

**PRELIMINARY SUMMARY OF LEGISLATION
2025 KANSAS LEGISLATURE**

KL RD

*Providing objective research and fiscal
analysis for the Kansas Legislature*

This publication contains summaries of selected bills passed by the Legislature as of the end of the legislative day on March 21, 2025. Bills that have not yet been signed by the Governor are included.

A supplement containing summaries of major bills that were passed after that date will be distributed during the week of March 31, 2025. An additional supplement will be mailed after the wrap-up session in April.

Highlights, a summary of major legislation, will be prepared after the Legislature adjourns and will be mailed to legislators as soon as possible. *The Summary of Legislation*, which accounts for all bills passed by the 2025 Legislature, will be distributed at a later date.

These documents are available on the Kansas Legislative Research Department's website: <https://klrd.gov/>.

Kansas Legislative Research Department
300 SW 10th Avenue
Room 68-West, Statehouse
Topeka, Kansas 66612-1504

Telephone: (785) 296-3181
kslegres@klrd.ks.gov
<https://klrd.gov/>

Table of Contents

AGRICULTURE AND NATURAL RESOURCES	1
Agriculture Conservation Districts; SB 36.....	1
Amendments to the Poultry Disease Control Act; SB 89.....	1
BUSINESS, COMMERCE, AND LABOR	4
PEO Registrations and Working Capital; HB 2092.....	4
Business Filings Modified; HB 2117.....	4
Milk Processors’ Payments in Trust; HB 2254.....	5
Regulatory Sandbox Program; HB 2291.....	8
EDUCATION	18
Postsecondary Accreditation; SB 78.....	18
Adding IMSLEC-accredited Organizations to Approved At-risk Programs; HB 2033.....	19
ELECTIONS AND ETHICS	20
Validating Election Results on Questions Submitted by USD 200; Notification Requirements of Elections for Issuance of Bonds; SB 2.....	20
Deadline for Receipt by Mail of Advance Voting Ballots; SB 4.....	20
Requiring Legislative Approval for Use of Federal Election Funds; SB 5.....	20
Prohibition on Ranked Choice Voting; SB 6.....	21
Non-citizens’ Driver’s Licenses Report; HB 2020.....	21
Prohibiting Foreign National Contributions and Expenditures for Constitutional Amendment Campaigns; HB 2106.....	21
FEDERAL AND STATE AFFAIRS	24
Immigration Law Enforcement; SCR 1602.....	24
HEALTH	25
Actions Regarding the Introduction or Spread of Infectious or Contagious Diseases; Sub. for SB 29.....	25
Help Not Harm Act; SB 63.....	27
Certified Registered Nurse Anesthetist Independent Prescription Authority; Sub. for SB 67.....	31
State Long-term Care Ombudsman Dementia Care Training; SB 88.....	32
Transfer of the Prenatally and Postnatally Diagnosed Conditions Awareness Programs and Fund; HB 2307.....	33
JUDICIARY	35
Proposed Constitutional Amendment—Direct Election of Supreme Court Judges; SCR 1611.....	35
Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; Kansas Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act; HB 2359.....	36
LEGISLATURE	56
Joint Committee on Vacancy Appointments and Process for Filling Vacancies; SB 105.....	56
Minutes for Legislative Interim Committees; HB 2238.....	59
Denouncing the March 28, 2025, Black Mass Ceremony; HR 6016.....	59
LOCAL GOVERNMENT	60
Township Bonding Caps; SB 7.....	60

Optional Citizens Commission for Counties of Certain Size; SB 104.....	60
Restrictive Covenants on Real Estate Owned by State Educational Institutions; SB 194.....	60
Prohibition on Guaranteed Income Programs; HB 2101.....	60
Fair Board Membership; Sub. for HB 2145	61
Service of Process Fees Prohibition; HB 2182.....	62
OPEN RECORDS.....	63
Kansas Open Records Act Exceptions Continued; HB 2166.....	63
PROFESSIONS AND OCCUPATIONS.....	64
Athletic Trainer; SB 175.....	64
Temporary Cosmetology Permits; HB 2338.....	65
PUBLIC SAFETY.....	66
Sale or Transfer of Forfeited Firearms; SB 137.....	66
State 911 Board and Funds; HB 2110.....	66
Ignition Interlock Device Manufacturer Fees; HB 2222.....	67
Kansas Highway Patrol Officer Rank and Classification; HB 2261.....	68
SOCIAL SERVICES.....	69
SNAP Waiver to Prohibit Purchase of Candy and Soda; SB 79.....	69
Reorganization of Public Assistance Statute; HB 2027.....	69
Office of Inspector General Scope and Powers; HB 2217.....	70
STATE FINANCES.....	74
Continuous State Budget; SB 14.....	74
Alcohol and Drug Abuse Treatment Fund; HB 2221.....	74
STATE GOVERNMENT.....	76
Secretary of State Filings; SB 13.....	76
Notice of Expedited Revocation of Rules and Regulations; SB 77.....	76
Fostering Competitive Career Opportunities Act; SB 166.....	76
Raising the State Match for Public-Private Partnerships; HB 2215.....	77
Written Policies for Procurement of Contracted Medicaid Services; HB 2284.....	77
TAXATION.....	79
Strother Field Airport Property Tax Exemption; SB 117.....	79
TRANSPORTATION AND MOTOR VEHICLES.....	80
Move Over for Stopped Vehicles; SB 8.....	80
Dealer Inventory-only Titles for Certain Non-highway Vehicles; SB 97.....	80
VETERANS AND MILITARY.....	81
Advance Enrollment for Military Students; Sub. for HB 2102.....	81
Expanding the Kansas National Guard Educational Assistance Act and EMERGE Program; HB 2185.....	81
WATER.....	85
Multi-year Flex Accounts; SB 58.....	85
Water Pollution Control Permit Expiration; HB 2085.....	86

AGRICULTURE AND NATURAL RESOURCES

Agriculture Conservation Districts; SB 36

SB 36 amends law regarding conservation districts.

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

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

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

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

Amendments to the Poultry Disease Control Act; SB 89

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

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

Fees

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

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

NPIP Participation Fee

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

Certification Fee

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

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

Testing and Diagnostic Services Fee

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

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

Failure to Pay NPIP Participating Fee

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

Other Amendments to the Act

Out-of-State Poultry

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

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

- Meeting requirements equivalent to those contained in the NPIP.

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

Public Exhibition

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

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

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

Definitions

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

Rules and Regulations

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

BUSINESS, COMMERCE, AND LABOR

PEO Registrations and Working Capital; HB 2092

HB 2092 modifies the automatic expiration date of professional employer organization (PEO) registrations and filing of annual audits, and modifies surety bond requirements for those PEOs with insufficient working capital.

Registrations, Renewals, and Audits

The bill replaces the current automatic PEO registration expiration from 120 days after a PEO's fiscal year to an automatic expiration on October 15 following the issuance of the registration. The bill exempts any registrations issued on or after January 1, 2025, from the automatic expiration; those registrations expire on October 15, 2026.

A PEO seeking to renew registration is required to file on an annual basis a succeeding audit not older than 12 months with its renewal registration application.

Insufficient Working Capital

For PEOs with insufficient working capital, the bill requires the PEO to submit only a bond covering all taxes, wages, benefits, or other entitlement due to covered employees if the PEO cannot make such payments when due. State law had previously also allowed an irrevocable letter of credit or securities to be submitted.

Continuing law requires the bond to have a minimum value equal to the sum of the amount necessary to comply with the law's working capital requirement plus \$100,000.

Business Filings Modified; HB 2117

HB 2117 modifies business filing requirements for certain entities, authorizes certain entities rendering a professional service to participate in transactions under the Business Entity Transactions Act, and makes certain information provided by a covered entity's former registered agent a public record.

Business Filings

The bill removes the requirement to file a certified copy of a resolution adopted by the entity's trustees declaring the entity's intention to withdraw from the Kansas Business Trust Act of 1961 with the Office of the Secretary of State. The bill requires the entity to file a certificate of dissolution or withdrawal executed by an authorized person. The bill also replaces the \$20 withdrawal fee with the Secretary of State's fee for filing such a certificate at the time the certificate is filed, not exceeding \$150.

The bill removes the merger or incorporation filing requirement of a certificate of the proper officer of the jurisdiction and replaces it with a form prescribed by the Secretary of State.

The bill removes the latest date upon which a limited partnership is to dissolve from the certificate of limited partnership filed with the Secretary of State. The bill replaces the \$150 application fee for limited partnership filings, including for foreign (non-Kansas) limited partnerships, with a fee established by the Secretary of State in rules and regulations, not to exceed \$150.

Professional Service Entities and Transactions

The bill allows professional corporations or limited liability companies to participate transactions under the Business Entity Transactions Act.

Registered Agents

When a covered entity's resident agent files a certificate of resignation, the bill makes the name, postal address, and contact information of the officer, director, employee, or designated agent who is authorized to receive communications from the resident agent a public record. [Note: This information is also accessible through additional public filings.]

Milk Processors' Payments in Trust; HB 2254

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

Definitions (Section 1)

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

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

Trust and Escrow Requirements (Section 2)

Trusts

The bill requires a milk processor (processor) to hold in trust all payments received from the sale of milk for the benefit of the milk producer (producer) from whom the milk was

purchased. This practice continues until the producer has received full payment of the purchase price for the milk. The funds placed in escrow are held in trust.

Escrow Account

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

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

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

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

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

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

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

Ownership of the Funds

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

Exemption

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

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

Prohibition of Purchase (Section 3)

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

- Payment of the purchase price is made according to the provisions prescribed by an applicable federal milk marketing order;
- Any additional provisions are agreed on by both the producer or the producer's agent and the processor; and
- The medium of exchange used is cash, a check for the full amount of the purchase price, or a wire transfer of money in the full amount.

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

Cooperative Associations (Section 4)

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

Liability for Lack of Payment (Section 5)

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

- The purchase price of the raw milk;
- Interest on the purchase price at the highest legal rate, from the date that possession is transferred until the date the payment is made, in accordance with this act; and
- A reasonable attorney fee for the collection of the payment.

Regulatory Sandbox Program; HB 2291

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

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

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

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

Regulatory Relief Division

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

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

The bill requires the Division to:

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

The Division is authorized to:

- Review state laws and rules and regulations that may unnecessarily inhibit the creation or success of new and existing companies and provide recommendations to the Governor and the Legislature on amending or repealing such state laws and rules and regulations;
- Create a framework for analyzing the risk level to the health, safety, and financial well-being of consumers related to repealing state laws and rules and regulations;

- Propose potential reciprocity agreements with other states using, or proposing to use, similar programs;
- Adopt rules and regulations regarding the administration of the Program, including rules and regulations that administer the Program and set forth the application process; and
- Consult and cooperate with other state agencies relating to the Program.

Program Advisory Committee

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

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

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

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

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

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

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

Division Report

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

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

General Regulatory Sandbox Program

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

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

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

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

Additionally, the bill authorizes the Division to:

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

Application Form

The Division is required to provide relevant information about the Program and how to apply for the Program. The Division may provide assistance to an applicant in preparing an application for submission. An applicant can contact the Division to request a consultation about the Program before submitting an application. An applicant is required to submit a Program application in a form prescribed by the Division that:

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

- Recognition that the applicant will be subject to all laws and rules and regulations pertaining to the applicant's offering after the demonstration's conclusion; and
- How the applicant will end the demonstration and protect consumers if the demonstration fails;
- Lists each agency, if any, the applicant reasonably believes to regulate the applicant's business; and
- Provides any other required information as determined by the Division.

Application Fees and Information

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

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

Review Process

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

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

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

- Describes any identifiable, likely, and significant harm to the health, safety, or financial well-being of consumers against which the relevant law or rule and regulation protects; and
- Makes a recommendation to the Division that the application be admitted or denied entrance into the Program.

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

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

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

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

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

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

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

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

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

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

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

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

Participation Determination

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

The Division is not authorized to enter into an agreement that waives or suspends a tax, fee, or charge administered under KSA Chapter 79, Taxation.

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

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

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

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

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

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

Program Participation

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

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

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

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

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

Consumer Disclosure

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

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

- The expected end date of the demonstration period; and
- That a consumer may contact the Division and file a complaint regarding the demonstrated offering and provide the Division's telephone number and website address where a complaint may be filed.

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

Winding Down the Demonstration

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

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

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

Data Retention and Reporting

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

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

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

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

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

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

- Incidents of consumer harm;
- Legal action filed against the participant as a result of the participant's demonstration; and
- Complaints filed with an applicable agency as result of the participant's demonstration.

