person for each office that is to be filled at the next election and file a certificate of such nomination. [*Note:* Recognized political parties in Kansas that currently do not participate in primary elections include the Libertarian Party, No Labels Kansas, and United Kansas.]

The bill requires any person listed on a certification of nomination to submit a signed and notarized declaration stating they accept the party's nomination for the designated office. The bill prohibits any person from being a party's nominee until the declaration is submitted according to law.

Restriction on Number of Nominations

The bill clarifies that no person may accept more than one nomination for the same office. The bill further prohibits any person from becoming a candidate for a different political party or as an independent candidate for office at a general election if such person has:

- Received and accepted a party nomination from a political party not participating in a primary election;
- Filed a declaration of intention to become a candidate for an office; or
- Filed a valid nomination petition to be an independent candidate.

Changing Political Party Nomination

The bill, prior to the filing deadline established in statute, permits a person who has either received and accepted a party nomination, filed a declaration of intention to become a candidate, or filed a valid nomination petition to be an independent candidate to become a candidate for a different political party or an independent candidate if such person has:

- Declined a party nomination;
- Withdrawn from candidacy after nomination; or
- Withdrawn from a nomination.

Enforcement

The bill directs the Secretary of State to enforce the provisions of the bill for all federal and state elected offices and directs the appropriate county election officer to enforce the provisions of the bill for all county and township elected offices.

Testing Voting Equipment

Prior law required automatic vote tabulating equipment and optical scanning equipment to be tested within five days before the date of an election to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. The bill changes the number of days before the date of an election for such required testing from within 5 days to within 30 days.

Reimbursement for Legislative Travel and Executive Branch Receipt of Discount Tickets; Senate Sub. for Sub. for HB 2060

Senate Sub. for Sub. for HB 2060 amends provisions of the State Governmental Ethics Law regarding legislators' receipt of reimbursement for expenses related to travel and Executive Branch employees' receipt of tickets or access to entertainment or sporting events or activities.

Legislator Travel Reimbursement

The bill authorizes legislators to accept reimbursement for expenses related to travel, subsistence, attendance, and participation in meetings, programs, and activities of any non-profit, non-partisan organization that does not engage in lobbying in Kansas and removes the requirement that the organization be a national organization established for the purpose of serving, informing, educating, and strengthening state legislatures in all states of the nation, so long as the funds are paid from the funds of such organization.

[*Note:* Continuing law authorizing legislators to accept reimbursement from governments of any foreign nation, any organization organized under the laws of such foreign nation, or any international organization for such travel expenses would not be amended by the bill.]

Executive Branch Employees

The bill authorizes all officers and employees of the Executive Branch, including the Governor and the Lieutenant Governor, the Governor's spouse, and all members of boards, commissions, and authorities of the Executive Branch, to solicit or accept free or special discounted tickets (tickets) or access to entertainment or sporting events or activities (activities) if:

- It is obvious to the person accepting tickets or access to activities that it is not being provided due to the person's official position; or
- The person's presence at an activity serves a legitimate state purpose or interest and the person's agency authorizes, or would authorize, payment for travel and expenses.

Prohibiting Foreign National Contributions and Expenditures for Constitutional Amendment Campaigns; HB 2106

HB 2106 amends the Campaign Finance Act to add additional reporting and certification requirements to persons promoting or opposing the adoption or repeal of any provision of the *Kansas Constitution*. The bill also prohibits any person that engages in activity promoting or opposing the adoption or repeal of any provision of the *Kansas Constitution* from accepting contributions or expenditures from a foreign national.

Prohibition on Foreign National Contributions and Expenditures

The bill prohibits any person from directly or indirectly accepting any contribution or expenditure from a foreign national made for any activity promoting or opposing a constitutional amendment.

Violations

The bill authorizes the Kansas Attorney General to prosecute any person who violates this provision. Any person who believes the prohibition on foreign national contributions and expenditures has been violated is allowed to file a complaint with the Attorney General.

The bill provides that, in any civil action brought by the Governmental Ethics Commission (Commission) or the Attorney General for a violation of the prohibition on foreign national contributions and expenditures, the court may award injunctive relief sufficient to prevent any subsequent violations and statutory damages in an amount up to twice the amount of the prohibited contribution or expenditure.

Reporting to Secretary of State

Continuing law requires every person who accepts money or property for the purpose of promoting or opposing the adoption or repeal of any provision of the *Kansas Constitution* to annually report all individual contributions and in-kind contributions for such purposes in excess of $50 during the preceding calendar year to the Secretary of State. The report must include each contributor's name and address and the amount of their contribution, the total value of all contributions received, and the total value of all expenditures made. The bill requires each person who submits a report to certify that:

- Such person has not knowingly accepted contributions or expenditures either directly or indirectly from a foreign national; and
- Certify each donor named in the report is not a foreign national and has not knowingly accepted contributions, either directly or indirectly, from any foreign national that in the aggregate exceed $100,000 within the four-year period immediately preceding the date of the donor's contribution or expenditure.

The bill directs each person who accepts contributions or expenditures to require each donor to certify that such donor is not a foreign national and has not knowingly accepted contributions or expenditures as described above.

Certification to Governmental Ethics Commission

The bill requires each person making an independent expenditure for any activity promoting or opposing a constitutional amendment, within 48 hours of making such expenditure, to certify to the Commission that such person:

- Has not knowingly accepted any moneys, either directly or indirectly, from a foreign national that in the aggregate exceed $100,000 within the four-year period immediately preceding the date of the expenditure; and

- Will not accept any such moneys from a foreign national for the remainder of the calendar year in which the question of amending the *Kansas Constitution* is on the ballot.

Definition of "Foreign National"

The bill defines "foreign national" as:

- An individual who is not a citizen or lawful permanent resident of the United States;

- A government or subdivision of a foreign country or municipality thereof;

- A foreign political party;

- Any entity such as a partnership, association, corporation, organization, or other combination of persons that is organized under the laws of, or has its principal place of business in, a foreign country; or

- Any U.S. entity, such as a partnership, association, corporation, or organization, that is wholly or majority-owned by any foreign national, unless:
  - Any contribution or expenditure that such entity makes is derived entirely from funds generated by such U.S. entity's U.S. operations; and
  - All decisions concerning the contribution or expenditure are made by individuals who are U.S. citizens or permanent residents, except for setting overall budget amounts.

Renaming the Public Disclosure Commission and Amending the Campaign Finance Act; HB 2206

HB 2206 amends various provisions of the Campaign Finance Act (Act) and changes the name of the Kansas Governmental Ethics Commission to the Kansas Public Disclosure Commission.

Termination of Candidate Campaign Accounts

For any person elected to state or local office who decides not to be a candidate or is defeated as a candidate for such office at the next election, the bill requires the termination of the person's candidate campaign account related to that office on or before the date 90 days after the second general election for the office in which the candidate was not elected.

The treasurer for any such candidate campaign account is required to dispose of any residual funds and file the required termination report pursuant to state law.

Kansas Public Disclosure Commission

The bill changes the name of the Kansas Governmental Ethics Commission to the Kansas Public Disclosure Commission (Commission) after its enactment on or after July 1, 2025. The bill states when the Kansas Governmental Ethics Commission is referenced or designated by statute, contract, or other document, the reference or designation shall be deemed to apply to the Commission. The bill renames the Kansas Governmental Ethics Commission Fee Fund to the Kansas Public Disclosure Commission Fee Fund and removes provisions renaming the fee fund in 1998.

The bill specifies the Act does not abolish and reestablish the Commission or affect the terms of the members currently serving on the Commission. The bill also clarifies all the Commission's rules and regulations adopted and created prior to July 1, 2025, continue to be in force and effect.

Cooperation or Consent

The bill adds a new definition for the phrase "cooperation or consent." With respect to expenditures, "cooperation or consent" means:

- An express advocacy expenditure that is created, produced, or distributed at the request or recommendation of a candidate, candidate committee, or party committee; or
- An express advocacy expenditure that is created, produced, or distributed at the recommendation of a person who is paying for the express advocacy and the candidate, candidate committee, or party committee assents to the recommendation.

Additionally, the bill specifies that "cooperation or consent" does not include:

- A candidate's or political party's response to an inquiry about the candidate's or political party's positions on legislative policy or issues;
- An expenditure that used information obtained from a publicly available source;
- An endorsement of a candidate;
- Soliciting contributions for any committee;
- An expenditure for the use of a commercial vendor or to a former employee of the candidate by the person making the expenditure if:

- The commercial vendor or former employee has provided political services to the candidate during the 120 days immediately preceding such expenditure;
- A firewall is established and implemented by the person making the expenditure; and
- The firewall is designed and implemented to prohibit the flow of information between those providing services to the person making the expenditure and those currently providing or that have previously provided services to the candidate; and

- An expenditure for the use of a commercial vendor or to a former employee of the candidate by the person making the expenditure and the commercial vendor or former employee has not provided political services to such candidate during the 120 days immediately preceding such expenditure.

Giving in the Name of Another

Continuing law prohibits making contributions in the name of another person and knowingly accepting contributions made by one person in the name of another person. The bill raises the limit at which an individual can accept a contribution without knowing the name and address of the contributor from $10 to $50.

The bill adds a provision to the prohibition stating, except for contributions made by a candidate to the candidate's own candidate committee, when a person makes a contribution, that person has no authority to control or direct the use of the contribution. The bill further prohibits any person from making a contribution to a committee with any condition that the contribution or any portion of the contribution is to be subsequently contributed to any other committee; the bill declares any such agreement null and void.

For the purposes of this section, the bill defines "contribution in the name of another" and "contribution made by one person in the name of another" as a contribution made to a person by or through the name of another person for the purpose of concealing the original source of any moneys reported on any report or statement that is required to be filed under the Act. The bill does not include any contributions, expenditures, or transfers of moneys that are subject to requirements of the Act and that will be reported by an individual or committee on a report or statement filed pursuant to the Act.

Political Committees

Definitions

Political committee. The bill amends the definition of "political committee" to mean any entity, including any combination of two or more individuals who are not married to one another, or any person other than an individual, the major purpose of which is to make contributions or expenditures that in aggregate exceed $3,000 during any one calendar year and that satisfies one of the following:

- States in such entity's articles of incorporation, bylaws, or in any resolution adopted by the board of directors for such entity that the major purpose of the entity is to elect state or local candidates through express advocacy and contributions to candidate campaigns and political parties; or

- Spends no less than 50 percent of such entity's total program spending on contributions or expenditures during the period of time the entity has existed or, if the entity has existed for more than five years, during the immediately preceding five years.

[*Note:* Prior law defined "political committee" to mean any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election, or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election, or defeat of a clearly identified candidate for state or local office.]

Total program spending. The bill defines "total program spending," as it relates to political committees, to mean the aggregate expenditures on all program activities, including:

- All disbursements for contributions and expenditures; and

- All expenditures for fundraising communications that expressly advocate the nomination, election, or defeat of a candidate or candidates for state or local office.

The bill excludes the following from total program spending:

- Expenditures for volunteer time or expenses;
- Administrative expenses; or
- Any other fundraising expenses.

For the purposes of determining total program spending on contributions and expenditures, the bill provides that:

- A grant made to a political committee or an organization that is organized under Section 527 of the federal Internal Revenue Code is to be included in the entity's total program spending as a contribution or expenditure, except that if such grant is expressly designated for use outside of Kansas or for any federal election, then the grant is not to be considered a contribution or expenditure; and

- All other grants made by the entity are to be included in the entity's total program spending but are not to be considered a contribution or expenditure unless the entity expressly designates such grant, or any portion thereof, for making a contribution or expenditure in Kansas. If so designated, then the grant or portion of the grant is considered a contribution or expenditure.

Legislative Prohibition

The bill prohibits a member of, or candidate for, the Legislature from establishing any political committee.

[*Note:* Prior law prohibited a member of or a candidate for the Legislature from establishing a political committee with a major purpose to expressly advocate the nomination, election, or defeat of a clearly identified candidate for the Legislature or to make contributions or expenditures for the nomination, election, or defeat of a clearly identified candidate for the Legislature.]

Termination Reports

The bill requires political committees to file termination reports with both the Secretary of State and the county election office.

Independent Expenditure Statements

The bill amends statement filing requirements for persons other than candidates or any committees making independent expenditures and removes statement filing requirements for such persons making contributions. The bill raises the filing threshold from an aggregate amount of $100 or more to $1,000 or more within a calendar year and removes the requirement that statements contain the same information as candidate reports.

The bill requires the statements of independent expenditures to include:

- The name and address of each person who receives payment in an aggregate amount that is greater than $500 for an independent expenditure or for the creation or distribution of an independent expenditure; and

- The date, amount, and purpose of each independent expenditure, including the name and the office sought of each candidate identified in an independent expenditure and if such independent expenditure was in support of or in opposition to such candidate.

The bill requires statements of independent expenditures to be filed at the following times:

- On or before the next succeeding date on which reports are due to be filed pursuant to continuing law; and

- On or before 11:59 p.m. on the second day immediately following the date of the last independent expenditure if a person makes independent expenditures in aggregate of $1,000 or more in the same calendar year after filing a statement of independent expenditures.

Citizenship Requirement for Voting; HCR 5004

HCR 5004, if approved by voters, would amend Section 1 of Article 5 of the *Kansas Constitution* to clarify that no person shall be deemed a qualified elector unless such person is a citizen of the United States, has attained the age of 18, and, unless a residency exception applies to such person, resides in the voting area in which such person seeks to vote.

[*Note:* Section 1 of Article 5 of the *Kansas Constitution* currently states that every citizen of the United States who has attained the age of 18 and who resides in the voting area in which he or she seeks to vote shall be deemed a qualified elector.]

The resolution requires the following explanatory statement to be printed on the ballot with the text of the amendment if it is submitted to voters for their approval:

> This amendment would clarify only a person who is a citizen of the United States is eligible to vote in this state.
>
> A vote for this proposition would clarify that only a person who is a citizen of the United States is eligible to vote in this state.
>
> A vote against this proposition would make no change to the Constitution of the State of Kansas, and the language concerning voter qualifications would remain the same.

The resolution requires the proposed constitutional amendment to be submitted to voters at the general election on November 3, 2026, unless a special election is called at a sooner date by concurrent resolution of the Legislature.

FEDERAL AND STATE AFFAIRS

Live Horse Racing Licensure; SB 21

SB 21 amends the Kansas Parimutuel Racing Act to change certain licensing requirements regarding live horse racing and to alter the distribution of moneys from certain funds.

Definitions

The bill amends definitions for "horsemen's association" and "horsemen's nonprofit organization" to remove location restrictions and references to specific racetracks, which will permit organizations of either type to obtain licenses for racetrack facilities located anywhere in Kansas.

Organization Licenses

The bill removes the requirement that race meets are held within the boundaries of the county where the applicant for licensure is located. [*Note:* Continuing law requires organizations to conduct no more than two race meetings each year, and the meetings to be held for no more than 40 days per year.]

Fair Associations

The bill requires fair associations that intend to conduct live horse racing and are applying for licensure to submit documentation demonstrating the applicant is approved for the license by:

- The Kansas Quarter Horse Racing Association and the Kansas Thoroughbred Association; or
- A horsemen's non-profit organization.

Horsemen's Non-profit Organization

The bill prohibits horsemen's non-profit organizations that intend to conduct live horse racing and are applying for licensure from:

- Conducting live horse racing prior to March 1, 2028, unless the licensee intends to conduct the races at Eureka Downs; and
- Operating historical horse race machines.

Horsemen's Associations

The bill prohibits a horsemen's association that is applying for a facility owner license or facility manager license from operating historical horse race machines at the racetrack facility for which it is seeking licensure.

State Racing Fund

The bill redirects the distribution of moneys from the State Racing Fund. For moneys in excess of the amount required for operating expenditures of the Kansas Racing and Gaming Commission (Commission):

- 30 percent of the tax revenues from wagers on historical horse races will be transferred from the State Racing Fund to the Kansas Horse Breeding Development Fund (Development Fund); and

- 70 percent of the tax revenues from wagers on historical horse races will be transferred from the State Racing Fund to the Horse Fair Racing Benefit Fund (Benefit Fund).

The moneys will be transferred to each fund on or before July 15, 2025, and on the 15th day of each month thereafter.

Kansas Horse Breeding Development Fund

The bill amends the distribution of moneys from the Development Fund. The bill extends the stallion and breeder's awards to include owners of stallions and mares of Kansas-bred horses that compete in recognized parimutuel races and finish at a level determined by the Commission.

Horse Fair Racing Benefit Fund

The bill permits 15 percent of moneys credited to the Benefit Fund to be used for the promotion of the parimutuel racing industry in Kansas. Non-profit horsemen's organizations can apply to the Commission for the use of such moneys. Moneys in the Benefit Fund can also be used to pay for costs related to lease agreements for land, equipment, or other materials necessary to conduct a race meeting.

Immigration Law Enforcement; SCR 1602

SCR 1602 makes findings regarding illegal immigration and directs the Governor of Kansas to fully cooperate with and assist in federal actions to enforce immigration law.

The concurrent resolution states that:

- The Legislature strongly urges the Governor of Kansas to fully cooperate with the Trump administration in enforcing immigration laws in the state of Kansas, including the deportation of illegal immigrants;

- The Legislature encourages the Governor of Kansas to use lawful authority to help secure the border, including offering assistance through the Kansas National Guard; and

- The Legislature continues to support efforts to secure the U.S. borders and reduce illegal immigration while fostering a legal immigration system.

The resolution also makes findings concerning illegal immigration, the immigration policy priorities of the Trump administration, and the role of Congress and states in enforcing the law and securing the U.S. borders.

The resolution directs the Secretary of State to send an enrolled copy of the resolution to the Governor of Kansas, members of the Kansas congressional delegation, President Donald J. Trump, and relevant federal entities to promote awareness and collaboration on the issue of immigration.

Approving an Amendment to the Gaming Compact Between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the State of Kansas; SR 1716 and HR 6017

SR 1716 and **HR 6017** approve an amendment to the gaming compact between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the State of Kansas. The amendment creates and amends provisions concerning sports wagering operations on the Nation's reservation lands.

FINANCIAL INSTITUTIONS

State Banking Code Updates; SB 139

SB 139 amends the State Banking Code (Banking Code) as follows:

- Requires administrative hearings to be held in accordance with the Kansas Administrative Procedure Act when determining whether a bank is a holding company and whether a cease-and-desist order should be issued by the State Banking Board;
- Requires notification to be provided to the State Bank Commissioner (Commissioner) regarding changes to key leadership positions of bank and trust companies;
- Addresses when the charter of a bank or trust company would be void after an approved merger;
- Exempts certain bank or trust companies from approval by the Commissioner to lawfully engage in banking or trust business in the state;
- Removes the requirement that certain certified documents be provided with an application for the contracting of trust services if certain conditions are met;
- Expands the allowable distance for the relocation of a trust office; and
- Amends the requirements for non-resident trust companies to do business in Kansas.

Definition Pertaining to Bank Holding Companies

The bill amends the definition of a "bank holding company" to specify that a hearing to determine whether a bank is a holding company must be conducted in accordance with the Kansas Administrative Procedure Act.

Notification Requirements of Changes in Key Positions of Bank and Trust Companies

The bill requires each bank and trust company to file an oath with the Commissioner within 15 days of the election of any officer or director. The bill requires each bank and trust company to notify the Commissioner of:

- Any newly appointed chief executive officer, president, or directors prior to the commencement of such individuals' duties; and
- Any executive officer, president, or director who is voluntarily or involuntarily relieved from the position's duties within five business days.

Mergers Resulting in a National Bank

The bill requires the charter of a bank or trust company that will cease to exist after an approved merger to be deemed void on the next business day immediately following the merger consummation date.

Administrative Hearing Requirement on Cease-and-desist Orders

The bill requires administrative hearings that determine whether a cease-and-desist order should be issued by the State Banking Board be held in accordance with the Kansas Administrative Procedure Act.

Exemption from Commissioner's Approval to Lawfully Engage in Banking or Trust Company Business

The bill exempts banks with federally insured deposits that are chartered in Kansas, in another state, or by the federal government from first having to obtain authority from the Commissioner to lawfully engage in the banking business.

The bill also provides that a federally insured bank or credit union with authorization from another state or the federal government to engage in trust business in Kansas is exempt from the provision that makes it unlawful for any individual, firm, or corporation to advertise, publish, or otherwise communicate that such entity is engaged in the trust business without first having obtained authority from the Commissioner.

Documents Required for an Application for the Contracting of Trust Services

The bill removes the requirement that the following certified copies be provided with the application made to the Commissioner for the contracting of trust services:

- The written action taken by the board of directors of the originating trustee or financial institution approving the agreement; and
- Proof of publication of notice that the applicant intends to file or has filed an application.

However, if the originating trustee or financial institution is transferring more than 50 percent of the financial institution's total fiduciary accounts, the bill requires that certified copies of the two documents referenced above be included with the application for the contracting of trust services.

Relocation of a Trust Office

The bill extends the Commissioner's authority to exempt from the application process a trust company proposing to relocate an existing trust service office to less than ten miles from the trust company's existing location, changed from allowing such an exemption only for a relocation less than one mile from the existing location.

If an exemption is granted, the bill requires each trust company to document the written action taken by the board of directors of the trust company approving the proposed relocation of the trust office and all other required regulatory approvals.

Requirements for Non-resident Trust Companies to Do Business in Kansas

The bill allows the Commissioner to require any non-resident trust company to meet the greater of the requirements stated under the Banking Code or the laws of the non-resident trust company's home state required for a Kansas trust company to do business in the non-resident trust company's home state.

Additional Statutes Repealed

The bill repeals the following statutes not amended in the bill:

- KSA 9-2101, pertaining to the issuance by the Commissioner of a certificate of authority as a bank to a trust company authorized to accept deposits upon the surrender of such trust company's charter; and
- KSA 16-842, pertaining to when a credit card holder is liable for unauthorized use and the actions for enforcement of liability.

Public Moneys Pooled Method of Investing; Sub. for HB 2152

Sub. for HB 2152 establishes the public moneys pooled method and makes changes related to the deposit of public moneys in financial institutions and the investment of public moneys by financial institutions.

The bill:

- Requires banks, savings and loan associations, or savings banks (financial institutions) to secure governmental deposits above the amount insured or guaranteed by the Federal Deposit Insurance Corporation (FDIC) by using a public moneys pooled method;
- Establishes procedures for reporting and for financial institutions experiencing default;
- Prohibits investment advisers executing bids for the investment of public moneys from directly managing money from such bids;
- Establishes a complaint process for financial institutions to report when governmental entities are believed to be in non-compliance;
- Amends law regarding the investment of local and state public moneys, the Municipal Investment Pool Fund, and governmental units' investment policies; and

- Makes technical and conforming changes.

Provisions regarding the public moneys pooled method, financial institutions in default, and reports become effective January 1, 2026 .

Public Moneys Pooled Method

The bill establishes the public moneys pooled method, which is a method to secure the deposit of public moneys in excess of the amount insured or guaranteed by the FDIC. The bill defines "public moneys pooled method" or "pool of securities" to mean shares of investment companies registered under the federal Investment Company Act of 1940 when the investment companies' assets are limited to obligations that are eligible for investment by the financial institution and limited by their prospectuses to owning securities enumerated in law.

The bill requires a financial institution to secure the deposits of one or more governmental units by depositing, pledging, or granting a security interest in a pool of securities to secure the repayment of all public moneys deposited in the institution by the governmental unit and not otherwise secured by law, provided that, at all times, the aggregate market value on the pool of securities is equal to at least 102.0 percent of the amount on deposit that is in excess of the amount insured or guaranteed by the FDIC.

The bill requires each financial institution to carry on its accounting records a general ledger or other appropriate accounting of the total amount of all public moneys to be secured by the pool of securities as determined at the opening of each business day and the aggregate market value of the pool of securities deposited, pledged, or in which a security interest is granted to secure such public moneys.

The State Treasurer can serve as the administrator with respect to a public moneys pooled method or can designate a financial institution, trust company, or other qualified firm, corporation, or association that is authorized to transact business in Kansas to serve as administrator. The administrator is prohibited from accepting public deposits from a governmental unit while administering the public moneys pooled method, and the bill requires the administrator to submit a formal conflict of interest document in a manner prescribed by the State Treasurer. Expenses of the administrator are to be paid by the Office of the State Treasurer.

The bill tasks the administrator with assessing and managing the sufficiency of the public moneys pooled method, including, but not limited to, the compliance by a financial institution that the aggregate market value of the pool of securities of such financial institution is an amount not less than 102.0 percent of the total amount of public moneys or funds less the portion of the public moneys or funds insured or guaranteed by the FDIC.

The bill authorizes the State Treasurer to adopt rules and regulations to administer and implement the provisions of the bill, including, but not limited to, rules and regulations to assess and manage the sufficiency of the public moneys pooled method.

A financial institution in which public moneys or funds are deposited is permitted at any time to substitute, exchange, or release securities deposited if such action does not reduce the aggregate market value of the pool of securities to an amount less than 102.0 percent of the total amount of public moneys or funds less the portion of such public moneys or funds insured

or guaranteed by the FDIC. The financial institution is required to notify the administrator if additional collateral is required to be pledged due to an increase in deposits placed by the governmental unit and if the financial institution desires to release collateral due to a reduction in governmental unit deposits.

The bill requires each financial institution that satisfies its requirement to secure the deposit of public moneys or funds in excess of the amount insured or guaranteed by the FDIC by depositing, pledging, or granting a security interest in a single pool of securities, or any combination thereof, to render to the administrator, on or before the tenth day of each month, a statement showing, as of the last business day of the previous month, the:

- Amount of public moneys or funds deposited in the financial institution that is not insured or guaranteed by the FDIC by:
    - Each governmental unit separately; and
    - All governmental units in the aggregate;
- Aggregate market value of the pool of securities; and
- Name, phone number, and email address of a representative of each governmental unit represented in the pool.

The administrator is required to provide a report, not later than 20 days after the deadline for receiving the statement, to each governmental unit listed in the statement, reflecting:

- The amount of public moneys and funds deposited in the financial institution by each governmental unit as of the last business day of the previous month that is not insured or guaranteed by the FDIC; and
- The aggregate market value of the pool of securities deposited as of the last business day of the previous month.

The bill requires the report to clearly notify the governmental unit if the value of the securities did not meet the statutory requirement.

If the administrator, at any time, determines the value of the securities does not meet the statutory requirement, the bill requires the administrator to send notice to the financial institution, allowing the institution up to five business days to adjust the securities to meet the statutory requirement. If the institution does not meet the statutory requirement within the required time frame, the institution is subject to a fine and potential sanctions issued by the administrator, pursuant to the rules and regulations adopted by the State Treasurer.

A financial institution is not permitted to use the public moneys pooled method unless the State Treasurer establishes a public moneys pooled method in accordance with the bill or designates an administrator.

Financial Institutions in Default

The bill requires the administrator, when the administrator determines that a financial institution has experienced a default, to:

- Ascertain the aggregate amounts of public moneys secured pursuant to the State Banking Code and other continuing law and deposited in the defaulting financial institution, as disclosed by the financial institution's records;
- Then determine for each governmental unit the amount of public moneys not insured or guaranteed by the FDIC and the amount of public moneys secured by a pool of securities pledged;
- Then provide each governmental unit with a statement that reports the amount of public moneys deposited by the governmental unit in the defaulting financial institution, the amount of public moneys that may be insured or guaranteed by the FDIC, and the amount of public moneys secured by the pool of securities, or any combination thereof, pursuant to continuing law;
  - Each governmental unit is required to verify the information in the report with the governmental unit's records within ten business days after receiving the report and information from the administrator; and
- Repay each governmental unit for the public moneys not insured or guaranteed by the FDIC deposited into the defaulting financial institution by the governmental unit upon receipt of a verified report from the governmental unit. The administrator can liquidate the securities pledges for immediate distribution if the administrator determines that public moneys are not likely to be promptly paid upon demand.

The bill requires any liquidation to conform to the procedures established in the bill. In the event that the amount of the deposit guaranty bond or the proceeds of the securities held by the administrator after liquidation is insufficient to cover all public moneys not insured or guaranteed by the FDIC for all governmental units served by the administrator, the administrator will pay out to each governmental unit available amounts *pro rata* in accordance with the respective public moneys not insured or guaranteed by the FDIC for each governmental unit.

The bill allows the administrator's listed duties under this section to be delegated to and performed by a federal deposit insurance agency, in the event that a federal deposit insurance agency is appointed and acts as liquidator or receiver of any financial institution under state or federal law.

Reports

The bill requires a financial institution, upon the request of a governmental unit, to report, as of the date of the request, the amount of public moneys deposited in the financial institution that is not insured or guaranteed by the FDIC by:

- The governmental unit making the request; and

- The total amount for all other governmental units secured pursuant to continuing law, and the aggregate value of the pool of securities, including those public moneys deposited by the governmental unit.

The report must be made on or before the date the governmental unit specifies.

The bill also requires the administrator, upon the request of a governmental unit, to report on a date specified by the governmental unit the aggregate market value of the pool of securities and provide an itemized list of the pool of securities as of the date of the request.

Restrictions on Investment Advisers

Excluding federally registered investment advisers, the bill prohibits an investment adviser that executes bids for the investment of public moneys on behalf of the governmental unit from engaging in a principal transaction with the governmental unit that is the same or directly related to the issue of securities or financial product for which the investment adviser is providing or has provided advice.

The bill defines "investment adviser" as the term is defined in the Uniform Securities Act.

Compliance Complaints

If a financial institution has a good faith reason to believe that a governmental unit has not acted in compliance with the law, the eligible financial institution is permitted to file a complaint with the State Treasurer in writing and signed by an executive officer of the institution, submitted in the form prescribed by the State Treasurer.

Each filed complaint is confidential, not subject to the Open Records Act, and not to be disclosed except as provided in the bill. This provision expires on July 1, 2030, unless the Legislature reviews and acts to continue the provision prior to July 1, 2030.

If the State Treasurer determines that the verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of the law, the State Treasurer is required to promptly investigate the alleged violation.

If, after the investigation, the State Treasurer finds that probable cause does not exist to believe the allegations of the complaint, the State Treasurer dismisses the complaint. If the State Treasurer finds that probable cause exists to believe the allegations of the complaint, the complaint is no longer confidential and may be disclosed. Upon making any such finding, the State Treasurer will schedule a hearing, no more than 30 days after the finding. In either event, the State Treasurer will notify the complainant and respondent of the determination.

The State Treasurer is required to notify the Attorney General and the Pooled Money Investment Board (PMIB) of any apparent violation of law that is discovered during the course of the investigation.

Any governmental entity that knowingly violates the law:

- For the first violation, is required to complete a training approved by the State Treasurer concerning the law's requirements; and

- For a second and each succeeding violation, is liable for the payment of a civil penalty in an action brought by the Attorney General, in a sum set by the court of not to exceed $500 for each violation.
  - Any civil penalty sued for and recovered hereunder by the Attorney General will be paid into the Attorney General's Open Government Fund.

Requiring the Public Moneys Pooled Method

The bill amends an article regarding deposit of public moneys in the State Banking Code to require financial institutions to secure the deposit of public moneys of one or more governmental units through the public moneys pooled method. The bill also replaces the term "municipal corporation or quasi-municipal corporation" with "governmental unit," and defines "governmental unit" as the State or any county, municipality, or other political subdivision of the State.

Investment of Public Moneys

The bill amends law regarding the investment of public moneys held by a governmental unit, entity, or subdivision (unit) to provide that, in selecting a financial institution, the governmental unit can accept any rate agreed upon by the governmental unit and the eligible financial institution.

The bill requires the investing governmental unit to select one or more eligible financial institutions that makes deposits available to the governmental unit at interest rates equal to or greater than the investment rate.

The bill also amends the law to require public moneys deposited through a selected financial institution to be secured by the public moneys pooled method.

In selecting a depository institution, an investing governmental unit is required to allow an eligible financial institution two business days to respond to the bid.

Municipal Investment Pool Fund

The bill requires deposits in the Municipal Investment Pool Fund to be accompanied with:

- A certification to prove compliance with the requirement that the financial institution made investments available at interest rates equal to or greater than the investment rate; and

- A listing of the financial institutions from which the governmental unit requested bids.

Investment Policies

The bill amends continuing law to require the investment policy of any governmental unit to include:

- A listing of the financial institutions from which the governmental unit requested bids in the preceding year;
- An annual portfolio holdings report in a form prescribed by the PMIB; and
- Any fee or cost the governmental unit is paying for investment adviser services.

The bill requires the PMIB to report annually to the Legislature a list of governmental units that have been approved under the bill, including the documents listed.

State Moneys

The bill amends law regarding state moneys to cap the dollar amount of state moneys invested in any one bank at 2.5 percent of the bank certificate of deposit program.

The bill also amends law authorizing the Director of Investments to award the investment account to the requesting bank at the investment rate, which the bill changes from the market rate.

The bill requires the investment rate to be determined each business day by the Director of Investments, in accordance with any procedures established by the PMIB, at an interest rate that is up to 2.0 percent less than the market rate provided by this section. [*Note:* Under continuing law, subject to the policies of the PMIB, the market rate must reflect the highest rate at which state moneys can be invested on the open market in investments authorized by law for equivalent maturities.]

FIREARMS

Sale or Transfer of Forfeited Firearms; SB 137

SB 137 amends the Kansas Standard Asset Seizure and Forfeiture Act (Act) to permit firearms forfeited under the Act to be sold or transferred to a properly licensed federal firearms dealer. [*Note:* Continuing law provides for such firearms to be destroyed, used within the seizing agency for official purposes, traded to another law enforcement agency for use within the agency, or given to the Kansas Bureau of Investigation (KBI) for law enforcement, testing, comparison, or destruction by the KBI forensic laboratory.]

Concealed Carry Licensure and Off-duty Officers; HB 2052

HB 2052 amends provisions of the Kansas Personal and Family Protection Act (Act) concerning the issuance of provisional and standard concealed carry licenses and the carrying of a concealed handgun by an off-duty law enforcement officer (officer).

Issuance of Concealed Carry Licenses

Under continuing law, a person who is at least 18 years of age may obtain a provisional concealed carry license if they meet the statutory requirements and follow the application procedures and requirements. A provisional license expires four years after being issued.

The bill allows any person holding a provisional concealed carry license to request a standard license upon turning 21 years of age. If issued, the standard license would expire upon the end of the term of the originally issued provisional license. Continuing law requires the Attorney General to issue a standard license to the licensee upon the expiration of the provisional license's term, or renew a standard license, provided the holder continues to be eligible.

The bill requires the Attorney General to notify each person who holds a provisional license, at least 60 days prior to their 21st birthday, so that they could apply for a standard license that could be issued on their 21st birthday.

The bill specifies that the national criminal history records check that each applicant would be subject to will include an inquiry of the National Instant Criminal Background Check System. [*Note:* This provision is related to compliance with U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives regulations.]

Surrender of a Concealed Carry License

The bill requires the holder of a concealed carry license to surrender the physical license card or authorization document to the Division of Vehicles of the Department of Revenue upon the suspension or revocation of the license. Upon receipt by the Division of Vehicles, the license card or authorization document will be destroyed. Upon the conclusion of such suspension, the Attorney General is directed to issue an authorization document for the license to be reissued for the remaining unexpired portion of the term of the license.

The bill permits the Attorney General to impose a fee of up to $250 on any licensee who fails to surrender a license within 30 days after written notification has been sent. The bill requires all fees collected by the Attorney General to be remitted to the State Treasurer, who will deposit the entire amount in the State Treasury and credit the entire amount to the Concealed Handgun Licensure Fund.

Off-duty Officers

Continuing law allows an officer to carry a concealed handgun in any building where an on-duty officer could carry such weapon, regardless of whether the building has restricted the carrying of concealed handguns, pursuant to the Act and provided the officer otherwise complies with conditions listed in the Act.

The bill prohibits, in buildings where an officer may carry a concealed handgun, any person of authority for the building from requiring, requesting, or recording personal information of the officer. That personal information includes, but is not limited to, the officer's:

- Email address;
- Home phone number; or
- Home address.

The bill also prohibits requiring an officer to wear anything identifying the officer's status as a law enforcement officer or as being armed.

FIREWORKS AND FIRE PROTECTION

Fireworks Sales and Fallen Firefighters Memorial; SB 199

SB 199 permits year-round fireworks sales under certain conditions and makes additional changes to law related to the sale of fireworks. The bill also designates the existing Fallen Firefighters Memorial adjacent to the Kansas Firefighters Museum in Wichita as the official Fallen Firefighters Memorial of the State of Kansas and replaces the Kansas Firefighters Memorial Advisory Committee with the Kansas Firefighter Memorial Council (Council).

Permanent and Seasonal Fireworks Retailers

The bill allows the sale of fireworks to the public for personal use by individuals registered with the State Fire Marshal as permanent retailers from permanent structures at permanent locations within the state. The bill requires sales by permanent retailers to be made from a physical location.

The bill requires permanent retailers to register annually with the State Fire Marshal. This registration allows them to lawfully possess and convey fireworks, subject to applicable law. The registration must include certain business contact information, addresses for locations at which fireworks will be sold, and time periods in which the sales will occur.

Seasonal retailers are not required to register as such with the State Fire Marshal, but are limited to sales during the period of June 20 through July 7 of the calendar year.

Categories of Distributors

The bill replaces the definition of “distributor” with three categories of distributors and creates corresponding categories of license. “Unlimited distributor” is defined to mean a person engaged in any of the activities of distributors as found in continuing law in addition to the activities of permanent retailers established by the bill, while distributors of display fireworks and distributors of articles pyrotechnic are limited to distributing fireworks corresponding to the respective terms. [*Note:* The terms “display fireworks” and “articles pyrotechnic” are defined in rules and regulations of the State Fire Marshal and are not defined in the bill.]

The bill excludes from the definition of “unlimited distributor” but includes in the definition of “distributor of display fireworks” persons transporting fireworks through Kansas to another state; persons selling consumer fireworks as a seasonal or permanent retailer; freight delivery companies or common carriers; and out-of-state persons selling, transporting, delivering, or giving fireworks to a licensed manufacturer or distributor.

Additional Provisions

The bill makes it unlawful to possess, purchase, sell, or offer for sale fireworks labeled “For Professional Use Only” without a current license issued by the State Fire Marshal.

The bill requires the State Fire Marshal to adopt rules and regulations to implement the provisions of the bill.

Official Fallen Firefighters Memorial of Kansas

The bill designates the Fallen Firefighters Memorial located adjacent to the Kansas Firefighters Museum in Wichita as the official Fallen Firefighters Memorial of the State of Kansas. The bill revises statutory language regarding the duties of the State Fire Marshal, duties of the Secretary of Administration, and the Kansas Firefighters Memorial Fund.

Kansas Firefighters Memorial Council

The bill establishes the Kansas Firefighters Memorial Council (Council) and abolishes the Firefighters Memorial Advisory Committee and transfer all of its powers, duties, functions, records, and other property to the Council.

Council Membership

The Council will be composed of the following members:

- One representative appointed by the Governor from each of the following organizations:
    - Fire Marshals Association of Kansas;
    - Kansas Council of Firefighters;
    - Kansas Firefighters Museum;
    - Kansas State Association of Fire Chiefs;
    - Kansas State Firefighters Association;
    - Kansas State Funeral Assistance Team; and
    - Wichita Park Board;
- The State Fire Marshal, or the State Fire Marshal's designee; and
- The Executive Director of the Kansas State Historical Society, or the Executive Director's designee.

Council Organization

The bill requires the members of the Council to organize annually by electing a chairperson and vice-chairperson and requires the Council to meet at least once annually at the call of the Chairperson.

The Secretary of Administration, or the Secretary's designee, will serve as secretary for the Council.

Council Duties

The bill requires the Council to make recommendations to the Governor and the Legislature regarding appropriate activities memorializing or commemorating the services of firefighters in Kansas including, but not limited to, recommendations concerning updates and repairs to the Fallen Firefighters Memorial.

The bill authorizes the Council to receive and solicit grants, gifts, contributions, and bequests to finance authorized expenditures, including those authorized for the Fallen Firefighters Memorial, and remit all moneys received for deposit in the State Treasury to the credit of the Kansas Firefighters Memorial Fund.

Wildfire-related Claims Against a Utility; HB 2107

HB 2107 establishes a two-year statute of limitations for wildfire-related claims against an electric public utility, authorizes the recovery of certain damages, limits the recovery of punitive damages, requires the Kansas Corporation Commission (KCC) to convene a workshop on wildfire risks and utility mitigation efforts, and authorizes the KCC to open a general investigation or convene additional workshops to further assess wildfire risk and mitigation.

Definitions

The bill defines “fire event” to mean an uncontrolled or unplanned fire in the state alleged to have been caused by an electric public utility.

The bill defines “fire claim” to mean any claim, whether based on negligence, nuisance, trespass, or any other claim for relief, brought by a person against an electric public utility in a civil action to recover for damages resulting from a fire event.

Statute of Limitations

The bill establishes a two-year statute of limitations on fire claims, beginning on the date of the damage from the fire event. The bill establishes, if the fact of injury is not reasonably ascertainable until some time after the initial act, the period of limitation will not commence until the fact of injury becomes reasonably ascertainable to the injured party, except that in no event will an action be commenced more than ten years beyond the fire event.

Recovery of Damages

The bill establishes the burden of proof for fire claims to require a preponderance of evidence. [*Note:* A preponderance of evidence is the standard burden of proof used in negligence cases.] A plaintiff is permitted to recover economic and non-economic damages to compensate for any such loss.

The bill limits punitive damages awarded under a fire claim to not exceed $5.0 million.

Kansas Corporation Commission Responsibilities

The bill also requires the KCC to convene a workshop to assess wildfire risk and mitigation on or before July 31, 2026. The workshop must provide a forum for the presentation and discussion of the following information:

- General wildfire risks in Kansas;
- Utility readiness to mitigate wildfire risks;
- Risk mitigation strategies and approaches; and
- Cost recovery treatment for wildfire mitigation costs, including investments and expenses.

The bill authorizes the KCC to open a general investigation or convene additional workshops to further assess utility wildfire risk and mitigation, if determined to be necessary.

HEALTH

Actions Regarding the Introduction or Spread of Infectious or Contagious Diseases; Sub. for SB 29

Sub. for SB 29 will:

- Require the Secretary of Health and Environment (Secretary) to have probable cause, supported by oath or affirmation, before taking action to prevent the introduction or spread of an infectious or contagious disease within Kansas;
- Permit any aggrieved party to file a civil action regarding an order made by the Secretary or a local health officer and establish requirements for hearings and judicial review;
- Provide for a county or joint board of health or local health officer to recommend against rather than prohibit public gatherings when necessary for the control of infectious or contagious disease; and
- Remove the ability for a local health officer or the Secretary to order law enforcement to assist in the execution or enforcement of any order.

Requirements for Orders and Civil Action

The bill requires the Secretary to have probable cause, supported by oath or affirmation, regarding any action that is intended to exclude, isolate, quarantine, or otherwise restrict the movement of people within Kansas when the Secretary seeks to prevent the introduction or spread of an infectious or contagious disease within Kansas.

The bill provides for any party aggrieved by an action taken pursuant to certain public health statutes to file a civil action in the district court where the order was issued within 30 days of its issuance.

Statutory References

The bill permits a civil action to be filed by any party aggrieved by an order issued pursuant to KSA 65-101 through 65-125f, including, but not limited to, the following:

- Health supervision and investigation of causes of disease, sickness, and death;
- Confidentiality and disclosure of information concerning non-infectious diseases;
- Tuberculosis examination, care, and treatment and orders by health officers;
- Precautions to prevent spread of infection and investigations;

- Actions required when a person with tuberculosis fails to follow instructions by a health officer or physician;
- Commitment, restraint, discharge, and recommitment to a medical care facility;
- Penalty for violations of orders or regulations of the Secretary;
- Preservation of individual rights to select mode of treatment;
- Expenses of inpatient care, maintenance, and treatment of tuberculosis;
- Reporting to local health authority as to infectious or contagious diseases, immunity from liability, and confidentiality of information;
- Duties and powers of local health officers regarding contagious diseases;
- Non-admissions, exclusions, and re-admissions to schools and child care facilities due to infectious or contagious disease;
- Funeral services for individuals who died while suffering from an infectious or contagious disease;
- Quarantine of city, township, or county;
- Monetary penalty provisions for violation of certain orders relating to contagious or infectious diseases;
- Rules and regulations of the Secretary, testing, and quarantine to prevent spread and dissemination of diseases;
- Penalties for violation of rules and regulations of the Secretary for the prevention and control of infectious or contagious diseases;
- Authority of a local health officer or the Secretary to make evaluation, treatment, isolation, or quarantine orders and enforcement;
- Orders for isolation or quarantine and appeals;
- Unlawful discharge from employment due to isolation or quarantine;
- Tuberculosis evaluation, treatment, and monitoring requirements for postsecondary students; and
- Prevention and control of tuberculosis in postsecondary educational institutions.

Isolation or Quarantine Orders

The bill does not stay or enjoin any isolation or quarantine orders if a hearing is requested.

Timing of Hearings

The bill requires a district court, after receipt of the petition, to conduct a hearing within 72 hours, except when the Chief Justice has issued an order to extend or suspend deadlines regarding court actions for health and safety reasons (KSA 20-172(a)).

Judicial Review Standard of Strict Scrutiny

The bill requires the district court to grant the request for relief unless the court would find the order is narrowly tailored to the purpose stated in the order and uses the least restrictive means to achieve the stated purpose.

Local Health Officer Role

The bill revises the role of a county or joint board of health or local health officer to be one that may recommend against public gatherings when necessary for the control of infectious or contagious disease, changed from authority for the county or joint board of health or local health officer is authorized to prohibit public gatherings when necessary.

Enforcement of Orders

The bill removes the requirement that the local health officer or Secretary may order any sheriff, deputy sheriff, or other law enforcement officer to assist in the execution or enforcement of any order regarding evaluation, treatment, isolation, or quarantine for an infectious or contagious disease.

