

**SUPPLEMENT II TO  
PRELIMINARY SUMMARY OF LEGISLATION  
2025 KANSAS LEGISLATURE**

**KLIRD**

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

This publication contains summaries of selected bills passed by the Legislature from April 10, 2025, through adjournment on April 11, 2025. Bills that have not yet been signed by the Governor are included.

The first *Preliminary Summary* containing summaries of major bills that were passed through the end of the legislative day on March 21 was distributed on March 27, 2025. An updated supplement to the first *Preliminary Summary* was distributed on April 3, 2025.

*Highlights*, a summary of major legislation in newsletter form, will be prepared and 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/>.

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## CHILDREN AND YOUTH

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

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

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

#### ***Kansas Office of Early Childhood***

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

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

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

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

#### ***Responsibilities of the Office***

The Office will be responsible for:

- The implementation of child care policies, processes, procedures, and funding with direction from the Governor, the Director, and the Legislature;
- The implementation of policies, processes, and awards granted through the Children's Cabinet, subject to appropriations and approval of the Legislature;
- The provision of mediation, support, and problem-solving resolutions through child care advocacy services;
- Providing easily accessible support to the public and persons providing and receiving child care services;
- Ensuring access to information, services, resolution of issues, rules and regulations, and funding in a user-friendly manner as prescribed the Director;

- Serving as a central point of contact for federal and state agencies on child care services, funding, and grants;
- Maximizing administrative efficiencies to reduce burdens on families and improve access to early childhood services;
- Supporting the healthy development of Kansas children through the coordination of early childhood programs and services in the fields of early childhood care, child care, home visitation, and other related issues;
- Managing and administering various programs serving young children and families; and
- Ensuring all Kansas Children’s Cabinet functions are executed.

### ***Responsibilities of the Director of the Office***

The bill requires the Director of the Office to:

- Ensure efficient use of funds for child care services and report such efficient use through:
  - Maximizing funds for child care services, support programs, and grant initiatives for efficiency and reducing administrative waste, fraud, and abuse, and ensuring greatest possible benefit to eligible families and providers;
  - Establishing clear performance metrics and accountability measures to ensure effective use of state and federal resources, including conducting regular audits, outcome-based evaluations, and cost-efficiency reviews; and
  - Complying with all rules and regulations adopted pursuant to requirements set forth in the public assistance eligibility statute. [*Note:* KSA 39-709 was reorganized in enacted 2025 HB 2027.]
- Submit an annual report to the Legislature that includes:
  - The allocation and expenditure of funds and resources;
  - Measurable outcomes of programs funded through the Office;
  - Identified inefficiencies within the Office and system and corrective action taken in response;
  - Recommendations for improving fiscal stewardship, service delivery, implementation of statutory requirements, and any potential changes;
  - Updates on changes to rules and regulations; and
  - All data and metrics related to service rates for children and families, workforce and private actors, service delivery and fiscal efficiency of all

programs, and recommendations for continuation or termination of such programs;

- Prepare, submit to the Legislature, and implement plans for a comprehensive service delivery system for children and families;
- Facilitate and coordinate interagency cooperation toward the goal of serving children and families with other state agencies as listed in the bill;
- Provide a central contact for information and assistance for children, families, communities, and businesses in need of early child care and related services;
- Enter into such contracts and agreements as necessary or incidental to the performance of the powers and duties of the Director;
- Charge and collect, by order, a fee necessary for the administration and processing of paper documents necessary for the execution of the laws related to the Office;
- Appoint and oversee Deputy Directors within the Office;
- Transition the administration of programs and state functions listed in the bill;
- Enter into agreements with the Secretary of Administration for the provision of shared services;
- Adopt, amend, or revoke any rules and regulations necessary to carry out the responsibilities of the Office;
- Supervise all budgeting, purchasing, and related management functions of the Office;
- Submit an annual appropriations request to the Legislature; and
- Maintain an office in Topeka, Kansas.