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

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

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

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

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

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

EDUCATION

Postsecondary Accreditation; SB 78

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

Accreditation Policies and Practices

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

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

Definition of Postsecondary Educational Institution

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

- State educational institution as defined in law regarding operations of institutions;
- Private postsecondary education institution as defined in the Kansas Private and Out-of-state Postsecondary Educational Institution Act;
- Municipal university as defined in the Kansas Higher Education Coordination Act;
- Not-for-profit institution of postsecondary education with its main campus or principal place of operation in Kansas, is operated independently and not controlled or administered by any state agency or subdivision of the state, maintains open enrollment and is accredited by a nationally recognized accrediting agency for higher education in the United States; and
- Community college as defined in the Kansas Higher Education Coordination Act.

Prohibition on Accrediting Agencies and Associations

The bill prohibits an accrediting agency or association from compelling an institution to violate state law. Furthermore, the bill allows an institution to bring a civil cause of action against the accrediting agency or association if the agency or association took any adverse action

against an institution based, in part or in whole, on the institution's compliance with any state law that is not preempted by federal law.

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

Other References to Accrediting Agencies

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

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

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

ELECTIONS AND ETHICS

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

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

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

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

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

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

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

Definitions

The bill defines the following terms:

- “Federal government” means any branch, agency, department, office, bureau, or instrumentality of the government of the United States; and
- “Governmental agency” means the State or any agency or political subdivision or instrumentality thereof.

Requiring Funds Be Provided By Law

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

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

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

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

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

The bill takes effect upon publication in the *Kansas Register*.

Prohibition on Ranked Choice Voting; SB 6

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

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

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

The bill takes effect upon publication in the *Kansas Register*.

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

HB 2020 directs the Director of Vehicles (Director), Department of Revenue, to quarterly provide the Secretary of State (Secretary) a list of all permanent and temporary driver’s licenses issued to non-citizens. The list of non-citizens must contain the names, addresses, phone numbers, Social Security numbers, alien registration numbers, dates of birth, temporary driver’s license numbers, and the expiration dates of such licenses. The bill directs the Secretary to compare the list provided by the Director with the voter registration rolls and investigate. The Secretary shall then direct the county election officer to remove the names of any non-citizens that appear on the voter registration rolls within five business days. The bill requires the county election officer to notify such person that they may be reinstated on the voter registration rolls by providing proof of their citizenship.

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

HB 2106 amends the Campaign Finance Act to add additional reporting and certification requirements to persons promoting or opposing the adoption or repeal of any provision of the

Kansas Constitution. The bill also prohibits any person that engages in activity promoting or opposing the adoption or repeal of any provision of the *Kansas Constitution* from accepting contributions or expenditures from a foreign national.

Prohibition on Foreign National Contributions and Expenditures

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

Violations

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

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

Reporting to Secretary of State

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

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

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

Certification to Governmental Ethics Commission

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

- Has not knowingly accepted any moneys, either directly or indirectly, from a foreign national that in the aggregate exceed \$100,000 within the four-year period immediately preceding the date of the expenditure; and
- Will not accept any such moneys from a foreign national for the remainder of the calendar year in which the question of amending the *Kansas Constitution* is on the ballot.

Definition of "Foreign National"

The bill defines "foreign national" as:

- An individual who is not a citizen or lawful permanent resident of the United States;
- A government or subdivision of a foreign country or municipality thereof;
- A foreign political party;
- Any entity such as a partnership, association, corporation, organization, or other combination of persons that is organized under the laws of, or has its principal place of business in, a foreign country; or
- Any U.S. entity, such as a partnership, association, corporation, or organization, that is wholly or majority-owned by any foreign national, unless:
 - Any contribution or expenditure that such entity makes is derived entirely from funds generated by such U.S. entity's U.S. operations; and
 - All decisions concerning the contribution or expenditure are made by individuals who are U.S. citizens or permanent residents, except for setting overall budget amounts.

FEDERAL AND STATE AFFAIRS

Immigration Law Enforcement; SCR 1602

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

The concurrent resolution states that:

- The Legislature strongly urges the Governor of Kansas to fully cooperate with the Trump administration in enforcing immigration laws in the state of Kansas, including the deportation of illegal immigrants;
- The Legislature encourages the Governor of Kansas to use lawful authority to help secure the border, including offering assistance through the Kansas National Guard; and
- The Legislature continues to support efforts to secure the U.S. borders and reduce illegal immigration while fostering a legal immigration system.

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

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

HEALTH

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

Sub. for SB 29 will:

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

Requirements for Orders and Civil Action

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

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

Statutory References

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

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

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

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

Isolation or Quarantine Orders

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

Timing of Hearings

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

Judicial Review Standard of Strict Scrutiny

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

Local Health Officer Role

The bill amends the role of a county or joint board of health or local health officer to be one that may recommend against public gatherings when necessary for the control of infectious or contagious disease. [Note: Current law states the county or joint board of health or local health officer is authorized to prohibit public gatherings when necessary.]

Enforcement of Orders

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

Help Not Harm Act; SB 63

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

- Prohibits health care providers from providing certain treatments to a child who has a perceived gender or perceived sex that is different than the child's biological sex;
- Prohibits recipients of state funds, including the Kansas Program of Medical Assistance and its managed care organizations, from using such funds to provide or subsidize the prohibited treatment;
- Prohibits recipients of state funds for the treatment of children for psychological conditions from prescribing, dispensing, or administering medication as identified in the bill; performing surgery; or providing a referral to another health care

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

The Act will be effective upon publication in the *Kansas Register*.

Definitions

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

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

Use of State Funds and Resources

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

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

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

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

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

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

Treatment Prohibitions

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

- Surgical procedures, including vaginectomy, hysterectomy, oophorectomy, ovariectomy, reconstruction of the urethra, metoidioplasty, phalloplasty, scrotoplasty, implantation of erection or testicular prostheses, subcutaneous mastectomy, voice surgery, liposuction, lipofilling, or pectoral implants;
- Supraphysiologic doses of testosterone or other androgens; or
- Puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of estrogen and progesterone to delay or suppress pubertal development in female children.

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

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

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

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

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

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

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

Discipline and Private Cause of Action

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

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

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

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

Liability Insurance

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

Severability

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

Violations of the Act

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

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

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

CRNA Prescription Authority

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

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

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

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

Requirements for Prescription of Controlled Substances

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

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

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

LTC Ombudsmen Training Requirement

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

Training Topics

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

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

Transfer of the Prenatally and Postnatally Diagnosed Conditions Awareness Programs and Fund; HB 2307

HB 2307 transfers the authority over the prenatally and postnatally diagnosed conditions awareness programs (programs) from the Kansas Department of Health and Environment (KDHE) to the Kansas Council on Developmental Disabilities (KCDD), creates the Prenatally and Postnatally Diagnosed Conditions Awareness Program Fund (Fund), and directs a one-time \$25,000 transfer to the Fund.

Transfer of Authorization and Oversight

The bill transfers authorization and oversight for the programs from KDHE to KCDD, including the powers, duties, and functions related to the programs. References to KDHE in statute, contract, or other documents in regard to the programs will be deemed to apply to KCDD. The bill replaces references to the Secretary of Health and Environment with KCDD and removes the definition of “Secretary” from the statute.

The bill directs KCDD to prepare and submit a report to the Governor and Legislature on the grants, contracts, and cooperative agreements and the effectiveness of the programs they support on or before January 11, 2027.

Prenatally and Postnatally Diagnosed Conditions Awareness Programs Fund

The bill establishes the Fund in the State Treasury and provides for all moneys credited to the Fund to be expended only for the programs. All expenditures will be made in accordance with appropriation acts upon warrants of the Director of Accounts and Reports issued pursuant to vouchers approved by the Chairperson of the KCDD.

The bill also directs the Director of Accounts and Reports to transfer \$25,000 from the State General Fund to the Fund on July 1, 2025.

JUDICIARY

Proposed Constitutional Amendment—Direct Election of Supreme Court Judges; SCR 1611

SCR 1611 proposes amendments to Sections 5, 8, and 15 of Article 3 of the *Kansas Constitution* for consideration at a special election on August 4, 2026, to be held in conjunction with the primary election to occur on that date. The amendment, if approved by voters, would abolish the current method of appointing justices to the Kansas Supreme Court and replace it with direct election of such justices.

Section 5 of Article 3 of the *Kansas Constitution* currently provides that Kansas Supreme Court justices are nominated by the Supreme Court Nominating Commission (Commission), consisting of nine members, including one lawyer and one non-lawyer from each of the state's four congressional districts, plus one lawyer who serves as the chairperson. In the event of a vacancy on the Supreme Court, the Commission is required to submit the names of three qualified persons to the Governor, who makes the appointment. Current law also provides for the Chief Justice of the Supreme Court to make the appointment in the event the Governor fails to do so within 60 days of the submission of nominees and for justices to be subject to retention elections after their first year in office and every 6 years thereafter.

Section 8 of Article 3 of the *Kansas Constitution* currently prohibits justices of the Supreme Court who are appointed or retained and district court judges from directly or indirectly making contributions to or holding any office in a political party or organization or taking part in any political campaign.

Constitutional Amendments

Election of Supreme Court Justices

The resolution proposes abolishing the current process used to select and appoint Kansas Supreme Court justices in favor of direct election. The resolution provides for the rules of such elections and the designation of justice position numbers to be provided by law. Justice positions 1, 2, and 3 would be elected at the general election in November 2028; positions 4 and 5 would be elected at the general election in November 2030; and positions 6 and 7 would be elected at the general election in November 2032, and every six years thereafter, respectively. Vacancies for unexpired terms would be filled by election as provided by law.

The resolution also proposes abolishing the Commission.

Political Activity

The resolution proposes removing the prohibition against Kansas Supreme Court justices directly or indirectly making contributions to or holding any office in a political party or organization or taking part in political campaigns.

The resolution also proposes an amendment to the prohibition on political activity to allow district court judges holding office under a nonpartisan method to directly or indirectly make contributions to or hold any office in a political party or organization or take part in any

political campaign when such judge is a candidate for election to a position on an appellate court.

Ballot Language

The resolution will place the following language on the ballot for the August 4, 2026, special election along with the text of the amendment itself:

Explanatory statement. This amendment gives the voters the right to elect the justices of the Kansas Supreme Court. The justices shall serve terms of six years, with the elections of justice positions 1, 2, and 3 to occur in 2028, positions 4 and 5 to occur in 2030, and positions 6 and 7 to occur in 2032, and every six years thereafter. The rules applicable for such elections and the designation of position numbers shall be provided by law. Any vacancy on the court for an unexpired term shall be filled at an election as provided by law.

A vote for this proposition would give Kansas citizens the right to elect Kansas Supreme Court justices as provided by law. Justices will hold office for terms of six years. The Kansas Supreme Court Nominating Commission, whose membership consists of a majority of lawyers, would be abolished.

A vote against this proposition would continue the current system in which the Kansas Supreme Court Nominating Commission, whose membership consists of a majority of lawyers, provides the governor a list of three individuals to choose from for vacancies on the Kansas Supreme Court. Justices hold office for a term of six years and retain their offices if they win a retention election in which they do not face an opponent.

Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; Kansas Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act; HB 2359

HB 2359 enacts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) and the Kansas Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (KUGCOPAA), and repeals existing statutes governing guardianship and conservatorship throughout the *Kansas Statutes Annotated*, effective January 1, 2026. The bill also makes conforming amendments to various statutes to reflect the new acts.

Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

Definitions

The bill defines several terms used throughout UAGPPJA.

Foreign Jurisdiction

The bill allows a Kansas court to treat a foreign country as a state for the purposes of applying the UAGPPJA, with the exception of sections governing out-of-state registrations of guardianship or protective orders.

Interstate Communications

The bill allows a Kansas court, with participation by the parties, to communicate with another state concerning a proceeding arising under the UAGPPJA. The bill requires all communications except administrative matters be recorded by the court.

Interstate Requests for Assistance

Under the UAGPPJA, Kansas courts may request another state's court to:

- Conduct evidentiary hearings;
- Compel testimony or evidence according to that state's procedures;
- Order evaluations or assessments of the respondent;
- Conduct investigations of persons involved in proceedings;
- Provide certified records of hearings, evidence, evaluations, or assessments;
- Issue orders ensuring appearance of necessary persons; and
- Authorize release of relevant records, including protected health information under federal regulations.

The bill also requires that when courts of other states request similar assistance in their guardianship or protective proceedings, Kansas courts have limited jurisdiction to either grant the request or make reasonable efforts to comply.

Out-of-State Depositions

Under the bill, Kansas courts are able to receive testimony from out-of-state witnesses through depositions or by telephone, audio-visual technology or other electronic means, or another legally-permissible means of taking out-of-state testimony. Kansas courts are required to cooperate with other state courts in determining appropriate locations for depositions or testimony.