Help Not Harm Act; SB 63

SB 63 enacts the Help Not Harm Act (Act). The Act:

- Prohibits health care providers from providing certain treatments to a child who has a perceived gender or perceived sex that is different than the child's biological sex;

- Prohibits recipients of state funds, including the Kansas Program of Medical Assistance and its managed care organizations, from using such funds to provide or subsidize the prohibited treatment;

- Prohibits recipients of state funds for the treatment of children for psychological conditions from prescribing, dispensing, or administering medication as identified in the bill; performing surgery; or providing a referral to another health care

provider for the identified medication or surgery for a child whose perceived gender or perceived sex is inconsistent with the child's sex;

- Prohibits the use of state property, facilities, or buildings to promote or advocate the use of social transitioning, medication, or surgery, except to the extent required by the *U.S. Constitution*;
- Prohibits certain state employees, while in their official capacities, from promoting the use of social transitioning or providing or promoting medication or surgery as a treatment;
- Defines that a health care provider in violation of the Act would be engaged in unprofessional conduct and provides authority to sanction the licensee;
- Provides exceptions to the prohibited treatment for treatments provided for other purposes;
- Establishes a treatment protocol for a provider to follow for a patient currently receiving the prohibited treatment;
- Establishes a strict liability standard, establishes a statute of limitations of 10 years from the child's 18th birthday, and creates a private cause of action; and
- Prohibits a professional liability insurance policy issued to a health care provider from providing coverage for damages assessed against a health care provider who provided the prohibited treatment.

Definitions

The bill defines various terms as used in the Act, including:

- "Child" means an individual less than 18 years of age;
- "Gender" means the psychological, behavioral, social, and cultural aspects of being male or female;
- "Gender dysphoria" means the diagnosis of gender dysphoria in the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders; and
- "Social transitioning" means acts other than medical or surgical interventions that are undertaken for the purpose of presenting as a member of the opposite sex, including the changing of an individual's preferred pronouns or manner of dress.

Use of State Funds and Resources

The bill states that a recipient of state funds could not use those funds to provide or subsidize medication or surgery as a treatment for a child's perception of gender or sex that is inconsistent with the child's sex.

The bill prohibits an individual or entity that receives state funds to pay for or subsidize the treatment of children for psychological conditions, including gender dysphoria, from prescribing, dispensing, or administering medication as identified in the bill; perform surgery; or provide a referral to another health care provider for the identified medication or surgery for a child whose perceived gender or perceived sex is inconsistent with the child's sex.

The bill prohibits the Kansas Program of Medical Assistance and its managed care organizations from reimbursing or providing coverage for medication or surgery as a treatment for a child whose perceived gender or perceived sex is inconsistent with the child's sex.

Except to the extent required by the First Amendment to the *U.S. Constitution*, the bill prohibits a state property, facility, or building from being used to promote or advocate the use of social transitioning, medication, or surgery as a treatment for a child whose perceived gender or perceived sex is inconsistent with the child's sex.

The bill also prohibits a state property, facility, or building from being used to prescribe, administer, or dispense medication or perform surgery as a treatment for a child whose perceived gender or perceived sex is inconsistent with the child's sex.

The bill prohibits a state employee whose official duties include the care of children, and while engaged in official duties, from providing or promoting the use of social transitioning, medication, or surgery as a treatment for a child whose perceived gender or perceived sex is inconsistent with the child's sex.

Treatment Prohibitions

Except as otherwise provided in the bill, the bill prohibits a health care provider from knowingly providing the following to a female child whose perceived gender or sex is not female as treatment for distress arising from the female child's perception that the child's gender or sex is not female:

- Surgical procedures, including vaginectomy, hysterectomy, oophorectomy, ovariectomy, reconstruction of the urethra, metoidioplasty, phalloplasty, scrotoplasty, implantation of erection or testicular protheses, subcutaneous mastectomy, voice surgery, liposuction, lipofilling, or pectoral implants;

- Supraphysiologic doses of testosterone or other androgens; or

- Puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of estrogen and progesterone to delay or suppress pubertal development in female children.

Except as otherwise provided in the bill, the bill prohibits a health care provider from knowingly providing the following to a male child whose perceived gender or sex is not male as

treatment for distress arising from the male child's perception that the child's gender or sex is not male:

- Surgical procedures, including a penectomy, orchietomy, vaginoplasty, clitoroplasty, vulvoplasty, augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction, or gluteal augmentation;
- Supraphysiologic doses of estrogen; or
- Puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of testosterone or delay or suppress pubertal development in male children.

The treatment prohibited in the bill does not apply to treatment provided for other purposes, including:

- Treatment for individuals born with a medically verifiable disorder of sex development, including:
  - An individual born with external biological sex characteristics that are irresolvably ambiguous, including an individual born with 46 XX chromosomes with virilization, 46 XY chromosomes with under virilization, or having both ovarian and testicular tissue; or
  - An individual whom a physician has otherwise diagnosed with a disorder of sexual development that the physician has determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; and
- Treatment of any infection, injury, disease, or disorder that was caused or exacerbated by the performance of a procedure listed in this section of the bill.

If a health care provider has initiated a course of treatment for a child prior to the effective date of the Act that includes prescribing, administering, or dispensing a drug that is prohibited by the bill, the bill allows the health care provider to continue the course of treatment if the health care provider:

- Develops a plan to systemically reduce the child's use of such drug;
- Determines and documents in the child's medical record that immediately terminating the child's use of such drug will cause harm to the child; and
- Does not extend the course of treatment beyond December 31, 2025.

Discipline and Private Cause of Action

If a health care provider violates the provisions of the bill, the bill states the health care professional has engaged in unprofessional conduct and will have their license revoked by the appropriate licensing entity or disciplinary review board with competent jurisdiction in Kansas.

The bill states that a health care professional who provides treatment to a child in violation of the bill will be held strictly liable to the child if the treatment or effects of such treatment results in any physical, psychological, emotional, or physiological harms to the child in the next 10 years from the date that the individual turns 18 years old. The bill allows a prevailing plaintiff to recover actual and punitive damages, injunctive relief, the cost of the lawsuit, and reasonable attorney fees.

The bill provides a private cause of action for the parents of a child who has been provided treatment in violation of the bill and for an individual who was provided treatment as a child in violation of the bill against the health care provider who provided such treatment for actual damages, punitive damages, injunctive relief, the cost of the lawsuit, and reasonable attorney fees.

The bill requires an action against a health care provider brought by an individual who was provided treatment as a child to be filed within 10 years from the date the individual turns 18 years of age.

Liability Insurance

The bill prohibits a professional liability insurance policy issued to a health care provider from including coverage for damages assessed against the health care provider who provides treatments to a child in violation of the Act.

Severability

If any provision or clause of the Act to any person or circumstance is held invalid, the bill states the invalidity would not affect other provisions or applications of the Act that could be given effect without the invalid provision or application. The provisions of the bill are severable.

Violations of the Act

The bill adds violations of the Act to the list of offenses constituting “unprofessional conduct,” as the term is defined in the Kansas Healing Arts Act.

Certified Registered Nurse Anesthetist Independent Prescription Authority; Sub. for SB 67

Sub. for SB 67 amends law regarding certified registered nurse anesthetists (CRNAs) to expand certain independent prescription authority to align the scope of practice more closely to that of an advanced practice registered nurse.

CRNA Prescription Authority

The bill amends law pertaining to a CRNA's prescription authority to:

- Grant independent prescription authority to prescribe durable medical equipment and prescribe, procure, and administer any drug consistent with a CRNA's education and qualifications;
- Clarify that the prescription, procurement, or administration of an anesthetic agent is prohibited unless upon the order of a physician or dentist requesting anesthesia or analgesia care;
- Require controlled substances to be prescribed, procured, or administered in accordance with the Uniform Controlled Substance Act; and
- Prohibit the performance or induction of an abortion or the prescription, procurement, or administration of drugs for an abortion.

The bill requires that a prescription order include the name, address, and telephone number of the CRNA.

The bill prohibits a CRNA from dispensing drugs but allows a CRNA to request, receive, and sign for professional samples and to distribute such samples to patients.

Requirements for Prescription of Controlled Substances

In order to prescribe a controlled substance, the bill requires a CRNA to register with the federal Drug Enforcement Administration (DEA) and comply with DEA requirements related to controlled substances.

State Long-term Care Ombudsman Dementia Care Training; SB 88

SB 88 amends the Long-term Care Ombudsman Act to require the State Long-term Care Ombudsman (LTC Ombudsman) to include Alzheimer's and other dementia (collectively referred to as "dementia") training in prescribed and provided training, as specified in the bill. The bill requires the training to address the needs and rights of long-term care residents with dementia, include strategies to care for and address the specific issues encountered by such residents, and include a list of specific topics to be addressed in such training.

LTC Ombudsmen Training Requirement

The bill requires the LTC Ombudsman to include in the prescribed and provided training specific dementia care training. [*Note:* Continuing law requires the LTC Ombudsman to prescribe and provide training to regional long-term care ombudsmen, any employee of the Office of the LTC Ombudsman (Office) who has successfully completed ombudsman training and who represents the Office as a designated ombudsman, and any volunteer ombudsman (collectively referred to as "ombudsmen").

Training Topics

The bill requires the training provided to ombudsmen pertaining to the needs and rights of long-term care residents with dementia and the strategies to care for and address issues experienced by such residents include, but not be limited to, the following topics:

- Understanding the warning signs and symptoms of dementia;
- Knowledge of person-centered dementia care;
- Effectively communicating with individuals living with dementia;
- Recognizing behavioral symptoms, including alternatives to physical and chemical restraints for residents;
- Addressing specific threats to residents' safety, such as wandering;
- Referring residents' care partners and families to accurate and up-to-date sources of information, support, and resources regarding dementia; and
- Protocols for connecting individuals living with dementia to local care resources and professionals skilled in dementia care to encourage cross-referral and reporting regarding incidents of abuse.

Advance Universal Newborn Screening Program, Local Health Department Assistance, Annual Assessment of Service Rates; House Sub. for SB 126

House Sub. for SB 126 does the following:

- Updates the current newborn screening program to establish the Advance Universal Newborn Screening Program;
- Increases the minimum statutory state financial assistance to local health departments; and
- Increases the hospital provider annual assessment on services rate and extends the assessment to include critical access and rural emergency hospitals with revenues above a certain threshold.

Advance Universal Newborn Screening Program

The bill makes various updates to the newborn screening program and establishes the name of the program as the Advance Universal Newborn Screening Program (Program). The Program will be administered by the Secretary of Health and Environment (Secretary) and includes educational programming, screening tests, a follow-up program, and, within the limits of available appropriations, medically necessary treatment products for all conditions determined and identified by the Secretary, which could include, but would not be limited to,

conditions listed in the recommended uniform screening panel issued by the U.S. Secretary of Health and Human Services. Physicians or mid-level practitioners having knowledge of a case of one of the conditions identified by the Secretary in the physician's or mid-level practitioner's own patients will be required to report the case to the Secretary.

The bill specifies that mid-level practitioners have the same responsibilities as physicians under the Program, removes specific listed conditions, and clarifies that the maintenance of registry is for the purpose of follow-up services to support early diagnosis, treatment, and services for healthy development and the prevention of disability or morbidity.

The bill authorizes the Secretary to adopt rules and regulations to determine the eligibility for reimbursement to individuals for the purchase of medically necessary food treatment products for diagnosed conditions.

The bill removes the FY 2026 sunset on an annual transfer of up to $5.0 million from the Health Maintenance Organization privilege fee in the Kansas Newborn Screening Fund.

Local Health Department Assistance

The bill increases the minimum statutory state financial assistance to local health departments from $7,000 per year to $12,000 per year. [*Note:* Budget provisos in FY 2021 through FY 2025 increased the funding to $12,000 annually.]

Annual Assessment of Services Rates

The bill increases the annual assessment rate to an amount no greater than 6.0 percent of each hospital's net inpatient and outpatient operating revenue as determined by the Healthcare Access Improvement Panel (Panel). The bill adjusts the due dates for assessment payments from June 30 and December 31 to May 30 and November 30 of each year.

Critical access hospitals and licensed rural emergency hospitals that have revenues below the threshold determined by the Panel will be exempt from the assessment.

The bill authorizes the Kansas Department of Health and Environment (KDHE) to take legal action against any hospital that fails to pay the amount due, including penalties, upon recommendation of the Panel except when the hospital has established and is in compliance with a payment schedule approved by KDHE.

Right to Try for Individualized Treatments Act; SB 250

SB 250 creates the Right to Try for Individualized Treatments Act (Act). The bill authorizes a manufacturer operating in an eligible facility to make available individualized investigative treatments and allows individuals with life-threatening or severely debilitating illnesses to request an individualized investigational drug, biologic product, or device (investigational treatment product) from such manufacturers. The bill defines terms used in the Act; defines and establishes a procedure for use of a patient's biospecimen; addresses requirements for informed consent for investigational treatments, manufacturer requirements,

and liability exemptions; and clarifies insurance and health coverage pursuant to the Act. The bill also makes conforming amendments.

Definitions

The bill defines several terms applicable to the Act:

- "Biospecimen" means biological materials obtained from living or deceased human subjects;
- "Eligible patient" means an individual who has:
  - A life-threatening or severely debilitating illness, attested to by the patient's treating physician;
  - Considered all other treatment options currently approved by the U.S. Food and Drug Administration;
  - Received a recommendation from the patient's physician for an individualized investigational treatment, based on analysis of the patient's genomic sequence; human chromosomes; deoxyribonucleic acid (DNA); ribonucleic acid (RNA); genes; gene products, such as enzymes and other types of proteins; or metabolites;
  - Given written, informed consent for the use of the investigational treatment product; and
  - Documentation from the patient's physician that such patient meets the requirements of the Act;
- "Individualized investigational treatment" means drugs, biological products, or devices that are unique to and produced exclusively for use on an individual patient, based on the patient's own genetic profile. The term includes, but is not limited to, individualized gene therapy antisense oligonucleotides (ASO), and individualized neoantigen vaccines;
- "Life-threatening or severely debilitating illness" has the meaning as contained in federal law. [*Note:* 21 CFR § 312.81 defines "life-threatening" to mean diseases or conditions where the likelihood of death is high unless the course of the disease is interrupted and with potentially fatal outcomes, where the end point of clinical trial analysis is survival. "Severely debilitating" means diseases or conditions that cause major irreversible morbidity.];
- "Physician" means an individual licensed by the State Board of Healing Arts to practice medicine and surgery;
- "Written, informed consent" (consent) means a written document that is signed by a patient, a parent if the patient is a minor, the legal guardian or authorized representative (defined in KSA 65-6836 to mean the person designated in writing by the patient to obtain the health care records of the patient or the person otherwise authorized by law to obtain the health care records of the patient), and attested to by the patient's physician and a witness who is unaffiliated with the

patient's physician or the physician's place of business, that includes specific consent document requirements detailed below; and

- "Eligible facility" means an institution that is operating under a federal-wide assurance for the protection of human subjects under federal law and that is subject to the federal-wide assurance laws, regulations, policies, and guidelines, including renewals and updates.

Consent Document Requirements

The bill requires written, informed consent to include the following:

- An explanation of the currently approved products and treatments for the patient's disease or condition;

- Clear identification of the specific proposed investigational treatment product the patient is seeking to use;

- A description of potential best and worst outcomes of using the investigational treatment product and a realistic description of the most likely outcome. The bill requires the description to:
  - Include the possibility that new, unanticipated, different, or worse symptoms might result and death could be hastened by the proposed treatment; and
  - Be based on the physician's knowledge of the proposed treatment in conjunction with an awareness of the patient's condition;

- A statement that the patient's health plan or third-party administrator is not required to pay for any care or treatment as a result of the use of the investigational treatment product, unless such provider is required to do so by law or contract;

- A statement that the patient's eligibility for hospice care may be withdrawn if the patient begins curative treatment with an investigational treatment product, and that such care may be reinstated if the treatment ends and the patient meets hospice eligibility requirements; and

- A statement that the patient understands the patient is liable for all expenses related to the use of the investigational treatment product and the liability extends to the patient's estate, unless a contract between the patient and the manufacturer of the investigational treatment states otherwise.

Eligible Facilities or Manufacturers Operating within an Eligible Facility

Use of Patient's Biospecimen

The bill requires notification to the patient or the patient's estate and their consent to such intended use if the patient's biospecimen will be used or has been requested to be used by an eligible facility for a purpose other than the individualized investigative treatment of the patient.

The bill requires that an eligible facility disclose to a patient or a patient's estate each potential commercial application on any product developed from a patient's biospecimen prior to a profit being realized. The bill requires the patient or patient's estate to consent to each commercial application of the patient's biospecimen, including profit sharing or other contractual obligations.

Availability of Investigational Treatment or Product

The bill authorizes a manufacturer operating within an eligible facility, according to all applicable federal-wide assurance laws and regulations, to make available an individualized investigative treatment, and allows an eligible patient to request an investigative treatment product from an eligible facility or manufacturer operating within an eligible facility under this Act. The Act does not require a manufacturer to make an investigational treatment product available to an eligible patient.

The bill provides that an eligible facility or a manufacturer within an eligible facility could:

- Provide an investigational treatment product to an eligible patient without receiving compensation; or
- Require an eligible patient to pay the costs of, or costs associated with the manufacture of, the investigational treatment product.

Insurance Coverage and Payment of Costs

The bill does not expand the coverage required of an insurer under the Insurance Code of the State of Kansas (Insurance Code).

The bill provides that a health plan, third-party administrator, or governmental agency could provide coverage for the cost of an investigative treatment product or the cost of services related to the use of such product under the Act. However, the Act will not require:

- Any governmental agency to pay costs associated with the use, care, or treatment of a patient with an investigational treatment product; or
- A hospital or facility licensed under Article 4 of Chapter 65 of the *Kansas Statutes Annotated* to provide new or additional services unless approved by the hospital or facility. [*Note*: KSA 65-411 defines "medical facility" to include public health centers; psychiatric hospitals; health maintenance organizations as defined in

> KSA 40-3202; medical care facilities as defined in KSA 65-425; adult care homes, which are limited to nursing facilities and intermediate personal care homes as these terms are defined in KSA 39-923; kidney disease treatment centers, including centers not located in a medical care facility; and other facilities as may be designated by the Secretary of Health, Education, and Welfare for the provision of health care. {*Note:* The U.S. Department of Health, Education and Welfare was divided into the Department of Health and Human Services and the Department of Education in 1979-1980.} KSA 65-424a defines "medical facilities" as diagnostic and treatment centers, rehabilitation facilities and nursing homes as those terms are defined in Title VI of the U.S. Public Health Service Act, and such other medical facilities for which aid may be authorized under such federal act.]

Liability of Patient's Heirs

The bill provides, if a patient dies while being treated by an investigational treatment product, the patient's heirs would not be liable for any outstanding debt related to the treatment or lack of insurance due to the treatment, except that, a patient's estate may be held liable for any outstanding debt related to the treatment or lack of insurance due to such treatment.

Disciplinary Action Against Health Care Provider Licensure or Certification

The bill prohibits a licensing board from revoking, failing to renew, suspending, or taking any disciplinary action against a health care provider's license issued under Kansas Public Health statutes (Chapter 65 of *Kansas Statutes Annotated*) based solely on the health care provider's recommendations to an eligible patient regarding access to or treatment with an investigational treatment product.

The bill states that counseling, advice, or recommendations consistent with medical standards of care from a licensed health care provider would not be a violation of the Act.

The bill prohibits an entity responsible for Medicare certification from taking action against a health care provider's Medicare certification based solely on such provider's recommendation that a patient have access to investigational treatment products.

Blocking Access to Investigational Treatment Products Prohibited

The bill prohibits an official, employee, or agent of the State from blocking or attempting to block an eligible patient's access to investigational treatment products.

Private Cause of Action Prohibited

The bill provides, if a manufacturer of an investigational treatment product or any other person or entity involved in the care of an eligible patient using an investigational treatment product complies in good faith with the terms of the Act and exercises reasonable care, the Act does not create a private cause of action against such manufacturer or against any other person or entity for any harm done to the eligible patient resulting from the product. However, the bill does allow for a patient's estate to be held liable for any outstanding debt related to the treatment or lack of insurance due to the treatment.

Participation in Clinical Trials

The bill provides that the Act would not affect any mandatory health care coverage for participation in clinical trials under the Insurance Code.

Exemptions from the Definition of "Home Health Agency"; Changes to Emergency Medical Services Statutes; Adding Maternity Centers to the Definition of "Health Care Provider"; HB 2039

HB 2039 amends statutes relating to home health agencies to clarify the definition of "home health agency" for the purposes of credentialing; amends law regarding emergency medical services (EMS) and EMS providers to clarify authorized activities of paramedics, advanced emergency medical technicians (advanced EMTs), emergency medical technicians (EMTs), and emergency medical responders; and amends the Health Care Provider Insurance Availability Act to add certain maternity centers to the definition of "health care provider."

Exemptions from the Definition of "Home Health Agency"

The bill exempts from the definition of "home health agency" entities that are not reimbursed by Medicare Part A and only provide services of persons licensed or certified under the Physical Therapy Practice Act and Occupational Therapy Practice Act and persons licensed as speech-language pathologists.

Changes to Emergency Medical Services Statutes

Definitions

The bill amends definitions in law regarding EMS as follows:

- Updates the definition of "advance practice registered nurse" to refer to individuals licensed and with the authority to prescribe drugs as provided in the definition within the Kansas Nurse Practice Act; and

- Creates a definition of "qualified healthcare provider": a physician, a physician assistant when authorized by a physician, an advanced practice registered nurse, or a professional nurse when authorized by a physician.

The bill defines "public place" as any areas open to the public or used by the general public, including, but not limited to, banks, bars, food service establishments, retail service establishments, retail stores, public means of mass transportation, passenger elevators, health care institutions or any other place where health care services are provided to the public, medical care facilities, educational facilities, libraries, courtrooms, public buildings, restrooms, grocery stores, school buses, museums, theaters, auditoriums, arenas, and recreational facilities. A private residence is not considered a "public place" unless the residence is used as a day care home, as defined in KSA 65-530.

Authorized Activities

The bill amends language regarding the authorized activities of paramedics, advanced EMTs, and EMTs to specify that such activities are authorized after the individual has successfully completed an approved course of instruction, local specialized device training, and competency validation, and when ordered by medical protocols or upon the order of a qualified health care provider, and:

- Clarifies the authorized activities of each level of EMT and makes technical revisions to align with current standards of practice for EMTs;
- Adds maintenance of intraosseous infusion to the list of authorized activities for advanced EMTs;
- Adds capillary blood sampling for purposes other than blood glucose monitoring, monitoring a saline lock, and monitoring of a nasogastric tube to the list of authorized activities for EMTs;
- Allows EMTs to monitor, maintain, or discontinue flow of an intravenous (IV) line without the approval of a physician for transfer by an EMT; and
- Adds, upon the order of a qualified health care provider, the authority for emergency medical responders to utilize equipment for the purposes of transmitting electrocardiogram (EKG) rhythm strips.

Supervision for Students or EMS Providers in Training

The bill specifies that students or EMS providers in training are required to be under the supervision of a physician, a physician assistant, an advanced practice registered nurse, a respiratory therapist, a professional nurse, or an EMS provider who is, at a minimum, certified to provide the level of care for which the student is seeking certification.

Ambulance Services

The bill exempts ambulance services providing only non-emergency transportation from the requirement that ambulance services be offered 24 hours per day, every day of the year.

For operators required to have a permit, the bill requires at least one person to be in the patient compartment during patient transport who is EMS certified or authorized, a physician, a physician assistant, an advanced practice registered nurse, a professional nurse, or a registered nurse holding a multistate license.

The bill authorizes any county with a population of 30,000 or less to operate a ground vehicle providing EMS with one person who is a qualified health care provider if the driver of the vehicle is certified in cardiopulmonary resuscitation (CPR). The bill requires any EMS that chooses to adopt this policy to notify the Emergency Medical Services Board (Board) within 30 days of its adoption.

Registration of Automated External Defibrillators

The bill requires persons or entities that purchase, lease, possess, or otherwise control or acquire an automated external defibrilator (AED) to register the AED with the Board when the AED is placed in a public place within the state.

Adding Maternity Centers to the Definition of "Health Care Provider"

The bill requires a maternity center participating in the Health Care Stabilization Fund (HCSF or professional liability coverage) to have accreditation by the Commission for the Accreditation of Birth Centers and meet the licensure definition for maternity center (KSA 65-503). Under this licensure definition, a "maternity center" is a facility that provides delivery services for normal, uncomplicated pregnancies but does not include a medical care facility, as defined by KSA 65-425.

The bill also makes technical amendments to reorganize provisions listing professionals and facilities subject to the requirement of participation in the HCSF.

Physical Environment Waivers for Rural Emergency Hospitals; South Central Regional Mental Health Hospital; HB 2249

HB 2249 authorizes the Secretary for Aging and Disability Services (Secretary), upon application by a rural emergency hospital (REH) and compliance with certain requirements, to grant a physical environment waiver (waiver) for existing nursing facilities to a REH to provide skilled nursing facility care. The bill also establishes the South Central Regional Mental Health Hospital, creates a fee fund, updates the catchment areas for the state hospitals, and renames "Parsons State Hospital and Training Center" as "Parsons State Hospital."

Requirements for Physical Environment Waiver

The bill authorizes the Secretary, after application by an REH, to grant a waiver to the REH to transition a maximum of 10 swing beds to skilled nursing facility beds if the REH:

- Is licensed as an REH under the Act;
- Was licensed as a hospital immediately prior to licensure as an REH; and
- Provided skilled nursing facility services or critical access hospital swing bed services to patients for a minimum of 12 months without an immediate jeopardy finding while being licensed as a hospital.

Definitions

The bill references definitions for "critical access hospital" (KSA 65-468) and "hospital" (KSA 65-425) in continuing law.

South Central Regional Mental Health Hospital

The bill establishes the South Central Regional Mental Health Hospital (South Central) in Wichita (Sedgwick County) to expand access to mental health beds in south-central Kansas. The bill provides that South Central will follow the same rules and regulations as other state hospitals.

South Central Regional Mental Health Hospital Fee Fund

The bill creates the South Central Regional Mental Health Hospital Fee Fund (Fund) in the State Treasury. The Fund is administered by the Kansas Department for Aging and Disability Services. All expenditures from the Fund must be used in accordance with appropriation acts upon warrants of the Director of Accounts and Reports issued after vouchers are approved by the Superintendent of South Central (Superintendent) or the Superintendent's designees.

State Security Hospital Extension at South Central

The Secretary is authorized and directed to establish, equip, and maintain, in connection with and as part of South Central, suitable buildings for an extension to the State Security Hospital for the purpose of holding in custody, examining, treating, and caring for mentally ill persons committed or ordered to the State Security Hospital by the district courts; inmates who may be transferred for care and treatment; or adult patients who may be transferred from any state hospital for care and treatment.

The Secretary is authorized and empowered to supervise and manage the extension of the State Security Hospital. The Superintendent of Larned State Hospital (LSH) is the Superintendent of the South Central Extension.

Catchment Areas

The bill establishes the catchment area for South Central as the following counties:

- Sedgwick;
- Butler;
- Cowley;
- Harvey; and
- Sumner.

The bill also updates the catchment areas for Osawatomie State Hospital to remove Butler, Cowley, and Sedgwick counties and add Cloud County. The bill removes Harvey and Sumner counties from the catchment area for LSH and adds Ottawa County.

The designation of a county to a particular catchment area does not prevent the admission of persons to a different state hospital when there are insufficient capacities and resources at the state hospital within a person's catchment area.

Written Policies for Procurement of Contracted Medicaid Services; HB 2284

HB 2284 requires the Department of Administration (DOA) to adopt written policies regarding the negotiated procurement of contracted Medicaid services provided by managed care organizations. The written policies must have an appeals process, to be overseen and adjudicated by an appeals committee composed of ten members of the Legislature.

Written Policy Requirements

The bill requires the DOA to adopt and implement a written policy by July 1, 2026, to govern the negotiated procurement of Medicaid services. The bill requires the written policies to include the following:

- A prohibition on the destruction of records, including evaluation documents, that complies with the Kansas Open Records Act;
- Adoption of a tiebreak procedure if part of the evaluation process used to make award recommendations involves scoring by individuals or committees;
- A requirement to be transparent with the Legislature during each step of the procurement process to the fullest extent permitted by state law; and
- An appeals process overseen and adjudicated by an appeals committee. The committee will oversee and adjudicate appeals in accordance with the policies adopted by the DOA.

Appeals Committee Membership

The bill creates an appeals committee composed of the following ten members of the Legislature:

- Senate President;
- Chairperson and Ranking Minority Member of the Senate Committee on Financial Institutions and Insurance;
- Chairperson and Ranking Minority Member of the Senate Committee on Public Health and Welfare;
- Speaker of the House of Representatives;
- Chairperson and Ranking Minority Member of the House Committee on Insurance; and
- Chairperson and Ranking Minority Member of the House Committee on Health and Human Services.

HOUSING

Fast-Track Permits Act; HB 2088

HB 2088 creates the Fast-Track Permits Act (Act) for single-family residential developments with the stated purpose of enhancing economic growth in local communities and streamlining the building permit review process.

Review Period

The bill requires a local government or local governmental authority (authority) to approve or deny a building permit for improvement of single-family residential property within its jurisdiction within 60 days of receiving a completed application. If the authority fails to provide written notice of an application's approval or denial, the application is deemed approved by the authority. The 60-day review provision does not apply if an applicant agrees in writing to proceed with phased permitting.

The bill requires the Secretary of Health and Environment to issue an authorization, waiver, or denial within 45 days of receiving from the applicant a notice of intent to:

- Discharge stormwater runoff from construction activities;
- Request authorization to discharge stormwater runoff from construction activities under the federal National Pollutant Discharge Elimination System general permit; or
- Apply for a rainfall erosivity waiver.

Application Determinations

When approving an application, an authority is prohibited from requiring any conditions or requirements pursuant to a rule, resolution, ordinance, or policy of the authority that is adopted or amended after the complete application was submitted to the authority.

The authority is required to state the reasons for a denial in the written notice of denial. The authority is prohibited from denying an application on the basis of a rule, resolution, ordinance, or policy of the authority that is adopted or amended after the complete application was submitted to the authority.

Incomplete Applications

If an application does not contain all information and meet requirements pursuant to an authority's rule, resolution, ordinance, or policy adopted prior to the application's submission, or applicable state or federal law, the authority must provide written notice to the applicant within 15 days of receiving the application stating the application is incomplete and provide an opportunity for the applicant to cure any deficiency.

An incomplete application is not considered received by the authority until the application is complete unless the authority fails to provide written notice within 15 days of receiving an incomplete application. If the authority fails to notify of an incomplete application within 15 days, then the 60-day period starts upon receipt of the incomplete application.

Submission and Signatures

The bill considers a local authority's written notice and the application submission dates to be the date when the:

- Notice is deposited in the U.S. mail by the authority addressed to the address provided by the applicant and proof of the date of mailing is obtained;
- Application is received in the U.S. mail by the authority;
- Notice or application is written in the body of, or in an attachment to, an email sent to the email address provided by the applicant or authority. If possible, the email shall be sent with a request for a delivery receipt confirming that the email was delivered to the recipient's email server;
- Notice or application is faxed to the facsimile number provided by the applicant or authority; or
- Notice or application is submitted to a private carrier for delivery addressed to the address provided by the applicant or the authority and proof of the date of submission to such carrier is obtained.

The bill includes weekends, but not federal or state holidays, for purposes of determining deadlines.

The bill allows required signatures to be electronic.

Superseding Conflicting Law

The bill does not supersede any rule, resolution, ordinance, or policy of a municipality, city, county, or other political subdivision of Kansas that provides for a shorter period of time for the authority to issue decisions upon applications or give notice of incomplete applications.

Changes to Housing Tax Credit Programs; HB 2289

HB 2289 makes changes to the Kansas Affordable Housing Tax Credit and Kansas Housing Investor Tax Credit programs and provides for the incremental discontinuation of the Kansas Affordable Housing Tax Credit Program.

Kansas Affordable Housing Tax Credit

The bill discontinues the Kansas Affordable Housing Tax Credit match for qualified developments receiving a 4 percent federal low-income housing credit subsequent to the 2025 Qualified Allocation Plan. The bill also limits the match for qualified developments receiving a 9 percent federal credit to $8.8 million annually beginning in 2026 and discontinues the match subsequent to the 2028 Qualified Allocation Plan.

The total amount of credits awarded for either match amount is limited to $25.0 million for the 2025 plan year.

[*Note:* The Qualified Allocation Plan governs how the low-income housing tax credits are awarded and is reviewed by the Kansas Housing Resources Corporation annually.]

Any such credit awarded for a plan year will continue to apply through the credit period and any applicable carry-forward period.

Kansas Housing Investor Tax Credit

The bill provides, retroactive to tax year 2022, that tax credits under the Kansas Housing Investor Tax Credit Act can be claimed by transferees of the credit beginning in the year in which the qualifying investment for the credit is made. [*Note:* Previous law allowed transferees to begin claiming the credits in the year in which the credits were transferred.]

INSURANCE

Insurance Code: Commissioner of Insurance Duties and Responsibilities; Board Membership and Meetings; Setting and Publication of Fees and Fines; Non-admitted Insurers; Renaming the Department; HB 2050

HB 2050 amends the Insurance Code of the State of Kansas relating to the powers, duties, and responsibilities of the Commissioner of Insurance (Commissioner). The bill grants the Commissioner the authority to decrease the number of appointed board members on certain boards that fall under the Commissioner's appointing authority and removes the requirements for the Committee on Surety Bonds and Insurance to meet at least once per month and in the office of the Commissioner.

The bill authorizes the Commissioner to set the amounts of fees and fines for applications, licenses, license renewals, certificates of authority, and other required filings by certain insurance entities and public adjusters under the jurisdiction of the Commissioner and requires their publication by December 1 each year. The bill sets the maximum amounts of the fees and fines for insurance entities and public adjusters at the amounts that had been established in statute. The bill establishes a one-time fee for all newly certified agents associated with a company until either the company or agent terminates the appointment.

The bill amends law related to non-admitted insurers authorized to do business in Kansas.

The bill also renames the Kansas Insurance Department as the Kansas Department of Insurance; the Office of the Securities Commissioner of Kansas as the Department of Insurance, Securities Division; and the Securities Commissioner as the Department of Insurance Assistant Commissioner, Securities Division. The bill also removes the requirement for the Senate to confirm the Department of Insurance Assistant Commissioner, Securities Division, appointee.

The bill also makes conforming amendments.

Board Membership and Meetings

The bill grants the Commissioner the authority to decrease the number of appointed board members on certain boards that fall under the Commissioner's appointing authority. The bill removes the requirements for the Committee on Surety Bonds and Insurance to meet at least once per month and that the meetings be held in the office of the Commissioner.

Board Membership

The bill provides for a reduction in membership for four governing boards under the jurisdiction of the Commissioner:

- The governing board for the Kansas Automobile and Motor Vehicle Bodily Injury and Property Damage Liability Insurance Plan;

- The Kansas Workers Compensation and Employer's Liability Insurance Plan Governing Board;
- The governing board for the Kansas Automobile Assigned Claims Plan for personal injury protection benefits; and
- The Health Care Provider Insurance Availability Plan Board of Directors.

For each governing board, with the exception of the Kansas Automobile Assigned Claims Plan, the bill provides for the terms of members appointed and serving on the governing board as of July 1, 2025, to expire on December 31, 2025.

Kansas Automobile and Motor Vehicle Bodily Injury and Property Damage Liability Insurance Plan. The bill provides for a reduction in membership for the governing board of the Kansas Automobile and Motor Vehicle Bodily Injury and Property Damage Liability Insurance Plan from nine members to five members.

The Commissioner is to appoint a governing board for the plan, which serves on and after January 1, 2026, and has the same duties and functions as its predecessor. On and after January 1, 2026, the members of the governing board serve three-year terms, except that members are removable by the Commissioner for inefficiency, neglect of duty, or malfeasance. The governing board consists of five members to be appointed as follows:

- Three members who are representatives of insurers;
- One member who is a representative of independent insurance agents; and
- One member who is a representative of the general public.

In making appointments to the governing board, the Commissioner is to consider whether foreign and domestic insurers are fairly represented. [*Note:* A domestic insurer is an insurance company formed under the laws of the State of Kansas. A foreign insurer is an insurance company formed under the laws of a state other than Kansas.]

Kansas Workers Compensation and Employer's Liability Insurance Plan Governing Board. The bill provides for a reduction in membership for the Kansas Workers Compensation and Employer's Liability Insurance Plan Governing Board from nine members to seven members.

The Commissioner is to appoint a governing board that serves on and after January 1, 2026, and has the same duties and functions as its predecessor. On and after January 1, 2026, the members of the Kansas Workers Compensation and Employer's Liability Insurance Plan Governing Board serve three-year terms, except that members are removable by the Commissioner for inefficiency, neglect of duty, or malfeasance. The governing board consists of seven members to be appointed as follows:

- Four members who are representatives of insurance companies;
- Two members who are representatives of licensed insurance agents; and
- One member who is a representative of the general public.

In making appointments to the governing board, the Commissioner is to consider whether foreign and domestic insurers are fairly represented.

Kansas Automobile Assigned Claims Plan. The bill states that on and after January 1, 2026, the governing committee for the Kansas Automobile Assigned Claims Plan for personal injury protection benefits consists of five members, who are removable by the Commissioner for inefficiency, neglect of duty, or malfeasance. [*Note:* KAR 40-3-35 provides for the appointment of nine members.] Members are appointed as follows:

- Three members who are representatives of insurers;
- One member who is a representative of independent insurance agents; and
- One member who is a representative of the general public.

The Commissioner is required to consider whether foreign and domestic insurers are fairly represented in selecting the members.

[*Note:* Effective January 1, 2024, the Kansas Automobile Assigned Claims Plan is now managed by AIPSO, a national, not-for-profit corporation formed by the insurance industry to provide services to automobile insurance residual markets throughout the country.]

Health Care Provider Insurance Availability Plan Board of Directors. The bill provides for a reduction in membership for the Health Care Provider Insurance Availability Plan Board of Directors from nine members to five members.

The Commissioner is to appoint a governing board that serves on and after January 1, 2026, and has the same duties and functions as its predecessor. On and after January 1, 2026, the members of the Health Care Provider Insurance Availability Plan Governing Board serve four-year terms, except that members are removable by the Commissioner for inefficiency, neglect of duty, or malfeasance. The governing board consists of five members to be appointed as follows:

- One member who is a representative of foreign insurers;
- One member who is a representative of domestic insurers;
- One member who is a health care provider;
- One member who is a licensed insurance agent engaged in the solicitation of casualty insurance; and
- One member who is the chairperson of the Governing Board or the chairperson’s designee.

Committee on Surety Bonds Board Meetings

The bill removes the requirements for the Committee on Surety Bonds and Insurance to meet at least once per month and meet in the office of the Commissioner. Meetings are to remain at the call of the chairperson.

Setting and Publication of Certain Fees and Fines

The bill authorizes the Commissioner to set the amounts of fees and fines for applications, licenses, license renewals, certificates of authority, and other required filings by certain insurance entities and public adjusters under the jurisdiction of the Commissioner. The bill sets the maximum amounts of the fees and fines for insurance entities and public adjusters at the amounts that had been established in statute.

The bill also requires the Commissioner to set the fees and fines for the next succeeding calendar year and publish those in the *Kansas Register* no later than December 1 of each calendar year.

The bill establishes a one-time fee for all newly certified agents associated with a company until either the company or agent terminates the appointment. The fee is non-recurrent and constitutes the only appointment fee charged for the duration of the newly certified agent's employment with the appointing company.

Modification of Fees and Fines

The bill establishes fee amounts in prior law as the maximum amounts that may be assessed for the following fines and fees:

- Application for license to sell stock of insurance company or health maintenance organization;
- Fee for insurance companies or fraternal benefit societies to file a summons or order of garnishment;
- Admission and annual fees for the following entities organized under Kansas law or under the laws of any other state, territory, or country:
  - Capital stock insurance companies and mutual legal reserve life insurance companies;
  - Mutual life, accident, and health associations; mutual fire, hail, casualty, and multiple line insurers and reciprocal or interinsurance exchanges;
  - Fraternal benefit societies;
  - Mutual nonprofit hospital service corporations;
  - Nonprofit medical service corporations;
  - Nonprofit dental service corporations;

  - Nonprofit optometric service corporations; and
  - Nonprofit pharmacy service corporations;
- Notification fee for utilizing the services of managing general agents;
- Application fee for certificate of authority for life insurance companies;
- Application fee for license as a rating organization;
- Application fee for certificate of authority for utilization review organizations;
- Continuation fee for license as a premium finance company;
- Annual registration fee for certificate of authority to transact life, accident, and health insurance business in the state;
- Fees for filing an application for a certificate of authority, filing an annual report, and for filing an amendment to the certificate of authority for health maintenance organizations and Medicare provider organizations;
- Filing fee for transactions affecting control of domestic insurers;
- Application fee for licensure as a home state third-party administrator (TPA);
- Application fee for licensure as a non-resident TPA;
- Fee to file an annual report by a TPA;
- Application fee for licensure as a pharmacy benefit manager (PBM) and penalty fee for failure to timely inform the Commissioner of a material change in the application information;
- PBM license renewal fee and penalty fee for late license renewal;
- Notification fee for risk retention groups to do business in the state;
- Notification fee to do business in the state as a purchasing group;
- Annual continuation fee for certificate of registration as a prepaid service plan;
- Fees for certificate of authority and annual renewal for captive insurance companies;
- License renewal fee for dormant captive insurance companies;

- Fees for application for certificate of authority and annual renewal for special purpose insurance captive insurance companies;

- Fees for application for licensure and annual continuation as a reinsurance intermediary;

- Continuing education credit qualification fee for all courses, programs of study, or subjects submitted by a specific provider or provider organization and an annual provider fee;

- Fees for application for licensure and annual renewal to operate as a viatical settlement provider or a viatical settlement broker; and

- Public adjuster license renewal fee.

Non-admitted Insurers Authorized to do Business in Kansas

The bill amends law related to non-admitted insurers authorized to do business in Kansas.

Eligible Non-admitted Insurers

Prior law required the Commissioner to maintain a list of insurers not authorized to do business in the state. The bill replaces the phrase "insurer not authorized to do business in this state" with "eligible nonadmitted insurer" throughout the sections of the bill regarding non-admitted insurers and requires the Commissioner to maintain a list of such eligible non-admitted insurers.

The bill states that a non-admitted insurer not included on the Commissioner's eligible non-admitted insurer list may transact business in the state if the insurer meets the eligibility requirements outlined in federal law regarding uniform standards for surplus lines eligibility.

The bill also removes the non-admitted insurer's non-refundable annual statement filing fee of $200.

Capital requirement. The bill increases the capital or surplus requirement for inclusion on the Commissioner's eligible non-admitted insurer list from $4.5 million to an amount equal to or greater than $15.0 million.

Motor Vehicle Dealer Licensure Insurance Requirements

The bill allows motor vehicle dealers to hold insurance issued by an eligible non-admitted insurer, and such insurance allows the dealer to meet the criteria for license issuance or renewal.

Renaming of Kansas Insurance Department and Office of Securities Commissioner of Kansas; Removal of Confirmation Requirement

Kansas Department of Insurance

The bill renames the Kansas Insurance Department as the Kansas Department of Insurance and clarifies that whenever the term "Kansas Insurance Department," or words of like effect, are referred to or designated by a statute, contract, or other document, and such reference or designation is in regard to any function, power, or duty of the Kansas Insurance Department, the term is to be deemed to apply to the Kansas Department of Insurance.

Transfer of powers, duties, and functions to the Kansas Department of Insurance. The bill transfers to and imposes all powers, duties, and functions of the Kansas Insurance Department upon the Kansas Department of Insurance.

Rules and regulations, orders, and directives. The bill deems all rules and regulations, orders, and directives of the Commissioner of Insurance of the Kansas Insurance Department that are in effect on July 1, 2025, as effective and deemed to be rules and regulations, orders, and directives of the Commissioner of Insurance of the Kansas Department of Insurance until amended, revoked, or nullified.

Department of Insurance, Securities Division

The bill renames the Office of the Securities Commissioner of Kansas to the Department of Insurance, Securities Division. The bill clarifies that whenever the term "Office of the Securities Commissioner of Kansas," or words of like effect, are referred to or designated by a statute, contract, or other document, and such reference or designation is in regard to any function, power, or duty of the Office of the Securities Commissioner of Kansas, the term is to be deemed to apply to the Department of Insurance, Securities Division.

Transfer of powers, duties, and functions to the Department of Insurance, Securities Division. The bill transfers to and imposes all powers, duties, and functions of the Office of the Securities Commissioner of Kansas upon the Department of Insurance, Securities Division.

Department of Insurance Assistant Commissioner, Securities Division

The bill renames the Securities Commissioner as the Department of Insurance Assistant Commissioner, Securities Division. The bill deems, whenever the Securities Commissioner, or words of like effect, are referred to or designated by statute, contract, or other document, and such reference or designation is in regard to any function, power, or duty of the Securities Commissioner of Kansas, the term is to apply to the Department of Insurance Assistant Commissioner, Securities Division.

The position continues to be appointed by the Commissioner but the requirement for Senate Confirmation for the role is removed.

Transfer of powers, duties, and functions to the Department of Insurance Assistant Commissioner, Securities Division. The bill transfers all powers, duties, and functions of the Securities Commissioner to the Department of Insurance Assistant Commissioner, Securities Division.

Rules and regulations, orders, and directives. The bill deems all rules and regulations, orders, and directives of the Securities Commissioner of Kansas that are in effect on July 1, 2025, as effective and as rules and regulations, orders, and directives of the Department of Insurance Assistant Commissioner, Securities Division, until amended, revoked, or nullified.

Amendments to Insurance Laws Regarding Calculations and Instructions, Self-funded Health Plans, Risk-based Capital, Licensing, Captive Insurance Companies, Public Adjusters, Travel Insurance, Premium Tax; HB 2334

HB 2334 amends the Insurance Holding Company Act, Uniform Insurance Agents Licensing Act, Public Adjusters Licensing Act, Captive Insurance Act, and other insurance-related law. The bill establishes the Protected Cell Captive Insurance Company Act.

