

# Journal of the Senate

FIFTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 31, 2022, 10:00 a.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 40 senators present.  
Invocation by Reverend Cecil T. Washington:

A Clay Pot's Prayer To The Potter  
Jeremiah 18:1-13

Lord, God, once again it's that time we set aside for prayer; prayer because it is the way in which You permit us, even instruct us to come to You. You are our Alpha and Omega, Our Beginning and End. From A to Z You are the description of all that is good. All that is good is a description of You. There are no human words we can utter that can embrace the magnitude of Who You are and Your love for us.

In speaking to Your Prophet Jeremiah, in 18:1-13, You gave him a picture of Who You are and the breadth of Your love and forgiveness. You had him observe a potter molding a piece of clay. When the vessel he was shaping was faulty he would crush it and rework it into what he wanted.

Then You let Jeremiah know that his homeland was like the clay in the potter's hands. You said You could do the same thing with his nation that he saw the potter do with the clay. You could crush it. You could bring it down.

But You went on to say, suppose the nation repents and turns away from its faults then You would change Your plans about crushing it, an expression of Your love.

So Lord, let Your mercies that are new every day be extended to this nation. Help us individually and as a nation turn away from our faults, that we as a people may be a reflection of Your goodness and grace. On behalf of all of us clay pots I offer this prayer, in Jesus Name, Amen.

The Pledge of Allegiance was led by Vice President Wilborn.

On motion of Senator Alley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Wilborn in the chair.

## MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **HB 2644**, requests a conference and

has appointed Representatives Barker, Arnberger and Ruiz, L. as conferees on the part of the House.

The House adopts the Conference Committee report on **HB 2476**.

The House adopts the Conference Committee report on **HB 2478**.

The House adopts the Conference Committee report on **HB 2595**.

#### **CHANGE OF CONFERENCE**

Senator Olson is appointed to replace Senator Alley as a member of the conference committee on **S Sub HB 2252**.

Senators Hilderbrand, Gossage and Pettey are appointed to replace Senators Olson, Hilderbrand and Faust-Goudeau as members of the conference committee on **HB 2540**.

#### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator Olson moved the Senate concur in House amendments to **SB 405**.

**SB 405**, AN ACT concerning the disposition of certain state real property; authorizing the state historical society to convey certain real property located in Johnson county to the Shawnee Tribe; imposing certain conditions; prescribing costs of conveyance.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Baumgardner.

The Senate concurred.

Senator Bowers moved the Senate concur in House amendments to **SB 479**.

**SB 479**, AN ACT authorizing a permanent memorial commemorating the Kansas suffragist movement to be placed in the state capitol; establishing the Kansas suffragist memorial fund.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Baumgardner.

The Senate concurred.

#### **CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2087** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee

amendments, as follows:

On page 1, following line 5, by inserting:

"New Section 1. (a) All rules and regulations adopted by state agencies under the provisions of K.S.A. 77-415 et seq., and amendments thereto, shall be reviewed every five years in accordance with this section.

(b) (1) Each state agency that has adopted rules and regulations shall submit a report to the joint committee on administrative rules and regulations on or before July 15 of the year that corresponds to such state agency under paragraph (2). Such report shall contain a summary of such state agency's review and evaluation of rules and regulations adopted by such state agency, including a statement for each rule and regulation as to whether such rule and regulation is necessary for the implementation and administration of state law or may be revoked pursuant to K.S.A. 77-426(d), and amendments thereto.

(2) Each state agency that has adopted rules and regulations shall submit a report as required under paragraph (1) in the years that correspond to such state agency as follows:

(A) For 2023 and every fifth year thereafter, the following state agencies:

- (i) Department of administration;
- (ii) municipal accounting board;
- (iii) state treasurer;
- (iv) Kansas department of agriculture;
- (v) Kansas department of agriculture—division of water resources;
- (vi) state election board;
- (vii) secretary of state;
- (viii) livestock brand commissioner;
- (ix) Kansas department of agriculture—division of animal health;
- (x) Kansas bureau of investigation;
- (xi) Kansas department of agriculture—division of conservation;
- (xii) agricultural labor relations board;
- (xiii) alcoholic beverage control board of review;
- (xiv) Kansas department of revenue—division of alcoholic beverage control;
- (xv) athletic commission;
- (xvi) attorney general;
- (xvii) office of the state bank commissioner;
- (xviii) employee award board;
- (xix) governmental ethics commission;
- (xx) crime victims compensation board;
- (xxi) Kansas human rights commission;
- (xxii) state fire marshal; and
- (xxiii) Kansas department of wildlife and parks;

(B) for 2024 and every fifth year thereafter, the following state agencies:

- (i) Kansas wheat commission;
- (ii) Kansas state grain inspection department;
- (iii) Kansas department for aging and disability services;
- (iv) Kansas energy office;
- (v) department of health and environment;
- (vi) Kansas department for children and families;

- (vii) park and resources authority;
- (viii) state salvage board;
- (ix) Kansas department of transportation;
- (x) Kansas highway patrol;
- (xi) savings and loan department;
- (xii) Kansas turnpike authority;
- (xiii) insurance department;
- (xiv) food service and lodging board;
- (xv) commission on alcoholism;
- (xvi) corrections ombudsman board;
- (xvii) department of corrections;
- (xviii) Kansas prisoner review board;
- (xix) executive council;
- (xx) mined-land conservation and reclamation (KDHE);
- (xxi) department of labor—employment security board of review;
- (xxii) department of labor;
- (xxiii) department of labor—division of employment; and
- (xxiv) department of labor—division of workers compensation;
- (C) for 2025 and every fifth year thereafter, the following state agencies:
  - (i) State records board;
  - (ii) state library;
  - (iii) board for the registration and examination of landscape architects;
  - (iv) adjutant general's department;
  - (v) state board of nursing;
  - (vi) Kansas board of barbering;
  - (vii) state board of mortuary arts;
  - (viii) board of engineering examiners;
  - (ix) board of examiners in optometry;
  - (x) state board of technical professions;
  - (xi) Kansas board of examiners in fitting and dispensing of hearing instruments;
  - (xii) state board of pharmacy;
  - (xiii) Kansas state board of cosmetology;
  - (xiv) state board of veterinary examiners;
  - (xv) Kansas dental board;
  - (xvi) board of examiners of psychologists;
  - (xvii) registration and examining board for architects;
  - (xviii) board of accountancy;
  - (xix) state bank commissioner—consumer and mortgage lending division;
  - (xx) board of basic science examiners;
  - (xxi) Kansas public employees retirement system;
  - (xxii) office of the securities commissioner; and
  - (xxiii) Kansas corporation commission;
- (D) for 2026 and every fifth year thereafter, the following state agencies:
  - (i) Public employee relations board;
  - (ii) abstracters' board of examiners;
  - (iii) Kansas real estate commission;
  - (iv) education commission;

- (v) state board of regents;
  - (vi) school budget review board;
  - (vii) school retirement board;
  - (viii) state department of education;
  - (ix) Kansas department of revenue;
  - (x) Kansas department of revenue—division of property valuation;
  - (xi) state board of tax appeals;
  - (xii) crop improvement association;
  - (xiii) Kansas commission on veterans' affairs office;
  - (xiv) Kansas water office;
  - (xv) Kansas department of agriculture—division of weights and measures;
  - (xvi) state board of healing arts;
  - (xvii) podiatry board;
  - (xviii) behavioral sciences regulatory board;
  - (xix) state bank commissioner and savings and loan commissioner—joint regulations;
  - (xx) consumer credit commissioner, credit union administrator, savings and loan commissioner and bank commissioner—joint regulations;
  - (xxi) state board of indigents' defense services;
  - (xxii) Kansas commission on peace officers' standards and training; and
  - (xxiii) law enforcement training center; and
- (E) for 2027 and every fifth year thereafter, the following state agencies:
- (i) Kansas state employees health care commission;
  - (ii) emergency medical services board;
  - (iii) department of commerce;
  - (iv) Kansas lottery;
  - (v) Kansas racing and gaming commission;
  - (vi) Kansas department of wildlife and parks;
  - (vii) Kansas state fair board;
  - (viii) real estate appraisal board;
  - (ix) state historical society;
  - (x) health care data governing board;
  - (xi) state department of credit unions;
  - (xii) pooled money investment board;
  - (xiii) department of corrections—division of juvenile services;
  - (xiv) state child death review board;
  - (xv) Kansas agricultural remediation board;
  - (xvi) unmarked burial sites preservation board;
  - (xvii) Kansas housing resources corporation;
  - (xviii) department of commerce— Kansas athletic commission;
  - (xix) department of health and environment—division of health care finance;
  - (xx) home inspectors registration board;
  - (xxi) committee on surety bonds and insurance;
  - (xxii) 911 coordinating council; and
  - (xxiii) office of administrative hearings.
- (c) For any state agency not listed in subsection (b)(2) that adopts rules and regulations that become effective on or after July 1, 2022, such state agency shall

submit a report to the joint committee on administrative rules and regulations in accordance with subsection (b)(1) on or before July 15 of the fifth year after such rules and regulations become effective and every fifth year thereafter.

(d) Notwithstanding any other provision of law, a rule and regulation may be adopted or maintained by a state agency only if such rule and regulation serves an identifiable public purpose to support state law and may not be broader than is necessary to meet such public purpose.

(e) This section shall be a part of and supplemental to the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto.";

On page 4, in line 31, by striking "2023" and inserting "2026";

On page 11, following line 32, by inserting:

"Sec. 7. K.S.A. 77-426 is hereby amended to read as follows: 77-426. (a) All rules and regulations ~~which that~~ are in force and effect at the time this act takes effect shall continue in full force and effect and may be amended, revived or revoked as provided by law. All new rules and regulations and all amendments, revivals or revocations of rules and regulations, other than temporary regulations, adopted in any year shall be filed with the secretary of state and shall become effective 15 days following its publication in the Kansas register or such later date as clearly expressed in the body of such rule and regulation.

(b) Except for rules and regulations revoked pursuant to subsection (d), as soon as possible after the filing of any rules and regulations by a state agency, the secretary of state shall submit to the joint committee on administrative rules and regulations such number of copies as may be requested by the joint committee on administrative rules and regulations.

(c) At any time prior to adjournment sine die of the regular session of the legislature, the legislature may adopt a concurrent resolution expressing the concern of the legislature with any permanent or temporary rule and regulation ~~which that~~ is in force and effect and on file in the office of the secretary of state and any permanent rule and regulation filed in the office of the secretary of state during the preceding year and requesting the revocation of any such rule and regulation or the amendment of any such rule and regulation in the manner specified in such resolution.

(d) (1) Notwithstanding any other provision of the rules and regulations filing act, any rule and regulation may be revoked pursuant to this subsection if such rule and regulation is identified by a state agency in the report submitted to the joint committee on administrative rules and regulations pursuant to section 1, and amendments thereto, as one that may be revoked pursuant to this subsection. A state agency may revoke a rule and regulation by filing a notice of such revocation with the secretary of state and causing such notice to be published in the Kansas register. Such notice of revocation shall not contain any new rules and regulations or any amendments to any rules and regulations.

(2) Prior to filing the notice of revocation with the secretary, the state agency shall:

(A) Upon the written request of a member of the public, hold a public hearing on the proposed notice of revocation;

(B) submit the notice of revocation to the attorney general for review and approval in accordance with K.S.A. 77-420(d), and amendments thereto; and

(C) submit the notice of revocation to the joint committee on administrative rules and regulations and, upon request by the chairperson of such committee, appear before

such committee at a hearing on such notice.

(3) The revocation of a rule and regulation under this subsection shall be effective 15 days following the date that the notice of such revocation is published in the Kansas register.