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

### ***Deputy Directors***

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

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

The Deputy Directors of the Office will be as follows:

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

### ***Child Care Ombudsman***

The Child Care Ombudsman will:

- Be a central point of contact for concerns regarding the delivery and system of child care services and receive, investigate, and address complaints, concerns, and inquiries in a timely manner from the public regarding child care services, providers, and related programs;
- Act as an advocate for parents, families, and child care providers by facilitating communication between stakeholders and ensuring that concerns are resolved efficiently and fairly;
- Work closely with state agencies, the Director, service providers, and advocacy organizations to improve the quality, accessibility, and affordability of child care services in Kansas;
- Provide clear guidance and information, in conjunction with and from the direction of the Director, to the public about child care regulations, available support programs, and how to access services when concerns arise;

- Submit an annual report to the Director, to be shared with the Legislature, detailing the number and nature of concerns addressed, actions taken, and recommendations for improvements in child care services and policies;
- Review all revocations of licensure upon a complaint and make appeal to the Director. If an unsatisfactory determination is made, the provider could appeal through the Administrative Procedure Act; and
- Recommend changes in policies, regulations, or procedures to improve the functioning of child care services in Kansas to the Director, Governor, and Legislature.

### ***Kansas Children's Cabinet***

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

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

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

### ***Children's Initiatives Fund***

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

### ***Interagency Transition Team***

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

## ***Child Care Centers***

### *Licensed Child Care Centers*

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

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

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

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

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

- An individual who provides care for fewer than 35 hours per week, unless otherwise increased by the Secretary, to 4 or fewer children, not more than 2 of whom may be infants who are not related to the individual by blood, marriage, or legal adoption; or
- An individual who provides care for children in their own home when care is arranged between friends and neighbors on an irregular basis.

### *Professional Development Training for Child Care Home Providers*

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

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

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

#### *Conditions for Child Care Center Licensure*

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

#### *Conditions for Child Care Home Licensure*

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

On or after July 1, 2026, the Director will not be allowed to require a licensee to live in the child care home as a condition for licensure. The bill will authorize a licensee to submit a request for a waiver regarding licensure conditions to the Deputy Director of Child Care Licensure and Finance. Upon recommendation by the Deputy Director, the Director will be authorized to grant waivers on a case-by-case basis.

#### ***Pilot Programs for Child Care Facilities or Youth Development Programs***

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

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

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

On or after July 1, 2026, the Director will be authorized to develop and operate pilot programs designed to increase the availability or capacity of child care facilities in the state. The pilot programs will be authorized to request state funding for operations, subject to appropriations. The bill will authorize the Director to grant licensure to a person to maintain a child care facility or youth development program in a pilot program that waives the requirements

or rules and regulations regarding licensure and operations of a child care facility or youth development program, including requirements for staff, for up to five years with a possible two-year extension. The facility or program will be required to comply with any alternative terms, conditions, and requirements set by the Director as may be necessary to protect the health, safety, and welfare of any child. The Director will be prohibited from granting a license for a pilot program if it would endanger the health, safety, and welfare of any child.

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

- Make suggestions and recommendations to the Legislature for statutory changes to child care facilities and youth development programs; and
- Adopt any rules and regulations consistent with the findings from such pilot program, including additional licensure categories or requirements.

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

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

### ***Lexie's Law***

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

- A summer instructional camp that is provided by a not-for-profit, school, verifiable nonpublic school, an employee of such school or verifiable nonpublic school, or person or group of persons providing educational activities for children ages pre-kindergarten to high school to such persons' children or organizations or persons providing services defined as day care under this bill is authorized to apply for and be granted a waiver as provided under this bill but is not required to hold a license or temporary permit from the Director of the Office;
- "Child" is defined as an individual who is enrolled or attending kindergarten, is less than 18 years of age, is not a volunteer or employee, and is attending a youth development program;
- If a licensed youth development program or school age program operates on or within the premises of a public or private school that is required to pass a fire

safety inspection each school year, no additional fire safety inspection of the licensed youth development program or school age program will be required by the Director, the State Fire Marshal, the Fire Chief, or any local political or taxing subdivision; and