The bill requires the Commissioner of Insurance (Commissioner) to select and announce insurance calculations, instructions promulgated by the National Association of Insurance Commissioners (NAIC), or other documents required by the NAIC. It adds certain self-funded health plans to the list of plans to which the Insurance Code of the State of Kansas (Insurance Code) does not apply. It provides authority to the Commissioner to take disciplinary actions and establish criteria to review when considering disciplinary action against a public adjuster's license.

The bill addresses classification of travel insurance. It also reduces insurance company premium tax rates and discontinues the remittance and crediting of a portion of the premium tax to the Insurance Department Service Regulation Fund.

Effective Dates

All provisions of the bill take effect upon publication in statute book with the exception of the provisions pertaining to the reduction of insurance premium tax rates, the discontinuance of the remittance and crediting of such tax, and the preservation of reports and returns, all of which take effect on January 1, 2026, and upon publication in the statute book.

Selections of Insurance Calculations; NAIC-promulgated Instructions and Documents; Application of Insurance Code to Self-funded Health Plans; Risk-based Capital; Insurance Holding Company Act

The bill makes certain selections of calculations, instructions promulgated by the NAIC, or other documents required by the NAIC; adds certain self-funded health plans to the list of plans to which the Insurance Code does not apply; clarifies law regarding health organization rick-based capital (RBC); amends the Insurance Holding Company Act; and makes other clarifying amendments.

Insurance Calculations

The bill requires the Commissioner to select and announce the version of insurance calculations, instructions promulgated by NAIC, or other documents that may be required by NAIC for the next calendar year by publishing the announcement in the *Kansas Register* no later than December 1.

Calculations and instructions include, but are not limited to, RBC instructions, RBC managed care instructions, and group capital calculation instructions.

Self-funded Health Plans Excluded from Insurance Code Applicability

The bill adds the following to the list of those entities or plans to which the Insurance Code does not apply:

- A self-funded health plan established or maintained for its employees by the State or subdivision of the State, a school district, any public authority, or by a county or city government or any political subdivision, agency, or instrumentality thereof; and

- A self-funded health plan established or maintained for its employees by a church or by a convention or association of churches that is exempt from tax under Section 501 of the federal Internal Revenue Code.

Definitions Pertaining to RBC and Health Organization RBC Requirements

The bill amends definitions pertaining to RBC requirements and health organization RBC requirements.

RBC Requirements

- “RBC instructions” means the RBC instructions promulgated by the NAIC that are in effect as announced and noticed by the Commissioner.

Health Organization RBC Requirements

- “Health organization” means a health maintenance organization, limited health service organization; dental or vision plan; hospital, medical, and dental indemnity or service corporation; or other managed care organization licensed under articles of the Insurance Code relating to non-profit dental services corporations, non-profit medical and hospital service corporations, or health maintenance organizations and Medicare provider organizations, or an organization that is licensed as a life and health insurer under the Insurance Code general provisions relating to life insurance companies, and determined by the Commissioner to report predominantly health lines of business in accordance with a health statement test; and

- "RBC instructions" means the RBC instructions for managed care organizations promulgated by the NAIC that are in effect as announced and noticed by the Commissioner.

Insurance Holding Company Act

The bill adds the following definitions to the Insurance Holding Company Act, in addition to adding the NAIC acronym to the defined terms:

- "Financial analysis handbook" means the version of the NAIC financial analysis handbook adopted by the NAIC and in effect that is selected and noticed by the Commissioner;

- "Group capital calculation instructions" means the group capital calculation instructions selected and announced by the Commissioner;

- "NAIC Liquidity Stress Test Framework" means the separate NAIC publication that includes the history of the NAIC's development of regulatory liquidity stress testing, the scope criteria applicable for a specific data year, and the liquidity stress test instructions and reporting templates for a specific data year and such scope criteria, instructions, and reporting templates as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC and as selected and announced by the Commissioner; and

- "Scope criteria" means, as detailed in the NAIC Liquidity Stress Test Framework, the designated exposure bases along with minimum magnitudes thereof for the specified data year, used to establish a preliminary list of insurers considered scoped into the NAIC liquidity stress test framework for such specified data year.

Insurance Holding Company Act Amendments

The bill amends the Insurance Holding Company Act to adopt provisions for group capital calculations and liquidity stress testing requirements and aligns the Act with NAIC accreditation standards. The bill requires the Commissioner to maintain confidentiality of the information reported.

Annual group capital calculation. The bill requires the ultimate controlling person of every insurer subject to registration to concurrently file with the registration an annual group capital calculation as directed by the lead state commissioner. The calculation report is to be completed in accordance with the NAIC Group Capital Calculation Instructions, which may allow a controlling person who is not the ultimate controlling person to file such report, and according to the procedures within the financial analysis handbook. The report is to be filed with the lead state commissioner of the insurance holding company system as determined by the Commissioner in accordance with the procedures within the financial analysis handbook.

The bill provides exemptions for an insurer holding company system from filling the group capital calculations if certain requirements are met.

The bill grants a lead state commissioner discretion in determining whether to require, exempt, or extend the filing of a group capital calculation report or to accept a limited group capital calculation report under certain conditions.

Liquidity stress test. The bill requires the ultimate controlling person of every insurer subject to registration and also scoped into the NAIC Liquidity Stress Test Framework to file the results of a specific year's liquidity stress test. The filing is to be made to the lead state insurance commissioner of the insurance holding company system as determined by procedures within the financial analysis handbook. The NAIC Liquidity Stress Test Framework includes scope criteria applicable to a specific data year. The bill provides for the frequency of the scope criteria review, the effective date of any changes to the NAIC Liquidity Stress Test Framework, and the criteria for scoping an insurer in or out of the NAIC Liquidity Stress Test Framework.

The bill requires that the performance and filing of the results of a specific year's liquidity stress test comply with the NAIC Liquidity Stress Test Framework instructions and reporting template for that year and any lead state insurance commissioner determinations, in consultation with the NAIC Financial Stability Task Force.

Deposit or bond requirement for insurer in hazardous financial condition. If an insurer subject to the Insurance Holding Company Act is deemed by the Commissioner to be in a hazardous financial condition or a condition that is grounds for supervision, conservation, or a delinquency proceeding, the bill authorizes the Commissioner to require the insurer to secure and maintain either a deposit, held by the Commissioner, or a bond, as determined by the insurer at the insurer's discretion. Such bond or deposit is for the protection of the insurer for the duration of the contract or agreement or the existence of the condition for which the Commissioner requires the deposit or bond.

The bill provides criteria for the Commissioner to consider in determining whether a deposit or bond will be required. The Commissioner has discretion in determining the amount of the deposit or bond, not to exceed the value of the contract or agreement in any one year, and whether such deposit or bond is required for a single contract, multiple contracts, or a contract only with a specific person.

Records and data held by an affiliate. The bill maintains that all records and data of the insurer held by an affiliate, in whatever form maintained, are and remain the property of the insurer, are subject to control of the insurer, are identifiable, and are segregated or readily capable of segregation at no additional cost to the insurer. The bill provides a non-exhaustive list of the types of records and data within the possession, custody, or control of the affiliate that remain the property of the insurer. The bill also provides that premiums or other funds belonging to the insurer that are collected or held by an affiliate are deemed the exclusive property of and subject to the control of the insurer.

Examination of financial condition by the Commissioner. The bill authorizes the Commissioner to examine any registered insurer and the insurer's affiliate to ascertain the financial condition of such insurer, including the enterprise risk to the insurer by the ultimate controlling party or by any entity or combination of entities within the insurance holding company system or by the insurance holding company system on a consolidated basis.

Confidentiality of data and records. Continuing law provides that certain documents obtained by or disclosed to the Commissioner are not subject to the legislative review of exceptions to disclosure under the Kansas Open Records Act.

The bill requires the Commissioner to maintain the confidentiality of information reported or provided to the Commissioner, including the:

- Group capital calculation and group capital ratio produced within the calculation and any group capital information received from an insurance holding company supervised by the Federal Reserve Board or any U.S. group-wide supervisor; and
- Liquidity stress test results and supporting disclosures and any liquidity stress test information received from an insurance holding company supervised by the Federal Reserve Board and non-U.S. group-wide supervisors.

The bill adds that the written agreements the Commissioner is required to enter into with the NAIC governing the sharing and use of information pursuant to the Insurance Holding Company Act must:

- Exclude documents, materials, or information reported by insurance holding companies as part of the registration process;
- Prohibit the NAIC and its affiliates and subsidiaries from storing the information shared pursuant to the Insurance Holding Company Act in a permanent database after the underlying analysis is completed; and
- Provide for notification of the identity of the third-party consultant to the applicable insurers for documents, materials, or information reported by insurance holding companies as part of the registration process, in the case of an agreement involving a third-party consultant.

The bill deems the group capital calculation and resulting group capital ratio and the liquidity stress test with its results and supporting disclosures, as regulatory tools for assessing group risks, capital adequacy, and group liquidity risks. The bill prohibits construing such documents as a means to rank insurers or insurance holding company systems.

Unless otherwise required under the Act, the bill provides that the following actions regarding a representation or statement of the group capital calculation, group capital ratio, the liquidity stress test results, or supporting disclosures of an insurer or insurer group, or of any component derived in the calculation by an insurer, broker, or other person engaged in the insurance business may be misleading and is therefore prohibited:

- Making, publishing, disseminating, circulating, placing before the public, or directly or indirectly causing such actions through any of the following means of communication:
    - A newspaper, magazine, or other publication;

- ○ A notice, circular, pamphlet, letter, or poster;
- ○ Radio or television broadcast or by any electronic means of communication available to the public; or
- ○ In any other way as an advertisement, announcement, or statement.

The bill authorizes an insurer to publish announcements in a written publication for the sole purpose of rebutting a materially false statement if the insurer is able to demonstrate to the Commissioner with substantial proof of the falsity or inappropriateness of a materially false statement published in any written publication regarding the:

- Group capital calculation or resulting group capital ratio;
- Liquidity stress test result or supporting disclosures for such test; or
- Inappropriate comparison of any amount to an insurer's or insurance group's group capital calculation, resulting group capital ratio, or liquidity stress test result or supporting disclosures.

Health Benefit Plan Definition in the Patient Protection Act

The bill excludes the following from the definition of "health benefit plan" in the Patient Protection Act:

- A self-funded health plan established or maintained for its employees by the State or subdivision of the State, a school district, or any public authority, or by a county or city government or any political subdivision, agency, or instrumentality thereof; and
- A self-funded health plan established or maintained for its employees by a church or by a convention or association of churches that is exempt from tax under Section 501 of the federal Internal Revenue Code.

Statutes Repealed

In addition to the statutes repealed as a result of amendments made by the bill, the bill also repeals the following statutes in the Insurance Code:

- KSA 40-249, pertaining to the expiration of the corporate powers of an insurance company organized under Kansas law for failure to issue policies within two years from the granting of its charter; and
- KSA 40-2c29, authorizing the Commissioner to adopt by rules and regulations any later versions of the RBC instructions promulgated by the NAIC.

Actions on Licensure of Public Adjusters and Insurance Agents

The bill amends the Uniform Insurance Agents Licensing Act and the Public Adjusters Licensing Act to provide the Commissioner with the authority to consult the status of certain licenses or registrations in reviewing applications or renewals for insurance agents and public adjusters.

The bill adds Commissioner authority to suspend, revoke, or refuse to issue or renew a public adjuster's license for failing to respond to an inquiry from the Commissioner within 15 business days.

Additionally, the bill establishes criteria for the Commissioner to review when considering whether to deny, suspend, revoke, or refuse to renew the application for a public adjuster's license of an individual who has been convicted of a misdemeanor or felony.

Review of Licenses and Registrations

The bill authorizes the Commissioner to evaluate the status of public adjuster licenses and securities registrations when reviewing insurance agent licenses or applications for insurance agent licenses. Similarly, the bill authorizes the Commissioner to evaluate the status of public adjuster licenses and securities registrations when reviewing public adjuster licenses or applications for public adjuster's licenses.

The bill adds Commissioner authority to suspend, revoke, or refuse to issue or renew a public adjuster's license for failing to respond to an inquiry from the Commissioner within 15 business days.

Criteria for Review for Public Adjuster License Applicants Convicted of a Misdemeanor or Felony

The bill establishes criteria for the Commissioner to review when considering whether to deny, suspend, revoke, or refuse to renew the application for a public adjuster license of an individual who has been convicted of a misdemeanor or felony:

- Applicant's age at the time of conduct;
- Recency of the conduct;
- Reliability of the information concerning the conduct;
- Seriousness of the conduct;
- Factors underlying the conduct;
- Cumulative effect of the conduct or the information;
- Evidence of rehabilitation;
- Applicant's social contributions since the conduct;
- Applicant's candor in the application process; and
- Materiality of any omissions or misrepresentations.

The bill requires the Commissioner to consider the following when determining whether to reinstate or grant to an applicant a public adjuster license that has been revoked:

- Present moral fitness of the applicant;
- Demonstrated consciousness by the applicant of the wrongful conduct and disrepute that the conduct has brought to the insurance profession;
- Extent of the applicant's rehabilitation;
- Seriousness of the original conduct;
- Applicant's conduct subsequent to discipline;
- Amount of time that has elapsed since the original discipline;
- Applicant's character, maturity, and experience at the time of revocation; and
- Applicant's present competence and skills in the insurance industry.

[*Note:* These criteria are the same as in law for the Commissioner's review of insurance agent licensure or application for licensure (KSA 40-4909).]

The bill states that any action taken as a result of such review that affects any license or imposes any administrative penalty requires prior notice and an opportunity for a hearing conducted in accordance with the Kansas Administrative Procedure Act.

The bill specifies that any costs incurred as a result of conducting an administrative hearing are assessed against the person who is the subject of the hearing or any business entity represented by such person who is the party to the matters giving rise to the hearing. "Costs" means witness fees, mileage allowances, any costs associated with the reproduction of documents that become a part of the hearing record, and the expense of making a record of the hearing.

Suspensions, Revocations, and Reapplication for Public Adjuster Licensure

Under the bill, no person whose license as a public adjuster has been suspended or revoked can be employed by any insurance company doing business in the state either directly, indirectly, as an independent contractor, or otherwise to negotiate or effect contracts of insurance, suretyship, or indemnity or perform any act toward the solicitation or transaction of any business of insurance during the period of suspension or revocation.

An applicant to whom a public adjuster license is denied after a hearing is prohibited from applying again for a public adjuster license until after a period of one year from the date of the Commissioner's order. A public adjuster licensee whose license is revoked cannot apply again for a public adjuster license for two years after the Commissioner's order.

[*Note:* These terms are the same as in law for insurance agent licensure (KSA 40-4909).]

Protected Cell Captive Insurance Company Act and Captive Insurance Act

The bill establishes the Protected Cell Captive Insurance Company Act and amends the Captive Insurance Act.

Protected Cell Captive Insurance Company Formation

The Protected Cell Captive Insurance Company Act (Protected Cell Captive Act) permits one or more sponsors to form a protected cell captive insurance company (company). A company is incorporated as a stock insurer with the capital divided into shares and held by stockholders as either a mutual corporation, a non-profit corporation with one or more members, or as a limited liability company (LLC).

Definitions

The Protected Cell Captive Act defines various terms, including the following:

- "Protected cell" means a separate account that is established by a company formed or licensed pursuant to the Act and in which an identified pool of assets and liabilities are segregated and insulated by means of the Act from the remainder of the company's assets and liabilities in accordance with the terms of one or more participant contracts to fund the liability of the company with respect to the participants as set forth in the participant contracts;

- "Protected cell captive insurance company" means any captive insurance company:
  - In which the minimum capital and surplus required by the chapter are provided by one or more sponsors;
  - Is formed or licensed under the Protected Cell Captive Act;
  - Insures the risks of separate participants through participant contracts; and
  - Funds its liability to each participant through one or more protected cells and segregates the assets of each protected cell from the assets of other protected cells and from the assets of the company's general account; and

- "Sponsor" means any person or entity that is approved by the Commissioner to provide all or part of the capital and surplus required by the Protected Cell Captive Act and organize and operate a company.

Application Process

The bill lists the materials that must be filed with the Commissioner to apply to become a company, which include the following:

- Materials that demonstrate how the applicant will account for loss and expense experience at a level of detail found to be sufficient by the Commissioner, and how it will report this experience;
- A statement acknowledging that financial records of the applicant, including records pertaining to any protected cells, will be made available for inspection or examination by the Commissioner or their designated agent;
- All contracts or sample contracts between the applicant and any participants; and
- Evidence that expenses will be allocated to each protected cell in a fair and equitable manner.

Establishment and Maintenance of Protected Cells

The Protected Cell Captive Act states that a company formed or licensed pursuant to the Act may establish and maintain one or more incorporated or unincorporated protected cells to insure risks of one or more participants with the following conditions:

- A company may establish one or more protected cells if the Commissioner has approved in writing a plan of operation (plan) or amendments to a plan submitted by the company with respect to each protected cell. A plan includes, but is not limited to, the specific business objectives and investment guidelines of the protected cell, except that the Commissioner may require additional information in the plan. The Commissioner may put into effect a plan or amendments to a plan on or before the date that the approval is signed if the effective date is not earlier than the date that the plan or amendments to the plan were filed with the Kansas Department of Insurance (Department);
- Upon the Commissioner's written approval of the plan, the company, in accordance with the approved plan, may attribute insurance obligations with respect to its insurance business to the protected cell;
- A protected cell has its own distinct name or designation that includes the words "protected cell" or "incorporated cell." An incorporated cell formed as a series of an LLC bears a distinct name or designation as reflected in its formation documents and includes the words "series cell." Such names or designations may also be reasonably abbreviated;
- A company transfers all assets attributable to a protected cell to one or more separately established and identified named accounts for the protected cell.

Protected cell assets are held in the named accounts for the purpose of satisfying the obligations of such protected cell;

- An incorporated protected cell may be organized and operated in any form of business organization authorized by the Commissioner, including, but not limited to, an individual series of an LLC as permitted under the Kansas Revised Limited Liability Company Act. Each incorporated protected cell of a protected cell captive insurer (insurer) is treated as a captive insurer under the Protected Cell Captive Act and has the power to enter into contracts, including an individual series of an LLC. Unless otherwise permitted by the organizational documents of an insurer, each incorporated protected cell of the insurer has the same directors, secretary, and registered office as the protected cell captive insurer; and

- All attributions of assets and liabilities between a protected cell and the general account are in accordance with the plan and participant contracts approved by the Commissioner. No other attribution of assets or liabilities may be made by a company between the company's general account and its protected cells. Any attribution of assets and liabilities between the general account and a protected cell must be in cash or in readily marketable securities with established market values.

The Protected Cell Captive Act does not create a legal person separate from a company unless the protected cell is an incorporated cell. The assets are owned by the protected cell. A company cannot represent itself as a trustee regarding the assets of a protected cell. A company may allow for a security interest to attach to the assets of account when in favor of a creditor of a protected cell and otherwise allowed under applicable laws.

Investment management. The Protected Cell Captive Act permits a company to contract with or arrange for an investment advisor, commodity trading advisor, or other third party to manage the protected cell's assets when all remuneration, expenses, and other compensation are paid from the assets of the protected cell only.

Administrative and accounting procedure requirements. The Protected Cell Captive Act requires that the company have administrative and accounting procedures in place that properly identify each protected cell's assets and liabilities while keeping them separate and separately identifiable from the company's general accounts and attributable to one protected cell that is also separately identifiable from any other protected cell's assets and liabilities. The Protected Cell Captive Act requires that the remedy of tracing be available in the event of a violation of this provision, but tracing is not the exclusive remedy.

When establishing a protected cell, the Protected Cell Captive Act requires a company to attribute to the protected cell assets a value that is at least equal to the reserves and other insurance liabilities attributed to the protected cell. Each protected cell is accounted for separately in the records of the company to reflect the financial condition and results of operations of the protected cell, net income or loss, dividends or other distributions to participants, and other factors as may be provided in the participant contract or required by the Commissioner.

No asset of a protected cell may be chargeable with liabilities arising from other insurance business that the company may conduct. Additionally, no sale, exchange, or transfer of assets may occur between or among protected cells without the consent of affected protected cells.

The Commissioner is required to approve the sale, exchange, transfer of assets, dividend, or distribution from one protected cell to another company or participant. The Commissioner is prohibited from any approval if it results in an insolvency or impairment of a protected cell.

Combining cell assets. The Protected Cell Captive Act allows the combination of the assets of two or more protected cells for the purposes of investment, and such combination is not to be construed as defeating the segregation of such assets for accounting or other purposes.

The Commissioner is allowed to approve the use of alternative reliable methods of valuation and rating.

Attributions of assets and liabilities. The Protected Cell Captive Act requires that all attributions of assets and liabilities to the protected cells and the general account be in accordance with the plan approved by the Commissioner, including the performance under a reinsurance contract.

The Protected Cell Captive Act clarifies no other attribution of assets or liabilities is to be made by a company between its general account and any protected cell or between any protected cells.

Reinsurance contract. The Protected Cell Captive Act requires all companies to attribute all insurance obligations, assets, and liabilities relating to a reinsurance contract entered into with respect to a protected cell to such protected cell. The bill requires the performance under such reinsurance contract and any tax benefits, losses, refunds, or credits allocated pursuant to a tax allocation agreement to which the company is a party, including any payments made by or due to be made to the company pursuant to the terms of such agreement, to reflect the insurance obligations, assets, and liabilities relating to the reinsurance contract that are attributed to such protected cell.

Conservation, rehabilitation, and liquidation of a company. The bill provides that in connection with conservation, rehabilitation, and liquidation of a company, the assets and liabilities of a protected cell are to be, to the extent that the Commissioner determines that such assets and liabilities are separable, at all times kept separate from and not commingled with those of other protected cells and the company.

Annual reporting. The Protected Cell Captive Act requires annual filings with the Commissioner of such financial reports as required by the Commissioner. Reports must include accounting statements detailing the financial experience of each protected cell.

Insolvency notice. The Protected Cell Captive Act requires written notification to the Commissioner of any protected cell's insolvency within ten business days of such insolvency or inability to meet its claim or expense obligations.

Changes within a protected cell. The Protected Cell Captive Act requires the Commissioner to approve each participant contract in writing prior to the contract taking effect. The Protected Cell Captive Act also requires that the addition of each new protected cell as well as the withdrawal or termination of an existing protected cell is considered a change in the plan and requires the Commissioner's written approval before the change may occur.

Business written by a company. The Protected Cell Captive Act allows each company for each protected cell to write business that meets the following conditions:

- Fronted by an insurance company licensed under the laws of any state;
- Reinsured by a reinsurer authorized or approved by the Department; or
- Secured by a trust fund in the United Sates for the benefit of policyholders and claimants or funded by an irrevocable letter of credit or other arrangement that is acceptable to the Commissioner. The amount of security provided cannot be less than the reserves associated with those liabilities that are neither fronted nor reinsured, including reserves for losses, allocated loss adjustment expenses, incurred but not reported losses, and unearned premiums for business written through the participant's protected cell. The Commissioner may require the company to increase the funding of any security arrangement established under this subsection. If the form of security is a letter of credit, the letter of credit is to be issued or confirmed by a bank approved by the Commissioner. A trust maintained pursuant to this subsection is to be established in a form and upon such terms approved by the Commissioner.

Separation of protected cells due to a company's insolvency. The Protected Cell Captive Act provides a methodology for the Commissioner to separate solvent protected cells from an insolvent company pursuant to an acceptable plan of operation.

Unincorporated and incorporated protected cells. The Protected Cell Captive Act permits the companies formed or licensed under such Act to establish and operate both incorporated and unincorporated protected cells. The Protected Cell Captive Act requires biographical affidavits for owners of incorporated cells, including series members of a series LLC. Biographical affidavits are not required for participants in unincorporated cells.

Participants in a Company

The Protected Cell Captive Act allows a sponsor to be a participant in a company as well as associations, corporations, LLCs, partnerships, trusts, and other business entities.

A participant is not required to be a shareholder of a company. A participant must only be able to insure the participant's own risks through a company unless otherwise approved by the Commissioner.

Application of Insurers Supervision, Rehabilitation, and Liquidation Act

The Protected Cell Captive Act clarifies that the Insurers Supervision, Rehabilitation and Liquidation Act is applicable to a company. Upon any order of supervision, rehabilitation, or liquidation of a company, the bill states the receiver manages the assets and liabilities of the company.

Notwithstanding the provisions of the Insurers Supervision, Rehabilitation and Liquidation Act, the bill requires that:

- No assets of a protected cell may be used to pay any expenses or claims other than those attributable to the protected cell; and
- A company's capital and surplus must be available at all times to pay any expenses of or claims against the company.

Legal Action

The Protected Cell Captive Act requires pleadings in any legal action brought by or against a company to specify the protected cell or cells to be named as a party to the suit. If the general account is party to the suit, it must be separately identified in the pleadings as if it were a protected cell. A legal action brought against a company that does not specify one or more protected cells is deemed to be brought against the general account only. A protected cell that is not named in the pleadings is not party to the legal action, and a protected cell named erroneously or without proper cause is entitled to prompt dismissal.

Unless specified by the plan, participant contract, or other prior contractual agreement, the assets of one protected cell may not be encumbered or seized to satisfy the obligations of or a judgment against any other protected cell. No protected cell is required to defend the rights and obligations of another protected cell.

In any legal action involving a company or a protected cell, any papers, documents, or property of a non-party protected cell is afforded the same status during discovery as those of an unrelated third party. A non-party protected cell has standing to appear and petition for any appropriate relief to protect the confidentiality of its papers or documents.

Captive Insurance Company Conversion

The Protected Cell Captive Act provides a procedure for a company or a protected cell of a company to be converted to any form of captive insurance company that is allowed in Kansas Insurance Law with consent of the Commissioner. The Commissioner may issue to the converting protected cell a certificate of authority with an effective date of its original date of formation as a protected cell.

The bill establishes the following criteria for determining the filing or submission requirements for certain companies:

- A series of an LLC files organizational documents with the Secretary of State that comply with Kansas law and include the date of formation as a series. Any new entity possesses all assets and liabilities, including outstanding insurance liabilities, owned by the predecessor;

- Any other type of incorporated protected cell entity files amended organizational documents with the Secretary of State that comply with Kansas law; or

- Other entities file organizational documents with the Secretary of State that comply with Kansas law or any other applicable provision governing formation of that type of entity, including the date of formation as a cell. The new entity possesses all assets and liabilities, including outstanding insurance liabilities, owned by the predecessor cell.

Revised certificate of authority. The Protected Cell Captive Act permits a captive insurance company to apply to the Commissioner for conversion to become a protected cell captive insurance company. Upon approval by the Commissioner and the filing of amended organizational documents with the Secretary of State, the captive insurance company is issued a revised certificate of authority. The effective date of the revised certificate of authority remains the same as the effective date of the prior captive insurance company.

Redomestication of Captive Insurance Companies

The bill provides for a foreign or alien insurer to become a domestic company by complying with all of the requirements of the bill relating to the organization and licensing of a domestic company of the same type with the approval of the Commissioner. A company redomesticating to Kansas may be organized under any lawful corporate form permitted by the bill.

For insurance companies domiciled in foreign or alien jurisdictions that allow for the redomestication of insurance companies, the bill authorizes redomestication to Kansas and states that the company is no longer a domestic legal entity of foreign or alien jurisdiction. A company wishing to redomesticate is required to file organizational documents with the Secretary of State that comply with state law regarding corporations, the Captive Insurance Act (CI Act), and the Kansas Uniform Partnership Act, or any other applicable provision.

The company is required to file a copy of the Secretary of State's acknowledgment letter with the Commissioner, who then is required to issue a certificate of authority, pursuant to the CI Act.

Upon the completion of a redomestication, the captive insurance company is considered to be domiciled in this state and subject to Kansas law. The captive insurance company is deemed to have a formation date corresponding to its original formation date in the foreign or alien domicile.

For the purposes of the financial examination required by the CI Act, any examination conducted by the foreign or alien domicile substantially similar to an examination completed for

companies domiciled in Kansas is recognized for the purposes of establishing a period of time when the next examination is due.

Amendments to the Captive Insurance Act

The bill also amends the CI Act. The CI Act permits a captive insurance company (CIC) to continue to apply to the Commissioner for a certificate of authority but clarifies exceptions as follows:

- A pure CIC may not insure any risks other than those of its parent and affiliated companies, any controlled unaffiliated business, or combination thereof; and
- A CIC may provide workers' compensation insurance, insurance in the nature of workers' compensation insurance, and the reinsurance of such policies unless prohibited by federal law, the Kansas Insurance Law, or any other state having jurisdiction over the transaction.

The bill also adds the following exceptions:

- A CIC may provide excess or stop-loss accident and health insurance unless prohibited by federal law or the laws of the State of Kansas having jurisdiction over the transaction; and
- Any CIC may provide workers' compensation insurance, insurance in the nature of workers' compensation insurance, and reinsurance of such policies unless prohibited by federal law, the laws of the State of Kansas, or any other state having jurisdiction over the transaction.

Provisional certificate of authority. The bill amends the CI Act to permit the Commissioner to issue a provisional certificate of authority to any applicant CIC if the Commissioner deems that the public interest will be served by the issuance of the provisional certificate.

Before the provisional certificate is issued, the applicant must file a completed application and pay all necessary fees. The Commissioner is required to make a preliminary finding of acceptability regarding the expertise, experience, and character of the person who will control and manage the applicant captive.

The Commissioner may place limits of authority on any provisional certificate holder as well as revoke a provisional certificate if the interests of the insureds or the public are endangered. If the applicant fails to complete the regular application for a certificate of authority, the provisional certificate terminates by operation of law.

The bill authorizes the Commissioner to enact any necessary rules and regulations for a program regarding the issuance of provisional certificates of authority.

Application and renewal fees. Each CIC pays a non-refundable fee of up to $2,500 to the Commissioner for each application and an annual renewal fee of up to $2,500, payable to the Commissioner.

Unimpaired paid-in capital and surplus requirements. The bill amends the CI Act to reflect the following unimpaired paid-in capital and surplus requirements of not less than:

- $250,000 for a pure CIC;
- $500,000 for an association CIC incorporated as a stock insurer; and
- $100,000 for a protected cell CIC.

Frequency of examinations. Continuing law requires the Commissioner to make or direct to be made a financial examination of any CIC in the process of organization or applying for admission or doing business in Kansas. The bill amends the frequency of the examination from at least every three years to at least every five years.

Requirement to join a policy form organization. The bill amends the CI Act to clarify that a CIC is required to join a policy form organization.

Premium tax for redomesticated companies and one-year exemption. The bill provides for a company redomesticating under the CI Act to only be liable for taxes paid on direct premiums and assumed reinsurance premiums paid to the company after redomestication. If a company redomesticated under the CI Act after July 1 of any year, the company is only subject to 50 percent of the minimum premium tax.

Any redomesticated foreign or alien company is required to report all premium taxes due, but may, either in its first or second year of operations after redomesticating into Kansas, elect to forgo the payment of premium taxes. A company choosing to forgo payment of premium taxes that surrenders its certificate of authority or redomesticates to another jurisdiction within five years of redomestication in Kansas is required to immediately pay an amount equal to the foregone premium tax plus 10 percent per annum from the date of the forgone premium.

Taxation of CIC. The bill clarifies that the tax provided for in the CI Act constitutes all taxes collectible under the laws of Kansas from any CIC, and no other occupation tax or any other tax is to be levied or collected from any CIC by the state or any political subdivision.

Classification and Filing of Travel Insurance Coverage

The bill amends law to allow travel insurance coverage for sickness, accident, disability, or death occurring during travel as either a separate policy or along with related coverages of emergency evacuation or repatriation of remains, to be classified and filed under either an accident and health or inland marine line of insurance.

Insurance Company Premium Tax Rates; Preservation of Documents

The bill reduces insurance company premium tax rates from 2.0 percent to 1.98 percent per year for tax year 2026 and subsequent years. Beginning January 1, 2026, the bill removes

the requirement that the 1.0 percent of insurance company premium taxes received by the Commissioner be transferred to the State Treasurer to the credit of the Insurance Department Service Regulation Fund.

The bill requires all reports and returns required by the Insurance Code, and rules and regulations adopted pursuant to the Insurance Code, to be preserved for a minimum of three years or until the Commissioner orders such documents destroyed.

Entities Eligible for Reduced Premium Tax Rates

The premium tax rate reduction applies to the following entities organized under Kansas law or the laws of any other state, territory, or country:

- Capital stock insurance companies;
- Mutual legal reserve life insurance companies;
- Mutual life, accident, and health associations;
- Mutual fire, hail, casualty, and multiple line insurers [*Note:* Hail is not included in this line of insurers for entities organized under the laws of any other state, territory, or country.];
- Reciprocal or interinsurance exchanges;
- Mutual non-profit hospital service corporations;
- Non-profit medical service corporations;
- Non-profit dental service corporations;
- Non-profit optometric service corporations; and
- Non-profit pharmacy service corporations.

JUDICIARY

Third-party Litigation Funding Agreements; Sub. for SB 54

Sub. for SB 54 amends the Kansas Code of Civil Procedure to require the disclosure of third-party litigation funding agreements (TPLF agreements or agreements).

Third-party Litigation Funding Agreements

The bill defines the term "third-party litigation funding agreement" as an agreement under which any person, other than a party, an attorney representing the party, such attorney's firm, or a member of the family or household of a party, has:

- Agreed to pay expenses directly related to prosecuting the legal claim; and
- Has a contractual right to receive compensation that is contingent in any respect on the outcome of the claim.

The bill specifies the term does not include an agreement that does not afford the non-party agreeing to pay legal expenses any profit from the legal claim beyond repayment of the amount the non-party has contractually agreed to provide, plus reasonable interest, limited by the bill to an amount not greater than 11.1 percent of the principal.

Disclosure

The bill requires a party to provide the TPLF agreement to the court for an *in camera* review, and unless otherwise stipulated by the parties or ordered by the court, deliver a sworn statement disclosing certain facts related to the agreement within 30 days after commencement of legal action or 30 days after the execution of the agreement, whichever is later. [*Note:* "*In camera*" is a legal term that means in private.]

Facts required to be disclosed by the bill include:

- The identity of all contracting parties to the agreement;
- Whether the agreement grants a third-party funder control or approval rights with respect to litigation or settlement decisions or otherwise has the potential to create conflicts of interest between the third-party funder and the party;
- Whether the agreement grants a third-party funder the right to receive materials designated as confidential in the action;
- The existence of any known relationship between a third-party funder and the adverse party, adverse party's counsel, or the court;
- A description of the nature of the financial interest, including whether such interest is in whole or in part recourse or non-recourse; and

- Whether any foreign person from a foreign country of concern, as defined by the bill, is providing funding, directly or indirectly, for the agreement, and if so, the name, address, and country of incorporation or registration of the foreign person.

Limitations on Discovery of Third-party Litigation Funding Agreements

The bill provides the following limitations on the discovery of TPLF agreements:

- Disclosed information concerning an agreement shall not be admissible as evidence at trial solely because it was disclosed;

- A non-profit corporation or association shall not be required to disclose its members or donors in order to comply with the provisions of the bill; and

- Nothing in the bill may be construed to modify the applicability of the Kansas Rules of Civil Procedure or Kansas Rules of Evidence, except as provided in provisions related to the disclosure of agreements.

Definitions

The bill defines the term "foreign country of concern" as any foreign adversary as defined by the U.S. Secretary of Commerce in regulation as in effect on July 1, 2025, and any organization that is designated as a foreign terrorist organization as of July 1, 2025, by the U.S. Secretary of State.

The bill defines the term "foreign person" as:

- An individual who is not a U.S. citizen or an alien lawfully admitted for permanent residence in the United States;

- An unincorporated association where the majority of the members are not U.S. citizens or aliens lawfully admitted for permanent residence in the United States;

- A corporation that is not incorporated in the United States;

- A government, political subdivision, or political party of a country other than the United States;

- An entity that is organized under the laws of a country other than the United States and has shares or other ownership interest held by a government or government official from a country other than the United States; or

- An organization in which any person or entity as described above holds a controlling or majority interest, or in which the holdings of any such persons or entities shall constitute a controlling or majority interest.

Severability

The bill's provisions related to TPLF disclosure are severable, ensuring any court decision holding these provisions invalid or unconstitutional will not affect the validity and enforceability of provisions that may be given effect notwithstanding the invalidity.

Court Records and County Law Libraries; SB 204

SB 204 requires the sealing of certain records relating to case information, warrants, and subpoenas in certain criminal and juvenile cases and amends law concerning the selection of attorney members of county law library (CLL) boards of trustees and fees that may be used for enhancing and facilitating the functions of the district court in the county.

Sealing of Court Records—Pending Warrant Disposition

The bill requires the sealing of a criminal case or a case pursuant to the Revised Kansas Juvenile Justice Code in which an arrest warrant is being sought until such warrant is executed or denied.

The bill requires that subpoenas issued in the above cases remain sealed unless the court finds that unsealing such subpoena is in the interest of justice.

The bill defines “seal” to mean that no information related to a case, warrant, or subpoena, including the existence of such case, warrant, subpoena, or return of service, may be made public, but allows for disclosure of warrant information, subpoenas, returns of service, or other case information to law enforcement for the purposes of executing a warrant or serving a subpoena.

In addition, information related to an arrest warrant issued for a defendant's failure to appear as directed by a court shall not be sealed under the provisions of the bill.

The bill applies retroactively to any case, warrant information, or subpoena currently pending on the effective date of the bill, July 1, 2025.

County Law Libraries

Selection of CLL Board of Trustee Members

For CLLs located in counties other than Douglas, Johnson, or Sedgwick, the bill amends law to remove the requirement that such attorney members be elected, and instead requires the chief judge of the judicial district to appoint these attorney members to the CLL board.

Use of Fees

The bill amends law that allows CLL boards to authorize chief judges of the judicial district to use annual attorney registration fees for the purpose of facilitating and enhancing the functions of the district court of the county to allow CLL boards to authorize the chief judge to use library fees assessed in certain court cases for this same purpose.

Proposed Constitutional Amendment—Direct Election of Supreme Court Judges; SCR 1611

SCR 1611 proposes amendments to Sections 5, 8, and 15 of Article 3 of the *Kansas Constitution* for consideration at a special election on August 4, 2026, to be held in conjunction with the primary election to occur on that date. The amendment, if approved by voters, would abolish the current method of appointing justices to the Kansas Supreme Court and replace it with direct election of such justices.

Section 5 of Article 3 of the *Kansas Constitution* currently provides that Kansas Supreme Court justices are nominated by the Supreme Court Nominating Commission (Commission), consisting of nine members, including one lawyer and one non-lawyer from each of the state's four congressional districts, plus one lawyer who serves as the chairperson. In the event of a vacancy on the Supreme Court, the Commission is required to submit the names of three qualified persons to the Governor, who makes the appointment. Current law also provides for the Chief Justice of the Supreme Court to make the appointment in the event the Governor fails to do so within 60 days of the submission of nominees and for justices to be subject to retention elections after their first year in office and every 6 years thereafter.

Section 8 of Article 3 of the *Kansas Constitution* currently prohibits justices of the Supreme Court who are appointed or retained and district court judges from directly or indirectly making contributions to or holding any office in a political party or organization or taking part in any political campaign.

Constitutional Amendments

Election of Supreme Court Justices

The resolution proposes abolishing the current process used to select and appoint Kansas Supreme Court justices in favor of direct election. The resolution provides for the rules of such elections and the designation of justice position numbers to be provided by law. Justice positions 1, 2, and 3 would be elected at the general election in November 2028; positions 4 and 5 would be elected at the general election in November 2030; and positions 6 and 7 would be elected at the general election in November 2032, and every six years thereafter, respectively. Vacancies for unexpired terms would be filled by election as provided by law.

The resolution also proposes abolishing the Commission.

Political Activity

The resolution proposes removing the prohibition against Kansas Supreme Court justices directly or indirectly making contributions to or holding any office in a political party or organization or taking part in political campaigns.

The resolution also proposes an amendment to the prohibition on political activity to allow district court judges holding office under a nonpartisan method to directly or indirectly make contributions to or hold any office in a political party or organization or take part in any political campaign when such judge is a candidate for election to a position on an appellate court.

Ballot Language

The resolution will place the following language on the ballot for the August 4, 2026, special election along with the text of the amendment itself:

> Explanatory statement. This amendment gives the voters the right to elect the justices of the Kansas Supreme Court. The justices shall serve terms of six years, with the elections of justice positions 1, 2, and 3 to occur in 2028, positions 4 and 5 to occur in 2030, and positions 6 and 7 to occur in 2032, and every six years thereafter. The rules applicable for such elections and the designation of position numbers shall be provided by law. Any vacancy on the court for an unexpired term shall be filled at an election as provided by law.
>
> A vote for this proposition would give Kansas citizens the right to elect Kansas Supreme Court justices as provided by law. Justices will hold office for terms of six years. The Kansas Supreme Court Nominating Commission, whose membership consists of a majority of lawyers, would be abolished.
>
> A vote against this proposition would continue the current system in which the Kansas Supreme Court Nominating Commission, whose membership consists of a majority of lawyers, provides the governor a list of three individuals to choose from for vacancies on the Kansas Supreme Court. Justices hold office for a term of six years and retain their offices if they win a retention election in which they do not face an opponent.

Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; Kansas Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act; HB 2359

HB 2359 enacts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) and the Kansas Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (KUGCOPAA) and repeals existing statutes governing guardianship and conservatorship throughout the *Kansas Statutes Annotated*, effective January 1, 2026. The bill also makes conforming amendments to various statutes to reflect the new acts.

Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

Definitions

The bill defines several terms used throughout UAGPPJA.

Foreign Jurisdiction

The bill allows a Kansas court to treat a foreign country as a state for the purposes of applying the UAGPPJA, with the exception of sections governing out-of-state registrations of guardianship or protective orders.

Interstate Communications

The bill allows a Kansas court, with participation by the parties, to communicate with another state concerning a proceeding arising under the UAGPPJA. The bill requires all communications except administrative matters to be recorded by the court.

Interstate Requests for Assistance

Under the UAGPPJA, Kansas courts may request another state's court to:

- Conduct evidentiary hearings;
- Compel testimony or evidence according to that state's procedures;
- Order evaluations or assessments of the respondent;
- Conduct investigations of persons involved in proceedings;
- Provide certified records of hearings, evidence, evaluations, or assessments;
- Issue orders ensuring appearance of necessary persons; and
- Authorize release of relevant records, including protected health information under federal regulations.

The bill also requires that when courts of other states request similar assistance in their guardianship or protective proceedings, Kansas courts have limited jurisdiction to either grant the request or make reasonable efforts to comply.

Out-of-State Depositions

Under the bill, Kansas courts may receive testimony from out-of-state witnesses through depositions or by telephone, audio-visual technology or other electronic means, or another legally permissible means of taking out-of-state testimony. Kansas courts are required to cooperate with other state courts in determining appropriate locations for depositions or testimony.

Definitions Specific to Adult Guardianship and Protective Proceedings

The bill defines several terms as used throughout provisions pertaining to jurisdiction of guardianship or other protective proceedings involving an adult. Terms defined include:

- "Emergency" means a circumstance that likely will result in substantial harm to a respondent's health, safety, or welfare, and for which the appointment of a guardian is necessary because no other person has authority and is willing to act on the respondent's behalf;

- "Home state" means the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months immediately before the filing of a petition for a protective order or the appointment of a guardian, or if none, the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months ending within the six months prior to the filing of the petition; and

- "Significant-connection state" means a state, other than the home state, with which a respondent has a significant connection other than mere physical presence and in which substantial evidence concerning the respondent is available. The bill prescribes four factors the court must consider in determining whether a significant connection to a particular state exists:
  - The location of the respondent's family and other persons required to be notified of the guardianship or protective proceeding;
  - The length of time the respondent at any time was physically present in the state and the duration of any absence;
  - The location of the respondent's property; and
  - The extent to which the respondent has ties to the state such as voting registration, state or local tax return filing, vehicle registration, driver's license, social relationship, and receipt of services.

Jurisdiction

Under the bill, the UAGPPJA provides the exclusive jurisdictional basis for establishing jurisdiction for the purpose of appointing a guardian or issuing a protective order for an adult. A Kansas court has jurisdiction when Kansas is the respondent's home state or may exercise jurisdiction as a significant-connection state when either:

- The respondent has no home state, or the home state has declined jurisdiction in favor of Kansas; or

- The respondent has a home state, but no guardianship petition is pending in that state or another significant-connection state, and before the court makes the appointment or issues the order:
  - No petition is filed in the home state;
  - No jurisdictional objections are filed by parties required to be notified of the proceeding; and
  - The Kansas court determines it is an appropriate forum.

Kansas courts also may exercise jurisdiction within constitutional limits if neither home state nor significant-connection state jurisdiction exists and all other states with potential jurisdiction have declined or the requirements for special jurisdiction are satisfied. Kansas courts may have special jurisdiction to:

- Appoint a guardian to a respondent physically present in Kansas for a term not to exceed 90 days in an emergency;
- Issue a protective order with respect to real or tangible personal property located in Kansas; or
- Appoint a guardian or conservator for an incapacitated or protected person who has been granted a provisional order for transfer from another state.

A Kansas court is required to dismiss a petition for the appointment of a guardian in an emergency upon request of the respondent's home state before or after the emergency appointment.

Exclusive and continuing jurisdiction. Once a Kansas court appoints a guardian or issues a protective order, it maintains exclusive and continuing jurisdiction until the court terminates the proceeding or the appointment or order expires by its terms.

Declining jurisdiction. The bill provides direction to Kansas courts, including factors to be considered, in determining whether a Kansas court should decline jurisdiction in favor of a more appropriate forum for the proceeding.

Jurisdiction acquired by unjustifiable conduct. The bill lists remedies available to a court when it determines that it acquired jurisdiction due to unjustifiable conduct by a party.

