

# Kansas Register

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May 6, 2021

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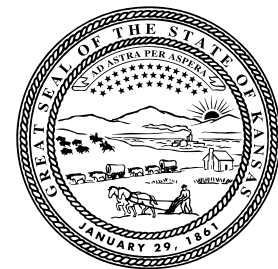
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 Photo by Todd Caywood

New State Laws

House Bill 2143, concerning sales taxation; relating to exemptions; extending the sunset date of the exemption of certain cash rebates on sales or leases of new motor vehicles; modifying the exemption for construction materials for certain educational institutions; defining nonprofit integrated community care organizations and providing an exemption therefor; providing an exemption for friends of hospice of Jefferson county; relating to returns and payment of tax by retailers; increasing sales tax collection thresholds..... 643

Senate Substitute for House Bill 2208, concerning health and healthcare; relating to health professions and facilities; establishing rural emergency hospitals as a rural healthcare licensure category; requirements for licensure; certification and funding of certified community behavioral health clinics; prescribing powers, duties and functions of the Kansas department for aging and disability services and the department of health and environment related thereto; authorizing the issuance of telemedicine waivers for the practice of telemedicine by out-of-state healthcare providers; relating to professions regulated by the behavioral sciences regulatory board; reducing certain licensing requirements; expanding temporary practice permits and the board’s grounds for discipline; providing grant assistance to hospitals in certain counties; prescribing powers, duties and functions of the secretary of health and environment related thereto; establishing the rural hospital innovation grant program and rural hospital innovation grant fund..... 658

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State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

Effective 5-3-21 through 5-9-21

Table with 2 columns: Term, Rate. Rows include 1-89 days (0.06%), 3 months (0.01%), 6 months (0.01%), 12 months (0.06%), 18 months (0.11%), 2 years (0.17%).

Scott Miller
Director of Investments

Doc. No. 049095

State of Kansas

Secretary of State

Code Mortgage Rate for May

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of May 1-31, 2021, is 12 percent. The reference rate referred to in the definition of “code mortgage rate” set forth in K.S.A. 16a-1-301(11)(b)(i) is discontinued, has become impractical to use, and/or is otherwise not readily ascertainable from the Federal Home Loan Mortgage Corporation.

Scott Schwab
Secretary of State

Doc. No. 049098

State of Kansas

Department for Children and Families

Request for Proposals

The Kansas Department for Children and Families (DCF), Rehabilitation Services, announces the release of a Request for Proposal (RFP) to provide a youth mentoring, development, and leadership program for individuals in Kansas between age 14 to age 24 with disabilities. Eligible applicant agencies include not-for-profit 501(c)(3) organizations with a board of directors or consumer advisory panel whose members would be comprised of 50 percent or more persons with disabilities and can demonstrate the services and/or programs supported by this award. Sealed bids will be accepted no later than 2:00 p.m. (CST) June 3, 2021.

A complete copy of the RFP with details of important dates and timelines may be found at http://www.dcf.ks.gov/Agency/Operations/Pages/OGC/Grant-RFP.aspx under “Grant Requests for Proposals (RFPs).” Additional files may be located at this website throughout the process so please monitor on a regular basis for changes.

Laura Howard
Secretary

Doc. No. 049106

State of Kansas

Department for Children and Families

Notice of Hearing

The Kansas Department for Children and Families (DCF) will conduct a virtual public hearing at 2:00 p.m. (continued)

June 2, 2021 to receive public comments on the draft Child Care and Development Fund (CCDF) State Plan for federal fiscal years 2022-2024. The three-year plan describes how DCF will administer Child Care and Development Block Grant (CCDBG) funds to provide subsidized child care services to families and to improve and support the quality of child care in Kansas.

DCF is also requesting public comment on the Child Care Market Analysis. As a part of the CCDF State Plan, this report is completed every three years, and provides important information to the state on rates and other costs of providing child care services.

Anyone desiring to participate via Microsoft Teams video conference or teleconference must pre-register. To register and review the CCDF State Plan visit the DCF website at [http://www.dcf.ks.gov/services/ees/Pages/Child\\_Care/Child-care-and-early-education.aspx](http://www.dcf.ks.gov/services/ees/Pages/Child_Care/Child-care-and-early-education.aspx).

Prior to the hearing, written comments may be submitted by mail to DCF, Attn: Judy Golden, 555 S. Kansas Ave., Topeka, KS 66603. Comments by email may be sent to [ccdfstateplan@dcf.ks.gov](mailto:ccdfstateplan@dcf.ks.gov). Please identify in the subject line "CCDF State Plan" or "Market Rate Analysis." Comments will be accepted through June 8, 2021.

DCF welcomes individuals with disabilities to participate in this public hearing. If you have a visual, aural, or other impairment and wish to participate please notify Judy Golden at [judy.golden@ks.gov](mailto:judy.golden@ks.gov) or by calling 785-368-6447 no later than May 20, 2021.

Laura Howard  
Secretary

Doc. No. 049115

## State of Kansas

### Water Authority

#### Notice of Meeting

The Kansas Water Authority (KWA) will have their meeting by webinar at 9:00 a.m. Tuesday, May 18, 2021. For additional meeting information or how to access the meeting, visit the Kansas Water Office website calendar at [www.kwo.ks.gov](http://www.kwo.ks.gov) or call 785-296-3185.

Katie Patterson-Ingels  
Communications Director

Doc. No. 049114

## State of Kansas

### Office of Judicial Administration

#### Notice of Grant Funding

The Access to Justice Fund is administered by the Kansas Supreme Court. Subject to available funding, Access to Justice Grants will be made available for operating expenses of programs that provide access to the Kansas civil justice system for people who otherwise would not be able to participate. Such programs may provide legal assistance to *pro se* litigants, legal counsel for civil and domestic matters, or other legal or dispute resolution services to recipients that meet financial qualifications under grant guidelines promulgated by the Supreme Court of Kansas.

Access to Justice Grant application packets may be requested from the Office of Judicial Administration and must be returned to this office by June 18, 2021:

Office of Judicial Administration  
Kansas Judicial Center  
301 SW 10th Ave., Room 337  
Topeka, KS 66612

Please direct telephone inquiries to Jeff Peter at 785-296-2256.

Jeff Peter  
Assistant Financial Officer

Doc. No. 049105

(Published in the Kansas Register May 6, 2021.)

### North Central Regional Planning Commission

#### Notice to Bidders

Request for bids for eight (8) thermal imaging cameras will be accepted by the North Central Regional Planning Commission (NCRPC) until 10:00 a.m. (CST) Friday, May 21, 2021, at 109 N. Mill St., Beloit, KS 67420, at which time they will be publicly opened and read aloud at the same address. Copies of the Request for Bid and project specifications can be accessed by going to <http://procurement.ncrpc.org/HS/projects.html> or by contacting the NCRPC at 785-738-2218 or [hlscoordinator@ncrpc.org](mailto:hlscoordinator@ncrpc.org). This action is being taken on behalf of the Southwest Kansas Regional Homeland Security Council. Estimated project value exceeds \$25,000.

Lisa Peters  
Homeland Security Coordinator  
Assistant Executive Director

Doc. No. 049096

(Published in the Kansas Register May 6, 2021.)

### North Central Regional Planning Commission

#### Notice to Bidders

Request for bid for NCK FY20 technical search and rescue team equipment replacement will be accepted by the North Central Regional Planning Commission (NCRPC) until 10:00 a.m. (CST) Monday, May 24, 2021, at 109 N. Mill St., Beloit, KS 67420, at which time they will be publicly opened and read aloud at the same address. Copies of the Request for Bid and project specifications can be accessed by going to <http://procurement.ncrpc.org/HS/projects.html> or by contacting the NCRPC at 785-738-2218 or [burks809@gmail.com](mailto:burks809@gmail.com). This action is being taken on behalf of the North Central Kansas Regional Homeland Security Council. Estimated project value exceeds \$25,000.

Lacey Miller, RN  
Regional Public Health Preparedness Coordinator  
Homeland Security Program Assistant

Doc. No. 049097

(Published in the Kansas Register May 6, 2021.)

**North Central Regional Planning Commission**

**Notice to Bidders**

Request for bid for FY19 Salina Fire DHS Area Rae Pro (2) will be accepted by the North Central Regional Planning Commission (NCRPC) until 10:00 a.m. (CST) Monday, May 24, 2021, at 109 N. Mill St., Beloit, KS 67420, at which time they will be publicly opened and read aloud at the same address. Copies of the Request for Bid and project specifications can be accessed by going to <http://procurement.ncrpc.org/HS/projects.html> or by contacting the NCRPC at 785-738-2218 or [burks809@gmail.com](mailto:burks809@gmail.com). This action is being taken on behalf of the North Central Kansas Regional Homeland Security Council. Estimated project value exceeds \$25,000.

Lacey Miller, RN  
Regional Public Health Preparedness Coordinator  
Homeland Security Program Assistant

Doc. No. 049102

**State of Kansas**

**Board of Regents Universities**

**Notice to Bidders**

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' purchasing offices' websites for a listing of all transactions, including construction projects, for which the universities' purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids, or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

**Emporia State University** – Bid postings: <https://www.emporia.edu/about-emporia-state-university/business-office/purchasing/>. Additional contact info: phone: 620-341-5134, fax: 620-341-6770, email: [purchaseorders@emporia.edu](mailto:purchaseorders@emporia.edu). Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Circle, Emporia, KS 66801.

**Fort Hays State University** – Electronic bid postings: <http://www.fhsu.edu/purchasing/bids/>. Additional contact info: phone: 785- 628-4251, fax: 785-628-4046, email: [purchasing@fhsu.edu](mailto:purchasing@fhsu.edu). Mailing address: Fort Hays State University Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

**Kansas State University** – Bid postings: <https://www.k-state.edu/purchasing/rfq>. Due to Covid-19, Kansas State University will not be accepting paper bids until further notice. Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506. Additional contact info: phone: 785-532- 6214, fax: 785-532-5577, email: [kspurch@k-state.edu](mailto:kspurch@k-state.edu).

**Pittsburg State University** – Bid postings: <https://www.pittstate.edu/office/purchasing/>. Additional contact info: phone: 620-235-4169, email: [bstefanoni@pittstate.edu](mailto:bstefanoni@pittstate.edu). Mailing address: Pittsburg State University, Purchasing Of-

fice, 1701 S. Broadway, Pittsburg, KS 66762.

**University of Kansas** – Electronic bid postings: <http://www.procurement.ku.edu/>. Due to Covid-19, the University of Kansas will not be accepting paper bids until further notice. KU Purchasing Services, 1246 W. Campus Road, Room 30, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, email: [purchasing@ku.edu](mailto:purchasing@ku.edu).

**University of Kansas Medical Center** – Bid postings: <http://www.kumc.edu/finance/purchasing/bid-opportunities.html>. Additional contact info: phone: 913-588-1117. Mailing address: University of Kansas Medical Center, Purchasing Department, Mail Stop 2034, 3901 Rainbow Blvd., Kansas City, KS 66160.

**Wichita State University** – Bid postings: <http://www.wichita.edu/purchasing>. Additional contact info: phone: 316-978-3080, fax: 316-978-3738, email: [purchasing.office@wichita.edu](mailto:purchasing.office@wichita.edu). Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 38, Wichita, KS 67260-0038.

Debbie Redeker  
Chair of Regents Purchasing Group  
Purchasing Director  
Emporia State University

Doc. No. 048393

**State of Kansas**

**Department of Administration  
Office of Procurement and Contracts**

**Notice to Bidders**

Sealed bids for items listed will be received by the Director of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376:

05/17/2021	EVT0008026	Metal Roof Replacement – Dodge City
05/17/2021	EVT0008027	Concrete Low Water Crossing – Syracuse
05/18/2021	EVT0008038	Generator Replacements – Capital Complex Topeka
05/20/2021	EVT0008030	Salt for Snow and Ice Removal
05/21/2021	EVT0008040	North Hub Engine Replacements – Cheyenne Bottoms
05/21/2021	EVT0008041	West Hub New Pump Station – Cheyenne Bottoms
05/21/2021	EVT0008043	Dairy Processing Study
05/25/2021	EVT0008044	Agribusiness Commodity Flow Study
05/26/2021	EVT0008037	CERC Impatient Services
05/26/2021	EVT0008039	BEP Equipment Moving
05/27/2021	EVT0008031	Regulatory Consulting Services
05/27/2021	EVT0008034	Jameson Reclamation Project – Cherokee County
05/27/2021	EVT0008035	Harryman Reclamation Project – Crawford County
06/02/2021	EVT0008032	Electronic Health Care Records for KDADS Hospitals
06/03/2021	EVT0008045	Post Rock Limestone Building Survey

The above referenced bid documents can be down-  
*(continued)*

loaded at the following website:

<http://admin.ks.gov/offices/procurement-and-contracts/bid-solicitations>

Additional files may be located at the following website (please monitor this website on a regular basis for any changes/addenda):

<http://admin.ks.gov/offices/procurement-and-contracts/additional-files-for-bid-solicitations>

05/27/2021 A-014148 KDOT; West Wichita Subarea – Building Addition

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <http://admin.ks.gov/offices/ofpm/dcc>.

Richard Beattie, Director  
Office of Procurement and Contracts

Doc. No. 049113

## State of Kansas

### Department of Health and Environment

#### Notice Concerning Proposed Kansas Air Quality Construction Permit

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality construction permit. Emerald Transformer PPM, LLC has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300. Emissions of particulate matter (PM), PM with less than or equal to 10 microns in aerodynamic diameter (PM<sub>10</sub>), PM with less than or equal to 2.5 microns in aerodynamic diameter (PM<sub>2.5</sub>), volatile organic compounds (VOC), and hazardous air pollutants (HAPs) were evaluated during the permit review process.

Emerald Transformer PPM, LLC, 2474 N. US-169 Hwy., Coffeyville, KS 67337, owns and operates a Polychlorinated Biphenyl (PCB) commercial storage located at 2474 N. US-169 Hwy., Coffeyville, KS 67337, at which the facility is requesting to install a new paint booth and sanding booth.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review from the date of publication during normal business hours at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southeast District Office, 308 W. 14th St., Chanute, KS 66720. To obtain or review the proposed permit and supporting documentation, contact Stephen Bartels, 785-296-6024, at the central office of the KDHE or Caitlin Mills, 620-860-7235, at the Southeast District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <http://www.kdheks.gov/bar/publicnotice.html>.

Please direct written comments or questions regarding the proposed permit to Stephen Bartels, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit de-

cision, written comments must be received no later than 12:00 p.m. Monday, June 7, 2021.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Stephen Bartels, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, June 7, 2021 in order for the Secretary of Health and Environment to consider the request.

Lee A. Norman, M.D.  
Secretary

Doc. No. 049099

## State of Kansas

### Department of Health and Environment

#### Notice of Application for Municipal Solid Waste Landfill

The Kansas Department of Health and Environment (KDHE) received an application from Reno County for a permit modification of the Municipal Solid Waste Landfill located at 703 S. Mohawk Rd., Hutchinson, Kansas, Permit #723.

The applicant proposes an expansion of the facility permitted disposal area from 77 acres to approximately 102.1 acres.

The Reno County Commissioners have certified that the application described herein is consistent with the county's solid waste management plan and compatible with surrounding land use. KDHE has reviewed the application and found it to be in conformance with state solid waste statutes and regulations.

KDHE is providing public notice for the permit modification application by Reno County. A final decision to issue the permit modification has not been made, and KDHE will consider information gathered during the public comment period before making a final decision. A copy of the permit application, engineering drawings, and draft permit with respect to this permit action will be available for public review at [www.kdheks.gov/waste](http://www.kdheks.gov/waste) from May 6, 2021 through June 7, 2021, and during normal business hours at the following locations:

Kansas Department of Health and Environment  
Bureau of Waste Management  
1000 SW Jackson, Suite 320  
Topeka, KS 66612-1366  
Contact: Joseph Hacker  
785-291-3746

Reno County Clerk  
125 W. 1st Ave  
Hutchinson, KS 67501  
Contact: Donna Patton  
620-694-2904

Anyone wishing to comment on the proposed facility should submit a written statement by 5:00 PM June 7, 2021 to Joseph Hacker of KDHE at the address listed above or via email to [Joseph.Hacker@ks.gov](mailto:Joseph.Hacker@ks.gov). Comments that are postmarked by June 7, 2021 and received within

one week thereafter will also be considered.

After consideration of all formal comments as described above, KDHE will make a final decision on whether to issue the permit. Notice of the decision will be given to the applicant, anyone who submitted formal comments, and those who requested notice of the final permit decision.

Lee A. Norman, MD  
Secretary

Doc. No. 049100

**State of Kansas**

**Department of Health and Environment**

**Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications**

In accordance with Kansas Administrative Regulations 28-16-57a through 63, 28-18-1 through 17, 28-18a-1 through 31 and 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

**Public Notice No. KS-AG-21-178/182**

**Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Midwest Feeders, Inc. Jeff Sternberger 05013 13 Rd. Ingalls, KS 67853	S/2 of Section 24 N/2 & SE/4 of Section 25 T24S, R29W All of Section 19 T24S, R28W Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-C005  
Federal Permit No. KS0115169

The proposed action is to modify the current NPDES permit for an existing facility. Modifications to the permit will be the proposed construction of a new earth retention structure (WSP 8) that will receive and transfer waste waters from the other on-site waste storage ponds and to the application fields. WSP 8 will retain wastes but will not receive external runoff. There are no other changes to the permit. Only the portions of the permit being modified are subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
DJ Dairy Company 22601 W. 71st S. Viola, KS 67149	NW/4 of Section 1 T29S, R03W Sedgwick County	Lower Arkansas River Basin

Kansas Permit No. A-ARSG-M011

The proposed action is to reissue an existing state permit for an existing facility for 160 head (224 animal units) of mature dairy cattle and 25 head (12.5 animal units) of cattle weighing less than 700 pounds, for a total capacity of 236.5 animal units. There will be no change in the operation or permitted number of animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Great Bend Feeding, Inc. Paul Woydziak 355 NW 30 Ave. Great Bend, KS 67530	E/2 of Section 10 and All of Section 11 T19S, R14W Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-C002  
Federal Permit No. KS0040576

The proposed action is to modify the current NPDES permit and Nutrient Management Plan (NMP) for an existing facility for 35,000 head (35,000 animal units) of cattle weighing greater than 700 pounds. The proposed modification is to add composting, along with rendering, as a method of mortality management. There are no other changes to the permit or NMP. Only the portions of the permit and NMP being modified are subject to comment.

Name and Address of Applicant	Legal Description	Receiving Water
Great Bend Feeding, Inc. – East 251 NW 10th Ave. Great Bend, KS 67530	All of Section 18 T19S, R13W Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-C001  
Federal Permit No. KS0040606

The proposed action is to modify the current NPDES permit and Nutrient Management Plan (NMP) for an existing facility for 24,000 head (24,000 animal units) of cattle weighing greater than 700 pounds. The proposed modification is to add composting, along with rendering, as a method of mortality management. There are no other changes to the permit or NMP. Only the portions of the permit and NMP being modified are subject to comment.

Name and Address of Applicant	Legal Description	Receiving Water
Cheney Feed Yard Gary Cheney 12500 S. Kansas Rd. Scott City, KS 67871	NW/4 of Section 24 T20S, R33W Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C026  
Federal Permit No. KS0097063

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 1,500 head (1,500 animal units) of cattle weighing greater than 700 pounds. The facility's NMP was updated to include a change in the application rate limitation for six fields. The fields' application rate limitations for NE20N, NE20S, SE15N, SE15S, SE23N and SE23S have become less restrictive than the previous NMP. There are no changes to the permit or in the permitted number of animal units. Only the updated portion of the Nutrient Management Plan is subject to comment.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before June 5, 2021, will be considered in the formulation *(continued)*

of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-21-178/182) and name of the applicant/permittee when preparing comments.

All comments received will be responded to at the time the Secretary of Health and Environment issues a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). A request for public hearing must be submitted in writing and shall state the nature of the issues proposed to be raised during the hearing.

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Matthew Steele Ph.D., P.E., Section Chief, Livestock Waste Management Section at the KDHE, Bureau of Environmental Field Services (BEFS), 1000 SW Jackson, Suite 430, Topeka, KS 66612. Comments or objections for all other proposed permits or actions should be sent to Michael Beezhold at the KDHE, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Rachel Hammond, BEFS, Livestock Waste Management Section at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at [kdhe.feedlots@ks.gov](mailto:kdhe.feedlots@ks.gov). For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Christopher Zwiener, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone 785-296-3056 or email at [Christopher.Zwiener@ks.gov](mailto:Christopher.Zwiener@ks.gov). These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available at <http://www.kdheks.gov/feedlots>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Lee A. Norman, M.D.  
Secretary

Doc. No. 04101

## State of Kansas

### Insurance Department

#### Notice of Changes in Pharmacy Networks

Pursuant to K.S.A. 40-2,153, the Commissioner of Insurance is publishing notice that a change has occurred in a pharmacy network in the State of Kansas.

**Cigna HealthCare of St. Louis, Inc.**, and affiliates, **GCLIC** and **CHLIC**, has notified the Department of the following additions and deletions to their pharmacy network:

#### Additions

Facility Name	Street Address	City	State
Axivarx of Kansas, LLC	11425 Stang Line Rd.	Lenexa	KS
Herington Hostpital Pharmacy	1005 N. B St.	Herington	KS

#### Deletions

Facility Name	Street Address	City	State
Georgetown Pharmacy	5605 Merriam Dr.	Merriam	KS
Auburn Pharmacy #160	2020 Main St. 12200 W. 106 St., Suite 140	Parsons	KS
Perry Drug	1909 E. Central Ave.	Overland Park	KS
Infusion		Wichita	KS
Shared Solutions Pharmacy	4500 W. 107th St.	Overland Park	KS
Mid-America Physiatrists	8675 College Blvd., Suite 150	Overland Park	KS
Lifework Integrative Health	22742 Midland Dr.	Shawnee	KS
Hutchinson Clinic PA	2101 N. Waldron St.	Hutchinson	KS
KC Wellness Center	5417 Johnson Dr.	Mission	KS
FHC Pharmacy	2002 S. 51st St.	Kansas City	KS

Any questions should be directed to the Insurance Department at 785-296-3071.

Vicki Schmidt  
Insurance Commissioner

Doc. No. 049104

## State of Kansas

### Office of the Governor

#### Executive Order No. 21-22 Allowing for Extensions of Professional and Occupational Licenses During State of Disaster Emergency

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with more than 31,883,289 cases of the illness and more than 569,272 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and



extended to May 28, 2021, by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, as of this date, there have been over 307,865 positive cases of COVID-19 in Kansas, spread among all 105 counties and 4,970 deaths as a result of the illness;

**WHEREAS**, suspension of certain state statutes and administrative rules is necessary to reduce the risk of further exposure and spread of COVID-19 and to assist with mitigation efforts during the COVID-19 public health emergency;

**WHEREAS**, the State of Kansas, its boards, commissions, divisions, or other licensing authorities regularly renew thousands of occupational and professional licenses, certificates, permits, and registrations on a regular basis;

**WHEREAS**, the COVID-19 public health emergency has presented significant—sometimes insurmountable—obstacles for the holders of licenses, certificates, permits, or registrations to renew or satisfy certain requirements for renewal during the public health emergency, though some of these obstacles have been reduced as the spread of the virus has slowed and access to vaccines has expanded;

**WHEREAS**, the holders of licenses, certificates, permits, and registrations provide significant services within Kansas, and the unavailability of such services would hamper efforts to address the escalating COVID-19 public health emergency;

**WHEREAS**, the holders of licenses, certificates, permits, and registrations who provide medical care perform functions that are necessary to effectively respond to and mitigate the COVID-19 pandemic;

**WHEREAS**, many state agencies rely on funds from renewals of licenses, certificates, permits, and registrations to fulfill their important public safety regulatory obligations, requiring some flexibility with any suspension of licensing requirements that impact the funding of regulatory functions;

**WHEREAS**, on April 9, 2020, I executed Executive Order 20-19, which was extended by Executive Orders 20-39, 20-49, 20-64, 21-02, and 21-09, extending professional and occupational licenses during the COVID-19 pandemic; and

**WHEREAS**, in these challenging times this Administration will do whatever it can to avoid immediate dangers to the health, safety, and welfare of Kansans, including ensuring that Kansans who provide important services can continue their work without regulatory interruptions.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including but not limited to the authority granted me by K.S.A 48-924 and K.S.A 48-925(c)(1) and (c)(11), in order to mitigate the effects of COVID-19, I hereby direct and order the following:

1. State agencies may extend renewal deadlines for any occupational or professional license, certificate, permit, or registration issued by a state agency or any board, commission, division, or other licensing authority within a state agency to any individual, business, or organization, that was in good standing

as of March 12, 2020, and that has expired or will expire during the State of Disaster Emergency.

2. State agencies may extend renewal deadlines for any organization, establishment, facility, shop, or premises license, certificate, permit, or registration issued by a state agency or any board, commission, division or other licensing authority within a state agency to any individual, business, or organization that was in good standing as of March 12, 2020, and that has expired or will expire during the State of Disaster Emergency.
3. State agencies may waive any late, delinquent, penalty, or expiration fees associated with any license, certificate, permit, or registration referred to in paragraphs 1 and 2 above.
4. State agencies may extend the deadlines for any continuing education requirements mandated by any state agency or any board, commission, division, or other licensing authority.
5. Any renewal fees, deadlines, or other requirements extended pursuant to paragraphs 1 or 2 of Executive Order 21-09 (and its predecessor orders) shall remain extended until at least 15 days after the relevant licensing authority provides notice to licensees through publication on the agency's website or through other electronic means regularly used by the agency to communicate with the agency's licensees.
6. Any license not current as of the earlier of an agency-selected date published pursuant to paragraph 5 above or the expiration of this order shall be subject to the licensing agency's normal authority to impose late fees and such license shall not continue to be effective by virtue of this or any previous executive order.
7. The Department of Agriculture shall continue to extend renewal deadlines for any license, permit, registration, certificate, or other fee imposed under the Kansas Food, Drug and Cosmetic Act, K.S.A. 65-655 *et seq.* on food establishments or food processors that were in good standing as of March 12, 2020.
8. For purposes of this Order, a "state agency" has the meaning set forth in K.S.A. 75-3701, and reports to or is otherwise located in an executive office under the Governor's control.
9. For purposes of this Order, "in good standing" shall include a license, certificate, permit, or registration that is subject to probation, or non-disciplinary conditions, limitations, or restrictions, but shall not include a license, certificate, permit, or registration that is revoked, cancelled, surrendered, or suspended. Any license, certificate, permit, or registration that is subject to disciplinary conditions, limitations, or restrictions shall remain subject to such conditions, limitations, or restrictions.
10. This order does not affect licensing for attorneys.
11. This order should be read in conjunction with previous executive orders responding to the COVID-19 pandemic.

(continued)

12. Executive Order 21-09 is rescinded and replaced by this order.

This document shall be filed with the Secretary of State as Executive Order No. 21-22. It shall become effective immediately and remain in force until rescinded, or until May 28, 2021, whichever is earlier.

Dated April 27, 2021.

Laura Kelly  
Governor

Doc. No. 049103

## State of Kansas

### Secretary of State

#### Executive Appointments

Executive appointments made by the governor, and in some cases by other state officials, are filed with the secretary of state's office. The following appointments were recently filed with the Secretary of State:

#### Kansas Court of Appeals

**Amy Fellows Cline**, 6330 N. Richmond, Wichita, KS 67204. Succeeds Judge Joseph Pierron, Jr.

#### District Judge, 1st Judicial District

**John Bryant**, 529 Delaware St., Leavenworth, KS 66048.

#### District Judge, 10th Judicial District

**Krishnan Christopher Jayaram**, Horn Aylward & Bandy, LLC, 2600 Grand Blvd., Suite 1100, Kansas City, MO 64108.

#### Director of the Joint Staff of the Kansas National Guard

**Col. Michael Venerdi**, 5239 N. Colonial Ave., Bel Aire, KS 67226.

#### Advisory Commission for Children with Special Health Care Needs

**Elizabeth Brunscheen-Cartagena**, 12330 W. 34th Court S, Wichita, KS 67227. Term expires February 27, 2023. Succeeds Richard Martinez.