Sec. 8. K.S.A. 77-436 is hereby amended to read as follows: 77-436. (a) There is hereby established a joint committee on administrative rules and regulations consisting of five senators and seven members of the house of representatives. The five senator members shall be appointed as follows: Three by the committee on organization, calendar and rules and two by the minority leader of the senate. The seven representative members shall be appointed as follows: Four by the speaker of the house of representatives and three by the minority leader of the house of representatives. The committee on organization, calendar and rules shall designate a senator member to be chairperson or vice-chairperson of the joint committee as provided in this section. The speaker of the house of representatives shall designate a representative member to be chairperson or vice-chairperson of the joint committee as provided in this section. The minority leader of the senate shall designate a senator member to be the ranking minority member of the joint committee as provided in this section. The minority leader of the house of representatives shall designate a representative member to be the ranking minority member of the joint committee as provided in this section.

(b) A quorum of the joint committee on administrative rules and regulations shall be seven. All actions of the committee may be taken by a majority of those present when there is a quorum. In odd-numbered years the chairperson and the ranking minority member of the joint committee shall be the designated members of the house of representatives from the convening of the regular session in that year until the convening of the regular session in the next ensuing year. In even-numbered years the chairperson and the ranking minority member of the joint committee shall be the designated members of the senate from the convening of the regular session of that year until the convening of the regular session of the next ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) Except for rules and regulations revoked pursuant to K.S.A. 77-426(d), and amendments thereto, all proposed rules and regulations shall be reviewed by the joint committee on administrative rules and regulations during the public comment period required by K.S.A. 77-421, and amendments thereto. The committee may introduce such legislation as it deems necessary in performing its functions of reviewing administrative rules and regulations.

(d) The committee shall issue a report to the legislature following each meeting making comments and recommendations and indicating concerns about any proposed rule and regulation. Such report shall be made available to each agency that had proposed rules and regulations reviewed at such meeting during the agency's public comment period for such proposed rules and regulations required by K.S.A. 77-421, and amendments thereto. If having a final report completed by the public hearing required by K.S.A. 77-421, and amendments thereto, is impractical, a preliminary report shall be made available to the agency containing the committee's comments. The preliminary report shall be incorporated into the final report and made available to each agency.

(e) Except for rules and regulations revoked pursuant to K.S.A. 77-426(d), and amendments thereto, all rules and regulations filed each year in the office of secretary

of state shall be subject to review by the joint committee. The committee may introduce such legislation as it deems necessary in performing its functions of reviewing administrative rules and regulations.

(f) The joint committee shall meet on call of the chairperson as authorized by the legislative coordinating council. All such meetings shall be held in Topeka, unless authorized to be held in a different place by the legislative coordinating council. Members of the joint committee shall receive compensation, travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee authorized by the legislative coordinating council.

(g) Amounts paid under authority of this section shall be paid from appropriations for legislative expense and vouchers therefor shall be prepared by the director of legislative administrative services and approved by the chairperson or vice-chairperson of the legislative coordinating council.";

Also on page 11, in line 33, by striking "and" and inserting a comma; also in line 33, after "77-422" by inserting ", 77-426 and 77-436";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "requiring the review of rules and regulations by state agencies every five years;"; in line 2, after the semicolon by inserting "requirements for adoption of rules and regulations; providing an alternative procedure for revocation of certain rules and regulations;"; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "77-422" by inserting ", 77-426 and 77-436";

And your committee on conference recommends the adoption of this report.

ROB OLSON  
RICHARD HILDERBRAND  
OLETHA FAUST-GOUDEAU  
*Conferees on part of Senate*

JOHN BARKER  
TORY MARIE ARNBERGER  
LOUIS RUIZ  
*Conferees on part of House*

Senator Olson moved the Senate adopt the Conference Committee Report on **HB 2087**.

On roll call, the vote was: Yeas 34; Nays 4; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hawk, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Warren, Wilborn.

Nays: Holland, Holscher, Pittman, Ware.

Present and Passing: Francisco.

Absent or Not Voting: Baumgardner.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2559** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 7, before the first "Section" by inserting "New"; also in line 7, by striking the second "Section" and inserting "Sections"; also in line 7, by striking "et seq." and inserting "through 8"; in line 9, before "Sec." by inserting "New"; also in line 9, by striking "section" and inserting "sections"; also in line 9, by striking "et seq." and inserting "through 8"; in line 23, before "Sec." by inserting "New";

On page 2, in line 30, before "Sec." by inserting "New";

On page 3, in line 18, before "Sec." by inserting "New"; in line 23, before "Sec." by inserting "New";

On page 4, in line 23, before "Sec." by inserting "New"; in line 25, before "Sec." by inserting "New"; following line 41, by inserting:

"New Sec. 9. (a) The Kansas department of agriculture may provide industrial hemp testing services to non-licensed persons or governmental entities, including law enforcement agencies, when such capacity is available and not required for testing industrial hemp produced by licensees subject to this act.

(b) The secretary may establish a fee schedule for any testing services by rules and regulations and shall remit all moneys received from fees collected under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the laboratory testing services fee fund.

(c) The results of any tests performed under this section shall be made available to the Kansas bureau of investigation upon request. The Kansas department of agriculture shall coordinate any testing services provided under this section with the Kansas bureau of investigation in order to provide excess testing capacity without displacing any services that may also be provided by the Kansas bureau of investigation.

(d) Nothing in this section shall limit the secretary's authority to refuse to provide testing services to any non-licensee.

(e) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2021 Supp. 2-3901 et seq., and amendments thereto.

New Sec. 10. (a) Seed that has been treated with an irritating or poisonous substance that is harmful to humans or other vertebrate animals shall be colored or dyed a color that clearly identifies that the seed has been treated and shall be labeled with the following information:

(1) A warning statement that the seed has been treated;

(2) the common, coined, chemical or abbreviated chemical name of the substance applied to the seed; and

(3) a caution statement that reads "treated seed—do not use for food, feed or oil purposes" and for mercurial and similarly toxic substances also includes the word "poison" and a skull-and-crossbones.

(b) If seed has been treated with a substance that is not irritating, poisonous or

harmful to humans or other vertebrate animals, the seed shall be labeled with a statement describing the applied substance.

(c) If seed has been treated with an inoculant, the date beyond which the inoculant is not considered effective or the date of the inoculant's expiration shall be included on the label.

(d) A separate label may be used for the information required by this section, or such information may be a component of the main label.

(e) This section shall be a part of and supplemental to the Kansas seed law.

Sec. 11. K.S.A. 2-1415 is hereby amended to read as follows: 2-1415. As used in this act:

(a) "Agricultural seed" means the seed of grass, legume, forage, cereal ~~and~~ fiber crops, ~~oil seed, food plot seed and any cannabis sativa crop authorized by state law,~~ or mixtures thereof, ~~but shall.~~ "Agricultural seed" does not include ~~horticultural seeds those seeds generally classified as vegetable, fruit, flower, tree or shrub and grown for personal use or commercial sale, except that cover crop seed shall be considered agricultural seed.~~

(b) "Person" means any individual, member of a partnership, corporation, agents, brokers, company, association or society.

(c) "Conditioned" means cleaned, or cleaned and blended, to meet the requirements of agricultural seed for the purpose of being planted or seeded.

(d) "Kind" means one or more related species or subspecies ~~which that~~ singly or collectively is known by one common name, and includes, among others, wheat, oat, vetch, sweet clover and alfalfa.

(e) "Variety" means a subdivision of a kind, ~~which that~~ is characterized by growth, yield, plant, fruit, seed or other characteristics by which it can be differentiated from other plants of the same kind.

(f) "Hard seed" means ~~the seeds which that~~ because of hardness or impermeability do not absorb moisture or germinate under seed testing procedure.

(g) "Label" means the statements written, printed, stenciled or otherwise displayed upon, or attached to, ~~the a~~ container of agricultural seed, and includes other written, printed, stenciled or graphic representations, in any form whatsoever, pertaining to any agricultural seed, whether in bulk or in containers, and includes declarations and affidavits.

(h) "Secretary" means the secretary of the Kansas department of agriculture or the secretary's authorized representative.

(i) "Weed seed" means the seeds of plants considered weeds in this state and includes noxious weed seed, prohibited weed seed and restricted weed seed, as determined by the methods established by rule rules and regulation under this act regulations adopted by the secretary.

(j) (1) "Noxious weed seed" means the seed of Kudzu (Pueraria lobata), field bindweed (Convolvulus arvensis), Russian knapweed (Centaurea repens), hoary cress (Cardaria draba), Canada thistle (Cirsium arvense), leafy spurge (Euphorbia esula), quackgrass (Agropyron repens), bur ragweed (Ambrosia grayii), pignut (Indian rushpea) (Hoffmannseggia densiflora), Texas blueweed (Helianthus eiliaris), Johnson grass (Sorghum halepense), sorghum almum, and any plant the seed of which cannot be distinguished from Johnson grass, musk (nodding) thistle (Carduus nutans L.) and sericea lespedeza (Lespedeza cuneata) any species of plant declared to be a noxious

weed by the secretary pursuant to K.S.A. 2-1314(a), and amendments thereto, and any rules and regulations adopted thereunder.

(2) "Noxious weed seed" does not include the seed of any weed species:

(A) Listed as a noxious weed by a board of county commissioners pursuant to K.S.A. 2-1314(d), and amendments thereto, or designated as a noxious weed by an emergency declaration of the secretary pursuant to K.S.A. 2-1314c, and amendments thereto; and

(B) not subsequently declared a statewide noxious weed by the secretary pursuant to K.S.A. 2-1314(a), and amendments thereto, and rules and regulations adopted thereunder.

(k) "Prohibited weed seed" means the seeds or bulblets of plant species that are highly destructive and are difficult to control with cultural practices that are commonly accepted as effective and with the use of herbicides. "Prohibited weed seed" includes the seeds of any species of plant designated as prohibited weed seed in any rules and regulations adopted by the secretary in consultation with landowner organizations, seed industry organizations and programs within the college of agriculture at Kansas state university.

(l) "Restricted weed seed" means weed seeds or bulblets which shall not be present in agricultural seed at a rate per pound in excess of the number shown following the name of each weed seed: Silverleaf nightshade (*Solanum elaeagnifolium*) 45, horsenettle, bullnettle (*Solanum carolinense*) 45, dock (*Rumex* spp.) 45, oxeye daisy (*Chrysanthemum leucanthemum*) 45, perennial sowthistle (*Sonchum arvensis*) 45, giant foxtail (*Setaria faberi*) 45, cheat (*Bromus secalinus*) 45, hairy chess (*Bromus commutatus*) 45, buckthorn plantain (*Plantago lanceolata*) 45, wild onion or garlic (*Allium* spp.) 18, charlock (*Sinapsis arvensis*) 18, wild mustards (*Brassica* spp.) 18, treacle (*Erysimum* spp.) 18, wild carrot (*Daucus carota*) 18, morning glory and purple moonflower (*Ipomoea* spp.) 18, hedge bindweed (*Calystegia* spp., syn. *Convolvulus sepium*) 18, dodder (*Cuscuta* spp.) 18, except lespedeza seed, other than sericea lespedeza (*Lespedeza cuneata*), which may contain 45 dodder per pound, pennyress, fanweed (*Thlaspi arvense*) 18, wild oats (*Avena fatua*) 9, climbing milkweed, sandvine (*Cynanchum laeve*, syn. *Gonolobus laevis*) 9, jointed goatgrass (*Aegilops cylindrica*) 9, black nightshade complex (*Solanum ptycanthum*, *S. americanum*, *S. sarrachoides*, *S. nigrum*, and *S. interius*) 9, wild buckwheat, black bindweed (*Polygonum convolvulus*) 9, velvetleaf, butterprint (*Abutilon theophrasti*) 9, and cocklebur (*Xanthium* spp.) 9. The total number of the restricted weed seed shall not exceed 90 per pound except native grass, smooth bromegrass, tall fescue, wheatgrasses and lespedeza, other than sericea lespedeza (*Lespedeza cuneata*), shall not exceed 150 per pound. In smooth bromegrass, fescues, orchard grass, wheatgrasses, and chaffy range grasses, hairy chess or cheat shall not exceed 2,500 per pound. For the purposes of this section the following weedy *Bromus* spp. shall be considered as common weeds and collectively referred to as "chess": Japanese chess (*Bromus japonicus*), soft chess (*Bromus mollis*) and field chess (*Bromus arvensis*) that are:

(1) Objectionable in agricultural crops, lawns and gardens of this state and that can be controlled with cultural practices that are commonly accepted as effective or with the use of herbicides; and

(2) designated as restricted weed seeds pursuant to rules and regulations adopted by the secretary in consultation with landowner organizations, seed industry organizations

and programs within the college of agriculture of Kansas state university.