Definitions Specific to Adult Guardianship and Protective Proceedings

The bill defines several terms as used throughout provisions pertaining to jurisdiction of guardianship or other protective proceedings involving an adult. Terms defined include:

- “Emergency” means a circumstance that likely will result in substantial harm to a respondent’s health, safety, or welfare, and for which the appointment of a guardian is necessary because no other person has authority and is willing to act on the respondent’s behalf;
- “Home state” means the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months immediately before the filing of a petition for a protective order or the appointment of a guardian, or if none, the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months ending within the six months prior to the filing of the petition; and
- “Significant-connection state” means a state, other than the home state, with which a respondent has a significant connection other than mere physical presence and in which substantial evidence concerning the respondent is available. The bill prescribes four factors the court must consider in determining whether a significant connection to a particular state exists:
 - The location of the respondent’s family and other persons required to be notified of the guardianship or protective proceeding;
 - The length of time the respondent at any time was physically present in the state and the duration of any absence;
 - The location of the respondent’s property; and
 - The extent to which the respondent has ties to the state such as voting registration, state or local tax return filing, vehicle registration, driver’s license, social relationship, and receipt of services.

Jurisdiction

Under the bill, the UAGPPJA provides the exclusive jurisdictional basis for establishing jurisdiction for the purpose of appointing a guardian or issuing a protective order for an adult. A Kansas court has jurisdiction when Kansas is the respondent’s home state or may exercise jurisdiction as a significant-connection state when either:

- The respondent has no home state, or the home state has declined jurisdiction in favor of Kansas; or
- The respondent has a home state, but no guardianship petition is pending in that state or another significant-connection state, and before the court makes the appointment or issues the order:
 - No petition is filed in the home state;

- No jurisdictional objections are filed by parties required to be notified of the proceeding; and
- The Kansas court determines it is an appropriate forum.

Kansas courts are also able to exercise jurisdiction within constitutional limits if neither home state nor significant-connection state jurisdiction exists and all other states with potential jurisdiction have declined or the requirements for special jurisdiction are satisfied. Kansas courts may have special jurisdiction to:

- Appoint a guardian to a respondent physically present in Kansas for a term not to exceed 90 days in an emergency;
- Issue a protective order with respect to real or tangible personal property located in Kansas; or
- Appoint a guardian or conservator for an incapacitated or protected person who has been granted a provisional order for transfer from another state.

A Kansas court is required to dismiss a petition for the appointment of a guardian in an emergency upon request of the respondent's home state before or after the emergency appointment.

Exclusive and continuing jurisdiction. Once a Kansas court appoints a guardian or issues a protective order, it maintains exclusive and continuing jurisdiction until the court terminates the proceeding or the appointment or order expires by its terms.

Declining jurisdiction. The bill provides direction to Kansas courts, including factors to be considered, in determining whether a Kansas court should decline jurisdiction in favor of a more appropriate forum for the proceeding.

Jurisdiction acquired by unjustifiable conduct. The bill lists remedies available to a court when it determines that it acquired jurisdiction due to unjustifiable conduct by a party.

Notice. The bill provides that notice of a proceeding involving a respondent whose home state is not Kansas must be sent to those persons entitled to notice in the respondent's home state.

Concurrent petitions. The bill provides direction to Kansas courts in the case that a petition to appoint a guardian or issue a protective order is brought in a Kansas court and in another state and neither has been dismissed or withdrawn.

Transfer of Proceedings

The bill outlines procedures for the transfer of guardianships or conservatorships appointed in Kansas to another state. Such transfers require a petition to be filed and may require a hearing before the court may issue an order provisionally granting the petition, upon the court's finding of several facts, as specified by the bill.

For a guardianship or conservatorship to be transferred from another state to Kansas, the guardian or conservator is required to file a petition with the Kansas court to accept the transfer and has similar notice and hearing requirements as specified in the previous paragraph.

Non-resident Guardian or Conservator

The bill provides that when a guardian or conservator has been appointed in another state and no petition for the same is pending in Kansas, the guardian or conservator may register such protective arrangement in Kansas by filing it as a foreign judgment in any county, as appropriate. The bill provides that upon registration, the guardian or conservator has all powers authorized in the order of appointment except as prohibited by Kansas law and subject to any conditions imposed by nonresident parties.

Uniformity, Electronic Signatures in Global and National Commerce Act, Effective Date

Under the bill, consideration must be given to the need to promote uniformity of the law in the enactment of the UAGPPJA. The bill also specifies how the UAGPPJA impacts the Electronic Signatures in Global and National Commerce Act and states the UAGPPJA applies to guardianship and protective proceedings begun on or after January 1, 2026.

Kansas Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act

Definitions

The bill defines several key terms that are used throughout the KUGCOPAA, including:

- “Adult” means an individual at least 18 years of age or an emancipated individual under 18 years of age;
- “Conservator” means a person appointed by a court to make decisions with respect to the property or financial affairs of an individual subject to conservatorship, and the term also includes a co-conservator;
- “Guardian” means a person appointed by the court to make decisions with respect to the personal affairs of an individual, and the term also includes a co-guardian but does not include a *guardian ad litem*;
- “Expressly and with informed consent” means consent voluntarily given with sufficient knowledge of the subject matter involved, including a general understanding of the procedure, the medically acceptable alternative procedures or treatments, and the substantial risks and hazards inherent in the proposed treatment or procedures, to enable the person giving consent to make an understanding and enlightened decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion;
- “*Guardian ad litem*” means a person appointed to inform the court about, and to represent, the needs and best interest of an individual;

- “Hydration” means water or fluid administered in any manner;
- “Less restrictive alternative” means an approach to meeting an individual’s needs which restricts fewer rights of the individual than would the appointment of a guardian or conservator. The term also includes supported decision-making, appropriate technological assistance, appointment of a representative payee, and appointment of an agent by the individual, including appointment under a power of attorney for health care or power of attorney for finances;
- “Letters of office” means a record issued by a court certifying a guardian’s or conservator’s authority to act;
- “Nutrition” means sustenance administered in any manner;
- “Person” means an individual, estate, business or non-profit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity;
- “Person legally incapable of making health care decisions” means any person who:
 - Has been declared legally unable to make decisions affecting medical treatment or care; and
 - In the reasonable medical judgment of the attending physician, is unable to make decisions affecting medical treatment or other health care services; or
 - Is a minor;
- “Reasonable medical judgment” means a medical judgment that is made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved;
- “Respondent” means an individual for whom appointment of a guardian or conservator or a protective arrangement instead of guardianship or conservatorship is sought; and
- “Supported decision making” means assistance from one or more persons of an individual’s choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the individual to make the decisions, and in communicating a decision once made if consistent with the individual’s wishes.

Principles of Law and Equity Supplemental to KUGCOPAA

The bill provides that unless displaced by a particular provision of KUGCOPAA, the principles of law and equity supplement its provisions.

Jurisdiction

The bill states what jurisdiction exists for proceedings under KUGCOPAA dependent upon what type of party is involved and further provides that a district court has jurisdiction over a guardianship or conservatorship for a minor domiciled, present in, or having property in Kansas, to the extent jurisdiction is precluded by the Uniform Child Custody Jurisdiction and Enforcement Act.

Transfer of Proceedings for Persons Not Subject to UAGPPJA; Non-resident Guardian or Conservator

The bill provides direction for the transfer of proceedings under KUGCOPAA when the transfer of proceedings as specified in the UAGPPJA do not apply.

The bill also prescribes the procedure for the appointment of a non-resident guardian or conservator to a minor in Kansas when jurisdiction for the proceeding has been established in Kansas.

Venue for Proceedings Involving Minor

The bill outlines the appropriate venue for guardianship, conservatorship, or protective arrangement proceedings involving a minor in Kansas.

Rights of Parties in Proceedings

The bill specifies the various rights that are afforded to both petitioner and respondent in any proceeding under KUGCOPAA, including the right of a respondent to demand a jury trial on the issue of whether a basis exists for appointment of a guardian or conservator. The bill also allows the consolidation of multiple proceedings involving the same individual as appropriate.

Letters of Office

Under the bill, criteria are established when letters of office to a guardian or conservator may be issued. Such letters are issued upon the guardian or conservator filing:

- An acceptance of appointment;
- An oath or affirmation as required by the Kansas Probate Code;
- Evidence of completion of a basic instructional program concerning the duties and responsibilities of a guardian or conservator; and
- A personal information sheet containing any personal identifying information about the guardian or conservator required by the court, not to be disclosed to the public.

The letters of office are required to contain a statement of any limitations on the powers of a guardian or conservator or on the property subject to conservatorship and to specify how co-guardians and co-conservators may act. Under the bill, the court may limit the powers of a guardian or conservator at any time after issuing new letters of office to reflect the limitation and providing notice to appropriate parties.

The bill directs the Kansas Judicial Council to prepare a basic instructional program concerning the duties and responsibilities of a guardian and conservator and allows the court to require any guardian or conservator appointed prior to January 1, 2026, to complete such program.

Personal Jurisdiction; Resident Agents

The bill provides that on acceptance of appointment, a guardian or conservator submits to personal jurisdiction of the Kansas court with jurisdiction over the proceeding.

The bill requires every non-resident guardian or conservator to appoint an individual Kansas resident or a corporation, limited partnership, limited liability partnership, limited liability company, or business trust that has its principal place of business in Kansas to act as a resident agent. The bill enumerates the resident agent's duties.

Co-guardians and Co-conservators

The bill allows co-guardians and co-conservators to be appointed by a court and requires the letters of office state how such co-guardians or co-conservators may act.

Successor Guardian or Conservator

The bill allows a successor guardian or conservator appointed by a court to serve immediately or upon some designated event, upon petition of a party authorized to petition for guardian or conservator.

Corporation as Guardian

The bill provides that any corporation organized under the Kansas General Corporation Code and certified by the Secretary for Children and Families may act as a guardian under KUGCOPAA. The bill directs the Secretary to establish criteria to determine whether the corporation should be certified and provides further guidance on what the criteria should include. The Secretary is authorized to adopt rules and regulations related to the certification of corporations as guardian.

The bill prohibits any corporation that provides care, treatment, or housing, or is owner, part owner, or operator of any adult care home, lodging establishment, or institution that houses the individual subject to guardianship from being appointed as that individual's guardian.

Termination of Appointment

A guardian or conservator appointment terminates upon the guardian's or conservator's death, removal, or resignation, if the resignation is approved by the court. Death, removal, or resignation of the guardian or conservator does not affect any liability that may arise out of the protective arrangement.

Notice Required Under KUGCOPAA

The bill specifies what is required for proper notice of a hearing under KUGCOPAA and prohibits a respondent, individual subject to guardianship, conservatorship, or other protective arrangement from waiving notice. However, any other person may waive notice in a signed record filed in the proceeding.

Appointment of Guardian Ad Litem

The bill authorizes the court to appoint a guardian *ad litem* at any time if it determines the individual's interests are not adequately represented. A *guardian ad litem* may be appointed to represent multiple individuals or interests if no conflict of interest exists but may not be the attorney representing the respondent.

Request for Notice

The bill provides that a person may file with the court a request for notice of proceedings under KUGCOPAA if not otherwise entitled to notice or if interested in the welfare of a respondent or individual subject to guardianship, conservatorship, or other protective arrangement.

Disclosures Required of Guardian or Conservator

The bill specifies what a guardian or conservator must disclose to the court before accepting appointment related to prior convictions, insolvency, or prior acts of abuse or neglect.

Compensation and Reimbursement for Services Provided to Respondent; Costs

The bill describes when an attorney or other person whose services resulted in an order beneficial to a respondent or person subject to guardianship, conservatorship, or protective arrangement is entitled to reasonable compensation and reimbursement for reasonable expenses from the property of that respondent or person, subject to the court's approval.

The bill also provides that costs incurred as a result of a proceeding brought under KUGCOPAA is to be paid by the county in which the respondent or person under guardianship or conservatorship resides.

Compensation and Reimbursement for Guardian or Conservator

Guardians and conservators are entitled to reasonable compensation and expenses from the respondent's property under KUGCOPAA, subject to the court's approval. The court is required to consider a number of factors, as specified by the bill, in determining what is reasonable compensation.

Fiduciary Responsibility Instruction

The bill provides that a guardian or conservator may petition the court for a instruction concerning fiduciary responsibility or for ratification of a specific act related to the guardianship or conservatorship.

Exceptions to Guardian or Conservator Authority

The bill outlines when the authority of a guardian or conservator to act on behalf of the individual may be rejected.

Third Party Service Providers

The bill provides that a guardian or conservator may retain third parties to provide services to an individual if consistent with the fiduciary duties of the guardian or conservator. The guardian or conservator must exercise reasonable care, skill, and caution with respect to the retention of such third parties.

Temporary Substitute Guardians or Conservators

The bill specifies when a court may appoint a temporary substitute guardian or conservator for a period not to exceed six months and provides related procedural guidance for such appointments.