**Dr. Chet Johnson**, 26284 W. 67th St., Shawnee, KS 66226. Term expires February 27, 2025. Succeeds Dr. Rebecca Reddy.

#### Animal Health Board, Kansas

**Megan Potter**, 807 Ash St., Abilene, KS 67410. Term expires June 30, 2023. Succeeds Graydon Dale Springer.

**Crecia Reeves**, 3644 186th St., Russell, KS 67665. Term expires June 30, 2023. Succeeds Larry Martin.

**Dr. Wade Taylor**, PO Box 41, Oakley, KS 67748. Term expires June 30, 2021. Reappointed.

#### Building Advisory Commission, Kansas State

**Robert Bausch**, 3000 SW 36th St., Topeka, KS 66614. Term expires December 31, 2024. Succeeds Rick Salyer.

#### Credit Union Council, Kansas

**Bradley Dyer, Jr.**, 10012 W. 20th St. N, Wichita, KS 67212. Term expires March 15, 2023. Succeeds Jacqueline Cully.

**Mark Kolarik**, 2904 Oakview Dr., Pittsburg, KS 66762. Term expires March 15, 2022. Succeeds Rita Hartman.

#### Disability Concerns, Kansas Commission on

**Rob Egan**, 2142 N. 127th St. E, Wichita, KS 67206. Term expires September 1, 2023.

**Shanti Ramcharan**, 1009 Chestnut St., Emporia, KS 66801. Term expires August 31, 2021. Reappointed.

**Claire Reagan**, 17673 W. 156th St., Olathe, KS 66062. Term expires September 1, 2023.

#### Developmental Disabilities, Kansas Council on

**Shirley Fessler**, 634 SW Harrison St., Topeka, KS 66603. Term expires December 31, 2024.

**Margaret Heiman**, 341 176th Rd., Baileyville, KS 66404. Term expires October 31, 2024. Reappointed.

**Kathleen Keck**, 5823 SW 85th St., Wakarusa, KS 66546. Term expires October 31, 2024. Reappointed.

**Karey Padding**, 226 Bent Tree Ct., Andover, KS 67002. Term expires December 31, 2024.

**Skylar Schwindt**, 3033 W. Second, Room 122, Wichita, KS 67203. Term expires October 31, 2024. Reappointed.

**Dr. Kathy Stiffler**, 6921 Lake Ridge Pkwy., Ozawkie, KS 66070. Term expires December 31, 2024.

#### Employment First Oversight Commission, Kansas

**Bradley Linnenkamp**, 1509 W. 25th Ct, Apt. A1, Lawrence, KS 66046. Term expires June 30, 2022. Succeeds Michael Donnelly.

#### Governmental Ethics Commission, Kansas

**Nicholas Hale**, 6519 Nall Ave., Mission, KS 66202. Term expires January 31, 2023. Reappointed.

#### Governor's Council on Tax Reform

**Sen. Anthony Hensley**, 4240 SE Wisconsin Ave., Topeka, KS 66609.

**Rep. Don Hineman**, 116 S. Longhorn Rd., Dighton, KS 67839.

**Adam Proffitt**, 5620 SW Wanamaker Rd., Topeka, KS 66610. Succeeds Larry Campbell.

**Sen. Dinah Sykes**, 10227 Theden Cir., Lenexa, KS 66220. Succeeds Anthony Hensley.

#### Human Rights Commission, Kansas

**Michael Kane**, 4406 N. 112th St., Kansas City, KS 66109. Term expires January 12, 2025. Reappointed.

**Christal Watson**, 8532 Spring Ave., Kansas City, KS 66109. Term expires January 15, 2024. Succeeds Melvin Neufeld.

#### Information Network of Kansas Board

**Rep. Tom Sloan**, 772 US-40 Hwy., Lawrence, KS 66049. Term expires October 1, 2023. Succeeds Doug Gaumer.

**KANSASWORKS State Board**

**Blanca Soto**, 2700 Colleen Ave., Dodge City, KS 67801. Succeeds Jermaine Wilson.

**Long-Term Care Ombudsman, Kansas State**

**Camille Russell**, 7365 Glen Feshie Dr., PO Box 276, Chanute, KS 66720. Term expires March 15, 2024. Succeeds Barbara Hickert.

**Propane Education and Research Council, Kansas**

**John Jacobsen**, 1236 N. Prairie Creek Rd., Andover, KS 67002. Term expires August 31, 2023. Succeeds Jeffry Thompson.

**Respiratory Care Council**

**Margarita Peschka**, 724 N. Fairway Ave., Wichita, KS 67212. Term expires February 28, 2024. Succeeds Dan Conyers.

**Lisse Regehr**, 315 S. Oak St., Iola, KS 66749. Term expires February 28, 2023. Reappointed.

**Teresa Taylor-Williams**, 618 East St., Apt. 6, Emporia, KS 66801. Term expires February 28, 2023.

**Tax Appeals, Kansas State Board of**

**Thomas Browne**, 3730 SE 27th Terr., Topeka, KS 66605. Term expires January 15, 2025. Reappointed.

**University of Kansas Hospital Authority Board of Directors**

**David Dillon**, 5910 Oakwood Rd., Mission Hills, KS 66208. Term expires March 15, 2025. Reappointed.

**Kevin Lockett**, 5413 W. 148th Terr., Suite 232, Leawood, KS 66224. Term expires March 15, 2023. Succeeds Michael Copeland.

**Veterinary Examiners, Kansas State Board of**

**Dr. Amy Ekerberg**, 1204 Parkwood Ln., Newton, KS 67114. Term expires June 30, 2022. Succeeds Dr. Jill Sandler.

**Water Authority, Kansas**

**Dawn Buehler**, 978 E. 2100 Rd., Eudora, KS 66025. Succeeds Connie Owen.

**Workers Compensation and Employment Security Boards Nominating Committee**

**Adam Mills**, 3500 N. Rock Rd., Bldg. 1300, Wichita, KS 67226. Term expires June 30, 2025. Succeeds Kristi Brown.

Scott Schwab  
Secretary of State

Doc. No. 049112

**State of Kansas****Secretary of State****Certification of New State Laws**

I, Scott Schwab, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Scott Schwab  
Secretary of State

(Published in the Kansas Register May 6, 2021.)

**Senate Bill No. 38**

AN ACT concerning agriculture; relating to environmental remediation; the Kansas department of agriculture division of conservation; implementing the provisions of 2011 executive reorganization order No. 40; establishing the Kansas pesticide waste disposal program and the Kansas pesticide waste disposal fund; permitting annual transfers from the Kansas agricultural remediation fund to the Kansas pesticide waste disposal fund; amending K.S.A. 2-1916, 2-3702, 49-605, 49-611, 49-613, 49-618, 49-620, 49-623, 82a-1602, 82a-1603, 82a-1607 and 82a-1702 and K.S.A. 2020 Supp. 2-1903, 2-1904, 2-1907, 2-1907c, 2-1908, 2-1915, 2-1930, 2-1931, 2-1933, 2-3708, 49-603, 49-606 and 49-621 and repealing the existing sections.

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

New Section 1. (a) There is hereby established a Kansas pesticide waste disposal program to be administered by the secretary of agriculture for the collection and disposal of pesticide waste in the state.

(b) The program shall be funded in accordance with section 2, and amendments thereto.

New Sec. 2. (a) There is hereby created in the state treasury the Kansas pesticide waste disposal fund. All moneys credited to the Kansas pesticide waste disposal fund shall be used by the secretary of agriculture for the Kansas pesticide waste disposal program established by section 1, and amendments thereto. All expenditures from the Kansas pesticide waste disposal fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture.

(b) The Kansas agricultural remediation board may approve an annual transfer of moneys from the Kansas agricultural remediation fund to the Kansas pesticide waste disposal fund in an amount that shall not exceed \$50,000 per calendar year. Upon such approval, the director of accounts and reports shall transfer such approved moneys from the Kansas agricultural remediation fund to the Kansas pesticide waste disposal fund.

(c) On or before January 1 of each year, the secretary of agriculture shall submit to the Kansas agricultural remediation board a report concerning the annual expenditures made from the Kansas pesticide waste disposal program.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas pesticide waste disposal fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas pesticide waste disposal fund for the preceding month; and

(2) The net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 3. K.S.A. 2020 Supp. 2-1903 is hereby amended to read as follows: 2-1903. As used in this act:

(1) "District" or "conservation district" means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with the provisions of this act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this act.

(3) "Commission" or "state conservation commission" means the conservation program policy board created in K.S.A. 2-1904, and amendments thereto, including the state conservation commission continued in existence by K.S.A. 74-5,128, and amendments thereto.

(4) "State" means the state of Kansas.

(5) "Agency of this state" includes the government of this state and any subdivision, agency or instrumentality, corporation or otherwise, of the government of this state.

(6) "United States" or "agencies of the United States" includes the United States of America, the ~~soil~~ natural resources conservation service of the United States department of agriculture and any other agency or instrumentality, corporate or otherwise, of the United States of America.

(7) "Government" or "governmental" includes the government of this state, the government of the United States and any subdivision, agency or instrumentality, corporate or otherwise, of either of them.

(continued)

(8) ~~“Division” or “division of conservation” means the agency division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.~~

(9) ~~“Director” means the executive director of the division.~~

(10) ~~“Invasive plant species” means a species of plant not native to Kansas whose introduction, presence or spread does or is likely to cause economic harm, environmental harm or harm to human health.~~

(11) ~~“Secretary” means the secretary of the Kansas department of agriculture.~~

Sec. 4. K.S.A. 2020 Supp. 2-1904 is hereby amended to read as follows: 2-1904. (a) There is hereby established, to serve as a conservation program policy board of the state and to perform the functions conferred upon it in this act, the state conservation commission. The state conservation commission shall succeed to all the powers, duties and property of the state soil conservation committee. The commission shall consist of nine members as follows:

(1) ~~The director of the cooperative extension service and the director of the state agricultural experiment station dean of the Kansas state university college of agriculture located at Manhattan, Kansas, or such persons’ designees shall serve, ex officio, as shall appoint two designees to serve on the commission as members of the commission. One designee shall represent an agricultural experiment station and one shall represent the cooperative extension service.~~

(2) ~~The commission secretary shall request the secretary of agriculture of the United States of America to appoint one person, and the secretary of the Kansas department of agriculture to shall appoint one person, each of whom shall be residents of the state of Kansas to serve as members of the commission. These members shall hold office for four years and until a successor is appointed and qualifies, with terms commencing on the second Monday in January beginning in 1973.~~

(3) Five members of the state commission shall be elected by the conservation district supervisors at a time and place to be designated by the state conservation commission. The method of electing such members to be conducted as follows: The state is to be divided into five separate areas. Area No. I to include the following counties: Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan, Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell. Area No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee, Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell, Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and Kiowa. Area No. III to include: Jewell, Republic, Mitchell, Cloud, Lincoln, Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey, Kingman, Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford. Area No. IV to include: Washington, Marshall, Nemaha, Brown, Doniphan, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary, Dickinson, Morris, Osage, Franklin and Miami. Area No. V to include: Marion, Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Greenwood, Butler, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua, Montgomery, Labette and Cherokee. Areas II and IV ~~will shall elect members in even-number even-numbered years and Areas I, III and V shall elect members in odd-number odd-numbered years for two-year two-year terms. The elected commission members from Areas I, III and V shall take office on January 1; of the even-number even-numbered years. The remaining two elected members of the state commission from Areas II and IV shall take office on January 1; of the odd-number odd-numbered years. The method of election is to be by area caucus of the district supervisors of each of the five separate areas of Kansas. The commission shall give each district notice of the time and place of such annual election meeting by letter if a member is to be elected to the commission from that area that year. The selection of a successor to fill an unexpired term shall be by appointment by the commission. The successor who is appointed to fill the unexpired term shall be a resident of the same area as that of the predecessor.~~

(b) ~~The commission shall keep a record of its official actions; and shall adopt a seal which seal shall be judicially noticed, and may perform such acts, hold such public hearings and adopt review all rules and regulations proposed by the division that are necessary for the execution of its the division’s functions under this act.~~

(c) ~~In addition to the powers and duties conferred in this section, the state conservation commission shall have the powers and duties not delegated to the Kansas department of agriculture division of conservation pursuant to K.S.A. 74-5,126, and amendments thereto.~~

(d) ~~The commission shall designate its chairperson and, from time to time, may change such designation. A majority of the commission~~

shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. Members of the state conservation commission attending meetings of such commission or attending a subcommittee meeting thereof authorized by such commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. The commission shall provide for keeping of a full and accurate record of all proceedings and of all resolutions, rules and regulations and orders issued or adopted.

(e) ~~The state conservation commission together with the Kansas department of agriculture division of conservation shall make conservation program policy decisions to be approved by the secretary, including modification of current conservation programs, creation of new conservation programs and annual budget recommendations.~~

(f) ~~The Kansas department of agriculture division of conservation in consultation with the state conservation commission shall have the following duties and powers:~~

(1) To offer such assistance as may be appropriate to the supervisors of conservation districts, organized as provided hereinafter, in the carrying out of any of their powers and programs;

(2) to keep the supervisors of each of the several districts organized under the provisions of this act informed of the activities and experience of all other districts organized hereunder and to facilitate an interchange of advice and experience between such districts and cooperation between them;

(3) to coordinate the programs of the several conservation districts organized hereunder;

(4) to secure the cooperation and assistance of the United States and any of its agencies and of agencies of this state, in the work of such districts and to contract with or to accept donations, grants, gifts and contributions in money, services or otherwise from the United States or any of its agencies or from the state or any of its agencies in order to carry out the purposes of this act;

(5) to disseminate information throughout the state concerning the activities and programs of the conservation districts organized hereunder and to encourage the formation of such districts in areas where their organization is desirable;

(6) to cooperate with and give assistance to watershed districts and other special purpose districts in the state of Kansas for the purpose of cooperating with the United States through the secretary of agriculture in the furtherance of conservation pursuant to the provisions of the watershed protection and flood prevention act, as amended;

(7) to cooperate in and carry out, in accordance with state policies, activities and programs to conserve and develop the water resources of the state and maintain and improve the quality of such water resources;

(8) to enlist the cooperation and collaboration of state, federal, regional, interstate, local, public and private agencies with the conservation districts;

(9) to facilitate arrangements under which conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of natural resources; and

(10) to take such actions as are necessary to restore, establish, enhance and protect natural resources with conservation easements for the purpose of compensatory mitigation required under section 404 of the federal clean water act, including:

(A) Accepting, purchasing or otherwise acquiring conservation easements, as defined in K.S.A. 58-3810, and amendments thereto, on behalf of watershed districts for the purpose of protecting compensatory mitigation sites;

(B) contracting with engineering consultants, surveyors and construction contractors for the purpose of restoration, establishment and enhancement of natural resources; and

(C) establishing fees for the acquisition and administration of conservation easements held on behalf of watershed districts, accepting such fees from state and local government agencies, and assuming responsibility to ensure the terms of the conservation easement are met, as approved by the department, for the length of term of the easement for which fees have been accepted.

(g) There is hereby established in the state treasury the compensatory mitigation fund, ~~which shall to be administered by the department of agriculture. All expenditures from the compensatory mitigation fund shall be for conservation. All expenditures from the compensatory mitigation fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or the designee~~

of the secretary. The secretary of agriculture shall remit all moneys received by or for the secretary under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the compensatory mitigation fund.

(h) All costs associated with compensatory mitigation, including, but not limited to, the costs of any litigation or civil fines or penalties, shall be paid by the watershed district for which the ~~Kansas department of agriculture~~ division of conservation holds the conservation easement.

(i) (1) Except as provided in ~~subsection (i) paragraph (2)~~, the Kansas department of agriculture shall not expend moneys appropriated from the state general fund or from any special revenue fund or funds for the purpose of accepting, purchasing or otherwise acquiring conservation easements on behalf of watershed districts.

(2) The Kansas department of agriculture may expend moneys in the compensatory mitigation fund established by this section for the purpose of accepting, purchasing or otherwise acquiring conservation easements on behalf of watershed districts and for the administration of such conservation easements.

(j) ~~The Kansas department of agriculture~~ division of conservation shall not accept, purchase or otherwise acquire any conservation easement other than for the purposes of this section.

Sec. 5. K.S.A. 2020 Supp. 2-1907 is hereby amended to read as follows: 2-1907. The governing body of the district shall consist of five supervisors who are qualified electors residing within the district. The supervisors who are first elected shall serve for terms of one, two and three years according to the following plan: The two persons receiving the highest number of votes in the election shall hold office for three years; the two persons receiving the next highest number of votes shall hold such office for a term of two years; and the remaining supervisor shall hold office for a term of one year. In the event of a tie vote, such terms shall be decided by lot. Nothing in this section shall be construed as affecting the length of the term of supervisors holding office on January 1, 1995. Successors to such persons shall be elected for terms of three years. An annual meeting of all qualified electors of the district shall be held in the month of January or February. Notice of the time and place of such meeting shall be given by such supervisors by publishing a notice in the official county paper once each week for two consecutive weeks prior to the week in which such meeting is to be held. At such meeting the supervisors shall make full and due report of their activities and financial affairs since the last annual meeting and shall conduct an election by secret ballot of all of the qualified electors of the district there present for the election of supervisors whose terms have expired. Whenever a vacancy occurs in the membership of the governing body the remaining supervisors of the district shall appoint a qualified elector of the district to fill the office for the unexpired term. The supervisors shall designate a chairperson and may from time to time change such designation. A supervisor shall hold office until a successor has been elected or appointed and has qualified. A majority of the supervisors shall constitute a quorum and the concurrence of a majority of the supervisors in any matter within their duties shall be required for its determination. A supervisor shall receive no compensation for services, but may be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of duties. The supervisors may employ a secretary, technical experts; and such other officers, agents; and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties and compensation. The supervisors may call upon the county attorney of the county in which a major portion of the district lies, or the attorney general for such legal services as they may require. The supervisors may delegate to their chairperson, to one or more supervisors, or to one or more agents, or employees such powers and duties as they may deem proper. The supervisors shall furnish to the ~~Kansas department of agriculture~~ division of conservation, upon request, copies of such rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this act. The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of the accounts and receipts and disbursements. Any supervisor may be removed by the ~~state conservation~~ secretary in

*consultation with the commission upon notice and hearing in accordance with the provisions of the Kansas administrative procedure act; for neglect of duty or malfeasance in office, but for no other reason. The supervisors may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which that may affect the property, water supply; or other interests of such municipality or county.*

Sec. 6. K.S.A. 2020 Supp. 2-1907c is hereby amended to read as follows: 2-1907c. On or before September 1 of each year, each conservation district shall submit to the ~~Kansas department of agriculture~~ division of conservation a certification of the amount of money to be furnished by the county commissioners for conservation district activities for the ensuing calendar year. Such amount shall be the same as authorized for such purposes in each approved county budget. For the purpose of providing state financial assistance to conservation districts, the ~~Kansas department of agriculture~~ division of conservation in the regular budget request, as a line item for the forthcoming fiscal year, shall submit a special request for an amount equal to the sum of the allocations of each county to each conservation district, but in no event to exceed the sum of \$25,000 per district. This \$25,000 limitation shall be applicable for fiscal year 2008, and thereafter, subject to appropriations therefor. The ~~Kansas department of agriculture~~ division of conservation, as soon as practicable after July 1 of the following year, shall disburse such moneys as may be appropriated by the state for this purpose to each conservation district to match funds allocated by the commissioners of each county. Distribution shall be prorated in proportion to county allocations in the event that appropriations are insufficient for complete matching of funds. Municipal accounting procedures shall be used in the distribution of and in the expenditure of all funds.

Sec. 7. K.S.A. 2020 Supp. 2-1908 is hereby amended to read as follows: 2-1908. A conservation district organized under the provisions of K.S.A. 2-1901 et seq., and amendments thereto, shall constitute a governmental subdivision of this state; and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this act:

(a) To conduct surveys, investigations; and research relating to the character of soil erosion, *soil and grassland health*, flood damage, *water quality* and the preventive and control measures needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures. In order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies; or with the United States or any of its agencies;

(b) to conduct demonstrational projects within the district on lands, owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods; and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil blowing and soil washing may be prevented and controlled; and to demonstrate by example, the means, methods; and measures by which water and water resources may be conserved, developed, used and disposed of to alleviate ~~drought~~ *drought*, to maintain and improve water quality and to reduce flooding and impaired drainage;

(c) to carry out preventive and control measures within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land; and the measures listed in subsection C of K.S.A. 2-1902, and amendments thereto, on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands;

(d) to cooperate; or enter into agreements with, and within the limitations of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any occupier of lands within the district, in the carrying on of erosion-control flood prevention, *soil and grassland health initiatives*, *water quality* and water management operations within the district, subject to

(continued)

such conditions as the supervisors may deem necessary to advance the purposes of this act;

(e) to obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise; or otherwise, any property, real or personal, or rights or interest therein; to maintain, administer; and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this act;

(f) to make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and such other material or equipment, as will assist such land occupiers to carry on operations upon their lands for the conservation of soil resources, *soil and grassland health, protection of water quality* and for the prevention and control of soil erosion;

(g) to develop comprehensive plans for the conservation of soil and water resources and for the control and prevention of soil erosion, flood damages, impaired drainage, the effects of ~~drought~~ drought within the district and the maintenance and improvement of water quality, ~~which with such plans shall specify~~ specifying in such detail as may be possible, the acts, procedures, performances; and avoidances ~~which that~~ are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices; and changes in use of land, and to publish such plans and information and bring them to the attention of occupiers of lands within the district;

(h) to take over, by purchase, lease, gift or otherwise donation, and to administer, any soil-conservation, erosion-control, or *soil and grassland health, erosion-prevention, flood prevention, water quality* or water management project located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies *subject to the authority of the authorizing state or federal agency*; to manage, as agent of the United States or any of its agencies, or of this state or any of its agencies, any soil-conservation, erosion-control, or erosion-prevention, flood prevention or water management project within its boundaries; to act for the district or as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, maintenance, or administration of any soil-conservation, erosion-control, or *soil and grassland health, erosion-prevention, flood prevention, water quality* or water management project within its boundaries; to accept donations, gifts; and contributions in money, services, materials; or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and from persons, firms, corporations or associations, and to use or expend such moneys, services, materials; or other contributions in carrying on its operations;

(i) to sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regulations not inconsistent with this act, to carry into effect its purposes and powers;

(j) as a condition to the extending of any benefits under this act, to or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the supervisors may require contributions in money, services, materials; or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon;

(k) no provisions with respect to the acquisition, operation; or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the legislature shall specifically so state;

(l) the supervisors of any district shall not contract debts or obligations in the name of the district beyond the current appropriation made available to the district by the ~~committee~~ division or federal grants or other financial sources;

(m) to accept and expend funds donated to the district for purposes of providing at least 20% cost-share for the purchase of an eligible water right from the holder of the water right under the provisions of K.S.A. 2-1915, and amendments thereto; and

(n) to control and eradicate *sericea lespedeza* invasive species within the district in any county that the secretary of agriculture has designated as a *sericea lespedeza* disaster area.

Sec. 8. K.S.A. 2020 Supp. 2-1915 is hereby amended to read as follows: 2-1915. (a) (1) Appropriations may be made for grants out of funds in the treasury of this state for:

(A) Terraces, terrace outlets, check dams, dikes, ponds, ditches, critical area planting, grassed waterways, ~~tailwater recovery irrigation systems~~ irrigation technology, precision land forming, range seeding, *soil and grassland health*, detention and grade stabilization structures and other enduring water conservation and *water quality* practices installed on public lands and on privately owned lands; and;

(B) the control and eradication of *sericea lespedeza* as provided in subsection (n) of K.S.A. 2-1908, and amendments thereto; *invasive species* on public lands and on privately owned lands.

(2) Except as provided by the multipurpose small lakes program act and other programs approved by the secretary, any such grant shall not exceed 80% of the total cost of any such practice.

(b) A program for protection of riparian and wetland areas shall be developed by the ~~Kansas department of agriculture~~ division of conservation and implemented by the conservation districts. The conservation districts shall prepare district programs to address resource management concerns of water quality, erosion and sediment control and wildlife habitat as part of the conservation district long-range and annual work plans. Preparation and implementation of conservation district programs shall be accomplished with assistance from appropriate state and federal agencies involved in resource management.

(c) Subject to the provisions of K.S.A. 2-1919, and amendments thereto, any holder of a water right, as defined by ~~subsection (g)~~ of K.S.A. 82a-701(g), and amendments thereto, who is willing to voluntarily return all or a part of the water right to the state shall be eligible for a grant not to exceed 80% of the total cost of the purchase price for such water right. The ~~Kansas department of agriculture~~ division of conservation shall administer this cost-share program with funds appropriated by the legislature for such purpose. The chief engineer shall certify to the ~~Kansas department of agriculture~~ division of conservation that any water right for which application for cost-share is received under this section is eligible in accordance with the criteria established in K.S.A. 2-1919, and amendments thereto.

(d) (1) Subject to appropriation acts therefor, the ~~Kansas department of agriculture~~ division of conservation shall develop the Kansas water quality buffer initiative for the purpose of restoring riparian areas using best management practices. The ~~executive director of the Kansas department of agriculture~~ division of conservation shall ensure that the initiative is complementary to the federal conservation reserve program and update any applicable standards from time to time as necessary for the continued success of the program.

(2) There is hereby created in the state treasury the Kansas water quality buffer initiative fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the ~~executive director of the Kansas department of agriculture~~ division of conservation or the executive director's designee. ~~Money~~ Moneys credited to the fund shall be used for the purpose of making grants to install water quality best management practices pursuant to the initiative.

(3) The county or district appraiser shall identify and map riparian buffers consisting of at least one contiguous acre per parcel of real property located in the appraiser's county. Notwithstanding any other provisions of law, riparian buffers shall be valued by the county or district appraiser as tame grass land, native grass land or waste land, as appropriate. As used in this ~~subsection (3) paragraph~~, "riparian buffer" means an area of stream-side vegetation that: (A) Consists of tame or native grass and may include forbs and woody plants; (B) is located along a perennial or intermittent stream, including the stream bank and adjoining floodplain; and (C) is a minimum of 66 feet wide and a maximum of 180 feet wide.

(e) The ~~Kansas department of agriculture~~ division of conservation, with the approval of the ~~state conservation commission~~ secretary, shall adopt rules and regulations to administer such grant and protection programs. *Prior to submission of any proposed rules and regulations of the division to the director of the budget, the secretary of administration and the attorney general in accordance with the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto:*

(1) *The director shall submit such proposed rules and regulations to the commission; and*

(2) *the commission shall review and make recommendations to the director and the secretary regarding such proposed rules and regulations.*

(f) Any district is authorized to make use of any assistance whatsoever given by the United States, or any agency thereof, or derived from

any other source, for the planning and installation of such practices. The Kansas department of agriculture division of conservation may enter into agreements with other state and federal agencies to implement the Kansas water quality buffer initiative.