~~(h)~~(m) "Advertisement" means all representations, other than those on the label, disseminated in any manner, or by any means, relating to agricultural seed.

~~(m)~~(n) "Record" means all information relating to any shipment of agricultural seed and includes a file sample of each lot of such seed.

~~(h)~~(o) "Stop sale order" means an administrative order, authorized by law, restraining the sale, use, disposition and movement of a definite amount of agricultural seed.

~~(e)~~(p) "Seizure" means a legal process, including an order issued by a court order, against of competent jurisdiction, that allows the secretary to take possession of a definite amount of agricultural seed and undertake or order the disposition of the seed as the court may direct pursuant to K.S.A. 2-1422a, and amendments thereto.

~~(p)~~(q) "Lot" means a definite quantity of agricultural seed, identified by a lot number or other mark, every portion or bag of which is uniform, within recognized tolerances for the factors which appear in the labeling.

~~(e)~~(r) "Germination rate" means the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions, in accordance with the methods established by ~~rule rules and regulation under regulations adopted pursuant to~~ this act.

~~(e)~~(s) "Pure seed" means the kind of seed declared on the label, exclusive of inert matter, ~~other agricultural or other crop seeds and weed seeds.~~

~~(s)~~(t) "Inert matter" means all matter that is not seeds, and as otherwise determined by rules and regulations under this act as determined by the secretary.

~~(h)~~(u) "Other agricultural seeds or other crop seeds" means seeds of agricultural seeds other than those included in the percentage or percentages of kind or variety and includes collectively all kinds and varieties not named on the label.

~~(h)~~(v) (1) "Hybrid" means the first generation seed of a cross produced by controlling the pollination a method of hybridization that will produce pure seed of which 75% or more contains the genetic material of each of the parent plants and by combining:

~~(1)~~(A) Two or more inbred lines;

~~(2)~~(B) one inbred or a single cross with an open pollinated variety; or

~~(3)~~(C) two varieties or species, other than open pollinated varieties of corn (Zea mays).

(2) "Hybrid ~~shall~~ does not include the second generation or subsequent generations resulting from such crosses. Hybrid designations shall be treated as variety names. Controlling the pollination means to use a method of hybridization which will produce pure seed which is 75% or more hybrid.

~~(w)~~(w) "Type" means a group of varieties ~~so nearly that are so~~ similar that the individual varieties cannot be clearly differentiated except under special conditions.

~~(w)~~(x) "Treated" means that the seed has ~~received an application of a substance or process which had a substance applied to such seed that~~ is designed to reduce, control or repel certain disease organisms, insects or other pests ~~attacking such seeds or seedlings growing therefrom~~ and includes an application of a substance ~~or process~~ designed to increase seedling vigor.

~~(x)~~(y) "Tested seed" means that a representative sample of the lot of agricultural seed in question has been subjected to examination and ~~its character as to~~ such sample's purity and germination rate has been determined.

~~(y)~~(z) "Native grass seed" means the seeds of aboriginal or native prairie grasses.

~~(z)~~(aa) "Chaffy range grasses" ~~shall include~~ means Bluestems, Gramas, Yellow Indian grass, ~~wild rye grasses~~ wildryes, ~~buffalo grass~~ buffalograss and ~~prairie cord~~ any other grass that has seeds that tend to bind together because of attached husks, hulls, brans or other plant parts that do not readily separate from the seeds during conditioning and prevent the seeds from moving independently of each other.

~~(aa)~~(bb) "Certified seed" means any class of pedigreed seed or plant parts for which a certificate of inspection has been issued by an official seed certifying agency.

~~(bb)~~(cc) "Certifying agency" means:

(1) An agency ~~which that~~ is authorized under the laws of a state, territory or possession to officially certify seed and ~~which~~ has standards and procedures approved by the secretary of agriculture of the United States department of agriculture to assure the genetic purity and identity of the seed certified; or

(2) an agency of a foreign country ~~which that~~ is determined by the secretary of agriculture of the United States department of agriculture to be an agency ~~which that~~ adheres to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under clause paragraph (1) of this subsection.

~~(ee)~~(dd) "Blend" means a combination of two or more varieties of the same kind of agricultural seed in which each in excess of variety comprises more than 5% of the whole.

~~(dd)~~(ee) "Mixture" means a combination of two or more kinds of agricultural seed consisting of more than one kind each in excess of in which each kind comprises more than 5% of the whole.

~~(ee)~~(ff) "Brand" means a term or mark that is proprietary in nature, whether or not it is a registered or copyrighted term or mark.

~~(ff)~~(gg) "Commercial means" ~~shall include~~ includes all forms of advertising for which a person must pay another for the dissemination or distribution of the advertisement.

~~(gg)~~ "Horticultural seeds" means those seeds generally classified as vegetable, fruit, flowers, tree and shrub and grown in gardens or on truck farms.

(hh) "Grower of agricultural seed" means an individual whose primary occupation is farming and who sells or offers, or exposes or sells for sale agricultural seed ~~of such individual's own growing that the individual has grown~~ without the use of a common carrier or a third party as an agent or broker. ~~Seed shall be in compliance with noxious and restricted weed seed requirements and may advertise if the advertisement specifically states variety, bin run and if tested.~~

(ii) "Wholesaler" means any person who is in the business of selling agricultural seed ~~at wholesale~~ to any person other than the end user.

(jj) "Retailer" means any person who sells agricultural seed to the end user.

(kk) "Seed conditioner" means any person who is in the business of cleaning seed for a fee or compensation.

(ll) "Wild mustard (*Brassica* spp.)" means Indian mustard (*Brassica juncea*), Sahara mustard (*B. tournefortii*), field mustard (*B. rapa*), black mustard (*B. nigra*), bird rape (*B. campestris*) and all other members of the wild mustard (*Brassica* spp.) genus when occurring incidentally in agricultural seeds.

(mm) "Cover crop seed" means the seed of any plant that is planted to provide seasonal soil cover for the purpose of protecting or enriching the soil, whether harvested

or not. "Cover crop seed" does not include the seeds of any plant of the genus cannabis.

(nn) "Food plot" means a planted area set aside for the purpose of providing a supplementary source of nutrition to wildlife or other non-domesticated animals and that is not intended to be harvested for sale.

(oo) "Feminized seed" means seeds produced by a cannabis sativa plant that are specially bred, treated or genetically engineered to eliminate male chromosomes to produce only female plants.

(pp) "Oil seed" means the seeds of any species that is grown as a crop primarily for the oil contained within the grain.

(qq) "Seed" means a plant's dormant unit of sexual reproduction intended to be planted for germination.

(rr) "Act" or "Kansas seed law" means the statutes contained in article 14 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 12. K.S.A. 2-1417 is hereby amended to read as follows: 2-1417. (a) Each bulk quantity, package or parcel of agricultural seed offered for sale, exposed for sale or exchanged for planting or seeding purposes shall have a label which that shall be affixed thereto or printed or stenciled thereon or in, for bulk quantity which agricultural seed, shall be furnished with the invoice; Each agricultural seed label shall be printed in the English language giving and shall contain the following information, which shall be legible and shall not be modified or, defaced, falsified or misleading and shall not be denied on the label; or on another label attached to the container, and in bulk quantity shall be furnished with the invoice:

(a)(1) The commonly accepted name of the kind and variety or hybrid designation, or the kind and the words "variety not stated", of each agricultural seed component in excess of that comprises more than 5% of the whole and the percentage by weight of each in order of its predominance, except for the annual grain crops wheat, oats, barley, and soybeans, for which the label shall include the kind and variety. For blends of wheat, oats, barley or soybeans, the label shall include the kind followed by the word "blend." For brands of wheat, oats, barley, and soybeans, the brand mark or term must precede the word "brand." Components of blends and brands of wheat, oats, barley and soybeans shall be registered with the secretary unless all varieties and the percentage thereof are listed on the label. Blends and brands so registered may be labeled by kind and the words "variety (varieties) not stated." The composition of registered blends and brands shall remain consistent from year to year. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label;

(b)(2) the percentage by weight of pure seed;

(c)(3) the percentage by weight of all weed seeds;

(d)(4) the percentage by weight of inert matter;

(e) for each named agricultural seed: (1) The percentage of germination, exclusive of hard seed; (2) the percentage of hard seeds, if present; (3) total germination percentage including hard seed may be shown; (4) the calendar month and year the test was completed to determine such percentages;

(f)(5) the percentage by weight of agricultural seeds (which may be designated as "crop seeds"), other than those required to be named on the label;

(g)(6) the lot number or other lot identification, which shall remain visible and legible and shall be placed so as not to obscure any lot number or other lot identification

that was previously placed on the bulk quantity, package or parcel;

~~(h)(7) the origin: i.e. of the seed, including the state or foreign country where the seed was grown, or a declaration that the origin of the seed is unknown to the seller, except in the case of grass seeds in quantities of less than 10 pounds intended for lawn seeding purposes, or a declaration that origin of seed is unknown to seller;~~

~~(i)(8) the name and rate of occurrence per pound of each kind of restricted weed seed present, which shall not be more than the number per pound of restricted weed seed in agricultural seed, as provided in subsection (k) of K.S.A. 2-1415 exceed the applicable limitations prescribed in rules and regulations adopted by the secretary;~~

~~(j)(9) the name and address of the person responsible for the label; and~~

~~(k) agricultural seed which has been treated with chemicals for insect or disease control, shall be labeled to show the following:~~

~~(1) A word or statement indicating that the seed has been treated;~~

~~(2) the commonly accepted, coined, chemical or abbreviated chemical (generic) name of the applied substance;~~

~~(3) if the substance in the amount applied is harmful to human or other vertebrate animals, a caution statement, such as: "Do not use for food, feed or oil purposes." The caution for mercurials and similarly toxic substances must include in a contrasting color the word "poison" and skull and crossbones; and~~

~~(4) a separate label may be used to show this information, or it may be a component part of the main label~~

(10) for any label that makes claims that a bulk quantity, package or parcel of cannabis sativa contains feminized seeds, the percentage by weight of feminized seed.

(b) For each kind of agricultural seed identified on the label, the label shall also include:

(1) The germination rate, excluding the hard seed;

(2) the percentage of hard seed, if present;

(3) the month and year that the test to determine the germination rate was conducted; and

(4) for seed that is sold for lawn and turf purposes, a statement of the month and year by which the seed shall be sold that includes the phrase "sell by".

(c) Any label may also include the total germination rate, including hard seed.

(d) Any label may include a statement of the month and year by which the seed shall be sold that includes the phrase "sell by".

(e) The "sell by" month and year on each label shall be not more than nine months after the date that the test to determine the germination rate was conducted, excluding the calendar month in which the test was conducted.

(f) For blends of wheat, oats, barley or soybeans, the label shall include a statement of the seed kind followed by the word "blend". For brands of wheat, oats, barley and soybeans, the brand mark or term shall precede the word "brand". Components of blends and brands of wheat, oats, barley and soybeans shall be registered with the secretary unless all varieties and the percentage thereof are listed on the label. Blends and brands so registered may be labeled by kind and the words "variety (varieties) not stated". The composition of registered blends and brands shall remain consistent from year to year. When more than one component is required to be named, the word "mixture" or "mixed" shall be shown conspicuously on the label.