Non-resident Guardian or Conservator

The bill provides that when a guardian or conservator has been appointed in another state and no petition for the same is pending in Kansas, the guardian or conservator may register such protective arrangement in Kansas by filing it as a foreign judgment in any county, as appropriate. Under the bill, a guardian or conservator has all powers authorized in the order of appointment upon registration, except as prohibited by Kansas law and subject to any conditions imposed by nonresident parties.

Grievance Process

The bill outlines the process by which an adult who is subject to guardianship or conservatorship or person interested in the welfare of that individual may file a grievance related to the arrangement. The court must schedule a hearing if it finds the grievance supports a reasonable belief that removal, termination, or modification of the guardianship or

conservatorship may be appropriate. The court may take any action supported by the evidence. The court may decline to act upon a subsequent grievance if a similar grievance was filed within the previous six months.

Provisions Specific to Minor Guardianship

When an appointment may be made. The court may appoint a guardian if it finds the appointment is in the minor's best interests, and:

- Each of the minor's parents have given consent;
- All parental rights have been terminated;
- There is clear and convincing evidence that the parents are unwilling, unable, or unfit to exercise the powers of a guardian; or
- There is clear and convincing evidence that highly unusual or extraordinary circumstances exist that cause the court to appoint the guardian over the objection of a parent.

Petition for minor guardianship. Under the bill, a minor or person interested in the welfare of a minor may file a petition for the appointment of a guardian for the minor and specifies what information the petition must contain.

Hearing and notice. The bill requires a court to schedule a hearing upon the filing of the petition for minor guardianship, describe who must be given notice for the hearing, and specify what information such notice must contain.

Appointment of attorney. The bill requires the court to appoint an attorney to represent the minor subject to guardianship in certain circumstances. The court may also appoint an attorney to represent a parent of the minor if it determines there is a need for such representation.

Participation in hearing. The bill prescribes who must participate in the hearing for minor guardianship, who may be excused from participation, and who may participate upon request.

Rules applicable to appointment. The bill provides certain rules that apply when the court has found an appointment of a guardian for a minor is proper, including what persons may be considered to be a guardian, who must receive notice of the appointment, and when such notice is insufficient.

Standby guardians. The bill describes the process for appointing a standby guardian when no parent of the minor is willing or able to exercise the duties and powers granted to the guardian. Standby guardians may be appointed upon petition by a parent or a person nominated by a parent and the court's finding that no parent of the minor likely will be able or willing to care for or make decisions with respect to the minor not later than two years after the appointment.

Emergency guardians. The bill allows a court to appoint an emergency guardian for a minor in certain circumstances. An emergency guardianship may not exceed 30 days (with a limit of three extensions no more than 30 days each), and the guardian may only exercise the powers specified in the appointment. The bill prescribes who must be provided reasonable notice of the hearing on emergency guardianship. Under the bill, the court may remove an emergency guardian at any time, and the appointment of an emergency guardian may not provide a basis for the determination that a non-emergent guardianship is otherwise necessary.

Duties and powers of minor's guardian. The bill enumerates the duties of a guardian, specifying that such guardian is a fiduciary and has the duties of a parent regarding the minor's support, care, education, health, safety, and welfare. The guardian is required to act in the minor's best interest and exercise reasonable care, diligence, and prudence. The bill provides that a guardian has the powers a parent otherwise has regarding the minor, except as limited by court order, and enumerates specific powers.

Authority over minor's estate. The bill prohibits a guardian for a minor from exercising any control or authority over the minor's estate, unless specifically authorized by the court. If so authorized, the court requires the guardian to prepare an inventory of the minor's estate and requires the posting of a bond in certain circumstances.

Termination of minor's guardian. The bill prescribes in what circumstances a minor's guardianship may be terminated and related requirements for such termination.

Plan of care for minor. The bill provides that a court may require, or the minor may choose, to develop a plan of care for the minor, taking into account the minor's needs, best interest, and preferences, to the extent known or reasonably ascertainable by the guardian. The bill specifies items that may be included in such plan. The minor, parent, or any other person entitled to notice related to the minor guardianship may object to the plan in writing within 21 days of the plan's filing.

Provisions Specific to Adult Guardianship

When an appointment may be made. The court may appoint a guardian for an adult if it finds by clear and convincing evidence that:

- The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supportive decision making; and
- The respondent's identified needs cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative.

Under the bill, the court must grant a guardian only those powers necessitated by the demonstrated needs and limitations of the respondent and directs the court to issue orders that will encourage development of the respondent's maximum self-determination and independence.

Petition for adult guardianship. The bill allows the adult subject to guardianship and any person interested in that adult's welfare to file a petition for the appointment of a guardian for the adult and it specifies what information the petition must contain.

Hearing and notice. The bill requires a court to schedule a hearing upon the filing of the petition for adult guardianship, describe who must be given notice for the hearing, and specify what information such notice must contain.

Appointment of court liaison. The court may appoint a court liaison with training or experience in the type of abilities, limitations, and needs alleged in the petition for guardianship to interview the respondent and obtain the respondent's views on the proposed appointment of guardianship. The court liaison is also authorized to investigate allegations contained in the petition and any other matter related to the petition as directed by the court. If a court liaison is appointed, such liaison must file a report at least 10 days prior the hearing on the petition or other hearing as directed by the court. The bill prescribes what information must be included in the report.

Appointment of attorney. The bill requires the court to appoint an attorney to represent the respondent, regardless of the respondent's ability to pay. The bill specifies the duties of the attorney is to:

- Make reasonable efforts to ascertain the respondent's wishes;
- Advocate for the respondent's wishes to the extent reasonably ascertainable;
and
- Advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests, if the respondent's wishes are not reasonably ascertainable.

The bill also describes the attorney's duties to inform the respondent of other relevant details of the proceeding.

Prima facie case for appointment of guardian. If the contents of a petition or evidence at the hearing support a *prima facie* case of the need for a guardian, the court must order an examination and evaluation of the respondent's alleged cognitive and functional abilities and limitations. The bill specifies what information related to the examination or evaluation must be included in the report and requires the professional who prepared the report to submit it at least five days prior to the date of the trial.

Participation in hearing. The bill requires the respondent to attend the guardianship hearing before the guardianship may proceed and allows the court to hold the hearing in an alternative location convenient to the respondent or allows the respondent to attend using real-time audio-visual technology. The bill outlines circumstances in which participation of a respondent is required and specifies the rights granted to a respondent who chooses to participate in the hearing.

Sealing of records related to guardianship; access to records. While records related to guardianship proceedings for adults are generally to be treated as public records, the bill describes circumstances in which records may be sealed. The bill specifies who is entitled to

access court records related to the guardianship proceeding. The bill requires that reports made by court liaisons or professional evaluators of cognitive and functional abilities be sealed upon filing but may be accessed by certain specified individuals.

Order of priority for guardian. The bill establishes an order of priority for persons qualified to be guardian of an adult and prescribes rules to follow when equal priority may exist.

Court order appointing guardian. The bill specifies what information must be included in a court order appointing a guardian for an adult.

Notice required after appointment made. The bill requires a copy of the appointment to be given to the adult subject to the guardianship and all other persons entitled to notice within 14 days of the order for appointment is issued. The bill also requires, within 30 days of the appointment, a statement of the rights of the adult subject to the guardianship and available remedies to seek relief if those rights are denied to be given to the adult subject to guardianship.

Emergency guardian for adult. The bill allows a court to appoint an emergency guardian for an adult in certain circumstances. An emergency guardianship may not exceed 30 days (with a limit of three extensions not more than 30 days each), and the guardian may only exercise the powers specified in the order of appointment. The bill specifies who must be provided reasonable notice of the hearing on emergency guardianship. The bill provides that the court may remove an emergency guardian at any time, and the appointment of an emergency guardian may not provide a basis for the determination that a non-emergent guardianship is otherwise necessary.

Duties and powers of guardian. The bill enumerates the duties of a guardian for an adult, specifying that such guardian is a fiduciary and must strive to assure that the personal, civil, and human rights of the adult subject to the guardianship are protected. The guardian is required to promote the self-determination of the adult and, to the extent reasonably feasible, include the adult in decision-making, act on the adult's own behalf, and develop or regain the capacity to manage the adult's personal affairs. The bill specifies certain actions the guardian must take in furtherance of the above-stated goals.

The bill requires the guardian to make the decision the guardian reasonably believes the adult would make if the adult were able unless doing so would unreasonably harm or endanger the welfare or personal or financial interests of the adult. In determining the decision the adult would make if able, the guardian is required to consider, to the extent actually known or reasonably ascertainable, the adult's:

- Current or previous directions;
- Preferences;
- Opinions;
- Cultural practices;
- Religious beliefs; and
- Values and actions.

The bill enumerates the specific actions a guardian may take regarding the adult subject to guardianship, except as limited by court order.

Limitations on powers of guardian. The bill specifies those actions which a guardian is prohibited from taking on behalf of an adult subject to guardianship and provides applicable guardrails on actions that may be taken by the guardian.

Authority over adult's estate. The bill prohibits a guardian for an adult from exercising any control or authority over the adult's estate unless specifically authorized by the court. If so authorized, the court requires the guardian to prepare an inventory of the adult's estate and requires the posting of a bond in certain circumstances.

Plan of care for adult. The bill provides that a court may require, or the adult may choose, to develop a plan of care for the adult, taking into account the adult's needs, best interests, preferences, values, and prior directions to the extent known or reasonably ascertainable by the guardian. The bill specifies items that may be included in such plan. The adult or any other person entitled to notice related to the adult guardianship may object to the plan in writing within 21 days of the plan's filing.

Annual report. The bill requires a guardian to file an annual report with the court regarding the conditions of the adult and accounting for funds and other property in the guardian's possession or control. The court may require this report to be filed at any other time in addition to the annual requirement. The bill specifies what information must be contained in the report and allows the court to appoint a court liaison to review this report.

Removal of guardian for good cause. The bill allows a court to remove a guardian for an adult for failure to perform the guardian's duties or for other good cause and to appoint a successor guardian, upon petition and after a hearing on the removal.

Petition for termination or modification. The bill allows the adult subject to guardianship, the guardian, or a person interested in the welfare of the adult to petition for termination or modification of the guardianship. The bill specifies what information must be included in the petition and provides related hearing and notice requirements for such petitions.

Provisions Specific to Conservatorships

[Note: Many provisions applicable to conservatorships in KUGCOPAA are substantially similar to those described in the sections governing guardianships. Only substantive variations from provisions previously described and provisions exclusive to conservatorships are described below.]

Appointment of conservator for a minor. The court may appoint a conservator for the property of financial affairs of a minor if it finds by a preponderance of the evidence that:

- The minor owns funds or other property exceeding \$25,000 in value derived from court settlements, death transfers, or sources other than the minor's employment earnings or accounts established under the Uniform Transfers to Minors Act and either:
 - The minor owns funds or other property requiring management or protection that otherwise cannot be provided;

- The minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or
- Appointment is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the minor.

Appointment of conservator for an adult. The court may appoint a conservator for the property or financial affairs of an adult if the court finds by clear and convincing evidence that:

- The adult is unable to manage property or financial affairs because:
 - Of a limitation in the adult's ability to receive and evaluate information or make or communicate decisions, even with the use of appropriate supportive services, technological assistance, or supported decision making; or
 - The adult is missing, detained, or unable to return to the United States;
- An appointment is necessary to:
 - Avoid harm to the adult or significant dissipation of the property of the adult; or
 - Obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult or of an individual entitled to the adult's support; and
 - The adult's identified needs cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternative.

Ex parte orders to preserve and apply property. The bill allows the court to issue an *ex parte* order to preserve and apply property of the respondent to support the respondent or respondent's dependent, without notice to others, while a petition for conservatorship is pending. The court is allowed to appoint an emergency conservator to assist in implementing the order.

Petitions for relief by individual subject to conservatorship. An individual subject to conservatorship or a person interested in that individual's welfare can petition for an order:

- Modifying bond requirements;
- Requiring an accounting for the administration of the conservatorship estate;
- Directing distribution;
- Removing the conservator and appointing a temporary or successor conservator;
- Modifying the type of appointment or powers granted to the conservator;
- Rejecting or modifying the conservator's plan, inventory, or report; or
- Granting other appropriate relief.

Bond requirements. The bill outlines when a court may require a conservator to furnish a bond with a surety, or require an alternative asset-protection arrangement, conditioned on faithful discharge of all duties of the conservator. The court may waive the bond requirement

only if it finds that it is not necessary to protect the interests of the individual subject to conservatorship. The bill also enumerates rules that apply to such bonds.

Best interest of individual subject to conservatorship. The bill specifies when a conservator is authorized to act in accordance with the best interest of the individual subject to the conservatorship and specifies factors that must be considered by the conservator in making the best interest determination.