Notice. The bill provides that notice of a proceeding involving a respondent whose home state is not Kansas must be sent to those persons entitled to notice in the respondent's home state.

Concurrent petitions. The bill provides direction to Kansas courts in the case that a petition to appoint a guardian or issue a protective order is brought in a Kansas court and in another state and neither has been dismissed or withdrawn.

Transfer of Proceedings

The bill outlines procedures for the transfer of guardianships or conservatorships appointed in Kansas to another state. Such transfers require a petition to be filed and may require a hearing before the court may issue an order provisionally granting the petition, upon the court's finding of several facts, as specified by the bill.

For a guardianship or conservatorship to be transferred from another state to Kansas, the guardian or conservator is required to file a petition with the Kansas court to accept the transfer and has similar notice and hearing requirements as specified above.

Non-resident Guardian or Conservator

The bill provides that when a guardian or conservator has been appointed in another state and no petition for the same is pending in Kansas, the guardian or conservator may register such protective arrangement in Kansas by filing it as a foreign judgment in any county,

as appropriate. The bill provides that upon registration, the guardian or conservator has all powers authorized in the order of appointment except as prohibited by Kansas law and subject to any conditions imposed by nonresident parties.

Uniformity, Electronic Signatures in Global and National Commerce Act, Effective Date

Under the bill, consideration must be given to the need to promote uniformity of the law in the enactment of the UAGPPJA. The bill also specifies how the UAGPPJA impacts the Electronic Signatures in Global and National Commerce Act and states the UAGPPJA applies to guardianship and protective proceedings begun on or after January 1, 2026.

Kansas Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act

Definitions

The bill defines several key terms that are used throughout the KUGCOPAA, including:

- "Adult" means an individual at least 18 years of age or an emancipated individual under 18 years of age;

- "Conservator" means a person appointed by a court to make decisions with respect to the property or financial affairs of an individual subject to conservatorship, and the term also includes a co-conservator;

- "Guardian" means a person appointed by the court to make decisions with respect to the personal affairs of an individual, and the term also includes a co-guardian but does not include a guardian *ad litem*;

- "Expressly and with informed consent" means consent voluntarily given with sufficient knowledge of the subject matter involved, including a general understanding of the procedure, the medically acceptable alternative procedures or treatments, and the substantial risks and hazards inherent in the proposed treatment or procedures, to enable the person giving consent to make an understanding and enlightened decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion;

- "Guardian *ad litem*" means a person appointed to inform the court about, and to represent, the needs and best interest of an individual;

- "Hydration" means water or fluid administered in any manner;

- "Less restrictive alternative" means an approach to meeting an individual's needs which restricts fewer rights of the individual than would the appointment of a guardian or conservator. The term also includes supported decision-making, appropriate technological assistance, appointment of a representative payee, and appointment of an agent by the individual, including appointment under a power of attorney for health care or power of attorney for finances;

- "Letters of office" means a record issued by a court certifying a guardian's or conservator's authority to act;

- "Nutrition" means sustenance administered in any manner;

- "Person" means an individual, estate, business or non-profit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity;

- "Person legally incapable of making health care decisions" means any person who:
  - Has been declared legally unable to make decisions affecting medical treatment or care; and
  - In the reasonable medical judgment of the attending physician, is unable to make decisions affecting medical treatment or other health care services; or
  - Is a minor;

- "Reasonable medical judgment" means a medical judgment that is made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved;

- "Respondent" means an individual for whom appointment of a guardian or conservator or a protective arrangement instead of guardianship or conservatorship is sought; and

- "Supported decision making" means assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the individual to make the decisions, and in communicating a decision once made if consistent with the individual's wishes.

Principles of Law and Equity Supplemental to KUGCOPAA

The bill provides that unless displaced by a particular provision of KUGCOPAA, the principles of law and equity supplement its provisions.

Jurisdiction

The bill states what jurisdiction exists for proceedings under KUGCOPAA dependent upon what type of party is involved and further provides that a district court has jurisdiction over a guardianship or conservatorship for a minor domiciled, present in, or having property in Kansas, to the extent jurisdiction is precluded by the Uniform Child Custody Jurisdiction and Enforcement Act.

Transfer of Proceedings for Persons Not Subject to UAGPPJA; Non-resident Guardian or Conservator

The bill provides direction for the transfer of proceedings under KUGCOPAA when the transfer of proceedings as specified in the UAGPPJA do not apply.

The bill also prescribes the procedure for the appointment of a non-resident guardian or conservator to a minor in Kansas when jurisdiction for the proceeding has been established in Kansas.

Venue for Proceedings Involving Minor

The bill outlines the appropriate venue for guardianship, conservatorship, or protective arrangement proceedings involving a minor in Kansas.

Rights of Parties in Proceedings

The bill specifies the various rights that are afforded to both petitioner and respondent in any proceeding under KUGCOPAA, including the right of a respondent to demand a jury trial on the issue of whether a basis exists for appointment of a guardian or conservator. The bill also allows the consolidation of multiple proceedings involving the same individual as appropriate.

Letters of Office

Under the bill, criteria are established when letters of office to a guardian or conservator may be issued. Such letters are issued upon the guardian or conservator filing:

- An acceptance of appointment;
- An oath or affirmation as required by the Kansas Probate Code;
- Evidence of completion of a basic instructional program concerning the duties and responsibilities of a guardian or conservator; and
- A personal information sheet containing any personal identifying information about the guardian or conservator required by the court, not to be disclosed to the public.

The letters of office are required to contain a statement of any limitations on the powers of a guardian or conservator or on the property subject to conservatorship and to specify how co-guardians and co-conservators may act. Under the bill, the court may limit the powers of a guardian or conservator at any time after issuing new letters of office to reflect the limitation and providing notice to appropriate parties.

The bill directs the Kansas Judicial Council to prepare a basic instructional program concerning the duties and responsibilities of a guardian and conservator and allows the court to

require any guardian or conservator appointed prior to January 1, 2026, to complete such program.

Personal Jurisdiction; Resident Agents

The bill provides that on acceptance of appointment, a guardian or conservator submits to personal jurisdiction of the Kansas court with jurisdiction over the proceeding.

The bill requires every non-resident guardian or conservator to appoint an individual Kansas resident or a corporation, limited partnership, limited liability partnership, limited liability company, or business trust that has its principal place of business in Kansas to act as a resident agent. The bill enumerates the resident agent's duties.

Co-guardians and Co-conservators

The bill allows co-guardians and co-conservators to be appointed by a court and requires the letters of office to state how such co-guardians or co-conservators may act.

Successor Guardian or Conservator

The bill allows a successor guardian or conservator appointed by a court to serve immediately or upon some designated event, upon petition of a party authorized to petition for guardian or conservator.

Corporation as Guardian

The bill provides that any corporation organized under the Kansas General Corporation Code and certified by the Secretary for Children and Families may act as a guardian under KUGCOPAA. The bill directs the Secretary to establish criteria to determine whether the corporation should be certified and provides further guidance on what the criteria should include. The Secretary is authorized to adopt rules and regulations related to the certification of corporations as guardian.

The bill prohibits any corporation that provides care, treatment, or housing, or is owner, part owner, or operator of any adult care home, lodging establishment, or institution that houses the individual subject to guardianship from being appointed as that individual's guardian.

Termination of Appointment

A guardian or conservator appointment terminates upon the guardian's or conservator's death, removal, or resignation, if the resignation is approved by the court. Death, removal, or resignation of the guardian or conservator does not affect any liability that may arise out of the protective arrangement.

Notice Required Under KUGCOPAA

The bill specifies what is required for proper notice of a hearing under KUGCOPAA and prohibits a respondent or individual subject to guardianship, conservatorship, or other protective arrangement from waiving notice. However, any other person may waive notice in a signed record filed in the proceeding.

Appointment of Guardian Ad Litem

The bill authorizes the court to appoint a guardian *ad litem* at any time if it determines the individual's interests are not adequately represented. A guardian *ad litem* may be appointed to represent multiple individuals or interests if no conflict of interest exists but may not be the attorney representing the respondent.

Request for Notice

The bill provides that a person may file with the court a request for notice of proceedings under KUGCOPAA if not otherwise entitled to notice or if interested in the welfare of a respondent or individual subject to guardianship, conservatorship, or other protective arrangement.

Disclosures Required of Guardian or Conservator

The bill specifies what a guardian or conservator must disclose to the court before accepting appointment related to prior convictions, insolvency, or prior acts of abuse or neglect.

Compensation and Reimbursement for Services Provided to Respondent; Costs

The bill describes when an attorney or other person whose services resulted in an order beneficial to a respondent or person subject to guardianship, conservatorship, or protective arrangement is entitled to reasonable compensation and reimbursement for reasonable expenses from the property of that respondent or person, subject to the court's approval.

The bill also provides that costs incurred as a result of a proceeding brought under KUGCOPAA are to be paid by the county in which the respondent or person under guardianship or conservatorship resides.

Compensation and Reimbursement for Guardian or Conservator

Guardians and conservators are entitled to reasonable compensation and expenses from the respondent's property under KUGCOPAA, subject to the court's approval. The court is required to consider a number of factors, as specified by the bill, in determining what is reasonable compensation.

Fiduciary Responsibility Instruction

The bill provides that a guardian or conservator may petition the court for instruction concerning fiduciary responsibility or for ratification of a specific act related to the guardianship or conservatorship.

Exceptions to Guardian or Conservator Authority

The bill outlines when the authority of a guardian or conservator to act on behalf of the individual may be rejected.

Third-party Service Providers

The bill provides that a guardian or conservator may retain third parties to provide services to an individual if consistent with the fiduciary duties of the guardian or conservator. The guardian or conservator must exercise reasonable care, skill, and caution with respect to the retention of such third parties.

Temporary Substitute Guardians or Conservators

The bill specifies when a court may appoint a temporary substitute guardian or conservator for a period not to exceed six months and provides related procedural guidance for such appointments.

Non-resident Guardian or Conservator

The bill provides that when a guardian or conservator has been appointed in another state and no petition for the same is pending in Kansas, the guardian or conservator may register such protective arrangement in Kansas by filing it as a foreign judgment in any county, as appropriate. Under the bill, a guardian or conservator has all powers authorized in the order of appointment upon registration, except as prohibited by Kansas law and subject to any conditions imposed by non-resident parties.

Grievance Process

The bill outlines the process by which an adult who is subject to guardianship or conservatorship or person interested in the welfare of that individual may file a grievance related to the arrangement. The court must schedule a hearing if it finds the grievance supports a reasonable belief that removal, termination, or modification of the guardianship or conservatorship may be appropriate. The court may take any action supported by the evidence. The court may decline to act upon a subsequent grievance if a similar grievance was filed within the previous six months.

Provisions Specific to Minor Guardianship

When an appointment may be made. The court may appoint a guardian if it finds the appointment is in the minor's best interests, and:

- Each of the minor's parents have given consent;
- All parental rights have been terminated;
- There is clear and convincing evidence that the parents are unwilling, unable, or unfit to exercise the powers of a guardian; or
- There is clear and convincing evidence that highly unusual or extraordinary circumstances exist that cause the court to appoint the guardian over the objection of a parent.

Petition for minor guardianship. Under the bill, a minor or person interested in the welfare of a minor may file a petition for the appointment of a guardian for the minor. The bill specifies what information the petition must contain.

Hearing and notice. The bill requires a court to schedule a hearing upon the filing of the petition for minor guardianship, describe who must be given notice for the hearing, and specify what information such notice must contain.

Appointment of attorney. The bill requires the court to appoint an attorney to represent the minor subject to guardianship in certain circumstances. The court may also appoint an attorney to represent a parent of the minor if it determines there is a need for such representation.

Participation in hearing. The bill prescribes who must participate in the hearing for minor guardianship, who may be excused from participation, and who may participate upon request.

Rules applicable to appointment. The bill provides certain rules that apply when the court has found an appointment of a guardian for a minor is proper, including what persons may be considered to be a guardian, who must receive notice of the appointment, and when such notice is insufficient.

Standby guardians. The bill describes the process for appointing a standby guardian when no parent of the minor is willing or able to exercise the duties and powers granted to the guardian. Standby guardians may be appointed upon petition by a parent or a person nominated by a parent and the court's finding that no parent of the minor likely will be able or willing to care for or make decisions with respect to the minor not later than two years after the appointment.

Emergency guardians. The bill allows a court to appoint an emergency guardian for a minor in certain circumstances. An emergency guardianship may not exceed 30 days (with a limit of 3 extensions of no more than 30 days each), and the guardian may only exercise the powers specified in the appointment. The bill prescribes who must be provided reasonable

notice of the hearing on emergency guardianship. Under the bill, the court may remove an emergency guardian at any time, and the appointment of an emergency guardian may not provide a basis for the determination that a non-emergent guardianship is otherwise necessary.

Duties and powers of minor's guardian. The bill enumerates the duties of a guardian, specifying that such guardian is a fiduciary and has the duties of a parent regarding the minor's support, care, education, health, safety, and welfare. The guardian is required to act in the minor's best interest and exercise reasonable care, diligence, and prudence. The bill provides that a guardian has the powers a parent otherwise has regarding the minor, except as limited by court order, and enumerates specific powers.

Authority over minor's estate. The bill prohibits a guardian for a minor from exercising any control or authority over the minor's estate, unless specifically authorized by the court. If so authorized, the court requires the guardian to prepare an inventory of the minor's estate and requires the posting of a bond in certain circumstances.

Termination of minor's guardian. The bill prescribes in what circumstances a minor's guardianship may be terminated and related requirements for such termination.

Plan of care for minor. The bill provides that a court may require, or the minor may choose, to develop a plan of care for the minor, taking into account the minor's needs, best interest, and preferences, to the extent known or reasonably ascertainable by the guardian. The bill specifies items that may be included in such plan. The minor, parent, or any other person entitled to notice related to the minor guardianship may object to the plan in writing within 21 days of the plan's filing.

Provisions Specific to Adult Guardianship

When an appointment may be made. The court may appoint a guardian for an adult if it finds by clear and convincing evidence that:

- The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supportive decision-making; and

- The respondent's identified needs cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative.

Under the bill, the court must grant a guardian only those powers necessitated by the demonstrated needs and limitations of the respondent. The bill directs the court to issue orders that will encourage development of the respondent's maximum self-determination and independence.

Petition for adult guardianship. The bill allows the adult subject to guardianship and any person interested in that adult's welfare to file a petition for the appointment of a guardian for the adult and it specifies what information the petition must contain.

Hearing and notice. The bill requires a court to schedule a hearing upon the filing of the petition for adult guardianship, describe who must be given notice for the hearing, and specify what information such notice must contain.

Appointment of court liaison. The court may appoint a court liaison with training or experience in the type of abilities, limitations, and needs alleged in the petition for guardianship to interview the respondent and obtain the respondent's views on the proposed appointment of guardianship. The court liaison is also authorized to investigate allegations contained in the petition and any other matter related to the petition as directed by the court. If a court liaison is appointed, such liaison must file a report at least ten days prior the hearing on the petition or other hearing as directed by the court. The bill prescribes what information must be included in the report.

Appointment of attorney. The bill requires the court to appoint an attorney to represent the respondent, regardless of the respondent's ability to pay. The bill specifies the duties of the attorney, which are to:

- Make reasonable efforts to ascertain the respondent's wishes;
- Advocate for the respondent's wishes to the extent reasonably ascertainable; and
- Advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests, if the respondent's wishes are not reasonably ascertainable.

The bill also describes the attorney's duties to inform the respondent of other relevant details of the proceeding.

***Prima facie* case for appointment of guardian.** If the contents of a petition or evidence at the hearing support a *prima facie* case of the need for a guardian, the court must order an examination and evaluation of the respondent's alleged cognitive and functional abilities and limitations. The bill specifies what information related to the examination or evaluation must be included in the report and requires the professional who prepared the report to submit it at least five days prior to the date of the trial.

Participation in hearing. The bill requires the respondent to attend the guardianship hearing before the guardianship may proceed and allows the court to hold the hearing in an alternative location convenient to the respondent or allows the respondent to attend using real-time audio-visual technology. The bill outlines circumstances in which participation of a respondent is required and specifies the rights granted to a respondent who chooses to participate in the hearing.

Sealing of records related to guardianship; access to records. While records related to guardianship proceedings for adults are generally to be treated as public records, the bill describes circumstances in which records may be sealed. The bill specifies who is entitled to access court records related to the guardianship proceeding. The bill requires reports made by court liaisons or professional evaluators of cognitive and functional abilities to be sealed upon filing but may be accessed by certain specified individuals.

Order of priority for guardian. The bill establishes an order of priority for persons qualified to be guardian of an adult and prescribes rules to follow when equal priority may exist.

Court order appointing guardian. The bill specifies what information must be included in a court order appointing a guardian for an adult.

Notice required after appointment made. The bill requires a copy of the appointment to be given to the adult subject to the guardianship and all other persons entitled to notice within 14 days of the day the order for appointment is issued. The bill also requires, within 30 days of the appointment, a statement of the rights of the adult subject to the guardianship and available remedies to seek relief if those rights are denied to be given to the adult subject to guardianship.

Emergency guardian for adult. The bill allows a court to appoint an emergency guardian for an adult in certain circumstances. An emergency guardianship may not exceed 30 days (with a limit of three extensions not more than 30 days each), and the guardian may only exercise the powers specified in the order of appointment. The bill specifies who must be provided reasonable notice of the hearing on emergency guardianship. The bill provides that the court may remove an emergency guardian at any time, and the appointment of an emergency guardian may not provide a basis for the determination that a non-emergent guardianship is otherwise necessary.

Duties and powers of guardian. The bill enumerates the duties of a guardian for an adult, specifying that such guardian is a fiduciary and must strive to assure that the personal, civil, and human rights of the adult subject to the guardianship are protected. The guardian is required to promote the self-determination of the adult and, to the extent reasonably feasible, include the adult in decision-making, act on the adult's own behalf, and develop or regain the capacity to manage the adult's personal affairs. The bill specifies certain actions the guardian must take in furtherance of the above-stated goals.

The bill requires the guardian to make the decision the guardian reasonably believes the adult would make if the adult were able unless doing so would unreasonably harm or endanger the welfare or personal or financial interests of the adult. In determining the decision the adult would make if able, the guardian is required to consider, to the extent actually known or reasonably ascertainable, the adult's:

- Current or previous directions;
- Preferences;
- Opinions;
- Cultural practices;
- Religious beliefs; and
- Values and actions.

The bill enumerates the specific actions a guardian may take regarding the adult subject to guardianship, except as limited by court order.

Limitations on powers of guardian. The bill specifies those actions a guardian is prohibited from taking on behalf of an adult subject to guardianship and provides applicable guardrails on actions that may be taken by the guardian.

Authority over adult's estate. The bill prohibits a guardian for an adult from exercising any control or authority over the adult's estate unless specifically authorized by the court. If so authorized, the court requires the guardian to prepare an inventory of the adult's estate and requires the posting of a bond in certain circumstances.

Plan of care for adult. The bill provides that a court may require, or the adult may choose, to develop a plan of care for the adult, taking into account the adult's needs, best interests, preferences, values, and prior directions to the extent known or reasonably ascertainable by the guardian. The bill specifies items that may be included in such plan. The adult or any other person entitled to notice related to the adult guardianship may object to the plan in writing within 21 days of the plan's filing.

Annual report. The bill requires a guardian to file an annual report with the court regarding the conditions of the adult and accounting for funds and other property in the guardian's possession or control. The court may require this report to be filed at any other time in addition to the annual requirement. The bill specifies what information must be contained in the report and allows the court to appoint a court liaison to review this report.

Removal of guardian for good cause. The bill allows a court to remove a guardian for an adult for failure to perform the guardian's duties or for other good cause and to appoint a successor guardian, upon petition and after a hearing on the removal.

Petition for termination or modification. The bill allows the adult subject to guardianship, the guardian, or a person interested in the welfare of the adult to petition for termination or modification of the guardianship. The bill specifies what information must be included in the petition and provides related hearing and notice requirements for such petitions.

Provisions Specific to Conservatorships

[*Note:* Many provisions applicable to conservatorships in KUGCOPAA are substantially similar to those described in the sections governing guardianships. Only substantive variations from provisions previously described and provisions exclusive to conservatorships are described below.]

Appointment of conservator for a minor. The court may appoint a conservator for the property or financial affairs of a minor if it finds by a preponderance of the evidence that:

- The minor owns funds or other property exceeding $25,000 in value derived from court settlements, death transfers, or sources other than the minor's employment earnings or accounts established under the Uniform Transfers to Minors Act and either:
  - The minor owns funds or other property requiring management or protection that otherwise cannot be provided;
  - The minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or
  - Appointment is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the minor.

Appointment of conservator for an adult. The court may appoint a conservator for the property or financial affairs of an adult if the court finds by clear and convincing evidence that:

- The adult is unable to manage property or financial affairs because:
  - Of a limitation in the adult's ability to receive and evaluate information or make or communicate decisions, even with the use of appropriate supportive services, technological assistance, or supported decision making; or
  - The adult is missing, detained, or unable to return to the United States;
- An appointment is necessary to:
  - Avoid harm to the adult or significant dissipation of the property of the adult; or
  - Obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult or of an individual entitled to the adult's support; and
  - The adult's identified needs cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternative.

***Ex parte* orders to preserve and apply property.** The bill allows the court to issue an *ex parte* order to preserve and apply property of the respondent to support the respondent or respondent's dependent, without notice to others, while a petition for conservatorship is pending. The court is allowed to appoint an emergency conservator to assist in implementing the order.

Petitions for relief by individual subject to conservatorship. An individual subject to conservatorship or a person interested in that individual's welfare can petition for an order:

- Modifying bond requirements;
- Requiring an accounting for the administration of the conservatorship estate;
- Directing distribution;
- Removing the conservator and appointing a temporary or successor conservator;
- Modifying the type of appointment or powers granted to the conservator;
- Rejecting or modifying the conservator's plan, inventory, or report; or
- Granting other appropriate relief.

Bond requirements. The bill outlines when a court may require a conservator to furnish a bond with a surety, or require an alternative asset-protection arrangement, conditioned on faithful discharge of all duties of the conservator. The court may waive the bond requirement only if it finds that it is not necessary to protect the interests of the individual subject to conservatorship. The bill also enumerates rules that apply to such bonds.

Best interest of individual subject to conservatorship. The bill specifies when a conservator is authorized to act in accordance with the best interest of the individual subject to the conservatorship and specifies factors that must be considered by the conservator in making the best interest determination.

Expenditures or distributions of estate absent court authorization. The bill specifies when a conservator may make, expend, or distribute income or principal of the conservatorship estate without specific court authorization. The bill lists factors that the conservator must consider in making such expenditures or distributions.

Court authorization required before certain powers exercised. The bill specifies 16 actions that require specific court authorization before the conservator may take such action and outlines the procedure for the court hearing and approval of the action.

Conservator's plan. The bill requires a conservator to file with the court a plan for protecting, managing, expending, and distributing the assets of the conservatorship estate, based on the needs of the individual subject to the conservatorship and taking into account the best interest of the individual within 60 days of the appointment of the conservator.

Inventory of estate. The bill requires a conservator to prepare and file with the appointing court a detailed inventory of the conservatorship estate and information regarding title and beneficiary designations within 60 days of appointment.

Property rights of individual subject to conservatorship. The bill specifies the individual's interest in property included in the conservatorship estate is not transferable or assignable by the individual and is not subject to levy or garnishment unless allowed as a claim against the estate pursuant to KUGCOPAA. The bill also specifies how contracts entered into with a person subject to conservatorship are affected.

Substantial conflicts voidable. The bill specifies a transaction involving the conservatorship estate that is in substantial conflict with the conservator's fiduciary duties and the conservator's personal interests is voidable unless authorized by the court.

Good faith dealings with conservator. The bill specifies any person who deals or assists a conservator in good faith and for value is protected against any claim that the conservator did not properly execute his or her power in the transaction.

Death of individual subject to conservatorship. Upon the death of an individual subject to a conservatorship, the conservator must:

- Conclude administration of the conservatorship estate;
- Deliver any will of the individual in the conservator's possession; and
- Give notice of such delivery to anyone entitled to it.

Claims against estate. The bill specifies a conservator may pay a claim against the conservatorship estate or the individual subject to conservatorship and provides instruction on how a claimant may bring a claim. The bill also instructs on the priority of claims in the case where an estate is likely to be exhausted before all claims are paid.

Liability of conservator. The bill specifies when a conservator is or is not personally liable for some transaction involving the administration of the conservatorship estate.

Extension of minor conservatorship. The bill allows a minor to extend a conservatorship until the age of 21 if the minor consents or the court finds by clear and

convincing evidence that substantial harm to the minor's interests is likely without such extension. A conservatorship may be extended for two additional two-year terms pursuant to the bill. Any extension granted requires the conservator to provide a plan describing how the minor's assets are to be distributed under the extension.

Limitations on transfers involving minor. The bill provides that transfers involving minors may not exceed $25,000 in a 12-month period and limits such transfers to certain persons and entities to pay for the support, care, education, health, or welfare of the minor. Funds not used for these purposes must be preserved for future support of the minor, and if any balance remains when the minor becomes an adult or is emancipated, such balance must be transferred to the minor.

Parent's responsibility to hold minor's property in trust. The bill specifies a parent has the right and responsibility to hold in trust and manage for the minor's benefit all personal and real property vested in the minor when the property does not exceed $25,000, unless a guardian or conservator has been appointed for the minor.

Court authorized to make deposit or payment on behalf of minor without conservator. The bill allows a court that has control over or possession of money not exceeding $100,000, the right to which is vested in the minor, to deposit the money in an account, payable to a conservator or to the minor upon turning 18. The bill allows a court that has control over or possession of money not exceeding $25,000, which has vested in the minor, to pay the money to any person.

Court authorized to make deposit on behalf of adult. The bill allows a court that has control over or possession of money not exceeding $25,000, which is vested in an adult subject to guardianship, to deposit the money in an account, payable to a conservator or to the adult subject to guardianship upon termination of the guardianship.

Provisions Specific to Protective Arrangements

[*Note:* Many provisions governing protective arrangements in KUGCOPAA are substantially similar to those described in the previous sections governing guardianships and conservatorships. Only substantive variations from provisions previously described and provisions exclusive to protective arrangements are described below.]

When protective arrangement may be ordered instead of guardianship. Upon a finding by clear and convincing evidence that a protective arrangement instead of a guardianship should be ordered, the court may:

- Authorize or direct a transaction necessary to meet the respondent's need for health, safety, or care, including:
  - A particular medical treatment or refusal of a particular medical treatment;
  - A move to a specified place of dwelling; or
  - Visitation between the respondent and another person;

- Order supervised visitation with, or restrict access to, the respondent by a specified person whose access places the respondent at serious risk of physical, psychological, or financial harm; or

- Order other arrangements on a limited basis that are appropriate.

When protective arrangement may be ordered instead of conservatorship. Upon a finding by clear and convincing evidence that a protective arrangement instead of a conservatorship should be ordered, the court may:

- Authorize or direct a transaction necessary to protect the financial interest or property of the respondent, including:
  - An action to establish eligibility for benefits;
  - Payment, delivery, deposit, or retention of funds or property;
  - Sale, mortgage, lease, or other transfer of property;
  - Purchase of an annuity;
  - Entry into a contractual relationship, including a contract to provide for personal care, supportive services, education, training, or employment;
  - Addition to or establishment of a trust;
  - Ratification or invalidation of a contract, trust, will, or other transaction, including a transaction related to the property or business affairs of the respondent; or
  - Settlement of a claim; or
- Restrict access to the respondent's property by a specified person whose access to the property places the respondent at serious risk of financial harm.

Appointment of facilitator. The bill allows a court to appoint a facilitator to assist in implementing a protective arrangement under KUGCOPAA.

Kansas Judicial Council forms. The bill requires the Kansas Judicial Council to develop forms for the purposes of KUGCOPAA.

Uniformity; Electronic Signatures in Global and National Commerce Act; effective date. The bill specifies consideration must be given to the need to promote uniformity of the law in the enactment of KUGCOPAA, specifies how the KUGCOPAA impacts the Electronic Signatures in Global and National Commerce Act, and states the KUGCOPAA applies to guardianships, conservatorships, and protective arrangements commenced on or after January 1, 2026.

Conforming Amendments

The bill amends various statutes to reflect references to the UAGPPJA and KUGCOPAA.

LEGISLATURE

Minutes for Legislative Interim Committees; HB 2238

HB 2238 transfers the responsibility for preparing minutes of legislative committee meetings in the interim from the Kansas Legislative Research Department to Legislative Administrative Services.

Denouncing the March 28, 2025, Black Mass Ceremony; HR 6016

HR 6016 makes findings concerning the First Amendment to the *U.S. Constitution*, including the right to assemble and freedom of speech, and expresses disapproval of actions that mock or desecrate religious beliefs.

The resolution states the House of Representatives denounces the planned satanic worship ritual scheduled to take place on the State Capitol grounds on March 28, 2025.

Additionally, the resolution states the House of Representatives calls upon Governor Kelly to condemn the stated activity and its implicit use of stolen property, and it calls upon Kansans to promote unity, mutual respect, and the values that uphold the nation’s identity.

The resolution directs the Chief Clerk of the House of Representatives to send enrolled copies of the resolution to Representatives Rahjes, Moser, and Pickert.

LICENSES, PERMITS, AND REGISTRATIONS

Secretary of State Filings; SB 13

SB 13 eliminates and modifies the following filing requirements with the Secretary of State:

- Business agents, and any individual representing a labor organization full time, are no longer required to file the entity's constitution, bylaws, and annual reports [*Note:* These will continue to be maintained online with the U.S. Department of Labor.];
- Employee organizations are no longer required to file copies of their bylaws or governing rules;
- The State Board of Regents is no longer required to file reciprocal agreements for use of educational facilities;
- The Secretary of Revenue is no longer required to file annual reports related to tax abatement of motor carrier ad valorem tax liabilities, income tax compromises, and delinquent personal corporate income tax;
- The Director of the Kansas Water Office is no longer required to file copies of stream bank easements [*Note:* These will continue to be filed with the local county Office of the Register of Deeds.]; and
- Bonded warehousemen are no longer required to be licensed by, or file with, the Office of the Secretary of State.

Athletic Trainers; SB 175

SB 175 amends the Athletic Trainers Licensure Act to amend the definition of "athletic training," provide a licensure exemption, and make changes to the application for licensure as an athletic trainer.

Definition

The bill amends the definition of the term "athletic training"—the practice of injury prevention, physical evaluation, emergency care, and referral or physical reconditioning relating to athletic activity—to add:

- That it is including but not limited to sports participation, exercise, fitness training, strength and conditioning work, recreational physical activities, and competitive athletics. This encompasses wellness promotion, risk management, immediate or emergency care, examination, assessment and therapeutic intervention, or rehabilitation of athletic injury and illness; and

- Making clinical decisions to determine if consultation or referrals are necessary, health care administration, professional responsibility, performance of athletic training research, and educating and consulting with the public regarding safe participation in athletic activities and proper training methods.

Kansas Licensure Waiver Exemption for Athletic Trainers

The bill provides an exemption to the Kansas Athletic Trainers Licensure Act for an individual who accompanies an athletic team or organization from another state or jurisdiction and provides the services of an athletic trainer in Kansas if the individual meets the following criteria:

- Licensed and able to practice as an athletic trainer in another state, District of Columbia, territory, or foreign country; and

- Provides the services of an athletic trainer only to the members of the athletic team or organization that traveled to Kansas.

Changes to Athletic Trainer License Application Requirements

The bill eliminates the requirement that an application for licensure as an athletic trainer be made in writing.

The bill also requires an applicant for licensure as an athletic trainer to provide proof of graduation after successful completion of the curriculum requirements of an accredited training education program at an accredited college or university approved by the State Board of Healing Arts, changed from requiring proof of receipt of a baccalaureate or post-baccalaureate degree with a major course of study in an athletic training curriculum.

Multistate Compacts: School Psychologist, Dietitian, Cosmetologist Licensure, and Physician Assistant Licensure; HB 2069

HB 2069 enacts four multistate licensure compacts: the School Psychologist Compact (SP Compact), the Dietitian Compact, the Cosmetologist Licensure Compact (Compact), and the Physician Assistant Licensure Compact (PA Compact). The uniform provisions for each compact are outlined below.

School Psychologist Compact

Purpose

The SP Compact's purpose is to facilitate the interstate practice of school psychology in educational or school settings to improve the availability of school psychological services to the public. The SP Compact establishes a pathway to allow school psychologists to obtain equivalent licenses to provide school psychological services in any member state and promotes the mobility of school psychologists between and among member states to address workforce

shortages. The SP Compact will also facilitate the relocation of military members and their spouses who are licensed to provide school psychological services.

Definitions

The SP Compact defines various terms, including:

- "School psychological services" means academic, mental, and behavioral health services, including assessment, prevention, consultation, collaboration, intervention, and evaluation provided by a school psychologist in a school, as outlined in applicable professional standards as determined by the School Psychologist Interstate Licensure Compact Commission rule; and

- "School psychologist" means an individual who has met the requirements to obtain a home state license that legally conveys the professional title of school psychologist as determined by SP Commission rule.

State Participation in the SP Compact

The SP Compact defines requirements for states to join and maintain eligibility as member states in the SP Compact, including enacting a SP Compact statute not materially different from the model legislation and participating in the sharing of information with the SP Commission and other member states as necessary. The SP Compact requires applicants for a home state license to have:

- Taken and passed a qualifying national exam as defined by the rules of the SP Commission;

- Completed a minimum of 1,200 hours of supervised internship, including at least 600 hours completed in a school prior to being approved for licensure; and

- Graduated from a qualifying school psychologist education program.

The SP Compact provides for member states to set and collect a fee for granting an equivalent license.

School Psychologist Participation in the SP Compact

The SP Compact sets requirements for a licensee to obtain and maintain an equivalent license from a remote state, including holding and maintaining a home state license, paying any required fees, and undergoing a criminal background check. To renew an equivalent license in a member state other than the home state, a licensee will be required to apply for renewal, complete a background check, and pay renewal fees as determined by the licensing authority.

Active Military Members or Their Spouses

The SP Compact provides for a licensee who is an active military member or the spouse of an active military member to hold a home state license in any of the following locations:

- The licensee's permanent residence;
- A member state that is the licensee's primary state of practice; or
- A member state where the licensee has relocated pursuant to a permanent change of station.

Discipline and Adverse Actions

The SP Compact will not limit the authority of a member state to investigate or impose disciplinary measures on licensees according to the state's practice laws. Member states will be authorized to receive and will be required to provide files and information regarding the investigation and discipline, if any, of licensees in other member states upon request.

Establishment of the School Psychologist Interstate Licensure Compact Commission

The SP Compact creates and establishes a joint government agency, the School Psychologist Interstate Licensure Compact Commission (SP Commission), consisting of member states that have enacted the SP Compact. The SP Compact will provide requirements for membership, voting, and meetings of the SP Commission; the powers of the SP Commission; and the Executive Committee of the SP Commission.

The SP Compact will provide for the SP Commission to pay for the reasonable expenses of its establishment, organization, and ongoing activities. The powers of the SP Commission will include levying and collecting an annual assessment from each member state and imposing fees on licensees to cover the cost of the operations and activities of the SP Commission. The SP Compact will require the SP Commission to adopt an annual report, including a financial review, and provide the report to the member states.

The SP Compact will provide for the qualified immunity, defense, and indemnity of its members, officers, employees, and representatives of the SP Commission acting within the scope of SP Commission employment, duties, or responsibilities. The protections will not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The SP Compact will not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Facilitating Information Exchange

The SP Compact requires the SP Commission to facilitate the exchange of information to administer and implement the provisions of the SP Compact, including the following licensee information:

- Identifying information;
- Licensure data;
- Adverse actions against a license and related information;
- Non-confidential information related to alternative program participation;
- Any denial of application for licensure and the reasons for denial;
- The presence of investigative information; and
- Other information that may facilitate the administration of the SP Compact or the protection of the public, as determined by the rules of the SP Commission.

Rulemaking

The SP Compact provides the SP Commission with the authority to promulgate reasonable rules to achieve the intent and purpose of the SP Compact. A majority of legislatures of the member states could reject a rule by enactment of a statute or resolution within four years of adoption of the rule. The SP Compact also provides for emergency rulemaking procedures.

Oversight, Dispute Resolution, and Enforcement

The SP Compact will require the executive and judicial branches of the state government in each member state to enforce the SP Compact and take all actions necessary and appropriate to implement the SP Compact.

If the SP Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the SP Compact, the SP Commission will provide written notice to the defaulting state to describe the default and provide proposed means of curing the default. The SP Commission will be required to offer training and specific technical assistance regarding the default.

The SP Compact defines the process for removing a defaulting state, resolving disputes among member states, and enforcing the SP Compact against a member state or the SP Commission.

Effective Date, Withdrawal, and Amendment

The SP Compact will come into effect on the date that the SP Compact statute is enacted into law in the seventh member state. [*Note:* As of February 5, 2025, the SP Compact has been enacted in Colorado and West Virginia, and was being considered in eight states, including Kansas.]

The SP Compact provides for procedures to remove a defaulting member state or for a member state to withdraw from the SP Compact. The SP Compact will be amendable by enactment of law by all member states.

Construction and Severability

The SP Compact and the SP Commission's rulemaking authority will be liberally construed so as to effectuate the purposes, implementation, and administration of the SP Compact. The provisions of the SP Compact are severable.

Consistent Effect and Conflict with Other State Laws

The SP Compact does not prevent or inhibit the enforcement of any other law of a member state not inconsistent with the SP Compact. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the SP Compact would be superseded to the extent of the conflict, and all permissible agreements between the SP Commission and member states would be binding.

Dietitian Compact

Purpose

The purpose of the Dietitian Compact is to facilitate the interstate practice of dietetics with the goal of improving public access to dietetics services and achieving a number of objectives that reduce administrative burden while increasing availability of licensed dietitians as well as cooperation among member state licensing bodies.

The Dietitian Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure while also providing license portability for qualifying professionals.

Definitions

The Dietitian Compact defines various terms used throughout the Dietitian Compact, including:

- "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws that is imposed by a licensing authority or other authority against a licensee, including actions against an individual's license or Dietitian Compact privilege, such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensee's authorization to practice, including issuance of a cease-and-desist action;

- "Compact Commission" means the governmental agency whose membership consists of all states that have enacted this Dietitian Compact, which is known as

the Dietitian Licensure Compact Commission (Dietitian Compact Commission), and which shall operate as an instrumentality of member states;

- "Practice of dietetics" means the synthesis and application of dietetics as defined by state law and regulations, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness;

- "Registered dietitian" means a person who has completed applicable education, experience, examination, and recertification requirements approved by the Commission on Dietetic Registration; is credentialed by the Commission on Dietetic Registration as a registered dietitian or a registered dietitian nutritionist; and is legally authorized to use the title Registered Dietitian or Registered Dietitian Nutritionist and the corresponding abbreviations "RD" or "RDN"; and

- "Single state license" means a license issued by a member state within the issuing state and does not include a Dietitian Compact privilege in any other member state.

State Participation in the Dietitian Compact

The Dietitian Compact requires member states to:

- Participate fully in the Dietitian Compact Commission's data system;

- Notify the Dietitian Compact Commission of adverse actions regarding a licensee;

- Implement a criminal history check including the submission of fingerprints to both the Federal Bureau of Investigation and the comparable state agency for Dietitian Compact licensees;

- Comply with the rules of the Dietitian Compact Commission;

- Require an applicant for the Dietitian Compact privilege to obtain or retain a license in the home state and meet all home state requirements for licensure or renewal; and

- Recognize each licensee who has met the terms of the Dietitian Compact and rules.

The Dietitian Compact authorizes member states to charge a fee for granting a Dietitian Compact privilege. The Dietitian Compact specifies member states retain sole jurisdiction over the licensing requirements for a single-state license to practice dietetics.

Dietitian Compact Privilege

The Dietitian Compact requires dietitians to meet certain educational and credentialing criteria to exercise Dietitian Compact privileges and aligns Dietitian Compact privilege with the underlying valid home state license, including renewal criteria and continuing education requirements set by the licensee's home state. The Dietitian Compact will require that a licensee practicing in a remote state adhere to the remote state's laws and regulations relating to dietetics.

Obtaining a New Home State License Based on Dietitian Compact Privilege

The Dietitian Compact allows a licensee to have only one home state license at a time. The Dietitian Compact provides a procedure to change a licensee's home state license when relocating between member states.

Active Duty Military Personnel or Their Spouses

The Dietitian Compact allows active duty military personnel or their spouses to designate a home state where such service member or spouse has a current license in good standing and allows such military personnel or spouse to retain that home state designation during the period of time the service member is on active duty.

Adverse Actions

The Dietitian Compact allows a member state to take adverse action against a licensee's Dietitian Compact privilege in such member state and to issue subpoenas. Only the licensee's home state has the power to take adverse action against the license issued by the home state. However, a member state does have the authority to take adverse action based on the factual findings of another remote state if the other member state follows its own procedures for adverse actions. Member states are permitted to recover costs of investigations or dispositions if permitted by law of their state. The home state will be required to promptly report the conclusions of any investigation to the data system. The Dietitian Compact authorizes joint investigations of licensees by member states.

Establishment of the Dietitian Licensure Compact Commission

The Dietitian Compact creates the Dietitian Compact Commission and includes provisions relating to membership, voting, powers and duties, and financing of the Dietitian Compact Commission. The Dietitian Compact establishes the Executive Committee, which will have the power to act on behalf of the Dietitian Compact Commission according to the terms of the Dietitian Compact.

The Dietitian Compact provides for Dietitian Compact Commission payment of the reasonable expenses of its establishment, organization, and ongoing activities. The Dietitian Compact Commission will be authorized to levy and collect an annual assessment from each member state and impose fees on licensees of member states to cover the cost of operations. The Dietitian Compact will require the Dietitian Compact Commission to adopt an annual report, including a financial review, and provide the report to member states.

The Dietitian Compact provides for the qualified immunity, defense, and indemnity of its members, officers, employees, and representatives acting within the scope of Dietitian Compact Commission employment, duties, or responsibilities. The protections do not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The Dietitian Compact does not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Data Systems

The Dietitian Compact requires the Dietitian Compact Commission to develop, maintain, operate, and utilize a coordinated data system. The Dietitian Compact governs how the information will be provided to the data system by member states and the use of the data by member states, as well as its designation of information that could not be shared with the public without the express permission of the contributing state. The Dietitian Compact also requires removal of expunged information from the data system.

Rulemaking

The Dietitian Compact authorizes the Dietitian Compact Commission to exercise rulemaking powers. The bill requires notice of proposed rules to specified persons and locations to be provided at least 30 days prior to the meeting where the Dietitian Compact Commission will consider such rules. Additionally, the Dietitian Compact Commission will be required to provide notice of the public hearing and provide access to the meeting and record all hearings. The Dietitian Compact states a majority of legislatures of the member states could reject a rule by enactment of a statute or resolution within four years of adoption of the rule. The Dietitian Compact also provides for emergency rulemaking procedures.

Oversight, Dispute Resolution, and Enforcement

The Dietitian Compact requires the executive and judicial branches in each member state to enforce and implement the Dietitian Compact. The Dietitian Compact establishes judicial venue and service of process for the Dietitian Compact Commission. The Dietitian Compact also establishes a process to be followed by member states regarding default, requesting technical assistance, or termination from the Dietitian Compact. The Dietitian Compact requires the Dietitian Compact Commission, upon member request, to resolve disputes arising among member states and between member states and non-member states. In addition, the Dietitian Compact Commission is authorized to enforce the provisions of the Dietitian Compact, and, by supermajority vote, could initiate legal action in federal court against a member state.

Effective Date, Withdrawal, and Amendment

The Dietitian Compact will be effective on the date on which the Dietitian Compact statute is enacted into law in the seventh member state. [*Note:* As of February 5, 2025, the Dietitian Compact had been enacted in 4 states—Alabama, Nebraska, Ohio, and Tennessee—and was being considered in 15 states, including Kansas.]

Any member state will be allowed to withdraw from the Dietitian Compact by enacting a statute that would repeal the Dietitian Compact, but this would not take effect until 180 days after the enactment of the repealing statute. Member states could amend the Dietitian Compact, but any amendment would not be effective until it is enacted by all member states. Additionally, the Dietitian Compact will not invalidate or prevent any licensure agreement or cooperative arrangement between a member state and non-member state that does not conflict with the Dietitian Compact.

Construction and Severability

The Dietitian Compact states the Dietitian Compact and the Dietitian Compact Commission's rulemaking authority shall be liberally construed and the provisions of the Dietitian Compact are severable.

Consistent Effect and Conflict with Other State Laws

The Dietitian Compact does not prevent the enforcement of any other law of a member state not inconsistent with the Dietitian Compact. Laws in conflict with the Dietitian Compact would be superseded to the extent of the conflict and all lawful actions of the Dietitian Compact Commission would be binding upon member states.

Cosmetologist Licensure Compact

Purpose

The purpose of the Compact is to facilitate the interstate practice of cosmetology with the goal of improving public access to cosmetology services and achieving a number of objectives that reduce administrative burden while increasing licensure and mobility of licensed cosmetologists as well as cooperation between states' licensing bodies.

The Compact preserves the regulatory authority of states to provide services through the current system of state licensure while also providing license portability for qualifying professionals through a multistate licensing system.

Definitions

The Compact defines various terms, including:

- "Commission" means the governmental agency whose membership consists of all states that have enacted this Compact, which is known as the Cosmetology Licensure Compact Commission (Commission), and which shall operate as an instrumentality of member states;
- "Cosmetology," "cosmetology services," and the "practice of cosmetology" means the care and services provided by a cosmetologist as defined in the member state's statutes and regulations in the state where the services are being provided; and

- "Multistate license" means a license issued by and subject to the enforcement jurisdiction of the state licensing authority in a licensee's home state that authorizes the practice of cosmetology in member states and includes authorizations to practice cosmetology in all remote states pursuant to the Compact.