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

### ***Parent Education Programs***

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

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

### ***Occupational Licensing***

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

### ***Use of Hygiene Products***

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

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

### ***Surveyors and Certification***

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

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

### ***Transfer of State Agency Existing Funds and Employees***

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

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

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

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

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

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

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

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

### ***Additional Changes***

- The bill prohibits the Secretary and, on or after July 1, 2026, the Director from imposing restrictions on the use of 15-passenger vans purchased on or before July 1, 2025;
- The Director will be prohibited from adopting rules and regulations or policies requiring educational outcomes or curriculum for persons or entities licensed under this bill;
- The bill removes the requirement that a day care facility's license have an expiration sticker stating the license's expiration date on the face of the license;
- The bill prohibits funds expended for child care services that are subject to federal requirements and appropriations acts of the Legislature from being expended by any agency or office to reimburse providers for unfilled child care slots; and
- The bill requires consent by a child's parent prior to an interview by an agent and removes the caveat requiring that an interview would be required when the agent conducting the inspection is either an authorized person or a licensed physician.

### ***Definitions***

The following definitions are updated:

- "Assistant teacher" means a staff member of a child care center;
- "Boarding school" means a facility that provides 24-hour care to school age children, provides education as its primary function, and is accredited by an accrediting agency acceptable to the Secretary;
- "Child care center" means a facility that meets child care center regulations and provides care and educational activities for children;
- "Child care home" means the premises where care is provided for children at a residence;
- "Child care resource and referral agency" means a business or service conducted, maintained, or operated by a person engaged in providing resource and referral services, including information specific services provided by child care facilities, to assist parents to find child care;

- “Child placement agency” means a business or service conducted, maintained, or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care;
- “Day care facility” does not include a youth development program for the purposes of this bill;
- “Employee” means a person working, regularly volunteering, or residing in a child care facility;
- “Infant” means a child who is between 2 weeks and 12 months of age or a child older than 12 months who has not yet learned to walk;
- “Lead teacher” means an individual who can independently staff any unit in a child care center;
- “Licensure year” means the period of time beginning on the effective date and ending on the expiration date of a license;
- “Maternity center” means a facility that provides delivery services for normal, uncomplicated pregnancies, but does not include a medical care facility;
- “Program director” means the staff member of a child care center who is responsible for implementing and supervising the comprehensive and coordinated plan of activities that provide for the education, care, protection, and development of children who attend a child care center;
- “School-age” means a child who will be at least 6 years of age on or before the first day of September of any school year, but is under 16 years of age; and
- “Unit” means the number of children who may be present in one group in a child care center.

## CRIMES AND CRIMINAL MATTERS

### Crimes and Criminal Procedure; SB 186

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

#### ***Probable Cause Information—Warrant or Summons***

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

#### ***Issuance of Search Warrants***

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

#### ***Bond Setting—Sex Crimes***

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

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

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

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

### ***Forfeiture of Appearance Bonds***

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

#### ***Warrants Provided to Surety Upon Forfeiture***

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

#### ***When Bond Forfeiture May Be Set Aside***

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

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

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

#### ***Remission of Appearance Bond***

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

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

### ***Regulation of Compensated Sureties***

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

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

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

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

### ***Sexual Exploitation of a Child***

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

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

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

### ***Unlawful Transmission of a Visual Depiction of a Child***

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

### ***Breach of Privacy***

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

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

## **Court Records and County Law Libraries; SB 204**

**SB 204** requires the sealing of certain records relating to case information, warrants, and subpoenas in certain criminal and juvenile cases and amends law concerning the selection of attorney members of county law library (CLL) boards of trustees and fees that may be used for enhancing and facilitating the functions of the district court in the county.