Sec. 9. K.S.A. 2-1916 is hereby amended to read as follows: 2-1916. At any time after five (5) years after the organization of a district under the provisions of this act, ten percent (10%) of the occupiers of land lying within the boundaries of such district may file a petition with the state soil conservation committee division praying that the operations of the district be terminated and the existence of the district discontinued. The committee division may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof. Within sixty (60) days after such a petition has been received by the committee division, the division shall give due notice of the holding of a referendum, and shall supervise such referendum, and issue appropriate regulations governing the conduct thereof, the question to be submitted by ballots upon which the words "For terminating the existence of the \_\_\_\_\_ (name of the soil conservation district to be here inserted)" and "against terminating the existence of the \_\_\_\_\_ (name of the soil conservation district to be here inserted)" shall be printed, with a square before each proposition and a direction to insert an x mark in the square before one or the other of said propositions as the voter may favor or oppose discontinuance of such district. All occupiers of lands lying within the boundaries of the district shall be eligible to vote in such referendum. Only such land occupiers shall be eligible to vote. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted. The committee division shall publish the result of such referendum and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible. If the committee division shall determine that the continued operation of such district is administratively practicable and feasible, it shall record such determination and deny the petition. If the committee division shall determine that the continued operation of such district is not administratively practicable and feasible, it shall record such determination and shall certify such determination to the supervisors of the district. In making such determination, the committee division shall give due regard and weight to the attitudes of the occupiers of lands lying within the district, the number of land occupiers eligible to vote in such referendum who shall have voted, the proportion of the votes in such referendum in favor of the discontinuance of the district to the total number of votes cast, the approximate wealth and income of the land occupiers of the district, the probable expense of carrying on erosion control operations within such district; and such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings set forth in K.S.A. 2-1902: ~~Provided, however, and amendments thereto, except that the committee division shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless a majority of the votes cast in the referendum shall have been cast in favor of the continuance of such district.~~

Upon receipt from the state soil conservation committee division of certification that the committee division has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to the provisions of this section, the supervisors shall forthwith immediately proceed to terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale to be covered into the state treasury. The supervisors shall thereupon file an application, duly verified, with the secretary of state for the discontinuance of such district; and shall transmit with such application the certificate of the state soil conservation committee division setting forth the determination of the committee division that the continued operation of such district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this section provided, and shall set forth a full accounting of such properties and proceeds of the sale. The secretary of state shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in his or her the secretary of state's office.

Upon issuance of a certificate of dissolution under the provisions of this section, all ordinances and regulations theretofore adopted and in force within such districts shall be of no further force and effect. All con-

tracts theretofore entered into, to which the district or supervisors are parties; shall remain in force and effect for the period provided in such contracts. The state soil conservation committee division shall be substituted for the district or supervisors as party to such contracts. The committee division shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same right and liability to perform, to require performance, to sue and be sued thereon; and to modify or terminate such contracts by mutual consent or otherwise, as the supervisors of the district would have had. Such dissolution shall not affect the lien of any judgment entered under the provisions of K.S.A. 2-1911, prior to its repeal, nor the pendency of any action instituted under the provisions of such section, and the committee shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions. The state soil conservation committee shall not entertain petitions for the discontinuance of any district nor conduct referenda upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this act, more often than once in five (5) years.

Sec. 10. K.S.A. 2020 Supp. 2-1930 is hereby amended to read as follows: 2-1930. (a) As used in this section:

(1) "Division" means the Kansas department of agriculture division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto;

(2) "historic consumptive water use" means an amount of use of a water right as calculated pursuant to subsection (k); and

(3) "program" means the water right transition assistance program.

(b) There is hereby established the water right transition assistance program. The program shall be administered by the Kansas department of agriculture division of conservation. The Kansas department of agriculture division of water resources and recognized local governing agencies, including groundwater management districts, shall cooperate in program implementation. The program shall be administered for the purpose of reducing historic consumptive water use in the target or high priority areas of the state by issuing water right transition grants based on competitive bids for privately held water rights.

(c) (1) The division may receive and expend funds from the federal or state government; or a private source for the purpose of carrying out the provisions of this section. The division shall carry over unexpended funds from one fiscal year to the next.

(2) The maximum amount paid by the division shall not exceed a base rate per acre-foot of historic consumptive water use made available under the water right to be dismissed or permanently reduced. The state conservation division, in consultation with the commission, shall establish an annual base rate after considering recommendations from the chief engineer and the groundwater management districts regarding market conditions.

(d) The division may enter into water right transition assistance program contracts with landowners that will result in the permanent reduction of part or all of a landowner's historic consumptive water use by action of the chief engineer as provided for in subsection (f).

(e) All applications for permanent irrigation water right retirements shall be considered for funding. Permanent retirement of partial water rights shall only be approved by the Kansas department of agriculture division of water resources when the local groundwater management district has the metering and monitoring capabilities necessary to ensure compliance with the program.

(f) Applications for permanent water right retirement shall be prioritized for payment based on the following criteria:

(1) The applicant's bid price;

(2) the timing and extent of the impact of the application on aquifer restoration or stream recovery;

(3) the impact on local water management strategies designated by the board of each groundwater management district or by the chief engineer for each target area; and

(4) where rights with similar hydrologic impacts are considered, priority should be given to the senior right as determined under the Kansas water appropriation act.

(g) Water rights enrolled in the program for permanent retirement shall require the written consent of all landowners and authorized agents to voluntarily request permanent reduction or permanent dismissal and forfeiture of priority of the enrolled water right. Upon enrollment of the water right into the program, the chief engineer of the Kansas department of agriculture division of water resources shall concurrently permanently reduce or permanently dismiss and terminate the water right in accordance with the terms of the contract.

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(h) (1) The division shall make water right transition grants available only in areas that have been designated as:

(A) Target areas by the groundwater management districts and the chief engineer of the Kansas department of agriculture division of water resources; or

(B) target areas outside the groundwater management districts by the chief engineer of the Kansas department of agriculture division of water resources.

(2) Each target area shall be in a groundwater aquifer, aquifer sub-unit, surface water basin, subbasin or stream reach that the chief engineer has closed to further appropriations except for domestic use, temporary permits, term permits for five years or less and small-use exemptions for 15 acre-feet or less, if the use, permit or exemption does not conflict with this program.

(3) The designation of each target area shall include the identification of a historic consumptive water use retirement goal. When such goal is reached, the target area ~~will~~ shall be delisted.

(4) The designation of each target area shall include the identification of sub-regions ~~which~~ that are to be prioritized for retirements among competing bids.

(i) Contracts accepted under the program shall result in a net reduction in historic consumptive water use in the target area. Except as provided for in subsections (l) and (m), once a water right transition assistance program grant has been provided, the land authorized to be irrigated by the water right or water rights associated with that grant shall not be irrigated permanently. Water right transition assistance program contracts shall be subject to such terms, conditions and limitations as may be necessary to ensure that such reduction in historic consumptive water use occurs and can be adequately monitored and enforced.

(j) Only vested or certified water rights ~~which~~ that are in good standing shall be eligible for water right retirement grants.

(k) (1) The historic consumptive water use of a water right shall be determined by either:

(A) Calculating the average amount of water consumed by crops as a result of the lawful beneficial use of water during the 10 preceding calendar years of actual irrigation and multiplying the average reported water use for the 10 selected years by a factor of 0.85 for center pivot sprinkler irrigation systems, 0.75 for flood or gravity irrigation systems and 0.95 for subsurface drip irrigation systems, but not to exceed the net irrigation requirements for the 50% chance rainfall for the appropriate county as shown in K.A.R. 5-5-12; or

(B) calculating the available pumping capacity of a water right by multiplying a flow rate test for each point of diversion applied to be retired under the water right by a theoretical pumping duration of 100 days multiplied by an efficiency factor of 0.85 for center pivot sprinkler irrigation systems, 0.75 for flood or gravity irrigation systems and 0.95 for subsurface drop irrigation systems, but not to exceed the authorized quantity of the water right or the net irrigation requirements for the 50% chance rainfall for the appropriate county as shown in K.A.R. 5-5-12. Flow rate tests must have been conducted not less than one year prior to the application date and certified as acceptable by the local groundwater management district or the chief engineer; or

(2) The applicant may also submit an engineering study that determines the average historic consumptive water use as an alternative method if it is demonstrated to be more accurate for the water right or water rights involved.

(l) Enrollment of an entire water right or a portion of a water right where land associated with the quantity is being permanently reduced from the water right in the program shall not subsequently prohibit irrigation of the land that, prior to enrollment, was authorized by the water right or water rights if irrigation can be lawfully allowed by another water right or permit pursuant to the rules and regulations and consideration of any future changes to other water rights that may be proposed to be transferred to such land.

(m) If more than one water right overlaps the place of use authorized by the water right proposed to be enrolled in the program, then all overlapping water rights shall be enrolled in the program or the landowners shall take the necessary lawful steps to eliminate the overlap with the water right to be enrolled. The burden shall be on the landowner to provide sufficient information to substantiate that the proposed use of water by the resulting exercise of all water rights involved will result in the net reduction amount of historic consumptive water use by the water right or water rights to be enrolled. The division may require such documentation to be provided by someone with special knowledge or experience related to water rights and such operations.

(n) The division shall adopt rules and regulations as necessary for the administration of this section. When adopting such rules and regulations, the division shall consider cropping, system design, metered water use and all other pertinent information that will permit a verifiable reduction in historic consumptive water use and permit alternative crop or other use of the land so that the landowner's economic opportunities are taken into account.

(o) The division shall hold a meeting in each target area designated after July 1, 2012, prior to entering into any water right transition assistance program contract for the permanent retirement of part or all of landowner water rights in such target area. Such meetings shall inform the public of the possible economic and hydrologic impacts of the program. The division shall provide notice of such meetings through publication in local newspapers of record and in the Kansas register.

(p) The provisions of this section shall expire on July 1, 2022.

Sec. 11. K.S.A. 2020 Supp. 2-1931 is hereby amended to read as follows: 2-1931. (a) Any person who commits any of the following may incur a civil penalty as provided by this section:

(1) Any violation of the Kansas water right transition assistance program act or any rule and regulation adopted thereunder; and

(2) any violation of term, condition or limitation defined and or imposed within the contractual agreement between the ~~Kansas department of agriculture~~ division of conservation and the water right owner.

(b) Any participant who violates any section of a water right transition assistance program contract shall be subject to either one or both of the following:

(1) A civil penalty of not less than \$100 nor more than \$1,000 per violation. Each day shall constitute a separate violation for purposes of this section; and

(2) repayment of the grant amount in its entirety plus a penalty at 6% of the full grant amount.

(c) Any penalties or reimbursements received under this act shall be reappropriated for use in the water right transition assistance program.

(d) *No civil penalty or order for repayment shall be imposed except upon the written order of the secretary or the secretary's designee. Such order shall state the violation, the penalty to be imposed and the right of the person to appeal to the secretary. Any person, within 15 calendar days after notification, may make written request to the secretary for a hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reason therefor.*

(e) *Any person aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the Kansas judicial review act.*

(f) The provisions of this section shall expire on July 1, 2022.

Sec. 12. K.S.A. 2020 Supp. 2-1933 is hereby amended to read as follows: 2-1933. (a) As used in this section, "division" means the ~~Kansas department of agriculture~~ division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

(b) The division shall administer the conservation reserve enhancement program (CREP) on behalf of the state of Kansas pursuant to agreements with the United States department of agriculture for the purpose of implementing beneficial water quality and water quantity projects concerning targeted watersheds to be enrolled in CREP.

(c) There is hereby established in the state treasury the Kansas conservation reserve enhancement program fund, which shall be administered by the division. All expenditures from the Kansas conservation reserve enhancement program fund shall be for the implementation of CREP pursuant to agreements between the state of Kansas and the United States department of agriculture. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by the secretary's designee.

(d) The division may request the assistance of other state agencies, Kansas state university, local governments and private entities in the implementation of CREP.

(e) The division may receive and expend moneys from the federal or state government or private sources for the purpose of carrying out the provisions of this section. All moneys received shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas conservation reserve enhancement program fund. The division shall carry over unexpended moneys in the Kansas



conservation reserve enhancement program fund from one fiscal year to the next.

(f) The division may enter into cost-share contracts with landowners that will result in fulfilling specific objectives of projects approved in agreements between the United States department of agriculture and the state of Kansas.

(g) The division shall administer all CREPs in Kansas subject to the following criteria:

(1) The aggregate total number of acres enrolled in Kansas in all CREPs shall not exceed 40,000 acres;

(2) the number of acres eligible for enrollment in CREP in Kansas shall be limited to ½ of the number of acres represented by federal contracts in the federal conservation reserve program that have expired in the prior year in counties within the particular CREP area, except that if federal law permits the lands enrolled in the CREP program to be used for agricultural purposes, such as planting agricultural commodities, including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses or legumes, but not including cover crops, then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the specific CREP area;

(3) no more than 25% of the acreage in CREP may be in any one county, except that the last eligible offer to exceed the number of acres constituting a 25% acreage cap in any one county shall be approved;

(4) no whole-field enrollments shall be accepted into a CREP established for water quality purposes; and

(5) lands enrolled in the federal conservation reserve program as of January 1, 2008, shall not be eligible for enrollment in CREP.

(h) (1) For a CREP established with the purpose of meeting water quantity goals, the division shall administer such CREP in accordance with the following additional criteria:

(A) No water right that is owned by a governmental entity shall be purchased or retired by the state or federal government pursuant to CREP; and

(B) only water rights in good standing are eligible for inclusion under CREP.

(2) To be a water right in good standing:

(A) At least 50% of the maximum annual quantity authorized to be diverted under the water right that has been used in any three years within the most recent five-year period preceding the submission for which irrigation water use reports are approved and made available by the division of water resources of the Kansas department of agriculture;

(B) the water rights used for the acreage in CREP during the most recent five-year period preceding the submission for which irrigation water use reports are approved and made available by the division of water resources; shall not have: (i) Exceeded the maximum annual quantity authorized to be diverted; and (ii) been the subject of enforcement sanctions by the division of water resources; and

(C) the water right holder has submitted the required annual water use report required under K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years.

(i) (1) The Kansas department of agriculture shall submit a CREP report to the senate committee on agriculture and natural resources and the house committee on agriculture and natural resources at the beginning of each annual regular session of the legislature which shall contain containing a description of program activities for each CREP administered in the state and shall include including:

(A) The acreage enrolled in CREP during fiscal year 2008 through the most current fiscal year to date;

(B) the dollar amounts received and expended for CREP during fiscal year 2008 through the most current fiscal year to date;

(C) an assessment of meeting each of the program objectives identified in the agreement with the farm services agency; and

(D) such other information specified by the Kansas department of agriculture.

(2) For a CREP established with the purpose of meeting water quantity goals, the following information shall be included in such annual report:

(A) The total water rights, measured in acre-feet, retired in CREP from fiscal year 2008 through the current fiscal year to date;

(B) the change in groundwater water levels in the CREP area during fiscal year 2008 through the most current fiscal year to date;

(C) the annual amount of water usage in the CREP area from fiscal year 2008 through the most current fiscal year to date; and

(D) the average water use, measured in acre-feet, for each of the five years preceding enrollment for each water right enrolled.

(j) The Kansas department of agriculture shall submit a report on the economic impact of each specific CREP to the senate committee on agriculture and natural resources and the house of representatives committee on agriculture and natural resources every five years, beginning in 2017. The report shall include economic impacts to businesses located within each specific CREP region.

Sec. 13. K.S.A. 2-3702 is hereby amended to read as follows: 2-3702. As used in K.S.A. 2-3701 through 2-3714 *et seq.*, and amendments thereto:

(a) "Agricultural or specialty chemical" means any pesticide, fertilizer, plant amendment or soil amendment but does not include nitrate and related nitrogen from a natural source.

(b) "Board" means the Kansas agricultural remediation board created by K.S.A. 2-3709, and amendments thereto.

(c) "Corrective action" means action in response to release of an agricultural or specialty chemical that poses a threat to human health or the environment.

(d) "Eligible corrective action costs" means reasonable and necessary costs of corrective action, as determined in accordance with rules and regulations adopted by the board.

(e) "Eligible lending institution" means:

(1) A bank, as defined in K.S.A. 75-4201, and amendments thereto, that agrees to participate in the remediation linked deposit program and is eligible to be a depository of state funds; or

(2) an institution of the farm credit system organized under the federal farm credit act of 1971-~~12~~ U.S.C. § 2001, as amended, that agrees to participate in the remediation linked deposit program and provides securities acceptable to the pooled money investment board pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(f) "Eligible person" means:

(1) A responsible party or an owner of real property, but does not include the state, any state agency, any political subdivision of the state, the federal government or any agency of the federal government; or

(2) a person who:

(A) Is involved in a transaction relating to real property;

(B) is not a responsible party or owner of the real property; and

(C) voluntarily takes corrective action on the property in response to a request or order for corrective action from the department of health and environment.

(g) "Fund" means the Kansas agricultural remediation fund established by K.S.A. 2-3711, and amendments thereto.

(h) "Kansas pesticide waste disposal fund" means the fund established by section 2, and amendments thereto.

(i) "Kansas pesticide waste disposal program" means the program established by section 1, and amendments thereto.

(j) "Linked deposit" means an investment account placed by the director of investments under the provisions of article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, with an eligible lending institution for the purpose of the remediation linked deposit loan program.

~~(k)~~(k) "Pesticide" means the same as provided in K.S.A. 2-2202, and amendments thereto.

(l) (1) "Pesticide waste" means any pesticide that:

(A) Is not exempt from registration under the federal insecticide, fungicide, and rodenticide act, 7 U.S.C. § 136w(b), as in effect on January 1, 2021;

(B) is not eligible for sale or distribution; and

(C) is not otherwise eligible for return or disposal.

(2) "Pesticide waste" includes, but is not limited to:

(A) Pesticides with no identifiable owner or responsible party that have been abandoned or illegally dumped at a site;

(B) pesticides that are unregistered, canceled, suspended or revoked by the Kansas department of agriculture or the United States environmental protection agency;

(C) pesticides with missing or illegible labels;

(D) pesticides that have been adulterated;

(E) pesticides in a leaking or damaged container; or

(F) pesticides that are of no use to the current owner of such pesticides.

(m) "Release" means any spill, leak, emission, discharge, escape or disposal of an agricultural or specialty chemical into the soils or waters of the state.

~~(n)~~(n) "Remediation linked deposit loan package" means the forms provided by the state treasurer for the purpose of applying for a remediation linked deposit.

(continued)

(k)(o) "Remediation linked deposit loan program" means the program provided for by K.S.A. 2-3703 through 2-3707, and amendments thereto.

(H)(p) "Remediation reimbursement program" means the program provided for by K.S.A. ~~2-3709~~ 2-3708 through 2-3713, and amendments thereto.

(m)(q) "Site" means all land and water areas, including air space, and all plants, animals, structures, buildings, contrivances and machinery, whether fixed or mobile, including anything used for transportation, within a one-half mile radius of a release.

Sec. 14. K.S.A. 2020 Supp. 2-3708 is hereby amended to read as follows: 2-3708. (a) There is hereby established the remediation reimbursement program. The program shall be for the purpose of:

(1) Providing reimbursement to eligible persons for the costs of corrective action approved by the department of health and environment or taken in accordance with requests or orders issued by the department of health and environment; and

(2) providing funding to the Kansas pesticide waste disposal program in accordance with section 2, and amendments thereto.

(b) The amount of reimbursement that an eligible person may receive from the fund shall be limited as follows:

(1) Except as provided in paragraph (2), for an eligible person who has paid all applicable assessments imposed pursuant to K.S.A. 2-3713, and amendments thereto, reimbursement per site shall not exceed an amount equal to: (A) 90% of total eligible corrective action costs greater than \$1,000 and less than or equal to \$100,000; plus (B) 80% of total eligible corrective action costs greater than \$100,000 and less than or equal to \$200,000. The total amount reimbursed for any one site shall not exceed \$200,000 within a ~~5-year~~ five-year period or as otherwise set forth by the board pursuant to rules and regulations, unless the property has been sold or leased and both the buyer and seller or lessee and lessor are responsible for remediation, in which case the total amount reimbursed for any such site shall not exceed \$400,000 within a ~~five year~~ five-year period or as otherwise set forth by the board pursuant to rules and regulations.

(2) For an eligible person who is not required to pay or has not paid any assessment imposed pursuant to K.S.A. 2-3713, and amendments thereto, or for a pesticide dealer who has paid the annual \$5 assessment pursuant to ~~subsection (a)(4)~~ K.S.A. 2-3713(a)(4), and amendments thereto, reimbursement per site shall not exceed an amount equal to 100% of total eligible corrective action costs greater than \$1,000 and less than or equal to \$10,000.

Sec. 15. K.S.A. 2020 Supp. 49-603 is hereby amended to read as follows: 49-603. As used in this act:

(a) "Director" means the executive director of the ~~Kansas department of agriculture~~ division of conservation or a designee.

(b) "Affected land" means the area of land from which overburden has been removed or upon which overburden has been deposited, or both, but shall not include crushing areas, stockpile areas or roads.

(c) "Commission" means the *conservation program policy board created in K.S.A. 2-1904, and amendments thereto, including the state conservation commission continued in existence by K.S.A. 74-5,128, and amendments thereto.*

(d) "Mine" means any underground or surface mine developed and operated for the purpose of extracting rocks, minerals and industrial materials, other than coal, oil and gas. Mine does not include borrow areas created for construction purposes.

(e) "Operator" means any person who engages in surface mining or operation of an underground mine or mines.

(f) "Overburden" means all of the earth and other materials ~~which~~ that lie above the natural deposits of material being mined or to be mined.

(g) "Peak" means a projecting point of overburden removed from its natural position and deposited elsewhere in the process of surface mining.

(h) "Pit" means a tract of land from which overburden has been or is being removed for the purpose of surface mining.

(i) "Ridge" means a lengthened elevation of overburden removed from its natural position and deposited elsewhere in the process of surface mining.

(j) (1) "Surface mining" means the mining of material, except for coal, oil and gas, for sale or for processing or for consumption in the regular operation of a business by removing the overburden lying above natural deposits and mining directly from the natural deposits exposed, or by mining directly from deposits lying exposed in their nat-

ural state, or the surface effects of underground mining. Surface mining shall include dredge operations lying outside the high banks of streams and rivers.

(2) Removal of overburden and mining of limited amounts of any materials shall not be considered surface mining when done only for the purpose and to the extent necessary to determine the location, quantity or quality of the natural deposit, if the materials removed during exploratory excavation or mining are not sold, processed for sale or consumed in the regular operation of a business.

(k) "Topsoil" means the natural medium located at the land surface with favorable characteristics for growth of vegetation, which is normally the A or B, or both, soil horizon layers of the four soil horizons.

(l) "Active site" means a site where surface mining is being conducted.

(m) "Inactive site" means a site where surface mining is not being conducted but where overburden has been disturbed in the past for the purpose of conducting surface mining and an operator anticipates conducting further surface mining operations in the future.

(n) "Materials" means natural deposits of gypsum, clay, stone, sandstone, sand, shale, silt, gravel, volcanic ash or any other minerals of commercial value found on or in the earth with the exception of coal, oil and gas and those located within cut and fill portions of road rights-of-way.

(o) "Reclamation" means the reconditioning of the area of land affected by surface mining to a usable condition for agricultural, recreational or other use.

(p) "Stockpile" means the finished products of the mining of gypsum, clay, shale, stone, sandstone, sand, silt, gravel, volcanic ash or other minerals and removal from its natural position and deposited elsewhere for future use in the normal operation as a business.

(q) "Underground mining" means the extraction of rocks, minerals and industrial materials, other than coal, oil and gas, from the earth by developing entries or shafts from the surface to the seam or deposit before recovering the product by underground extraction methods.

(r) "Person" means any individual, firm, partnership, corporation, government or other entity.

(s) "~~Division~~ or ~~Kansas department of agriculture division of conservation~~" means the *agency division of conservation established by within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.*

(t) "Secretary" means the Kansas secretary of agriculture.

Sec. 16. K.S.A. 49-605 is hereby amended to read as follows: 49-605. (a) No person shall engage in surface mining or operation of an underground mine or mines, as defined by this act, without first obtaining a license from the director.

(b) Licenses shall be issued upon application submitted on a form provided by the director and shall be accompanied by a fee of \$300. Each applicant shall be required to furnish on the form information necessary to identify the applicant. Licenses shall expire one year from the date of issuance and shall be renewed by the director upon application submitted within 30 days prior to the expiration date and accompanied by the renewal fee established by the director under K.S.A. 49-623, and amendments thereto.

(c) A license to mine is only valid when approved by the ~~commission~~ director and acknowledged by a certificate ~~which~~ that has been signed by the director and lists the operator and the assigned license number.

Sec. 17. K.S.A. 2020 Supp. 49-606 is hereby amended to read as follows: 49-606. (a) The *secretary, at the request of the director, with the approval of the commission,* may deny issuance or renewal of a license for repeated or willful violation of the provisions of this act or for failure to comply with any provision of a reclamation plan.

(b) The *secretary, at the request of the director, with the approval of the commission,* may suspend or revoke a license for repeated or willful violation of any of the provisions of this act or for failure to comply with any provision of a reclamation plan. Proceedings for the suspension or revocation of a license pursuant to this section shall be conducted in accordance with the Kansas administrative procedure act by the ~~director~~ secretary or a presiding officer from the office of administrative hearings.

Sec. 18. K.S.A. 49-611 is hereby amended to read as follows: 49-611. (a) An operator authorized under this act to operate a mine, after completion of mining operations and within the time specified in K.S.A. 49-613, and amendments thereto, shall:

(1) Grade affected lands except for impoundments and pit floors to slopes no steeper than one foot vertical rise for each three feet of horizontal distance. Where the original topography of the affected land was steeper than one foot of vertical rise for each three feet of horizontal distance, the affected lands may be graded to blend with the surrounding terrain. The grading of high banks of sand pits and highwalls may be modified or exempted by the director.

(2) Provide for the vegetation of the affected lands, except for impoundments, pit floors, and highwalls, as approved by the director before the release of the bond as provided in K.S.A. 49-616, *and amendments thereto*.

(b) Notwithstanding subsection (a), overburden piles where disposition has not occurred or will not occur for a period of 12 months shall be stabilized.

(c) Topsoil that is a part of overburden shall not be buried or destroyed in the process of mining.

(d) The director, with concurrence of the ~~commission~~ secretary, may grant a variance from the requirements of subsections (a) and (b).

(e) A bond or security posted under this act to assure reclamation of affected lands shall not be released until all reclamation work required by this section has been performed in accordance with the provisions of this act, except when a replacement bond or security is posted by a new operator or responsibility is transferred under K.S.A. 49-610, *and amendments thereto*.

Sec. 19. K.S.A. 49-613 is hereby amended to read as follows: 49-613. (a) An operator shall reclaim affected lands within a period not to exceed three years after the filing of the report required under ~~subsection (b) of~~ K.S.A. 49-612(b), *and amendments thereto*, indicating the mining of any part of a site has been completed.

(b) For certain postmining land uses, such as a sanitary land fill, the director, with the approval of the ~~commission~~ secretary, may allow an extended reclamation period.

(c) An operator, upon completion of any reclamation work required by K.S.A. 49-611, *and amendments thereto*, shall apply to the director in writing for approval of the work. The director, within a reasonable time ~~as determined by the commission~~, shall inspect the completed reclamation work. Upon determination by the director that the operator has satisfactorily completed all required reclamation work on the land included in the application, the ~~commission~~ director shall release the bond or security on the reclaimed land, shall remove the land from registration; and shall terminate or amend, as necessary, the operator's authorization to conduct surface mining on the site.

(d) Periodic inspections may be conducted by the director or the director's designee; to ensure that the operator is following the reclamation plan.

Sec. 20. K.S.A. 49-618 is hereby amended to read as follows: 49-618. (a) The director or the director's designee, when accompanied by the operator or operator's designee during regular business hours, may inspect any lands on which any operator is authorized to operate a mine for the purpose of determining whether the operator is or has been complying with the provisions of this act.

(b) The director shall give written notice to any operator who violates any of the provisions of this act or any rules and regulations adopted by the director pursuant to this act.