Sec. 13. K.S.A. 2-1421 is hereby amended to read as follows: 2-1421. (a) ~~It is~~ shall

be unlawful for any person to sell, offer for sale, expose for sale or advertise by commercial means any agricultural seed for seeding purposes:

~~(1) Unless a test has been made to determine the percentage of germination and it shall have been completed within a nine-month period (exclusive of the calendar month in which the test was completed) immediately prior to sale, exposure for sale or offering for sale. That was not tested to determine the germination rate within the nine-month period immediately prior to being sold or offered or exposed for sale, excluding the calendar month in which the test was completed;~~

~~(2) which that is not labeled in accordance with the provisions of this act;~~

~~(3) which that has a false, misleading or incomplete label;~~

~~(4) which that contains noxious weed seeds seed or prohibited weed seed;~~

~~(5) which that contains restricted weed seeds in excess of the quantity prescribed by subsection (k) of K.S.A. 2-1415, and amendments thereto pursuant to rules and regulations adopted by the secretary;~~

~~(6) which that contains more than 1% of weed seeds by weight, except:~~

~~(A) 2% of weed seed by weight if the agricultural seed is smooth bromegrass, fescues, orchard grass, wheatgrasses, and or lespedeza which contain more than 2% weed seed by weight and other than sericea lespedeza;~~

~~(B) 4% weed seed by weight if the agricultural seed is any chaffy range grasses which contain more than 4% by weight grass; or~~

~~(C) 1% of weed seed by weight for any other agricultural seed;~~

~~(7) if any label, advertisement or other media represents such agricultural seed to be certified or registered, unless: (A) Such certification or registration has been determined by an official seed certifying agency; and (B) such seed bears an official label issued for such seed by such agency stating that the seed is certified or registered;~~

~~(8) by variety name not certified by an official seed certifying agency when it is a variety for which a certificate of plant variety protection has been issued under the plant variety protection act, as amended, and as in effect on July 1, 1997, specifying sale only as a class of certified seed, except that seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety;~~

~~(9)(8) without having registered with the secretary as required by K.S.A. 2-1421a, and amendments thereto; and~~

~~(9) if any label, advertisement or other media represents such agricultural seed to be certified or registered, unless:~~

~~(A) Such certification or registration has been determined by an official seed-certifying agency; and~~

~~(B) such seed bears an official label issued for such seed by such agency stating that the seed is certified or registered.~~

~~(b) It is shall be unlawful for any person to:~~

~~(1) To Alter or deface any label so that the information is false or misleading or to mutilate any label;~~

~~(2) to disseminate any false or misleading advertisements concerning agricultural seed;~~

~~(3) to issue any statement, invoice or declaration as to the variety of any agricultural seed which that is false or misleading;~~

~~(4) to hinder or obstruct the secretary or an authorized representative of the~~

secretary in the performance of official duties;

(5) ~~to~~ fail to comply with a stop sale order, or to move or otherwise handle or dispose of any quantity of seed that is held under a stop sale order; or that has a stop sale tag attached thereto, except with the express permission of the enforcing officer in writing and except for the purpose specified therein subject to any conditions established by the enforcing officer;

(6) ~~to~~ use the word "trace" as a substitute for any statement ~~which~~ that is required; or

(7) ~~to~~ use the word "type" in any labeling in connection with the name of any agricultural seed variety.

(c) ~~(1)~~ Except as provided in subsection ~~(a)(8)~~ (a)(7), it shall not be a violation of this act for the grower of agricultural seed to sell, or offer or expose for sale for planting or seeding purposes agricultural seed ~~which~~ that has not been tested and labeled when the agricultural seed:

~~(1)(A)~~ Has been Was grown on the grower's premises;

~~(2)(B)~~ is free from noxious weed seed and prohibited weed seed; and

~~(3)(C)~~ does not contain ~~any~~ restricted weed seed in excess of the quantity prescribed by subsection (k) of K.S.A. 2-1415, and amendments thereto established in rules and regulations adopted by the secretary; and

(D) is of a variety that is not prohibited from being sold or offered or exposed for sale by any legal, contractual or other protection.

(2) Agricultural seed sold pursuant to this exemption shall not be advertised by commercial means unless such the advertisement specifically states such that the agricultural seed is bin run or states whether such the agricultural seed has been tested.

Sec. 14. K.S.A. 2021 Supp. 2-1421a is hereby amended to read as follows: 2-1421a. (a) (1) Each wholesaler shall register with the secretary and shall pay a registration fee not to exceed \$300. The current wholesale registration fee is hereby set at \$175 and shall remain at that amount until changed by rules and regulations of the secretary. A wholesaler shall not offer or expose the seed for sale to any person, business, wholesaler, retailer or facility when the wholesaler knows or has reason to know that the buyer or potential buyer is not actively registered with the secretary as provided by this section.

(2) Each retailer shall register with the secretary and shall pay a registration fee not to exceed \$30. The current retailer registration fee is hereby set at \$10 and shall remain at that amount until changed by rules and regulations of the secretary.

(3) Registration shall be required for each place of business at which agricultural seed is sold, offered or exposed for sale by the wholesaler or retailer.

(4) An individual who conducts a wholesaler and retailer business at the same location shall be required to register as both a wholesaler and retailer.

(b) Application for registration as a wholesaler or retailer, or both, shall be made on a form provided by the secretary. Each registration for a wholesaler or retailer shall expire on August 31 following the date of issuance unless such registration is renewed annually.

~~(c) Each seed conditioner shall register with the secretary. Such seed conditioner registration shall require no registration fee and shall be a biennial registration. Any seed conditioner who is ceasing to do business as a seed conditioner shall notify the Kansas department of agriculture within 30 days of ceasing to do business.~~

~~(d)~~ As used in this section, "agricultural seed" ~~shall include~~ includes grain when sold as such, or when sold according to grain standards and the seller knows, or has reason to know, that the grain is to be used for seeding or planting purposes.

~~(e)~~(d) The secretary shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the agricultural seed fee fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person or persons designated by the secretary.

~~(f)~~(e) All moneys credited to the agricultural seed fee fund shall be expended for any purpose consistent with the Kansas seed law.

~~(g)~~(f) The secretary may adopt rules and regulations necessary to administer the provisions of this act.

(g) The secretary, after providing notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act, may deny any application or revoke, suspend, modify or refuse to renew any registration issued pursuant to this act if such applicant or the holder of such registration has:

(1) Failed to comply with any provision or requirement of this act or any rule or regulation adopted hereunder;

(2) failed to comply with any laws, rules or regulations of any other state, or the United States, related to the registration of agricultural seed dealers, the testing of seed, the labeling of seed or seed certification; or

(3) had any license, certificate, registration or permit issued by Kansas or any other state, or the United States, related to the registration of agricultural seed dealers, the testing of seed, the labeling of seed or seed certification revoked, suspended or modified.

(h) This section shall be a part of and supplemental to the Kansas seed law, K.S.A. 2-1415 et seq., and amendments thereto.

Sec. 15. K.S.A. 2-1422 is hereby amended to read as follows: 2-1422. (a) Any person who ~~shall violate~~ violates any of the provisions of this act shall be deemed guilty of a ~~an unclassified~~ misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) more than \$500.

(b) The secretary, after providing notice and an opportunity for a hearing, in accordance with the Kansas administrative procedure act, may suspend, revoke or deny any registration and assess a civil penalty against any person who violates or fails to comply with the requirements of this act, or any rules or regulations adopted hereunder, of not less than \$100 nor more than \$1,000 per violation. Such civil penalty may be assessed in addition to any other penalty provided by law.

(c) All moneys collected pursuant to this section shall be deposited in the state treasury in accordance with K.S.A. 75-4215, and amendments thereto, and shall be credited to the state general fund.

Sec. 16. K.S.A. 2-1422a is hereby amended to read as follows: 2-1422a. (a) Agricultural seed which that is mislabeled shall be considered a common nuisance and shall be subject to seizure and injunction in the manner as provided by law. ~~In the event~~

the

~~(b) (1) When a court of competent jurisdiction finds the any seed to be in violation of this act; and orders the condemnation of said such seed, it the seed may be denatured, reprocessed, destroyed, relabeled; or otherwise disposed of as the court may direct. Provided, That in no instance shall the court order a disposition of said seed without first having given directs.~~

~~(2) Before a court orders a disposition of any seed, the defendant shall have an opportunity to be heard and to apply to the court (a) for:~~

~~(A) Permission to reprocess or relabel it the seed in order to bring it such seed into compliance with law this act and any rules or regulations applicable thereto; and (b) for (B) a release of said such seed.~~

~~(3) When, in the performance of duties, the secretary or a duly authorized representative of the secretary, applies to any court for a temporary restraining order or a temporary or permanent injunction, restraining to prevent any person from violating or continuing to violate any of the provisions of this act; or any rule rules and regulation under this act, said regulations adopted pursuant thereto, an order granting or denying the secretary's request shall be issued without bond; and said order shall be issued without regard to whether any criminal proceeding has been instituted.~~

Sec. 17. K.S.A. 2021 Supp. 2-1423 is hereby amended to read as follows: 2-1423.

(a) *Inspection.* The secretary or a duly authorized representative of the secretary shall inspect, sample and determine the purity and germination rate of agricultural seed at such time, and in such places; and to such extent as the secretary or representatives of the secretary consider advisable. The secretary or an authorized representative of the secretary may stop further sale or movement of any lot or lots of agricultural seed found to be in violation of any of the provisions of this act or any rules or regulations adopted pursuant thereto until compliance with the law this act has been satisfied or other another disposition has been made. It shall be the duty of the secretary or a duly authorized representative of the secretary to:

(1) Enforce and administer this act;

(2) sample, inspect, make analysis of and test agricultural seeds transported, sold, offered for sale or exposed for sale within the state for planting and seeding purposes at such time and place and to such extent as considered necessary to determine whether the agricultural seeds are in compliance with provisions of this act; and

(3) cooperate and enter into agreements with the United States department of agriculture and other agencies in seed law enforcement.

~~(b) (1) Access.~~ The secretary or authorized representatives of the secretary shall have free access, during reasonable customary business hours, to all places of business, buildings, vehicles, cars and vessels, of whatsoever kind, used in the sale, transportation, processing, packaging, importation or storage of agricultural seed and shall have the authority to:

~~(1) (A) Inspect the records concerning the place of origin, or concerning the sale, of any agricultural seed;~~

~~(2) (B) open any package containing or suspected of containing any agricultural seed that is exposed or offered for sale; and~~

~~(3) (C) take therefrom samples of contents for examination.~~

(2) This section shall also apply to any seed that the secretary has reason to believe is or may be exposed for sale, except for lots of agricultural seed that are clearly and

permanently marked as not for sale and stored separately from seed that is or may be offered for sale.

(3) The owner of the seed shall be paid the retail price of the sample so procured if the owner so requests.

(c) *Stop sale orders.* The secretary or authorized representatives of the secretary shall have the authority to: ~~(1) issue and enforce a written or printed "stop sale" order to the owner or custodian of any quantity of agricultural seed which that the secretary or~~ duly authorized representatives of the secretary determine determines to be in violation of any of the provisions provision of this act or rules and regulations adopted hereunder; ~~which. Such an~~ order shall prohibit further sale, processing ~~and or~~ movement of such seed, except ~~on with the~~ approval of the enforcing officer, until such officer has evidence that ~~the law has this act and all rules and regulations adopted hereunder have~~ been complied with and issues a release from the "stop sale" order ~~of such seed~~. Any stop sale order issued pursuant to this subsection is subject to review in accordance with the Kansas judicial review act. The provisions of this subsection shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this act.