State Participation in the Compact

To be eligible to join the Compact, member states are required to:

- License and regulate cosmetology;
- Have the ability to receive and investigate complaints about licensees practicing cosmetology in the state;
- Require licensees within the state to pass a cosmetology competency examination prior to being licensed to provide cosmetology services to the public;
- Require licensees to satisfy educational or training requirements in cosmetology prior to being licensed;
- Implement a procedure to consider applicants' criminal history, disciplinary history, or background check;
- Participate fully in the data system;
- Share adverse actions against a licensee with the Commission;
- Notify the Commission of the existence of investigative information or current significant investigative information in the state's possession regarding a state's licensee;
- Comply with the rules of the Commission; and
- Accept licensees from other member states who have met the terms of the Compact.

The Compact authorizes member states to charge a fee for granting a multistate license to practice cosmetology. The Compact provides for member states to retain sole jurisdiction over the licensing requirements for a single state license to practice cosmetology.

Multistate License

The Compact requires an applicant for multistate licensure to hold an active and unencumbered single-state license to practice cosmetology in the applicant's home state. If an applicant meets the educational and credentialing criteria to have a multistate license, the

Compact requires the state licensing authority to grant a multistate license within a reasonable amount of time. The Compact requires a licensee practicing in a remote state to adhere to that state's laws and regulations relating to cosmetology as well as the jurisdiction of the state licensing authority and the courts of the member state.

Reissuance of a Multistate License by a New Home State

The Compact allows a licensee to have only one multistate license, issued by their home state, at any given time. The Compact provides a procedure to change a licensee's home state license when relocating between member states.

Authority of the Compact Commission and Member State Licensing Authorities

The Compact does not limit, restrict, or in any way reduce the authority of a member state to enact and enforce laws, rules, or regulations to the practice of cosmetology that are not inconsistent with the Compact. Member states are expected to cooperate with the Commission. The Compact requires discipline to be the sole responsibility of the state where cosmetology services are provided. Member states are required to communicate with each other regarding complaints and adverse actions.

Adverse Actions

The Compact allows a member state to take adverse action against a licensee's multistate license in such member state and to issue subpoenas. Only the licensee's home state will have the power to take adverse action against the license issued by the home state. For the purposes of taking adverse action, the home state's licensing authority may act on reported conduct received from a remote state as though such conduct occurred within the home state, and the home state will apply its own state laws. The Compact also allows joint investigations of licensees by member states. Member states are permitted to recover costs of investigations or dispositions if permitted by their state law.

The Compact requires a licensee's home state to promptly report the conclusions of any investigation to the data system. If an adverse action is taken by the home state, the multistate license will be deactivated in all member states until all encumbrances are removed from the home state license. The home state will be able accept a licensee's participation in an alternative program in lieu of adverse action. A multistate license would be suspended for the duration of the participation in the alternative program.

Active Duty Military Personnel or Their Spouse

The Compact allows active duty military personnel or their spouses to designate a home state where such service member or spouse has a current license in good standing and allows such military personnel or spouse to retain that home state designation during the period of time the service member is on active duty.

Establishment and Operation of the Cosmetology Licensure Compact Commission

The Compact creates the Cosmetology Licensure Compact Commission (Commission) and includes provisions relating to membership, voting, powers and duties, and financing of the Commission. The Compact establishes the Executive Committee, which has the power to act on behalf of the Commission according to the terms of the Compact.

The Compact provides for the Commission to pay or provide for payment of the reasonable expenses of its establishment, organization, and ongoing activities. The Commission will have authority to levy and collect an annual assessment from each member state and impose fees on licensees of member states to cover the cost of operations. The Compact requires the Commission to adopt an annual report, including a financial review, and provide the report to member states.

The Compact provides for the qualified immunity, defense, and indemnity of its members, officers, employees, and representatives of the Commission acting within the scope of Commission employment, duties, or responsibilities. The protections will not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The Compact will not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Data Systems

The Compact requires the Commission to develop, maintain, operate, and utilize a coordinated database and reporting system. The Compact governs how the information will be provided to the data system by member states and the use of the data by member states, as well as authorizing member states to designate information that cannot be shared with the public without the express permission of the contributing state. The Compact also requires removal of expunged information from the data system.

Rulemaking

The Compact authorizes the Commission to exercise rulemaking powers. The Compact requires notice of proposed rules to specified persons and locations to be provided at least 30 days prior to the meeting where the Commission will consider such rules. Additionally, the Commission will be required to provide notice of the public hearing, provide access to the meeting, and record all hearings. A majority of legislatures of the member states could reject a rule by enactment of a statute or resolution within four years of adoption of the rule. The Compact will also provide for emergency rulemaking procedures.

Oversight, Dispute Resolution, and Enforcement

The Compact provides that the executive and judicial branches in each member state will enforce and implement the Compact. The Compact establishes judicial venue and service of process for the Compact Commission. The Compact also establishes a process to be followed by member states regarding default, requesting technical assistance, or termination from the Compact. The Compact requires the Commission, upon member request, to resolve disputes arising among member states and between member states and non-member states. In addition,

the Commission will be allowed to enforce the provisions of the Compact, and, by majority vote, could initiate legal action in federal court against a member state.

Effective Date, Withdrawal, and Amendment

The Compact will be effective on the date on which the Compact statute is enacted into law in the seventh member state. [*Note:* As of February 6, 2025, the Compact had been enacted in eight states: Alabama, Arizona, Colorado, Kentucky, Maryland, Ohio, Tennessee, and Virginia. Ten additional states, including Kansas, have considered or are considering Compact legislation.]

Any member state will be allowed to withdraw from the Compact by enacting a statute that would repeal the Compact, but this would not take effect until 180 days after the enactment of the repealing statute. Member states could amend the Compact, but any amendment would not be effective until it is enacted by all member states. Additionally, the Compact will not invalidate or prevent any licensure agreement or cooperative arrangement between a member state and non-member state that did not conflict with the Compact.

Construction and Severability

The Compact and the Commission's rulemaking authority are required to be liberally construed and the provisions of the Compact are severable.

Consistent Effect and Conflict with Other State Laws

The Compact will not prevent the enforcement of any other law of a member state that is not inconsistent with the Compact. Laws in conflict with the Compact will be superseded to the extent of the conflict, and all lawful actions of the Commission will be binding upon member states.

Physician Assistant Licensure Compact

Purpose

The purpose of the PA Compact is to facilitate the interstate practice of physician assistants (PAs) with the goal of improving public access to medical services and achieving a number of objectives that reduce administrative burden while increasing availability of licensed PAs as well as cooperation among member state licensing bodies.

The PA Compact preserves the regulatory authority of states to safeguard the safety of patients through the current system of state licensure while also providing license portability for qualifying professionals.

The PA Compact allows active duty military personnel or their spouses to obtain a compact privilege by having an unrestricted license in good standing from a participating state.

Definitions

The PA Compact defines various terms used throughout the PA Compact, including:

- "Compact privilege" means the authorization granted by a remote state to allow a licensee from another participating state to practice as a PA to provide medical services and other licensed activity to a patient located in a remote state under the remote state's laws and regulations; and

- "PA" means an individual who is licensed as a PA in a state. For purposes of this compact, any other title or status adopted by a state to replace the term "physician assistant" shall be deemed synonymous with "physician assistant" and shall confer the same rights and responsibilities to the licensee under the provisions of this compact at its time of its enactment.

State Participation in the PA Compact

The PA Compact requires member states to:

- License PAs;

- Participate in the PA Compact Commission's (PA Commission's) data system;

- Have a mechanism in place for receiving and investigating complaints against licensees and applicants for licensure;

- Notify the PA Commission of adverse actions and the existence of significant investigative information regarding a licensee or applicant for licensure;

- Implement and report a criminal background check, to include the submission of fingerprints or other biometric-based information, per the PA Commission;

- Comply with the rules of the PA Commission;

- Utilize passage of a recognized national examination as a requirement for PA licensure; and

- Grant the PA Compact privilege to a qualifying licensee in a participating state.

The PA Compact authorizes member states to charge a fee for granting a PA Compact privilege.

PA Compact Privilege

The PA Compact requires PAs to meet certain educational, credentialing, criminal history, and controlled substances license, permit, or registration criteria to exercise PA

Compact privileges. The bill aligns PA Compact privilege with the underlying license's adverse actions limitations or restrictions unless a participating state does not have the same basis for disciplinary action, and the participating state will be able to exercise its discretion not to consider such action as an adverse action requiring denial or removal of a PA Compact privilege.

Designation of the State from which the Licensee is Applying for PA Compact Privilege

The PA Compact requires a licensee to designate their home state and the primary residential address to be used for service of process by mail. The PA Compact requires a licensee to consent to service of process by mail.

Adverse Actions

The PA Compact authorizes a member state to take adverse action against a licensee's PA Compact privilege in such member state and to issue subpoenas, except that a subpoena could not be issued to gather evidence of conduct that is lawful in another state for the purpose of taking adverse action in the home state. Only the licensee's home state will have the power to take adverse action against the license issued by the home state. However, a member state will have the authority to take adverse action to remove a PA Compact privilege or to protect the health and safety of its citizens.

Member states will be permitted to recover costs of investigations or dispositions if permitted by their state law. The PA Compact authorizes joint investigations of licensees by member states. The PA Compact requires a PA Compact privilege to be deactivated until two years have elapsed after all restrictions have been removed from a state license on which adverse action has been taken. Member states are required to report promptly any adverse action to the data system.

Establishment of the Physician Assistant Licensure Compact Commission

The PA Compact creates the Physician Assistant Licensure Compact Commission (PA Commission) and includes provisions relating to membership, voting, powers and duties, and financing of the PA Commission. The PA Compact establishes the Executive Committee, which will have the power to act on behalf of the PA Commission according to the terms of the PA Compact.

The PA Compact provides for PA Commission payment for the reasonable expenses of its establishment, organization, and ongoing activities. The PA Commission will be authorized to levy and collect an annual assessment from each member state and impose compact privilege fees on licensees of member states to cover the cost of operations. The PA Compact requires the PA Commission to establish a code of ethics for the PA Commission; adopt an annual report, including a financial review; and provide the report to member states.

The PA Compact provides for the qualified immunity, defense, and indemnity of its members, officers, employees, and representatives acting within the scope of PA Commission employment, duties, or responsibilities. The protections do not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The PA Compact

does not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Data Systems

The PA Compact requires the PA Commission to develop, maintain, operate, and utilize a coordinated data system. The PA Compact governs how the information is provided to the data system by member states and the use of the data by member states, as well as a member state's designation of information that could not be shared with the public without the express permission of the contributing state. The PA Compact also requires removal of expunged information from the data system.

Rulemaking

The PA Compact authorizes the PA Commission to exercise rulemaking powers. The bill requires notice of proposed rules to specified persons and locations to be provided at least 30 days prior to the meeting where the PA Commission will consider such rules. Additionally, the PA Commission will be required to provide notice of the public hearing, provide access to the meeting, and record all hearings. The PA Compact states a majority of legislatures of the member states could reject a rule by enactment of a statute or resolution within four years of adoption of the rule. The PA Compact also provides for emergency rulemaking procedures.

Oversight, Dispute Resolution, and Enforcement

The PA Compact provides that the executive and judicial branches in each member state will enforce and implement the PA Compact. The PA Compact establishes judicial venue and service of process for the PA Commission. The PA Compact also establishes a process to be followed by member states regarding default, requesting technical assistance, or termination from the PA Compact. The PA Compact requires the PA Commission, upon member request, to attempt to resolve disputes arising among member states and between member states and non-member states. In addition, the PA Commission will be authorized to enforce the provisions of the PA Compact, and, by majority vote, initiate legal action in federal court against a member state in default.

Effective Date, Withdrawal, and Amendment

The PA Compact will be effective on the date on which the PA Compact statute is enacted into law in the seventh member state. [*Note:* As of May 2024, the PA Compact met the threshold of seven states participating. It is projected that the PA Compact Commission will begin granting PA Compact privileges to practice in early 2026.]

Any member state will be allowed to withdraw from the PA Compact by enacting a statute that would repeal the PA Compact, but this would not take effect until 180 days after the enactment of the repealing statute. Member states could amend the PA Compact, but any amendment would not be effective until it is enacted by all member states. Additionally, the PA Compact will not invalidate or prevent any licensure agreement or cooperative arrangement between a member state and non-member state that did not conflict with the PA Compact.

Construction and Severability

The PA Compact states the PA Compact and the PA Commission's rulemaking authority shall be liberally construed, and the provisions of the PA Compact are severable.

Binding Effect of Compact

The PA Compact does not prevent the enforcement of any other law of a member state not inconsistent with the PA Compact. Laws in conflict with the PA Compact would be superseded to the extent of the conflict, and all lawful actions of the PA Commission would be binding upon member states.

Professional Employer Organization Registrations and Working Capital; HB 2092

HB 2092 modifies the automatic expiration date of professional employer organization (PEO) registrations and filing of annual audits, and it modifies surety bond requirements for those PEOs with insufficient working capital.

Registrations, Renewals, and Audits

The bill replaces the current automatic PEO registration expiration from 120 days after a PEO's fiscal year to an automatic expiration on October 15 following the issuance of the registration. The bill exempts any registrations issued on or after January 1, 2025, from the automatic expiration; those registrations expire on October 15, 2026.

A PEO seeking to renew registration is required to file on an annual basis a succeeding audit not older than 12 months with its renewal registration application.

Insufficient Working Capital

For PEOs with insufficient working capital, the bill requires the PEO to submit only a bond covering all taxes, wages, benefits, or other entitlement due to covered employees if the PEO cannot make such payments when due. State law had previously also allowed an irrevocable letter of credit or securities to be submitted.

Continuing law requires the bond to have a minimum value equal to the sum of the amount necessary to comply with the law's working capital requirement plus $100,000.

Business Filings Modified; HB 2117

HB 2117 modifies business filing requirements for certain entities, authorizes certain entities rendering a professional service to participate in transactions under the Business Entity Transactions Act, and makes certain information provided by a covered entity's former registered agent a public record.

Business Filings

The bill removes the requirement to file a certified copy of a resolution adopted by the entity's trustees declaring the entity's intention to withdraw from the Kansas Business Trust Act of 1961 with the Office of the Secretary of State. The bill requires the entity to file a certificate of dissolution or withdrawal executed by an authorized person. The bill also replaces the $20 withdrawal fee with the Secretary of State's fee for filing such a certificate at the time the certificate is filed, not exceeding $150.

The bill removes the merger or incorporation filing requirement of a certificate of the proper officer of the jurisdiction and replaces it with a form prescribed by the Secretary of State.

The bill removes the latest date upon which a limited partnership is to dissolve from the certificate of limited partnership filed with the Secretary of State. The bill replaces the $150 application fee for limited partnership filings, including for foreign (non-Kansas) limited partnerships, with a fee established by the Secretary of State in rules and regulations, not to exceed $150.

Professional Service Entities and Transactions

The bill allows professional corporations or limited liability companies to participate in transactions under the Business Entity Transactions Act.

Registered Agents

When a covered entity's resident agent files a certificate of resignation, the bill makes the name, postal address, and contact information of the officer, director, employee, or designated agent who is authorized to receive communications from the resident agent a public record. [*Note:* This information is also accessible through additional public filings.]

Temporary Cosmetology Permits; HB 2338

HB 2338 amends law relating to issuing temporary cosmetology permits. The bill allows any person to apply to the Kansas State Board of Cosmetology (Board) for a temporary location or temporary guest artist permit.

Temporary Location Permit

The Board is authorized to grant a temporary location permit if the applicant:

- Is not licensed in Kansas;
- Is licensed to practice such a profession regulated by the Board in another state or jurisdiction; and
- Such license has not been revoked, suspended, or conditioned from the practice of such profession.

Temporary Guest Permit

The Board is authorized to grant a temporary guest artist permit to an applicant to provide services regulated by the Board at a state or national convention, an establishment licensed by the Board, or any other event location approved by the Board.

If the applicant is not licensed to provide such services in Kansas, the Board can grant a temporary guest artist permit if the applicant is licensed to practice such a profession regulated by the Board in another state or jurisdiction and such license has not been revoked, suspended, or conditioned from the practice of such profession.

General Provisions

The bill does not allow the Board to require a Social Security number from applicants for either permit if the applicant is a citizen of a foreign country, has not been issued a Social Security number, and is not licensed by any other state. The bill requires the Board to accept a valid visa or passport identification number instead.

Any permit issued under this Act expires no later than 14 days after the Board issues the permit.

The bill replaces the term “demonstration permit” in the statute amended and adds provisions. Continuing law authorizes the Board to adopt rules and regulations as necessary to implement the statute amended.

Revised Limited Liability Company Act; HB 2371

HB 2371 amends the Revised Limited Liability Company Act (LLC Act) to specify document forms and signature and delivery options and to clarify filing fee limits; amends the Business Entity Transactions Act to modify requirements related to various certificates; and amends the Business Entity Standard Treatment Act to modify registration requirements with the Secretary of State and clarify certain provisions related to resident agent change.

Revised Limited Liability Company Act

Definitions

The bill defines “document” and “electronic transmission” and amends definitions for “manager,” “member,” and “operating agreement.”

Document. The bill defines “document” to mean:

- Any tangible medium on which information is inscribed. “Document” includes handwritten, typed, printed, or similar instruments and copies of such instruments; and

- An electronic transmission.

Electronic transmission. The bill defines "electronic transmission" to mean any form of communication not directly involving the physical transmission of paper, including the use of, or participation in, one or more electronic networks or databases, including one or more distributed electronic networks or databases, that creates a record that may be retained, retrieved, and reviewed by a recipient thereof, and directly reproduced in paper form by such recipient through an automated process.

Manager. The bill amends the definition of "manager" to specify that it includes a manager of the limited liability company (LLC) generally and a manager associated with a series of the LLC. Unless the context otherwise requires, references in the LLC Act to a manager are deemed to include both a general and a series manager.

Member. The bill amends the definition of "member" to specify that it includes a member of the LLC generally and those associated with a series of the LLC. Unless the context otherwise requires, references in the LLC Act to a member are deemed to include both a general and series member.

Operating agreement. Continuing law provides that an LLC is bound by its operating agreement, whether or not it has executed such agreement. The bill amends the definition of "operating agreement" to:

- Specify that these operating agreement provisions include any series of the LLC; and
- Specify that the term may consist of one or more agreements, instruments, or other writings, and include or incorporate one or more schedules, supplements, or other writings containing provisions as to the conduct of the business and affairs of the LLC or any related series.

Documentation, Signature, Delivery, and Receipt

The bill provides that a document may provide for any act or transactions governed by the LLC Act or an operating agreement of an LLC. An electronic transmission is considered the equivalent of a written document.

The provisions described below apply solely for purposes of determining whether an act or transaction has been documented and whether the document has been signed and delivered in accordance with the LLC Act and the operating agreement.

Signature. The bill provides that if the LLC Act or an operating agreement requires or permits a signature, such signature could be manual, facsimile, conformed, or an electronic signature. For this purpose, an electronic signature includes an electronic symbol or process that is attached to, or logistically associated with, a document, and executed or adopted by a person who has intent to execute, authenticate, or adopt the document. The bill further specifies that a person could execute a document with such person's signature.

Delivery. Unless otherwise provided in the operating agreement, or agreed between the sender and recipient, an electronic transmission is considered as delivered when it enters an information processing system that was designated by the recipient for the purpose of receiving

such transmissions. Such transmission is required to be in a form capable of being processed by such system and retrievable from the system.

Recipient designation of an information processing system is determined by the operating agreement or from the context and surrounding circumstances, including the parties' conduct.

Receipt. Additionally, the bill considers an electronic transmission delivered even if no person is aware of its receipt. Receipt of an electronic acknowledgment from an information processing system is proof that such transmission was received, but will not be proof that the content of the transmission corresponds with what was received.

Uniform Electronic Transactions Act (UETA). The bill clarifies that its provisions regarding documentation, signature, delivery, and receipt do not preclude persons from conducting a transaction in accordance with the UETA, if the part or parts of the transaction governed by the LLC Act are documented, signed, and delivered in accordance with either the bill's electronic transmission provisions or those in the LLC Act.

Exceptions. The bill clarifies that its documentation, signature, delivery, and receipt provisions do not apply to:

- A document filed with or submitted to the Secretary of State, a court, or other judicial or governmental body of the State;
- A certificate of LLC interest, except that a signature on such certificate could be manual, facsimile, or electronic; and
- An act or transaction governed by the Business Entity Standard Treatment Act.

The bill specifies that these exceptions do not create any presumption about the lawful means to document any act or transaction or the lawful means to sign or deliver such document.

Operating agreement restrictions. An operating agreement can only be allowed to limit the application of the signature, delivery, and receipt provisions, unless it expressly restricts one or more means of documenting an act or transaction or of signing or delivering a document that would otherwise be permitted by the bill.

Federal law. The bill provides that if any provision of the LLC Act is later deemed to modify, limit, or supersede the federal Electronic Signatures in Global and National Commerce Act, the provisions of the LLC Act control to the fullest extent permitted by such federal law.

Subscription

The bill specifies that a subscription for an LLC interest, whether submitted in writing, electronically, or another legal method, is irrevocable to the extent contained in the subscription terms.

Void or Voidable Acts or Transactions

Ratification or waiver. Under the bill, any act or transaction that can be taken by or in respect of an LLC under the LLC Act that is void or voidable when taken may be ratified.

If the act or transaction conflicts with the terms of an operating agreement, such conflict can be waived by the members, manager, or other persons who are required to give approval:

- For such act or transaction to be validly taken; or
- To amend the operating agreement in a manner that would permit the act or transaction to be validly taken, in each case at the time of such ratification or waiver.

Additionally, if the void or voidable act or transaction was the issuance or assignment of any LLC interests, such interests purportedly issued or assigned are deemed not to have been issued or assigned for purposes of determining whether such act was ratified or waived.

Date of act or transaction. Any act or transaction that is ratified, or waived, is deemed validly taken at the time of the act or transaction.

Operating agreement amendment notice. The bill requires notice to be given pursuant to the terms of an operating agreement. If notice is required after a ratification or waiver is effectuated, the bill requires notice be given to members, managers, or other persons who would have been entitled to notice, but who had not otherwise received notice or participated in the ratification or waiver.

Validity of a ratification or waiver. The bill further specifies that its ratification or waiver procedures may not be construed to limit the accomplishment of a ratification or waiver of a void or voidable act by any other means permitted by law.

Judicial review. Under the bill, an LLC or any member, manager, or person claiming to be harmed by a ratification or waiver can file an action in district court. Upon receiving the application, the court can review an act or transaction and make a determination of its validity and the effectiveness of such ratification or waiver.

An application for judicial review must name the LLC as a party and service of process to be made to the resident agent of the LLC, which is deemed to be service to the company itself. No other party must be joined in order for the court to adjudicate the validity and effectiveness of the ratification or waiver.

The court is authorized to order further or other notice of the application to be made by the LLC. The bill provides that these notice provisions would not limit or affect the right to serve process in any other manner and that these provisions are an extension of, rather than a limit on, existing service rights of legal process upon non-residents.

Act or Omission by an Officer

Except as provided in the operating agreement, for any act or omission occurring after June 30, 2025, the bill states that for indemnification purposes, the term "officer" includes an officer of the LLC who:

- Is or was the president, chief executive officer, chief operating officer, chief financial officer, chief legal officer, controller, treasurer, or chief accounting officer of the LLC; or

- Is or was identified in the LLC's public filings with the U.S. Securities and Exchange Commission, because such person is or was one of the most highly compensated executive officers of the LLC.

Merger or Consolidation

Under continuing law, a domestic LLC may merge or consolidate with one or more LLCs to become a surviving or resulting LLC, per the merger or consolidation agreement. The surviving or resulting LLC is required to file a certificate or merger or consolidation with the Secretary of State. If a domestic LLC is the surviving entity, it is required to state within its certificate any amendments it desires to be made to its articles of organization.

The bill allows the surviving domestic LLC to also amend and restate the articles of organization of the surviving entity in its entirety in the certificate. Additionally, the bill allows such entity to amend its operating agreement. Continuing law also allows a surviving entity to adopt a new operating agreement instead.

Appraisal Rights

Prior law authorized appraisal rights to be provided in an operating agreement or an agreement of merger or consolidation. The bill provides that there are no statutory appraisal rights, unless provided in either such agreement or under a plan of division. The bill also makes amendments to include a series or division of an LLC when such entity is party to the merger or consolidation.

Division of an LLC

Under continuing law, an LLC may divide itself into two or more domestic LLCs. The dividing company is required to file a certificate of division with the Office of the Secretary of State.

The bill amends provisions of the LLC Act concerning the content of such certificates to allow the dividing company to include any other information it desires. Furthermore, the bill allows a certificate of division to be amended to change the name or business address of a division contact, or to add additional information, if desired. Such amendments are effective upon filing with the Office of the Secretary of State. The agency is required to accept the filing of a certificate of amendment for all division companies, provided at least one such company is in good standing at the time of filing.

Elective amendments. Amendments to a certificate of division can be made by filing a certificate of amendment for each division company that exists as an LLC in the Office of the Secretary of State. Such certificate of amendment must include:

- The name of the dividing company and, if changed, the name of the original dividing company;
- The name of the division of the company to which the amendment relates; and
- The amendment to the certificate of division.

Required amendment. Upon becoming aware that the name or business address of the division contact, or other information required to be in the certificate, was false when made, or that such information has changed, either the manager or member (if no manager exists) of the dividing company is required to amend the certificate. These provisions apply for six years following the date of division, regardless of whether the dividing company is a survivor or no longer exists.

Execution of amended certificates. Unless otherwise provided in a plan of division, or in the certificate, each certificate of amendment must be executed:

- If the dividing company is a surviving company, by one or more authorized persons on behalf of the dividing company acting on behalf of the division company to which the certificate of amendment relates; and
- If the dividing company is not a surviving company or no longer exists as an LLC, by one or more authorized persons on behalf of a resulting company acting on behalf of the division company who is the subject of the certificate of amendment.

Each division company is deemed to have consented to the execution of the certificate of amendment.

Membership in a Division Company

The bill amends law to allow an operating agreement to name existing or new members of the LLC. Additionally, the bill creates new provisions to specify the procedure of admitting a new member of a division company. Such members are named in an operating agreement of a division company or in the plan of division. If an inconsistency exists, or the person is being admitted as a member of an LLC, pursuant to a division in which the LLC is not a division company, the terms of the plan of division control.

Examination of LLC Information by Members

Under continuing law, LLC members may examine certain information kept by the LLC, subject to reasonable standards. The bill specifies that such information includes books, records, and other documents. Conforming amendments are made to reference books and other documents within the records provisions. References to written records are replaced with paper records, allowing for the printing of an electronic record.

Additionally, the bill states that a member's right to obtain information under the LLC Act or an operating agreement for a purpose reasonably related to their interest as a member or other stated purpose is necessary and essential to achieving that purpose.

Continuing law allows members to obtain information and allows rights to be restricted by an operating agreement. The bill clarifies that such right may include examination of a record and that such right may be expanded in an operating agreement. The bill states that these information provisions could not be construed to limit the ability of an LLC to expand or restrict the rights of a member or manager to obtain or examine information by any other means permitted by law.

Delegation of Rights, Powers, and Duties

Continuing law allows a member or manager of an LLC to delegate their rights, powers, and duties to manage and control the business and affairs of the LLC to one or more persons.

The bill allows delegation to a committee of one or more persons and provides that any such delegation could be made irrespective of whether the delegating person has a conflict of interest with respect to the underlying matter and reason for delegation. Persons to whom the rights, powers, and duties are being delegated are not deemed to have the same conflict of interest as the delegating person, unless the conflict exists with that person independently.

LLC Filing Fee

The bill replaces law requiring an application and recording fee of $150 be paid to the Office of the Secretary of State when a LLC files its articles of organization or, if a foreign LLC, its application to do business with provisions allowing the Secretary of State to set such filing fee through rules and regulations, with a limit of $150.

Series LLCs

Continuing law allows an operating agreement to establish or designate a series of members, managers, LLC company interests, or assets. A series is formed by filing a certificate of designation with the Secretary of State. A series has the power and capacity to contract, hold title to assets, sue, and be sued in its own name.

Consolidation. The bill further clarifies that a series could conduct business and exercise the power of an LLC. Additionally, an LLC or any of its series can elect to consolidate its operations as a single taxpayer to the extent required to file consolidated tax returns and elect to be treated as a single business for the purposes of qualification or authorization to do business in Kansas or another state. Such election does not affect liability limitations under the Act except to the extent the series has specifically accepted joint liability by contract.

Merger or consolidation. Under continuing law, a series can merge or consolidate with one or more other series of the same LLC by filing a certificate of merger or consolidation of series with the Office of the Secretary of State. The bill allows the certificate to be amended at a later date. Such amendments can amend and restate the certificate of designation of the surviving series in its entirety.

Voting rights. Continuing law allows an operating agreement to deny voting rights to a member, class, or group of members of a series. The bill allows the operating agreement to also prohibit participation in the management or governance of such series, but still confer ownership of the series to such member, class, or group of members.

Series operating agreement. The bill specifies that an operating agreement may impose restrictions, duties, and obligations on members of the LLC or any series of the LLC as a matter of internal governance, including, without limitation, those with regard to:

- Choice of law, forum selection, or consent to personal jurisdiction;
- Capital contributions;
- Restrictions on, or terms and conditions of, the transfer of membership interests;
- Restrictive covenants, including non-competition, non-solicitation, and confidentiality provisions;
- Fiduciary duties; and
- Restrictions, duties, or obligations to or for the benefit of the LLC, other series, or their affiliates.

Wrongful transfer of property. If a series wrongfully transfers property to another series or the LLC as a whole with an intent to hinder, delay, or defraud creditors of their just and lawful debts or damages, or to defraud, such transfers are deemed void pursuant to continuing law.

Dissolution of a Series or LLC

Dissolution of a series. Under the bill, if an operating agreement provides the manner in which a dissolution of a series is to be revoked, such manner can be followed.

A series dissolution can be revoked if provided for in the LLC's operating agreement, unless:

- The LLC has dissolved and the dissolution was not revoked; or
- The LLC operating agreement prohibits revocation of a series dissolution.

If the series dissolution is revoked, the LLC is not dissolved and its affairs not wound up, prior to filing a certificate of cancellation, the series is continued through one of the following events:

- If the dissolution is effected by the vote or consent of the members associated with the series, or other persons whose approval is required under an operating agreement; or

- In the case of a dissolution not effectuated by a vote or consent, and which occurs either at a time specified in the operating agreement or after the occurrence of certain specified events, is stopped due to an agreement to amend the operating agreement, or approval of members to revoke such dissolution.

If a series is dissolved by dissolution of the LLC, unless a certificate of cancellation of the series' certificate of designation has been filed in the office of the Secretary of State, or the operating agreement prohibits revocation of the dissolution of a series, the dissolution of the series is automatically revoked upon any revocation of the dissolution of the underlying LLC.

The bill further specifies that continuing law and its amendments cannot be construed to limit the revocation of dissolution of a series by other means allowed by law.

Dissolution of an LLC. Continuing law allows for dissolution of an LLC, which may be revoked in certain circumstances. The bill adds provisions to allow an operating agreement to specify persons whose vote, consent, or approval is required for a dissolution of an LLC. Such persons can vote to revoke a dissolution that would have otherwise occurred.

LLC Forfeiture or Cancellation

Under continuing law, a domestic LLC or a foreign LLC may forfeit its articles of incorporation or authority to do business if it fails to update records with the Secretary of State regarding its registered agent or registered office when a change occurs. An LLC can be reinstated by filing a certificate of reinstatement with the Secretary of State and paying certain fees. The bill updates references to the certificate of reinstatement to specify that it applies to an LLC.

The bill specifies that upon filing of the certificate of reinstatement, that reinstatement also applies to each series that has not been terminated and wound up and that other privileges of being reinstated apply to the LLC and any such series.

Statutory Public Benefit Companies

The bill amends and repeals law related to the formation and operation of a statutory public benefit limited liability company (SPBLLC).

Continuing law authorizes an LLC to elect to become an SPBLLC. The bill allows an LLC to be formed as an SPBLLC. If an LLC is not formed as an SPBLLC, the bill allows the LLC to become designated as such by the terms of its operating agreement, or by amending its operating agreement and articles of organization to comply with the bill. Continuing law requires certain provisions to be contained with an SPBLLC's articles of incorporation. The bill makes conforming amendments to require the same information to be contained in its operating agreement.

In the event of an inconsistency between the operating agreement and articles of incorporation, the bill specifies that the operating agreement controls among those bound by such agreement. If a manager of the SPBLLC, or if there is no manager, any other member of such, becomes aware that the specified public benefits are inaccurately set forth in the articles of incorporation, such person must promptly amend such articles. Any provisions of the

operating agreement or articles of incorporation that are inconsistent with the provisions of the bill are not effective to the extent of such inconsistency.

Business Entity Transactions Act

The bill makes amendments to provisions related to certain certificates, including certificates of merger, certificates of interest exchange, certificates of conversion, and certificates of domestication.

Certificate of merger. Requirements for certificates of merger are amended to require a statement that the merger will be approved by each merging entity prior to the time the merger becomes effective. Under continuing law, when a merger is effective, the surviving entity's public organic document is amended as provided in the certificate of merger. The bill allows such certificate to amend and restate the public organic document entirely.

Certificate of interest exchange. Requirements for certificates of interest exchange are amended to require a statement that the interest exchange will be approved by the acquired entity prior to the time the exchange becomes effective. Under continuing law, when an interest exchange is effective, the acquired entity's public organic document is amended as provided in the certificate of merger. The bill allows such certificate to amend and restate the public organic document entirely.

Certificate of conversion. Requirements for certificates of conversion are amended to require a statement that the conversion will be approved by each converting entity prior to the time the conversion becomes effective.

Certificate of domestication. Requirements for certificates of domestication are amended to require a statement that the conversion will be approved by each converting entity prior to the time the domestication becomes effective.

Business Entity Standard Treatment Act

Filings of certificate. The bill makes conforming amendments to require the filing of certain documents addressed by the bill with the Office of the Secretary of State, including certificates of amendment to certificate of designation and certificates of merger or consolidation of series.

Resident agent standing. The bill requires any domestic entity that serves as a resident agent for a covered entity to be in good standing with the State.

Resident agent name change. Continuing law provides that a merger or consolidation of the resident agent, with or into another entity that succeeds to its assets by operation of law, constitutes a change of name, which requires a records update with the Office of the Secretary of State.

Under the bill, any of the following events are deemed a change of name:

- The conversion of the resident agent into another person; or

- A division of the resident agent in which an identified resulting person succeeds to all of the assets and liabilities of the resident agent related to its resident agent business pursuant to a plan of division, as set forth in a certificate of division.

Resident agent certificate of resignation. Under continuing law, a resident agent for a business may resign without appointing a successor by paying a fee, if authorized by law, and by filing a certificate of resignation with the Office of the Secretary of State. The bill amends law to require the resigning resident agent to provide notice of resignation to the covered entity, rather than each affected entity, at least 30 days prior to filing the certificate.

LOCAL GOVERNMENT

Township Bonding Caps; SB 7

SB 7 increases the bonding cap on general obligation bonds issued by townships for the reconstruction, repair, and equipment of township buildings in any township with a population of more than 5,000 and increases the bonding cap for bond issues of a township fire department.

The cap on general obligation bonds remains at 1.0 percent of the assessed tangible valuation of the township for any township with a population of no more than 5,000. The bill raises the cap to 5.0 percent for any township with a population of more than 5,000 but less than 10,000 and to 10.0 percent for any township with a population of more than 10,000.

The cap on bonds for township fire department buildings and equipment increases from 0.5 percent to 5.0 percent of the assessed tangible valuation of property in the township. The bill also increases the maximum maturity term of such bonds from 15 years to 20 years.

Optional Citizens Commission for Counties of Certain Size; SB 104

SB 104 authorizes creation of a citizens commission on local government in every county with a population of more than 170,000 and not more than 200,000. Previous law had required creation of such a commission. [*Note:* According to testimony, using current population numbers, the bill applies only to Shawnee County.]

Prohibition on Guaranteed Income Programs; HB 2101

HB 2101 prohibits cities and counties from adopting an ordinance or enforcing a resolution that establishes or provides for the operation of a guaranteed income program that uses tax revenue unless the Legislature, by an act, expressly consents to and approves of such program. The bill renders any such prohibited ordinance or resolution adopted prior to July 1, 2025, null and void.

The bill defines “guaranteed income” to mean a program that is not expressly required by federal law or regulation and provides individuals with regular periodic cash payments.

School Finance Mill Levy, Municipal Budgeting, and Board of Tax Appeals Filing Fees; Senate Sub. for HB 2125

Senate Sub. for HB 2125 reauthorizes the statewide school finance mill levy, modifies certain dates related to municipal budgeting, modifies the form required for revenue neutral rate notices and continues the state reimbursement of printing and postage costs associated with such notices, and prohibits filing fees at the State Board of Tax Appeals when prior appeals remain pending.

Statewide School Finance Mill Levy

The bill reauthorizes the statewide school finance property tax levy at a rate of 20 mills for school years 2025-2026 and 2026-2027.

Municipal Budgeting Date Changes

The bill makes October 1 the deadline for taxing entities to annually certify to the county clerk the amount of property tax to be levied. [*Note:* Under prior law, the deadline was October 1 for taxing entities exceeding the revenue neutral rate and August 25 otherwise.]

The bill requires county clerks to use the previous year's budget information and amount of property tax to be levied for any taxing entity that does not file its budget information by 5:00 p.m. on October 1.

The bill moves from December 15 to December 1 the date by which county treasurers are required to mail property tax statements and tax information forms.

Revenue Neutral Rate Notice Reimbursement and Form Revisions

The bill extends, through calendar year 2026, state reimbursement of printing and postage costs incurred when county clerks are required to mail notices of proposed tax increases beyond the revenue neutral rate. The bill also extends the corresponding transfer from the State General Fund to the Taxpayer Notification Costs Fund to reimburse such costs.

The bill also makes changes to the form required to be used for such notices. The bill requires the form to:

- Include a column indicating the mill levy utilized in the calculation of:
  - The tax for the preceding year;
  - The tax for the current year based on the revenue neutral rate; and
  - The amount of tax proposed for the current year;
- Eliminate a column specifying the amount by which the proposed tax amount exceeds the tax at the revenue neutral rate;
- Include information for the aggregate amount of tax levied by each taxing subdivision for the current and prior year and the difference between such amounts in both dollars and percentages; and
- Refer to amounts of tax to be levied by a taxing subdivision in the current year as "Proposed Tax," changed from "Maximum Tax."

State Board of Tax Appeals Filing Fees Prohibition

The bill prohibits the State Board of Tax Appeals (BOTA) from charging a filing fee to a taxpayer whose appeal from a previous year remains pending before BOTA in regard to the same parcel of property.

[*Note:* The bill replaces a provision prohibiting a filing fee when a taxpayer has a pending appeal that is beyond the statutory time period for service of a decision by BOTA.]

Fair Board Membership; Sub. for HB 2145

Sub. for HB 2145 amends law regarding county fair association boards to establish membership of the Butler County Fair Board. The bill also moves similar provisions regarding membership of the Cloud County Fair Board into the county fair association board election statute from law regarding counties and county officers.

Continuing law establishes county fair boards of directors and their membership requirements; membership term lengths of three years; frequency of elections; and required officers of the board, including a president, vice president, treasurer, secretary, and other officers as deemed required by the board. Continuing law states that the board shall represent each township of the county.

Butler County Fair Board

The bill establishes Butler County Fair Board membership to consist of 15 appointed members. The terms of expiring fair board members or other vacancies will be filled by appointment at an annual meeting in December by the presiding county commissioners. One member will be appointed from each county commissioner district if possible, and no more than five members will be appointed from the county at large. Any person of legal voting age and residing in the county will be eligible for board membership.

Cloud County Fair Board

The bill moves provisions regarding the membership of the Cloud County Fair Board into the county fair association election statute. These provisions state this fair board consists of 12 appointed members. The terms of expiring fair board members or other vacancies are filled by appointment at an annual meeting in December by the presiding county commissioners. One member shall be appointed from each county commissioner district if possible, and one member shall be appointed from the county at large. Any person of legal voting age and residing in the county is eligible for board membership.

Board Membership Terms

The bill specifies a board member’s term in Butler and Cloud counties will be three years beginning January 1 and ending on December 31. Members of both boards will be eligible to serve unlimited consecutive terms, and vacancies will be filled by appointment by the remaining members of such board for the unexpired term of office. The bill requires the Butler County and Cloud County fair boards to each elect a president, vice president, secretary, and treasurer from among their members.

Continuing law requires a third of the members’ terms to expire annually so that in the first election of a new board, a third of members’ terms are chosen for one year, a third for two years, and a third for three years. Continuing law also requires a personal notification of the annual election to be sent to every member of the board, and a notification be published in a newspaper of general circulation in the county at least ten days prior to an annual election day.

Official Acts of a Sheriff; HB 2155

HB 2155 specifies that sheriffs have liability for official acts of the sheriff and sheriff's sureties related to the charge and custody of county jails.

Kansas Municipal Whistleblower Act; HB 2160

HB 2160 establishes the Kansas Municipal Employee Whistleblower Act (Act) to provide legal protections for municipal employees who report conduct that is dangerous or unlawful.

Kansas Municipal Employee Whistleblower Act

The Act prohibits any supervisor or appointing authority of a municipality from prohibiting any of the following or taking disciplinary action against an employee for:

- Discussing municipality operations or other matters of public concern, including public health, safety, or welfare, with any member of the governing body of such municipality or an auditing agency;
- Reporting a violation of state or federal law, municipal resolution, or adopted rules and regulations, resolution, or ordinance;
- Failing to give notice of a report filed to the supervisor or appointing authority prior to the report being filed; or
- Disclosing malfeasance or other misappropriation of moneys held by a municipality.

The Act shall not be construed to:

- Prohibit a supervisor or appointing authority from requiring an employee to inform authorities about a governing body or auditing requests for information submitted to the municipality or made, or to be made, by an employee to the members of the governing body or an auditing agency on behalf of the agency;
- Allow an employee to leave assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to employee leave unless requested by a member of the governing body of the municipality or an auditing agency;
- Authorize an employee to represent an employee's personal opinions as those of the municipality; or
- Prohibit disciplinary action of an employee who discloses information that:
    - The employee knows to be false or is disclosed with reckless regard for the truth or falsity of such information;

- ○ The employee knows to be exempt from required disclosure under the Kansas Open Records Act;
- ○ Is confidential or privileged under state law, federal law, or court rule; or
- ○ Is disclosed due to a corrupt motive rather than a good faith concern for a wrongful activity.

The Act states that any disciplinary action that is alleged to have taken place may be brought to a court of competent jurisdiction within 90 days after the occurrence of the alleged violation, except by officers or employees eligible to administratively appeal disciplinary actions pursuant to the Act. The bill states an officer or employee may bring action seeking damages and any other relief the court deems necessary. The court may award the prevailing party all or a portion of the costs of the action, including reasonable attorney fees and witness fees.

In any municipality that creates an administrative process to adjudicate disciplinary actions against employees of the municipality, the Act authorizes any officer or employee of the municipality who is eligible to appeal disciplinary actions to do so, within 90 days after the alleged disciplinary action, whenever the officer or employee alleges that disciplinary action was taken in violation of the Act. If the adjudicatory body finds the disciplinary action taken to be unreasonable, the bill directs that adjudicative body to modify or reverse the municipality's action and order appropriate relief. The Act authorizes any party to appeal a decision of the adjudicative body under the Kansas Judicial Review Act.

Each municipality is required to post a copy of the Act in locations where it may come to the attention of all employees.

Definitions

The bill defines the following terms:

- "Auditing agency" to mean:
  - ○ The Legislative Post Auditor;
  - ○ Any employee of the Legislative Division of Post Audit;
  - ○ Any firm performing audit services pursuant to a contract with the Legislative Post Auditor;
  - ○ Any state or federal agency or authority performing auditing or other oversight activities under authority of any provision of law authorizing such activities; or
  - ○ The Inspector General per KSA 75-7427;
- "Disciplinary action" to mean any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal, or withholding of work;
- "Malfeasance" to mean unlawful conduct committed by any member of the governing body of a municipality or any officer or other employee thereof;

- "Misappropriation" to mean unauthorized or unlawful expenditure or transfer of moneys held by a municipality; and
- "Municipality" to mean any county, city, or unified school district, or any office, department, division, board, commission, bureau, agency, or unit thereof.

Local Economic Development Program Reporting; HB 2304

HB 2304 requires certain reporting of local economic development programs, which will be included in the transparency database hosted by the Department of Commerce (Department).

Definitions

The bill defines a local government for this purpose as:

- Any city, county, or unified government, or any subdivision thereof; or
- Any instrumentality of a city, county, or unified government, established for the purpose of economic development of such city, county, or unified government, that is funded in whole or in part by such local government.

The bill amends the definition for "recipient" to mean the enterprise, identified by the business name filed with the Secretary of State, that is the original applicant for and receives proceeds from an economic development incentive program directly from the administering agency. "Recipient" includes an enterprise that is no longer solvent due to bankruptcy and a recipient with respect to an economic development project that has failed.

If the recipient is an enterprise, created primarily for the purpose of the economic development project, "recipient" includes the enterprise or enterprises, partners, or principals that own or, individually or with other enterprises, have a controlling interest in the recipient.

The bill also updates the definition of "searchable website or web page" to mean a website or web page that allows the public to search and aggregate the information identified and required, including requirements that the website or web page offers users the ability to:

- Efficiently search and display data at least by:
  - Economic development incentive program;
  - Recipient;
  - Location of the economic development project by county; and
- Calculate incentive totals for each category claimed by year and search by year.

Reporting on Local Government-based Economic Development Programs or Incentives

The bill requires data from local government-based economic development programs or incentives, including but not limited to:

- Community improvement districts;
- Tax increment financing;
- Business improvement districts;
- Self-supported municipal improvement districts;
- Neighborhood revitalization act;
- Downtown redevelopment act;
- Transportation development districts;
- Public improvement districts;
- Industrial development bonds, and
- Any other economic development incentive, including any grant, loan, lease, land acquisition, site preparation, utilities, facilities, streets or roadways, workforce development, workforce training, or any other incentive offered by the local government and accepted by the recipient that may be quantified as to the value provided to the recipient.