Expenditures or distributions of estate absent court authorization. The bill specifies when a conservator may make, expend, or distribute income or principal of the conservatorship estate without specific court authorization. The bill lists factors that the conservator must consider in making such expenditures or distributions.

Court authorization required before certain powers exercised. The bill specifies 16 actions that require specific court authorization before the conservator may take such action and outlines the procedure for the court hearing and approval of the action.

Conservator's plan. The bill requires a conservator to file with the court a plan for protecting, managing, expending, and distributing the assets of the conservatorship estate, based on the needs of the individual subject to the conservatorship and taking into account the best interest of the individual within 60 days of the appointment of conservator.

Inventory of estate. The bill requires a conservator to prepare and file with the appointing court a detailed inventory of the conservatorship estate and information regarding title and beneficiary designations within 60 days of appointment.

Property rights of individual subject to conservatorship. The bill specifies the individual's interest in property included in the conservatorship estate is not transferable or assignable by the individual and is not subject to levy or garnishment unless allowed as a claim against the estate pursuant to KUGCOPAA. The bill also specifies how contracts entered into with a person subject to conservatorship are affected.

Substantial conflicts voidable. The bill specifies a transaction involving the conservatorship estate that is in substantial conflict with the conservator's fiduciary duties and the conservator's personal interests is voidable unless authorized by the court.

Good faith dealings with conservator. The bill specifies any person who deals or assists a conservator in good faith and for value is protected against any claim that the conservator did not properly execute his or her power in the transaction.

Death of individual subject to conservatorship. Upon the death of an individual subject to a conservatorship, the conservator must:

- Conclude administration of the conservatorship estate;
- Deliver any will of the individual in the conservator's possession; and
- Give notice of such delivery to anyone entitled to it.

Claims against estate. The bill specifies a conservator may pay a claim against the conservatorship estate or the individual subject to conservatorship and provides instruction on

how a claimant may bring a claim. The bill also instructs on the priority of claims in the case where an estate is likely to be exhausted before all claims are paid.

Liability of conservator. The bill specifies when a conservator is or is not personally liable for some transaction involving the administration of the conservatorship estate.

Extension of minor conservatorship. The bill allows a minor to extend a conservatorship until the age of 21 if the minor consents or the court finds by clear and convincing evidence that substantial harm to the minor's interests is likely without such extension. A conservatorship may be extended for two additional two-year terms pursuant to the bill. Any extension granted requires the conservator to provide a plan describing how the minor's assets are to be distributed under the extension.

Limitations on transfers involving minor. The bill provides that transfers involving minors may not exceed \$25,000 in a 12-month period and limits such transfers to certain persons and entities to pay for the support, care, education, health, or welfare of the minor. Funds not used for these purposes are required to be preserved for future support of the minor, and if any balance remains when the minor becomes an adult or is emancipated, such balance must be transferred to the minor.

Parent's responsibility to hold minor's property in trust. The bill specifies a parent has the right and responsibility to hold in trust and manage for the minor's benefit all personal and real property vested in the minor when the property does not exceed \$25,000, unless a guardian or conservator has been appointed for the minor.

Court authorized to make deposit or payment on behalf of minor without conservator. The bill allows a court that has control over or possession of money not exceeding \$100,000, the right to which is vested in the minor, to deposit the money in an account, payable to a conservator or to the minor upon turning 18. The bill allows a court that has control over or possession of money not exceeding \$25,000, which has vested in the minor, to pay the money to any person.

Court authorized to make deposit on behalf of adult. The bill allows a court that has control over or possession of money not exceeding \$25,000, which is vested in an adult subject to guardianship, to deposit the money in an account, payable to a conservator or to the adult subject to guardianship upon termination of the guardianship.

Provisions Specific to Protective Arrangements

[*Note:* Many provisions governing protective arrangements in KUGCOPAA are substantially similar to those described in the previous sections governing guardianships and conservatorships. Only substantive variations from provisions previously described, and provisions exclusive to protective arrangements are described below.]

When protective arrangement may be ordered instead of guardianship. Upon a finding by clear and convincing evidence that a protective arrangement instead of a guardianship should be ordered, the court may:

- Authorize or direct a transaction necessary to meet the respondent's need for health, safety, or care, including:
 - A particular medical treatment or refusal of a particular medical treatment;
 - A move to a specified place of dwelling; or
 - Visitation between the respondent and another person;
- Order supervised visitation with, or restrict access to the respondent by, a specified person whose access places the respondent at serious risk of physical, psychological, or financial harm; or
- Order other arrangements on a limited basis that are appropriate.

When protective arrangement may be ordered instead of conservatorship. Upon a finding by clear and convincing evidence that a protective arrangement instead of a conservatorship should be ordered, the court may:

- Authorize or direct a transaction necessary to protect the financial interest or property of the respondent, including:
 - An action to establish eligibility for benefits;
 - Payment, delivery, deposit, or retention of funds or property;
 - Sale, mortgage, lease, or other transfer of property;
 - Purchase of an annuity;
- Entry into a contractual relationship, including a contract to provide for personal care, supportive services, education, training, or employment;
- Addition to or establishment of a trust;
- Ratification or invalidation of a contract, trust, will, or other transaction, including a transaction related to the property or business affairs of the respondent; or
- Settlement of a claim; or
- Restrict access to the respondent's property by a specified person whose access to the property places the respondent at serious risk of financial harm.

Appointment of facilitator. The bill allows a court to appoint a facilitator to assist in implementing a protective arrangement under KUGCOPAA.

Kansas Judicial Council forms. The bill requires the Kansas Judicial Council to develop forms for the purposes of KUGCOPAA.

Uniformity; Electronic Signatures in Global and National Commerce Act; effective date. The bill specifies consideration must be given to the need to promote uniformity of the law

in the enactment of KUGCOPAA, specifies how the KUGCOPAA impacts the Electronic Signatures in Global and National Commerce Act, and states the KUGCOPAA applies to guardianships, conservatorships, and protective arrangements commenced on or after January 1, 2026.

Conforming Amendments

The bill makes several technical amendments to various statutes to reflect references to the UAGPPJA and KUGCOPAA.

LEGISLATURE

Joint Committee on Vacancy Appointments and Process for Filling Vacancies ; SB 105

SB 105 establishes the Joint Committee on Vacancy Appointments and creates and amends law governing the process for filling vacancies in the offices of U.S. Senator, State Treasurer, and Commissioner of Insurance.

The bill takes effect upon publication in the *Kansas Register*.

Joint Committee on Vacancy Appointments

The bill establishes the Joint Committee on Vacancy Appointments (Committee) within 10 calendar days of a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance.

The bill provides that the Committee would not be established when a vacancy occurs less than 90 calendar days prior to December 31 in any year in which a general election for the vacant office is held, unless the person vacating the office was elected and was an incumbent in such election.

Membership

The Committee will be composed of the following 12 members:

- The President of the Senate or a member of the Senate designated by the President;
- One member of the Senate appointed by the President;
- The Speaker of the House or a member of the House designated by the Speaker;
- One member of the House appointed by the Speaker;
- Two members of the Senate appointed by the Majority Leader of the Senate;
- Two members of the House appointed by the Majority Leader of the House;
- One member of the Senate appointed by the Vice President of the Senate;
- One member of the House appointed by the Speaker *Pro Tem* of the House;
- One member of the Senate appointed by the Minority Leader of the Senate; and
- One member of the House appointed by the Minority Leader of the House.

The bill requires that four of the five members appointed by the President of the Senate, the Vice President of the Senate, and the Majority Leader of the Senate represent and be a resident of each of the state's congressional districts. The bill also requires that four of the five members appointed by the Speaker of the House, the Speaker *Pro Tem*, and the Majority Leader of the House represent and be a resident of each of the state's congressional districts.

Designation of Chairperson; Meeting Information

The bill designates the President of the Senate, or the President's designee, as the chairperson of the Committee and the Speaker of the House, or the Speaker's designee, as the vice-chairperson. The vice-chairperson is authorized to exercise all the powers of the chairperson in the chairperson's absence.

The bill authorizes the Committee to meet at any time and place within the state on the call of the chairperson. The bill also provides for member compensation, travel expenses, and subsistence expenses or allowances as provided by state law.

The bill requires the Committee to hold its first meeting within 30 calendar days of a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance.

Review of Nominations and Public Hearings

The bill requires the Committee to review and verify that each candidate satisfies federal and state requirements to hold and be appointed to fill a vacancy in such office. The bill also directs the Committee to conduct one or more public hearings on the nominations and grant the candidates an opportunity to be heard before the Committee. The bill prohibits any member of the Committee from being recommended as a candidate to fill the vacancy.

Concurrent Resolution or Report Recommending Candidates

Within 30 calendar days of the Committee's first meeting, the bill requires the Committee to:

- Submit a concurrent resolution to the Senate and House of Representatives identifying three candidates for further consideration by the Legislature if:
 - The vacancy occurs during a regular session of the Legislature; or
 - A special session is called within five days of the vacancy occurring; or
- Submit a report to the Governor recommending three persons as candidates to fill the vacancy, if the Committee concludes its public hearings while the Legislature is not in regular or special session.

If the Committee submits a concurrent resolution in each chamber, the bill requires each chamber to consider the concurrent resolution introduced by the Committee within 10 days and either adopt the concurrent resolution or direct the Committee to reconvene to reconsider candidates to fill the vacancy. When directed by the Legislature to reconvene, the Committee is

permitted to recommend one or more of the candidates who were recommended in any prior resolution.

Appointment of U.S. Senator, State Treasurer, or Commissioner of Insurance

U.S. Senator

Current law authorizes the Governor to make temporary appointments to fill a vacancy in the office of U.S. Senator until a successor is elected and qualified. The bill directs the Governor to make a temporary appointment within three calendar days of receiving a concurrent resolution adopted by the Legislature or a report submitted by the Committee and appoint one of three persons designated as candidates in such concurrent resolution to temporarily fill the vacancy.

Except as otherwise provided, the bill requires a vacancy in the office of U.S. Senator to be filled at the election of Representatives in Congress immediately following such vacancy. However, if the vacancy occurs on or after May 1 in an even-numbered year, the position will be filled at the election of Representatives in Congress held two years following the year in which the vacancy occurs.

State Treasurer and Commissioner of Insurance

Current law authorizes the Governor to make temporary appointments to fill vacancies in the offices of State Treasurer and Commissioner of Insurance for the remainder of the unexpired term and until a successor is elected and qualified. The bill directs the Governor to make a temporary appointment within three calendar days of receiving a concurrent resolution adopted by the Legislature or a report submitted by the Committee and appoint one of three persons designated as candidates in such concurrent resolution to serve for the unexpired term and until a successor is elected and qualified.

Political Party Requirement

The bill requires any person appointed to fill a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance to be a resident of Kansas and to have been registered with the same political party as the previously elected U.S. Senator, State Treasurer, or Commissioner of Insurance for the six years immediately preceding the vacancy. The bill also provides that if the previously elected U.S. Senator, State Treasurer, or Commissioner of Insurance was not registered with any political party, then any suitable person who is a Kansas resident is eligible for appointment.

Certification by Secretary of State

The bill prohibits any person appointed to fill a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance from taking office unless the Secretary of State certifies the appointment was made in accordance with the provisions of the bill.

Severability

The bill makes severable provisions regarding making temporary appointments to fill a vacancy in the office of U.S. Senator, establishing the Joint Committee on Vacancy Appointments, and the concurrent resolution or report recommending candidates to fill a vacancy in the office of U.S. Senator, State Treasurer, or Commissioner of Insurance. The bill specifies that if such provisions or their application are declared unconstitutional or invalid, the remaining provisions of the bill and their applicability continue to be valid and enforceable.

Statute Repealed

The bill repeals the statute specifying how a vacancy in the office of U.S. Senator is to be filled (KSA 25-318).

Minutes for Legislative Interim Committees; HB 2238

HB 2238 transfers the responsibility for preparing minutes of legislative committee meetings in the interim from the Kansas Legislative Research Department to Legislative Administrative Services.

Denouncing the March 28, 2025, Black Mass Ceremony; HR 6016

HR 6016 makes findings concerning the First Amendment to the *U.S. Constitution*, including the right to assemble and freedom of speech, and expresses disapproval of actions that mock or desecrate religious beliefs.

The resolution states the House of Representatives denounces the planned satanic worship ritual scheduled to take place on the State Capitol grounds on March 28, 2025.

Additionally, the resolution states the House of Representatives calls upon Governor Kelly to condemn the stated activity and its implicit use of stolen property; and calls upon Kansans to promote unity, mutual respect, and the values that uphold the nation's identity.

The resolution directs the Chief Clerk of the House of Representatives to send enrolled copies of the resolution to Representatives Rahjes, Moser, and Pickert.