Sec. 18. K.S.A. 2-1424 is hereby amended to read as follows: 2-1424. When the ~~said secretary decides~~ determines that prosecution for a violation of this act or rules and regulations adopted pursuant hereunder is warranted, ~~he or she the~~ secretary shall:

(a) Report the facts supporting such determination to the prosecuting attorney of the county in which the violation was committed; and

(b) furnish that officer prosecuting attorney with a copy of the results of ~~the any~~ analysis or other examination of such agricultural seed. Such results shall be duly attested to by the analyst or other representative making of the secretary who performed the analysis or made the examination.

Sec. 19. K.S.A. 2021 Supp. 2-1427 is hereby amended to read as follows: 2-1427. The secretary of agriculture is hereby empowered to ~~make and publish adopt~~ such rules and regulations ~~after public hearing as it may deem the secretary deems~~ necessary to carry ~~into effect out~~ the full intent and meaning of ~~chapter 2, article 14; of chapter 2~~ of the Kansas Statutes Annotated, and amendments thereto, ~~and~~. The secretary is hereby empowered to enforce the provisions of this act and the rules and regulations promulgated by the secretary of agriculture adopted hereunder.

Sec. 20. K.S.A. 2021 Supp. 2-2113 is hereby amended to read as follows: 2-2113. As used in this act:

(a) "Plant pests" includes any stage of development of any insect, nematode, arachnid, or any other invertebrate animal, or any bacteria, fungus, virus, weed or any other parasitic plant or microorganism, or any toxicant, ~~which that can:~~

(1) Injure plants or plant products; ~~or which can~~

(2) cause a threat to public health.

(b) "Secretary" means the secretary of the Kansas department of agriculture, or the authorized representative of the secretary.

(c) "Plants" means trees, shrubs, grasses, vines, forage and cereal plants and all other plants including growing crops; cuttings, grafts, scions, buds and all other parts of plants.

(d) "Plant products" means fruit, vegetables, roots, bulbs, seeds, wood, lumber, grains and all other plant products.

(e) "Location" means any grounds or premises on or in which live plants are propagated, or grown, or from which live plants are removed for sale, or any grounds or premises on or in which live plants are being fumigated, treated, packed, stored or offered for sale.

(f) "Live plant dealer" means any person, unless excluded by rules and regulations adopted hereunder, who engages in business in the following manner:

(1) Grows live plants for sale or distribution;  
(2) Buys or obtains live plants for the purpose of reselling or reshipping within this state; or

(3) plants, transplants or moves live plants from place to place within the state with the intent to plant such live plants for others and receives compensation for the live plants, for the planting of such live plants or for both live plants and plantings; ~~or~~

~~(4) gives live plants as a premium or for advertising purposes.~~

(g) "Person" means a corporation, company, society, association, partnership, governmental agency and any individual or combination of individuals.

(h) "Permit" means a document issued or authorized by the secretary to provide for the movement of regulated articles to restricted destinations for limited handling, utilization or processing.

(i) "Host" means any plant or plant product upon which a plant pest is dependent for completion of any portion of its life cycle.

(j) "Regulated article" means any host or any article of any character as described in a quarantine or regulation carrying or being capable of carrying the plant pest against which the quarantine or regulation is directed.

(k) "Live plant" means any living plant, cultivated or wild, or any part thereof that can be planted or propagated unless specifically exempted by the rules or regulations of the secretary.

(l) "Quarantine pest" means a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.

(m) "Regulated nonquarantine pest" means a nonquarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated.

(n) "Official control" means the active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated nonquarantine pest.

(o) "Regulated area" means an area into which, within which or from which plants, plant products and other regulated articles are subjected to phytosanitary regulations or procedures in order to prevent the introduction or spread of quarantine pests or to limit the economic impact of regulated nonquarantine pests.

(p) "Bee" means a honey-producing insect of the genus *Apis* including all life stages of the insect.

(q) "Beekeeping equipment" means all hives, supers, frames or other devices used in the rearing or manipulation of bees or their brood.

(r) "Toxicant" means any chemical, including an agricultural chemical as defined in K.S.A. 2-2202, and amendments thereto, or any biological substance ~~which that~~, if present in unsafe levels, can render a plant or plant product unsafe for human or animal

consumption.

(s) "Temporary location" means an auxiliary or secondary location where live plants are offered for sale but without the infrastructure for the production or maintenance of live plants, such as a farmers market, garden show or festival.

(t) "Special event live plant dealer" means a person:

(1) Intending to sell, offer for sale or distribute live plants for five or fewer days in a calendar year as a nonprofit, charitable, educational or religious organization; or

(2) who gives live plants as a premium or for advertising purposes without selling live plants as part of such person's business.

Sec. 21. K.S.A. 2021 Supp. 2-2118 is hereby amended to read as follows: 2-2118. Upon request the secretary may provide inspection services for any person who owns or possesses plants or plant products or for certification purposes of regulated articles intended for shipment. Upon payment of the appropriate fee as established by rule and regulation and as inspection personnel are available, the inspection shall be conducted and a report or certificate setting forth the inspection results shall be issued if requested. Inspection fees shall not exceed ~~\$30~~ \$45 per hour. The secretary may assess reasonable diagnostic and identification fees as established by rules and regulations adopted by the secretary. Mileage incurred shall also be paid by the person requesting the inspection at the rate established by rules and regulations. If certificate is requested an additional fee not to exceed \$50, as established by rules and regulations, plus any fee amount charged by the United States government for the acquisition of federal certificates shall be assessed. The fees for such inspection and certificate in effect on the day preceding the effective date of this act shall continue in effect until the secretary adopts rules and regulations fixing a different fee therefor under this subsection. In any case where any intended receiving state or country requires or authorizes the certification of plants or plant products, bees or beekeeping equipment or other regulated articles to be based on origin, special handling, treatment or any other procedure in addition to or in lieu of actual visual inspection of such articles, the secretary may provide such certification. The secretary may refuse to perform any inspection if the regulated article to be inspected is found to be in such condition that it cannot be adequately inspected or the environs in which the regulated article is located present a danger to the health and safety of the inspection personnel.

Sec. 22. K.S.A. 2021 Supp. 2-2120 is hereby amended to read as follows: 2-2120. (a) Every live plant dealer, before advertising for sale, selling ~~or~~ offering for sale or delivering any live plants in this state, shall procure from the secretary a live plant dealer's license for each location from which such live plant dealer engages in business as a live plant dealer, except for temporary locations that are registered with the secretary.

(b) Application for such license shall be made on a form furnished by the secretary. The fee for each application shall be fixed by rules and regulations adopted by the secretary, except that such fee shall not exceed ~~\$80~~ \$100, excluding the plant pest emergency fee, authorized pursuant to K.S.A. 2021 Supp. 2-2129, and amendments thereto.

(c) A live plant dealer shall not be required to obtain a license if such live plant dealer does not import or export plants into or from the state and the annual gross receipts of such live plant dealer's business is less than \$10,000 who does not export live plants from the state, has annual gross receipts under \$10,000 and has only one

location, other than temporary locations, may apply for a reduced license fee. The reduced fee shall not exceed \$50, excluding the plant pest emergency fee. Application for the reduced license fee shall be made on the license application form provided by the secretary.

(d) ~~Such~~All live plant dealer licenses shall expire on January 31, following the date of issue. Renewal of a license on or after such date of expiration shall result in a \$25 late fee, except that if a license is renewed after the March 1 immediately following such date of expiration, such late fee shall be \$50. A live plant dealer license shall not be issued until all fees are paid to the secretary.

(e) Any person who conducts business as a special event live plant dealer shall not be required to obtain a live plant dealer's license but shall register with the secretary in such form and manner as prescribed by the secretary.

(f) A live plant dealer may only engage in the live plant business with live plants which that are:

(1) In compliance with all quarantines and regulated nonquarantine pest freedom standards established by the secretary; or

(2) accompanied by a valid certificate of inspection of a federal inspector or inspector of another state stating that such live plants comply with all applicable quarantines and regulated nonquarantine pest freedom standards.

Sec. 23. K.S.A. 2021 Supp. 2-3901 is hereby amended to read as follows: 2-3901. (a) K.S.A. 2021 Supp. 2-3901 et seq., and amendments thereto, shall be known and may be cited as the commercial industrial hemp act.

(b) As used in the commercial industrial hemp act:

(1) "Commercial" means the cultivation or production of industrial hemp for ~~purposes other than research as any purpose~~ authorized under K.S.A. 2021 Supp. 2-3906, and amendments thereto.

(2) "Delta-9 tetrahydrocannabinol concentration" means the combined percentage of delta-9 tetrahydrocannabinol and its optical isomers, their salts and acids, and salts of their acids, reported as free THC:

(A) On a dry weight basis, of any part of the plant *cannabis sativa* L.; or

(B) on a percentage by weight basis in hemp products, waste or substances resulting from the production or processing of industrial hemp.

(3) "Effective disposal" includes, but is not limited to:

(A) Destruction; or

(B) any other method of disposing of industrial hemp or hemp products found to be in violation of this act that is permitted under the provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(4) "Hemp products" means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption and any extract from industrial hemp intended for further processing. Final "hemp products" may contain a tetrahydrocannabinol concentration of not more than 0.3%. As used in this paragraph, "tetrahydrocannabinol concentration" means the same as in K.S.A. 65-6235(b)(3), and amendments thereto.

(5) "Hemp producer" means any individual, licensed or otherwise, engaging in the cultivation or production of industrial hemp for commercial purposes pursuant to K.S.A. 2021 Supp. 2-3906, and amendments thereto.

(6) "Hemp processor" means a person registered under K.S.A. 2021 Supp. 2-3907,

and amendments thereto, to process and manufacture industrial hemp and hemp products.

(7) "Industrial hemp" means all parts and varieties of the plant *cannabis sativa* L., whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

(8) "Person" means an individual, corporation, partnership, association, joint stock company, trust, unincorporated organization or any similar entity or any combination of the foregoing acting in concert.

~~(9) "Seed research" means research conducted to develop or recreate better strains of industrial hemp, particularly for the purpose of seed production.~~

~~(10) "State educational institution" means the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university and, Fort Hays state university, or any other accredited college, university, technical college or community college within Kansas.~~

~~(11)(10) "Authorized seed or clone plants" means a source of industrial hemp seeds or clone plants that:~~

~~(A) Has been certified by a certifying agency, as defined by K.S.A. 2-1415, and amendments thereto;~~

~~(B) has been produced from plants that were tested during the active growing season and were found to produce industrial hemp having a tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and has been certified in writing by the grower or distributor of such seeds or clone plants to possess such qualities; or~~

~~(C) meets any other authorized standards approved by the Kansas department of agriculture through rules and regulations, except that no seed or clone plants shall be considered authorized seed or clone plants if they do not meet any standard adopted by the United States department of agriculture pursuant to 7 U.S.C. § 1621 et seq., and amendments thereto.~~

Sec. 24. K.S.A. 2021 Supp. 2-3902 is hereby amended to read as follows: 2-3902.