(c) If corrective measures approved by the director are not commenced within 90 days, ~~the violation shall be referred to the commission. The operator shall be notified in writing of the referral~~ secretary shall, at the request of the director, issue a written order stating the nature of the violation, the penalty to be imposed and the right of the person to appeal to the secretary pursuant to K.S.A. 49-621, *and amendments thereto*.

Sec. 21. K.S.A. 49-620 is hereby amended to read as follows: 49-620. ~~The attorney general, upon request of the commission; Once an order issued pursuant to this act becomes a final order, the secretary, upon request of the director, shall institute proceedings for forfeiture of the bond posted by an operator to guarantee reclamation of a site where the operator is in violation of any of the provisions of this act or any rule and regulation adopted by the director pursuant to this act. Forfeiture of the operator's bond shall fully satisfy all obligations of the operator to reclaim affected land covered by the bond. The director shall have the power to reclaim, as required by K.S.A. 49-611, and amendments thereto, any surface mined land with respect to which a bond has been forfeited, using the proceeds of the forfeiture to pay for the necessary reclamation work.~~

Sec. 22. K.S.A. 2020 Supp. 49-621 is hereby amended to read as follows: 49-621. (a) The ~~director~~ secretary, upon finding that the operator

has failed to comply with any provision of this act, any provision of a reclamation plan or any condition of a license or site registration with which the operator is required to comply pursuant to this act, may impose upon the operator a civil penalty not exceeding \$1,000 for each day of noncompliance.

(b) All civil penalties assessed pursuant to this section shall be due and payable within 35 days after written notice of the imposition of a civil penalty has been served upon whom the penalty is being imposed, unless a longer period of time is granted by the ~~director~~ secretary or unless the operator appeals the assessment as provided in this section.

(c) No civil penalty shall be imposed under this section except upon the written order of the ~~director~~ secretary or the ~~director's~~ secretary's designee to the operator upon whom the penalty is to be imposed, stating the nature of the violation, the penalty imposed and the right of the operator upon whom the penalty is imposed to appeal to the director for a hearing on the matter. An operator upon whom a civil penalty has been imposed may appeal, within 15 days after service of the order imposing the civil penalty, to the ~~director~~ secretary. If appealed, a hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act. The decision of the ~~director~~ secretary shall be final unless review is sought under subsection (d).

(d) Any action of the ~~director~~ secretary pursuant to this section is subject to review in accordance with the Kansas judicial review act.

Sec. 23. K.S.A. 49-623 is hereby amended to read as follows: 49-623. (a) The ~~director~~ secretary, with the approval of the commission, shall adopt such rules and regulations as necessary to administer and enforce the provisions of this act.

(b) The ~~commission~~ director shall determine annually the amount necessary to carry out and enforce the provisions of this act for the next ensuing fiscal year and shall recommend to the ~~director~~ secretary such license renewal, registration application, registration and registration renewal fees as the ~~commission~~ director determines necessary for that purpose. The director shall adopt such fees by ~~rule rules and regulation~~ regulations.

(c) *Before the director submits any such proposed rules and regulations to the director of the budget, the secretary of administration and the attorney general in accordance with the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto:*

(1) *The director shall submit such rules and regulations to the commission; and*

(2) *the commission shall review and make recommendations to the director and the secretary regarding such proposed rules and regulations.*

(d) Fees for license renewal, registration and registration renewal shall be based on an operator's acres of affected land or the tonnage of materials extracted by the operator during the preceding license year, or a combination thereof.

~~(d)~~(e) Political subdivisions of the state shall be exempt from all fees imposed under this act.

Sec. 24. K.S.A. 82a-1602 is hereby amended to read as follows: 82a-1602. In order to provide public water supply storage and water related recreational facilities in the state, there is hereby established a multi-purpose small lakes program. The program shall be administered by the ~~Kansas department of agriculture division of conservation~~. Except as otherwise provided by this act, the ~~Kansas department of agriculture division of conservation~~, with the approval of the ~~state conservation commission~~ secretary, shall adopt all rules and regulations necessary to implement the provisions of this act.

Sec. 25. K.S.A. 82a-1603 is hereby amended to read as follows: 82a-1603. When used in this act:

(a) "Chief engineer" means the chief engineer of the division of water resources of the department of agriculture.

(b) "Class I funded project" means a proposed new project or renovation of an existing project located within the boundaries of an organized watershed district ~~which that~~ is receiving or is eligible to receive financial participation from the ~~Kansas department of agriculture division of conservation~~ for the flood control storage portion of the project.

(c) "Class II funded project" means a proposed new project or renovation of an existing project ~~which that~~ is receiving or is eligible to receive financial participation from the federal government.

(d) "Class III funded project" means a proposed new project or renovation of an existing project located outside the boundaries of an organized watershed district ~~which that~~ is not receiving or is not eligible to receive financial participation from the ~~Kansas department of~~

(continued)

agriculture division of conservation or the federal government except as provided in K.S.A. 82a-1606, and amendments thereto.

(e) "Division" means the division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

(f) "Flood control storage" means storage space in reservoirs to hold flood waters.

(f)(g) "Future use public water supply storage" means storage space ~~which that~~ the Kansas water office determines will be needed within the next 20 years for use by public water supply users in an area but for which there is no current sponsor.

(g)(h) "General plan" means a preliminary engineering report describing the characteristics of the project area, the nature and methods of dealing with the soil and water problems within the project area; and the projects proposed to be undertaken by the sponsor within the project area. Such plan shall include: Maps, descriptions and other data as may be necessary for the location, identification and establishment of the character of the work to be undertaken; a cost-benefit analysis of alternatives to the project, including, but not limited to, nonstructural flood control options and water conservation and reuse to reduce need for new water supply storage; and any other data and information as for the chief engineer may require.

(h)(i) "Land right" means real property as that term is defined by the laws of the state of Kansas and all rights thereto and interest therein ~~and shall include~~ includes any road, highway, bridge, street, easement or other right-of-way thereon.

(i)(j) "Multipurpose small lake project" means a dam and lake containing: (1) Flood control storage; and (2) either public water supply storage or recreation features, or both.

(j)(k) "Public water supply" means a water supply for municipal, industrial or domestic use.

(k)(l) "Public water supply storage" means storage of water for municipal, industrial or domestic use.

(l)(m) "Recreation feature" means water storage and related facilities for activities such as swimming, fishing, boating, camping or other related activities.

(m)(n) "Renovation" means repair or restoration of an existing lake ~~which that~~ contains water storage space for use as a public water supply and ~~which that~~ has either recreational purposes or flood control purposes, or both.

(n)(o) "Secretary" means the secretary of the Kansas department of agriculture.

(p) "Sponsor" means: (1) Any political subdivision of the state ~~which that~~ has the power of taxation and the right of eminent domain; (2) any public wholesale water supply district; or (3) any rural water district.

(q)(r) "Water user" means any city, rural water district, wholesale water district or any other political subdivision of the state ~~which that~~ is in the business of furnishing municipal or industrial water to the public.

Sec. 26. K.S.A. 82a-1607 is hereby amended to read as follows: 82a-1607. Sponsors shall apply to the ~~state conservation commission~~ division for participation in the multipurpose small lakes program. The review and approval process of the ~~Kansas department of agriculture~~ division of conservation shall be established by rules and regulations ~~which that~~ shall be consistent with the state water plan. Following review, the ~~Kansas department of agriculture~~ division of conservation, with the approval of the ~~state conservation commission~~ secretary, shall request appropriations for specific projects from the legislature. Any funds appropriated to carry out the provisions of this act shall be administered by the ~~Kansas department of agriculture~~ division of conservation.

Sec. 27. K.S.A. 82a-1702 is hereby amended to read as follows: 82a-1702. (a) The state shall provide financial assistance to certain public corporations for part of the costs or reimbursement of part of the costs of installation of water development projects, ~~which that~~ derive general benefits to the state as a whole; or to a section thereof beyond the boundaries of such public corporation.

(b) (1) Any public corporation shall be eligible for state financial assistance for a part of the costs it becomes actually and legally obligated to pay for all lands, easements; and rights-of-way for the water development projects in the event the ~~state~~ Kansas department of agriculture division of conservation ~~commission~~ shall find that:

(A) Such public corporation has made application for approval of such financial assistance with the Kansas department of agriculture division of conservation in such form and manner as the Kansas department of agriculture division of conservation may require, which application each public corporation is hereby authorized to make;

(B) such works will confer general flood control benefits beyond the boundaries of such public corporation in excess of 20% of the total flood control benefits of the works;

(C) such works are consistent with the state water plan;

(D) such public corporation will need such financial assistance for actual expenditures within the fiscal year next following; and

(E) the legislature has appropriated funds for the payment of such sum.

(2) The payment authorized hereunder shall be limited to an amount equal to the total costs the public corporation shall become actually and legally obligated to spend for lands, easements; and rights-of-way for such water resource development works, multiplied by the ratio that the flood control benefits conferred beyond the boundaries of the public corporation bear to the total flood control benefits of the project. Such findings shall each be made at and in such manner as is provided by procedural rules and regulations ~~which that~~ shall be adopted by the Kansas department of agriculture division of conservation with the approval of the ~~state conservation commission~~ secretary.

(c) Any public corporation receiving financial assistance under this section shall apply those sums toward the satisfaction of the legal obligations for the specific lands, easements; and rights-of-way for which it receives them or toward the reimbursement of those accounts from which those legal obligations were satisfied, in whole or in part, and it shall return to the state any sums that are not in fact so applied. In ascertaining costs of lands, easements; and rights-of-way under this section, the Kansas department of agriculture division of conservation shall not consider any costs ~~which that~~ relate to land treatment measures ~~nor~~ or any costs for which federal aid for construction costs is granted pursuant to the watershed protection and flood prevention acts or pursuant to any other federal acts.

Sec. 28. K.S.A. 2-1916, 2-3702, 49-605, 49-611, 49-613, 49-618, 49-620, 49-623, 82a-1602, 82a-1603, 82a-1607 and 82a-1702 and K.S.A. 2020 Supp. 2-1903, 2-1904, 2-1907, 2-1907c, 2-1908, 2-1915, 2-1930, 2-1931, 2-1933, 2-3708, 49-603, 49-606 and 49-621 are hereby repealed.

Sec. 29. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 049108

(Published in the Kansas Register May 6, 2021.)

## Senate Bill No. 127

AN ACT concerning drivers' licenses; relating to online renewals of commercial driver's licenses and licenses for individuals up to 65 years of age; providing for the renewal of licenses to be delivered electronically; eligibility for restricted driving privileges; renewal of expired licenses and identification cards; permitting the waiver of traffic fines and court costs in certain manifest hardship situations; providing an exclusion from the additional 90-day period for suspended or revoked licenses; amending K.S.A. 2020 Supp. 8-240, 8-247, 8-262, 8-1325 and 8-2110 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 8-2110b.

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

Section 1. K.S.A. 2020 Supp. 8-240 is hereby amended to read as follows: 8-240. (a) (1) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of \$3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. All commercial class applicants shall be charged a \$15 driving test fee for the drive test portion of the commercial driver's license application. If the applicant is not required to take an examination or the commercial license drive test, the examination or commercial drive test fee shall not be required. The examination shall consist of three tests, as follows: (A) Vision; (B) written; and (C) driving. For a commercial driver's license, the drive test shall consist of three components, as follows: (A) Pre-trip; (B) skills test; and (C) road test. If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written

test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant for a commercial driver's license fails any portion of the commercial drive test, the applicant may take such test again upon the payment of an additional drive test fee of \$10. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of \$3, except that any applicant who fails to pass the written or driving portion of an examination four times within a six-month period, shall be required to wait a period of six months from the date of the last failed examination before additional examinations may be given. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver's license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

(2) Applicants for class M licenses who have completed prior motorcycle safety training in accordance with department of defense instruction 6055.04 (DoDI 6055.04) or the motorcycle safety foundation are not required to complete further written and driving testing pursuant to paragraph (1). An applicant seeking exemption from the written and driving tests pursuant to this paragraph shall provide a copy of the motorcycle safety foundation completion form to the division prior to receiving a class M license.

(3) On and after January 1, 2017, an applicant for a class M license who passes a driving examination on a three-wheeled motorcycle ~~which~~ *that* is not an autocycle shall have a restriction placed on such applicant's license limiting the applicant to the operation of a registered three-wheeled motorcycle. An applicant for a class M license who passes a driving examination on a two-wheeled motorcycle may operate any registered two-wheeled or three-wheeled motorcycle. The driving examination required by this paragraph shall be administered by the division, by the department of defense or as part of a curriculum recognized by the motorcycle safety foundation.

(b) (1) For the purposes of obtaining any driver's license or instruction permit, an applicant shall submit, with the application, proof of age and proof of identity as the division may require. The applicant also shall provide a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant's full legal name and date of birth, and documentation showing the applicant's name, the applicant's address of principal residence and the applicant's social security number. The applicant's social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security number the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the license or permit.

(2) The division shall not issue any driver's license or instruction permit to any person who fails to provide proof that the person is lawfully present in the United States. Before issuing a driver's license or instruction permit to a person, the division shall require valid documentary evidence that the applicant: (A) Is a citizen or national of the United States; (B) is an alien lawfully admitted for permanent or temporary residence in the United States; (C) has conditional permanent resident status in the United States; (D) has an approved application for asylum in the United States or has entered into the United States in refugee status; (E) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (F) has a pending application for asylum in the United States; (G) has a pending or approved application for temporary protected status in the United States; (H) has approved deferred action status; or (I) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(3) If an applicant provides evidence of lawful presence set out in subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B), the division may only issue a driver's license to the person under the following conditions: (A) A driver's license issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's au-

thorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a driver's license issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires; (C) no driver's license issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-247(a), and amendments thereto; and (D) a driver's license issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions as set out in this subsection (b) for the issuance of the original driver's license.

(4) The division shall not issue any driver's license or instruction permit to any person who is not a resident of the state of Kansas, except as provided in K.S.A. 8-2,148, and amendments thereto.

(5) The division shall not issue a driver's license to a person holding a driver's license issued by another state without making reasonable efforts to confirm that the person is terminating or has terminated the driver's license in the other state.

(6) The parent or guardian of an applicant under 16 years of age shall sign the application for any driver's license submitted by such applicant.

(c) Every application shall state the full legal name, date of birth, gender and address of principal residence of the applicant, and briefly describe the applicant, and shall state whether the applicant has been licensed as a driver prior to such application, and, if so, when and by what state or country. Such application shall state whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. In addition, applications for commercial drivers' licenses and instruction permits for commercial licenses must include the following: The applicant's social security number; the person's signature; the person's: (1) Digital color image or photograph; or (2) a laser engraved photograph; certifications, including those required by 49 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving record information; and, any other information required by the division. Each application for a driver's license shall include a question asking if the applicant is willing to give such applicant's authorization to be listed as an organ, eye or tissue donor in the Kansas donor registry in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments *thereto*. The gift would become effective upon the death of the donor.

(d) When an application is received from a person previously licensed in another jurisdiction, the division shall request a copy of the driver's record from the other jurisdiction. When received, the driver's record shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(e) When the division receives a request for a driver's record from another licensing jurisdiction the record shall be forwarded without charge.

(f) A fee shall be charged as follows:

- (1) For a class C driver's license issued to a person at least 21 years of age, but less than 65 years of age, \$18;
- (2) for a class C driver's license issued to a person 65 years of age or older, \$12;
- (3) for a class M driver's license issued to a person at least 21 years of age, but less than 65 years of age, \$12.50;
- (4) for a class M driver's license issued to a person 65 years of age or older, \$9;
- (5) for a class A or B driver's license issued to a person who is at least 21 years of age, but less than 65 years of age, \$24;
- (6) for a class A or B driver's license issued to a person 65 years of age or older, \$16;
- (7) for any class of commercial driver's license issued to a person 21 years of age or older, \$18; or
- (8) for class A, B, C or M, or a farm permit, or any commercial driver's license issued to a person less than 21 years of age, \$20.

A fee of \$10 shall be charged for each commercial driver's license endorsement, except air brake endorsements which shall have no charge.

A fee of \$3 per year shall be charged for any renewal of a license issued prior to the effective date of this act to a person less than 21 years of age.

If one fails to make an original application or renewal application for a driver's license within the time required by law, or fails to make application within 60 days after becoming a resident of Kansas, a penalty of \$1 shall be added to the fee charged for the driver's license.

(continued)

(g) Any person who possesses an identification card as provided in K.S.A. 8-1324, and amendments thereto, shall surrender such identification card to the division upon being issued a valid Kansas driver's license or upon reinstatement and return of a valid Kansas driver's license.

(h) The division shall require that any person applying for a driver's license submit to a mandatory facial image capture. The captured facial image shall be displayed on the front of the applicant's driver's license.

(i) The director of vehicles may issue a temporary driver's license to an applicant who cannot provide valid documentary evidence as defined by subsection (b)(2), if the applicant provides compelling evidence proving current lawful presence. Any temporary license issued pursuant to this subsection shall be valid for one year.

(j) (1) For purposes of this subsection, the division may rely on the division's most recent, existing color digital image and signature image of the applicant for the class C or M driver's license or any class of commercial driver's license if the division has the information on file. The determination on whether an electronic online renewal application or equivalent of a driver's license is permitted shall be made by the director of vehicles or the director's designee. The division shall not renew a driver's license through an electronic online or equivalent process if the license has been previously renewed through an electronic online application in the immediately preceding driver's license period. No renewal under this subsection shall be granted to any person who is:

(A) Younger than 30 days from turning 21 years of age;

(B) 65 years of age or older;

(C) a registered offender pursuant to K.S.A. 22-4901 et seq., and amendments thereto; or

(D) has a person issued a temporary driver's license issued pursuant to K.S.A. 8-240(b)(3), and amendments thereto, provided the license is not otherwise withdrawn; or

(E) a person issued a commercial driver's license that has a hazardous materials endorsement.

(2) The vision examination requirements in K.S.A. 8-247(e), and amendments thereto, are not required for electronic online renewal applications, except that the electronic online renewal applicant must certify under penalty of law that the applicant's vision satisfies the requirements of K.S.A. 8-295, and amendments thereto, and has undergone an examination of eyesight by a licensed ophthalmologist or a licensed optometrist within the last year. As a condition for any electronic online renewal application, the applicant must: (A) Authorize the exchange of vision and medical information between the division and the applicant's ophthalmologist or optometrist; and (B) is at least 21 years of age, but less than 50 65 years of age. The ophthalmologist or optometrist shall have four business days to confirm or deny the vision and medical information of the applicant. If no response is received by the division, the division shall accept the vision and medical information provided for processing the renewal application. The waiver of vision examination for online renewal applications contained within this subsection shall expire on July 1, 2022.

(3) The secretary of revenue shall adopt and administer rules and regulations to implement a program to permit an electronic online renewal of a driver's license, including, but not limited to, requirements that an electronic online renewal applicant shall have previously provided documentation of identity, lawful presence and residence to the division for electronic scanning.

(4) Prior to February 1, 2022, the division shall report to the house and senate committees on transportation regarding the online renewal process of this subsection and its effects to safety on the state's roads and highways.

(5) Any person seeking to renew a commercial driver's license pursuant to this subsection shall be required to provide the division with a valid medical examiner's certificate and proof of completion of the truckers against trafficking training.

Sec. 2. K.S.A. 2020 Supp. 8-247 is hereby amended to read as follows: 8-247. (a) (1) All original licenses issued on and after July 1, 2018, shall expire as follows:

(A) Licenses issued to persons who are at least 21 years of age, but less than 65 years of age shall expire on the sixth anniversary of the date of birth of the licensee which that is nearest the date of application;

(B) licenses issued to persons who are 65 years of age or older shall expire on the fourth anniversary of the date of birth of the licensee which that is nearest the date of application;

(C) any commercial drivers license shall expire on the fifth anniversary of the date of birth of the licensee which that is nearest the date of application;

(D) licenses issued to an offender, as defined in K.S.A. 22-4902, and amendments thereto, who is required to register pursuant to the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall expire every year on the date of birth of the licensee; or

(E) licenses issued to persons who are less than 21 years of age shall expire on the licensee's 21<sup>st</sup> birthday.

(2) All renewals under: (A) Paragraph (1)(A) shall expire on every sixth anniversary of the date of birth of the licensee; (B) paragraph (1)(B) shall expire on every fourth anniversary of the date of birth of the licensee; (C) paragraph (1)(C) shall expire on every fifth anniversary of the date of birth of the licensee; (D) paragraph (1)(D) shall expire every year on the date of birth of the licensee; and (E) paragraph (1)(E), if a renewal license is issued, shall expire on the licensee's 21<sup>st</sup> birthday. No driver's license shall expire in the same calendar year in which when the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire in accordance with the provisions of this subsection.

(b) If the driver's license of any person expires while such person is outside of the state of Kansas and such person is on active duty in the armed forces of the United States, or is the spouse or a person who is residing with and is a dependent of such person on active duty, the license of such person shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the armed forces, or within 90 days after residence within the state is reestablished, whichever time is sooner. If the driver's license of any person under this subsection expires while such person is outside the United States, the division shall provide for renewal by mail, as long as the division has a photograph or digital image of such person maintained in the division's records. A driver's license renewed under the provisions of this subsection shall be renewed by mail only once.

(c) At least 30 days prior to the expiration of a person's license the division shall mail, or send electronically if authorized by the person, a notice of expiration or renewal application to such person at the address shown on the license or the electronic mail address provided to the division. The division shall include with such notice a written explanation of substantial changes to traffic regulations enacted by the legislature.

(d) (1) Except as provided in paragraph (2) and (3), every driver's license shall be renewable on or before its expiration upon application and payment of the required fee and successful completion of the examinations required by subsection (e). Application for renewal of a valid driver's license shall be made to the division in accordance with rules and regulations adopted by the secretary of revenue. Such application shall contain all the requirements of K.S.A. 8-240(b), and amendments thereto. Such notice shall also include a question asking if the applicant is willing to give such applicant's authorization to be listed as an organ, eye and tissue donor in the Kansas donor registry in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto. Upon satisfying the foregoing requirements of this subsection, and if the division makes the findings required by K.S.A. 8-235b, and amendments thereto, for the issuance of an original license, the license shall be renewed without examination of the applicant's driving ability. If the division finds that any of the statements relating to revocation, suspension or refusal of licenses required under K.S.A. 8-240(b), and amendments thereto, are in the affirmative, or if it finds that the license held by the applicant is not a valid one, or if the applicant has failed to make application for renewal of such person's license on or before the expiration date thereof, the division may require the applicant to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(2) Any licensee, whose driver's license expires on the licensee's 21<sup>st</sup> birthday, shall have 45 days from the date of expiration of such license to make application to renew such licensee's license. Such license shall continue to be valid for such 45 days or until such license is renewed, whichever occurs sooner. A licensee who renews under the provisions of this paragraph shall not be required by the division to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(3) Any licensee, whose driver's license has expired after March 12, 2020, and before March 31, 2021, shall have until June 30, 2021, to renew such licensee's driver's license.

(e) (1) Prior to renewal of a driver's license, the applicant shall pass an examination of eyesight. Such examination shall be equivalent to the

test required for an original driver's license under K.S.A. 8-235d, and amendments thereto. A driver's license examiner shall administer the examination without charge and shall report the results of the examination on a form provided by the division.

(2) In lieu of the examination of the applicant's eyesight by the examiner, the applicant may submit a report on the examination of eyesight by a physician licensed to practice medicine and surgery or by a licensed optometrist. The report shall be based on an examination of the applicant's eyesight not more than three months prior to the date the report is submitted, and it shall be made on a form furnished by the division to the applicant.

(3) The division shall determine whether the results of the eyesight examination or report is sufficient for renewal of the license and, if the results of the eyesight examination or report is insufficient, the division shall notify the applicant of such fact and return the license fee. In determining the sufficiency of an applicant's eyesight, the division may request an advisory opinion of the medical advisory board, ~~which and the board~~ is hereby authorized to render such opinions.

(4) An applicant who is denied a license under this subsection ~~(e)~~ may reapply for renewal of such person's driver's license, except that if such application is not made within 90 days of the date the division sent notice to the applicant that the license would not be renewed, the applicant shall proceed as if applying for an original driver's license.

(5) When the division has good cause to believe that an applicant for renewal of a driver's license is incompetent or otherwise not qualified to operate a motor vehicle in accord with the public safety and welfare, the division may require such applicant to submit to such additional examinations as are necessary to determine that the applicant is qualified to receive the license applied for. Subject to paragraph (6), in so evaluating such qualifications, the division may request an advisory opinion of the medical advisory board ~~which, and the board~~ is hereby authorized to render such opinions in addition to its duties prescribed by K.S.A. 8-255b(b), and amendments thereto. Any such applicant who is denied the renewal of such a driver's license because of a mental or physical disability shall be afforded a hearing in the manner prescribed by K.S.A. 8-255(c), and amendments thereto.

(6) Seizure disorders ~~which that~~ are controlled shall not be considered a disability. In cases where such seizure disorders are not controlled, the director or the medical advisory board may recommend that such person be issued a driver's license to drive class C or M vehicles and restricted to operating such vehicles as the division determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued pursuant to this paragraph shall be subject to suspension or revocation. For the purpose of this paragraph, seizure disorders ~~which that~~ are controlled means that the licensee has not sustained a seizure involving a loss of consciousness in the waking state within six months preceding the application or renewal of a driver's license and whenever a person licensed to practice medicine and surgery makes a written report to the division stating that the licensee's seizures are controlled. The report shall be based on an examination of the applicant's medical condition not more than three months prior to the date the report is submitted. Such report shall be made on a form furnished to the applicant by the division. Any physician who makes such report shall not be liable for any damages ~~which that~~ may be attributable to the issuance or renewal of a driver's license and subsequent operation of a motor vehicle by the licensee.

(f) If the driver's license of any person expires while such person is outside the state of Kansas, the license of such person shall be extended for a period not to exceed six months and shall be renewable, without a driving examination, at any time prior to the end of the sixth month following the original expiration date of such license or within 10 days after such person returns to the state, whichever time is sooner. This subsection shall not apply to temporary drivers' licenses issued pursuant to K.S.A. 8-240(b)(3), and amendments thereto.

(g) (1) The division shall reference the website of the agency in a person's notice of expiration or renewal under subsection (c). The division shall provide the following information on the website of the agency:

~~(1)(A)~~ Information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-243, and amendments thereto, and the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto;

~~(2)(B)~~ information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the

surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

~~(3)(C)~~ information giving the applicant the opportunity to be placed on the organ donation registry described in ~~paragraph (2); subparagraph (B); and~~

~~(4)~~ ~~inform the applicant(D)~~ information that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in ~~paragraph (2) subparagraph (B)~~, the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by ~~paragraph (6) (3);~~

~~(5)(2)~~ the division may fulfill the requirements of ~~paragraph (4) (1)(D)~~ by one or more of the following methods:

(A) Providing such information on the website of the agency; or  
(B) providing printed material to an applicant who personally appears at an examining station; ~~and.~~

~~(6)(3)~~ If an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry, the division shall within 10 days forward the applicant's name, gender, date of birth and most recent address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and forwarded under this paragraph shall be confidential and not disclosed.

(h) Notwithstanding any other provisions of law, any offender under subsection (a)(1)(D) who held a valid driver's license on the effective date of this act may continue to operate motor vehicles until the next anniversary of the date of birth of such offender. Upon such date such driver's license shall expire and the offender shall be subject to the provisions of this section.

~~(i)~~ ~~The director of the division of vehicles shall submit a report to the legislature at the beginning of the regular session in 2012 regarding the impact of not requiring a written test for the renewal of a driver's license, including any cost savings to the division.~~

Sec. 3. K.S.A. 2020 Supp. 8-262 is hereby amended to read as follows: 8-262. (a) (1) Any person who drives a motor vehicle on any highway of this state at a time when such person's privilege so to do is canceled, suspended or revoked or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, shall be guilty of a class B nonperson misdemeanor on the first conviction and a class A nonperson misdemeanor on the second or subsequent conviction.