The bill extends incentive data collection to include local governments. The bill requires the data to be available on a database that is a searchable website or web page and permits searches by a user of such information by economic development incentive program, county, and recipient by means of an easily accessible drop-down menu or other similar prompt, to search at least by keyword or phrase within separately identified categories of economic development incentive program, county, and recipient name.

The bill also requires the information applicable to the search result to be available in one printable or downloadable report and that report to provide a summary report with the:

- Total incentives awarded to the recipient;
- Number of years the incentive may be claimed;
- Total unencumbered incentive award that may be claimed; and
- Total incentives that have been claimed by the recipient.

The bill requires the summary report to be provided to the House Committee on Commerce, Labor and Economic Development and the Senate Committee on Commerce on or before January 31 of each year and to disclose the most recent three years of economic

incentives claimed and the total amount of funds committed by the State or the local government that must be paid as an incentive over the entire period of the incentive.

The bill requires local governments to provide the Department with all available and reasonably attainable information required for all active economic development incentive programs of such local government commenced prior to July 1, 2025, that provide more than $50,000 in value in annual incentives. This information must be provided within 45 days of execution of the economic development incentive program agreement.

The bill requires providing all information required as a condition of commencing or providing any incentive to a recipient receiving any economic development incentive of more than $50,000 in value in annual incentives on or after July 1, 2025.

The local government is required to provide updates of all applicable information to the Secretary of Commerce (Secretary) at least annually in the manner, form, and at such time as required by the Secretary.

The bill also requires, on and after July 1, 2025, any recipient that will receive more than $50,000 in value in annual incentives from any economic development program provided by a local government or any administering agency to agree to provide all information required as a condition of the award of incentives, as required by the Secretary for publication on the database.

The bill requires all information to be provided to the Secretary in a manner as required by the Secretary. The Secretary is required to make a form or format available for local governments to report information in a simple online format and this form must be available in a digital form.

Required Dates for Local Government-based Economic Development Programs or Incentives

The bill requires information on active economic development incentive programs commenced prior to July 1, 2025, to the Secretary from local governments on or before July 1, 2026, regarding community improvement districts, tax increment financing, business improvement districts, self-supported municipal improvement districts, Kansas Neighborhood Revitalization Act, Kansas Downtown Redevelopment Act, transportation development districts, and public improvement districts.

The deadline for providing information to the Secretary from local governments on active economic development incentive programs commenced prior to July 1, 2025, regarding any grant, loan, lease, land acquisition, site preparation, utilities, facilities, streets or roadways, workforce development, workforce training or any other incentive is set as on or before July 1, 2028.

Additional Changes

The bill removes the requirement for user information regarding sales tax and revenue (STAR) bonds to include the county of recipients.

The bill extends the exemption for information to be disclosed if it violates the confidentiality provisions of any agreement executed from July 1, 2019, to July 1, 2025.

The bill requires the Secretary to provide a report of any information not disclosed on the database commencing on January 31, 2026, based on the preceding fiscal year and the reason why the information was not disclosed.

The bill allows the Secretary to impose an administrative fee not to exceed 1.0 percent of the total incentive, not to exceed $1,000, upon each recipient of an economic development incentive program administered by the Secretary for the purpose of payment of costs incurred for administering and maintaining the database.

OPEN RECORDS

Open Records and Open Meetings; HB 2134

HB 2134 limits the fees charged by a public agency in response to Kansas Open Records Act (KORA) requests and allows a requester to appeal a fee's reasonableness to the Secretary of Administration (Secretary) if the responding public agency is within the Executive Branch.

The bill exempts disclosure of certain closed investigations, changes the date for county or district attorneys to report complaints regarding KORA and the Kansas Open Meetings Act (KOMA), and amends provisions concerning public meetings in KOMA.

Fees for Public Records

The bill amends law prohibiting an agency from charging a fee in excess of the actual cost of furnishing copies of requested records. The bill specifies that actual costs include the cost to review requests and redact the requested records. The bill prohibits any incidental costs incurred by the public agency not attributable to furnishing the requested records from being included.

If the public agency incurs costs for staff time to provide access to or furnish copies of public records, the bill requires the agency to use in good faith the lowest cost category of staff reasonably necessary to provide such access or copies. The bill requires the charges for staff time to be based on the employee's salary or hourly wage, not including the cost of employee benefits.

The bill requires executive agency heads to establish fees for access to or for copies of the agency records.

Cost Estimates

The bill requires a public agency to make reasonable efforts to contact the requester and engage in interactive communication about mitigating request costs when the staff time needed to respond would exceed five hours or the estimated actual cost for staff time exceeds $200.

If the public agency has made reasonable efforts to contact the requester, and the requester fails to respond by the end of the third business day, the bill considers the request to be withdrawn until a subsequent contact has been made by the requester to the agency. "Reasonable efforts" means contacting the requester through the means of communication the requester provided as their preferred method.

The bill requires the public agency, upon request of the person requesting access to or copies of public records under KORA, to provide an itemized statement of costs incurred by the public agency and charged to the requester. The statement is required to include, but would not be limited to, the hourly rates for each employee involved in making the records available, and an itemized list of any other fees charged to provide access to or copies of the requested records.

Appeals

Under continuing law, persons who believe a KORA request fee is unreasonable may appeal the estimate to the Secretary of Administration. The bill clarifies that such appeals apply only to records within the Executive Branch.

Certain Records Not Subject to Disclosure

The bill amends law concerning records that a public agency is not required to disclose under KORA to exempt the disclosure of formally closed investigations of violations of civil law or administrative rules and regulations when no violations were found.

The bill exempts records of a public agency that contain material that is obscene, as defined by the Kansas Criminal Code.

Reports of KORA and KOMA Complaints

The bill changes the date from January 15 to October 15 of each year by which the county or district attorney of each county must report to the Attorney General all KORA and KOMA complaints received during the previous fiscal year.

Changes Applicable to Public Meetings

Subordinate Groups Subject to KOMA

The bill provides that whenever a majority of a subcommittee or other subordinate group created by a public body or agency meets, such subcommittee or group meeting will be considered an open meeting subject to KOMA.

A private entity is considered a subordinate group of a legislative or administrative body of the State or a political and taxing subdivision only if the entity is under the direct or indirect control of such body.

Livestreaming

The bill provides that a public body or agency that voluntarily elects to livestream a meeting must ensure that all aspects of the meeting are available through the selected medium for the public to observe. The bill specifies that an unintentional technological failure or an action taken by the provider of the selected medium that disrupts or prevents the livestream will not constitute a KOMA violation under the bill.

Kansas Open Records Act Exceptions Continued; HB 2166

HB 2166 continues in existence the following exceptions to the Kansas Open Records Act:

- KSA 48-962, relating to local health officer records created during the COVID-19 public health emergency containing personal information of persons testing positive for, or under quarantine or isolation for, COVID-19; and

- KSA 65-7616, relating to records created by the State Board of Healing Arts while investigating the fitness of a licensed acupuncturist to practice when there is a reasonable suspicion of impairment due to physical or mental illness, or the use of alcohol, drugs, or controlled substances.

The bill also makes technical amendments to reaggregate the KORA exceptions reviewed and extended by previous Legislatures.

PUBLIC SAFETY

Statewide Opioid Antagonist Protocol Exemptions; Sub. for SB 193

Sub. for SB 193 amends the Statewide Opioid Antagonist Protocol (Protocol) to exempt law enforcement agencies from the Protocol's requirement to utilize a physician medical director or licensed pharmacist unless the agency was electing to use an emergency opioid antagonist dispensed or furnished pursuant to the Protocol. [*Note:* The Protocol was established with enactment of 2017 HB 2217.]

State 911 Board and Funds; HB 2110

HB 2110 amends the Kansas 911 Act, as amended by 2024 HB 2690, to remove the requirement that the State 911 Board (Board) contract with a local collection point administrator (LCPA) for services; reschedule when certain 911 funds would be established and moneys transferred; require an immediate transfer to the State 911 Operations Fund on July 1, 2025; authorize the State 911 Board to make certain annual transfers; and remove the 911 fee transfer cap on the State 911 Grant Fund.

Removing Contract Requirement

The bill removes the requirement that the Board contract with a LCPA for services and removes statutory references to LCPAs. All obligations and responsibilities of an LCPA will be assumed by the Board. Certain provisions pertaining to the LCPAs will expire on January 1, 2026.

Distribution to 911 Funds

The Board is required to remit 911 fees to the State Treasurer, who then deposits the entire amount into the State Treasury and credits the following funds from every 911 fee remitted:

- $0.23 to the State 911 Operations Fund (Operations Fund);
    - If the amount credited to the Operations Fund exceeds 15 percent of the total amount of 911 fees remitted over the prior 3 years, the State Treasurer will credit any amount in excess of the 15 percent total to the State 911 Grant Fund (Grant Fund);
- $0.01 to the Grant Fund; and
- The remaining amount to the State 911 Fund.

This section will take effect on January 1, 2026.

One-time Transfer and Discretionary Annual Transfers

The bill also requires a transfer of $1.0 million to the Operations Fund on July 1, 2025, by the Board or the entity contracted by the Board for services.

The bill authorizes the Board to make discretionary annual transfers of any unencumbered moneys from the Operations Fund from a prior fiscal year to the Grant Fund once per fiscal year, provided the transfer would not impair the Board's ability to meet its statutory obligations.

State 911 Funds

The bill reschedules when the Operations Fund, Grant Fund, and State 911 Fund are to be established in the State Treasury, from January 1, 2026, to July 1, 2025.

The bill also reschedules when the 911 fee moneys held outside the State Treasury are to be transferred to these funds, from January 1, 2026, to January 2, 2026.

Removing 911 Fee Transfer Cap

The bill removes the 911 fee transfer cap on the Grant Fund. Under prior law, $0.01 of each 911 fee was deposited into the Grant Fund whenever the balance of the fund was less than $2.0 million. The bill eliminates the $2.0 million cap, and $0.01 from every 911 fee will be deposited into the Grant Fund, regardless of the balance of the Grant Fund.

Service of Process Fees Prohibition; HB 2182

HB 2182 prohibits any Kansas sheriff from charging a fee for service of process for any proceeding pursuant to the Protection From Abuse Act; the Protection From Stalking, Sexual Assault, and Human Trafficking Act; or a proceeding pursuant to similar laws in another jurisdiction.

Ignition Interlock Device Manufacturer Fees; HB 2222

HB 2222 requires the manufacturer of an ignition interlock device (IID) to pay certain fees to the Kansas Highway Patrol (KHP) for the administration, oversight, and monitoring of the ignition interlock program.

The bill establishes a one-time fee of $10 for each IID installed by the manufacturer in Kansas on and after July 1, 2025, counted and remitted on a monthly basis. The bill also adds a $5 fee per month for each IID in use and maintained by the manufacturer in Kansas, counted and remitted on a monthly basis.

The monthly fee will not be assessed or remitted if an IID is installed for and used by a person who the Division of Vehicles, Department of Revenue, determines is eligible for the reduced IID costs program.

[*Note:* Under continuing law, a person is eligible for reduced IID program costs if the person has annual household income less than or equal to 150 percent of the federal poverty level; is enrolled in the food assistance, child care subsidy, or cash assistance program pursuant to continuing law; or is currently eligible for the low income energy assistance program as determined by the Department for Children and Families.]

Kansas Highway Patrol Officer Rank and Classification; HB 2261

HB 2261 adds majors of the Kansas Highway Patrol (KHP) to the list of KHP officers in unclassified service under the Kansas Civil Service Act.

The bill also provides permanent status for a person returning to a classified KHP position at the end of a term in an unclassified KHP position. Under continuing law, the rank to which the officer would return would not be lower than the rank the person held when appointed to an unclassified position: superintendent, assistant superintendent, or major.

REAL ESTATE

Restrictive Covenants on Real Estate Owned by State Educational Institutions; SB 194

SB 194 voids any provision of a covenant or other restriction established or amended between January 1, 1948, and December 31, 1958, and meeting the following conditions:

- Restricting use of property owned by an institution governed by the State Board of Regents;
- Prohibiting the property from being used for any purpose other than single-family residences; and
- Containing discriminatory provisions to restrict ownership or tenancy by race.

The bill declares covenants prohibiting other than single-family residence use and containing discriminatory provisions to be against public policy and to be void and unenforceable.

State Board of Regents Property Authorization; HB 2120

HB 2120 authorizes the State Board of Regents, on behalf of Kansas State University (KSU) and the KSU Veterinary Medical Center (VCM), to sell certain real property parcels in Manhattan, Kansas, and Omaha, Nebraska. The legal description for each parcel is provided in the bill.

The bill conveys the rights, title, and interest in the real property, to be executed in the name of the State Board of Regents by its Chairperson and Executive Officer. The conveyance is prohibited until the deeds, titles, and conveyances have been reviewed and approved by the Attorney General.

The bill also provides that if the State Board of Regents determines the legal description of the real estate described in the bill is incorrect, then the conveyance may include the correct legal description. However, the bill requires the deed conveying the property to be approved by the Attorney General.

The bill states that KSU and KSU VCM will retain all proceeds from the sales of the property and no longer incur costs to maintain the property. All proceeds from the sales are credited to the Restricted Fee Funds of KSU and KSU VCM and will be exempted from state surplus property requirements.

Pesticide Remediation Relief to Certain Property in Johnson County; HB 2169

HB 2169 amends law to provide relief from certain pesticide remediation to certain property located in Johnson County.

The bill prohibits a state agency or subdivision from issuing cleanup orders; seeking recovery of money; promulgating regulations or guidance; failing to timely grant approvals for any permit under any state program, including issuance of a no-further-action approval or

Resource Conservation and Recovery Act permit modification; or otherwise requiring any person owning or possessing any interest in property previously owned by the U.S. Army that is located in Johnson County to be responsible for any non-residential property restrictions on use of such land or the costs of investigation, removal, or remediation of soil, groundwater, or surface water where legally registered pesticidal commercial chemical products were applied at or near structures on land to control pests by the U.S. Army at the property prior to 2005.

The bill is only applicable to any such person if the property owned by the person is non-residential. Any person owning the non-residential property is responsible for the costs of investigation, removal or remediation of soil, groundwater, or surface water of contamination as provided by law, including, but not limited to, contamination by legally registered pesticidal commercial chemical products, if the person converts the property to residential property or the property is constructed as a day care facility.

The bill requires owners of the non-residential property to provide notice of the potential presence of legally registered pesticidal commercial chemical products on the property that may need to be remediated, as determined by the Kansas Department of Health and Environment, if the property is ever used for residential purposes. Such notice runs with the land and remains permanently on all future deeds until the pesticidal products are at levels provided by continuing law, or the property has been remediated.

[*Note:* The property, Astra Enterprise Park, will contain the Panasonic battery production facility and other industrial and commercial sites related to the project.]

The bill allows the provisions of the prohibition to be applied retroactively.

The bill amends law to exempt such property owners responsible for the discharge, abandonment, or disposal of hazardous substances from responsibility for paying the costs of the investigation to determine whether remedial action is necessary at the site.

RETIREMENT

KPERS: Administrative Appeal Timeline and IRC Regulations; SB 64

SB 64 amends Kansas Public Employees Retirement System (KPERS) statutes. The bill extends the timeline for a KPERS member to request an administrative hearing to appeal a decision made by the KPERS Board of Trustees (Board) without a hearing. The bill updates KPERS statutes to align with federal Internal Revenue Code (IRC) regulations relating to the applicable age for required minimum distribution of pension benefits, recalculation of life expectancy for determining benefits, distributions from a defined contribution or deferred compensation plan, and the addition of a SIMPLE IRA (Savings Incentive Match Plan for Employees Individual Retirement Account) that meets specific rollover requirements to the list of eligible retirement plans.

Extension of Administrative Appeal Timeline

The bill extends the time for a KPERS member to request an administrative hearing to appeal an adverse decision made by the Board without a hearing from 30 days after notice of the order or decision of the Board to 60 days after the notice.

Statutory Alignment with Federal Regulations

The bill amends state statutes to align with federal regulations to:

- Reflect the following applicable ages for the required minimum distribution of pensions benefits in IRC § 401(a)(9):
  - 70½ years of age for members born before July 1, 1949;
  - 72 years of age for members born on or after July 1, 1949, but before January 1, 1951;
  - 73 years of age for members born on or after January 1, 1951, but before January 1, 1959; and
  - 75 years of age for members born on or after January 1, 1960 [*Note:* The required minimum age distribution for those born in 1959 does not appear in the bill due to an omission originating at the federal level. If and when this is addressed at the federal level, a future technical bill may update this statute.];
- Provide that the life expectancy of a member, the member's spouse, or the member's beneficiary may not be recalculated after the initial determination for purposes of determining benefit except as allowed in IRC § 401(a)(9) and applicable regulations;
- Require distributions from a defined contribution or defined compensation plan to be made in accordance with the rules under IRC § 401(a)(9) specific to the plans; and

- Add, effective January 1, 2016, a SIMPLE IRA, as described in IRC § 408(p), to the list of eligible retirement plans, provided that the rollover contribution is made after the two-year period described in IRC § 72(t)(6). [*Note:* IRC § 408(p) describes a SIMPLE IRA plan as an employer-sponsored plan under which an employer can make contributions to SIMPLE IRAs established for its employees. The term "SIMPLE IRA" means an IRA to which the only contributions that can be made are contributions under a SIMPLE IRA plan or rollovers or transfers from another SIMPLE IRA.]

SOCIAL SERVICES

Reorganization of Public Assistance Statute; HB 2027

HB 2027 reorganizes subsections within the public assistance statute (KSA 2024 Supp. 39-709) pertaining to eligibility requirements for the cash assistance program (Temporary Assistance for Needy Families or TANF), the food assistance program (Supplemental Nutrition Assistance Program or SNAP), and the child care subsidy program; general requirements related to drug screenings and convictions; assignment of support rights to the Secretary for Children and Families and limited power of attorney; and provisions related to fraud investigations.

The bill also moves language within the subsection on the medical assistance program (Medicaid or KanCare) that pertains to the subjects of the newly reorganized subsections to the corresponding subsections. Additionally, the bill updates statutory references in a statute regarding deposits into funds used for these purposes to reflect the reorganized subsections.

Reorganization of Subsections

The statute is reorganized into the following subsections:

- Subsection (a): General eligibility requirements for public assistance for which federal moneys are spent for TANF, the food assistance program, and the child care subsidy program [*Note:* The general eligibility requirements in continuing law are qualifying income, citizenship, and Kansas residency.];
- Subsection (b): Requirements specific to TANF;
- Subsection (c): Requirements specific to SNAP;
- Subsection (d): Requirements specific to the child care subsidy;
- Subsection (e): Fraud investigations;
- Subsection (f): General requirements related to drug screenings and convictions;
- Subsection (g): General requirements related to assignment of support rights and limited power of attorney; and
- Subsection (h): Electronic benefits card.

The subsections with requirements specific to TANF, SNAP, and the child care subsidy (subsections (b), (c), and (d)) include a provision that eligibility for each of those programs is subject to the corresponding requirements for drug screenings and convictions reorganized into subsection (f). [*Note:* The drug screening and convictions provisions are continuing law.]

Office of Inspector General Scope and Powers; HB 2217

HB 2217 expands the scope of the Inspector General within the Office of the Attorney General to include the audit, investigation, and performance review of all state cash, food, and health assistance programs. The bill grants the Inspector General the power to subpoena,

administer oaths, and execute search warrants. The bill also adds and amends several definitions and makes technical, clarifying, and conforming amendments.

Definitions

The bill adds the following definitions:

- "Cash assistance" means assistance that is administered and provided by the Secretary for Children and Families to individuals for a family's ongoing basic needs;
- "Food assistance" means assistance that is administered by the U.S. Department of Agriculture and provided by the Secretary for Children and Families to individuals for eligible food products; and
- "Health assistance" means the Medicaid program and the state Children's Health Insurance Program (CHIP).

The bill amends the definitions for "claim," "client," "contractor," "contractor files," "fiscal agent," "provider," "recipient," and "records" to replace references to "Medicaid, the state MediKan program, or the state Children's Health Insurance Program" with "any cash, food or health assistance program."

The definition of "healthcare provider" is amended to replace a reference to "Medicaid, the state MediKan program, or the state Children's Health Insurance Program" with "health assistance program."

The bill removes language exempting the following from the definition of "records": any report or record in any format made pursuant to statutes pertaining to risk management programs for health care facilities, health care provider reporting requirements, and reports relating to impaired providers, which are privileged pursuant to statutes relating to health care provider peer reviews or confidential and privileged reports.

Office of the Inspector General

Purpose

The bill clarifies the purpose of the Office of the Inspector General (OIG) full-time program of audit, investigation, and performance review to provide increased accountability, integrity, and oversight of any state cash, food, or health assistance programs and to assist in improving agency and program operations and in deterring and identifying fraud, waste, abuse, and other illegal acts. [*Note:* Prior law provided only for a full-time program to audit, investigate, and perform such reviews of the state Medicaid program, the MediKan program, and CHIP.]

Prohibited Employment

The bill prohibits a former or current Inspector General from being employed as an executive or manager for any program or agency subject to oversight by the OIG for two years after such Inspector General's period of service as the Inspector General has concluded.

Removal from Office

The bill requires the Attorney General to remove the Inspector General from office for cause prior to the expiration of the Inspector General's term. [*Note:* Prior law authorized the Attorney General to remove an Inspector General for cause.]

Duties of Inspector General

The bill expands the duties of the Inspector General to require the oversight, audit, investigation, and performance reviews of any state cash, food, or health assistance program, changed from state Medicaid, MediKan, and CHIP programs.

Reporting to Attorney General

The bill specifies that the Inspector General is required to report finding credible evidence of "significant levels" of fraud, waste, abuse, or other illegal acts to the Attorney General.

Cases for Prosecution

Continuing law authorizes the Inspector General to present for prosecution the findings of any criminal investigation to the Attorney General or the Office of the U.S. Attorney in Kansas. The bill authorizes the Inspector General to also present such findings for prosecution to any applicable district or county attorney.

Powers of the Inspector General and Designees

The bill grants the Inspector General and their designees the following additional powers:

- Original jurisdiction to investigate crimes related to public assistance, including:
  - Violations of the Kansas Medicaid Fraud Control Act;
  - Fraud pertaining to eligibility for cash, food assistance, child care subsidy, and medical assistance;
  - Fraudulent acts involving obtaining assistance; and
  - Violations related to records held by a provider to which the Attorney General is allowed access;

- The power to issue, serve, or cause to be served subpoenas or other process of service in the aid of investigations;

- The power to compel by subpoena the attendance and testimony of witnesses and the production of books, electronic records, and papers as directly related to state cash, food, and health assistance programs;

- The power to administer oaths and take sworn statements under penalty of perjury;

- The power to serve and execute in any county search warrants that relate to investigations being executed by the OIG; and

- Access to contractor files, limited to those files necessary to verify the accuracy of the contractors' invoices or its compliance with contract provisions. No health care provider will be compelled to provide individual medical records of patients who are not clients of such a program or programs. [*Note:* This continuing law is re-designated as one of the powers granted to the Inspector General and their designee.]

Reporting to Health Care Provider Regulatory Agencies

When the Inspector General determines that reasonable suspicion exists that an act relating to the violation of an agency licensure or regulatory standard has been committed by a vendor, contractor, or health care provider who is licensed or regulated by an agency, continuing law requires the Inspector General to immediately notify such agency of the possible violation. The bill adds an exception to the reporting requirement if such notification would jeopardize an ongoing criminal investigation.

Content of Annual Inspector General Report

The bill adds the type of audit conducted to the list of required items to be included in the Inspector General's annual report. The bill removes the requirement for the annual report to include aggregate provider billing and payment information as well as the reference to the programs administered by the Kansas Department of Health and Environment.

Legislative Approval for Public Assistance and I/DD Programs; Senate Sub. for HB 2240

Senate Sub. for HB 2240 prohibits state agencies, on and after July 1, 2025, from seeking or implementing any public assistance program waiver or other authorization from the federal government that would expand eligibility for any public assistance program or would increase any cost to the State. The bill also prohibits making certain changes to services for persons with intellectual or developmental disabilities (I/DD) without the express consent or approval of either the Legislature or the Legislative Coordinating Council (LCC).

Public Assistance Waivers and I/DD Programs

The bill prohibits state agencies, on or after July 1, 2025, from doing the following without Legislative approval:

- Seeking or implementing, at minimum, a Medicaid state plan, any Medicaid state plan amendment, or any state demonstration or waiver pursuant to Section 1115 or 1915 of the federal Social Security Act, if the public assistance waivers or other authorizations from the federal government would increase any cost to the State; or

- Seek or implement any change to the funding structures, day services, or targeted case management (TCM) services for persons with I/DD.

Legislative Approval

The bill requires any approval or consent for said waiver or other authorization or a change to funding structures, day services, or TCM for persons with I/DD to be an act of the Legislature. Should the Legislature not be in session, the bill allows the LCC to approve or refuse a state agency's request for a waiver or other authorization or a change to funding structures, day services, or TCM for persons with I/DD.

The bill also authorizes the LCC to designate a standing committee or special committee to review an agency's request and make recommendations to the LCC.

The bill establishes a deadline of 14 calendar days from the LCC's receipt of a state agency's official notification for an approval request by which the LCC or its designated committee must meet to consider and take action on said request.

Definitions

The bill defines the following terms for this purpose as follows:

- "Public assistance program" means any assistance included in KSA 39-709 for which federal or state moneys or both are expended and currently includes the following programs:
    - Temporary Assistance for Needy Families;
    - Supplemental Nutrition Assistance Program;
    - Child Care Subsidy Program;
    - Medicaid; and
    - Children's Health Insurance Program; and

- "State agency" means any state office or officer, department, board, commission, institution, bureau, or any agency, division, or unit within any office, department, board, commission, or other state authority, or any person requesting a state appropriation.

STATE FINANCES

Continuous State Budget; SB 14

SB 14 establishes a system of continuing appropriations by which existing appropriations would carry forward into the subsequent fiscal year unless the Legislature adjusts them.

Continuing Appropriations

The bill defines "continuing appropriations" as appropriations provided for in the previous fiscal year. The Secretary of Administration (Secretary), in consultation with the Director of the Budget and the Director of Legislative Research, may lapse Executive Branch continuing appropriations when they are determined to be unnecessary. The Secretary may also adjust continuing appropriations that match federal funding availability. State agencies are charged with notifying the Director of the Budget, who is charged with notifying the Governor and State Finance Council, when an excess of state funds to draw a federal match is identified.

Borrowing of Funds

The Secretary, in consultation with the Director of the Budget and the Director of Legislative Research, may make temporary allocations (borrow) between appropriated funds and special revenue funds when the balance of a fund is determined to be insufficient to meet its obligations, subject to approval by the State Finance Council. Non-State General Fund (SGF) borrowing is limited to no more than $400.0 million. The SGF borrowing is limited to 9.0 percent of total SGF expenditures in that fiscal year. If that amount is insufficient, the Secretary may borrow up to an additional 3.0 percent for up to 30 days. If the Secretary of Administration determines that borrowing between funds and accounts is warranted, the first fund to be considered as a source of funds is the Budget Stabilization Fund. Source funds that are borrowed from must be reimbursed for any lost interest revenue in the event that statutes specify the funds retain such revenue.

Reports to the Legislature

The Secretary will report any borrowing of funds to the House Committee on Appropriations and the Senate Committee on Ways and Means on a monthly basis, with the details of such borrowing.

Effective Date; Sunset

The bill sunsets on July 1, 2030.

Appropriations; SB 125

SB 125 contains supplemental funding in FY 2025, funding for most state agencies for FY 2026, and selected adjustments for FY 2027.

FY 2025

The bill adjusts total state expenditures to $27.08 billion, including $10.85 billion from the State General Fund (SGF), in FY 2025. Compared against FY 2024 actual expenditures, the bill increases all fund expenditures by $2.77 billion, or 11.4 percent, and SGF expenditures by $1.48 billion, or 15.8 percent. Compared against the FY 2025 budget approved by the 2024 Legislature, the bill increases all fund expenditures by $1.73 billion, or 6.8 percent, and SGF expenditures by $320.7 million, or 3.0 percent.

Significant SGF Additions to the Approved Budget

- $38.0 million SGF for contract nursing staff at Larned and Osawatomie state hospitals;
- $10.3 million SGF for debt service on Series 2025A bonds to consolidate debt service payments for three projects approved by the 2024 Legislature: the Kansas Bureau of Investigation (KBI) Forensic Lab in Pittsburg, the Department of Corrections Topeka Central Health and Behavioral Health Support Building, and the Kansas State University Pure Imagination Facility;
- $10.0 million SGF to hire a private vendor for firearm detection software to be used only in public school buildings and for no more than two years;
- $10.0 million SGF to adopt the spring human services caseload estimate upon certification of the State Finance Council;
- $5.8 million SGF for the Bombardier Defense Project; and
- $16.2 million, including $4.8 million SGF, for the Kansas Department of Health and Environment's (KDHE) contract with Gainwell Technologies.

Significant SGF Lapses to the Approved Budget

- $150.5 million SGF for KanCare non-caseloads (HCBS waiver) funds that were reappropriated due to a higher-than-anticipated federal match;
- $171.1 million, including a deletion of $121.4 million SGF, to adopt fall education consensus numbers;
- $19.7 million SGF in unused funds for the Children’s Health Insurance Program;
- $101.3 million, including a decrease of $21.7 million SGF, to adopt the fall human services caseloads estimate;
- $6.9 million SGF in unused funds appropriated for the state employee pay plan in 2024 SB 28; and

- $5.0 million SGF in unused funds appropriated to the Board of Indigents' Defense Services for general operating expenditures.

Significant Non-SGF Additions to the Approved Budget

- $179.4 million from the State Highway Fund (SHF) for modernization, preservation, and local construction of bridges;
- $100.0 million from the Restricted Fee Fund for the 11th and Mississippi capital improvement project at the University of Kansas;
- $65.7 million from federal funds for SUN Bucks, the summer electronic benefits transfer (EBT) program that provides eligible, school-aged children $120 per summer when school meals are unavailable;
- $71.2 million from federal American Rescue Plan Act (ARPA) funds for the Wichita Biomedical Campus;
- $44.8 million from federal Title XIX funds to adjust Kansas Department for Aging and Disability Services estimated Title XIX funding for Medicaid to reflect the updated federal medical assistance percentage;
- $41.3 million from the Restricted Fee Fund for the Ag Innovation Initiative at Kansas State University;
- $30.0 million from the Health Collaboration account for the Health Science Education Center project at Wichita State University;
- $28.7 million SHF for the construction of District One headquarters in Topeka and the modernization of Kansas Department of Transportation buildings;
- $25.2 million from federal funds to support private financing to small businesses through the State Small Business Credit Initiative;
- $22.4 million from federal ARPA funds for the State Defense Building project for the Adjutant General's Department;

Policy Changes Included in SB 125 for FY 2025

- Language to suspend budget stabilization fund transfers and allow the State Treasurer to invest funds;
- Language to no longer provide continuous eligibility for Medicaid for the parent and caregiver population;

- Language appropriating $3.7 million, including $1.8 million SGF, to the State Finance Council, and language requiring that such funds be released to the Department for Children and Families upon the certification by the Secretary for Children and Families that a waiver has been submitted exempting candy and soda from EBT purchases;

- Language extending the sunset date for the surcharge of certain Judicial Branch fees, which are transferred to the SGF, to June 30, 2027; and

- Language prohibiting the Kansas Lottery from expending moneys to negotiate or to enter into any contract or extension of an existing contract or renewal of an existing contract for the management of sports wagering with any lottery gaming facility manager.

FY 2026

The bill provides for state expenditures totaling $25.60 billion, including $10.64 billion SGF, for FY 2026. Compared against FY 2025 recommended expenditures, the bill decreases all fund expenditures by $1.47 billion, or 5.4 percent, and SGF expenditures by $210.5 million, or 1.9 percent.

Significant SGF Additions

- $106.3 million, including $40.0 million SGF, to provide salary adjustments to state employees based on the Department of Administration Market Survey, as follows:
  - Employees who are under market pay by 10.0 percent or more would receive either an increase to bring salaries to 10.0 percent under market pay or a 2.5 percent increase, whichever is greater;
  - Employees who are under market pay by less than 10.0 percent and employees who are over market pay by 10.0 percent or less would receive a 2.5 percent increase if classified;
  - Employees who are over market pay by more than 10.0 percent would receive a 1.0 percent increase;
  - Employees not reflected in the Market Survey would receive a 2.5 percent increase;
  - All unclassified employees with job classifications that are not included in the Market Survey will be compensated via a merit pool;
  - Executive Branch agencies, Legislative Branch agencies, the Judicial Branch, and universities will receive a sum equivalent of the total of 2.5 percent of the salaries of all benefits-eligible unclassified employees in such agency, to be distributed as a merit pool; and
  - The following employees are excluded from these provisions:
    - Judges and justices;
    - Statewide elected officials;

- – Legislators;
- – Teachers and licensed personnel of the Kansas State Schools for the Blind and Deaf;
- – Part-time, non-benefits eligible employees; and
- – Employees on a formal, written career progression plan who are not otherwise named in these adjustments;

- $75.5 million, including $29.3 million SGF, for an add-on payment to nursing facilities of $20 per day, based on the number of Medicaid residents;
- $14.3 million SGF for the Two-year College apprenticeship account, with language to allocate funding to designated schools;
- $12.0 million SGF for the Regional Growth and Development Initiative, including $3.8 million SGF for Pittsburg State University, $3.8 million SGF for Emporia State University, and $4.4 million for Fort Hays State University;
- $10.5 million SGF for Two-year Colleges Student Success Initiatives, with language to distribute funds to designated schools;
- $30.2 million, including $13.2 million transferred from APEX funds, $5.0 million transferred from ARPA interest funds, $5.0 million from the State Water Plan Fund, and $7.0 million SGF for the Kansas Campus Restoration Fund;
- $10.0 million SGF for hospitals providing inpatient behavioral health services for adults;
- $10.0 million SGF for additional Special Education State Aid funding, for a total of $611.0 million for Special Education State Aid. This is also included for FY 2027 as maintenance-of-effort funding;
- $7.0 million SGF for the Technical Colleges operating grant;
- $5.8 million SGF for National Institute for Student Success playbooks at state institutions and Washburn University;
- $16.7 million, including $5.0 million SGF, for the KDHE's contract with Gainwell Technologies;
- $5.0 million SGF for Career Technical Education capital outlay aid, with language allocating funding to designated schools;
- $5.0 million SGF for aviation research at Wichita State University;
- $12.4 million, including $4.8 million SGF, to fully rebase nursing facility reimbursement rates; and

- $4.1 million SGF to adopt GBA No.1, Item 2, to be released to the Department of Corrections upon certification by the Secretary of Corrections that an increase to entry-level correctional officer pay differentials at Lansing Correctional Facility is necessary.

Significant SGF Deletions

- $10.0 million SGF for the Kansas Blueprint for Literacy;

- $11.6 million, including $7.3 million SGF, to lapse 1.5 percent of state operations funded from the SGF and SHF. This includes expenditures for salaries and wages, contractual services, commodities, and capital outlay only. The following agencies are exempt from this provision:
    - Judicial and Legislative branch agencies;
    - Correctional facilities;
    - Kansas Sentencing Commission;
    - KBI;
    - Office of the Attorney General;
    - Kansas Highway Patrol;
    - State hospitals;
    - Veterans and soldiers homes; and
    - State Board of Regents institutions; and

- $5.0 million SGF from the cooperative extension operating account for the KSU 105 project.

Significant Non-SGF Additions

- $4.0 million from ARPA interest to provide a grant to an airport for technology, tower upgrades, vertiport, heliport, and office space to attract e-aviation unmanned aircraft systems testing or manufacturing to Kansas, with language to transfer the funds;

- Language authorizing bonding authority of $128.0 million, with language requiring an additional $2.0 million from private funds for the construction of a veterinary diagnostic laboratory on the Manhattan campus; and

- Language authorizing bonding authority of $80.0 million for a new KBI headquarters in downtown Topeka.

State Water Plan Fund Additions

- $2.0 million State Water Plan Fund (SWPF) for streambank stabilization projects;
- $2.6 million SWPF for irrigation technology;
- $5.3 million SWPF for conservation district aid;
- $3.1 million SWPF for contamination remediation;
- $2.0 million SWPF for high plains aquifer partnerships; and
- Language allowing the Secretary of Agriculture to transfer funding between lines of appropriation of the SWPF.

Economic Development Initiatives Fund Adjustments

- An additional $1.5 million Economic Development Initiatives Fund (EDIF) for a talent grant fund; and
- A deletion of $1.5 million EDIF for the “Love, KS” marketing campaign.

Policy Changes Included in SB 125 for FY 2026:

- Language directing the Department of Administration to certify that state agencies have eliminated Diversity, Equity, and Inclusion positions, policies, programs, and related grants or contracts;
- Language to authorize the Kansas Developmental Finance Authority to issue STAR Bonds for any STAR Bond project;
- Language directing the Kansas Legislative Research Department and the Office of Revisor of Statutes to identify money for services to K-12 students at public schools and include this information in the review of education caseload estimates;
- Language to update the definition of “temporarily unemployed” to include individuals covered by a collective bargaining agreement who have been laid off from full-time work and reasonably expect to resume full-time work within six months. Such individuals would be exempt from enrolling in My Reemployment Plan, and unemployment benefits would be limited to eight weeks;
- Language to no longer provide continuous eligibility for Medicaid for parents and caregivers;

- Language directing the State Department of Education to expend $2.0 million from existing resources to issue a request for proposal for a supplemental American history online curriculum;

- Language to allow the State Treasurer to invest Budget Stabilization Funds;

- Language to lapse funding associated with the salaries and wages of vacant positions at the end of the fiscal year;

- Language to require that critical access hospitals and rural emergency hospitals pay the provider assessment in the Health Care Access Improvement Program as long as they have annual revenues that are above the threshold established by the Health Care Access Improvement Panel;

- Language prohibiting the Kansas Lottery from expending moneys to negotiate or to enter into any contract or extension of an existing contract or renewal of an existing contract for the management of sports wagering with any lottery gaming facility manager; and

- Language prohibiting Larned State Hospital from using contract agency nursing staff for FY 2027.

Technical College Operating Grant; HB 2195

HB 2195 creates the Kansas Technical College Operating Grant Fund (Fund) within the State Treasury.

The bill requires that the Fund be administered by the State Board of Regents and that all expenditures from the Fund be for instruction and operations to meet target objectives established by the Postsecondary Technical Education Authority.

Alcohol and Drug Abuse Treatment Fund; HB 2221

HB 2221 creates the Alcohol and Drug Abuse Treatment Fund (Fund) within the Kansas Department for Aging and Disability Services (KDADS) that will collect a portion of certain fines related to the crime of driving under the influence.

The bill abolishes a corresponding Kansas Department of Corrections (KDOC) fund and requires that on July 1, 2025, all moneys in the KDOC fund be transferred to the KDADS Fund and all liabilities of the KDOC fund be assumed by the KDADS Fund.

STATE GOVERNMENT

Antisemitism; SB 44

SB 44 declares that antisemitism and antisemitic acts are against the public policy of the state, including, but not limited to, the purposes of public educational institutions and law enforcement agencies.

The bill defines "antisemitism" or "antisemitic" to mean the same as defined by the International Holocaust Remembrance Alliance's working definition of antisemitism, including the following contemporary examples, as in effect on May 26, 2016:

- Encouraging, supporting, praising, participating in, or threatening violence or vandalism against Jewish people or property;

- Wearing masks to conceal a person's identity with the intent to harass or discriminate against Jewish students, faculty, or employees on school property; and

- Incorporating or allowing funding of antisemitic curriculum or activities in any domestic or study abroad programs or classes.

The bill also states that the provisions of the bill should not be construed to diminish or infringe upon any right protected under the First Amendment of the *U.S. Constitution* or the Bill of Rights of the *Kansas Constitution*.

Notice of Expedited Revocation of Rules and Regulations; SB 77

SB 77 requires an agency to provide written notice to businesses, local governments, and other known stakeholders regarding the agency's proposed expedited revocation of a rule or regulation identified by the state agency as one that could be revoked. [*Note:* Agencies are required to hold a public hearing on the proposed notice of revocation upon written request of a member of the public.]

The bill also removes agencies that either no longer exist or that no longer have rules and regulation authority from the list of agencies required to review and evaluate the agency's rules and regulations every five years.

Joint Committee on Vacancy Appointments and Process for Filling Vacancies; SB 105

SB 105 establishes the Joint Committee on Vacancy Appointments and creates and amends law governing the process for filling vacancies in the offices of U.S. Senator, State Treasurer, and Commissioner of Insurance.

Joint Committee on Vacancy Appointments

The bill establishes the Joint Committee on Vacancy Appointments (Committee) within ten calendar days of a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance.

The bill provides that the Committee would not be established when a vacancy occurs less than 90 calendar days prior to December 31 in any year in which a general election for the vacant office is held, unless the person vacating the office was elected and was an incumbent in such election.

Membership

The Committee will be composed of the following 12 members:

- The President of the Senate or a member of the Senate designated by the President;
- One member of the Senate appointed by the President;
- The Speaker of the House or a member of the House designated by the Speaker;
- One member of the House appointed by the Speaker;
- Two members of the Senate appointed by the Majority Leader of the Senate;
- Two members of the House appointed by the Majority Leader of the House;
- One member of the Senate appointed by the Vice President of the Senate;
- One member of the House appointed by the Speaker *Pro Tem* of the House;
- One member of the Senate appointed by the Minority Leader of the Senate; and
- One member of the House appointed by the Minority Leader of the House.

The bill requires that four of the five members appointed by the President of the Senate, the Vice President of the Senate, and the Majority Leader of the Senate represent and be a resident of each of the state's congressional districts. The bill also requires that four of the five members appointed by the Speaker of the House, the Speaker *Pro Tem*, and the Majority Leader of the House represent and be a resident of each of the state's congressional districts.

Designation of Chairperson; Meeting Information

The bill designates the President of the Senate, or the President's designee, as the chairperson of the Committee and the Speaker of the House, or the Speaker's designee, as the

vice-chairperson. The vice-chairperson is authorized to exercise all the powers of the chairperson in the chairperson's absence.

The bill authorizes the Committee to meet at any time and place within the state on the call of the chairperson. The bill also provides for member compensation, travel expenses, and subsistence expenses or allowances as provided by state law.

The bill requires the Committee to hold its first meeting within 30 calendar days of a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance.

Review of Nominations and Public Hearings

The bill requires the Committee to review and verify that each candidate satisfies federal and state requirements to hold and be appointed to fill a vacancy in such office. The bill also directs the Committee to conduct one or more public hearings on the nominations and grant the candidates an opportunity to be heard before the Committee. The bill prohibits any member of the Committee from being recommended as a candidate to fill the vacancy.

Concurrent Resolution or Report Recommending Candidates

Within 30 calendar days of the Committee's first meeting, the bill requires the Committee to:

- Submit a concurrent resolution to the Senate and House of Representatives identifying three candidates for further consideration by the Legislature if:
  - The vacancy occurs during a regular session of the Legislature; or
  - A special session is called within five days of the vacancy occurring; or
- Submit a report to the Governor recommending three persons as candidates to fill the vacancy, if the Committee concludes its public hearings while the Legislature is not in regular or special session.

If the Committee submits a concurrent resolution in each chamber, the bill requires each chamber to consider the concurrent resolution introduced by the Committee within 10 days and either adopt the concurrent resolution or direct the Committee to reconvene to reconsider candidates to fill the vacancy. When directed by the Legislature to reconvene, the Committee is permitted to recommend one or more of the candidates who were recommended in any prior resolution.

Appointment of U.S. Senator, State Treasurer, or Commissioner of Insurance

U.S. Senator

Prior law authorized the Governor to make temporary appointments to fill a vacancy in the office of U.S. Senator until a successor is elected and qualified. The bill directs the Governor to make a temporary appointment within three calendar days of receiving a concurrent

resolution adopted by the Legislature or a report submitted by the Committee and appoint one of three persons designated as candidates in such concurrent resolution to temporarily fill the vacancy.

Except as otherwise provided, the bill requires a vacancy in the office of U.S. Senator to be filled at the election of Representatives in Congress immediately following such vacancy. However, if the vacancy occurs on or after May 1 in an even-numbered year, the position will be filled at the election of Representatives in Congress held two years following the year in which the vacancy occurs.

State Treasurer and Commissioner of Insurance

Continuing law authorizes the Governor to make temporary appointments to fill vacancies in the offices of State Treasurer and Commissioner of Insurance for the remainder of the unexpired term and until a successor is elected and qualified. The bill directs the Governor to make a temporary appointment within three calendar days of receiving a concurrent resolution adopted by the Legislature or a report submitted by the Committee and appoint one of three persons designated as candidates in such concurrent resolution to serve for the unexpired term and until a successor is elected and qualified.

Political Party Requirement

The bill requires any person appointed to fill a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance to be a resident of Kansas and to have been registered with the same political party as the previously elected U.S. Senator, State Treasurer, or Commissioner of Insurance for the six years immediately preceding the vacancy. The bill also provides that if the previously elected U.S. Senator, State Treasurer, or Commissioner of Insurance was not registered with any political party, then any suitable person who is a Kansas resident is eligible for appointment.

Certification by Secretary of State

The bill prohibits any person appointed to fill a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance from taking office unless the Secretary of State certifies the appointment was made in accordance with the provisions of the bill.

Severability

The bill makes severable provisions regarding making temporary appointments to fill a vacancy in the office of U.S. Senator, establishing the Joint Committee on Vacancy Appointments, and the concurrent resolution or report recommending candidates to fill a vacancy in the office of U.S. Senator, State Treasurer, or Commissioner of Insurance. The bill specifies that if such provisions or their application are declared unconstitutional or invalid, the remaining provisions of the bill and their applicability continue to be valid and enforceable.