LOCAL GOVERNMENT

Township Bonding Caps; SB 7

SB 7 increases the bonding cap on general obligation bonds issued by townships for the reconstruction, repair, and equipment of township buildings in any township with a population of more than 5,000 and increases the bonding cap for bond issues of a township fire department.

The cap on general obligation bonds remains at 1.0 percent of the assessed tangible valuation of the township for any township with a population of no more than 5,000. The bill raises the cap to 5.0 percent for any township with a population of more than 5,000 but less than 10,000 and to 10.0 percent for any township with a population of more than 10,000.

The cap on bonds for township fire department buildings and equipment increases from 0.5 percent to 5.0 percent of the assessed tangible valuation of property in the township. The bill also increases the maximum maturity term of such bonds from 15 years to 20 years.

Optional Citizens Commission for Counties of Certain Size; SB 104

SB 104 authorizes creation of a citizens commission on local government in every county with a population of more than 170,000 and not more than 200,000. Previous law had required such a commission be created. [*Note:* According to testimony, using current population numbers, the bill only applies to Shawnee County.]

Restrictive Covenants on Real Estate Owned by State Educational Institutions; SB 194

SB 194 voids any provision of a covenant or other restriction established or amended between January 1, 1948, and December 31, 1958, and meeting the following conditions:

- Restricting use of property owned by an institution governed by the State Board of Regents;
- Prohibiting the property from being used for any purpose other than single-family residences; and
- Containing discriminatory provisions to restrict ownership or tenancy by race.

The bill declares covenants prohibiting other than single-family residence use and containing discriminatory provisions to be against public policy and to be void and unenforceable.

Prohibition on Guaranteed Income Programs; HB 2101

HB 2101 prohibits cities and counties from adopting an ordinance or enforcing a resolution that establishes or provides for the operation of a guaranteed income program that uses tax revenue unless the Legislature, by an act, expressly consents to and approves of such program. The bill renders any such prohibited ordinance or resolution adopted prior to July 1, 2025, null and void.

The bill defines “guaranteed income” to mean a program that is not expressly required by federal law or regulation and provides individuals with regular periodic cash payments.

Fair Board Membership; Sub. for HB 2145

Sub. for HB 2145 amends law regarding county fair association boards to establish membership of the Butler County fair board. The bill also moves similar provisions regarding membership of the Cloud County fair board into the county fair association board election statute from law regarding counties and county officers.

Continuing law establishes county fair boards of directors and their membership requirements; membership term lengths of three years; frequency of elections; and required officers of the board, including a president, vice president, treasurer, secretary, and other officers as deemed required by the board. Continuing law states that the board shall represent each township of the county.

Butler County Fair Board

The bill establishes Butler County fair board membership to consist of 15 appointed members. The terms of expiring fair board members or other vacancies will be filled by appointment at an annual meeting in December by the presiding county commissioners. One member will be appointed from each county commissioner district if possible, and no more than five members will be appointed from the county at large. Any person of legal voting age and residing in the county will be eligible for board membership.

Cloud County Fair Board

The bill moves provisions regarding the membership of the Cloud County fair board into the county fair association election statute. These provisions state this fair board consists of 12 appointed members. The terms of expiring fair board members or other vacancies are filled by appointment at an annual meeting in December by the presiding county commissioners. One member shall be appointed from each county commissioner district if possible, and one member shall be appointed from the county at large. Any person of legal voting age and residing in the county is eligible for board membership.

Board Membership Terms

The bill specifies a board member’s term in Butler and Cloud counties will be three years beginning January 1 and ending on December 31. Members of both boards will be eligible to serve unlimited consecutive terms, and vacancies will be filled by appointment by the remaining members of such board for the unexpired term of office. The bill requires the Butler County and Cloud County fair boards to each elect a president, vice president, secretary, and treasurer from among their members.

Continuing law requires a third of the members’ terms to expire annually so that in the first election of a new board, a third of members’ terms are chosen for one year, a third for two years, and a third for three years. Continuing law also requires a personal notification of the annual election to be sent to every member of the board, and a notification be published in a newspaper of general circulation in the county at least ten days prior to an annual election day.

Service of Process Fees Prohibition; HB 2182

HB 2182 prohibits any Kansas sheriff from charging a fee for service of process for any proceeding pursuant to the Protection From Abuse Act; the Protection From Stalking, Sexual Assault, and Human Trafficking Act; or a proceeding pursuant to similar laws in another jurisdiction.

OPEN RECORDS

Kansas Open Records Act Exceptions Continued; HB 2166

HB 2166 continues in existence the following exceptions to the Kansas Open Records Act:

- KSA 48-962, relating to local health officer records created during the COVID-19 public health emergency containing personal information of persons testing positive for, or under quarantine or isolation for, COVID-19; and
- KSA 65-7616, relating to records created by the State Board of Healing Arts while investigating the fitness of a licensed acupuncturist to practice when there is a reasonable suspicion of impairment due to physical or mental illness, or the use of alcohol, drugs, or controlled substances.

The bill also makes technical amendments to reaggregate the KORA exceptions reviewed and extended by previous Legislatures.

PROFESSIONS AND OCCUPATIONS

Athletic Trainer; SB 175

SB 175 amends the Athletic Trainers Licensure Act to amend the definition of “athletic training,” provide a licensure exemption, and make changes to the application for licensure as an athletic trainer.

Definition

The bill amends the definition of the term “athletic training”—the practice of injury prevention, physical evaluation, emergency care and referral or physical reconditioning relating to athletic activity—to add:

- That it is including but not limited to sports participation, exercise, fitness training, strength and conditioning work, recreational physical activities, and competitive athletics. This encompasses wellness promotion, risk management, immediate or emergency care, examination, assessment and therapeutic intervention, or rehabilitation of athletic injury and illness; and
- Making clinical decisions to determine if consultation or referrals are necessary, health care administration, professional responsibility, performance of athletic training research and educating and consulting with the public regarding safe participation in athletic activities and proper training methods.

Kansas Licensure Waiver Exemption for Athletic Trainers

The bill provides an exemption to the Kansas Athletic Trainers Licensure Act for an individual who accompanies an athletic team or organization from another state or jurisdiction and provides the services of an athletic trainer in Kansas if the individual meets the following criteria:

- Licensed and able to practice as an athletic trainer in another state, District of Columbia, territory, or foreign country; and
- Provides the services of an athletic trainer only to the members of the athletic team or organization that traveled to Kansas.

Changes to Athletic Trainer License Application Requirements

The bill eliminates the requirement that an application for licensure as an athletic trainer be made in writing.

The bill also requires an applicant for licensure as an athletic trainer to provide proof of graduation after successful completion of the curriculum requirements of an accredited training education program at an accredited college or university approved by the State Board of Healing Arts, changed from requiring proof of receipt of a baccalaureate or post-baccalaureate degree with a major course of study in an athletic training curriculum.

Temporary Cosmetology Permits; HB 2338

HB 2338 amends law relating to issuing temporary cosmetology permits. The bill allows any person to apply to the Kansas State Board of Cosmetology (Board) for a temporary location or temporary guest artist permit.

Temporary Location Permit

The Board is authorized to grant a temporary location permit if the applicant:

- Is not licensed in Kansas;
- Is licensed to practice such a profession regulated by the Board in another state or jurisdiction; and
- Such license has not been revoked, suspended, or conditioned from the practice of such profession.

Temporary Guest Permit

The Board is authorized to grant a temporary guest artist permit to an applicant to provide services regulated by the Board at a state or national convention, an establishment licensed by the Board, or any other event location approved by the Board.

If the applicant is not licensed to provide such services in Kansas, the Board can grant a temporary guest artist permit if the applicant is licensed to practice such a profession regulated by the Board in another state or jurisdiction and such license has not been revoked, suspended, or conditioned from the practice of such profession.

General Provisions

The bill does not allow the Board to require a Social Security number from applicants for either permit if the applicant is a citizen of a foreign country, has not been issued a Social Security number, and is not licensed by any other state. The bill requires the Board to accept a valid visa or passport identification number instead.

Any permit issued under this Act expires no later than 14 days after the Board issues the permit.

The bill replaces the term “demonstration permit” in the statute amended and adds provisions. Continuing law authorizes the Board to adopt rules and regulations as necessary to implement the statute amended.

PUBLIC SAFETY

Sale or Transfer of Forfeited Firearms; SB 137

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

State 911 Board and Funds; HB 2110

HB 2110 amends the Kansas 911 Act, as amended by 2024 HB 2690, to remove the requirement that the State 911 Board (Board) contract with a local collection point administrator (LCPA) for services; reschedule when certain 911 funds would be established and moneys transferred; require an immediate transfer to the State 911 Operations Fund on July 1, 2025; authorize the State 911 Board to make certain annual transfers; and remove the 911 fee transfer cap on the State 911 Grant Fund.

The bill takes effect upon publication in the *Kansas Register*.

Removing Contract Requirement

The bill removes the requirement that the Board contract with a LCPA for services and removes statutory references to LCPAs. All obligations and responsibilities currently required by a LCPA will be assumed by the Board. Certain provisions pertaining to the LCPAs will expire on January 1, 2026.

Distribution to 911 Funds

The Board is required to remit 911 fees to the State Treasurer, who then deposits the entire amount into the State Treasury and credits the following funds from every 911 fee remitted:

- \$0.23 to the State 911 Operations Fund (Operations Fund);
 - If the amount credited to the Operations Fund exceeds 15 percent of the total amount of 911 fees remitted over the prior 3 years, the State Treasurer will credit any amount in excess of the 15 percent total to the State 911 Grant Fund (Grant Fund);
- \$0.01 to the Grant Fund; and
- The remaining amount to the State 911 Fund.

This section will take effect on January 1, 2026.

One-time Transfer and Discretionary Annual Transfers

The bill also requires a transfer of \$1.0 million to the Operations Fund on July 1, 2025, by the Board or the entity contracted by the Board for services.

The bill authorizes the Board to make discretionary annual transfers of any unencumbered moneys from the Operations Fund from a prior fiscal year to the Grant Fund once per fiscal year, provided the transfer would not impair the Board's ability to meet its statutory obligations.

State 911 Funds

The bill reschedules when the Operations Fund, Grant Fund, and State 911 Fund are to be established in the State Treasury. In current law, these funds are to be established on January 1, 2026. The bill requires the funds to be established on July 1, 2025.

The bill also reschedules when the 911 fee moneys held outside the State Treasury are to be transferred to these funds. Currently, these transfers are scheduled for January 1, 2026. The bill requires the transfers to be made on January 2, 2026.

Removing 911 Fee Transfer Cap

The bill removes the 911 fee transfer cap on the Grant Fund. Currently, \$0.01 of each 911 fee is deposited into the Grant Fund whenever the balance of the fund is less than \$2.0 million. The bill eliminates the \$2.0 million cap, and \$0.01 from every 911 fee will be deposited into the Grant Fund, regardless of the balance of the Grant Fund.

Ignition Interlock Device Manufacturer Fees; HB 2222

HB 2222 requires the manufacturer of an ignition interlock device (IID) to pay certain fees to the Kansas Highway Patrol (KHP) for the administration, oversight, and monitoring of the ignition interlock program.

The bill establishes a one-time fee of \$10 for each IID installed by the manufacturer in Kansas on and after July 1, 2025, counted and remitted on a monthly basis. The bill also adds a \$5 fee per month for each IID in use and maintained by the manufacturer in Kansas, counted and remitted on a monthly basis.

The monthly fee will not be assessed or remitted if an IID is installed for and used by a person who the Division of Vehicles, Department of Revenue, determines is eligible for the reduced IID costs program.

[*Note:* Under continuing law, a person is eligible for reduced IID program costs if the person has annual household income less than or equal to 150 percent of the federal poverty level; is enrolled in the food assistance, child care subsidy, or cash assistance program pursuant to continuing law; or is currently eligible for the low income energy assistance program as determined by the Department for Children and Families.]

Kansas Highway Patrol Officer Rank and Classification; HB 2261

HB 2261 adds majors of the Kansas Highway Patrol (KHP) to the list of KHP officers in unclassified service under the Kansas Civil Service Act.

The bill also provides permanent status for a person returning to a classified KHP position at the end of a term in an unclassified KHP position. Under continuing law, the rank to which the officer would return would not be lower than the rank the person held when appointed to an unclassified position: superintendent, assistant superintendent, or major.

SOCIAL SERVICES

SNAP Waiver to Prohibit Purchase of Candy and Soda; SB 79

SB 79 directs the Secretary for Children and Families (Secretary) to request a waiver from the U.S. Department of Agriculture to exclude candy and soft drinks from the definition of eligible foods for the Supplemental Nutrition Assistance Program (SNAP).

If the waiver is granted, the bill requires the Secretary to prohibit the purchase of candy and soft drinks with SNAP benefits. If denied, the Secretary is required to request such a waiver annually until it is granted.