~~(a) The Kansas department of agriculture, alone or in coordination with a state educational institution, may cultivate industrial hemp grown from authorized seed or clone plants and promote the research and development of industrial hemp, in accordance with 7 U.S.C. § 5940. This research may include:~~

~~(1) Oversight and analysis of growth of industrial hemp to conduct agronomy research and analysis of required soils, growing conditions and harvest methods relating to the production of various varieties of industrial hemp that may be suitable for various commercial hemp products;~~

~~(2) seed research on various types of industrial hemp that are best suited to be grown in Kansas, including seed availability, creation of hybrid types, in-the-ground variety trials and seed production;~~

~~(3) analysis on the economic feasibility of developing an industrial hemp market in various types of industrial hemp that can be grown in Kansas;~~

~~(4) analysis on the estimated value added benefits, including environmental benefits, that Kansas businesses would reap by having an industrial hemp market of Kansas-grown industrial hemp varieties;~~

~~(5) a study on the agronomy research conducted worldwide relating to industrial hemp varieties, production and utilization;~~

~~(6) a study on the feasibility of attracting federal and private funding for industrial hemp research; and~~

~~(7) a pilot program in Russell county, and other counties as determined by the department, for the purpose of economic development, research, cultivation, market analysis, manufacturing and transportation of industrial hemp and industrial hemp products.~~

~~(b) In the event that the department acts alone to cultivate industrial hemp grown from authorized seed or clone plants and to promote the research and development of industrial hemp, the secretary of agriculture shall establish an advisory board within the department to review and recommend applications for pilot projects and research proposals to the secretary. The secretary shall not approve any such project or proposal without the recommendation of the advisory board.~~

~~(c) The department shall oversee and annually license all individuals participating in the cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of authorized seed or clone plants or industrial hemp pursuant to this section. The department shall establish fees for licenses, license renewals and other necessary expenses to defray the cost of implementing and operating the provisions of this section in this state on an ongoing basis. Any modification fee established by the department for any requested change to a license that was previously issued by the department under this section shall not exceed \$50 shall, by the adoption of rules and regulations, establish an advisory board within the department to provide input and information regarding the regulation and development of industrial hemp in the state of Kansas and any programs proposed or operated by the department. Such board shall include a minimum of six members, including members that represent the following:~~

- ~~(1) The Kansas legislature;~~
- ~~(2) crop research;~~
- ~~(3) industrial hemp production or processing;~~
- ~~(4) law enforcement;~~
- ~~(5) seed certification; and~~
- ~~(6) the state entity designated to regulate hemp processors.~~

~~(b) The state advisory board shall meet at least annually. Members shall receive no compensation but shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.~~

~~(d) (1)(c) The department shall secretary of agriculture may require, as a qualification for initial or continuing licensure employment with the Kansas department of agriculture, all individuals seeking a license or license renewal under the research program established under this section overseeing or regulating industrial hemp to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for initial or continuing licensure employment pursuant to this section and rules and regulations promulgated hereunder. Disclosure or use of any information~~

received by the department for any purpose other than the purposes provided for in this section shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.

(2) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from initial or continuing licensure employment under this section.

(3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(4) The individual seeking ~~a license or license renewal~~ initial or continuing employment under this section shall pay the costs of fingerprinting and the state and national criminal history record checks.

~~(e) The secretary of agriculture shall promulgate rules and regulations to carry out the provisions of this section on or before December 31, 2019, except that no such promulgated rule or regulation shall concern the recording of license plates. Such rules and regulations shall include, but not be limited to, a requirement that license holders shall have a current license in their possession at all times that they are engaged in the cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of authorized seed or clone plants or industrial hemp pursuant to this section.~~

~~(f) The department shall submit a report to the legislature outlining the steps and timeline to implement a process that would allow individuals and business entities to grow and process industrial hemp in Kansas and to sell industrial hemp in other states. Such report shall be submitted to the senate standing committee on agriculture and natural resources and the house standing committee on agriculture on or before January 14, 2019. The department shall send such committees an annual supplemental report on the continued progress of such process at the beginning of each regular legislative session for the following three years.~~

~~(g) Nothing in this section shall be construed to authorize any individual to violate any state or federal law.~~

~~(h) The legislature shall review the provisions of this section prior to July 1, 2022.~~

Sec. 25. K.S.A. 2021 Supp. 2-3903 is hereby amended to read as follows: 2-3903.

~~(a) The alternative crop research act licensing fee fund created in the state treasury shall be renamed the commercial industrial hemp act licensing fee fund and continue to shall~~ be administered by the secretary of agriculture. All expenditures from the commercial industrial hemp act licensing fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers signed by the secretary of agriculture or the secretary's designee.

(b) Except as provided in K.S.A. 2021 Supp. 2-3907, and amendments thereto, licensing and renewal fees shall be established pursuant to rules and regulations adopted by the secretary under the commercial industrial hemp act. The amounts received for such fees shall be deposited in the state treasury in accordance with K.S.A. 75-4215, and amendments thereto, and shall be credited to the commercial industrial hemp act licensing fee fund.

Sec. 26. K.S.A. 2021 Supp. 2-3906 is hereby amended to read as follows: 2-3906.

(a) The Kansas department of agriculture, in consultation with the governor and attorney general, shall submit a plan to the United States department of agriculture

under which the Kansas department of agriculture will monitor and regulate the commercial production of industrial hemp within the state in accordance with 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(b) Such plan shall include the following:

(1) A procedure to maintain relevant information regarding land on which industrial hemp is produced, including a legal description of the land, for a period of not less than three calendar years;

(2) a procedure for testing, using post-decarboxylation or other similarly reliable methods, the delta-9 tetrahydrocannabinol concentration levels of industrial hemp produced;

(3) a procedure for the effective disposal of industrial hemp and hemp products that are found to be in violation of this act;

(4) any licensing requirements or other rules and regulations deemed necessary by the Kansas department of agriculture for the proper monitoring and regulation of industrial hemp cultivation and production for commercial purposes, including, but not limited to;

(A) Fees for licenses, license renewals and other necessary expenses to defray the cost of implementing and operating the plan on an ongoing basis; and

(B) standards for authorized seed or clone plants;

(5) a procedure for the creation of documentation that any person in possession of unprocessed industrial hemp may use to prove to any law enforcement officer that such industrial hemp was lawfully grown under this section;

(6) a procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that industrial hemp is not produced in violation of this act; and

(7) any other procedures necessary to meet the requirements set forth in 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(c) (1) A hemp producer who negligently violates this section or any rules and regulations adopted hereunder shall not be subject to any state or local criminal enforcement action, but shall comply with the following corrective actions as applicable:

(A) A reasonable date by which the hemp producer shall correct the negligent violation; and

(B) a requirement that the hemp producer shall periodically report to the Kansas department of agriculture on the hemp producer's compliance with this section and rules and regulations adopted hereunder, for a period of not less than the next two calendar years.

(2) A hemp producer who negligently violates this section or any rules and regulations adopted hereunder three times in a five-year period shall be ineligible to produce industrial hemp for a period of five years beginning on the date of the third violation.

(3) The Kansas department of agriculture shall immediately report any violation by a hemp producer with a greater culpable mental state than negligence to the attorney general and such hemp producer shall not be subject to the exemption in subsection (c) (1).

(d) Any individual otherwise eligible to become a licensed hemp producer shall not be eligible to produce industrial hemp if such individual has submitted any materially

false information in any application to become a licensed hemp producer.

(e) (1) The department shall require, as a qualification for initial or continuing licensure, all individuals seeking a license or license renewal as a hemp producer under this section to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for initial or continuing licensure as a hemp producer pursuant to this section and rules and regulations promulgated hereunder. Disclosure or use of any information received by the department for any purpose other than the purposes provided for in the commercial industrial hemp act shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.

(2) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from initial or continuing licensure as a hemp producer under this section.

(3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(4) The individual seeking a license or license renewal as a hemp producer under this section shall pay the costs of fingerprinting and the state and national criminal history record checks.

(f) The secretary of agriculture shall promulgate rules and regulations to implement the plan submitted to the United States department of agriculture and to otherwise effectuate the provisions of this section.

(g) Upon the repeal of 7 U.S.C. § 5940 or either the adoption of a federal plan by the United States department of agriculture that allows for the cultivation and production of industrial hemp for commercial purposes within the state or upon the adoption of rules and regulations by the Kansas secretary of agriculture that establish the cultivation and production of industrial hemp for commercial purposes within the state, the Kansas department of agriculture may discontinue the industrial hemp research program established pursuant to K.S.A. 2021 Supp. 2-3902, and amendments thereto.

(h) Any modification fee established by the department for any requested change to a license that was previously issued by the department under this section shall not exceed \$50.

(i) Any licensing or other fees collected pursuant to this section and any rules and regulations adopted hereunder shall be deposited in the commercial industrial hemp act licensing fee fund established by K.S.A. 2021 Supp. 2-3903, and amendments thereto, for all costs of the administration of the commercial production of industrial hemp.

(j) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2021 Supp. 2-3901 et seq., and amendments thereto.

Sec. 27. K.S.A. 2-1415, 2-1417, 2-1421, 2-1422, 2-1422a and 2-1424 and K.S.A.

2021 Supp. 2-1421a, 2-1423, 2-1427, 2-2113, 2-2118, 2-2120, 2-2135, 2-2136, 2-2137, 2-2138, 2-2139, 2-2140, 2-2141, 2-3901, 2-3902, 2-3903 and 2-3906 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, before the period by inserting "; relating to plants and seeds; seeds treated with certain substances; definitions; labeling; unlawful actions; certain registrations; inspections; live plant dealers; relating to industrial hemp; testing services; creating an advisory board; amending K.S.A. 2-1415, 2-1417, 2-1421, 2-1422, 2-1422a and 2-1424 and K.S.A. 2021 Supp. 2-1421a, 2-1423, 2-1427, 2-2113, 2-2118, 2-2120, 2-3901, 2-3902, 2-3903 and 2-3906 and repealing the existing sections; also repealing K.S.A. 2021 Supp. 2-2135, 2-2136, 2-2137, 2-2138, 2-2139, 2-2140 and 2-2141";

And your committee on conference recommends the adoption of this report.

DAN KERSCHEN

RONALD RYCKMAN, SR.

MARY WARE

*Conferees on part of Senate*

KEN RAHJES

ERIC SMITH

SYDNEY CARLIN

*Conferees on part of House*

Senator Kerschen moved the Senate adopt the Conference Committee Report on **HB 2559**.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Hilderbrand, Peck, Pyle, Steffen, Straub, Thompson, Tyson.

Absent or Not Voting: Baumgardner.

The Conference Committee Report was adopted.

### ORIGINAL MOTION

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2644**.

The President appointed Senators Olson, Hilderbrand and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Alley, the Senate recessed until 7:00 p.m.

### EVENING SESSION

The Senate met pursuant to recess with Vice President Wilborn in the chair.

**MESSAGES FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2087**.

The House adopts the Conference Committee report on **HB 2559**.

The House adopts the Conference Committee report on **SB 446**.

The House adopts the Conference Committee report on **SB 215**.

The House adopts the Conference Committee report on **HB 2005**.

The House adopts the Conference Committee report on **S Sub HB 2448**.

The House announced the appointment of Rep. Ousley to replace Rep. Winn as a conferee on **S Sub HB 2567**.

The House announced the appointment of Rep. Ousley to replace Rep. Winn as a conferee on **SB 58**.

The House announced the appointment of Reps. Bergquist and Miller to replace Reps. Arnberger and Ruiz, L as conferees on **S Sub HB 2138**.

The House announced the appointment of Rep. Bergquist to replace Rep. Arnberger as a conferee on **S Sub HB 2056**.

The House adopts the Conference Committee report on **SB 2**.

The House concurs in Senate amendments to **HB 2489**, and requests return of the bill.

**CHANGE OF CONFERENCE**

Senators Hilderbrand, Gossage and Pettey are appointed to replace Senators Thompson, Petersen and Francisco as members of the conference committee on **H Sub SB 19**.

On motion of Senator Alley, the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with President Masterson in the chair.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 2** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, following line 9, by inserting:

"Section 1. On and after January 1, 2023, K.S.A. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means:

(1) For purposes of manufacturing, any candy or other confectionery product with an alcohol content greater than 0.5% alcohol by volume; and

(2) for purposes of sale at retail, any candy or other confectionery product with an alcohol content greater than 1% alcohol by volume.

(c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every

liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being, but shall not include any cereal malt beverage.

(d) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(e) "Caterer" means the same as defined by K.S.A. 41-2601, and amendments thereto.

(f) "Cereal malt beverage" means the same as defined by K.S.A. 41-2701, and amendments thereto.

(g) "Club" means the same as defined by K.S.A. 41-2601, and amendments thereto.

(h) "Director" means the director of alcoholic beverage control of the department of revenue.

(i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

(j) "Domestic beer" means beer which contains not more than 15% alcohol by weight and which is manufactured in this state.