Statute Repealed

The bill repeals the statute specifying how a vacancy in the office of U.S. Senator is to be filled (KSA 25-318).

Fostering Competitive Career Opportunities Act; SB 166

SB 166 enacts the Fostering Competitive Career Opportunities Act, which prohibits state employers from making hiring decisions based solely on an applicant's lack of a postsecondary degree. The bill does not apply to positions for which a postsecondary degree is justifiably necessary.

For purposes of the bill, employers in the Legislative or Judicial branches of government are excluded from the definition of "state employer." The provisions do not apply to any position that is filled by political appointment.

Job Posting Requirements

The bill requires state employers to determine baseline requirements for applicants for each job posting. These requirements can include prior direct experience, specific certifications, specific courses of instruction, or postsecondary degree requirements, provided the state employer demonstrates such degree is necessary for the position. State agencies are prohibited from imposing any additional requirements on applicants in all hiring considerations.

Each job posting is required to include any tests, training, apprenticeships, or other forms of assessment that may show the applicant is competent for the position. The bill requires a job posting requiring a postsecondary degree to include information substantiating the necessity of such degree.

Direct Experience Consideration

If direct experience is considered in lieu of a postsecondary degree, the years of experience required cannot be more than:

- Two years for an associate's degree;
- Four years for a bachelor's degree;
- Six years for a master's degree;
- Seven years for a professional degree; or
- Nine years for a doctoral degree.

Solicitation for Goods or Services

The bill prohibits minimum experience or postsecondary educational attainment for any contractor personnel as a prerequisite for the awarding of a contract for any goods or services unless the state employer includes substantiation for such requirements in the request for proposal or solicitation.

Travel and Tourism Council and Grants; HB 2037

HB 2037 makes changes to the membership of the Council on Travel and Tourism (Council) and a tourism matching grant program (Program).

Council on Travel and Tourism

The bill expands the Council from 17 to 20 members by adding 3 members to be appointed by the Governor representing the National Independent Venue Association, the Kansas Museums Association, and the Kansas Sampler Foundation.

The appointment must be from a list of three individuals submitted by the organization. The nominees of the National Independent Venue Association must be Kansas residents.

Tourism Matching Grant Program

The bill removes a requirement that 75 percent of grants made under the Program be allocated to public or not-for-profit entities and removes the individual entity grant allocation limit of 20 percent.

Filing Public Land Survey Reports; HB 2168

HB 2168 extends the time for land surveyors to file certain public land survey reports with the Secretary of the State Historical Society from 30 days to 90 days.

This extension applies to reference reports of each public land survey corner or any related accessory, and to restoration reports that are required after a public land surveyor replaces a survey corner with a survey monument. The bill requires reference reports to be filed within 90 days of the date the references are made and restoration reports to be filed within 90 days after the activity is completed.

The bill also allows a county commission to designate a county office in which to file the public land survey reference report if there is no county surveyor or engineer.

Transfer of the Prenatally and Postnatally Diagnosed Conditions Awareness Programs and Fund; HB 2307

HB 2307 transfers the authority over the prenatally and postnatally diagnosed conditions awareness programs (programs) from the Kansas Department of Health and Environment (KDHE) to the Kansas Council on Developmental Disabilities (KCDD), creates the Prenatally and Postnatally Diagnosed Conditions Awareness Program Fund (Fund), and directs a one-time $25,000 transfer to the Fund.

Transfer of Authorization and Oversight

The bill transfers authorization and oversight for the programs from KDHE to KCDD, including the powers, duties, and functions related to the programs. References to KDHE in statute, contract, or other documents in regard to the programs will be deemed to apply to

KCDD. The bill replaces references to the Secretary of Health and Environment with KCDD and removes the definition of "Secretary" from the statute.

The bill directs KCDD to prepare and submit a report to the Governor and Legislature on the grants, contracts, and cooperative agreements and the effectiveness of the programs they support on or before January 11, 2027.

Prenatally and Postnatally Diagnosed Conditions Awareness Programs Fund

The bill establishes the Fund in the State Treasury and provides for all moneys credited to the Fund to be expended only for the programs. All expenditures will 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 KCDD.

The bill also directs the Director of Accounts and Reports to transfer $25,000 from the State General Fund to the Fund on July 1, 2025.

Criminal History Record Checks for Certain State Employees and Authorized Release of Certain Criminal History Records; HB 2342

HB 2342 authorizes the Secretary of Commerce to request the Kansas Bureau of Investigation (KBI) conduct a state and national criminal history record check on any final applicant for, or an employee in, a sensitive position within the Department of Commerce and requires the Secretary of Labor to conduct state and national criminal history record checks on employees who have access to federal tax information received directly from the Internal Revenue Service (IRS).

The bill also amends law in the Kansas Code of Criminal Procedure concerning how non-criminal justice agencies may conduct state and national criminal history record checks and what criminal history record information (CHRI) must be released to such agencies with respect to certain employees and applicants for employment, licensure, or certification.

Criminal History Record Checks

Secretary of Commerce

The Secretary of Commerce is authorized to use information from a background check in the determination of applicants for, or employees in, sensitive positions. This determination is required to be in the Secretary's discretion except for a minimum standard requiring that a person in such a position have no misdemeanor conviction for any crime involving theft, fraud, forgery, or other financial crime or any felony conviction.

The bill defines "final applicant" to mean an applicant for a sensitive position with the Department of Commerce that the Secretary has determined is among a select group of applicants most qualified for the sensitive position and to whom the Secretary intends to give final consideration for an employment offer.

The bill also defines "sensitive position" to mean an employee in:

- The positions of division director, assistant secretary, deputy secretary, information technology manager, and chief counsel;

- Grant or loan program manager positions directly involved with accounting or disbursement of funds; and

- Any position determined by the Secretary of Commerce to involve significant financial management responsibilities; the collection or maintenance of, or access to, confidential personal or business information; or a significant risk of fraud or financial liability to the Department of Commerce.

Secretary of Labor

The bill requires the Secretary of Labor to conduct state and national criminal history record checks on employees who have access to federal tax information received directly from the IRS. Such criminal record checks require fingerprinting of the employee.

Criminal History Record Information to be Released to Certain Agencies

The bill directs the KBI to release certain types of CHRI of applicants and employees associated with the agencies specified below.

Office of Attorney General

The bill requires the KBI to release CHRI related to adult convictions, adult non-convictions, adult diversions, adult expunged records, juvenile adjudications, juvenile non-adjudications, juvenile diversions, and juvenile expunged records to the Attorney General for the following persons applying to become licensed or certified in Kansas:

- Persons applying for a private detective or private detective agency [*Note:* Prior law required adult convictions, adult non-convictions, adult diversions, and adult expunged records to be released for these persons];

- Persons applying for a license to carry a concealed handgun [*Note:* Prior law required adult convictions, adult non-convictions, adult diversions, adult expunged records, juvenile adjudications, juvenile non-adjudications, and juvenile diversions to be released for these persons];

- Persons applying to become certified to train private detectives in the handling of firearms and the lawful use of force [*Note:* Prior law required adult convictions, adult non-convictions, adult diversions, and adult expunged records to be released for these persons]; and

- Persons applying for a bail enforcement agent license [*Note:* Prior law required adult convictions to be released for these persons].

State Gaming Agency

The bill requires the KBI to release CHRI related to adult convictions, adult non-convictions, adult diversions, adult expunged records, juvenile adjudications, juvenile non-adjudications, and juvenile diversions to the State Gaming Agency (SGA) for candidates for employment with the SGA or persons applying for tribal gaming licensure pursuant to a tribal-state gaming compact. Under prior law, the SGA was authorized to receive CHRI related only to adult convictions, non-convictions, diversions, and expunged records.

Department of Labor

The bill requires the KBI to release CHRI related to adult convictions, adult non-convictions, adult diversions, and juvenile adjudications to the Secretary of Labor for employees who have been or will be granted access to federal tax information received directly from the IRS.

Department of Commerce

The bill requires the KBI to release CHRI related to adult convictions, adult non-convictions, adult diversions, and adult expunged records to the Secretary of Commerce for final applicants for, or employees in, a sensitive position.

Office of the State Bank Commissioner

The bill makes conforming amendments to law to reflect the type of CHRI that must be released by the KBI with respect to certain employees and applicants associated with the State Bank Commissioner under continuing law.

TAXATION

State Mill Levy Elimination and SGF Transfers to State Building Funds; SB 35

SB 35 eliminates, beginning in tax year 2026, the statewide mill levies of 1.0 mill for state educational buildings and 0.5 mill for state institutions buildings and creates, beginning in fiscal year 2027, demand transfers from the State General Fund (SGF) to the Kansas Educational Building Fund (EBF) and to the State Institutions Building Fund (SIBF).

The FY 2027 transfer to the EBF will be $56.0 million and will be adjusted in future years to reflect the average percentage change in taxable value of all property in the state for the preceding 10 years.

The FY 2027 transfer to the SIBF will be $25.0 million and will be increased by $500,000 in each future year.

Qualified Data Center Sales Tax Exemption; SB 98

SB 98 provides a sales tax exemption to certain firms making eligible investments in a qualified data center, as defined by the bill.

The exemption is for:

- Purchases for the development, acquisition, construction, and operation of a qualified data center made by a qualified firm, including, but not limited to, costs of:
  - Land or site improvements;
  - Buildings;
  - Data center equipment, including acquisition and permitting;
  - Lease payments;
  - Site characterization and assessment; and
  - Engineering and design;
- Labor services pertaining to the installation and maintenance of data center equipment; and
- Purchases made by a contractor for the purposes of constructing or modifying a qualified data center for a qualified firm.

"Data center equipment" is defined to include:

- Servers, routers and connections and computer equipment, monitoring and security equipment or systems;
- Equipment used in the operations of the data center;

- Equipment necessary to cool and maintain a controlled environment for operations;
- Systems designed to collect, conserve, and reuse water;
- Computer server equipment, chassis, networking equipment, switches, racks, cabling, trays and conduit; and
- Conduit, ducting, and cabling directly related to connecting one or more distributed data center locations whether located inside or outside of a data center.

The cost of electricity is excluded from the exemption.

The bill defines "qualified data center" as one or more buildings constructed, reconstructed, enlarged, remodeled, or leased in Kansas to house networked computer servers connected by a fiber transmission network for the purposes of centralizing data storage, management, and dissemination.

A "qualified firm" is defined as a business registered in Kansas that is engaged in data processing, storage, and dissemination. Telecommunications, wireless, and video service providers are explicitly excluded from the definition of a qualified firm.

Duration

The sales tax exemption is valid for 20 years, regardless of the level of investment.

Eligibility

To be eligible for the exemption, a qualified firm must:

- Receive prior approval by the Kansas Fusion Center Oversight Board, which is authorized to deny a project deemed to pose a threat to critical state infrastructure;
- Submit an application as required by the Secretary of Commerce (Secretary) and enter into an agreement upon approval;
- Commit to:
  - Making an aggregate investment of at least $250.0 million in a qualified data center within 5 calendar years of beginning operations;
  - Beginning construction of the project within 10 years of the agreement with the Secretary;
  - Adhering to practices that will conserve, reuse, and replace water; and

  - Purchasing electricity for 10 years from the public utility providing retail electric service; and

- Create and maintain at least 20 new jobs at such data center within 2 calendar years of beginning operations.

The Secretary is required to certify to the Secretary of Revenue when the qualified firm has met the conditions to receive the sales tax exemption and provide notice if the exemption is modified, suspended, or terminated.

Additional Conditions

As a condition of receiving the exemption, the qualifying firm is required to:

- Provide information required by the Secretary for:
  - Publication of the economic development incentive program database established in continuing law;
  - The Secretary's annual report required by continuing law; and
  - Periodic review of standing and eligibility as described below; and
- Cooperate with audits undertaken by the Department of Revenue or an applicable third party as requested by the Secretary.

Periodic Review

The Secretary is permitted to conduct a review every five years of the activity of a qualified firm to ensure good standing with the State and compliance with the requirements of the bill and any relevant rules and regulations. The Secretary is required to certify to the Secretary of Revenue that firms receiving the exemption continue to meet qualifications for eligibility.

Confidential financial information and trade secrets necessary to protect legitimate competitive business interests are not subject to disclosure, except that providing them to the Legislative Division of Post Audit upon request is required.

The bill requires books and records pertaining to determination of eligibility to be available for inspection during business hours by the Secretary, or a duly authorized agent, upon 60 days' prior written notice.

Breach of Agreement

If the Secretary determines a breach in the agreement has occurred, the Secretary is required to provide written notice that the firm has 120 days to cure the breach. If the breach is not cured within 120 days, the Secretary could require the firm to repay all or a part of the amount of the sales tax exemption received and wholly or partially terminate the exemption.

Rules and Regulations Authority

The bill authorizes the Secretary or the Secretary of Revenue to adopt rules and regulations for the implementation of the bill.

Strother Field Airport Property Tax Exemption; SB 117

SB 117 expands the property tax exemption for Strother Field Airport to include property owned by the political subdivisions comprising the Strother Field Airport Commission regardless of the date of acquisition and to specify the exempt uses for such property.

Property subject to the exemption includes property used for aviation-related purposes, to promote aviation commerce, or to provide revenue to operate all Strother Field components and activities.

[*Note:* Previous law restricted ownership to the Strother Field Airport Commission and did not extend the exemption to political subdivisions comprising it.]

Tax Credits for the Preservation of Historic Structures; SB 227

SB 227 increases tax credit amounts allowed for preservation of historic structures and makes changes to the conditions under which different credit amounts are allowed.

Under continuing law, credits are equal to a percentage of qualified expenditures for the preservation or renovation of a historic structure, in an amount determined by the level of investment and the location or type of project.

The bill authorizes credits as follows:

- 25 percent for a project in a city with a population of more than 50,000 and qualified expenditures of at least $5,000 and less than $50,000; and
- 40 percent for a project:
  - In a city with a population of more than 50,000 and qualified expenditures exceeding $50,000;
  - In a city, township, or unincorporated area with a population of less than or equal to 50,000 and at least $5,000 in qualified expenditures; or
  - With at least $5,000 in qualified expenditures if the structure does not produce income and is exempt from federal income tax pursuant to section 501(c)(3) of the federal Internal Revenue Code.

[*Note:* Previous law authorized credits in amounts of 25, 30, or 40 percent, depending on the project. The bill increases the credit amount for tax-exempt structures from 25 to 40 percent and restructures other conditions and corresponding credit amounts.]

The bill also authorizes the Department of Revenue, before the issuance of credits under the bill, to verify that the taxpayer does not owe any delinquent income, privilege, premium,

sales, or compensating use taxes, or interest, additions, or penalties on such taxes, to the State. In case of such outstanding liability, the bill requires that the amount of any credits issued to the taxpayer be reduced by such amounts owed to the State. Once issued, credits are not subject to reduction, recapture, disallowance, or voidability.

Income and Privilege Tax Rate Reduction Formula; SB 269

SB 269 provides for reduction in state income and privilege tax rates contingent upon the balance of the Budget Stabilization Fund and growth in the State General Fund (SGF) receipts from income and privilege taxes in excess of the FY 2024 amount, adjusted for inflation.

The bill requires the Director of the Budget to annually determine, in consultation with the Director of Legislative Research, whether the preceding fiscal year's total SGF income and privilege tax receipts exceed the 2024 amount, as adjusted for inflation.

The inflation adjustment is to be determined by subtracting the FY 2024 SGF income and privilege tax revenues multiplied by the 12-month average of the consumer price index for all urban consumers for the preceding fiscal year in excess of the 12-month average of the consumer price index for FY 2024. The bill requires the determination to be made by August 15 each year, beginning in 2025. If such receipts are in excess of the inflation-adjusted 2024 amount, the Director of the Budget is required to certify the excess amount to the Secretary of Revenue.

The Secretary of Revenue, upon receipt of such certification, is required to calculate and publish reductions to income and privilege tax rates as provided by the bill and is required to provide for reductions in tax rates to the nearest 0.01 percent resulting in expected reduced revenue approximately equal to the amount certified by the Director of the Budget.

Individual income tax rates are to be reduced first, with both tax rates being reduced proportionally until the lower bracket reaches 4.0 percent, at which time only upper bracket rates are to be reduced until the upper bracket rate reaches 4.0 percent.

Upon individual rates reaching 4.0 percent, rate reductions to the surtax rate for corporations and the normal tax rates for financial institutions will commence in corresponding amounts. Such reductions are to continue until the combined normal tax and surtax for corporations reaches 4.0 percent, the combined normal tax and surtax for banks reaches 2.6 percent, and the combined normal tax and surtax for trust companies and savings and loan associations reaches 2.62 percent.

The bill provides prohibits the certification by the Director of the Budget and corresponding rate reductions in years in which the amount of moneys in the Budget Stabilization Fund is less than 15 percent of the prior fiscal year's SGF tax revenues.

In all cases, the reduced rates are to remain in effect until further reduced by the provisions of the bill.

Personal Exemption Changes, Corporation Income Tax Apportionment, Personal Property Tax Exemption, Tax Freeze Refund Expansion; HB 2231

HB 2231 modifies Kansas income tax personal exemption provisions, redefines "income" for a refund option within the Homestead Property Tax Refund Act, amends the apportionment of income of multistate corporations and makes associated changes, and exempts certain personal property from taxation.

Personal Exemption Changes

The bill establishes, beginning in tax year 2024, that head-of-household filers are allowed an additional personal exemption of $2,320, and it increases the additional personal exemption for 100 percent permanently disabled military veterans to the same amount.

"Tax Freeze" Refund Program Changes

The bill, for purposes of the refund option of the amount of tax in excess of the base year amount under the Homestead Property Tax Refund Act, establishes the definition of income, for tax year 2025 and all years thereafter, to be the Kansas adjusted gross income of the taxpayer.

[*Note:* The Homestead Property Tax Refund Act includes three different refund options. The definition of income for the other two refund options is not impacted by the bill.]

Corporation Income Tax Changes

The bill requires, beginning in tax year 2027, most corporations with income in multiple states to apportion their income for Kansas income tax purposes based upon the share of the corporation's total sales that occur in Kansas. The bill also provides for a reduction to the corporation income tax rate and a deferred tax deduction for certain corporations.

The bill also makes various conforming changes, including a conforming amendment to Kansas' adoption of the Multistate Tax Compact to implement the provisions of the bill.

Sales Factor Apportionment

Beginning in tax year 2027, the bill generally provides corporation income of multistate corporations to be apportioned using only the sales factor, rather than using a formula incorporating sales, property, and payroll factors.

The bill also adopts, beginning in tax year 2027, market-based sourcing in determining sales within the state for the purposes of apportioning income. The bill specifies market-based sourcing rules for specific situations of sales of services, sales of intangible property, interest from loans, payment of dividends, and sales of communications services.

For financial institutions, the receipts factor, as defined in continuing law, is to be used in lieu of the sales factor.

A provision requiring the apportionment of income for railroads and interstate motor carriers based on the share of miles operated in Kansas is repealed at the end of tax year 2026, and such entities will have their income apportioned in accordance with provisions applicable to other corporations.

Manufacturers of alcoholic liquor will continue to have income apportioned using the three-factor formula as under current law.

Corporation Income Tax Rate Reduction

The bill provides for a reduction to the normal tax rate for corporations beginning in tax year 2029 based upon the amount corporation income tax receipts in FY 2028 exceed those of FY 2027, as certified by the Director of the Budget in consultation with the Director of Legislative Research.

The Secretary of Revenue is required to compute the reduction in the rate rounded down to the nearest 0.1 percent that would result in an amount of reduced tax approximately equal to the amount certified by the Director of the Budget.

The Secretary of Revenue is required to publish any new tax rate under provisions of the bill by October 1, 2028.

Deferred Tax Deduction

The bill allows publicly traded companies whose financial statements are prepared in accordance with Generally Accepted Accounting Principles to claim a deferred tax deduction from the taxpayer’s net business income before apportionment in an amount as specified by the bill.

The deduction, which the bill allows to be claimed after applying other available tax credits, is equal to the increase in the taxpayer’s deferred tax impact caused by the requirement for the use of the sales factor for income apportionment divided by the corporation tax rate and the taxpayer’s apportionment factor multiplied by 1/10. The bill authorizes claiming the deduction in ten equal installments, beginning in tax year 2025.

The deduction, which is not to be adjusted based upon events subsequent to the calculation of the deduction amount, may be carried forward and applied in future years until fully utilized if it is greater than the taxpayer’s net business income before apportionment.

A taxpayer seeking to claim such deduction must file a statement with the Secretary of Revenue on or before July 1, 2027, specifying the total amount of the claimed deduction.

Personal Property Tax Exemption

The bill exempts, beginning in tax year 2026, the following personal property from all property or ad valorem taxes:

- Any snowmobile, all-terrain vehicle, recreational off-highway vehicle, motorcycle manufactured for off-road use, or golf cart, that is not operated upon any highway;

- Any motorized bicycle, electric-assisted bicycle, electric-assisted scooter, electric personal assistive mobility device, or motorized wheelchair, as those terms are defined in law;

- Any trailer having a gross weight of 15,000 pounds or less, used exclusively for personal use and not the production of income;

- Any watercraft; and

- Any watercraft trailer designed to launch, retrieve, transport, and store watercraft, and any watercraft motor designed to operate watercraft on the water.

Countywide Sales Tax Authority and Apportionment and Custom Meat Processing Sales Tax Exemption Certificate; HB 2275

HB 2275 authorizes the submission of local sales taxes to voters in Finney, Jackson, Pawnee, and Seward counties; modifies the apportionment of countywide sales taxes; and specifies that a sales tax exemption certificate is not required for the sales tax exemption for certain custom meat processing services.

County Sales Tax Authorizations

Finney County

The bill authorizes the Board of County Commissioners of Finney County to submit to the voters of the county a question of imposing a 0.5 percent countywide sales tax for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility, or other county administrative facility.

Such sales tax expires once revenue sufficient to pay costs incurred in financing such a facility is collected.

The proceeds of the tax are to be retained by the county government and not be subject to apportionment with the cities within the county.

Jackson County

The bill authorizes the Jackson County Board of County Commissioners to submit to the voters of the county a question of imposing a countywide sales tax of 0.25 percent for the purpose of supporting hospital services in the county.

Proceeds from the tax are not subject to apportionment with the cities within Jackson County and are to be entirely retained by the county.

The sales tax authorized by the bill expires after ten years from the date the tax is first collected.

Pawnee County

The bill authorizes the Pawnee County Board of County Commissioners to submit to the voters of the county a question of imposing a countywide sales tax of up to 1.0 percent for the purpose of financing the provision of health care services and furnishing and equipping county public safety operations.

The bill requires the health care services to be financed to be listed in the question submitted to the voters, and public safety operations are those deemed necessary by the Pawnee County Board of County Commissioners.

Seward County

The bill authorizes the Board of County Commissioners of Seward County to submit to the voters of the county a question of imposing a countywide sales tax at a rate of 0.5 percent for the purpose of financing road and bridge construction projects.

The tax expires ten years from the date first collected and can be extended for additional ten-year periods upon additional elections.

The proceeds of the tax are not subject to apportionment with the cities within Seward County.

Countywide Sales Tax Apportionment

The bill requires the apportionment of sales tax revenue among cities and counties that is based on the proportion of the tax levied by each city and county to remain unchanged between July 1, 2025, and December 31, 2026.

[*Note:* The apportionment of such revenue based on population is unaffected by the bill.]

Custom Meat Processing Sales Tax Exemption Certificate

The bill authorizes the sales tax exemption in continuing law for sales of the services of slaughtering, butchering, custom cutting, dressing, processing, or packaging of an animal for the customer’s own use or consumption to be claimed without a requirement that exemption certificates or forms be provided by the purchaser or collected or maintained by the seller.

The bill also clarifies that a seller of such services who believes a sale qualifies for the exemption does not have the burden of proving the sale is not subject to tax; however, a purchaser wrongly claiming the exemption is still liable for any unpaid taxes.

Move Over for Stopped Vehicles; SB 8

SB 8 requires the driver of a vehicle approaching a stopped vehicle displaying hazard warning signal lamps, road flares, or caution signals to proceed with caution and change lanes away from the stopped vehicle if it is possible and safe to do so. If it is not safe or possible to change lanes away from the stopped vehicle, the bill requires the driver to proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road, weather, and traffic conditions. These provisions are added to the Uniform Act Regulating Traffic on Highways.

The bill adds a fine of $75 for unlawful passing of a stationary vehicle to the uniform fine schedule for traffic infractions.

Kansas Real Time Motor Vehicle Insurance Verification Act; Pilot Programs; Reporting; Enforcement; Third-party Administrators; Additional; SB 42

SB 42 makes various changes to the Insurance Code of the State of Kansas, including:

- Enacting the Kansas Real Time Motor Vehicle Insurance Verification Act to require the Commissioner of Insurance (Commissioner) to establish a web-based system for online verification of motor vehicle insurance and require motor vehicle insurers to cooperate with the Commissioner to establish and maintain the system as specified in the Act;

- Establishing a response time for insurance agents and insurers to respond to inquiries from the Kansas Department of Insurance (Department) and add the failure to respond to such inquiries to the list of actions that could lead to action against an agent or insurer's license;

- Allowing for an extension of one-year pilot programs or testing periods with approval from the Commissioner for a specific period of time determined by the Commissioner;

- Amending certain reporting requirements for the Commissioner;

- Amending the definition of "person" in statute regarding enforcement of insurance law;

- Amending law related to title insurance agent audits, surety bonds, and controlled business;

- Amending the Third Party Administrators Act to require third-party administrators (administrators) to maintain a separate fiduciary account for each payor and prohibit co-mingling of funds; and

- Making conforming amendments.

Kansas Real Time Motor Vehicle Insurance Verification Act

Definitions

The bill defines various terms as used in the Kansas Real Time Motor Vehicle Insurance Verification Act (Act), including:

- "Commercial vehicle coverage" means any coverage provided to an insured, regardless of the number of vehicles covered, under a commercial coverage form and rated from a commercial manual approved by the Department; and

- "Insurance verification system" means the web-based system for online verification of motor vehicle liability insurance.

Insurance Verification System

The bill directs the Commissioner to establish an online verification of motor vehicle insurance system (system). The bill requires the system to be web-based, supersede any other verification system requirements, and be the only system in Kansas for this purpose. The Commissioner also has the authority to adopt reasonable and necessary rules and regulations to effectuate the provisions of the Act.

Insurance Verification System Technical Capabilities

The bill creates requirements for the system, including the ability to:

- Transmit requests to insurers for verification of coverage and receive responses from insurance company systems. The bill requires insurance company systems to respond to each request for verification with a prescribed response upon evaluation of the data provided in such request;

- Ensure the data is secured in accordance with applicable data privacy protection laws;

- Be used for verification of motor vehicle liability insurance as prescribed by state law and accessible to authorized personnel and entities authorized by state or federal privacy laws;

- Interface wherever appropriate with existing state systems; and

- Include multiple data elements for greater matching accuracy, limited to:
  - Insurer National Association of Insurance Commissioners company code number;
  - Vehicle identification number;
  - Policy number;

- Verification date; or
- Other information as required by the Commissioner or Kansas Department of Revenue (KDOR).

Acquisition

The bill permits the Commissioner to conduct a competitive bid and contract process to purchase the system from a private service provider that has successfully implemented similar systems in other states.

Funding Source

The bill requires the Department to provide the funding for implementation, ongoing maintenance, and enhancement of the system from the Insurance Department Regulation Service Fund.

System Information Exchange

The bill directs insurers to cooperate with the Commissioner and KDOR to establish and maintain the system. Insurer systems are permitted reasonable system downtime with proper notice, and enforcement fees would not be charged during downtime or when the system is not available due to emergency situations, outside attack, or other unexpected outages outside the insurer's control as determined by KDOR.

The bill requires each property and casualty insurance company licensed to issue motor vehicle liability insurance or authorized to do business in Kansas to provide verification through the system for vehicles registered in Kansas and allow the company to use a third-party vendor.

The bill allows commercial motor vehicle insurers to participate in the system voluntarily.

The bill also provides insurers with immunity from civil and administrative liability for good faith efforts to comply with the Act.

Alternative Verification

The bill authorizes the Commissioner to establish, through rules and regulations, an alternative verification method for insurers that insure 1,000 or fewer vehicles in Kansas.

Confidentiality of Information

The bill establishes that all information and data provided by the insurance companies to the system, including all reports, responses, or other information generated for purposes on the system, are confidential by law and privileged. The information is not subject to the Kansas Open Records Act or subject to discovery or admissible as evidence in any private civil action.

Effective Date

The bill requires the system to be fully operational no later than July 1, 2026, following a testing period of no less than nine months. Enforcement action based on system information will not be permitted until the testing period has successfully been completed.

Law Enforcement Stops

The bill prohibits establishing compliance through the system as a primary cause for law enforcement to stop a vehicle.

Permitted Use

The online verification established through the Act may be used as proof of insurance for vehicle registration purposes.

Response to Department Inquiries

The bill amends a statute regarding unfair methods of competition and unfair and deceptive acts or practices to require agents and insurers to respond to an inquiry from the Department within 14 calendar days.

The bill adds the failure of an insurer to respond to an inquiry from the Department to the list of actions that could lead the Commissioner to deny, suspend, revoke, or refuse a new license or application for license.

Extension of Pilot or Testing Period

The bill allows the insurer or producer to request an extension on a one-year pilot or testing period for a value-added product or service from the Commissioner for additional time to determine if the value-added product or service meets the required criteria. The bill authorizes the Commissioner to grant such extension, with the specified time of the extension to be determined by the Commissioner.

Reporting Requirements

The bill removes the requirement that the Commissioner provide an annual report to the Governor regarding the general conduct and condition of insurance companies, including fraternal benefit societies doing business in the state. The Commissioner is required to publish the report on the Department website.

The bill also removes outdated language requiring the Commissioner to report to the Governor and the Legislature regarding the development of uniform electronic data interchange formats and standards.

Definition of "Person"

The bill amends the definition of "person" for purposes of enforcement of insurance law to remove references to specific entities already included under "any legal entity under the jurisdiction of the Commissioner."

Title Agent Audit Report Available by Request

The bill removes the requirement that each title insurance agent in the state submit a copy of its annual audit report made of its escrow, settlement, and closing deposit accounts to the Commissioner within 30 days of the end of a calendar year. The bill instead requires that annual audit reports of title insurance agents be available upon request. These provisions become effective on January 1, 2026.

Surety Bonds

The bill requires any title insurance agent who handles escrow, settlement, or closing accounts to file with the Commissioner documentation of a $100,000 surety bond or irrevocable letter of credit, regardless of the population of the county or counties the agent serves. This provision becomes effective on January 1, 2026.

Controlled Business Exemption

The bill removes the controlled business exemption for a title insurer or title agent for transactions in counties that have a population of 10,000 or less. This provision becomes effective on January 1, 2026.

Third-party Administrators

The bill amends the Third Party Administrators Act to require third-party administrators (administrators) to maintain a separate fiduciary account for each payor and prohibit co-mingling of funds, either collected or held, in a fiduciary account by the administrator on behalf of multiple payors.

[*Note:* Continuing law requires all insurance charges, premiums, collateral, and loss reimbursements collected by an administrator on behalf of or for a payor, and the return of premiums or collateral received from a payor, to be held by the administrator in a fiduciary capacity. The funds are to be immediately remitted to the person or persons entitled to such funds or deposited promptly in a fiduciary account established and maintained by the administrator in a federally or state-insured financial institution.]

The bill requires an administrator to disclose to the Commissioner any bankruptcy petition filed by or on behalf of the administrator pursuant to Chapter 9 or Chapter 11 of the U.S. Bankruptcy Code at the time such filing is made.

Dealer Inventory-only Titles for Certain Non-highway Vehicles; SB 97

SB 97 requires a vehicle dealer that obtains ownership of a used all-terrain, work-site utility, or recreational off-highway vehicle, or motorcycle that would otherwise qualify as a non-highway vehicle, to apply to the county treasurer for a dealer inventory-only title.

The bill requires a $10 fee and either a bill of sale or certificate of title to accompany the application for a dealer inventory-only title.

Trailer Dealer Exceptions to Vehicle Dealer Requirements; HB 2030

HB 2030 exempts dealers and manufacturers of trailers from specified provisions of the Vehicle Dealers and Manufacturers Licensing Act. The exemptions do not apply to dealers and manufacturers of semitrailers or travel trailers or to a dealer in the sale or exchange of any type of vehicle other than trailers.

The provisions from which the specified trailer dealers and manufacturers are exempted deal with termination of a franchise agreement, correction of warranty defects, change of ownership of a dealership, liability for defects, location of dealerships, disputes between dealers and manufacturers, the definition of “delivery” of a vehicle, and manufacturer requirements of dealers regarding facilities and signs.

Driving Instructor Licensure; HB 2031

HB 2031 allows a driving school or motorcycle instructor who meets other requirements in continuing law to hold a valid driver’s license from any state, not solely a Kansas license as in current law. The bill also requires a motorcycle instructor to hold a Kansas class M driver’s license or motorcycle license equivalent from another state to instruct in Kansas.

Truck or Truck Tractor Registration Fee Installments and Electric and Hybrid Vehicle Registration Fees; HB 2122

HB 2122 amends law regarding registration fees of trucks, truck tractors, and electric and hybrid vehicles.

Truck Registration

The bill increases from $100 to $300 the threshold at which the owner of a truck or truck tractor could make registration fee payments in equal quarterly installments. The bill also removes provisions that deem a registration installment payment not delinquent until the owner has failed to pay any two quarterly payment installments during the year; a quarterly payment is delinquent if it is more than ten days beyond its due date.

Under continuing law, the entire balance plus a 10.0 percent penalty is due and payable, unless the Director of Vehicles, Kansas Department of Revenue, determines such delinquency is not due to negligence or intentional disregard. Continuing law provides procedures for a lien on the vehicle or vehicles for delinquent registration payments. Under continuing law, these provisions do not apply to vehicles registered on an apportioned basis as part of a fleet.

Electric and Hybrid Vehicle Registration Fees

The bill increases the annual license fees paid at vehicle registration of electric vehicles and plug-in electric hybrid vehicles and establishes license fees for all-electric motorcycles and electric trucks and truck tractors with gross weights of 12,000 pounds or less, effective January 1, 2026.

The bill also directs that the fees collected from these annual license fees be remitted to the State Highway Fund and the Special City and County Highway Fund, to be apportioned and distributed as for motor fuel tax.

The bill increases these vehicle registration fees:

- Electric hybrid vehicles, from $50 to $70;
- Plug-in electric hybrid vehicles, from $50 to $100; and
- All-electric vehicles, from $100 to $165.

The bill also creates three new categories of annual license fees:

- All-electric motorcycles, $30;
- Electric hybrid or plug-in electric hybrid truck or truck tractor with a gross weight of 12,000 pounds or less, $125; and
- All-electric truck or truck tractor with a gross weight of 12,000 pounds or less, $200.

The bill directs these fees to be divided between the State Highway Fund and Special City and County Highway Fund as motor fuel taxes are divided in continuing law. Continuing law directs 66.7 percent to the State Highway Fund and 33.63 percent to the Special City and County Highway Fund. Of the fees remitted to the Special City and County Highway Fund, continuing law directs 57.0 percent to counties and 43.0 percent to cities.

Distinctive License Plates, Specialized License Plates to Military Veterans, and License Plate Issuance; HB 2201

HB 2201 authorizes issuance of three new license plates on and after January 1, 2026, amends certain requirements for the issuance of certain specialized plates to military veterans, and amends law regarding personalized license plates and decals on license plates.

Distinctive License Plates

The bill authorizes issuance of the following distinctive license plates:

- Kansas FFA Foundation, with royalty fees of $25–$100, as set by the organization, to benefit the foundation;

- Route 66 Association of Kansas (Route 66), with royalty fees of $25–$100, as set by the association, to benefit the association; and

- Blackout-style. The $50 fee for this license plate is directed to pay costs associated with replacing license plates when the lifespan of such license plates has been exhausted, as determined by the Director of Vehicles (Director), Kansas Department of Revenue.

The bill authorizes each of these distinctive license plates to be issued to a vehicle owner or lessee for use on a passenger vehicle or truck registered for a gross weight of no more than 20,000 pounds, and authorizes the Director to transfer each of these types of plates from a leased vehicle to a purchased vehicle.

The bill establishes procedures for a vehicle owner or lessee to obtain the license plate and the responsibilities of the Kansas FFA Foundation and the Route 66 Association of Kansas with regard to those license fees.

Issuance of Certain Specialized License Plates to Military Veterans

These provisions of the bill apply to a license plate available to members or veterans of all branches of the U.S. military and the Merchant Marines (all-branch plate) and to license plates specific to the branch of service: Army, Navy, Marine Corps, Air Force, Coast Guard, and Space Force.

The bill authorizes issuance of these specialized license plates to U.S. military veterans who were released or discharged under a general discharge under honorable conditions, as well as to those who received an honorable discharge as in continuing law, and it amends provisions regarding proof of military service to clarify the acceptable forms of proof.

The bill amends the statute establishing the all-branch plate to require, rather than allow, proof of veteran military status to be shown by presentation of a Kansas driver's license with a "VETERAN" designation (as allowed in continuing law) or a copy of the veteran's DD form 214, NGB form 22, or an equivalent discharge document as permitted by the Director showing character of service as honorable or general under honorable conditions.

The bill amends statutes for license plates specific to a branch of military service to remove references to proof of service, as authorized in rules and regulations of the Secretary of Revenue, and to reference the requirements in the statute establishing the all-branch license plate. The bill also replaces "was honorably discharged" with "under an honorable discharge or general discharge under honorable conditions" in the statutes authorizing specific-branch military license plates.

Number of Personalized License Plates Issued

The bill authorizes issuance of one, rather than two, personalized license plates and eliminates the requirement that an application for a personalized license plate be made no less than 60 days prior to the vehicle registration renewal date.

Decal Requirements on License Plates

The bill removes requirements that a decal affixed to a license plate that indicates the registration expiration year and license plate number also include the letters of the county in which the vehicle is registered. [*Note:* Continuing law requires placement of the county abbreviation on the license plate.]

The bill also removes language regarding furnishing license plate registration and registration decals to the counties and authorizes direct shipping to the customer for any digitally fulfilled license plate order.

Commemorative Designations of Transportation Infrastructure; HB 2263

HB 2263 makes five commemorative designations of transportation infrastructure.

Highway and Bridge Designations

The bill makes the following designations:

- A future interchange on K-10 at Lawrence as the Kris Norton Memorial Interchange. According to testimony, Mr. Norton, an engineer with the Kansas Department of Transportation for 33 years, worked on projects in 86 Kansas counties, including the South Lawrence Trafficway portion of K-10 and the design of this interchange;
- A portion of US-77 in Geary and Riley counties as the POW MIA Memorial Highway. According to testimony, 1,179 Kansans remain missing or unaccounted for from World Wars I and II, the Korean War, and the Vietnam War;
- Bridge No. 82-14-6.88 (026) in Clay County as the POW MIA Memorial Bridge;
- A portion of US-160 in Sumner County as the CPL Monte Wayne Forrest Memorial Highway. According to testimony, CPL Forrest died in military action in Vietnam in 1970 and was posthumously awarded the Silver Star and the Purple Heart; and
- A portion of K-5 as the Rep Marvin S Robinson Memorial Highway. According to testimony, Representative Robinson was noted for his community involvement including in the preservation of the Quindaro ruins in Wyandotte County near this portion of highway. The bill also redesignates a portion of the Harry Darby Memorial Highway on I-635.

Hunter Nation Distinctive License Plate; HB 2335

HB 2335 authorizes issuance of the Hunter Nation distinctive license plate on and after January 1, 2026, for use on a passenger vehicle or truck registered for a gross weight of 20,000 pounds or less.

The bill establishes the procedures for a vehicle owner or lessee to obtain the license plate and the responsibilities of Hunter Nation, Inc., with regard to this license plate. The bill allows Hunter Nation, Inc., to set the royalty for use of its logo for each license plate at an amount between $25 and $100, to be paid at initial issuance and renewal. Monthly royalty payments are to be directed to Hunter Nation Foundation, Inc.

The bill authorizes the Director of Vehicles, Department of Revenue, to transfer a Hunter Nation license plate from a leased vehicle to a purchased vehicle.

UTILITIES

Electric Transmission Line Siting Application Deadline; HB 2040

HB 2040 extends the deadline for the Kansas Corporation Commission to issue a final order for an electric transmission line siting application from 120 days to 180 days after the date the application is filed.

Law Enforcement Utility Pole Attachments; HB 2109

HB 2109 exempts a public utility from civil liability relating to the attachment, access, operation, maintenance, or removal of law enforcement equipment on any utility pole or other structure that is owned or operated by the public utility, if the civil action is based upon or arises from an authorization or agreement between the public utility and law enforcement for placement of the equipment.

The bill defines the following terms for this purpose:

- "Law enforcement agency" means a city police department, a county sheriff's department, or a county police department; and
- "Public utility" means any public utility as defined in law, municipally owned or operated public utility, or electric cooperative public utility.

Distributed Energy and Parallel Generation; Sub. for HB 2149

Sub. for HB 2149 establishes consumer protections for distributed energy customers and amends law related to parallel generation service contracts and net metering, including removing renewable generator capacity limits, permitting the use of locational marginal pricing, establishing a formula for determining the appropriate size for electrical loads, and establishing the customer's right to repair.

Definitions

The bill defines the following terms for the new sections of law regarding distributed energy:

- "Distributed energy customer" (customer) means a property owner of a single-family dwelling or multi-family dwelling of two units or fewer and who is offered a contract from a distributed energy retailer for the construction, installation, or operation of a distributed energy system that is primarily intended to offset the energy consumption of a single-family or multi-family dwelling;
- "Distributed energy retailer" (retailer) means any person or entity that sells, markets, solicits, advertises, finances, installs, or otherwise makes available for purchase a distributed energy system in the state of Kansas;

- "Distributed energy system" (system) means any device or assembly of devices and supporting facilities that is capable of feeding excess electrical power generated by a customer's energy producing system into the utility's system such that all energy output and all other services will be fully consumed by the distributed energy customer or the utility and that is or will be subject to an agreement under state law or a net metering tariff that was voluntarily established by a utility;

  [*Note:* A residential solar panel system that is interconnected with the electric grid is an example of such a system.]

- "Permission to operate" is defined as it is in continuing law regarding parallel generation services; and

- "Utility" means an electric public utility, as defined in law; any cooperative, as defined in law; an electric utility owned by one or more such cooperatives; a non-stock member-owned electric cooperative corporation incorporated in Kansas; or a municipally owned or operated electric utility.

Consumer Protections

The bill prohibits any person or entity required to register with the Secretary of State pursuant to the Business Entity Standard Treatment Act from engaging in the business or act in the capacity of a distributed energy retailer within Kansas unless the person or entity is registered with the Secretary of State, in good standing, and authorized to conduct business in Kansas.

Retailer Disclosures

The bill requires a retailer, prior to entering into a contract with a customer for a distributed energy system, to provide each customer with a separate disclosure document that:

- Is written in at least 10-point font;

- Is written in the language that the retailer used to speak to the customer during the sales process or the language requested by the customer;

- Includes a description of the make and model of the system's major components and the expected useful life of the system;

- Includes a guarantee concerning the quantity of energy that the system will generate on a measurable interval and a remedy if the system does not comply with the guarantee within one year following the date the system received permission to operate;

- Does not contain blank spaces that may be subsequently filled in with terms or conditions that materially affect the timing, value, or obligation of the contract

unless the terms and conditions are separately acknowledged in writing by the customer;

- Includes, in bold font and highlighted type, the total aggregate cost to the customer that would be incurred over the entirety of the contract. The total aggregate cost must be separately acknowledged in writing by the customer;
- Includes a description of the ownership and transferability of any tax credits, rebates, incentives, or renewable energy certificates in connection with the system;
- Includes the name and certification number of the individual certified by the North American Board of Certified Energy Practitioners who would oversee the permitting and installation of the system or the name and license number of the master electrician or electrical contractor who would oversee the permitting and installation of the system;
- Provides a description of the process and all associated fees for transferring any financing, warranty, or other agreements relating to the system to a new owner;
- Includes the name, phone number, email, and mailing address of the person or entity that the customer may contact for questions regarding performance, maintenance, or repair of the system;
- Includes a description of the assumptions used for any savings estimates that were provided to the customer and a description of the applicable utility billing structure that pertains to the system. The descriptions and assumptions must include the same provisions as outlined in the standard form published by the Attorney General;
- Includes a statement that the retailer will provide the customer proof that, within 30 days of completion of installation:
  - All permits required for the installation of the system were obtained prior to installation, if applicable;
  - The system was inspected and approved by a qualified individual pursuant to the requirements of any local municipal ordinance or county resolution;
  - The necessary interconnection applications and documentation were submitted to and approved by the affected utility; and
  - The system received permission to operate;
- Includes a statement that any recurring payments for a system will pause and not be due if the system does not receive permission to operate within 90 days of the date that the first recurring payment is due. The recurring payments can resume when the system receives permission to operate. Any payments due during any pause are either to be forgiven or added to the end of the financing term and will not incur any penalties for non-payment during the term;

- Includes a statement describing any rate escalation, balloon payment, or potential reconfiguration of payment structure;

- Includes a statement as to whether operations or maintenance services are included as part of the original contract price and whether the costs to remove, reinstall, and repair the system are included as part of the original contract price should the system need to be removed, reinstalled, or repaired due to natural causes or due to any exterior repair, replacement, construction, or reconstruction work on the premises;

- Includes a statement describing the expected start and completion dates for the installation of the system;

- Includes a statement indicating whether any warranty or maintenance obligations related to the system could be transferred by the retailer to a third party and, if so, a statement that provides:

  "The maintenance and repair obligations under your contract may be assigned or transferred without your consent to a third party who, if required pursuant to state law, shall be registered with the Secretary of State, in good standing and authorized to conduct business in the state and bound to all terms of the contract. If a transfer occurs, you will be notified in writing of any change to the name, mailing address, email, or phone number to use for questions and payments or to request system maintenance or repair";

- Includes a statement indicating whether the retailer would place a lien, notice, or other filing on or against real property as a result of the contract;

- Includes a statement, in bold font and highlighted type, indicating whether the retailer will impose any fees or other costs upon the customer. If any fees or other costs will be charged to the customer, the aggregate total of the fees and other costs must be provided and separately acknowledged in writing by the customer;

- Includes a statement in capital letters and bold font and highlighted type that states:

  "[name of retailer] is not affiliated with any utility company or governmental agency and shall not claim any such affiliation"; and

- Could include any additional information that the retailer considers appropriate, only if such additional information is not intended to conceal or obscure the disclosures required pursuant to this section.