### ***Sealing of Court Records—Pending Warrant Disposition***

The bill requires the sealing of a criminal case or a case pursuant to the Revised Kansas Juvenile Justice Code in which an arrest warrant is being sought until such warrant is executed or denied.

The bill requires that subpoenas issued in the above cases remain sealed unless the court finds that unsealing such subpoena is in the interest of justice.

The bill defines “seal” to mean that no information related to a case, warrant, or subpoena, including the existence of such case, warrant, subpoena, or return of service, may be made public, but allows for disclosure of warrant information, subpoenas, returns of service, or other case information to law enforcement for the purposes of executing a warrant or serving a subpoena.

In addition, information related to an arrest warrant issued for a defendant’s failure to appear as directed by a court shall not be sealed under the provisions of the bill.

The bill applies retroactively to any case, warrant information, or subpoena currently pending on the effective date of the bill, July 1, 2025.

## ***County Law Libraries***

### ***Selection of CLL Board of Trustee Members***

For CLLs located in counties other than Douglas, Johnson, or Sedgwick, the bill amends law to remove the requirement that such attorney members be elected, and instead requires the chief judge of the judicial district to appoint these attorney members to the CLL board.

### ***Use of Fees***

The bill amends law that allows CLL boards to authorize chief judges of the judicial district to use annual attorney registration fees for the purpose of facilitating and enhancing the functions of the district court of the county to allow CLL boards to authorize the chief judge to use library fees assessed in certain court cases for this same purpose.

## **Scrap Metal Theft Reduction Act Investigations; SB 237**

**SB 237** amends the Scrap Metal Theft Reduction Act (Act) to authorize law enforcement officers to conduct investigations of the Act. The bill requires investigative reports to be

submitted to the Attorney General upon the investigation's conclusion, regardless of whether any local action was taken as a result of the investigation.

## EDUCATION

### **Promise Scholarship Expansion; SB 24**

**SB 24** expands the eligibility requirements for postsecondary education institutions to participate in the Kansas Promise Scholarship Program and increases the maximum amount that can be appropriated to the program.

#### ***Eligible Postsecondary Educational Institutions***

The bill expands the definition of “eligible postsecondary educational institution,” on and after July 1, 2026, to include any institution with its main campus or place of operation in Kansas that offers a Kansas Promise Scholarship-eligible program, is recognized by the State Board of Regents, is nationally accredited, and is eligible to receive funding under Title IV of the Higher Education Act of 1965. [Note: According to the State Board of Regents, this expands eligibility for the Kansas Promise Scholarship Program to include the Wichita Technical Institute and the Heartland Welding Academy in 2026.]

#### ***Increase in Maximum Appropriation***

The bill increases the maximum amount that can be appropriated to the Kansas Promise Scholarship Program from \$10.0 million to \$15.0 million.

## FEDERAL AND STATE AFFAIRS

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

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

## LEGISLATURE

### Reconciliation Bill; Senate Sub. for Sub. for HB 2007

**Senate Sub. for Sub. for HB 2007** reconciles amendments to statutes that were amended more than once during the current and prior legislative sessions. For such statutes, the bill repeals one version and, if necessary, amends the continuing version with noncontradictory amendments, creating a single version of the statute containing all amendments.

## STATE FINANCES

### Claims Against the State—Reimbursement Limit Increase; SB 156

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

## TAXATION

### Qualified Data Center Sales Tax Exemption; SB 98

**SB 98** provides a sales tax exemption to certain firms making eligible investments in a qualified data center, as defined by the bill.

The exemption is for:

- Purchases for the development, acquisition, construction, and operation of a qualified data center made by a qualified firm, including, but not limited to, costs of:
  - Land or site improvements;
  - Buildings;
  - Data center equipment, including acquisition and permitting;
  - Lease payments;
  - Site characterization and assessment; and
  - Engineering and design;
- Labor services pertaining to the installation and maintenance of data center equipment; and
- Purchases made by a contractor for the purposes of constructing or modifying a qualified data center for a qualified firm.