(k) "Domestic fortified wine" means wine which contains more than ~~14%~~ 16%, but not more than 20% alcohol by volume and which is manufactured in this state.

(l) "Domestic table wine" means wine which contains not more than ~~14%~~ 16% alcohol by volume and which is manufactured without rectification or fortification in this state.

(m) "Drinking establishment" means the same as defined by K.S.A. 41-2601, and amendments thereto.

(n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

(o) "Fulfillment house" means any location or facility for any in-state or out-of-state entity that handles logistics, including warehousing, packaging, order fulfillment or shipping services on behalf of the holder of a special order shipping license issued pursuant to K.S.A. 41-350, and amendments thereto.

(p) "Hard cider" means any alcoholic beverage that:

(1) Contains less than 8.5% alcohol by volume;

(2) has a carbonation level that does not exceed 6.4 grams per liter; and

(3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

(q) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

(r) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

(s) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

(t) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

(u) "Minor" means any person under 21 years of age.

(v) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

(w) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

(x) "Person" means any natural person, corporation, partnership, trust or association.

(y) "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

(z) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

(aa) (1) "Retailer" means a person who is licensed under the Kansas liquor control act and sells at retail, or offers for sale at retail, alcoholic liquors or cereal malt beverages.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

(bb) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

(cc) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

(dd) "Sample" means a serving of alcoholic liquor that contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt beverage. A "sample" of a mixed alcoholic beverage shall contain not more than ½ ounce of distilled spirits.

(ee) "Secretary" means the secretary of revenue.

(ff) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a

microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

(gg) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

(hh) "Sleeve" means a package of two or more 50-milliliter or 3.2-fluid-ounce containers of spirits.

(ii) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(jj) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

(kk) "Temporary permit" means the same as defined by K.S.A. 41-2601, and amendments thereto.

(ll) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. "Wine" includes hard cider and any other product that is commonly known as a subset of wine.

Sec. 2. K.S.A. 41-308 is hereby amended to read as follows: 41-308. (a) Except as provided in K.S.A. 41-308d, and amendments thereto, a retailer's license shall allow the licensee to sell and offer for sale at retail and deliver in the original package, as therein prescribed, alcoholic liquor and cereal malt beverage for use or consumption off and away from the premises specified in such license.

(b) A retailer's license shall permit sale and delivery of alcoholic liquor and cereal malt beverage only on the licensed premises and shall not permit sale of alcoholic liquor and cereal malt beverage for resale in any form, except that a licensed retailer may:

(1) Sell alcoholic liquor and cereal malt beverage to a temporary permit holder for resale by such permit holder;

(2) sell and deliver alcoholic liquor and cereal malt beverage to a caterer or to the licensed premises of a public venue, club or drinking establishment, if such premises are in the county where the retailer's premises are located or in an adjacent county or a county with a corner located within two miles measured along the adjacent county boundary, for resale by such public venue, club, establishment or caterer; and

(3) sell and deliver cereal malt beverage and beer containing not more than 6% alcohol by volume to the licensed premises of a cereal malt beverage retailer, as defined in K.S.A. 41-2701, and amendments thereto, who is licensed for on-premises consumption, if such cereal malt beverage premises are located in the same county, or an adjacent county to the county where the retailer's premises are located, for resale by such cereal malt beverage retailer.

(c) A retailer may:

(1) Charge a delivery fee for delivery of alcoholic liquor and cereal malt beverage to a public venue, club, drinking establishment or caterer pursuant to subsection (b)(2);

(2) charge a delivery fee for delivery of cereal malt beverage and beer containing not more than 6% alcohol by volume to a cereal malt beverage retailer pursuant to subsection (b)(3);

(3) sell lottery tickets and shares to the public in accordance with the Kansas lottery act, if the retailer is selected as a lottery retailer;

(4) include in the sale of alcoholic liquor and cereal malt beverage any goods included by the manufacturer in packaging with the alcoholic liquor or cereal malt beverage, subject to the approval of the director;

(5) distribute to the public, without charge, consumer advertising specialties bearing advertising matter, subject to rules and regulations of the secretary limiting the form and distribution of such specialties so that they are not conditioned on or an inducement to the purchase of alcoholic liquor or cereal malt beverage;

(6) store alcoholic liquor and cereal malt beverage in refrigerators, cold storage units, ice boxes or other cooling devices, and the licensee may sell such alcoholic liquor and cereal malt beverage to consumers in a chilled condition;

(7) sell any other good or service on the licensed premises, except that the gross sales of other goods and services, excluding fees derived from the sale of lottery tickets and revenues from sales of cigarettes and tobacco products, shall not exceed 20% of the retailer's total gross sales; and

(8) sell containers of beer, domestic beer and cereal malt beverage that are sold on the licensed premises to consumers and served in refillable and sealable containers for consumption off the licensed premises if such containers:

(A) Contain between 32 and 64 fluid ounces; and

(B) have a label affixed that clearly indicates the licensee's name and the type of alcoholic beverage contained in such container.

(d) All alcoholic liquor, cereal malt beverage and nonalcoholic malt beverage sold by a holder of a retail license shall be subject to the liquor enforcement tax imposed by K.S.A. 79-4101, and amendments thereto.

Sec. 3. K.S.A. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who is not a citizen of the United States;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is

an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that such person may be issued a farm winery license pursuant to K.S.A. 41-316, and amendments thereto, or a producer license pursuant to K.S.A. 41-355, and amendments thereto, and a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, at the time of application, have a written lease thereon;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship requirements or age, except that this paragraph shall not apply in determining eligibility for a renewal license or to a person whose spouse is a law enforcement officer;

(13) whose spouse has been convicted of a felony or other crime that would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act;

(14) who does not provide any data or information required by K.S.A. 41-311b, and amendments thereto; or

(15) who, after a hearing before the director, has been found to have held an undisclosed beneficial interest in any license issued pursuant to the liquor control act that was obtained by means of fraud or any false statement made on the application for such license.

(b) No retailer's license shall be issued to:

(1) A person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act;

(2) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(3) a copartnership, unless all of the copartners are qualified to obtain a license;

(4) a corporation; or

(5) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship requirements;

(2) a copartnership, unless all of the copartners would be individually eligible to

receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license, microdistillery license or farm winery license shall be issued to a:

(1) Person who has a beneficial interest in a manufacturer or distributor licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto;

(2) person, copartnership or association that has a beneficial interest in any retailer

licensed under this act or under K.S.A. 41-2702, and amendments thereto, except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act;

(3) copartnership, unless all of the copartners are qualified to obtain a license;

(4) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(5) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) If the applicant is not a Kansas resident, no license shall be issued until the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

Sec. 4. On and after January 1, 2023, K.S.A. 41-501 is hereby amended to read as follows: 41-501. (a) As used in this section and K.S.A. 41-501a, and amendments thereto:

(1) "Gallon" means wine gallon.

(2) "Federal area" means any lands or premises which are located within the exterior boundaries of this state and which are held or acquired by or for the use of the United States or any department, establishment or agency of the United States.

(3) "Malt product" means malt syrup, malt extract, liquid malt or wort.

(b)(1) For the purpose of raising revenue a tax is imposed upon the manufacturing, using, selling, storing or purchasing of alcoholic liquor, cereal malt beverage or malt products in this state or a federal area at a rate of \$.18 per gallon on beer and cereal malt

beverage; \$.20 per gallon on all wort or liquid malt; \$.10 per pound on all malt syrup or malt extract; \$.30 per gallon on wine containing ~~14%~~ 16% or less alcohol by volume; \$.75 per gallon on wine containing more than ~~14%~~ 16% alcohol by volume; and \$2.50 per gallon on alcohol and spirits.

(2) The tax imposed by this section shall be paid only once and shall be paid by the person in this state or federal area who first manufactures, uses, sells, stores, purchases or receives the alcoholic liquor or cereal malt beverage. The tax shall be collected and paid to the director as provided in this act. If the alcoholic liquor or cereal malt beverage is manufactured and sold in this state or a federal area, the tax shall be paid by the manufacturer, microbrewery, microdistillery or farm winery producing it. If the alcoholic liquor or cereal malt beverage is imported into this state by a distributor for the purpose of sale at wholesale in this state or a federal area, the tax shall be paid by the distributor, and in no event shall such tax be paid by the manufacturer unless the alcoholic liquor or cereal malt beverage is manufactured in this state. If not to exceed one gallon, or metric equivalent, per person of alcoholic liquor has been purchased by a private citizen outside the borders of the United States and is brought into this state by the private citizen in such person's personal possession for such person's own personal use and not for sale or resale, such import is lawful and no tax payment shall be due thereon.

(c) Manufacturers, microbreweries, microdistilleries, farm wineries or distributors at wholesale of alcoholic liquor or cereal malt beverage shall be exempt from the payment of the gallonage tax imposed on alcoholic liquor and cereal malt beverage, upon satisfactory proof, including bills of lading furnished to the director by affidavit or otherwise as the director requires, that the liquor or cereal malt beverage was manufactured in this state but was shipped out of the state for sale and consumption outside the state.

(d) Wines manufactured or imported solely and exclusively for sacramental purposes and uses shall not be subject to the tax provided for by this section.

(e) The tax provided for by this section is not imposed upon:

(1) Any alcohol or wine, whether manufactured in or imported into this state, when sold to a nonbeverage user licensed by the state, for use in the manufacture of any of the following when they are unfit for beverage purposes: Patent and proprietary medicines and medicinal, antiseptic and toilet preparations; flavoring extracts and syrups and food products; scientific, industrial and chemical products; or scientific, chemical, experimental or mechanical purposes; or

(2) the privilege of engaging in any business of interstate commerce or otherwise, which business may not be made the subject of taxation by this state under the constitution and statutes of the United States.

(f) The tax imposed by this section shall be in addition to all other taxes imposed by the state of Kansas or by any municipal corporation or political subdivision thereof.

(g) Retail sales of alcoholic liquor, sales of beer to consumers by microbreweries and sales of wine to consumers by farm wineries shall not be subject to the tax imposed by the Kansas retailers' sales tax act but shall be subject to the enforcement tax provided for in this act.

(h) Notwithstanding any ordinance to the contrary, no city shall impose an occupation or privilege tax on the business of any person, firm or corporation licensed as a manufacturer, distributor, microbrewery, microdistillery, farm winery, retailer or

nonbeverage user under this act and doing business within the boundaries of the city except as specifically authorized by K.S.A. 41-310, and amendments thereto.

(i) The director shall collect the taxes imposed by this section and shall account for and remit all moneys collected from the tax to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and the state treasurer shall credit  $\frac{1}{10}$  of the moneys collected from taxes imposed upon alcohol and spirits under subsection (b)(1) to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, and shall credit the balance of the moneys collected to the state general fund.

(j) If any alcoholic liquor manufactured in or imported into this state is sold to a licensed manufacturer or distributor of this state to be used solely as an ingredient in the manufacture of any beverage for human consumption, the tax imposed upon the manufacturer or distributor shall be reduced by the amount of the taxes which have been paid under this section as to the alcoholic liquor so used.