(2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, and amendments thereto, to the return of such person's driver's license.

(3) Except as otherwise provided by subsection (a)(4) or (c), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second conviction shall not be eligible for parole until completion of five days' imprisonment.

(4) Except as otherwise provided by subsection (c), if a person: (A) Is convicted of a violation of this section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any ordinance of any city or resolution of any county or a law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes; and (B) is or has been also convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any ordinance of any city or resolution of any county or law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes, committed while the person's privilege to drive or privilege to obtain a driver's license was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

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(b) (1) Except as provided by subsection (b)(2), the division, upon receiving a record of the conviction of any person under this section, or any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section, upon a charge of driving a vehicle while the license of such person is revoked or suspended, shall extend the period of such suspension or revocation for an additional period of 90 days.

(2) For any person found guilty of driving a vehicle while the license of such person is suspended for violating K.S.A. 8-2110, and amendments thereto, such offense shall not extend the additional period of suspension pursuant to subsection (b)(1).

(c) (1) The person found guilty of a class A nonperson misdemeanor or on a third or subsequent conviction of this section shall be sentenced to not less than 90 days' imprisonment and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended or revoked because such person:

(A) Refused to submit and complete any test of blood, breath or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;

(B) was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;

(C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as defined in K.S.A. 2020 Supp. 21-5405(a)(3) and (a)(5), and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or

(D) was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.

(2) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments thereto, or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

(d) For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or resolution of any county or a law of another state which that is in substantial conformity with this section.

Sec. 4. K.S.A. 2020 Supp. 8-1325 is hereby amended to read as follows: 8-1325. (a) Every identification card shall expire, unless earlier canceled or subsection (c) of K.S.A. 8-1324, and amendments thereto, applies, on the sixth birthday of the applicant following the date of original issue, except as otherwise provided by K.S.A. 8-1329, and amendments thereto. Renewal of any identification card shall be made for a term of six years and shall expire in a like manner as the originally issued identification card, unless surrendered earlier or subsection (c) of K.S.A. 8-1324, and amendments thereto, applies. For any person who has been issued an identification card, the division shall mail a notice of expiration or renewal at least 30 days prior to the expiration of such person's identification card at the address shown on such identification card. The division shall include with such notice, written information required under subsection (b). Any application for renewal received later than 90 days after expiration of the identification card shall be considered to be an application for an original identification card. The division shall require payment of a fee of \$14 for each identification card renewal, except that persons who are 65 or more years of age or who are persons with a disability, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10. Any identification card holder, whose identification card has expired after March 12, 2020, and before March 31, 2021, shall have until June 30, 2021, to renew such identification card.

(b) The division shall reference the website of the agency in a person's notice of expiration or renewal under subsection (a). The division shall provide the following information on the website of the agency:

(1) Information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-1328, and amendments thereto,

and the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto;

(2) information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

(3) information giving the applicant the opportunity to be placed on the organ donation registry described in paragraph (2);

(4) inform the applicant that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in paragraph (2), the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by paragraph (6);

(5) the division may fulfill the requirements of paragraph (4) by one or more of the following methods:

(A) Providing such information on the website of the agency; or

(B) providing printed material to an applicant who personally applies for an identification card; and

(6) if an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry described, the division shall within 10 days forward the applicant's name, gender, date of birth and address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and forwarded under this paragraph shall be confidential and not disclosed.

Sec. 5. K.S.A. 2020 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to: (1) Appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed; or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) (1) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges. The district or municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the district or municipal court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the en-



tire amount in the state treasury to the credit of the division of vehicles operating fund.

(B) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges, ~~with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund.~~ An individual shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met: (i) The suspended license that expired was issued by the division of vehicles; (ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b)(1); and (iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state; ~~and (iv) the individual has not previously received a stayed suspension as a result of a driving while suspended conviction.~~

(C) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have been complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to comply with the traffic citation within the one year restricted period, the driving privileges will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances: (i) In going to or returning from the person's place of employment or schooling; (ii) in the course of the person's employment; (iii) in going to or returning from an appointment with a health care provider or during a medical emergency; and (iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court.

~~(c) (1) Prior to July 1, 2018, except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$59 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit 42.37% of such moneys to the division of vehicles operating fund, 31.78% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 10.59% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2020 Supp. 20-1a15, and amendments thereto.~~

(2) On and after July 1, 2018, except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$100 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit the first \$15 of such reinstatement fee to the judicial branch nonjudicial salary adjustment fund and of the remaining amount, 29.41% of such moneys to the division of vehicles operating fund, 22.06% to the community alcoholism

and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 41.17% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2020 Supp. 20-1a15, and amendments thereto.

(d) The district court or municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the state of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service.

(e) (1) A person who is assessed a reinstatement fee pursuant to subsection (c) may petition the court that assessed the fee at any time to waive payment of the fee, any additional charge imposed pursuant to subsection (f), or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(2) *A person who is assessed a fine or court costs for a traffic citation may petition the court that assessed the fine or costs at any time to waive payment of the fine or costs, or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.*

(f) Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2017, through June 30, 2019 July 1, 2019, through June 30, 2025, the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

Sec. 6. K.S.A. 2020 Supp. 8-240, 8-247, 8-262, 8-1325, 8-2110 and 8-2110b are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 049109

(Published in the Kansas Register May 6, 2021.)

## House Bill No. 2143

AN ACT concerning sales taxation; relating to exemptions; extending the sunset date of the exemption of certain cash rebates on sales or leases of new motor vehicles; modifying the exemption for construction materials for certain educational institutions; defining nonprofit integrated community care organizations and providing an exemption therefor; providing an exemption for friends of hospice of Jefferson county; relating to returns and payment of tax by retailers; increasing sales tax collection thresholds; amending K.S.A. 79-3602, 79-3606 and 79-3607 and repealing the existing sections.

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

Section 1. K.S.A. 79-3602 is hereby amended to read as follows: 79-3602. Except as otherwise provided, as used in the Kansas retailers' sales tax act:

(a) "Agent" means a person appointed by a seller to represent the seller before the member states.

(b) "Agreement" means the multistate agreement entitled the streamlined sales and use tax agreement approved by the streamlined sales tax implementing states at Chicago, Illinois on November 12, 2002.

(c) "Alcoholic beverages" means beverages that are suitable for human consumption and contain 0.05% or more of alcohol by volume.

(d) "Certified automated system (CAS)" means software certified under the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction.

(continued)

(e) "Certified service provider (CSP)" means an agent certified under the agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(f) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(g) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(h) "Delivered electronically" means delivered to the purchaser by means other than tangible storage media.

(i) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating and packing. Delivery charges shall not include charges for delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(j) "Direct mail" means printed material delivered or distributed by United States mail or other delivery services to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. Direct mail includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail does not include multiple items of printed material delivered to a single address.

(k) "Director" means the state director of taxation.

(l) "Educational institution" means any nonprofit school, college and university that offers education at a level above the 12<sup>th</sup> grade, and conducts regular classes and courses of study required for accreditation by, or membership in, the higher learning commission, the state board of education, or that otherwise qualify as an "educational institution," as defined by K.S.A. 74-50,103, and amendments thereto. Such phrase shall include: (1) A group of educational institutions that operates exclusively for an educational purpose; (2) nonprofit endowment associations and foundations organized and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole benefit of an educational institution; (3) nonprofit trusts, foundations and other entities organized and operated principally to hold and own receipts from intercollegiate sporting events and to disburse such receipts, as well as grants and gifts, in the interest of collegiate and intercollegiate athletic programs for the support and sole benefit of an educational institution; and (4) nonprofit trusts, foundations and other entities organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigations and industrial and other types of research for the support and sole benefit of an educational institution.

(m) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(n) "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include alcoholic beverages or tobacco.

(o) "Gross receipts" means the total selling price or the amount received as defined in this act, in money, credits, property or other consideration valued in money from sales at retail within this state; and embraced within the provisions of this act. The taxpayer, may take credit in the report of gross receipts for: (1) An amount equal to the selling price of property returned by the purchaser when the full sale price thereof, including the tax collected, is refunded in cash or by credit; and (2) an amount equal to the allowance given for the trade-in of property.

(p) "Ingredient or component part" means tangible personal property which that is necessary or essential to, and which that is actually used in and becomes an integral and material part of tangible personal property or services produced, manufactured or compounded for sale by the producer, manufacturer or compounder in its regular course of business. The following items of tangible personal property are hereby declared to be ingredients or component parts, but the listing of such property shall not be deemed to be exclusive nor shall such listing be construed to be a restriction upon, or an indication of, the type or types of property to be included within the definition of "ingredient or component part" as herein set forth:

(1) Containers, labels and shipping cases used in the distribution of property produced, manufactured or compounded for sale which that are not to be returned to the producer, manufacturer or compounder for reuse.

(2) Containers, labels, shipping cases, paper bags, drinking straws, paper plates, paper cups, twine and wrapping paper used in the distribution and sale of property taxable under the provisions of this act by wholesalers and retailers and which that is not to be returned to such wholesaler or retailer for reuse.

(3) Seeds and seedlings for the production of plants and plant products produced for resale.

(4) Paper and ink used in the publication of newspapers.

(5) Fertilizer used in the production of plants and plant products produced for resale.

(6) Feed for animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber, fur, or the production of offspring for use for any such purpose or purposes.

(q) "Isolated or occasional sale" means the nonrecurring sale of tangible personal property, or services taxable hereunder by a person not engaged at the time of such sale in the business of selling such property or services. Any religious organization which that makes a non-recurring sale of tangible personal property acquired for the purpose of resale shall be deemed to be not engaged at the time of such sale in the business of selling such property. Such term shall include: (1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property which that has been repossessed by any such entity; and (2) any sale of tangible personal property made by an auctioneer or agent on behalf of not more than two principals or households if such sale is nonrecurring and any such principal or household is not engaged at the time of such sale in the business of selling tangible personal property.

(r) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.

(1) Lease or rental does not include: (A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) a transfer or possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of \$100 or 1% of the total required payments; or

(C) providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subsection, an operator must do more than maintain, inspect or set-up the tangible personal property.

(2) Lease or rental does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

(3) This definition shall be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the internal revenue code, the uniform commercial code, K.S.A. 84-1-101 et seq., and amendments thereto, or other provisions of federal, state or local law.

(4) This definition will be applied only prospectively from the effective date of this act and will have no retroactive impact on existing leases or rentals.

(s) "Load and leave" means delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

(t) "Member state" means a state that has entered in the agreement, pursuant to provisions of article VIII of the agreement.

(u) "Model 1 seller" means a seller that has selected a CSP as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(v) "Model 2 seller" means a seller that has selected a CAS to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

(w) "Model 3 seller" means a seller that has sales in at least five member states, has total annual sales revenue of at least \$500,000,000, has a proprietary system that calculates the amount of tax due each jurisdiction and has entered into a performance agreement with the member states that establishes a tax performance standard for the sell-

er. As used in this subsection a seller includes an affiliated group of sellers using the same proprietary system.

(x) "Municipal corporation" means any city incorporated under the laws of Kansas.

(y) "Nonprofit blood bank" means any nonprofit place, organization, institution or establishment that is operated wholly or in part for the purpose of obtaining, storing, processing, preparing for transfusing, furnishing, donating or distributing human blood or parts or fractions of single blood units or products derived from single blood units, whether or not any remuneration is paid therefor, or whether such procedures are done for direct therapeutic use or for storage for future use of such products.

(z) "Persons" means any individual, firm, copartnership, joint adventure, association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number; and shall specifically mean any city or other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

(aa) "Political subdivision" means any municipality, agency or subdivision of the state ~~which that is~~, or shall hereafter be, authorized to levy taxes upon tangible property within the state or ~~which that certifies~~ a levy to a municipality, agency or subdivision of the state ~~which that is~~, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law and the horsethief reservoir benefit district established pursuant to K.S.A. 82a-2201, and amendments thereto.

(bb) "Prescription" means an order, formula or recipe issued in any form of oral, written, electronic or other means of transmission by a duly licensed practitioner authorized by the laws of this state.

(cc) "Prewritten computer software" means computer software, including prewritten upgrades, ~~which that is~~ not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software, except that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.

(dd) "Property which is consumed" means tangible personal property ~~which that is~~ essential or necessary to and ~~which that is~~ used in the actual process of and consumed, depleted or dissipated within one year in: (1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property; (2) the providing of services; (3) the irrigation of crops, for sale in the regular course of business; or (4) the storage or processing of grain by a public grain warehouse or other grain storage facility, and which is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, ~~which that~~ qualifies as property ~~which that is~~ consumed:

(A) Insecticides, herbicides, germicides, pesticides, fungicides, fumigants, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural production, processing or storage of fruit, vegetables, feeds, seeds, grains, animals or animal products whether fed, injected, applied, combined with or otherwise used;

(B) electricity, gas and water; and

(C) petroleum products, lubricants, chemicals, solvents, reagents and catalysts.

(ee) "Purchase price" applies to the measure subject to use tax and has the same meaning as sales price.

(ff) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(gg) "Quasi-municipal corporation" means any county, township, school district, drainage district or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

(hh) "Registered under this agreement" means registration by a seller with the member states under the central registration system provided in article IV of the agreement.

(ii) "Retailer" means a seller regularly engaged in the business of selling, leasing or renting tangible personal property at retail or furnishing electrical energy, gas, water, services or entertainment, and selling only to the user or consumer and not for resale.

(jj) "Retail sale" or "sale at retail" means any sale, lease or rental for any purpose other than for resale, sublease or subrent.

(kk) "Sale" or "sales" means the exchange of tangible personal property, as well as the sale thereof for money, and every transaction, conditional or otherwise, for a consideration, constituting a sale, including the sale or furnishing of electrical energy, gas, water, services or entertainment taxable under the terms of this act and including, except as provided in the following provision, the sale of the use of tangible personal property by way of a lease, license to use or the rental thereof regardless of the method by which the title, possession or right to use the tangible personal property is transferred. The term "sale" or "sales" shall not mean the sale of the use of any tangible personal property used as a dwelling by way of a lease or rental thereof for a term of more than 28 consecutive days.

(ll) (1) "Sales or selling price" applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property and services, for which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(A) The seller's cost of the property sold;

(B) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller and any other expense of the seller;

(C) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

(D) delivery charges; and

(E) installation charges.

(2) "Sales or selling price" includes consideration received by the seller from third parties if:

(A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) the seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) one of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) the purchaser identifies to the seller that the purchaser is a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group; or

(iii) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

(3) "Sales or selling price" shall not include:

(A) Discounts, including cash, term or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(B) interest, financing and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser;

(C) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;

(D) the amount equal to the allowance given for the trade-in of property, if separately stated on the invoice, billing or similar document given to the purchaser; and

(E) commencing on July 1, 2018, and ending on June 30, ~~2021~~ 2024, cash rebates granted by a manufacturer to a purchaser or lessee of a

(continued)

new motor vehicle if paid directly to the retailer as a result of the original sale.

(mm) "Seller" means a person making sales, leases or rentals of personal property or services.

(nn) "Service" means those services described in and taxed under the provisions of K.S.A. 79-3603, and amendments thereto.

(oo) "Sourcing rules" means the rules set forth in K.S.A. 79-3670 through 79-3673, K.S.A. 12-191 and 12-191a, and amendments thereto, which shall apply to identify and determine the state and local taxing jurisdiction sales or use taxes to pay, or collect and remit on a particular retail sale.

(pp) "Tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam and prewritten computer software.

(qq) "Taxpayer" means any person obligated to account to the director for taxes collected under the terms of this act.

(rr) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco or any other item that contains tobacco.

(ss) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

(tt) "Over-the-counter drug" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The over-the-counter drug label includes: (1) A drug facts panel; or (2) a statement of the active ingredients with a list of those ingredients contained in the compound, substance or preparation. Over-the-counter drugs do not include grooming and hygiene products such as soaps, cleaning solutions, shampoo, toothpaste, antiperspirants and sun tan lotions and screens.

(uu) "Ancillary services" means services that are associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed telecommunications billing, directory assistance, vertical service and voice mail services.

(vv) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.

(ww) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(xx) "Directory assistance" means an ancillary service of providing telephone number information or address information, or both.

(yy) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

(zz) "Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(aaa) "Telecommunications service" means the electronic transmission, conveyance or routing of voice, data, audio, video or any other information or signals to a point, or between or among points. The term telecommunications service includes such transmission, conveyance or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmissions, conveyance or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the federal communications commission as enhanced or value added. Telecommunications service does not include:

(1) Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(2) installation or maintenance of wiring or equipment on a customer's premises;

(3) tangible personal property;

(4) advertising, including, but not limited to, directory advertising;

(5) billing and collection services provided to third parties;

(6) internet access service;

(7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission,

conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. § 20.3;

(8) ancillary services; or

(9) digital products delivered electronically, including, but not limited to, software, music, video, reading materials or ring tones.

(bbb) "800 service" means a telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name 800, 855, 866, 877 and 888 toll-free calling, and any subsequent numbers designated by the federal communications commission.

(ccc) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. 900 service does not include the charge for collection services provided by the seller of the telecommunications services to the subscriber, or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name 900 service, and any subsequent numbers designated by the federal communications commission.

(ddd) "Value-added non-voice data service" means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing.

(eee) "International" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. United States includes the District of Columbia or a U.S. territory or possession.

(fff) "Interstate" means a telecommunications service that originates in one United States state, or a United States territory or possession, and terminates in a different United States state or a United States territory or possession.

(ggg) "Intrastate" means a telecommunications service that originates in one United States state or a United States territory or possession, and terminates in the same United States state or a United States territory or possession.

(hhh) "Cereal malt beverage" shall have the same meaning as such term is defined in K.S.A. 41-2701, and amendments thereto, except that for the purposes of the Kansas retailers sales tax act and for no other purpose, such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

(iii) "Nonprofit integrated community care organization" means an entity that is:

(1) Exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(2) certified to participate in the medicare program as a hospice under 42 C.F.R. § 418 et seq. and focused on providing care to the aging and indigent population at home and through inpatient care, adult daycare or assisted living facilities and related facilities and services across multiple counties; and

(3) approved by the Kansas department for aging and disability services as an organization providing services under the program of all-inclusive care for the elderly as defined in 42 U.S.C. § 1396u-4 and regulations implementing such section.

Sec. 2. K.S.A. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes and electronic cigarettes as defined by K.S.A. 79-3301, and amendments thereto, including consumable material for such electronic cigarettes, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, that is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, dry-cleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a

school or educational institution, or purchased by a public or private nonprofit hospital ~~or~~, public hospital authority ~~or~~, nonprofit blood, tissue or organ bank *or nonprofit integrated community care organization* and used exclusively for state, political subdivision, hospital ~~or~~, public hospital authority ~~or~~, nonprofit blood, tissue or organ bank *or nonprofit integrated community care organization* purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation, *except that such exemption shall apply to the erection, construction, repair, enlargement or equipment of buildings used for human habitation by the cerebral palsy research foundation of Kansas located in Wichita, Kansas, and multi community diversified services, incorporated, located in McPherson, Kansas;*

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, that would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and that would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities that are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing

project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, that would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold

(continued)

to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of K.S.A. 79-3603(o), and amendments thereto;

(m) all sales of tangible personal property that become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property that is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopeia, official homeopathic pharmacopeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the state board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by K.S.A. 74-5807(c), and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) "Mobility enhancing equipment" means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) "prosthetic device" means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased direct-

ly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq., and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq. or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment or aquaculture machinery and equipment" shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. "Farm machinery and equipment" includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. "Precision farming equipment" includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b, *Second* through *Sixth*. As used in this paragraph, "severing" means the same as defined in K.S.A. 79-4216(k), and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto;

(aa) all sales of materials and services applied to equipment that is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and that is sub-

sequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) "Mobile homes" and "manufactured homes" mean the same as defined in K.S.A. 58-4202, and amendments thereto; and (2) "sales of used mobile homes or manufactured homes" means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased prior to January 1, 2012, except as otherwise provided, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business that meets the requirements established in K.S.A. 74-50,115, and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business that meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. As used in this subsection, "business" and "retail business" mean the same as defined in K.S.A. 74-50,114, and amendments thereto. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the project or two years from the effective date of the certificate, whichever occurs earlier. Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;

(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, "mobile homes" and "manufactured homes" mean the same as defined in K.S.A. 58-4202, and amendments thereto;

(gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, "durable medical equipment" means equipment including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does

not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based facility for people with intellectual disability or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 2020 Supp. 39-2001 et seq., and amendments thereto, and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based facility for people with intellectual disability or mental health center located in Riverton, Cherokee County, Kansas, that would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment that are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) "Integrated production operation" means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) "production line" means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) "manufacturing or processing plant or facility" means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

(D) "manufacturing or processing business" means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed or otherwise treated or prepared before its transmission to a refinery or before any other

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wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) "repair and replacement parts and accessories" means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) "primary" or "primarily" mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer's integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or delivered from off-site, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild

tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E); (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low-income individuals;



(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization that is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property that will admit the purchaser thereof to any annual event sponsored by a nonprofit organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations that are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo that would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the

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director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(yy) all sales of tangible personal property and services purchased by a parent-teacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;

(zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station that is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;

(aaa) all sales of tangible personal property and services purchased by a religious organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempt-

ed by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program that offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center that would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance of such exemption, the total amount of sales tax that would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business' retail operations, if any, and that do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas academy of science, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations that distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misde-

meanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jii) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(iii) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction

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machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization that would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of

taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum that has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city that has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and that would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children's service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or re-

modeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by jazz in the woods, inc., a Kansas corporation that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing jazz in the woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac education foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the

sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation, which is exempt from federal income

(continued)

taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization's annual fundraising event which purpose is to provide health care services for uninsured workers;

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing such organization's annual fundraiser, an event whose purpose is to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(dddd) all sales of tangible personal property or services purchased by or on behalf of goodwill industries or Easter seals of Kansas, inc., both of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by or on behalf of all American beef battalion, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services;

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or intellectual disability, or both, and all sales of any such property by or on behalf of sheltered living, inc., for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, inc., for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc., contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to sheltered living, inc., a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc., shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover

the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(iiii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and,

upon conviction, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(jjjj) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need;

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community;

(llll) all sales of tangible personal property and services purchased by Gove county healthcare endowment foundation, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of constructing and equipping an airport in Quinter, Kansas, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing and equipping an airport in Quinter, Kansas, for such organization, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing or equipping of facilities for such organization. When such organization shall contract for the purpose of constructing or equipping an airport in Quinter, Kansas, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation no later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. The provisions of this subsection shall expire and have no effect on and after July 1, 2019; and

(mmmm) all sales of gold or silver coins; and palladium, platinum, gold or silver bullion. For the purposes of this subsection, "bullion" means bars, ingots or commemorative medallions of gold, silver, platinum, palladium, or a combination thereof, for which the value of the metal depends on its content and not the form; and

(nnnn) all sales of tangible personal property or services purchased by friends of hospice of Jefferson county, an organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the purpose of providing support to the Jefferson county hospice agency in end-of-life care of Jefferson county families, friends and neighbors, and all sales of entry or participation fees, charges or tickets by friends of hospice of Jefferson county for such organization's fundraising event for such purpose.

Sec. 3. On and after January 1, 2024, K.S.A. 79-3607 is hereby amended to read as follows: 79-3607. (a) Retailers shall make returns to the director at the times prescribed by this section in the manner prescribed by the director, including electronic filing, upon forms or

format prescribed by the director stating: (1) The name and address of the retailer; (2) the total amount of gross sales of all tangible personal property and taxable services rendered by the retailer during the period for which the return is made; (3) the total amount received during the period for which the return is made on charge and time sales of tangible personal property made and taxable services rendered prior to the period for which the return is made; (4) deductions allowed by law from such total amount of gross sales and from total amount received during the period for which the return is made on such charge and time sales; (5) receipts during the period for which the return is made from the total amount of sales of tangible personal property and taxable services rendered during such period in the course of such business, after deductions allowed by law have been made; (6) receipts during the period for which the return is made from charge and time sales of tangible personal property made and taxable services rendered prior to such period in the course of such business, after deductions allowed by law have been made; (7) gross receipts during the period for which the return is made from sales of tangible personal property and taxable services rendered in the course of such business upon the basis of which the tax is imposed. The return shall include such other pertinent information as the director may require. In making such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by the retailer during the period for which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under paragraph (4) of this section in case the retailer has theretofore included the receipts from such sale in a return made by such retailer and paid taxes therein imposed by this act. The retailer shall, at the time of making such return, pay to the director the amount of tax herein imposed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this act for any period not to exceed 60 days under such rules and regulations as the secretary of revenue may prescribe. When the total tax for which any retailer is liable under this act, does not exceed the sum of \$400 \$1,000 in any calendar year, the retailer shall file an annual return on or before January 25 of the following year. When the total tax liability does not exceed \$4,000 \$5,000 in any calendar year, the retailer shall file returns quarterly on or before the 25<sup>th</sup> day of the month following the end of each calendar quarter. When the total tax liability exceeds \$4,000 \$5,000 in any calendar year, the retailer shall file a return for each month on or before the 25<sup>th</sup> day of the following month. ~~When the total tax liability exceeds \$40,000 in any calendar year, the retailer shall be required to pay the sales tax liability for the first 15 days of each month to the director on or before the 25<sup>th</sup> day of that month. Any such payment shall accompany the return filed for the preceding month. A retailer will be considered to have complied with the requirements to pay the first 15 days' liability for any month if, on or before the 25<sup>th</sup> day of that month, the retailer paid 90% of the liability for that fifteen-day period; or 50% of such retailer's liability in the immediately preceding calendar year for the same month as the month in which the fifteen-day period occurs computed at the rate applicable in the month in which the fifteen-day period occurs, and, in either case, paid any underpayment with the payment required on or before the 25<sup>th</sup> day of the following month. Such retailers shall pay their sales tax liabilities for the remainder of each such month at the time of filing the return for such month. When the total tax liability exceeds \$50,000 in any calendar year, the retailer shall be required to pay the sales tax liability for the first 15 days of each month to the director on or before the 25<sup>th</sup> day of that month. Any such payment shall accompany the return filed for the preceding month. A retailer will be considered to have complied with the requirements to pay the first 15 days' liability for any month if, on or before the 25<sup>th</sup> day of that month, the retailer paid 90% of the liability for that 15-day period or 50% of such retailer's liability in the immediately preceding calendar year for the same month as the month in which the 15-day period occurs computed at the rate applicable in the month in which the 15-day period occurs, and, in either case, paid any underpayment with the payment required on or before the 25<sup>th</sup> day of the following month. Such retailers shall pay their sales tax liabilities for the remainder of each such month at the time of filing the return for such month. Determinations of amounts of liability in a calendar year for purposes of determining filing requirements shall be made by the director upon the basis of amounts of liability by those retailers during the preceding calendar year or by estimates in cases of retailers having no previous sales tax histories. The director~~

(continued)

is hereby authorized to modify the filing schedule for any retailer when it is apparent that the original determination was inaccurate.

(b) All model 1, model 2 and model 3 sellers are required to file returns electronically. Any model 1, model 2 or model 3 seller may submit its sales and use tax returns in a simplified format approved by the director. Any seller that is registered under the agreement, which does not have a legal requirement to register in this state, and is not a model 1, model 2 or model 3 seller, may submit its sales and use tax returns as follows:

(1) Upon registration, the director shall provide to the seller the returns required;

(2) seller shall file a return anytime within one year of the month of initial registration, and future returns are required on an annual basis in succeeding years; and

(3) in addition to the returns required in subsection (b)(2), sellers are required to submit returns in the month following any month in which they have accumulated state and local sales tax funds for this state in the amount of \$1,600 or more.

Sec. 4. K.S.A. 79-3602 and 79-3606 are hereby repealed.