The bill defines “candy” and “soft drinks” as found in the Kansas Retailers’ Sales Tax Act, KSA 79-3602, which states:

- “Candy” means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces;
 - “Candy” does not include any preparation containing flour and shall require no refrigeration; and
- “Soft drinks” means non-alcoholic beverages that contain natural or artificial sweeteners;
 - “Soft drinks” does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes or beverages that are greater than 50 percent vegetable or fruit juice by volume.

Reorganization of Public Assistance Statute; HB 2027

HB 2027 reorganizes subsections within the public assistance statute (KSA 2024 Supp. 39-709) pertaining to eligibility requirements for the cash assistance program (Temporary Assistance for Needy Families or TANF), the food assistance program (Supplemental Nutrition Assistance Program or SNAP), and the child care subsidy program; general requirements related to drug screenings and convictions; assignment of support rights to the Secretary for Children and Families and limited power of attorney; and provisions related to fraud investigations.

The bill also moves language within the subsection on the medical assistance program (Medicaid or KanCare) that pertains to the subjects of the newly reorganized subsections to the corresponding subsections. Additionally, the bill updates statutory references in a statute regarding deposits into funds used for these purposes to reflect the reorganized subsections.

Reorganization of Subsections

The statute is reorganized into the following subsections:

- Subsection (a): General eligibility requirements for public assistance for which federal moneys are spent for TANF, the food assistance program, and the child care

subsidy program [*Note:* The general eligibility requirements in continuing law are qualifying income, citizenship, and Kansas residency.];

- Subsection (b): Requirements specific to TANF;
- Subsection (c): Requirements specific to SNAP;
- Subsection (d): Requirements specific to the child care subsidy;
- Subsection (e): Fraud investigations;
- Subsection (f): General requirements related to drug screenings and convictions;
- Subsection (g): General requirements related to assignment of support rights and limited power of attorney; and
- Subsection (h): Electronic benefits card.

The subsections with requirements specific to TANF, SNAP, and the child care subsidy (subsections (b), (c), and (d)) include a provision that eligibility for each of those programs is subject to the corresponding requirements for drug screenings and convictions reorganized into subsection (f). [*Note:* The drug screening and convictions provisions are continuing law.]

Office of Inspector General Scope and Powers; HB 2217

HB 2217 expands the scope of the Inspector General within the Office of the Attorney General to include the audit, investigation, and performance review of all state cash, food, and health assistance programs. The bill grants the Inspector General the power to subpoena, administer oaths, and execute search warrants. The bill also adds and amends several definitions and makes technical, clarifying, and conforming amendments.

Definitions

The bill adds the following definitions:

- “Cash assistance” means assistance that is administered and provided by the Secretary for Children and Families to individuals for a family’s ongoing basic needs;
- “Food assistance” means assistance that is administered by the U.S. Department of Agriculture and provided by the Secretary for Children and Families to individuals for eligible food products; and
- “Health assistance” means the Medicaid program and the state Children’s Health Insurance Program (CHIP).

The bill amends the definitions for “claim,” “client,” “contractor,” “contractor files,” “fiscal agent,” “provider,” “recipient,” and “records” to replace references to “Medicaid, the state MediKan program, or the state Children’s Health Insurance Program” with “any cash, food or health assistance program.”

The definition of “healthcare provider” is amended to replace a reference to “Medicaid, the state MediKan program, or the state Children’s Health Insurance Program” with “health assistance program.”

The bill removes language exempting the following from the definition of “records”: any report or record in any format made pursuant to statutes pertaining to risk management programs for health care facilities, health care provider reporting requirements, and reports relating to impaired providers, which are privileged pursuant to statutes relating to health care provider peer reviews or confidential and privileged reports.

Office of the Inspector General

Purpose

The bill clarifies the purpose of the Office of the Inspector General (OIG) full-time program of audit, investigation, and performance review to provide increased accountability, integrity, and oversight of any state cash, food, or health assistance programs and to assist in improving agency and program operations and in deterring and identifying fraud, waste, abuse, and other illegal acts. [Note: Current law provides only for a full-time program to audit, investigate, and perform such reviews of the state Medicaid program, the MediKan program, and CHIP.]

Prohibited Employment

The bill prohibits a former or current Inspector General from being employed as an executive or manager for any program or agency subject to oversight by the OIG for two years after such Inspector General’s period of service as the Inspector General has concluded.

Removal from Office

The bill requires the Attorney General to remove the Inspector General from office for cause prior to the expiration of the Inspector General’s term. [Note: Current law provides the Attorney General may remove an Inspector General for cause.]

Duties of Inspector General

The bill expands the duties of the Inspector General to require the oversight, audit, investigation, and performance reviews of any state cash, food, or health assistance program. [Note: Current law limits such duties to state Medicaid, MediKan, and CHIP programs.]

Reporting to Attorney General

The bill specifies that the Inspector General is required to report finding credible evidence of “significant levels” of fraud, waste, abuse, or other illegal acts to the Attorney General.

Cases for Prosecution

Continuing law authorizes the Inspector General to present for prosecution the findings of any criminal investigation to the Attorney General or the Office of the U.S. Attorney in Kansas. The bill authorizes the Inspector General to also present such findings for prosecution to any applicable district or county attorney.

Powers of the Inspector General and Designees

The bill grants the Inspector General and their designees the following additional powers:

- Original jurisdiction to investigate crimes related to public assistance, including:
 - Violations of the Kansas Medicaid Fraud Control Act;
 - Fraud pertaining to eligibility for cash, food assistance, child care subsidy, and medical assistance;
 - Fraudulent acts involving obtaining assistance; and
 - Violations related to records held by a provider to which the Attorney General is allowed access;
- The power to issue, serve, or cause to be served subpoenas or other process of service in the aid of investigations;
- The power to compel by subpoena the attendance and testimony of witnesses and the production of books, electronic records, and papers as directly related to state cash, food, and health assistance programs;
- The power to administer oaths and take sworn statements under penalty of perjury;
- The power to serve and execute in any county search warrants that relate to investigations being executed by the OIG; and
- Access to contractor files, limited to those files necessary to verify the accuracy of the contractors' invoices or its compliance with contract provisions. No health care provider will be compelled to provide individual medical records of patients who are not clients of such a program or programs. [*Note:* This is current law that would be re-designated as one of the powers granted to the Inspector General and their designee.]

Reporting to Health Care Provider Regulatory Agencies

When the Inspector General determines that reasonable suspicion exists that an act relating to the violation of an agency licensure or regulatory standard has been committed by a vendor, contractor, or health care provider who is licensed or regulated by an agency, continuing law requires the Inspector General to immediately notify such agency of the possible violation.

The bill adds an exception to the reporting requirement if such notification would jeopardize an ongoing criminal investigation.

Content of Annual Inspector General Report

The bill adds the type of audit conducted to the list of required items to be included in the Inspector General's annual report. The bill removes the requirement for the annual report to include aggregate provider billing and payment information as well as the reference to the programs administered by the Kansas Department of Health and Environment.

STATE FINANCES

Continuous State Budget; SB 14

SB 14 establishes a system of continuing appropriations by which existing appropriations would carry forward into the subsequent fiscal year unless the Legislature adjusts them.

Continuing Appropriations

The bill defines “continuing appropriations” as appropriations provided for in the previous fiscal year. The Secretary of Administration (Secretary), in consultation with the Director of the Budget and the Director of Legislative Research, may lapse Executive Branch continuing appropriations when they are determined to be unnecessary. The Secretary may also adjust continuing appropriations that match federal funding availability. State agencies are charged with notifying the Director of the Budget, who is charged with notifying the Governor and State Finance Council, when an excess of state funds to draw a federal match is identified.

Borrowing of Funds

The Secretary, in consultation with the Director of the Budget and the Director of Legislative Research, may make temporary allocations (borrow) between appropriated funds and special revenue funds when the balance of a fund is determined to be insufficient to meet its obligations, subject to approval by the State Finance Council. Non-State General Fund (SGF) borrowing is limited to no more than \$400.0 million. The SGF borrowing is limited to 9.0 percent of total SGF expenditures in that fiscal year. If that amount is insufficient, the Secretary may borrow up to an additional 3.0 percent for up to 30 days. If the Secretary of Administration determines that borrowing between funds and accounts is warranted, the first fund to be considered as a source of funds is the Budget Stabilization Fund. Funds that are borrowed must be reimbursed for any lost interest revenue in the event that statutes specify the funds retain such revenue.

Reports to the Legislature

The Secretary will report any borrowing of funds to the House Committee on Appropriations and the Senate Committee on Ways and Means on a monthly basis, with the details of such borrowing.

Effective Date; Sunset

The bill takes effect upon publication in the *Kansas Register* and sunsets on July 1, 2030.

Alcohol and Drug Abuse Treatment Fund; HB 2221

HB 2221 creates the Alcohol and Drug Abuse Treatment Fund (Fund) within the Kansas Department for Aging and Disability Services (KDADS) that will collect a portion of certain fines related to the crime of driving under the influence.

The bill abolishes a corresponding Kansas Department of Corrections (KDOC) fund and requires that on July 1, 2025, all moneys in the KDOC fund be transferred to the KDADS Fund and all liabilities of the KDOC fund be assumed by the KDADS Fund.

STATE GOVERNMENT

Secretary of State Filings; SB 13

SB 13 eliminates and modifies the following filing requirements with the Secretary of State:

- Business agents, and individual representing a labor organization full time, are no longer required to file the entity's constitution, bylaws, and annual reports [*Note:* These will continue to be maintained online with the U.S. Department of Labor.];
- Employee organizations are no longer required to file copies of their bylaws or governing rules;
- The State Board of Regents is no longer required to file reciprocal agreements for use of educational facilities;
- The Secretary of Revenue is no longer required to file annual reports related to tax abatement of motor carrier ad valorem tax liabilities, income tax compromises, and delinquent personal corporate income tax;
- The Director of the Kansas Water Office is no longer required to file copies of stream bank easements [*Note:* These will continue to be filed with the local county Office of the Register of Deeds.]; and
- Bonded warehousemen are no longer required to be licensed by, or file with, the Office of the Secretary of State.

Notice of Expedited Revocation of Rules and Regulations; SB 77

SB 77 requires an agency to provide written notice to businesses, local governments, and other known stakeholders regarding the agency's proposed expedited revocation of a rule or regulation identified by the state agency as one that could be revoked. [*Note:* Agencies are required to hold a public hearing on the proposed notice of revocation upon written request of a member of the public.]

The bill also removes agencies that either no longer exist or that no longer have rules and regulation authority from the list of agencies required to review and evaluate the agency's rules and regulations every five years.

Fostering Competitive Career Opportunities Act; SB 166

SB 166 enacts the Fostering Competitive Career Opportunities Act, which prohibits state employers from making hiring decisions based solely on an applicant's lack of a postsecondary degree. The bill does not apply to positions for which a postsecondary degree is justifiably necessary.

For purposes of the bill, employers in the Legislative or Judicial branches of government are excluded from the definition of “state employer.” The provisions do not apply to any position that is filled by political appointment.

Job Posting Requirements

The bill requires state employers to determine baseline requirements for applicants for each job posting. These requirements can include prior direct experience, specific certifications, specific courses of instruction, or postsecondary degree requirements, provided the state employer demonstrates such degree is necessary for the position. State agencies are prohibited from imposing any additional requirements on applicants in all hiring considerations.

Each job posting is required to include any tests, training, apprenticeships, or other forms of assessment that may show the applicant is competent for the position. The bill requires a job posting requiring a postsecondary degree to include information substantiating the necessity of such degree.

Direct Experience Consideration

If direct experience is considered in lieu of a postsecondary degree, the years of experience required cannot be more than:

- Two years for an associate’s degree;
- Four years for a bachelor’s degree;
- Six years for a master’s degree;
- Seven years for a professional degree; or
- Nine years for a doctoral degree.

Solicitation for Goods or Services

The bill prohibits minimum experience or postsecondary educational attainment for any contractor personnel as a prerequisite for the awarding of a contract for any goods or services unless the state employer includes substantiation for such requirements in the request for proposal or solicitation.

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

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

Written Policies for Procurement of Contracted Medicaid Services; HB 2284

HB 2284 requires the Department of Administration (DOA) to adopt written policies regarding the negotiated procurement of contracted Medicaid services provided by managed

care organizations. The written policies must have an appeals process, to be overseen and adjudicated by an appeals committee composed of ten members of the Legislature.

Written Policy Requirements

The bill requires the DOA to adopt and implement a written policy by July 1, 2026, to govern the negotiated procurement of Medicaid services. The bill requires the written policies to include the following:

- A prohibition on the destruction of records, including evaluation documents, that complies with the Kansas Open Records Act;
- Adoption of a tiebreak procedure if part of the evaluation process used to make award recommendations involves scoring by individuals or committees;
- A requirement to be transparent with the Legislature during each step of the procurement process to the fullest extent permitted by state law; and
- An appeals process overseen and adjudicated by an appeals committee. The committee will oversee and adjudicate appeals in accordance with the policies adopted by the DOA.