“Data center equipment” is defined to include:

- Servers, routers and connections and computer equipment, monitoring and security equipment or systems;
- Equipment used in the operations of the data center;
- Equipment necessary to cool and maintain a controlled environment for operations;
- Systems designed to collect, conserve, and reuse water;
- Computer server equipment, chassis, networking equipment, switches, racks, cabling, trays and conduit; and
- Conduit, ducting, and cabling directly related to connecting one or more distributed data center locations whether located inside or outside of a data center.

The cost of electricity is excluded from the exemption.

The bill defines “qualified data center” as one or more buildings constructed, reconstructed, enlarged, remodeled, or leased in Kansas to house networked computer servers connected by a fiber transmission network for the purposes of centralizing data storage, management, and dissemination.

A “qualified firm” is defined as a business registered in Kansas that is engaged in data processing, storage, and dissemination. Telecommunications, wireless, and video service providers are explicitly excluded from the definition of a qualified firm.

### ***Duration***

The sales tax exemption is valid for 20 years, regardless of the level of investment.

### ***Eligibility***

To be eligible for the exemption, a qualified firm must:

- Receive prior approval by the Kansas Fusion Center Oversight Board, which is authorized to deny a project deemed to pose a threat to critical state infrastructure;
- Submit an application as required by the Secretary of Commerce (Secretary) and enter into an agreement upon approval;
- Commit to:
  - Making an aggregate investment of at least \$250 million in a qualified data center within 5 calendar years of beginning operations;
  - Beginning construction of the project within 10 years of the agreement with the Secretary;
  - Adhering to practices that will conserve, reuse, and replace water; and
  - Purchasing electricity for 10 years from the public utility providing retail electric service; and
- Create and maintain at least 20 new jobs at such data center within 2 calendar years of beginning operations.

The Secretary is required to certify to the Secretary of Revenue when the qualified firm has met the conditions to receive the sales tax exemption and provide notice if the exemption is modified, suspended, or terminated.

### ***Additional Conditions***

As a condition of receiving the exemption, the qualifying firm is required to:

- Provide information required by the Secretary for:

- Publication of the economic development incentive program database established in continuing law;
- The Secretary's annual report required by continuing law; and
- Periodic review of standing and eligibility as described below; and
- Cooperate with audits undertaken by the Department of Revenue or an applicable third party as requested by the Secretary.

### ***Periodic Review***

The Secretary is permitted to conduct a review every five years of the activity of a qualified firm to ensure good standing with the State and compliance with the requirements of the bill and any relevant rules and regulations. The Secretary is required to certify to the Secretary of Revenue that firms receiving the exemption continue to meet qualifications for eligibility.

Confidential financial information and trade secrets necessary to protect legitimate competitive business interests are not subject to disclosure, except that providing them to the Legislative Division of Post Audit upon request is required.

The bill requires books and records pertaining to determination of eligibility to be available for inspection during business hours by the Secretary, or a duly authorized agent, upon 60 days' prior written notice.

### ***Breach of Agreement***

If the Secretary determines a breach in the agreement has occurred, the Secretary is required to provide written notice that the firm has 120 days to cure the breach. If the breach is not cured within 120 days, the Secretary could require the firm to repay all or a part of the amount of the sales tax exemption received and wholly or partially terminate the exemption.

### ***Rules and Regulations Authority***

The Secretary is authorized to adopt rules and regulations for the implementation of the bill.

### **School Finance Mill Levy, Municipal Budgeting, and Board of Tax Appeals Filing Fees; Senate Sub. for HB 2125**

**Senate Sub. for HB 2125** reauthorizes the statewide school finance mill levy, modifies certain dates related to municipal budgeting, modifies the form required for revenue neutral rate notices and continues the state reimbursement of printing and postage costs associated with such notices, and prohibits filing fees at the State Board of Tax Appeals when prior appeals remain pending.