Sec. 5. On and after January 1, 2024, K.S.A. 79-3607 is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 049110

(Published in the Kansas Register May 6, 2021.)

## Senate Substitute for House Bill No. 2208

AN ACT concerning health and healthcare; relating to health professions and facilities; establishing rural emergency hospitals as a rural healthcare licensure category; requirements for licensure; certification and funding of certified community behavioral health clinics; prescribing powers, duties and functions of the Kansas department for aging and disability services and the department of health and environment related thereto; authorizing the issuance of telemedicine waivers for the practice of telemedicine by out-of-state healthcare providers; relating to professions regulated by the behavioral sciences regulatory board; reducing certain licensing requirements; expanding temporary practice permits and the board's grounds for discipline; providing grant assistance to hospitals in certain counties; prescribing powers, duties and functions of the secretary of health and environment related thereto; establishing the rural hospital innovation grant program and rural hospital innovation grant fund; amending K.S.A. 65-425, 65-431, 65-5804a, 65-5807a, 65-5808, 65-5809, 65-6309a, 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp. 65-6306 and 65-6411 and repealing the existing sections.

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

New Section 1. Sections 1 through 8, and amendments thereto, shall be known and may be cited as the rural emergency hospital act.

New Sec. 2. The legislature of the state of Kansas recognizes the importance and necessity of providing and regulating the system by which healthcare services are structured and integrated to promote the availability of and access to necessary and appropriate healthcare to protect the general health, safety and welfare of the rural residents of Kansas. The legislature of the state of Kansas seeks to: Improve the health of the rural population of Kansas; preserve access to healthcare; encourage collaboration among rural healthcare providers; promote delivery of quality rural healthcare; promote efficiency and efficacy of rural healthcare; embrace technology in the delivery of rural healthcare; and promote adequate and fair reimbursement for rural healthcare services. To this end, it is the policy of the state of Kansas to create a category of licensure to enable certain Kansas hospitals to receive federal healthcare reimbursement as rural emergency hospitals, and the implementation of this act facilitates such policy.

New Sec. 3. As used in the rural emergency hospital act:

(a) "Act" means the rural emergency hospital act.

(b) "Rural emergency hospital" means an establishment that:

(1) Meets the eligibility requirements described in section 4, and amendments thereto;

(2) provides rural emergency hospital services;

(3) provides rural emergency hospital services in the facility 24 hours per day by maintaining an emergency department that is staffed 24 hours per day, 7 days per week, with a physician, nurse practitioner, clinical nurse specialist or physician assistant;

(4) has a transfer agreement in effect with a level I or level II trauma center; and

(5) meets such other requirements as the department of health and environment finds necessary in the interest of the health and safety of individuals who are provided rural emergency hospital services and to implement state licensure that satisfies requirements for reimbursement by federal healthcare programs as a rural emergency hospital.

(c) "Rural emergency hospital services" means the following services, provided by a rural emergency hospital, that do not require in excess of an annual per-patient average of 24 hours in such rural emergency hospital:

(1) Emergency department services and observation care; and

(2) at the election of the rural emergency hospital, for services provided on an outpatient basis, other medical and health services as specified in regulations adopted by the United States secretary of health and human services and authorized by the department of health and environment.

(d) "Secretary" means the secretary of health and environment.

New Sec. 4. (a) A facility shall be eligible to apply for a rural emergency hospital license if such facility, as of December 27, 2020, was a:

(1) Licensed critical access hospital;

(2) general hospital with not more than 50 licensed beds located in a county in a rural area as defined in section 1886(d)(2)(D) of the federal social security act; or

(3) general hospital with not more than 50 licensed beds that is deemed as being located in a rural area pursuant to section 1886(d)(8)(E) of the federal social security act.

(b) A facility applying for licensure as a rural emergency hospital shall include with the licensure application:

(1) An action plan for initiating rural emergency hospital services, including a detailed transition plan that lists the specific services that the facility will retain, modify, add and discontinue;

(2) a description of services that the facility intends to provide on an outpatient basis; and

(3) such other information as required by rules and regulations adopted by the department of health and environment.

(c) A rural emergency hospital shall not have inpatient beds, except that such hospital may have a unit that is a distinct part of such hospital and that is licensed as a skilled nursing facility to provide post-hospital extended care services.

(d) A rural emergency hospital may own and operate an entity that provides ambulance services.

(e) A licensed general hospital or critical access hospital that applies for and receives licensure as a rural emergency hospital and elects to operate as a rural emergency hospital shall retain its original license as a general hospital or critical access hospital. Such original license shall remain inactive while the rural emergency hospital license is in effect.

New Sec. 5. All rural emergency hospitals, including city, county, hospital district or other governmental or quasi-governmental hospitals, shall be authorized to enter into any contracts required to be eligible for federal reimbursement as a rural emergency hospital.

New Sec. 6. In addition to the provisions of K.S.A. 65-4909, and amendments thereto, entities engaging in activities and entering into contracts required to meet the requirements for licensure and reimbursement as a rural emergency hospital, and officers, agents, representatives, employees and directors thereof, shall be considered to be acting pursuant to clearly expressed state policy as established in this act under the supervision of the state. Such entities shall not be subject to state or federal antitrust laws while acting in such manner.

New Sec. 7. The secretary shall adopt rules and regulations establishing minimum standards for the establishment and operation of rural emergency hospitals in accordance with this act, including licensure of rural emergency hospitals.

New Sec. 8. Each individual and group policy of accident and sickness insurance, each contract issued by a health maintenance organization and all coverage maintained by an entity authorized under K.S.A. 40-2222, and amendments thereto, or by a municipal group-funded



pool authorized under K.S.A. 12-2618, and amendments thereto, shall provide benefits for services when performed by a rural emergency hospital if such services would be covered under such policies, contracts or coverage if performed by a general hospital.

New Sec. 9. (a) The Kansas department for aging and disability services shall establish a process for certification of and funding for certified community behavioral health clinics in accordance with this section.

(b) The Kansas department for aging and disability services shall certify as a certified community behavioral health clinic any community mental health center licensed by the department that provides the following services: Crisis services; screening, assessment and diagnosis, including risk assessment; person-centered treatment planning; outpatient mental health and substance use services; primary care screening and monitoring of key indicators of health risks; targeted case management; psychiatric rehabilitation services; peer support and family supports; medication-assisted treatment; assertive community treatment; and community-based mental healthcare for military servicemembers and veterans.

(c) (1) The department of health and environment shall establish a prospective payment system under the medical assistance program for funding certified community behavioral health clinics. Such system shall permit payment by either daily or monthly rates.

(2) The department of health and environment shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement this subsection.

(3) Such prospective payment system shall be implemented on or before May 1, 2022.

(d) (1) Subject to applications therefor, the Kansas department for aging and disability services shall certify community behavioral health clinics by not later than the following specified dates:

(A) Six facilities currently receiving grants to operate as certified community behavioral health clinics by not later than May 1, 2022;

(B) three additional facilities by not later than July 1, 2022;

(C) nine additional facilities by not later than July 1, 2023; and

(D) eight additional facilities by not later than July 1, 2024.

(2) The Kansas department for aging and disability services may certify community behavioral health clinics in advance of the deadlines established in paragraph (1), including portions of the specified numbers of facilities.

(d) The secretary for aging and disability services adopt rules and regulations as necessary to implement and administer this section.

New Sec. 10. (a) Notwithstanding any other provision of law, a physician holding a license issued by the applicable licensing agency of another state or who otherwise meets the requirements of this section may practice telemedicine to treat patients located in the state of Kansas, if such physician receives a telemedicine waiver issued by the state board of healing arts. The state board of healing arts shall issue such a waiver within 15 days from receipt of a complete application, if the physician:

(1) Submits a complete application that may include evidence in the form of an affidavit from an authorized third party that the applicant meets the requirements of this section in a manner determined by the state board of healing arts and pays a fee not to exceed \$100; and

(2) holds an unrestricted license to practice medicine and surgery in another state or meets the qualifications required under Kansas law for a license to practice medicine and surgery and is not the subject of any investigation or disciplinary action by the applicable licensing agency.

(b) A physician practicing telemedicine in accordance with this subsection shall conduct an appropriate assessment and evaluation of the patient's current condition and document the appropriate medical indication for any prescription issued.

(c) Nothing in this section shall supersede or otherwise affect the provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020 Supp. 40-2,210 et seq., and amendments thereto.

(d) Any person who receives a telemedicine waiver under the provisions of this section shall be subject to all rules and regulations pertaining to the practice of the licensed profession in this state and shall be considered a licensee for the purposes of the professional practice acts administered by the state board of healing arts.

(e) A waiver issued under this section shall expire on the date of expiration established by the state board of healing arts unless renewed in the manner established by the state board of healing arts, including payment of an annual renewal fee not to exceed \$100 and evidence that the applicant continues to meet the qualifications described in this section.

(f) Notwithstanding any other provision of law to the contrary, a physician holding a license issued by the applicable licensing agency of another state may provide, without limitation, consultation through remote technology to a physician licensed in the state of Kansas.

(g) An applicable healthcare licensing agency of this state may adopt procedures consistent with this section to allow other healthcare professionals licensed and regulated by such licensing agency to practice telemedicine within the scope of practice defined by Kansas law for such healthcare profession as deemed by such licensing agency to be consistent with ensuring patient safety.

(h) Nothing in this section shall be construed to prohibit a licensing agency from denying an application for a waiver under this section if the licensing body determines that granting the application may endanger the health and safety of the public.

(i) As used in this subsection, "telemedicine" means the delivery of healthcare services by a healthcare provider while the patient is at a different physical location.

New Sec. 11. (a) As used in this section:

(1) "Eligible county" means a county in Kansas other than Douglas, Johnson, Sedgwick, Shawnee or Wyandotte county.

(2) "Hospital" means the same as defined in K.S.A. 65-425, and amendments thereto.

(3) "Transitional assistance" means any assistance related to changing a hospital's current healthcare delivery model to a model more appropriate for the community that the hospital serves, including, but not limited to: Conducting a market study of healthcare services needed and provided in the community; acquiring and implementing new technological tools and infrastructure, including, but not limited to, telemedicine delivery methods; and acquiring the services of appropriate personnel, including, but not limited to, additional medical residents or individuals trained to be needed healthcare professionals.

(b) (1) There is established the rural hospital innovation grant program to be administered by the secretary of health and environment. The program, and any grant awarded thereunder, shall be for the purpose of strengthening and improving the healthcare system and increasing access to healthcare services in eligible counties to help communities in such counties achieve and maintain optimal health by providing transitional assistance to hospitals in such counties. The secretary may award a rural hospital innovation grant to a county that applies in accordance with this section.

(2) The secretary of health and environment may award a grant under this section only if the amount of state moneys to be awarded in the grant has been matched by private stakeholders, including hospital foundations or other organizations, contributing to the secretary for the program, on a basis of \$2 of private stakeholder moneys for every \$1 of state moneys. The secretary of health and environment may receive moneys by bequest, donation or gift to fulfill the public-private match of moneys required under this paragraph. Any such moneys received shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the rural hospital innovation grant fund. A private stakeholder may certify to the secretary of health and environment that an amount of money is dedicated to the rural hospital innovation grant program. Such certified dedicated moneys shall remain with the private stakeholder until such time as the grant is awarded, and the secretary shall count such certified dedicated moneys to fulfill the public-private match required under this paragraph.

(3) A private stakeholder who has contributed moneys or certified dedicated moneys to the secretary of health and environment may specify a county to receive a grant using such private stakeholder's moneys. If the secretary does not award a grant to the specified county in the same fiscal year as such request, the secretary shall return the amount of contributed moneys to the private stakeholder and any such certification shall lapse.

(4) Prior to applying for a rural hospital innovation grant, any eligible county may enter into memorandums of understanding and other necessary agreements with private stakeholders and other eligible counties.

(5) The board of county commissioners of an eligible county, or the board's designee, may apply to the secretary for a rural hospital innovation grant in the form and manner prescribed by the secretary of health and environment. Such application shall include:

(A) A description of the hospital for which the grant moneys will be expended, including the name and location of the hospital;

(continued)

(B) a statement of the amount of grant moneys requested;

(C) a description of the needs of the hospital, the transitional assistance for which the grant moneys will be expended and how such transitional assistance will meet the stated needs;

(D) a certification that the hospital has exhausted all opportunities for federal moneys available to such hospital for transitional assistance purposes, including, but not limited to, any federal moneys related to COVID-19 relief that may be used for such purposes; and

(E) any other information that the secretary deems necessary to administer this section.

(6) Prior to awarding any grant moneys to an eligible county under this section, the secretary shall enter into a written agreement with the county requiring that the county:

(A) Expend any such grant moneys to provide transitional assistance to a hospital in the eligible county, as approved by the secretary;

(B) not later than one year after any such grant moneys are awarded, report to the secretary detailing the effect that such grant is having on health and other outcomes in the eligible county and the affected community;

(C) repay all awarded grant moneys to the secretary if the county fails to satisfy any material term or condition of the grant agreement; and

(D) any other terms and conditions that the secretary deems necessary to administer this section.

(7) No rural hospital innovation grant shall be awarded to provide transitional assistance to any hospital that has not exhausted all opportunities for federal moneys available to such hospital for transitional assistance purposes, including, but not limited to, any federal moneys related to COVID-19 relief that may be used for such purposes.

(c) (1) There is established in the state treasury the rural hospital innovation grant fund to be administered by the secretary of health and environment. All moneys credited to the fund shall be used only for purposes related to the rural hospital innovation grant program. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee.

(2) (A) Notwithstanding the provisions of chapter 1 of the 2020 Special Session Laws of Kansas or any other provision of law to the contrary, on June 15, 2021, the director of the budget shall determine the amount of moneys received by the state that are identified as moneys from the federal government for aid to the state of Kansas for coronavirus relief as appropriated in the following acts that are eligible to be used for the purpose of awarding grants under this section, that may be expended at the discretion of the state in compliance with the United States office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards and that are unencumbered, including:

(i) The federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, public law 116-123, the federal families first coronavirus response act, public law 116-127, and the federal paycheck protection program and health care enhancement act, public law 116-139;

(ii) the federal consolidated appropriations act, 2021, public law 116-260;

(iii) the American rescue plan act of 2021, public law 117-2; and

(iv) any other federal law that appropriates moneys to the state for aid for coronavirus relief.

(B) Of the moneys identified in accordance with subparagraph (A), the director of the budget shall determine an aggregate amount equal to \$10,000,000 available in special revenue funds. If such identified moneys are less than \$10,000,000, the director of the budget shall determine the maximum amount available. The director of the budget shall certify the amount determined under this subparagraph from each fund to the director of accounts and reports. At the same time as such certification is transmitted, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(C) On July 1, 2021, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an aggregate amount equal to the certification received in accordance with subparagraph (B) from such funds to the rural hospital innovation grant fund. If such aggregate amount of moneys certified is less than \$10,000,000, the director of accounts and reports shall transfer from the state general fund to the rural hospital innovation grant fund the difference between \$10,000,000 and the amount certified.

(d) The secretary of health and environment shall adopt rules and regulations as necessary to implement and administer this section.

(e) (1) On or before October 1 of each year, for each rural hospital innovation grant awarded under this section, the county shall prepare and submit to the secretary of health and environment a report describing: The amount and stated purposes of any awarded grant moneys; the fulfillment of the terms and conditions of the grant agreement; and the transitional assistance upon which the moneys have been spent.

(2) On or before February 1 of each year, the secretary shall compile the information received under this subsection and submit a report to the governor and the legislature including such information and a description of and reasoning for any applications for a rural hospital innovation grant that the secretary has denied.

(f) (1) The rural hospital innovation grant program shall expire on June 30, 2025.

(2) On July 1, 2025:

(A) The director of accounts and reports shall transfer all moneys in the rural hospital innovation grant fund to the state general fund;

(B) all liabilities of the rural hospital innovation grant fund shall be transferred to and imposed on the state general fund; and

(C) the rural hospital innovation grant fund shall be abolished.

Sec. 12. K.S.A. 65-425 is hereby amended to read as follows: 65-425. As used in this act:

(a) "General hospital" means an establishment with an organized medical staff of physicians; with permanent facilities that include inpatient beds; and with medical services, including physician services, and continuous registered professional nursing services for not less than 24 hours of every day, to provide diagnosis and treatment for patients who have a variety of medical conditions.

(b) "Special hospital" means an establishment with an organized medical staff of physicians; with permanent facilities that include inpatient beds; and with medical services, including physician services, and continuous registered professional nursing services for not less than 24 hours of every day, to provide diagnosis and treatment for patients who have specified medical conditions.

(c) "Person" means any individual, firm, partnership, corporation, company, association, or joint-stock association, and the legal successor thereof.

(d) "Governmental unit" means the state, or any county, municipality, or other political subdivision thereof; or any department, division, board or other agency of any of the foregoing.

(e) "Licensing agency" means the department of health and environment.

(f) "Ambulatory surgical center" means an establishment with an organized medical staff of one or more physicians; with permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures; with continuous physician services during surgical procedures and until the patient has recovered from the obvious effects of anesthetic and at all other times with physician services available whenever a patient is in the facility; with continuous registered professional nursing services whenever a patient is in the facility; and which does not provide services or other accommodations for patient to stay more than 24 hours. Before discharge from an ambulatory surgical center, each patient shall be evaluated by a physician for proper anesthesia recovery. Nothing in this section shall be construed to require the office of a physician or physicians to be licensed under this act as an ambulatory surgical center.

(g) "Recuperation center" means an establishment with an organized medical staff of physicians; with permanent facilities that include inpatient beds; and with medical services, including physician services, and continuous registered professional nursing services for not less than 24 hours of every day, to provide treatment for patients who require inpatient care but are not in an acute phase of illness, who currently require primary convalescent or restorative services; and who have a variety of medical conditions.

(h) "Medical care facility" means a hospital, ambulatory surgical center or recuperation center, ~~but shall except that "medical care facility" does not include a hospice which that is certified to participate in the medicare program under 42 code of federal regulations, chapter IV, section C.F.R. § 418.1 et seq. and amendments thereto and which that provides services only to hospice patients.~~

(i) "Critical access hospital" ~~shall have the meaning ascribed to such term under means the same as defined in K.S.A. 65-468 and amendments thereto.~~

(j) "Hospital" means "general hospital," "critical access hospital," or "special hospital."

(k) "Physician" means a person licensed to practice medicine and surgery in this state.

(l) "Rural emergency hospital" means the same as defined in section 2, and amendments thereto.

Sec. 13. K.S.A. 65-431 is hereby amended to read as follows: 65-431.

(a) The licensing agency shall adopt, amend, promulgate and enforce such rules and regulations and standards with respect to the different types of medical care facilities to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in medical care facilities in the interest of public health, safety and welfare.

(b) No rule or regulation shall be made by the licensing agency ~~which~~ *that* would discriminate against any practitioner of the healing arts who is licensed to practice medicine and surgery in this state. Boards of trustees or directors of facilities licensed pursuant to the provisions of this act shall have the right, in accordance with law, to select the professional staff members of such facilities and to select and employ interns, nurses and other personnel, and no rules and regulations or standards of the licensing agency shall be valid ~~which~~ *that*, if enforced, would interfere in such selection or employment. In the selection of professional staff members, no hospital licensed under K.S.A. 65-425 et seq., *and amendments thereto*, shall discriminate against any practitioner of the healing arts who is licensed to practice medicine and surgery in this state for reasons based solely upon the practitioner's branch of the healing arts or the school or ~~health care~~ *healthcare* facility in ~~which~~ *where* the practitioner received medical schooling or postgraduate training.

(c) In formulating rules and regulations, the agency shall give due consideration to the size of the medical care facility, the type of service it is intended to render, the scope of such service, *requirements for the receipt of federal reimbursement for the type of medical care facility and the financial resources in and the needs of the community which such facility serves.*

(d) (1) A hospital consisting of more than one establishment shall be considered in compliance with the rules and regulations of the licensing agency if:

(A) All basic services required by the agency are available as a part of the combined operation; and if

(B) the following basic services are available at each establishment:

- (i) Continuous nursing service;
- (ii) continuous physician coverage on duty or on call;
- (iii) basic diagnostic radiological and laboratory facilities;
- (iv) drug room;
- (v) emergency services;
- (vi) food service; and
- (vii) patient isolation.

(2) *The requirements of paragraphs (1)(A) and (B) shall be deemed to be satisfied by a rural emergency hospital if such rural emergency hospital meets the licensing requirements established for such hospital by the licensing agency.*

Sec. 14. K.S.A. 65-5804a is hereby amended to read as follows: 65-5804a.

(a) Applications for licensure as a professional counselor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-5808, and amendments thereto.

(b) Each applicant for licensure as a professional counselor shall furnish evidence satisfactory to the board that the applicant:

(1) Is at least 21 years of age;

(2) has completed 60 graduate semester hours including a graduate degree in counseling or a related field from a college or university approved by the board and that includes 45 graduate semester hours of counseling coursework distributed among each of the following areas:

- (A) Counseling theory and practice;
- (B) the helping relationship;
- (C) group dynamics, processing and counseling;
- (D) human growth and development;
- (E) ~~life-style~~ *lifestyle* and career development;
- (F) appraisal of individuals;
- (G) social and cultural foundations;
- (H) research and evaluation;
- (I) professional orientation; and
- (J) supervised practicum and internship;

(3) has passed an examination required by the board; and

(4) has satisfied the board that the applicant is a person who merits the public trust.

(c) (1) Applications for licensure as a clinical professional counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(A) Is licensed by the board as a licensed professional counselor or meets all requirements for licensure as a licensed professional counselor;

(B) has completed 15 credit hours, as part of or in addition to the requirements under subsection (b), supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual through identifiable study of the following content areas: Psychopathology, diagnostic assessment, inter-disciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment with individuals, couples, families or groups, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than ~~350~~ *280* hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than ~~4,000~~ *3,000* hours of supervised professional experience, including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than ~~150~~ *100* hours of ~~face-to-face~~ *face-to-face* clinical supervision, ~~including not less than 50 hours of person-to-person individual supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances,~~ integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, except that ~~one-half~~ *one-half* the board may waive  $\frac{1}{2}$  of the requirement of hours required by this subparagraph ~~may be waived for persons with an individual who has a doctor's doctoral degree in professional counseling or a related field acceptable to approved by the board and who completes the required  $\frac{1}{2}$  of the hours in not less than one year of supervised professional experience;~~

(E) for persons ~~earning~~ *who earned* a degree under subsection (b) prior to July 1, 2003, in lieu of the education requirements under subparagraphs (B) and (C), has completed the education requirements for licensure as a professional counselor in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary permit to practice as a licensed professional counselor on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under subparagraphs (B), (C) and (D), has completed the education and training requirements for licensure as a professional counselor in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board; and

(H) has paid the application fee fixed under K.S.A. 65-5808, and amendments thereto.

(2) A person who was licensed or registered as a professional counselor in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of professional counseling as a registered or licensed professional counselor within five years prior to the effective date of this act and whose last license or registration in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees *pursuant to K.S.A. 65-5808, and amendments thereto*, and completion of applicable continuing education requirements, shall be licensed as a licensed clinical professional counselor by providing demonstration of competence to diagnose and treat mental disorders through at least two of the following areas acceptable to the board:

(A) Either: (i) Graduate coursework; or (ii) passing a national, clinical examination;

(B) either: (i) Three years of clinical practice in a community mental health center, its contracted affiliate or a state mental hospital; or (ii) three years of clinical practice in other settings with demonstrated experience in diagnosing or treating mental disorders; or

(C) attestation from one professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery that the applicant is competent to diagnose and treat mental disorders.

(continued)

(3) A licensed clinical professional counselor may engage in the independent practice of professional counseling and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed clinical professional counselor shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed clinical professional counselor may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(4) A licensed professional counselor may diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations only under the direction of a licensed clinical professional counselor, licensed psychologist, person licensed to practice medicine and surgery or person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders. When a client has symptoms of a mental disorder, a licensed professional counselor shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed professional counselor may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(d) The board shall adopt rules and regulations establishing the criteria that a college or university shall satisfy in order to be approved by the board. The board may send a questionnaire developed by the board to any college or university for which the board does not have sufficient information to determine whether the school meets the requirements for approval and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the college or university to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about colleges and universities. In entering such contracts, the authority to approve college and universities shall remain solely with the board.

(e) A person who is waiting to take the examination required by the board may apply to the board for a temporary license to practice as a licensed professional counselor by:

(1) Paying an application fee of ~~no~~ not more than \$150; and

(2) meeting the application requirements as stated in K.S.A. 65-5804a(b)(1), (2) and (4), and amendments thereto.

(f) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of ~~new~~ licenses a temporary license.

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies a license to practice professional counseling or ~~six~~ 12 months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.

(g) A person practicing professional counseling with a temporary license may not use the title "licensed professional counselor" or the initials "LPC" independently. The word "licensed" may be used only when followed by the words "by temporary license," such as licensed professional counselor by temporary license, or professional counselor licensed by temporary license.

(h) No person may practice professional counseling under a temporary license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

(i) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the temporary license provided under this section at the time of issuance of such temporary license.

Sec. 15. K.S.A. 65-5807a is hereby amended to read as follows: 65-5807a. (a) Upon written application and board approval, an individual who is licensed to engage in the independent clinical practice of professional counseling at the clinical level in another jurisdiction ~~and~~, who is in good standing in that other jurisdiction *and who has engaged in the clinical practice of professional counseling in that jurisdiction for at least two years immediately preceding application* may engage in the independent practice of clinical professional counseling as provided by K.S.A. 65-5801 et seq., and amendments thereto, in this state for ~~no~~ not more than ~~15~~ 30 days per year upon receipt of a temporary permit to practice issued by the board. *Such individual engaging in such practice in this state shall provide quarterly reports to the board on a form approved by the board detailing the total days of practice in this state.*

(b) Any clinical professional counseling services rendered within any 24-hour period shall count as one entire day of clinical professional counseling services.

(c) The temporary permit to practice shall be effective on the date of approval by the board and shall expire ~~December 31 of that year~~ one year after issuance. Upon written application ~~and for good cause shown, the board may extend the temporary permit to practice no more than 15 additional days not later than 30 days before the expiration of a temporary permit and under emergency circumstances, as defined by the board, the board may extend the temporary permit for not more than one additional year.~~ *Such extended temporary permit shall authorize the individual to practice in this state for an additional 30 days during the additional year. Such individual engaging in such practice shall provide quarterly reports to the board on a form approved by the board detailing the total days of practice in this state.*

(d) The board may charge a fee of a maximum of \$200 for a temporary permit to practice and a fee of a maximum of \$200 for an extension of a temporary permit to practice as established by rules and regulations of the board.

(e) A person who holds a temporary permit to practice clinical professional counseling in this state shall be deemed to have submitted to the jurisdiction of the board and shall be bound by the statutes and regulations that govern the practice of clinical professional counseling in this state.

(f) In accordance with the Kansas administrative ~~procedures~~ *procedure* act, the board may issue a cease and desist order or assess a fine of up to \$1,000 per day, or both, against a person licensed in another jurisdiction who engages in the independent practice of clinical professional counseling in this state without complying with the provisions of this section.

(g) This section shall be a part of and supplemental to the professional counselors licensure act.

Sec. 16. K.S.A. 65-5808 is hereby amended to read as follows: 65-5808. (a) The board may fix the following fees, and any such fees shall be established by rules and regulations adopted by the board:

(1) For application for licensure as a professional counselor, not more than \$100;

(2) for an original license as a professional counselor, not more than \$175;

(3) for a temporary license as a professional counselor, not more than \$175;

(4) for renewal for licensure as a professional counselor, not more than \$150;

(5) for application for licensure as a clinical professional counselor, not more than \$175;

(6) for licensure as a clinical professional counselor, not more than \$175;

(7) for renewal for licensure as a clinical professional counselor, not more than \$175;

(8) for late renewal penalty, an amount equal to the fee for renewal of a license;

(9) for reinstatement of a license, not more than \$175;

(10) for replacement of a license, not more than \$20; ~~and~~

(11) for a wallet card license, not more than \$5; *and*

(12) *for application as a board-approved clinical supervisor, not more than \$50.*

(b) Fees paid to the board are not refundable.