Appeals Committee Membership

The bill creates an appeals committee composed of the following ten members of the Legislature:

- Senate President;
- Chairperson and Ranking Minority Member of the Senate Committee on Financial Institutions and Insurance;
- Chairperson and Ranking Minority Member of the Senate Committee on Public Health and Welfare;
- Speaker of the House of Representatives;
- Chairperson and Ranking Minority Member of the House Committee on Insurance; and
- Chairperson and Ranking Minority Member of the House Committee on Health and Human Services.

TAXATION

Strother Field Airport Property Tax Exemption; SB 117

SB 117 expands the property tax exemption for Strother Field Airport to include property owned by the political subdivisions comprising the Strother Field Airport Commission regardless of the date of acquisition and to specify the exempt uses for such property.

Property subject to the exemption includes property used for aviation-related purposes, to promote aviation commerce, or to provide revenue to operate all Strother Field components and activities.

[*Note:* Previous law restricted ownership to the Strother Field Airport Commission and did not extend the exemption to political subdivisions comprising it.]

TRANSPORTATION AND MOTOR VEHICLES

Move Over for Stopped Vehicles; SB 8

SB 8 requires the driver of a vehicle approaching a stopped vehicle displaying hazard warning signal lamps, road flares, or caution signals to proceed with caution and change lanes away from the stopped vehicle if it is possible and safe to do so. If it is not safe or possible to change lanes away from the stopped vehicle, the bill requires the driver to proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road, weather, and traffic conditions. These provisions are added to the Uniform Act Regulating Traffic on Highways.

The bill adds a fine of \$75 for unlawful passing of a stationary vehicle to the uniform fine schedule for traffic infractions.

Dealer Inventory-only Titles for Certain Non-highway Vehicles; SB 97

SB 97 requires a vehicle dealer that obtains ownership of a used all-terrain, work-site utility, or recreational off-highway vehicle, or motorcycle that would otherwise qualify as a non-highway vehicle, to apply to the county treasurer for a dealer inventory-only title.

The bill requires a \$10 fee and either a bill of sale or certificate of title to accompany the application for a dealer inventory-only title.

VETERANS AND MILITARY

Advance Enrollment for Military Students; Sub. for HB 2102

Sub. for HB 2102 requires school districts to permit the advance enrollment of any military student if the student provides evidence that their parent or guardian will be stationed at a military installation in Kansas during the current or immediately succeeding school year.

The bill dictates that no proof of address be required at the time of enrollment, but residency may be required for attendance if the school district does not have open seats, as determined by Open Enrollment law.

The bill applies to kindergarten through grade 12, as well as school districts with pre-existing pre-kindergarten (pre-K) programs. The bill requires school districts with pre-existing pre-K programs to permit the advance enrollment of any military student if the student is eligible for the particular program. [*Note:* Public schools are only required to provide certain pre-K programs, such as programs for special education and at-risk students, but some schools provide additional programs.] If the school district has no open seats for the pre-K program, the student would be placed on a waiting list for enrollment. The bill specifies that no school district would be required to offer a pre-K program that is not already required or currently offered.

If the enrolling military student has a special education plan, such as an individualized education program or a 504 plan, the bill requires school districts to take measures to ensure the student receives the required education and related service upon attendance.

The bill defines “military student” as it is defined in School District State Aid law: a dependent of a full-time active duty service member or member of the military reserve forces who has been ordered to active duty under certain circumstances.

Expanding the Kansas National Guard Educational Assistance Act and EMERGE Program; HB 2185

HB 2185 expands the Kansas National Guard Educational Assistance Act (Act) to include eligibility for dependents of National Guard members and expands the Kansas National Guard Educational Master’s for Enhanced Readiness and Global Excellence (EMERGE) Program to include other advanced degrees.

Kansas National Guard Education Assistance Act (Sections 1–5)

Under continuing law, the Kansas National Guard Educational Assistance Program provides for the payment of tuition and fees by the State of Kansas for eligible members of the Kansas National Guard enrolled at Kansas educational institutions. The bill amends the Act to also include eligible dependents of Kansas National Guard members. The bill allows eligible guard members to either personally participate or sponsor a dependent to participate in the Kansas National Guard Educational Assistance Program.

Qualifications for Assistance (Section 5)

Eligible guard members. To qualify for assistance under the Act, the bill requires an eligible guard member to:

- Hold a high school diploma or high school equivalency credential;
- Be enrolled at a Kansas educational institution; and
- Not hold a baccalaureate or higher academic degree.

The bill limits an eligible guard member to sponsor only one dependent to participate in the Kansas National Guard Educational Assistance Program during the member's service.

Dependents. To qualify for assistance as a dependent under the Act, the bill requires a dependent to:

- Hold a high school diploma or high school equivalency credential;
- Be enrolled at a Kansas educational institution;
- Not hold a baccalaureate or higher academic degree; and
- Complete and submit the Kansas student aid application with the State Board of Regents (Regents).

Limitations on Assistance (Section 4)

The bill provides that assistance available to a dependent under the program will be subject to the availability of funds after educational benefits are fully funded for all participating eligible guard members.

The bill would clarify that the Kansas National Guard Educational Assistance Program will not pay for any repeated courses or courses taken in excess of degree requirements.

Definitions (Section 2)

The bill defines "dependent" as an individual who is registered as an eligible dependent of the sponsoring eligible guard member in the Defense Enrollment Eligibility Reporting System. The bill also modifies the definitions of "Kansas educational institution" and "eligible guard member."

Rules and Regulations (Section 3)

The bill authorizes, but does not require, the Regents to adopt rules and regulations to administer the Act.

EMERGE Program (Sections 6–9)

Under continuing law, the EMERGE Program provides for the payment of tuition and fees by the State of Kansas for eligible members of the Kansas National Guard enrolled in master's degree programs at Kansas educational institutions. The bill expands the EMERGE Program to include other advanced degree programs.

Definitions (Section 7)

The bill defines the following terms:

- “Advanced degree” means a master’s degree, professional degree, or doctorate awarded to an eligible guard member upon satisfactory completion of the course work requirements of such degree program offered or maintained by a Kansas educational institution;
- “Doctorate” means a degree requiring three or more academic years of full-time academic study or the equivalent in part-time attendance that follows the successful completion of a baccalaureate or master’s degree. A “doctorate” may be either a research or a professional practice degree;
- “Master’s degree” means a degree requiring no less than one year of academic work or the equivalent in part-time attendance and follows the successful completion of a baccalaureate degree; and
- “Professional degree” means a degree that requires no less than three years of full-time study or the equivalent in part-time attendance that follows the successful completion of a baccalaureate degree, such as a juris doctor degree or a physician’s assistant degree.

The bill also modifies the definition of “eligible guard member” to include non-concurrent guard members accepted into an eligible professional degree program if they are qualified to join the Kansas National Guard.

Participation Requirements (Section 9)

Continuing law requires National Guard members participating in the EMERGE Program to agree, in writing, to serve actively and in good standing for no less than 48 months following the completion of the program. The bill modifies the service requirement to require active service for no less than 48 months for a master’s degree and active service for no less than 72 months for a doctorate or professional degree.

Continuing law requires participating National Guard members to remain in good standing at their Kansas educational institution, make satisfactory progress toward completion of the requirements of their degree, and maintain a grade point average (GPA) of no less than 2.75 in order to continue their participation in the EMERGE Program. The bill modifies the GPA requirements to require a GPA of no less than 2.75 for a master’s degree and a GPA of no less than 3.0 for a doctorate or professional degree.

Limitations on Assistance (Section 8)

The bill clarifies that the EMERGE Program will not pay for any repeated courses or courses taken in excess of degree requirements.

WATER

Multi-year Flex Accounts; SB 58

SB 58 makes various changes to multi-year flex accounts (MYFAs).

[*Note:* A MYFA allows a water right holder to obtain a five-year term permit that allows the water right holder to exceed the holder's yearly authorized quantity of water as long as the total pumping over the five-year period does not exceed the five-year authorized quantity. Enrollment in a MYFA is voluntary, and at the end of the five-year term, the water right returns to its original conditions unless the MYFA is voluntarily extended.]

Definitions

The bill removes definitions in the MYFA law for “alternative base average use,” “base average use,” “chief engineer,” and “flex account acreage” and amends two continuing definitions:

- “Base water right” means a water right that is vested or has been issued a certificate of appropriation, and:
 - The water right's authorized source of supply is groundwater;
 - The water right is not subject to a multi-year allocation pursuant to any other program or order issued by the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture (Chief Engineer);
 - The water right is not subject to any order issued by the Chief Engineer pursuant to orders regarding minimum streamflow, prohibited diversion of water, or diversion by common-law claimants;
 - Neither the water right nor any portion thereof has been deposited or placed in a safe deposit account in a chartered water bank;
 - The water right is not deemed abandoned and is in compliance with all provisions of any order of the Chief Engineer; and
 - The Chief Engineer determines that no other conditions make establishment of a MYFA for such water right contrary to the public interest; and
- “Multi-year flex account” means a term permit for up to five years that suspends a base water right and assigns a multi-year quantity allocation to such base water right in place of the base water right's annual quantity limitation for the duration of the term permit.

MYFA Term Length

The bill clarifies that any holder of a base water right may establish a MYFA where the holder may deposit water from a base water right in advance of a period of up to five consecutive years.

Quantity Allocation Calculation

The bill establishes that the amount of water deposited in the MYFA could not exceed 500 percent of the product of the annual net irrigation requirement, multiplied by the base water right's authorized acreage irrigated, multiplied by 110 percent. This amount could not exceed five times the maximum annual quantity authorized by the base water right.

Costs of the Program

The bill changes the revenue source for the costs of MYFA administration to be paid from MYFA fees to the Water Appropriation Certification Fund, as moneys are available.

Removal of Additional Requirements and Penalties

The bill removes the Chief Engineer's authority to require additional measuring devices, require certain reports of water use, and assess penalties.

Report to the Legislature

The bill removes the requirement for the Chief Engineer to submit a report on MYFAs to specified committees of the Legislature each year, and instead requires the Chief Engineer to submit a report on MYFAs to those committees on or before January 15, 2029, and every four years thereafter.

Water Pollution Control Permit Expiration; HB 2085

HB 2085 increases the length of a water pollution control permit from five years to ten years and allows the Secretary of Health and Environment to issue a permit for ten years at the discretion of the Secretary.

[*Note:* The Kansas Department of Health and Environment (KDHE) administers the Kansas Water Pollution Control Permit Program for non-overflowing wastewater facilities that do not discharge to surface water. These facilities utilize recycle and reuse processes in their operations, evaporative wastewater lagoon systems, and land application of treated wastewater to agricultural cropland for beneficial use and nutrients for crop production, or they have contained wastewater hauled off-site by licensed commercial waste treatment and disposal companies. These non-overflowing facilities are issued a water pollution control permit and are regulated by KDHE. For systems that discharge into surface water, an additional permit from the U.S. Environmental Protection Agency is required.]

**NUMERICAL INDEX OF BILLS
House Bills and Resolutions**

<u>Bill</u>	<u>Page</u>	<u>Bill</u>	<u>Page</u>
HB 2020.....	21	HB 2215.....	77
HB 2027.....	69	HB 2217.....	70
HB 2033.....	19	HB 2221.....	74
HB 2085.....	86	HB 2222.....	67
HB 2092.....	4	HB 2238.....	59
HB 2101.....	60	HB 2254.....	5
Sub. for HB 2102.....	81	HB 2261.....	68
HB 2106.....	21	HB 2284.....	77
HB 2110.....	66	HB 2291.....	8
HB 2117.....	4	HB 2307.....	33
Sub. for HB 2145.....	61	HB 2338.....	65
HB 2166.....	63	HB 2359.....	36
HB 2182.....	62	HR 6016.....	59
HB 2185.....	81		

**NUMERICAL INDEX OF BILLS
Senate Bills and Resolutions**

<u>Bill</u>	<u>Page</u>	<u>Bill</u>	<u>Page</u>
SB 2.....	20	SB 78.....	18
SB 4.....	20	SB 79.....	69
SB 5.....	20	SB 88.....	32
SB 6.....	21	SB 89.....	1
SB 7.....	60	SB 97.....	80
SB 8.....	80	SB 104.....	60
SB 13.....	76	SB 105.....	56
SB 14.....	74	SB 117.....	79
Sub. for SB 29.....	25	SB 137.....	66
SB 36.....	1	SB 166.....	76
SB 58.....	85	SB 175.....	64
SB 63.....	27	SB 194.....	60
Sub. for SB 67.....	31	SCR 1602.....	24
SB 77.....	76	SCR 1611.....	35