### ***Statewide School Finance Mill Levy***

The bill reauthorizes the statewide school finance property tax levy at a rate of 20 mills for school years 2025-2026 and 2026-2027.

### ***Municipal Budgeting Date Changes***

The bill makes October 1 the deadline for taxing entities to annually certify to the county clerk the amount of property tax to be levied. [Note: Under prior law, the deadline was October 1 for taxing entities exceeding the revenue neutral rate and August 25 otherwise.]

The bill requires county clerks to use the previous year's budget information and amount of property tax to be levied for any taxing entity that does not file its budget information by 5:00 p.m. on October 1.

The bill moves from December 15 to December 1 the date by which county treasurers are required to mail property tax statements and tax information forms.

### ***Revenue Neutral Rate Notice Reimbursement and Form Revisions***

The bill extends, through calendar year 2026, state reimbursement of printing and postage costs incurred when county clerks are required to mail notices of proposed tax increases beyond the revenue neutral rate. The bill also extends the corresponding transfer from the State General Fund to the Taxpayer Notification Costs Fund to reimburse such costs.

The bill also makes changes to the form required to be used for such notices. The bill requires the form to:

- Include a column indicating the mill levy utilized in the calculation of:
  - The tax for the preceding year;
  - The tax for the current year based on the revenue neutral rate; and
  - The amount of tax proposed for the current year;
- Eliminate a column specifying the amount by which the proposed tax amount exceeds the tax at the revenue neutral rate;
- Include information for the aggregate amount of tax levied by each taxing subdivision for the current and prior year and the difference between such amounts in both dollars and percentages; and
- Refer to amounts of tax to be levied by a taxing subdivision in the current year as "Proposed Tax," changed from "Maximum Tax."

### ***State Board of Tax Appeals Filing Fees Prohibition***

The bill prohibits the State Board of Tax Appeals (BOTA) from charging a filing fee to a taxpayer whose appeal from a previous year remains pending before BOTA in regard to the same parcel of property.

[*Note:* The bill replaces a provision prohibiting a filing fee when a taxpayer has a pending appeal that is beyond the statutory time period for service of a decision by BOTA.]

### **Personal Exemption Changes, Corporation Income Tax Apportionment, Personal Property Tax Exemption, Tax Freeze Refund Expansion; HB 2231**

**HB 2231** modifies Kansas income tax personal exemption provisions, redefines “income” for a refund option within the Homestead Property Tax Refund Act, amends the apportionment of income of multistate corporations and makes associated changes, and exempts certain personal property from taxation.

#### ***Personal Exemption Changes***

The bill establishes, beginning in tax year 2024, that head-of-household filers are allowed an additional personal exemption of \$2,320 and increases the additional personal exemption for 100 percent permanently disabled military veterans to the same amount.

#### ***“Tax Freeze” Refund Program Changes***

The bill, for purposes of the refund option of the amount of tax in excess of the base year amount under the Homestead Property Tax Refund Act, establishes the definition of income, for tax year 2025 and all years thereafter, to be the Kansas adjusted gross income of the taxpayer.

[*Note:* The Homestead Property Tax Refund Act includes three different refund options. The definition of income for the other two refund options is not impacted by the bill.]

#### ***Corporation Income Tax Changes***

The bill requires, beginning in tax year 2027, most corporations with income in multiple states to apportion their income for Kansas income tax purposes based upon the share of the corporation’s total sales that occur in Kansas. The bill also provides for a reduction to the corporation income tax rate and a deferred tax deduction for certain corporations.

The bill also makes various conforming changes, including a conforming amendment to Kansas’ adoption of the Multistate Tax Compact to implement the provisions of the bill.

#### ***Sales Factor Apportionment***

Beginning in tax year 2027, the bill generally provides corporation income of multistate corporations to be apportioned using only the sales factor, rather than using a formula incorporating sales, property, and payroll factors.