Sec. 17. K.S.A. 65-5809 is hereby amended to read as follows: 65-5809. (a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for licensure:

(1) Is incompetent to practice professional counseling, ~~which. "Incompetent to practice professional counseling"~~ means:

(A) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;

(B) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board; or

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice professional counseling;

(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state, *the District of Columbia* or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(5) has violated a provision of the professional counselors licensure act or one or more rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for a license or license renewal;

(8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; ~~or~~

(10) has had a *professional* registration, license or certificate ~~as a professional counselor~~ revoked, suspended or limited, or has had other disciplinary action taken, or an application for a registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof; *or*

(11) *has violated any lawful order or directive of the board previously entered by the board.*

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a 2/3 majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the professional counselors licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the professional counselors licensure act shall be in accordance with the Kansas judicial review act.

Sec. 18. K.S.A. 2020 Supp. 65-6306 is hereby amended to read as follows: 65-6306. (a) The board shall issue a license as a baccalaureate social worker to an applicant who *has*:

(1) ~~Has~~ A baccalaureate degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) ~~has~~ passed an examination approved by the board for this purpose; and

(3) ~~has~~ satisfied the board that the applicant is a person who merits the public trust.

(b) The board shall issue a license as a master social worker to an applicant who *has*:

(1) ~~Has~~ A master's degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) ~~has~~ passed an examination approved by the board for this purpose; and

(3) ~~has~~ satisfied the board that the applicant is a person who merits the public trust.

(c) The board shall issue a license in one of the social work specialties to an applicant who *has*:

(1) ~~Has~~ A master's or doctor's degree from an accredited graduate school of social work, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) ~~has~~ had two years of full-time post-master's or post-doctor's degree experience under the supervision of a licensed social worker in the area of the specialty in which such applicant seeks to be licensed;

(3) ~~has~~ passed an examination approved by the board for this purpose; and

(4) ~~has~~ satisfied the board that the applicant is a person who merits the public trust.

(d) (1) The board shall issue a license as a specialist clinical social worker to an applicant who:

(A) Has met the requirements of subsection (c);

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (c) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, ~~with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;~~

(D) has completed as part of or in addition to the requirements of subsection (c) not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than 100 hours of *face-to-face* clinical supervision, *as defined by the board in rules and regulations*, including not less than 75 50 hours of ~~person-to-person~~ individual supervision, *except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances*, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual;

(E) for persons earning a degree under subsection (c) prior to July 1, 2003, in lieu of the education and training requirements under ~~parts subparagraphs (B) and (C) of this subsection~~, has completed the education requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary license to practice as a specialist clinical social worker on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under ~~parts subparagraphs (B), (C) and (D) of this subsection~~, has completed the education and training requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board; and

(H) has paid the application fee.

(2) A licensed specialist clinical social worker may engage in the social work practice and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed specialist clinical social worker shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed specialist clinical social worker may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(3) Notwithstanding any other provision of this subsection, a licensed master social worker who has provided to the board an acceptable clinical supervision plan for licensure as a specialist clinical social worker prior to the effective date of this act shall be licensed as a specialist clinical social worker under this act upon completion of the requirements in effect for licensure as a specialist clinical social worker at the time the acceptable training plan is submitted to the board.

(continued)

(4) A person licensed as a specialist clinical social worker on the day immediately preceding the effective date of this act shall be deemed to be a licensed specialist clinical social worker under this act. Such person shall not be required to file an original application for licensure as a specialist clinical social worker under this act.

(e) The board shall adopt rules and regulations establishing the criteria which a social work program of a college or university shall satisfy to be recognized and approved by the board under this section. The board may send a questionnaire developed by the board to any college or university conducting a social work program for which the board does not have sufficient information to determine whether the program should be recognized and approved by the board and whether the program meets the rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the program to be considered for recognition and approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about a social work program of a college or university. In entering such contracts the authority to recognize and approve a social work program of a college or university shall remain solely with the board.

Sec. 19. K.S.A. 65-6309a is hereby amended to read as follows: 65-6309a. (a) Upon written application and board approval, an individual who is licensed to engage in the independent clinical practice of social work at the clinical level in another jurisdiction and, who is in good standing in that other jurisdiction and who has engaged in the clinical practice of social work in that jurisdiction may engage in the independent practice of clinical social work as provided by K.S.A. 65-6308, and amendments thereto, in this state for no more than 15 30 days per year upon receipt of a temporary permit to practice issued by the board. Such individual engaging in such practice in this state shall provide quarterly reports to the board on a form approved by the board detailing the total days of practice in this state.

(b) Any clinical social work services rendered within any 24-hour period shall count as one entire day of clinical social work services.

(c) The temporary permit to practice shall be effective on the date of approval by the board and shall expire December 31 of that year one year after issuance. Upon written application and for good cause shown, the board may extend the temporary permit to practice no more than 15 additional days not later than 30 days before the expiration of a temporary permit and under emergency circumstances, as defined by the board, the board may extend the temporary permit for not more than one additional year. Such extended temporary permit shall authorize the individual to practice in this state for an additional 30 days during the additional year. Such individual engaging in such practice shall provide quarterly reports to the board on a form approved by the board detailing the total days of practice in this state.

(d) The board may charge a fee of a maximum of \$200 for a temporary permit to practice and a fee of a maximum of \$200 for an extension of a temporary permit to practice as established by rules and regulations of the board.

(e) A person who holds a temporary permit to practice clinical social work in this state shall be deemed to have submitted to the jurisdiction of the board and shall be bound by the statutes and regulations that govern the practice of clinical social work in this state.

(f) In accordance with the Kansas administrative procedure act, the board may issue a cease and desist order or assess a fine of up to \$1,000 per day, or both, against a person licensed in another jurisdiction who engages in the independent practice of clinical social work in this state without complying with the provisions of this section.

(g) This section shall be a part of and supplemental to article 63 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 20. K.S.A. 65-6311 is hereby amended to read as follows: 65-6311. (a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:

(1) Is incompetent to practice social work, which "Incompetent to practice social work" means:

(A) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;

(B) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board; or

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice social work;

(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state, the District of Columbia or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(5) has violated a provision of the social workers licensure act or one or more rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for a license or license renewal;

(8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; or

(10) has had a professional license, registration or certificate to practice social work revoked, suspended or limited, or has had other disciplinary action taken, or an application for a license, registration or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof; or

(11) has violated any lawful order or directive of the board previously entered by the board.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a 2/3 majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the social workers licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the social workers licensure act shall be in accordance with the Kansas judicial review act.

Sec. 21. K.S.A. 65-6404 is hereby amended to read as follows: 65-6404. (a) An applicant for licensure as a marriage and family therapist shall furnish evidence that the applicant has:

(1) Has Attained the age of 21 years of age;

(2) (A) has completed a master's or doctoral degree from a marriage and family therapy program, in an educational institution with standards approved by the board; or (B) has completed a master's or doctoral degree from an educational institution in a related field for which the course work is considered by the board to be equivalent to that provided in clause (2) subparagraph (A) of this paragraph and consists of a minimum of nine semester hours in human development, nine semester hours in theories of marriage and family functioning, nine semester hours of marital and family assessment and therapy, three semester hours in professional studies and three semester hours in research; or (C) completed a master's or doctoral degree from an educational institution in a related field with additional work from an educational program in marriage and family therapy approved by the board and such degree program and additional work includes the course work requirements provided in clause (2) subparagraph (B) of this paragraph;

(3) has passed an examination approved by the board;

(4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) each applicant has paid the application fee established by the board under K.S.A. 65-6411, and amendments thereto.

(b) (1) Applications for licensure as a clinical marriage and family therapist shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(A) Is licensed by the board as a licensed marriage and family therapist or meets all requirements for licensure as a marriage and family therapist;

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (a) supporting diagnosis or treatment

of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment with individuals, couples, families or groups, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than ~~4,000~~ 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than ~~150~~ 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of person-to-person individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, except that ~~one-half~~ the board may waive  $\frac{1}{2}$  of the requirement of hours required by this part (D) may be waived subparagraph for persons with an individual who has a doctor's degree in marriage and family therapy or a related field acceptable to the board and who completes the required  $\frac{1}{2}$  of the hours in not less than one year of supervised professional experience;

(E) for persons ~~earning~~ who earned a degree under subsection (a) prior to July 1, 2003, in lieu of the education and training requirements under ~~parts~~ subparagraphs (B) and (C) of this subsection, has completed the education requirements for licensure as a marriage and family therapist in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary permit to practice as a licensed marriage and family therapist on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under ~~parts~~ subparagraphs (B), (C) and (D) of this subsection, has completed the education and training requirements for licensure as a marriage and family therapist in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board; and

(H) has paid the application fee fixed under K.S.A. 65-6411, and amendments thereto.

(2) A person who was licensed or registered as a marriage and family therapist in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of marriage and family therapy as a registered or licensed marriage and family therapist within five years prior to the effective date of this act and whose last license or registration in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical marriage and family therapist by providing demonstration of competence to diagnose and treat mental disorders through at least two of the following areas acceptable to the board:

(A) Either: (i) Graduate coursework; or (ii) passing a national, clinical examination;

(B) either: (i) Three years of clinical practice in a community mental health center, its contracted affiliate or a state mental hospital; or (ii) three years of clinical practice in other settings with demonstrated experience in diagnosing or treating mental disorders; or

(C) attestation from one professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery that the applicant is competent to diagnose and treat mental disorders.

(3) A licensed clinical marriage and family therapist may engage in the independent practice of marriage and family therapy and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed clinical marriage and family therapist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing

that such consultation be waived and such request shall be made a part of the client's record. A licensed clinical marriage and family therapist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(4) On and after January 1, 2002, a licensed marriage and family therapist may diagnose and treat mental disorders ~~specified in the edition of the diagnostic and statistical manual of mental disorders~~ specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations only under the direction of a licensed clinical marriage and family therapist, licensed psychologist, person licensed to practice medicine and surgery or person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders. When a client has symptoms of a mental disorder, a licensed marriage and family therapist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed marriage and family therapist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

Sec. 22. K.S.A. 65-6405a is hereby amended to read as follows: 65-6405a. (a) Upon written application and board approval, an individual who is licensed to engage in the independent clinical practice of marriage and family therapy at the clinical level in another jurisdiction ~~and~~, who is in good standing in that other jurisdiction ~~and who has engaged in the clinical practice of marriage and family therapy in that jurisdiction for at least two years immediately preceding application~~ may engage in the independent practice of clinical marriage and family therapy as provided by K.S.A. 65-6401 et seq., and amendments thereto, in this state for ~~no~~ not more than ~~15~~ 30 days per year upon receipt of a temporary permit to practice issued by the board. *Such individual engaging in such practice in this state shall provide quarterly reports to the board on a form approved by the board detailing the total days of practice in this state.*

(b) Any clinical marriage and family therapy services rendered within any 24-hour period shall count as one entire day of clinical marriage and family therapy services.

(c) The temporary permit to practice shall be effective on the date of approval by the board and shall expire ~~December 31 of that year~~ *one year after issuance*. Upon written application ~~and for good cause shown~~, ~~the board may extend the temporary permit to practice no more than 15 additional days not later than 30 days before the expiration of a temporary permit and under emergency circumstances, as defined by the board, the board may extend the temporary permit for not more than one additional year. Such extended temporary permit shall authorize the individual to practice in this state for an additional 30 days during the additional year. Such individual engaging in such practice shall provide quarterly reports to the board on a form approved by the board detailing the total days of practice in this state.~~

(d) The board may charge a fee of a maximum of \$200 for a temporary permit to practice and a fee of a maximum of \$200 for an extension of a temporary permit to practice as established by rules and regulations of the board.

(e) A person who holds a temporary permit to practice clinical marriage and family therapy in this state shall be deemed to have submitted to the jurisdiction of the board and shall be bound by the statutes and regulations that govern the practice of clinical marriage and family therapy in this state.

(f) In accordance with the Kansas administrative procedures act, the board may issue a cease and desist order or assess a fine of up to \$1,000 per day, or both, against a person licensed in another jurisdiction who engages in the independent practice of clinical marriage and family therapy in this state without complying with the provisions of this section.

(g) This section shall be a part of and supplemental to the marriage and family therapists licensure act.

Sec. 23. K.S.A. 65-6408 is hereby amended to read as follows: 65-6408. (a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:

(1) Is incompetent to practice marriage and family therapy, ~~which~~ "Incompetent to practice marriage and family therapy" means:

(continued)

(A) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;

(B) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board; or

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice marriage and family therapy;

(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state, the District of Columbia or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(5) has violated a provision of the marriage and family therapists licensure act or one or more of the rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for license or license renewal;

(8) has failed to obtain continuing education credits required by rules and regulations of the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; or

(10) has had a professional registration, license or certificate as a marriage and family therapist revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof; or

(11) has violated any lawful order or directive of the board previously entered by the board.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the marriage and family therapists licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the marriage and family therapists licensure act shall be in accordance with the Kansas judicial review act.

Sec. 24. K.S.A. 2020 Supp. 65-6411 is hereby amended to read as follows: 65-6411. (a) The board may fix the following fees, and any such fees shall be established by rules and regulations adopted by the board:

(1) For application for licensure as a marriage and family therapist, not to exceed \$150;

(2) for temporary licensure as a marriage and family therapist, not to exceed \$175;

(3) for original licensure as a marriage and family therapist, not to exceed \$175;

(4) for renewal for licensure as a marriage and family therapist, not to exceed \$175;

(5) for application for licensure as a clinical marriage and family therapist, not to exceed \$175;

(6) for original licensure as a clinical marriage and family therapist, not to exceed \$175;

(7) for renewal for licensure as a clinical marriage and family therapist, not to exceed \$175;

(8) for reinstatement of a license, not to exceed \$175;

(9) for replacement of a license, not to exceed \$20;

(10) for renewal penalty, an amount equal to the renewal of license; and

(11) for a wallet card license, not to exceed \$5; and

(12) for application for approval as a board-approved clinical supervisor, not to exceed \$50.

(b) Fees paid to the board are not refundable.

Sec. 25. K.S.A. 65-6610 is hereby amended to read as follows: 65-6610. (a) An applicant for licensure as an addiction counselor shall furnish evidence that the applicant:

(1) Has attained the age of 21 years of age;

(2) (A) has completed at least a baccalaureate degree from an addiction counseling program that is part of a college or university approved by the board; or

(B) has completed at least a baccalaureate degree from a college or university approved by the board. As part of, or in addition to, the baccalaureate degree coursework, such applicant shall also complete a minimum number of semester hours of coursework on substance use disorders as approved by the board; or

(C) is currently licensed in Kansas as a licensed baccalaureate social worker and has completed a minimum number of semester hours of coursework on substance use disorders as approved by the board; and

(3) has passed an examination approved by the board;

(4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) has paid the application fee established by the board under K.S.A. 65-6618, and amendments thereto.

(b) Applications for licensure as a master's addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(1) (A) Has attained the age of 21 years of age;

(B) (i) has completed at least a master's degree from an addiction counseling program that is part of a college or university approved by the board;

(ii) has completed at least a master's degree from a college or university approved by the board. As part of or in addition to the master's degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; or

(iii) is currently licensed in Kansas as a licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed master's level psychologist; and

(C) has passed an examination approved by the board;

(D) has satisfied the board that the applicant is a person who merits the public trust; and

(E) has paid the application fee fixed under K.S.A. 65-6618, and amendments thereto; or

(2) (A) has met the following requirements on or before July 1, 2016:

(i) Holds an active license by the board as an addiction counselor; and

(ii) has completed at least a master's degree in a related field from a college or university approved by the board; and

(B) has completed six hours of continuing education in the diagnosis and treatment of substance use disorders during the three years immediately preceding the application date.

(c) Applications for licensure as a clinical addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(1) Has attained the age of 21 years of age; and

(2) (A) (i) has completed at least a master's degree from an addiction counseling program that is part of a college or university approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of person-to-person individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750



hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board, except that the board may waive ½ of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a related field approved by the board and who completes the required ½ of the hours in not less than one year of supervised professional experience; or

(B) (i) has completed at least a master's degree from a college or university approved by the board. As part of or in addition to the master's degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than ~~4,000~~ 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than ~~150~~ 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of person-to-person individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board, except that the board may waive ½ of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a related field approved by the board and who completes the required ½ of the hours in not less than one year of supervised professional experience; or

(C) (i) has completed a master's degree from a college or university approved by the board and is licensed by the board as a licensed master's addiction counselor; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than ~~4,000~~ 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than ~~150~~ 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of person-to-person individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board, except that the board may waive ½ of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a related field approved by the board and who completes the required ½ of the hours in not less than one year of supervised professional experience; or

(D) is currently licensed in Kansas as a licensed psychologist, licensed specialist clinical social worker, licensed clinical professional counselor, licensed clinical psychotherapist or licensed clinical marriage and family therapist and provides to the board an attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat substance use disorders; and

(3) has passed an examination approved by the board; and

(4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) has paid the application fee fixed under K.S.A. 65-6618, and amendments thereto.

Sec. 26. K.S.A. 65-6612 is hereby amended to read as follows: 65-6612. (a) Upon written application and board approval, an individual who is licensed to engage in the independent clinical practice of addiction counseling at the clinical level in another jurisdiction and who is in good standing in that other jurisdiction and who has engaged in the clinical practice of addiction counseling in that jurisdiction for at least two years immediately preceding application may engage in the independent practice of clinical addiction counseling as provided by the addiction counselor licensure act; in this state for not more than ~~15~~ 30 days per year upon receipt of a temporary permit to practice issued by the board. Such individual engaging in such practice shall provide quarterly reports to the board on a form approved by the board detailing the total days of practice in this state.

(b) Any clinical addiction counseling services rendered within any 24-hour period shall count as one entire day of clinical addiction counseling services.

(c) The temporary permit to practice shall be effective on the date of approval by the board and shall expire ~~December 31 of that year~~ one year after issuance. Upon written application and for good cause shown, the board may extend the temporary permit to practice no more than ~~15 additional days~~ not later than 30 days before the expiration of a temporary permit and under emergency circumstances, as defined by the board, the board may extend the temporary permit for not more than one additional year. Such extended temporary permit shall authorize the individual to practice in this state for an additional 30 days during the additional year. Such individual engaging in such practice shall provide quarterly reports to the board on a form approved by the board detailing the total days of practice in this state.

(d) The board shall charge a fee for a temporary permit to practice and a fee for an extension of a temporary permit to practice as fixed under K.S.A. 65-6618, and amendments thereto.

(e) A person who holds a temporary permit to practice clinical addiction counseling in this state shall be deemed to have submitted to the jurisdiction of the board and shall be bound by the statutes and regulations that govern the practice of clinical addiction counseling in this state.

(f) In accordance with the Kansas administrative procedure act, the board may issue a cease and desist order or assess a fine of up to \$1,000 per day, or both, against a person licensed in another jurisdiction who engages in the independent practice of clinical addiction counseling in this state without complying with the provisions of this section.

Sec. 27. K.S.A. 65-6615 is hereby amended to read as follows: 65-6615. (a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:

(1) Is incompetent to practice addiction counseling, which, "Incompetent to practice addiction counseling" means:

(A) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;

(B) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board; or

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice addiction counseling;

(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(continued)

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state, *the District of Columbia* or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(5) has violated a provision of the addiction counselor licensure act or one or more of the rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for license or license renewal;

(8) has failed to obtain continuing education credits required by rules and regulations of the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; ~~or~~

(10) has had a *professional* registration, license or certificate ~~as an addiction counselor~~ revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof; ~~or~~

(11) *has violated any lawful order or directive of the board previously entered by the board.*

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the addiction counselor licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the addiction counselor licensure act shall be in accordance with the Kansas judicial review act.

Sec. 28. K.S.A. 74-5316a is hereby amended to read as follows: 74-5316a. (a) Upon written application and board approval, an individual who is licensed to engage in the independent practice of psychology in another jurisdiction ~~and, who is in good standing in that other jurisdiction and who has engaged in the practice of psychology in that jurisdiction for at least two years immediately preceding application~~ may engage in the independent practice of psychology as provided by K.S.A. 74-5301 et seq., and amendments thereto, in this state for ~~no~~ *not* more than 15 30 days per year upon receipt of a temporary permit to practice issued by the board. *Such individual engaging in such practice in this state shall provide quarterly reports to the board on a form approved by the board detailing the total days of practice in this state.*

(b) Any psychology services rendered within any 24-hour period shall count as one entire day of psychology services.

(c) The temporary permit to practice shall be effective on the date of approval by the board and shall expire ~~December 31 of that year one year after issuance.~~ Upon written application ~~and for good cause shown, the board may extend the temporary permit to practice no more than 15 additional days not later than 30 days before the expiration of a temporary permit and under emergency circumstances, as defined by the board, the board may extend the temporary permit for not more than one additional year. Such extended temporary permit shall authorize the individual to practice in this state for an additional 30 days during the additional year. Such individual engaging in such practice shall provide quarterly reports to the board on a form approved by the board detailing the total days of practice in this state.~~

(d) The board may charge a fee of a maximum of \$200 for a temporary permit to practice and a fee of a maximum of \$200 for an extension of a temporary permit to practice as established by rules and regulations of the board.

(e) A person who holds a temporary permit to practice psychology in this state shall be deemed to have submitted to the jurisdiction of the board and shall be bound by the statutes and regulations that govern the practice of psychology in this state.

(f) In accordance with the Kansas administrative ~~procedures procedure~~ act, the board may issue a cease and desist order or assess a fine of up to \$1,000 per day, or both, against a person licensed in another jurisdiction who engages in the independent practice of psychology in this state without complying with the provisions of this section.

(g) This section shall be a part of and supplemental to the licensure of psychologists act.

Sec. 29. K.S.A. 74-5324 is hereby amended to read as follows: 74-5324. (a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for a license:

(1) Is incompetent to practice psychology; ~~which.~~ *"Incompetent to practice psychology"* means:

(A) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;

(B) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board; or

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice psychology;

(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(5) has violated a provision of the licensure of psychologists act of the state of Kansas or one or more rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for a license or license renewal;

(8) has failed to obtain continuing education credits as required by rules and regulations of the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; ~~or~~

(10) has had a *professional* registration, license or certificate ~~as a psychologist~~ revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof; ~~or~~

(11) *has violated any lawful order or directive of the board previously entered by the board.*

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a  $\frac{2}{3}$  majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the licensure of psychologists act of the state of Kansas shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the licensure of psychologists of the state of Kansas act shall be in accordance with the Kansas judicial review act.

Sec. 30. K.S.A. 74-5363 is hereby amended to read as follows: 74-5363. (a) Any person who desires to be licensed under this act shall apply to the board in writing, on forms prepared and furnished by the board. Each application shall contain appropriate documentation of the particular qualifications required by the board and shall be accompanied by the required fee.

(b) The board shall license as a licensed master's level psychologist any applicant for licensure who pays the fee prescribed by the board under K.S.A. 74-5365, and amendments thereto, which shall not be refunded, who has satisfied the board as to such applicant's training and who complies with the provisions of this subsection. An applicant for licensure also shall submit evidence satisfactory to the board that such applicant:

(1) Is at least 21 years of age;

(2) has satisfied the board that the applicant is a person who merits public trust;

(3) has received at least 60 graduate hours including a master's degree in psychology based on a program of studies in psychology from an educational institution having a graduate program in psychology consistent with state universities of Kansas; or until July 1, 2003, has received at least a master's degree in psychology and during such master's

or post-master's coursework completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology; or has passed comprehensive examinations or equivalent final examinations in a doctoral program in psychology and during such graduate program completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology;

(4) has completed 750 clock hours of academically supervised practicum in the master's degree program or 1,500 clock hours of postgraduate supervised work experience; *and*

(5) has passed an examination approved by the board with a minimum score set by the board by rules and regulations.

(c) (1) Applications for licensure as a clinical psychotherapist shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(A) Is licensed by the board as a licensed master's level psychologist or meets all requirements for licensure as a master's level psychologist;

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (b) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment with individuals, couples, families or groups, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than ~~4,000~~ 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than ~~150~~ 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of person-to-person individual supervision, *except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances*, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual;

(E) for persons earning a degree under subsection (b) prior to July 1, 2003, in lieu of the education requirements under subparagraphs (B) and (C), has completed the education requirements for licensure as a licensed master's level psychologist in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary license to practice as a licensed master's level psychologist on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under subparagraphs (B), (C) and (D), has completed the education and training requirements for licensure as a master's level psychologist in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board with the same minimum passing score as that set by the board for licensed psychologists; and

(H) has paid the application fee, if required by the board.

(2) A person who was licensed or registered as a master's level psychologist in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of master's level psychology as a registered or licensed master's level psychologist within five years prior to the effective date of this act and whose last license or registration in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees

and completion of applicable continuing education requirements, shall be licensed as a licensed clinical psychotherapist by providing demonstration of competence to diagnose and treat mental disorders through at least two of the following areas acceptable to the board:

(A) Either: (i) Graduate coursework; or (ii) passing a national, clinical examination;

(B) either: (i) Three years of clinical practice in a community mental health center, its contracted affiliate or a state mental hospital; or (ii) three years of clinical practice in other settings with demonstrated experience in diagnosing or treating mental disorders; or

(C) attestation from one professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery that the applicant is competent to diagnose and treat mental disorders.

(3) A licensed clinical psychotherapist may engage in the independent practice of master's level psychology and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed clinical psychotherapist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed clinical psychotherapist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(d) The board shall adopt rules and regulations establishing the criteria ~~which~~ that an educational institution shall satisfy in meeting the requirements established under subsection (b)(3). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of subsection (b)(3) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

Sec. 31. K.S.A. 74-5367a is hereby amended to read as follows: 74-5367a. (a) Upon written application and board approval, an individual who is licensed to engage in the independent clinical practice of masters level psychology at the clinical level in another jurisdiction ~~and~~, who is in good standing in that other jurisdiction *and who has engaged in the clinical practice of masters level psychology in that jurisdiction for at least two years immediately preceding application* may engage in the independent practice of clinical masters level psychology as provided by K.S.A. 74-5361 et seq., and amendments thereto, in this state for ~~no~~ not more than ~~15~~ 30 days per year upon receipt of a temporary permit to practice issued by the board. *Such individual engaging in such practice in this state shall provide quarterly reports to the board on a form approved by the board detailing the total days of practice in this state.*

(b) Any clinical masters level psychology services rendered within any 24-hour period shall count as one entire day of clinical masters level psychology services.

(c) The temporary permit to practice shall be effective on the date of approval by the board and shall expire ~~December 31 of that year~~ *one year after issuance*. Upon written application ~~and for good cause shown~~, *the board may extend the temporary permit to practice no more than 15 additional days not later than 30 days before the expiration of a temporary permit and under emergency circumstances, as defined by the board, the board may extend the temporary permit for not more than one additional year. Such extended temporary permit shall authorize the individual to practice in this state for an additional 30 days during the additional year. Such individual engaging in such practice shall provide quarterly reports to the board on a form approved by the board detailing the total days of practice in this state.*

(d) The board may charge a fee of a maximum of \$200 for a temporary permit to practice and a fee of a maximum of \$200 for an extension of a temporary permit to practice as established by rules and regulations of the board.

(e) A person who holds a temporary permit to practice clinical masters level psychology in this state shall be deemed to have submitted to the jurisdiction of the board and shall be bound by the statutes *(continued)*

and regulations that govern the practice of clinical masters level psychology in this state.