The bill requires the disclosure statement to be signed and dated by the customer at least one calendar day after the date that the contract for the system was executed.

Violations

The bill requires that any person or entity that violates the disclosure provisions or any retailer that fails to provide and perform the disclosures in the form and manner required pursuant to this section or that makes a materially misleading statement as part of, or when presenting, the disclosures will be liable for a civil penalty in an amount not to exceed $10,000 for each violation.

The violator is liable to the aggrieved person or customer, or to the State, for repayment of the civil penalty. The civil penalty is recoverable in an action brought by the aggrieved person or customer or the Attorney General, county attorney, or district attorney. Any civil penalty is in addition to any other relief, which could be granted pursuant to any other remedy available in law or equity.

If a retailer fails to comply with this section, any contract entered into between the retailer and the customer that pertains to the system will be deemed null and void.

This section does not apply to a transaction of real property on which a system is already located.

This section takes effect on July 1, 2025.

Utility Disclosures

To allow a distributed energy retailer to provide informed and accurate information to the customer, the bill requires a utility, upon the request of any distributed energy retailer, to disclose all applications, rules, service standards, forms, or other documents required for interconnection of a system pursuant to law or a net metering tariff that was voluntarily established by a utility, including the utility's historic amount of compensation per kilowatt-hour for interconnected systems and the current compensation amount for those systems. The historic amount of compensation must be provided in a dollar amount and shown on a monthly or similar billing period basis for not less than the preceding five years.

This section takes effect on July 1, 2025.

Standard Disclosure Form

The bill requires the Attorney General to appoint and convene an advisory group to collectively develop, approve, and periodically revise a standard form that could be used by distributed energy retailers to perform and provide the required disclosures. The advisory group consists of the following:

- The Attorney General or designee;
- Representatives from interested groups, including representatives of distributed energy retailers and utilities;
- One or more members of the general public who own residential property in Kansas;

- One or more Assistant Attorneys General; and
- Any other members the Attorney General considers necessary or appropriate.

The bill requires the Attorney General to publish on the Attorney General's website, on or before July 1, 2025, the most current version of the standard form that is developed and approved by the advisory group.

Parallel Generation Service Contracts

Definitions

The bill amends continuing law related to parallel generation service contracts and incorporates the following definitions:

- "Avoided cost" means the incremental cost to an electric energy utility that the utility would generate itself or purchase from another source and as "avoided cost" is interpreted by the Federal Energy Regulatory Commission from time to time;
- "Distributed energy system" means any device or assembly of devices and supporting facilities that are capable of feeding excess electric power generated by the customer's energy-producing system into the utility's system such that all energy output and all other services will be fully consumed by the customer or the utility;
- "Export" means power that flows from a customer's electrical system through such customer's billing meter and onto the utility's electricity lines. It includes the sum of power on all phase conductors;
- "Interconnected" means a listed system that is designed to export power and attached or connected on the customer's side of the retail meter at the customer's delivery point;
- "Listed" means that the device or equipment has been tested and certified to meet the Institute of Electrical and Electronics Engineers safety standards that specifically pertain to the intended function of the device or equipment;
- "Locational marginal price" means the hourly average market price of alternating current energy per kilowatt-hour established by the applicable locational marginal price pricing code of the Southwest Power Pool (SPP);
- "Monthly system average cost of energy per kilowatt hour" means the sum of all volumetric costs incurred by an electric utility during a calendar month or similar billing period as billed to the utility by generation and transmission providers and any volumetric generation costs incurred by the utility to generate energy divided by the total amount of retail kilowatt-hours that the utility sold in such month or billing period;

- "Permission to operate" means the operational date of the customer's system as determined by the utility;
- "Utility" means any electric public utility, as defined in law; cooperative, as defined in law; electric utility owned by one or more such cooperatives; non-stock member-owned electric cooperative corporation incorporated in Kansas; or municipally owned or operated electric utility; and
- "Witness test" means an authorized representative of the electric utility who measures or verifies a specific setting or operational condition.

Removing Capacity Limits

The bill removes language from continuing law regarding compensation, renewable generator capacity limits, and certain definitions. The bill makes technical and conforming amendments to the law, including clarifying that the customer must be in good standing with the utility.

Applications

The bill authorizes a utility to require any customer seeking to construct and install a system to submit an application prior to any connection of the system with the utility's system; notify the utility of the proposed system; and verify that the system is constructed, installed, and operated with all applicable standards and codes. Any customer who submits an application to construct, install, and operate a system has the option to remain on a retail rate tariff that is identical to the same rate class for which the customer would otherwise qualify as a retail customer who is not otherwise receiving service under a parallel generation service tariff or net metering tariff.

The bill requires a utility to provide notice to a customer that the utility received the customer's application within 30 days following receipt of the application. The bill requires the utility to act upon the application within 90 calendar days of receipt of the application. If one or more additional studies are required, the utility is not subject to the 90-day deadline but would provide the customer with an estimated time frame for action on the application as soon as practicable after any studies are completed. If the application is denied, the utility is required to provide the customer with a list of the reasons for such denial and corrective actions needed for approval.

The bill allows a utility to assess upon any customer requesting to install a system:

- A fair and reasonable non-refundable interconnection application fee;
- Any applicable costs incurred by the utility for any study conducted to verify and allow the requested export capacity to be interconnected at the customer's point of delivery, including, but not limited to, costs incurred as a result of the SPP's study processes; and

- Costs associated with any related system upgrade costs, devices, and equipment required to be furnished by the utility for the provision of accepting the requested export capacity.

Compensation and Locational Marginal Pricing

The bill requires every contract for parallel generation service to include provisions relating to fair and equitable compensation for energy exported to a utility by the consumer. The compensation cannot be less than 100 percent of the utility's monthly avoided cost. A utility is required to credit the compensation to the customer's account and disclose to any customer the formula that the utility uses to determine the compensation that the utility provides pursuant to a contract for parallel generation service.

The bill provides an exception that a utility could use the locational marginal price or monthly system average cost of energy per kilowatt-hour to determine compensation for energy exported to the utility by the customer. Any utility that uses locational marginal price or monthly system average cost of energy per kilowatt-hour will compensate the customer for the energy exported to the utility at least annually. The compensation can be paid to the customer or credited to the customer's account. When determining compensation, in no case can a utility issue an invoice for energy exported to the utility by the customer's system. Upon the request of any customer who is subject to locational marginal price compensation, the utility is required to disclose the locational marginal price and corresponding amount of energy exported to the utility by the customer's system.

The locational marginal price exception will sunset on July 1, 2030.

Terms and Conditions for Parallel Generation Service

The bill requires a utility to furnish, own, and maintain at the utility's expense all necessary meters and associated equipment for billing. A utility can install, at the utility's expense, load research meters and equipment to monitor customer generation and load. The customer is required to provide the utility, at no expense to the utility, a location for these meters and equipment.

The customer is required to furnish, install, operate, and maintain in good order and repair, at the customer's expense, a listed device that is suitable for the operation of the customer's system in parallel with the utility's system. The bill allows the utility to install, own, and maintain a disconnecting device located near the electric meter(s) or allows the utility to require that a customer's system contain a switch, circuit breaker, fuse, or other device or feature that could be accessed by the utility at any time and allow an authorized utility worker to manually disconnect the customer's system from the utility's electric distribution system.

Before granting permission to operate a system, the bill allows the utility to require:

- A witness test of the customer's system and interconnection facilities;

- The customer to provide the certificate of inspection of the customer's system completed pursuant to any municipal ordinance or code requirements or a

certification from an electrician or electrical engineer licensed in Kansas that the system is installed according to applicable codes and standards; and

- The customer to provide documentation that the customer's system was constructed and installed under the direction of a person who is certified by the North American Board of Certified Energy Practitioners or either a master electrician or electrical contractor licensed under continuing law.

The utility can require periodic witness testing of the customer's system and interconnection facilities throughout the provision of parallel generation service.

The bill authorizes the utility to have the right and authority to disconnect and isolate the distributed energy system without notice and at utility's sole discretion when:

- Electric service to a customer's premises is discontinued for any reason;
- Adverse electrical effects, such as power quality problems, are occurring or are believed to be occurring on the utility's system or the electrical equipment of other utility customers;
- Hazardous conditions are occurring or are believed to be occurring on the utility's system as a result of the operation of the system or protective equipment;
- The utility identifies uninspected or unapproved equipment or modifications to the system after initial approval;
- There is recurring abnormal operation, substandard operation, or inadequate maintenance of the distributed energy system;
- The customer fails to remit payment to the utility for any amounts owed, including, but not limited to, amounts invoiced;
- The customer does not comply with the obligations of the interconnection agreement, except that, if such non-compliance is not an emergency situation, the utility shall give the customer 90 days to cure the non-compliance prior to disconnecting and isolating the distributed energy system; or
- Disconnection is necessary due to emergency or maintenance purposes. In the event that the utility disconnects the system for maintenance, the utility is required to make reasonable efforts to reconnect the system as soon as practicable.

The bill allows the customer to retain the authority to temporarily disconnect the customer's system from the utility's system at any time. Any such disconnection cannot be construed as a customer's termination of the interconnection agreement absent an express action to terminate such agreement pursuant to the terms and conditions of the agreement.

Formula for Appropriately Sized Electrical Load

The bill determines the export capacity of a customer's distributed energy system to be appropriately sized for each customer's electric load by:

- Dividing the customer's historic consumption in kilowatt-hours for the previous 12-month period by 8,760.

- Then dividing the quotient by a capacity factor of:
  - 0.144 when the customer is in the service territory of an investor-owned utility; and
  - 0.288 when the customer is in the service territory of a cooperative as defined in law, electric utility owned by one or more cooperatives, non-stock member-owned electric cooperative corporation incorporated in Kansas, or municipally owned or operated electric utility.

If the customer does not have historic consumption data that adequately reflects the customer's consumption at the premises, the bill sets the customer's historic consumption for the previous 12-month period to be 7.15 kilowatt-hours per square foot of conditioned space and rounds the amount determined by the historic consumption formulas to the nearest 1 kilowatt alternating current power increment.

Aggregate Export Capacity

The bill requires, except as provided in the following "Exclusions" subsection, each utility to make parallel generation service available to customers who are in good standing with the utility on a first-come, first-served basis, until the utility's aggregate export capacity from all distributed energy systems, including systems that are subject to a parallel generation service tariff and systems that are subject to a net metering tariff that was either voluntarily established by the utility or by law, equals or exceeds the following:

- Commencing July 1, 2025, 6 percent of the utility's historic peak demand;

- Commencing July 1, 2026, 7 percent of the utility's historic peak demand; and

- Commencing July 1, 2027, and each year thereafter, 8 percent of the utility's historic peak demand.

The bill allows the utility to limit the export capacity of additional distributed energy systems to be connected to the utility's system due to the capacity of the distribution line to which the system would be connected.

Exclusions

The bill clarifies that a utility is not required to make parallel generation service available to any customer who has a new or expanded facility that receives electric service at a voltage of 34.5 kilovolts or higher and commences such electric service on or after July 1, 2025.

In determining a utility's historic peak demand, a utility's peak demand does not include the additional demand of any new or expanded facility of an industrial, commercial, or data center customer that receives electric service at a voltage of 34.5 kilovolts or higher and commences such electric service on or after July 1, 2025.

This exclusion subsection expires on July 1, 2026.

Export-limiting Devices

The bill requires the following regarding export-limiting devices for any customer with a distributed energy system:

- The customer to own and maintain any necessary export-limiting device;
- Protections to be in place to restrict the export-limiting device settings to qualified persons;
- The utility has the option to require a witness test of the export-limiting device's functions or settings prior to granting permission to operate and at any time during which the distributed energy system is connected to the utility's system;
- The export capacity of the system cannot be increased without prior approval of the utility;
- The customer allows the utility to perform periodic witness tests of the export-limiting device's functions or settings upon request;
- If the export-limiting device's functions or settings are incorrect or if the device fails to limit the export of power below the designated export capacity for more than 15 minutes in any single event, the customer must cease operation of the system until repair or reprogramming of the export-limiting device is completed. The utility could require and conduct a witness test prior to authorizing operation of the system; and
- The utility cannot restrict the brand or model of the export-limiting device if the device is approved by the manufacturer of a listed distributed energy system or is listed to perform such operations in conjunction with the customer's system.

Regulation

Regarding parallel generation service, for a utility subject to the jurisdiction, regulation, supervision, and control (regulation) of the Kansas Corporation Commission (KCC), the bill requires service under any parallel generation service contract to be subject to either the utility's rules and regulations on file with the KCC, which include a standard interconnection process and requirements for the utility's system, or the current Federal Energy Regulatory Commission (FERC) interconnection procedures and regulations.

For a utility that is not subject to KCC regulation, the bill requires service under any parallel generation service contract to be subject to the current FERC interconnection procedures and regulations.

The bill clarifies that, in any case where the customer and a utility that is subject to KCC regulation cannot agree to terms and conditions of any contract provided for by this section, the KCC must establish the terms and conditions for the contract.

Fees

The bill prohibits a utility from imposing any additional fees, charges, or requirements for the provision of parallel generation service unless expressly authorized in this section.

The bill also clarifies that nothing in this section could be construed to:

- Prohibit a utility from charging a customer for the use of the utility's system; and
- Authorize a utility to charge a customer for power exported to the utility by a customer.

Canceling Service Contracts

The bill requires any customer who has received utility approval to construct or operate a system to notify the utility within 30 calendar days following the date when the construction has been canceled or the system is permanently shut down. The utility is required to cancel the parallel generation service contract with the customer upon receipt of such notice.

If a utility has reason to suspect that a customer's system has been abandoned and is no longer producing energy, the utility can request verification from the customer that the system is still functioning, or that the customer has a reasonable plan to reenergize the system.

If a customer fails to repair the system or provide a reasonable plan to complete the repairs within six months, the utility has the option to cancel the parallel generation service contract with the customer.

Upon cancellation of any parallel generation service contract, the utility is not obligated to refund any fees previously paid by the customer.

Right to Repair

The bill establishes a customer's right to repair or rebuild their system with listed equipment as long as the repair or rebuild does not cause an increase in export capacity.

If a customer repairs or replaces a system, the customer is required to notify the utility prior to the repair or replacement and provide proof that the new equipment complies with the same rules, regulations, and approved capacity as the original installation. The utility has the right to require and conduct a witness test prior to authorizing operation of the system. A

customer who repairs or replaces a system is required to submit a new parallel generation service application to the utility.

The bill prohibits a customer from repairing or replacing a distributed energy system in a way that increases the export capacity of the system without providing prior notification to the utility. The utility is permitted to require the customer to submit a new parallel generation service application to include the provisions and requirements relating to the system.

Demand Response

The bill clarifies that nothing in this section on distributed energy systems could be construed to require any cooperative, non-stock member-owned electric cooperative corporation incorporated in Kansas or a municipally owned or operated electric utility to opt-in to or otherwise participate in any demand response or distributed energy resource aggregation programs.

Net Metering and Easy Connection Act

The bill amends the Net Metering and Easy Connection Act to include several provisions similar to the amendments made to the parallel generation service contracts law in the bill.

Canceling Interconnection Agreements

The bill requires any customer-generator who has received approval from a utility to construct or operate a net metering facility to notify the utility within 30 days of when the construction has been canceled or the facility is permanently shut down. The utility is required to cancel the interconnection agreement with the customer upon receipt of the notice.

If a utility has reason to suspect that a customer-generator's facility has been abandoned and is no longer producing energy, the utility can request verification from the customer-generator that the facility is still functioning or that the customer-generator has a reasonable plan to reenergize the facility. If the customer-generator fails to repair the facility or provide a reasonable plan to complete the repairs within six months, the utility has the option to cancel the interconnection agreement with the customer-generator.

Upon cancellation of any interconnection agreement, the utility is not obligated to refund any fees previously paid by the customer-generator.

Right to Repair

The bill establishes a customer-generator's right to repair or rebuild their net metering facility that is subject to an interconnection agreement with listed equipment as long as the repair or rebuild does not cause an increase in export capacity.

If a customer-generator repairs or replaces a net metering facility, the customer is required to notify the utility prior to the repair or replacement and provide proof that the new equipment complies with the same rules, regulations, and approved capacity as the original installation. The utility has the right to require and conduct a witness test prior to authorizing

operation of the facility. A customer who repairs and replaces a facility is not required to submit a new net metering interconnection application to the utility.

The bill prohibits a customer-generator from repairing or replacing a facility system in a way that increases the export capacity of the system without providing prior notification to the utility. The utility is permitted to require the customer-generator to submit a new net metering interconnection application to include the new provisions and requirements relating to the facility.

VETERANS AND MILITARY

Advance Enrollment for Military Students; Sub. for HB 2102

Sub. for HB 2102 requires school districts to permit the advance enrollment of any military student if the student provides evidence that their parent or guardian will be stationed at a military installation in Kansas during the current or immediately succeeding school year.

The bill prohibits proof of address from being required at the time of enrollment, but residency may be required for attendance if the school district does not have open seats, as determined by Open Enrollment law.

The bill applies to kindergarten through grade 12, as well as school districts with pre-existing pre-kindergarten (pre-K) programs. The bill requires school districts with pre-existing pre-K programs to permit the advance enrollment of any military student if the student is eligible for the particular program. [*Note:* Public schools are required to provide only certain pre-K programs, such as programs for special education and at-risk students, but some schools provide additional programs.] If the school district has no open seats for the pre-K program, the student would be placed on a waiting list for enrollment. The bill specifies that no school district will be required to offer a pre-K program that is not already required or currently offered.

If the enrolling military student has a special education plan, such as an individualized education program or a 504 plan, the bill requires school districts to take measures to ensure the student receives the required education and related service upon attendance.

The bill defines "military student" as it is defined in School District State Aid law: a dependent of a full-time active duty service member or member of the military reserve forces who has been ordered to active duty under certain circumstances.

Expanding the Kansas National Guard Educational Assistance Act and EMERGE Program; HB 2185

HB 2185 expands the Kansas National Guard Educational Assistance Act (Act) to include eligibility for dependents of National Guard members and expands the Kansas National Guard Educational Master's for Enhanced Readiness and Global Excellence (EMERGE) Program to include other advanced degrees.

Kansas National Guard Education Assistance Act

Under continuing law, the Kansas National Guard Educational Assistance Program provides for the payment of tuition and fees by the State of Kansas for eligible members of the Kansas National Guard enrolled at Kansas educational institutions. The bill amends the Act to also include eligible dependents of Kansas National Guard members. The bill allows eligible Guard members to either personally participate or sponsor a dependent to participate in the Kansas National Guard Educational Assistance Program.

Qualifications for Assistance

Eligible Guard members. To qualify for assistance under the Act, the bill requires an eligible Guard member to:

- Hold a high school diploma or high school equivalency credential;
- Be enrolled at a Kansas educational institution; and
- Not hold a baccalaureate or higher academic degree.

The bill limits an eligible Guard member to sponsor only one dependent to participate in the Kansas National Guard Educational Assistance Program during the member's service.

Dependents. To qualify for assistance as a dependent under the Act, the bill requires a dependent to:

- Hold a high school diploma or high school equivalency credential;
- Be enrolled at a Kansas educational institution;
- Not hold a baccalaureate or higher academic degree; and
- Complete and submit the Kansas student aid application with the State Board of Regents (Regents).

Limitations on Assistance

The bill provides that assistance available to a dependent under the program will be subject to the availability of funds after educational benefits are fully funded for all participating eligible Guard members.

The bill would clarifies that the Kansas National Guard Educational Assistance Program will not pay for any repeated courses or courses taken in excess of degree requirements.

Definitions

The bill defines "dependent" as an individual who is registered as an eligible dependent of the sponsoring eligible Guard member in the Defense Enrollment Eligibility Reporting System. The bill also modifies the definitions of "Kansas educational institution" and "eligible guard member."

Rules and Regulations

The bill authorizes the Regents to adopt rules and regulations to administer the Act, changed from a requirement for rule and regulation adoption.

EMERGE Program

Under continuing law, the EMERGE Program provides for the payment of tuition and fees by the State of Kansas for eligible members of the Kansas National Guard enrolled in master's degree programs at Kansas educational institutions. The bill expands the EMERGE Program to include other advanced degree programs.

Definitions

The bill defines the following terms:

- "Advanced degree" means a master's degree, professional degree, or doctorate awarded to an eligible Guard member upon satisfactory completion of the course work requirements of such degree program offered or maintained by a Kansas educational institution;

- "Doctorate" means a degree requiring three or more academic years of full-time academic study or the equivalent in part-time attendance that follows the successful completion of a baccalaureate or master's degree. A "doctorate" may be either a research or a professional practice degree;

- "Master's degree" means a degree requiring no less than one year of academic work or the equivalent in part-time attendance and follows the successful completion of a baccalaureate degree; and

- "Professional degree" means a degree that requires no less than three years of full-time study or the equivalent in part-time attendance that follows the successful completion of a baccalaureate degree, such as a juris doctor degree or a physician's assistant degree.

The bill also modifies the definition of "eligible guard member" to include non-concurrent Guard members accepted into an eligible professional degree program if they are qualified to join the Kansas National Guard.

Participation Requirements

Continuing law requires National Guard members participating in the EMERGE Program to agree, in writing, to serve actively and in good standing for no less than 48 months following the completion of the program. The bill modifies the service requirement to require active service for no less than 48 months for a master's degree and active service for no less than 72 months for a doctorate or professional degree.

Continuing law requires participating National Guard members to remain in good standing at their Kansas educational institution, make satisfactory progress toward completion of the requirements of their degree, and maintain a grade point average (GPA) of no less than 2.75 in order to continue their participation in the EMERGE Program. The bill modifies the GPA requirements to require a GPA of no less than 2.75 for a master's degree and a GPA of no less than 3.0 for a doctorate or professional degree.

Limitations on Assistance

The bill clarifies that the EMERGE Program will not pay for any repeated courses or courses taken in excess of degree requirements.

Federal and State Concurrent Jurisdiction on Military Property; HB 2242

HB 2242 authorizes the Governor to grant a request from the United States to establish concurrent jurisdiction (jurisdiction) over land owned by the United States for military purposes within state boundaries.

The bill makes the jurisdiction effective upon completion of:

- A written offer for jurisdiction being sent to the Governor by the principal officer of the military installation or other authorized U.S. representative having supervision and control over the land that:
  - Clearly states the subject matter for the jurisdiction request;
  - Provides the metes and bounds description of the boundary of the jurisdiction offer; and
  - Indicates whether the request includes future contiguous expansion of land acquired for military purposes;
- The Governor accepting the offer in writing that clearly confirms each offer element is accepted; and
- The Governor recording and indexing the offer, acceptance, and metes and bounds description of the boundary of the jurisdiction with the Secretary of State (Secretary), who is required to publish the information in the *Kansas Register*.

After jurisdiction becomes effective, the bill requires the Governor to send a copy of the information to the official who made the official written offer.

The bill also authorizes any state or local agency to enter into a reciprocal agreement or memorandum of understanding with any United States agency for the coordination and designation of responsibilities related to the jurisdiction.

Veterans and Military Spouses; HB 2280

HB 2280 amends several laws applicable to veterans and military spouses. The bill:

- Amends the definition of “complete application” in law governing occupational licensing and waiver of licensing fees by including military spouses even if the spouse’s service member is not considered to be on active duty;
- Modifies the definitions of “veteran” and “disabled veteran” in several chapters of the *Kansas Statutes Annotated* to include those groups and individuals listed under 38 CFR § 3.7. [*Note:* 38 CFR § 3.7 lists 25 distinct groups or individuals

who are considered to have performed active military, naval, air, or space service, and thereby deemed a veteran by the U.S. Congress.]; and

- Adds a definition of "veteran" to the statute governing requirements for the issuance of a 1st Infantry Division distinctive license plate and makes a technical change to update a reference to the Kansas Commission on Veterans Affairs Office, now named the Kansas Office of Veterans Services.

WATER

Multi-year Flex Accounts; SB 58

SB 58 makes various changes to multi-year flex accounts (MYFAs).

[*Note:* A MYFA allows a water right holder to obtain a five-year term permit that allows the water right holder to exceed the holder's yearly authorized quantity of water as long as the total pumping over the five-year period does not exceed the five-year authorized quantity. Enrollment in a MYFA is voluntary, and at the end of the five-year term, the water right returns to its original conditions unless the MYFA is voluntarily extended.]

Definitions

The bill removes definitions in the MYFA law for "alternative base average use," "base average use," "chief engineer," and "flex account acreage" and amends two continuing definitions:

- "Base water right" means a water right that is vested or has been issued a certificate of appropriation, and:
  - The water right's authorized source of supply is groundwater;
  - The water right is not subject to a multi-year allocation pursuant to any other program or order issued by the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture (Chief Engineer);
  - The water right is not subject to any order issued by the Chief Engineer pursuant to orders regarding minimum streamflow, prohibited diversion of water, or diversion by common-law claimants;
  - Neither the water right nor any portion thereof has been deposited or placed in a safe deposit account in a chartered water bank;
  - The water right is not deemed abandoned and is in compliance with all provisions of any order of the Chief Engineer; and
  - The Chief Engineer determines that no other conditions make establishment of a MYFA for such water right contrary to the public interest; and
- "Multi-year flex account" means a term permit for up to five years that suspends a base water right and assigns a multi-year quantity allocation to such base water right in place of the base water right's annual quantity limitation for the duration of the term permit.

Multi-year Flex Accounts Term Length

The bill clarifies that any holder of a base water right may establish a MYFA where the holder may deposit water from a base water right in advance of a period of up to five consecutive years.

Quantity Allocation Calculation

The bill establishes that the amount of water deposited in the MYFA could not exceed 500 percent of the product of the annual net irrigation requirement, multiplied by the base water right's authorized acreage irrigated, multiplied by 110 percent. This amount could not exceed five times the maximum annual quantity authorized by the base water right.

Costs of the Program

The bill changes the revenue source from which the costs of MYFA administration are to be paid from MYFA fees to the Water Appropriation Certification Fund, as moneys are available.

Removal of Additional Requirements and Penalties

The bill removes the Chief Engineer's authority to require additional measuring devices, require certain reports of water use, and assess penalties.

Report to the Legislature

The bill removes the requirement for the Chief Engineer to submit a report on MYFAs to specified committees of the Legislature each year, and instead requires the Chief Engineer to submit a report on MYFAs to those committees on or before January 15, 2029, and every four years thereafter.

Water Pollution Control Permit Expiration; HB 2085

HB 2085 increases the length of a water pollution control permit from five years to ten years and authorizes the Secretary of Health and Environment to issue a permit for ten years at the discretion of the Secretary.

[*Note:* The Kansas Department of Health and Environment (KDHE) administers the Kansas Water Pollution Control Permit Program for non-overflowing wastewater facilities that do not discharge to surface water. These facilities utilize recycle and reuse processes in their operations, evaporative wastewater lagoon systems, and land application of treated wastewater to agricultural cropland for beneficial use and nutrients for crop production, or they have contained wastewater hauled off-site by licensed commercial waste treatment and disposal companies. These non-overflowing facilities are issued a water pollution control permit and are regulated by KDHE. For systems that discharge into surface water, an additional permit from the U.S. Environmental Protection Agency is required.]

Water Program Task Force; Senate Sub. for HB 2172

Senate Sub. for HB 2172 creates a 16-member Water Program Task Force (Task Force) and a 5-member Water Planning Work Group (Work Group) to study and make recommendations to the Legislature on water policy and funding.

Task Force Membership

The Task Force membership, which totals 16, includes the following voting members:

- The chairperson of the House Committee on Water or designee (1);
- The chairperson of the House Committee on Agriculture and Natural Resources or designee (1);
- The chairperson of the Senate Committee on Agriculture and Natural Resources or designee (1);
- The ranking minority member of the House Committee on Water or designee (1);
- The ranking minority member of the Senate Committee on Agriculture and Natural Resources or designee (1);
- One member of the House of Representatives (House) appointed by the Speaker of the House of Representatives (Speaker) who does not sit on the House Committee on Water or House Committee on Agriculture and Natural Resources (1);
- One member of the Senate appointed by the President of the Senate (President) who does not sit on the Senate Committee on Agriculture and Natural Resources (1);
- Four members jointly appointed by the Speaker and President (4); and
- Two Kansas residents jointly appointed by the Minority Leader of the House and the Minority Leader of the Senate (2).

The Task Force membership also includes the following non-voting ex officio members:

- The Director of the Bureau of Water, Division of Environment, Kansas Department of Health and Environment (1);
- The Director of the Kansas Water Office (1); and
- The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture (1).

Task Force Requirements

Stakeholder Representation

The bill requires each non-legislative voting member of the Task Force to represent at least one of the following stakeholders:

- Kansas employer with a vested water right;
- Commercial user of a municipal or industrial water right;
- Agricultural producer;
- Economic development organization;
- Water utility;
- Resident Kansas Indian tribe: Potawatomi, Kickapoo, Iowa, or Sac and Fox;
- Rural water district;
- Local conservation district;
- Organization that focuses on environmental or wildlife protection or conservation;
- Local water management district;
- Kansas agricultural banking or appraisal industry;
- Student at a state educational institution engaged in a course of study related to water;
- Kansas municipality;
- Provider of natural resources education;
- Kansas agricultural commodity associations;
- Kansas Water Authority or regional advisory committee;
- Kansas livestock industry; or
- Kansas grain and feed industry.

Membership Requirements

The bill requires each Task Force member to be a Kansas resident and the Task Force to consist of at least one member from each of the five conservation regions of the state. No more than two members of the Task Force, who are not members of the Legislature, may represent the same stakeholder listed above.

The bill requires the Speaker and President to ensure these requirements are met.

Appointments; Vacancies

The bill requires members of the Task Force to be appointed by April 30, 2025. Any vacancy in membership of the Task Force will be filled in the same manner as provided for in the original appointment.

Co-chairpersons

The bill requires the Speaker to select one member of the House who is a member of the Task Force and the President to select one member of the Senate who is a member of the Task Force to serve as co-chairpersons of the Task Force.

Task Force Meetings; Actions

The bill authorizes the Task Force to meet at any time and any place within the state upon call of either co-chairperson.

The bill defines a quorum of the Task Force to be the majority of voting members, and all actions of the Task Force may be taken by a majority of members present when there is a quorum.

Payment

The bill authorizes Task Force members to be paid for expenses, mileage, and subsistence as provided in state law, if approved by the Legislative Coordinating Council.

Staffing

The bill requires the Division of Legislative Administrative Services, Kansas Legislative Research Department, and the Office of Revisor of Statutes to provide assistance as requested by the Task Force.

Task Force Charge

The bill requires the Task Force to:

- Evaluate major risks to the quality and quantity of the state's water supply, including any impact on current and future economic growth and population stability;
- Determine steps the state must take to define and achieve a future supply of water for Kansans; and
- Evaluate current funding for water in the state and determine whether such funding is sufficient to address the water issues included in the State Water Plan, including the state's current and future water infrastructure needs.

Task Force Report to the Legislature

The bill requires the Task Force to prepare and submit a preliminary report on or before January 31, 2026, and a final report on or before January 31, 2027, to the:

- House Committee on Agriculture and Natural Resources;

- House Committee on Water;
- Senate Committee on Agriculture and Natural Resources; and
- The Governor.

The report must include:

- The water program's long-term structure to address the state's current and future water needs, including, but not limited to:
  - The roles and responsibilities of the state, municipalities, and regional entities;
  - How the program's investments and successes should be evaluated, including gathering any stakeholder input; and
  - Criteria to determine program investments, including geographic diversity of such investments; and
- Funding for the water program, including, but not limited to:
  - New dedicated moneys or investments for the State Water Plan Fund;
  - Changes to any existing fees or moneys dedicated to the State Water Plan Fund; and
  - Any additional funding sources or tools necessary to ensure that the financial resources are adequate to address the state's water issues.

Water Planning Work Group

Membership

The bill requires, on or before June 30, 2025, the co-chairpersons of the Task Force to jointly appoint five individuals to the Work Group. The individuals may be members of the Task Force but are not required to be members of the Task Force. The bill requires the individuals to be attorneys, engineers, hydrologists, natural resource planners, or others with relevant experience with Kansas water issues.

Meetings; Purpose

The bill requires the Work Group to meet regularly as necessary to conduct a study of the State Water Resources Planning Act (Act) and develop draft legislation that proposes modernization of the Act.

Work Group Charge

The bill charges the Work Group to work under the direction of the Task Force and submit ongoing reports to the Task Force relating to:

- How the State Water Plan is created;
- What the State Water Plan should prioritize;
- How the State Water Plan is implemented;
- How recommendations for State Water Plan appropriations are made to the Legislature;
- Any future studies that might be undertaken; and
- Any other related or relevant matters.

Payment

The bill authorizes members of the Work Group to be paid for expenses, mileage, and subsistence as provided in state law, if approved by the Legislative Coordinating Council.

Staffing

The bill requires the Division of Legislative Services, Kansas Legislative Research Department, and Office of Revisor of Statutes to provide assistance as requested by the Work Group.

State Agencies

The bill requires any state agency or entity that is involved in the management or study of water in Kansas to provide information and support to the Work Group upon request.

Task Force and Work Group Sunset

The provisions of the bill sunset on July 1, 2027.

APPROPRIATION BILLS

SB 125 contains supplemental funding in FY 2025, funding for most state agencies for FY 2026, and selected adjustments for FY 2027.

TECHNICAL BILLS

Senate Sub. for Sub. for HB 2007

This bill reconciles amendments to statutes that were amended more than once during the current and prior legislative sessions. For such statutes, the bill repeals one version and, if necessary, amends the continuing version with non-contradictory amendments, creating a single version of the statute containing all amendments.

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BILLS VETOED BY THE GOVERNOR

SB 18

This bill would have authorized issuance of the Hunter Nation distinctive license plate on and after January 1, 2026, for use on a passenger vehicle or truck registered for a gross weight of 20,000 pounds or less. [*Note:* These provisions were enacted in HB 2335.]

SB 24

This bill would have expanded the eligibility requirements for postsecondary education institutions to participate in the Kansas Promise Scholarship Program and increased the maximum amount that could be appropriated to the program.

SB 79

This bill would have directed the Secretary for Children and Families to request a waiver from the U.S. Department of Agriculture to exclude candy and soft drinks from the definition of eligible foods for the Supplemental Nutrition Assistance Program.

HB 2028

This bill would have amended law concerning the resident senior combination hunting and fishing pass and the Kansas kids combination lifetime hunting and fishing license. The bill would have also prohibited non-residents from hunting migratory waterfowl during certain times and in certain places, required the Kansas Department of Wildlife and Parks to present certain data in a report to the Legislature, and changed the fees for migratory waterfowl habitat stamps.

Senate Sub. for HB 2228

This bill would have required any political subdivision, as defined in continuing law, to hold an open meeting before approving a contingent fee contract for legal services and would have required such contract to be approved by the Attorney General before becoming effective. The bill's provisions would have expired on July 1, 2029.

BILLS VETOED (Line Item, Appropriations)

SB 125

This bill contains FY 2025 supplemental funding, FY 2026 funding for most state agencies, and FY 2027 expenditures for certain state agencies. The bill also contains approved payments for claims against the State.

(Line Item) *Legislature* — Section 35(a) would have added $1.0 million SGF to use artificial intelligence to analyze state

government expenditures and identify efficiencies.

(Line Item) *Office of the Attorney General* — Sections 40(d) and 41(g) would have made an annual transfer of $460,593 from the Kansas Endowment for Youth Fund to the Office of the Attorney General to enforce the Tobacco Master Settlement Agreement.

(Line Item) *Department of Administration* — Sections 62(d) and 63(w) would have added language to require State Finance Council approval for the expenditures to construct and equip the Docking State Office Building in FY 2025 and FY 2026.

(Line Item) *Kansas Department of Health and Environment (KDHE)* — Section 83(a) would have added language that expenditures of not less than $250,000 shall be made to screen, diagnose, and prevent the spread of tuberculosis and other infectious diseases. The $250,000 appropriated for this purpose was not deleted.

(Line Item) *KDHE* — Section 83(a) would have added $55,000 for donated dental services.

(Line Item) *KDHE* — Sections 84(e) and 85(o) would have added language to no longer provide continuous eligibility for Medicaid for the parent and caregiver population for FY 2026 and FY 2027.

(Line Item) *Kansas Department for Aging and Disability Services (KDADS)* — Section 90 would have added language to prohibit Larned State Hospital from using contract nursing for FY 2027.

(Line Item) *State Department of Education (KSDE)* — Section 96(N) would have added language to direct the agency to expend $2.0 million to issue a request for proposal to select an online provider for a supplemental American history online curriculum.

(Line Item) *KSDE* — Section 96(p) would have added language to direct the agency to expend $1.3 million to provide student success through the Sparkwheel program.

(Line Item) *KSDE* — Section 96(s) would have added language to direct the agency to expend $1.5 million in increased funding from the CPI-U increase to purchase automated external defibrillator devices.

(Line Item) *Kansas State University Extension Systems and Agriculture Research Programs* — Section 108(c) would have added $336,064 in Economic Development Initiatives Fund (EDIF) for agricultural experiment stations. This funding was also funded via SGF and superfluous funding was vetoed.

(Line Item) *Wichita State University* — Section 116(a) would have added $750,000 SGF for a Dentistry Feasibility Study at Wichita State University.

(Line Item) *Kansas Bureau of Investigation* — Section 129(a) would have added $500,000 SGF for forensic genetic genealogy DNA analysis for solving cold cases and identifying human remains for FY 2026.

(Line Item) *American Rescue Plan Act (ARPA) Funds* — Sections 153, 156, and 158 would have added language to appropriate the State Finance Council ARPA grant fund and direct any funds currently obligated for ARPA projects to be deposited in that fund and the State Finance Council approve any additional obligation of those funds.

(Line Item) *2027 SGF Operating Reduction* — Section 159(a) would have deleted $11.6 million, including $7.3 million SGF, to lapse 1.5 percent of state operations funded from the SGF and State Highway Fund for FY 2027. The following entities would have been exempt from this provision: Judicial Branch and Legislative Branch agencies, Department of Corrections, Kansas Bureau of Investigation, Kansas Sentencing Commission, veterans homes, Office of the Attorney General, state hospitals, Kansas Highway Patrol, and Regents institutions for FY 2027. The FY 2026 deletion for the same purpose was not vetoed.

(Line Item) *State Finance Council* — Section 159(b) would have deleted 1.5 percent of operating expenditures from the State Highway Fund for the Kansas Department of Transportation for FY 2026.

BILLS VETOED BY THE GOVERNOR, BUT OVERRIDDEN

SB 4

This bill, on and after January 1, 2026, changes the deadline for the receipt by mail of all advance voting ballots from the third day following the date of the election to 7:00 p.m. on the date of the election.

SB 5

This bill amends the Transparency in Revenues Underwriting Elections Act regarding the acceptance and use of certain election-related funds.

SB 14

This bill establishes a system of continuing appropriation by which existing appropriations carry forward into the subsequent fiscal year unless the Legislature adjusts them.

Sub. for SB 29

This bill requires the Secretary of Health and Environment (Secretary) to have probable cause, supported by oath or affirmation, before taking action to prevent the introduction or spread of an infectious or contagious disease within Kansas; permits any aggrieved party to file a civil action regarding an order made by the Secretary or a local health officer and establishes requirements for hearings and judicial review; provides for a county or joint board of health or local health officer to recommend against rather than prohibit public gatherings when necessary for the control of infectious or contagious disease; and removes the authority for a local health officer or the Secretary to order law enforcement to assist in the execution or enforcement of any order.

SB 63

This bill enacts the Help Not Harm Act prohibiting certain health care treatments for children who have a perceived gender or sex that is different than the child's biological sex.

SB 269

This bill provides for reduction in state income and privilege tax rates contingent upon growth in the State General Fund receipts from income and privilege taxes in excess of the FY 2024 amount, adjusted for inflation and the balance of the Budget Stabilization Fund.

HB 2033

This bill amends law to add nonprofit organizations accredited by the International Multisensory Structured Language Education Council to the list of approved at-risk educational programs that are eligible to receive distributions from school districts' at-risk education funds.

HB 2062

This bill amends law regarding child support to require such support be calculated from the date of conception, to require the court to consider the value of a qualified retirement account in determination of child support orders, and to eliminate the exemption of such accounts from claims to collect child support. The bill also allows a personal exemption for any unborn child for the purposes of income taxation.

HB 2217

This bill expands the scope of the authority of the Inspector General within the Office of the Attorney General to include the audit, investigation, and performance review of all state cash, food, and health assistance programs. The bill grants the Inspector General the power to subpoena, administer oaths, and execute search warrants.

Senate Sub. for HB 2240

This bill prohibits state agencies, on and after July 1, 2025, from seeking or implementing any public assistance program waiver or other authorization from the federal government that would expand eligibility for any public assistance program or would increase any cost to the State. The bill also prohibits making certain changes to services for persons with intellectual or developmental disabilities without the express consent or

approval of either the Legislature or the Legislative Coordinating Council.

HB 2284

This bill requires the Department of Administration to adopt written policies regarding the negotiated procurement of contracted Medicaid services provided by managed care organizations. The written policies are required to have an appeals process, which will be overseen and adjudicated by an appeals committee composed of ten members of the Legislature.

HB 2291

This bill establishes a Regulatory Relief Division within the Office of the Attorney General and creates a general regulatory sandbox program within the Division.

HB 2311

This bill creates law in the Kansas Revised Code for the Care of Children prohibiting the Secretary for Children and Families from adopting, implementing, or enforcing certain policies with respect to who can be considered for selection as out-of-home or adoptive placement, custody, or appointment as permanent or SOUL custodian for a child in need of care.

Senate Sub. for HB 2382

This bill requires any school district that offers courses or other instruction regarding human growth, human development, or human sexuality to include, as part of the course or other instruction, a human fetal development presentation. The bill also allows the State Board of Education (State Board) to establish the rates of compensation that its members receive for regularly scheduled meetings of the State Board and any other in-state meeting for participation in matters of educational interest to the State of Kansas.

(Line Item, Appropriations)

SB 125

This bill contains FY 2025 supplemental funding, FY 2026 funding for most state agencies, and FY 2027 expenditures for certain state agencies. The bill also contains claims against the State.

(Line Item) *State Treasurer* — Section 46(a) appropriates $3.0 million to the Pregnancy Compassion Awareness Program and adds language regarding program requirements for FY 2026.

(Line Item) *State Treasurer* — Sections 46(c) and 47 appropriate $1.5 million EDIF for a talent recruitment grant program and language regarding program requirements for FY 2026.

(Line Item) *Department of Administration* — Section 63(x) adds

language requiring the agency to charge and collect rental payments from non-State entities to lease office space in the Statehouse for FY 2026.

(Line Item) *Kansas Lottery* — Sections 72(b) and 73(f) add language providing that the Lottery shall not expend moneys to negotiate or enter into any contract or extension/renewal of an existing contract for the management of sports wagering with any lottery gaming facility manager in FY 2025 and FY 2026.

(Line Item) *Department of Commerce* — Section 76(a) appropriates $1.0 million SGF for a Purple UAS Certification Innovation Grant for FY 2026 and adds language regarding program requirements.

(Line Item) *Department of Commerce* — Section 76(b) adds language that no expenditures made from the Creative Arts Industries Commission account may be used to employ persons on a contractual basis and that an amount of no more than 60.0 percent shall be awarded to applicants for matching grant funds located in counties with a population of 85,000 or less and 40.0 percent will be awarded to applicants for matching grant funds located in counties with a population of more than 85,000 for FY 2026.

(Line Item) *KDHE* — Section 83(a) appropriates $263,000 SGF to support services provided by the Cerebral Palsy Research Foundation of Kansas in Wichita for FY 2026.

(Line Item) *KDADS* — Sections 88(a) and 89(a) add language directing the agency to expend $140,000 SGF in FY 2026 and $540,000 SGF in FY 2027 to provide in-home services to low-income older individuals.

(Line Item) *KDADS* — Section 89(aa) lapses $4.0 million SGF for certified community behavioral health clinic (CCBHC) planning grants for FY 2026.

(Line Item) *Kansas Department for Children and Families* — Section 92(a) adds language directing the agency to expend $375,000 SGF for additional deaf and hard-of-hearing services for FY 2026.

(Line Item) *Kansas Board of Regents* — Sections 118(h) and 118(i) lapse $1.0 million SGF for the Computer Science Preservice Educator Grant and $114,075 for the Career Technical Workforce Grant for FY 2026.

(Line Item) *Department of Corrections* — Section 121(a) adds language directing the agency to appropriate $1.0 million SGF, using existing Evidence-Based Juvenile Program funds, to the

O'Connell Children's Shelter for FY 2026.

(Line Item) *State 911 Board* — Section 135(a) appropriates $2.0 million SGF to administer grants to public safety answering points (PSAPs) to develop interior and exterior geographic information system (GIS) data for critical infrastructure for FY 2026.

(Line Item) *Kansas State University Veterinary Medical Center* — Section 177(b) authorizes bonding authority of $128.0 million for the construction of a veterinary diagnostic laboratory on the Manhattan campus for FY 2026.

(Line Item) *Kansas Highway Patrol* — Sections 187(h) and 188 add language allowing the agency to lease a build-to-suit hangar facility at the Colonel James Jabara Airport for FY 2026 and a transfer of $650,000 from the State Highway Fund for the lease payment of this hangar for FY 2027.

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