The bill also adopts, beginning in tax year 2027, market-based sourcing in determining sales within the state for the purposes of apportioning income. The bill specifies market-based sourcing rules for specific situations of sales of services, sales of intangible property, interest from loans, payment of dividends, and sales of communications services.

For financial institutions, the receipts factor, as defined in continuing law, is to be used in lieu of the sales factor.

A provision requiring the apportionment of income for railroads and interstate motor carriers based on the share of miles operated in Kansas is repealed at the end of tax year 2026, and such entities will have their income apportioned in accordance with provisions applicable to other corporations.

Manufacturers of alcoholic liquor will continue to have income apportioned using the three-factor formula as under current law.

#### *Corporation Income Tax Rate Reduction*

The bill provides for a reduction to the normal tax rate for corporations beginning in tax year 2029 based upon the amount corporation income tax receipts in FY 2028 exceed those of FY 2027, as certified by the Director of the Budget in consultation with the Director of Legislative Research.

The Secretary of Revenue is required to compute the reduction in the rate rounded down to the nearest 0.1 percent that would result in an amount of reduced tax approximately equal to the amount certified by the Director of the Budget.

The Secretary of Revenue is required to publish any new tax rate under provisions of the bill by October 1, 2028.

#### *Deferred Tax Deduction*

The bill allows publicly traded companies whose financial statements are prepared in accordance with Generally Accepted Accounting Principles to claim a deferred tax deduction from the taxpayer's net business income before apportionment in an amount as specified by the bill.

The deduction, which the bill allows to be claimed after applying other available tax credits, is equal to the increase in the taxpayer's deferred tax impact caused by the requirement of the use of the sales factor for income apportionment divided by the corporation tax rate and the taxpayer's apportionment factor multiplied by 1/10. The bill authorizes claiming the deduction in ten equal installments, beginning in tax year 2025.

The deduction, which is not to be adjusted based upon events subsequent to the calculation of the deduction amount, may be carried forward and applied in future years until fully utilized if it is greater than the taxpayer's net business income before apportionment.

A taxpayers seeking to claim such deduction must file a statement with the Secretary of Revenue on or before July 1, 2027, specifying the total amount of the claimed deduction.

### ***Personal Property Tax Exemption***

The bill exempts, beginning in tax year 2026, the following personal property from all property or ad valorem taxes:

- Any snowmobile, all-terrain vehicle, recreational off-highway vehicle, motorcycle manufactured for off-road use, or golf cart, that is not operated upon any highway;
- Any motorized bicycle, electric-assisted bicycle, electric-assisted scooter, electric personal assistive mobility device, or motorized wheelchair, as those terms are defined in law;
- Any trailer having a gross weight of 15,000 pounds or less, used exclusively for personal use and not the production of income;
- Any watercraft; and
- Any watercraft trailer designed to launch, retrieve, transport, and store watercraft, and any watercraft motor designed to operate watercraft on the water.

### **Countywide Sales Tax Authority and Apportionment and Custom Meat Processing Sales Tax Exemption Certificate; HB 2275**

**HB 2275** authorizes the submission of local sales taxes to voters in Finney, Jackson, Pawnee, and Seward counties; modifies the apportionment of countywide sales taxes; and specifies that a sales tax exemption certificate is not required for the sales tax exemption for certain custom meat processing services.

### ***County Sales Tax Authorizations***

#### ***Finney County***

The bill authorizes the Board of County Commissioners of Finney County to submit to the voters of the county a question of imposing a 0.5 percent countywide sales tax for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility, or other county administrative facility.

Such sales tax expires once revenue sufficient to pay costs incurred in financing such a facility is collected.

The proceeds of the tax are to be retained by the county government and not be subject to apportionment with the cities within the county.

*Jackson County*

The bill authorizes the Jackson County Board of County Commissioners to submit to the voters of the county a question of imposing a countywide sales tax of 0.25 percent for the purpose of supporting hospital services in the county.

Proceeds from the tax are not subject to apportionment with the cities within Jackson County and are to be entirely retained by the county.