(f) In accordance with the Kansas administrative ~~procedures~~ *procedure* act, the board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per day, or both, against a person licensed in another jurisdiction who engages in the independent practice of clinical masters level psychology in this state without complying with the provisions of this section.

(g) This act shall be a part of and supplemental to the licensure of masters level psychologists act.

Sec. 32. K.S.A. 74-5369 is hereby amended to read as follows: 74-5369. (a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for licensure:

(1) Is incompetent to practice psychology, ~~which~~. "Incompetent to practice psychology" means:

(A) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;

(B) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board; or

(C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice master's level psychology;

(2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state, *the District of Columbia* or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;

(5) has violated a provision of the licensure of master's level psychologists act or one or more rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for a license or license renewal;

(8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board;

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations of the board; ~~or~~

(10) has had a *professional* registration, license or certificate ~~as a master's level psychologist~~ revoked, suspended or limited, or has had other disciplinary action taken, or an application for a registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified

copy of the record of the action of the other jurisdiction being conclusive evidence thereof; *or*

(11) *has violated any lawful order or directive of the board previously entered by the board.*

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a 2/3 majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the licensure of master's level psychologists act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the licensure of master's level psychologists act shall be in accordance with the Kansas judicial review act.

Sec. 33. K.S.A. 65-425, 65-431, 65-5804a, 65-5807a, 65-5808, 65-5809, 65-6309a, 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp. 65-6306 and 65-6411 are hereby repealed.

Sec. 34. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 049111

## State of Kansas

### Board of Technical Professions

#### Permanent Administrative Regulation

#### Article 12.— MINIMUM STANDARDS FOR THE PRACTICE OF PROFESSIONAL SURVEYING

**66-12-1. Minimum standards for the practice of professional surveying.** The board hereby adopts by reference "the minimum standards for boundary surveys and minimum standards for mortgagee title inspections standards of practice" adopted by the Kansas society of land surveyors on November 21, 2020. (Authorized by and implementing K.S.A. 74-7013; effective May 4, 1992; amended Feb. 14, 1994; amended Feb. 13, 1995; amended March 1, 1996; amended Feb. 4, 2000; amended Jan. 23, 2009; amended June 18, 2010; amended Jan. 6, 2012; amended, T-66-5-30-14, July 1, 2014; amended Sept. 26, 2014; amended May 21, 2021.)

Larry Karns  
Executive Director

Doc. No. 049107

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2020 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at [http://www.sos.ks.gov/pubs/pubs\\_kar.aspx](http://www.sos.ks.gov/pubs/pubs_kar.aspx).

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-8-13	Amended	V. 40, p. 320
4-8-14a	Amended	V. 40, p. 320
4-8-27	Amended	V. 40, p. 320
4-8-28	Amended	V. 40, p. 320
4-8-29	Amended	V. 40, p. 320
4-8-30	Amended	V. 40, p. 320
4-8-31	Amended	V. 40, p. 320
4-8-32	Amended	V. 40, p. 320
4-8-33	Amended	V. 40, p. 320
4-8-34	Amended	V. 40, p. 321
4-8-35	Amended	V. 40, p. 321
4-8-36	Amended	V. 40, p. 321
4-8-37	Amended	V. 40, p. 321
4-8-38	Amended	V. 40, p. 321
4-8-39	Amended	V. 40, p. 321
4-8-40	Amended	V. 40, p. 321
4-8-41	Revoked	V. 40, p. 321
4-8-42	Revoked	V. 40, p. 321
4-8-43	Revoked	V. 40, p. 321
4-8-44	New	V. 40, p. 321
4-8-45	New	V. 40, p. 322
4-8-46	New	V. 40, p. 322
4-8-47	New	V. 40, p. 322
4-8-48	New	V. 40, p. 322
4-34-1	Amended	V. 40, p. 191
4-34-22	New	V. 39, p. 1578
4-34-23	New	V. 39, p. 1579
4-34-24	New	V. 39, p. 1580
4-34-25	New	V. 39, p. 1581
4-34-26	New	V. 39, p. 1581
4-34-27	New	V. 39, p. 1581
4-34-28	New	V. 39, p. 1582
4-34-29	New	V. 39, p. 1582
4-34-30	New	V. 39, p. 1583

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-48-1	New	V. 40, p. 263

**AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH**

Reg. No.	Action	Register
9-2-35	New	V. 39, p. 1358
9-3-9	Amended	V. 39, p. 1359

**AGENCY 10: KANSAS BUREAU OF INVESTIGATION**

Reg. No.	Action	Register
10-24-1	New (T)	V. 39, p. 732
10-24-1	New	V. 39, p. 1074
10-24-2	New (T)	V. 39, p. 732
10-24-2	New	V.39, p. 1074

10-24-3	New (T)	V. 39, p. 732
10-24-3	New	V. 39, p. 1075

**AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION**

Reg. No.	Action	Register
11-9-5	Amended	V. 40, p. 427

**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-14-1	Amended	V. 39, p. 1155
16-14-10	Amended	V. 39, p. 1155
16-14-11	Amended	V. 39, p. 1155
16-19-1	New	V. 39, p. 208
16-19-2	New	V. 39, p. 208
16-19-3	New	V. 39, p. 208
16-20-1	New (T)	V. 39, p. 462
16-20-1	New	V. 39, p. 1075

**AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER**

Reg. No.	Action	Register
17-23-9	Revoked	V. 39, p. 146

**AGENCY 21: HUMAN RIGHTS COMMISSION**

Reg. No.	Action	Register
21-40-10	Revoked	V. 40, p. 265
21-41-1	Revoked	V. 40, p. 265
21-41-2	Amended	V. 40, p. 265
21-41-3	Amended	V. 40, p. 265
21-41-4	Revoked	V. 40, p. 265
21-41-6	Amended	V. 40, p. 265
21-41-8	Amended	V. 40, p. 265
21-41-10	Amended	V. 40, p. 265
21-41-11	Revoked	V. 40, p. 265

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-26-1	New (T)	V. 40, p. 161
22-26-2	New (T)	V. 40, p. 162
22-26-3	New (T)	V. 40, p. 163
22-26-4	New (T)	V. 40, p. 163
22-26-5	New (T)	V. 40, p. 164
22-26-6	New (T)	V. 40, p. 164
22-26-7	New (T)	V. 40, p. 164
22-26-8	New (T)	V. 40, p. 164
22-26-9	New (T)	V. 40, p. 164
22-26-10	New (T)	V. 40, p. 165
22-26-11	New (T)	V. 40, p. 165
22-26-12	New (T)	V. 40, p. 165
22-26-13	New (T)	V. 40, p. 166
22-26-14	New (T)	V. 40, p. 166
22-26-15	New (T)	V. 40, p. 167
22-26-16	New (T)	V. 40, p. 167

**AGENCY 26: DEPARTMENT FOR AGING AND DISABILITY SERVICES**

Reg. No.	Action	Register
26-38-1	New	V. 39, p. 1155
26-38-2	New	V. 39, p. 1156
26-38-3	New	V. 39, p. 1157
26-38-4	New	V. 39, p. 1157
26-38-5	New	V. 39, p. 1157
26-38-6	New	V. 39, p. 1158
26-38-7	New	V. 39, p. 1158
26-38-8	New	V. 39, p. 1159
26-38-9	New	V. 39, p. 1160
26-38-10	New	V. 39, p. 1160
26-38-11	New	V. 39, p. 1160

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-40	New (T)	V. 39, p. 1018

28-1-40	New	V. 39, p. 1384
28-1-41	New (T)	V. 39, p. 1018
28-1-41	New	V. 39, p. 1384
28-1-42	New (T)	V. 39, p. 1018
28-1-42	New	V. 39, p. 1384
28-1-43	New (T)	V. 39, p. 1018
28-1-43	New	V. 39, p. 1385
28-1-44	New (T)	V. 39, p. 1019
28-1-44	New	V. 39, p. 1385
28-15-52	Amended	V. 39, p. 171
28-15-53	Amended	V. 39, p. 171
28-19-719	Revoked	V. 39, p. 1459
28-19-720	Amended	V. 39, p. 1459
28-24-1	Amended	V. 39, p. 336
28-24-2	Amended	V. 39, p. 336
28-24-3	Amended	V. 39, p. 336
28-24-4	Amended	V. 39, p. 337
28-24-5	Amended	V. 39, p. 337
28-24-6	Amended	V. 39, p. 337
28-24-7	Amended	V. 39, p. 337
28-24-8	Amended	V. 39, p. 337
28-24-9	Amended	V. 39, p. 337
28-24-10	Amended	V. 39, p. 338
28-24-11	Amended	V. 39, p. 338
28-24-12	Amended	V. 39, p. 338
28-24-13	Amended	V. 39, p. 339
28-24-14	Amended	V. 39, p. 339
28-38-18	Revoked	V. 39, p. 1160
28-38-19	Revoked	V. 39, p. 1160
28-38-20	Revoked	V. 39, p. 1160
28-38-21	Revoked	V. 39, p. 1160
28-38-22	Revoked	V. 39, p. 1161
28-38-23	Revoked	V. 39, p. 1161
28-38-26	Revoked	V. 39, p. 1161
28-38-28	Revoked	V. 39, p. 1161
28-38-29	Revoked	V. 39, p. 1161
28-38-30	Revoked	V. 39, p. 1161
28-44-12	Amended	V. 39, p. 819
28-44-13	Amended	V. 39, p. 819
28-44-14	Amended	V. 39, p. 819
28-44-15	Amended	V. 39, p. 820
28-44-16	Amended	V. 39, p. 820
28-44-17	Amended	V. 39, p. 820
28-44-18	Amended	V. 39, p. 821
28-44-19	Amended	V. 39, p. 821
28-44-20	Amended	V. 39, p. 821
28-44-21	Amended	V. 39, p. 821
28-44-22	Amended	V. 39, p. 822
28-44-23	Amended	V. 39, p. 822
28-44-24	Amended	V. 39, p. 822
28-44-25	Amended	V. 39, p. 822
28-44-26	Amended	V. 39, p. 823
28-44-27	Amended	V. 39, p. 823
28-44-28	Revoked	V. 39, p. 824
28-44-29	Amended	V. 39, p. 824
28-44-30	New	V. 39, p. 825
28-44-31	New	V. 39, p. 825
28-65-1	Amended	V. 40, p. 318
28-65-2	Amended	V. 40, p. 318
28-65-3	Amended	V. 40, p. 318
28-65-4	Amended	V. 40, p. 319

**AGENCY 36: KANSAS DEPARTMENT OF TRANSPORTATION**

Reg. No.	Action	Register
36-45-1	New (T)	V. 39, p. 1104
36-45-1	New	V. 39, p. 1490
36-45-2	New (T)	V. 39, p. 1105
36-45-2	New	V. 39, p. 1491
36-45-3	New (T)	V. 39, p. 1105
36-45-3	New	V. 39, p. 1491
36-45-3	New (T)	V. 39, p. 1106
36-45-4	New	V. 39, p. 1491
36-45-5	New (T)	V. 39, p. 1106
36-45-5	New	V. 39, p. 1492
36-45-6	New (T)	V. 39, p. 1106

36-45-6	New	V. 39, p. 1492
36-45-7	New (T)	V. 39, p. 1106
36-45-7	New	V. 39, p. 1492
36-45-8	New (T)	V. 39, p. 1107
36-45-8	New	V. 39, p. 1493
36-45-10	New (T)	V. 39, p. 1108
36-45-10	New	V. 39, p. 1494

**AGENCY 40: INSURANCE DEPARTMENT**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
40-1-28	Amended	V. 40, p. 191
40-1-52	New	V. 40, p. 191

**AGENCY 60: BOARD OF NURSING**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
60-11-116	Amended	V. 39, p. 1021
60-11-119	Amended	V. 39, p. 1022
60-13-110	Amended	V. 39, p. 1022
60-16-101	Amended	V. 39, p. 12
60-16-103	Amended	V. 39, p. 12
60-16-104	Amended	V. 39, p. 13

**AGENCY 61: BOARD OF BARBERING**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
61-4-3	New	V. 40, p. 161

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
66-6-1	Amended	V. 39, p. 1425
66-6-10	Amended	V. 39, p. 1426
66-7-1	Amended	V. 39, p. 1427
66-8-3	Amended	V. 39, p. 1427
66-8-4	Amended	V. 39, p. 1427
66-9-5	Amended	V. 39, p. 1427
66-10-4	Amended	V. 39, p. 1427
66-10-9	Amended	V. 39, p. 1428
66-10-10b	Amended	V. 39, p. 1428
66-10-10c	New	V. 39, p. 1428
66-10-12	Amended	V. 39, p. 1428
66-10-13	Amended	V. 39, p. 1429
66-11-5	Amended	V. 39, p. 1429
66-14-1	Amended	V. 39, p. 1429
66-14-2	Amended	V. 39, p. 1430
66-14-3	Amended	V. 39, p. 1430
66-14-5	Amended	V. 39, p. 1430
66-14-6	Amended	V. 39, p. 1431
66-14-7	Amended	V. 39, p. 1431
66-14-8	Amended	V. 39, p. 1431
66-14-9	Amended	V. 39, p. 1431
66-14-10	Revoked	V. 39, p. 1431
66-14-11	Revoked	V. 39, p. 1431
66-14-12	Amended	V. 39, p. 1431
66-15-1	New	V. 39, p. 14

**AGENCY 68: BOARD OF PHARMACY**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
68-2-5	Amended	V. 39, p. 105
68-5-16	Amended	V. 39, p. 106

**AGENCY 69: BOARD OF COSMETOLOGY**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
69-3-8	Amended (T)	V. 39, p. 1186
69-3-8	Amended	V. 39, p. 1583

**AGENCY 70: BOARD OF VETERINARY EXAMINERS**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
70-5-1	Amended	V. 39, p. 1495

**AGENCY 74: BOARD OF ACCOUNTANCY**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
74-1-3	Amended	V. 38, p. 1337

**AGENCY 82: STATE CORPORATION COMMISSION**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
82-4-3a	Amended (T)	V. 39, p. 1188
82-4-3a	Amended	V. 39, p. 1608
82-4-30a	Amended (T)	V. 39, p. 1383
82-4-30a	Amended	V. 40, p. 160

**AGENCY 86: REAL ESTATE COMMISSION**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
86-1-10	Amended	V. 39, p. 54
86-1-11	Amended	V. 39, p. 55
86-1-12	Amended	V. 39, p. 56
86-1-13	Revoked	V. 39, p. 56
86-1-16	Revoked	V. 39, p. 56
86-1-17	Amended	V. 39, p. 56
86-1-18	Revoked	V. 39, p. 56
86-3-6a	Revoked	V. 39, p. 56
86-3-7	Amended	V. 39, p. 56
86-3-10	Amended	V. 40, p. 497
86-3-18	Amended	V. 40, 497
86-3-20	Revoked	V. 39, p. 57
86-3-21	Revoked	V. 40, p. 498
86-3-22	Amended	V. 40, p. 498

**AGENCY 88: BOARD OF REGENTS**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
88-10-1	Revoked	V. 39, p. 1270
88-10-2	Revoked	V. 39, p. 1270
88-10-3	Revoked	V. 39, p. 1270
88-10-4	Revoked	V. 39, p. 1270
88-10-5	Revoked	V. 39, p. 1270
88-10-6	Revoked	V. 39, p. 1270
88-10-7	Revoked	V. 39, p. 1270
88-10-8	Revoked	V. 39, p. 1270
88-10-10	Revoked	V. 39, p. 1270
88-10-12	Revoked	V. 39, p. 1270
88-11-1	Revoked	V. 39, p. 1270
88-11-2	Revoked	V. 39, p. 1270
88-11-3	Revoked	V. 39, p. 1270
88-11-4	Revoked	V. 39, p. 1270
88-11-5	Revoked	V. 39, p. 1270
88-11-6	Revoked	V. 39, p. 1270
88-11-7	Revoked	V. 39, p. 1270
88-11-8	Revoked	V. 39, p. 1270
88-11-9	Revoked	V. 39, p. 1270
88-11-11	Revoked	V. 39, p. 1270
88-11-12	Revoked	V. 39, p. 1270
88-25-1	New	V. 39, p. 748
88-25-2	New	V. 39, p. 748
88-25-3	New	V. 39, p. 748
88-25-4	New	V. 39, p. 748
88-25-5	New	V. 39, p. 748
88-29-1	Revoked	V. 39, p. 1215
88-29-3	Amended	V. 39, p. 1215
88-29-11	Revoked	V. 39, p. 1216
88-29-12	Amended	V. 39, p. 1216
88-29-13	Amended	V. 39, p. 1216
88-29-14	Amended	V. 39, p. 1218
88-29-15	Amended	V. 39, p. 1218
88-29-16	Amended	V. 39, p. 1219
88-29-17	Amended	V. 39, p. 1220
88-29-18	Revoked	V. 39, p. 1221
88-29-19	Revoked	V. 39, p. 1221
88-29a-1	Amended	V. 39, p. 1221
88-29a-5	Amended	V. 39, p. 1223
88-29a-6	Amended	V. 39, p. 1223
88-29a-7	Amended	V. 39, p. 1223
88-29a-7a	Amended	V. 39, p. 1224
88-29a-9	Amended	V. 39, p. 1224
88-29a-10	Amended	V. 39, p. 1225
88-29a-11	Amended	V. 39, p. 1227

88-29a-18	Amended	V. 39, p. 1228
88-29a-19	Amended	V. 39, p. 1229
88-29b-1	Amended	V. 39, p. 1229
88-29b-3	Amended	V. 39, p. 1231
88-29b-5	Amended	V. 39, p. 1231
88-29b-6	Amended	V. 39, p. 1232
88-29b-7	Amended	V. 39, p. 1233
88-29b-7a	Amended	V. 39, p. 1234
88-29b-9	Amended	V. 39, p. 1234
88-29b-10	Amended	V. 39, p. 1235
88-29c-1	Amended	V. 39, p. 1236
88-29c-5	Amended	V. 39, p. 1238
88-29c-7	Amended	V. 39, p. 1238
88-29c-9	Amended	V. 39, p. 1238
88-29c-10	Amended	V. 39, p. 1239
88-29d-1	Amended	V. 39, p. 1240
88-29d-5	Amended	V. 39, p. 1241
88-29d-7	Amended	V. 39, p. 1242
88-29d-9	Amended	V. 39, p. 1242
88-29d-10	Amended	V. 39, p. 1243
88-30-1	Amended (T)	V. 39, p. 890
88-30-1	Amended	V. 39, p. 1269
88-30-2	Amended	V. 39, p. 1270

**AGENCY 92: DEPARTMENT OF REVENUE**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
92-19-47	Revoked	V. 40, p. 290
92-19-67	Revoked	V. 40, p. 290

**AGENCY 100: BOARD OF HEALING ARTS**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
100-6-2	Amended	V. 40, p. 571
100-6-2a	New	V. 40, p. 290
100-7-1	Amended	V. 39, p. 1359
100-8-3	New	V. 40, p. 572
100-15-4	Amended	V. 40, p. 572
100-15-5	Amended	V. 40, p. 573
100-76-6	Amended	V. 39, p. 1360
100-78-1	New (T)	V. 39, p. 250
100-78-1	New	V. 39, p. 570
100-78-2	New (T)	V. 39, p. 250
100-78-2	New	V. 39, p. 570

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
105-5-2	Amended	V. 39, p. 252
105-5-3	Amended	V. 39, p. 252
105-5-6	Amended	V. 39, p. 252
105-5-7	Amended	V. 39, p. 252
105-5-8	Amended	V. 39, p. 252

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
109-3-3	Amended	V. 39, p. 30
109-3-4	Amended	V. 39, p. 31
109-5-1a	Amended	V. 39, p.32
109-11-1a	Amended	V. 39, p.32

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can

be found in the Vol. 28, No. 53, December 31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 *Kansas Register*.

Reg. No.	Action	Register
111-2-328	New	V. 39, p. 1460
111-4-3595	New	V. 39, p. 57
111-4-3596	New	V. 39, p. 58
111-4-3597	New	V. 39, p. 59
111-4-3598	New	V. 39, p. 60
111-4-3599	New	V. 39, p. 61
111-4-3600	New	V. 39, p. 63
111-4-3601	New	V. 39, p. 532
111-4-3602	New	V. 39, p. 533
111-4-3603	New	V. 39, p. 570
111-4-3604	New	V. 39, p. 572
111-4-3605	New	V. 39, p. 573
111-4-3606	New	V. 39, p. 574
111-4-3607	New	V. 39, p. 576
111-4-3608	New	V. 39, p. 621
111-4-3609	New	V. 39, p. 623
111-4-3610	New	V. 39, p. 624
111-4-3611	New	V. 39, p. 854
111-4-3612	New	V. 39, p. 855
111-4-3613	New	V. 39, p. 856
111-4-3614	New	V. 39, p. 858
111-4-3615	New	V. 39, p. 859
111-4-3616	New	V. 39, p. 860
111-4-3617	New	V. 39, p. 861
111-4-3618	New	V. 39, p. 862
111-4-3619	New	V. 39, p. 862
111-4-3620	New	V. 39, p. 864
111-4-3621	New	V. 39, p. 865
111-4-3623	New	V. 39, p. 866
111-4-3624	New	V. 39, p. 891
111-4-3625	New	V. 39, p. 892
111-4-3626	New	V. 39, p. 893
111-4-3627	New	V. 39, p. 894
111-4-3628	New	V. 39, p. 896
111-4-3629	New	V. 39, p. 897
111-4-3630	New	V. 39, p. 900
111-4-3631	New	V. 39, p. 1076
111-4-3632	New	V. 39, p. 1077
111-4-3633	New	V. 39, p. 1109
111-4-3634	New	V. 39, p. 1109
111-4-3635	New	V. 39, p. 1110
111-4-3636	New	V. 39, p. 1111
111-4-3637	New	V. 39, p. 1113
111-4-3638	New	V. 39, p. 1114
111-4-3639	New	V. 39, p. 1333
111-4-3640	New	V. 39, p. 1334
111-4-3641	New	V. 39, p. 1335
111-4-3642	New	V. 39, p. 1336

111-4-3643	New	V. 39, p. 1404
111-4-3644	New	V. 39, p. 1460
111-4-3645	New	V. 39, p. 1462
111-4-3646	New	V. 39, p. 1463
111-4-3647	New	V. 39, p. 1465
111-4-3648	New	V. 39, p. 1466
111-4-3649	New	V. 40, p. 40
111-4-3650	New	V. 40, p. 41
111-4-3651	New	V. 40, p. 192
111-4-3652	New	V. 40, p. 193
111-4-3653	New	V. 40, p. 194
111-4-3654	New	V. 40, p. 196
111-4-3655	New	V. 40, p. 197
111-4-3656	New	V. 40, p. 199
111-4-3657	New	V. 40, p. 427
111-4-3658	New	V. 40, p. 573
111-4-3659	New	V. 40, p. 575
111-4-3660	New	V. 40, p. 576
111-5-223	Amended	V. 40, p. 428
111-5-245	New	V. 39, p. 577
111-5-246	New	V. 40, p. 429
111-9-223	New	V. 39, p. 625
111-9-224	New	V. 39, p. 867
111-9-225	New	V. 40, p. 578
111-15-1	Amended	V. 39, p. 1405
111-15-3	Amended	V. 39, p. 1080
111-15-4	Amended	V. 39, p. 1081
111-15-5	Amended	V. 39, p. 1081
111-15-6	Amended	V. 39, p. 1081
111-15-10	Amended	V. 39, p. 1082
111-19-72	Amended	V. 39, p. 64
111-19-73	New	V. 39, p. 64
111-19-74	New	V. 39, p. 65
111-19-75	New	V. 39, p. 65
111-19-76	New	V. 39, p. 74
111-19-77	New	V. 39, p. 578
111-19-78	New	V. 39, p. 579
111-19-79	New	V. 39, p. 580
111-19-80	New	V. 39, p. 626
111-19-81	New	V. 39, p. 626
111-19-82	New	V. 39, p. 868
111-19-83	New	V. 39, p. 868
111-19-84	New	V. 39, p. 868
111-19-85	New	V. 39, p. 869
111-19-86	New	V. 39, p. 870
111-19-87	New	V. 39, p. 901
111-19-88	New	V. 39, p. 901
111-19-89	New	V. 39, p. 1082
111-19-90	New	V. 39, p. 1115
111-19-91	New	V. 39, p. 1116
111-19-92	New	V. 39, p. 1116
111-19-93	New	V. 39, p. 1337
111-19-94	New	V. 39, p. 1405
111-19-95	New	V. 39, p. 1405
111-19-96	New	V. 39, p. 1406
111-19-97	New	V. 40, p. 42
111-19-98	New	V. 40, p. 43
111-19-99	New	V. 40, p. 44
111-19-100	New	V. 40, p. 200
111-19-101	New	V. 40, p. 430
111-19-102	New	V. 40, p. 578
111-19-103	New	V. 40, p. 579
111-301-4	Amended	V. 39, p. 534
111-301-5	Amended	V. 39, p. 534
111-301-6	Amended	V. 39, p. 535
111-301-43	Amended	V. 39, p. 537

111-301-60	Amended	V. 39, p. 66
111-301-62	Amended	V. 39, p. 67
111-301-64	Amended	V. 39, p. 538
111-301-66	Amended	V. 39, p. 538
111-301-72	New	V. 39, p. 1338
111-301-73	New	V. 39, p. 1338
111-301-74	New	V. 39, p. 1338
111-301-75	New	V. 39, p. 1338
111-301-76	New	V. 39, p. 1339
111-302-4	Amended	V. 39, p. 68
111-302-5	Amended	V. 39, p. 1082
111-305-5	Amended	V. 39, p. 539
111-305-6	Amended	V. 39, p. 539
111-401-253	New	V. 39, p. 69
111-401-254	New	V. 39, p. 69
111-401-255	New	V. 39, p. 71
111-501-71	Amended	V. 39, p. 1340
111-501-81	Amended	V. 39, p. 1340
111-501-105	Amended	V. 40, p. 430
111-501-107	Amended	V. 40, p. 431
111-501-108	Amended	V. 40, p. 431
111-501-109	Amended	V. 40, p. 431
111-501-149	New	V. 39, p. 72
111-501-150	New	V. 39, p. 72
111-501-151	New	V. 39, p. 73
111-501-152	New	V. 39, p. 73
111-501-153	New	V. 39, p. 74
111-601-4	Amended	V. 39, p. 1117
111-601-6	Amended	V. 39, p. 1117
111-601-35	Amended	V. 40, p. 580

**AGENCY 112: KANSAS RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-105-1	Amended	V. 39, p. 251

**AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS AND TOURISM**

Reg. No.	Action	Register
115-1-1	Amended	V. 40, p. 498
115-2-1	Amended	V. 39, p. 1525
115-4-2	Amended	V. 39, p. 617
115-4-4	Amended	V. 39, p. 618
115-4-4a	Amended	V. 39, p. 1527
115-4-6	Amended	V. 40, p. 500
115-5-1	Amended	V. 39, p. 1103
115-6-1	Amended	V. 39, p. 1103
115-7-3	Amended	V. 39, p. 1528
115-7-10	Amended	V. 39, p. 1528
115-14-12	Amended	V. 39, p. 1271
115-14-13	Amended	V. 39, p. 1273
115-14-14	Amended	V. 39, p. 1275
115-18-7	Revoked	V. 39, p. 1528
115-18-10	Amended	V. 39, p. 1528
115-18-12	Amended	V. 39, p. 1529

**AGENCY 129: DEPARTMENT OF HEALTH AND ENVIRONMENT—DIVISION OF HEALTH CARE FINANCE**

Reg. No.	Action	Register
129-6-103	Amended	V. 39, p. 1557
129-9-9	New (T)	V. 39, p. 647
129-9-9	New	V. 39, p. 1019
129-10-31	Amended	V. 39, p. 800

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