The sales tax authorized by the bill expires after ten years from the date the tax is first collected.

*Pawnee County*

The bill authorizes the Pawnee County Board of County Commissioners to submit to the voters of the county a question of imposing a countywide sales tax of up to 1.0 percent for the purpose of financing the provision of health care services and furnishing and equipping county public safety operations.

The bill requires the health care services to be financed to be listed in the question submitted to the voters, and public safety operations are those deemed necessary by the Pawnee County Board of County Commissioners.

*Seward County*

The bill authorizes the Board of County Commissioners of Seward County to submit to the voters of the county a question of imposing a countywide sales tax at a rate of 0.5 percent for the purpose of financing road and bridge construction projects.

The tax expires ten years from the date first collected and can be extended for additional ten-year periods upon additional elections.

The proceeds of the tax are not subject to apportionment with the cities within Seward County.

***Countywide Sales Tax Apportionment***

The bill requires the apportionment of sales tax revenue among cities and counties that is based on the proportion of the tax levied by each city and county to remain unchanged between July 1, 2025, and December 31, 2026.

[*Note:* The apportionment of such revenue based on population is unaffected by the bill.]

***Custom Meat Processing Sales Tax Exemption Certificate***

The bill authorizes the sales tax exemption in continuing law for sales of the services of slaughtering, butchering, custom cutting, dressing, processing, or packaging of an animal for the

customer's own use or consumption to be claimed without a requirement that exemption certificates or forms be provided by the purchaser or collected or maintained by the seller.

The bill also clarifies that a seller of such services who believes a sale qualifies for the exemption does not have the burden of proving the sale is not subject to tax; however, a purchaser wrongly claiming the exemption is still liable for any unpaid taxes.

### **Changes to Housing Tax Credit Programs; HB 2289**

**HB 2289** makes changes to the Kansas Affordable Housing Tax Credit and Kansas Housing Investor Tax Credit programs and provides for the incremental discontinuation of the Kansas Affordable Housing Tax Credit Program.

#### ***Kansas Affordable Housing Tax Credit***

The bill discontinues the Kansas Affordable Housing Tax Credit match for qualified developments receiving a 4 percent federal low-income housing credit subsequent to the 2025 Qualified Allocation Plan. The bill also limits the match for qualified developments receiving a 9 percent federal credit to \$8.8 million annually beginning in 2026 and discontinues the match subsequent to the 2028 Qualified Allocation Plan.

The total amount of credits awarded for either match amount is limited to \$25.0 million for the 2025 plan year.

[*Note:* The Qualified Allocation Plan governs how the low-income housing tax credits are awarded and is reviewed by the Kansas Housing Resources Corporation annually.]

Any such credit awarded for a plan year will continue to apply through the credit period and any applicable carry-forward period.

#### ***Kansas Housing Investor Tax Credit***

The bill provides, retroactive to tax year 2022, that tax credits under the Kansas Housing Investor Tax Credit Act can be claimed by transferees of the credit beginning in the year in which the qualifying investment for the credit is made. [*Note:* Previous law allowed transferees to begin claiming the credits in the year in which the credits were transferred.]

## TRANSPORTATION AND MOTOR VEHICLES

### Hunter Nation Distinctive License Plate; HB 2335

**HB 2335** authorizes issuance of the Hunter Nation distinctive license plate on and after January 1, 2026, for use on a passenger vehicle or truck registered for a gross weight of 20,000 pounds or less.

The bill establishes the procedures for a vehicle owner or lessee to obtain the license plate and the responsibilities of Hunter Nation, Inc., with regard to this license plate. The bill allows Hunter Nation, Inc., to set the royalty for use of its logo for each license plate at an amount between \$25 and \$100, to be paid at initial issuance and renewal. Monthly royalty payments are to be directed to Hunter Nation Foundation, Inc.

The bill authorizes the Director of Vehicles, Department of Revenue, to transfer a Hunter Nation license plate from a leased vehicle to a purchased vehicle.

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