(k) The tax provided for by this section is not imposed upon alcohol or wine used by any school or college for scientific, chemical, experimental or mechanical purposes or by hospitals, sanatoria or other institutions caring for the sick. Any school, college, hospital, sanatorium or other institution caring for the sick may import alcohol or wine for scientific, chemical, experimental, mechanical or medicinal purposes by making application to the director for a permit to import it and receiving such a permit. Application for the permit shall be on a form prescribed and furnished by the director, and a separate permit shall be required for each purchase of alcohol or wine. A fee of \$2 shall accompany each application. All permits shall be issued in triplicate to the applicant and shall be under the seal of the office of the director. Two copies of the permit shall be forwarded by the applicant to the microbrewery, microdistillery, farm winery, manufacturer or distributor from which the alcohol or wine is purchased, and the microbrewery, microdistillery, farm winery, manufacturer or distributor shall return to the office of the director one copy of the permit with its shipping affidavit and invoice. Within 10 days after receipt of any alcohol or wine, the school, college, hospital or sanatorium ordering it shall file a report in the office of the director upon forms furnished by the director, showing the amount of alcohol or wine received, the place where it is to be stored, from whom it was received, the purpose for which it is to be used and such other information as required by the director. Any school, college, hospital, sanatorium or institution caring for the sick, which complies with the provisions of this subsection, shall not be required to have any other license to purchase alcohol or wine from a microbrewery, microdistillery, farm winery, manufacturer or distributor.";

On page 9, following line 16, by inserting:

"Sec. 7. K.S.A. 41-2608 is hereby amended to read as follows: 41-2608. (a) Any public venue, club or drinking establishment license issued pursuant to this act shall be for one particular premises that shall be stated in the application and in the license. Not more than one premises licensed under the club and drinking establishment act shall exist at a single legal address.

(b) No license shall be issued for a public venue, club or drinking establishment unless the city, township or county zoning code allows a club or drinking establishment at that location.

(c) The licensed premises of a license may be extend into a city, county or township street, alley, road, sidewalk or highway if:

(1) Such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the governing body of such city, county or township at any time during which alcoholic liquor or cereal malt beverage is to be sold or consumed; and

(2) such extension has been approved by the city, county or township by ordinance or resolution that specifies the exact times during which alcoholic liquor or cereal malt beverage may be sold or consumed on the street, alley, road, sidewalk or highway.

(d) Notwithstanding the provisions of this section, a license under this act shall be issued to a farm winery or producer licensee who meets the requirements for a license under this act and who is a registered agritourism operator as defined in K.S.A. 32-1432, and amendments thereto. Such license shall not be denied on the basis of any zoning regulation or other regulation, ordinance or resolution of any city or county.

Sec. 8. K.S.A. 41-2703 is hereby amended to read as follows: 41-2703. (a) After examination of an application for a retailer's license, the board of county commissioners or the director shall, if they approve the same, issue a license to the applicant. The governing body of the city shall, if the applicant is qualified as provided by law, issue a license to such applicant.

(b) No retailer's license shall be issued to:

~~(1) A person who is not of good character and reputation in the community in which the person resides.~~

~~(2) A person who is not a citizen of the United States;~~

~~(3) a person who, within two years immediately preceding the date of application approval, has been convicted of, released from incarceration for or released from probation or parole for a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States;~~

~~(4) a partnership, unless all the members of the partnership are otherwise qualified to obtain a license;~~

~~(5) a corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than the citizenship requirements;~~

~~(6) a person whose place of business is conducted by a manager or agent unless the manager or agent possesses all the qualifications of a licensee;~~

~~(7) a person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship requirements or age, except that this paragraph shall not apply in determining eligibility for a renewal license; and~~

~~(8) a person whose spouse has been convicted of a felony or other crime that would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act.~~

(c) After examination of an application for a retailer's license, the board of county commissioners or the governing body of a city may deny a license to a person, partnership or corporation if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager, director or a stockholder owning in the aggregate more than 25% of the stock, of a corporation that has:

(1) Had a retailer's license revoked under K.S.A. 41-2708, and amendments thereto; or

(2) been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(d) Notwithstanding any generally applicable grant of discretion that may be provided pursuant to subsection (a), if an applicant has been issued a farm winery license pursuant to K.S.A. 41-316, and amendments thereto, or a producer's license pursuant to K.S.A. 41-355, and amendments thereto, an application for a retailers' license shall be approved by the board of county commissioners, the governing body of the city or the director, subject to the requirements of subsections (b) and (c).

(e) Retailers' licenses shall be issued either on an annual basis or for the calendar year. If such licenses are issued on an annual basis, the board of county commissioners or the governing body of the city shall notify the distributors supplying the county or city on or before April 1 of the year if a retailer's license is not renewed.

(f) In addition to, and consistent with the requirements of K.S.A. 41-2701 et seq., and amendments thereto, the board of county commissioners of any county or the governing body of any city may provide by resolution or ordinance for the issuance of a special event retailers' permit that shall allow the permit holder to offer for sale, sell and serve cereal malt beverage for consumption on unpermitted premises, that may be open to the public, subject to the following:

(1) A special event retailers' permit shall specify the premises for which the permit is issued;

(2) a special event retailers' permit shall be issued for the duration of the special event, the dates and hours of which shall be specified in the permit;

(3) not more than four special event retailers' permits may be issued to any one applicant in a calendar year; and

(4) a special event retailers' permit shall not be transferable or assignable.

(g) A special event retailers' permit holder shall not be subject to the provisions of the beer and cereal malt beverage keg registration act, K.S.A. 41-2901 et seq., and amendments thereto.

Sec. 9. K.S.A. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of the Kansas cereal malt beverage act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Within any city where the days of sale at retail of cereal malt beverage in the original package have not been expanded as provided by K.S.A. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 41-2911, and amendments thereto, no cereal malt beverages or beer containing not more than 6% alcohol by volume may be sold:

(1) Between the hours of 12 midnight and 6 a.m.; or

(2) on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises and which is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on

Sunday have been authorized by ordinance of the governing body of the city.

(c) Within any city where the days of sale at retail of cereal malt beverage in the original package have been expanded as provided by K.S.A. 41-2911, and amendments thereto, and have not been subsequently restricted as provided in K.S.A. 41-2911, and amendments thereto, no person shall sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume:

- (1) Between the hours of 12 midnight and 6 a.m.;
- (2) in the original package not earlier than 9 a.m. and not later than 8 p.m. on Sunday;
- (3) on Easter Sunday; or
- (4) for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises and which is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(d) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises also are licensed as a club pursuant to the club and drinking establishment act.

(e) Each place of business shall be open to the public and to law enforcement officers at all times during business hours, except that a premises licensed as a club pursuant to the club and drinking establishment act shall be open to law enforcement officers and not to the public.

(f) Except as otherwise provided by this subsection, no licensee shall permit a person under the legal age for consumption of cereal malt beverage or beer containing not more than 6% alcohol by volume to consume or purchase any cereal malt beverage in or about a place of business. A licensee's employee who is not less than 18 years of age may dispense or sell cereal malt beverage or beer containing not more than 6% alcohol by volume, if:

(1) The licensee's place of business is licensed only to sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume in the original package and not for consumption on the premises; or

(2) the licensee's place of business is a licensed food service establishment, as defined by K.S.A. 36-501, and amendments thereto, and not less than 50% of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.

(g) No person shall have any alcoholic liquor, except beer containing not more than 6% alcohol by volume, in such person's possession while in a place of business, unless the premises are currently licensed as a club or drinking establishment pursuant to the club and drinking establishment act or the business is a farm winery licensed pursuant to K.S.A. 41-316, and amendments thereto, or a producer licensed pursuant to K.S.A. 41-355, and amendments thereto.

(h) Cereal malt beverages may be sold on premises that are licensed pursuant to both the Kansas cereal malt beverage act and the club and drinking establishment act at any time when alcoholic liquor is allowed by law to be served on the premises.";

On page 11, in line 34, after "K.S.A." by inserting "41-308, 41-311,"; also in line 34,

after the second comma by inserting "41-2608, 41-2703, 41-2704,"; following line 35, by inserting:

"Sec. 13. On and after January 1, 2023, K.S.A. 41-102 and 41-501 are hereby repealed.";

Also on page 11, in line 37, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after the semicolon by inserting "relating to the sale and delivery by retail liquor stores of alcohol and cereal malt beverages; increasing the percentage of alcohol by volume in domestic table wine and domestic fortified wine; relating to cereal malt beverage retailer licenses; requiring issuance thereof to a licensed farm winery that satisfies the statutory requirements for such retailer license; permitting farm wineries and producers to hold cereal malt beverage licenses; allowing farm wineries and producers to have alcoholic liquor such as wine on their premises while holding a cereal malt beverage license; removing the good character and reputation requirement for a cereal malt beverage license; providing that applicants for a farm winery or a producer license who are registered as agritourism operators shall be issued the license notwithstanding any zoning or other regulations of any city or county; providing that registered agritourism operators shall be issued a license as a drinking establishment notwithstanding any city or county zoning or other regulations,"; also in line 5, after "K.S.A." by inserting "41-102, 41-308, 41-311, 41-501,"; also in line 5, after the second comma by inserting "41-2608, 41-2703, 41-2704,";

And your committee on conference recommends the adoption of this report.

JOHN BARKER  
TORY MARIE ARNBERGER  
LOUIS RUIZ

*Conferees on part of House*

ROB OLSON  
RICHARD HILDERBRAND  
OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

Senator Olson moved the Senate adopt the Conference Committee Report on **SB 2**.

On roll call, the vote was: Yeas 31; Nays 6; Present and Passing 2; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Petersen, Pettey, Pittman, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Baumgardner, Peck, Pyle, Ryckman, Steffen, Tyson.

Present and Passing: Holland, McGinn.

Absent or Not Voting: Claeys.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House

amendments to **SB 215** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, following line 9, by inserting:

"New Section 1. (a) The board of education of a school district may contract with a transportation network company to transport eight persons or fewer to and from school or school-related activities, where appropriate, as the contract with the transportation network company may establish.

(b) In addition to the requirements of this act for transportation network companies and transportation network company drivers, the board of education of a school district may establish additional requirements in the contract with the transportation network company. The department of education, in consultation with a transportation network company that will provide services pursuant to this section, may issue guidance to school districts contracting with a transportation network company to provide transportation services.

(c) Transportation network companies shall:

(1) Require transportation network company drivers providing services pursuant to this section to undergo a criminal history record check pursuant to K.S.A. 75-712i, and amendments thereto; and

(2) obtain and review a driving history research report for each transportation network company driver providing services pursuant to this section.

(d) A transportation network company that provides transportation services pursuant to this section shall provide an annual safety report to the state board of education for any safety incidents that occurred in the previous calendar year.

(e) A transportation network company shall name as an additional insured on such transportation network company's insurance policy any school district that contracts with such transportation network company to provide transportation services pursuant to this section.

(f) The Kansas transportation network company services act and the contract between the board of education of a school district and the transportation network company shall exclusively govern the services provided pursuant to this section, and all rules and regulations of the state board of education concerning the transportation of students shall not apply.

(g) The board of education of a school district that contracts for school transportation services pursuant to this section shall:

(1) Provide notice to the parent or guardian of a student that such student will be riding with a transportation network company;

(2) provide an annual disclaimer to the parent or guardian of a student that may be transported by a transportation network company that the school district uses transportation network company services for school transportation purposes and that the relationship between the school district and the transportation network company is governed by a contract and not the rules and regulations of the state board of education;

(3) permit the parent or guardian of a student to not allow such student to ride with a transportation network company; and

(4) maintain insurance coverage or endorsement for students transported by a transportation network company that covers the students as though the students were in

the care, custody and control of the school district even when being transported by a transportation network company.

(h) This section shall be a part of and supplemental to the Kansas transportation network company services act.";

On page 9, following line 13, by inserting:

"Sec. 12. K.S.A. 2021 Supp. 8-2708 is hereby amended to read as follows: 8-2708. ~~On January 1, 2016, and thereafter, (a)~~ A transportation network company driver or vehicle owner or transportation network company on the driver's behalf shall maintain primary automobile insurance that:

~~(a)~~—recognizes that the driver is a transportation network company driver and covers the driver while the driver is logged on to the transportation network company's digital network, while the driver is engaged in a prearranged ride or while the driver otherwise uses a vehicle to transport passengers for compensation.

(b) (1) The following automobile insurance requirements shall apply while a participating transportation network company driver is logged on to the transportation network company's digital network and is available to receive transportation requests but is not engaged in a prearranged ride:

(A) Primary automobile liability insurance in the amount of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage; and

(B) primary automobile liability insurance that meets the minimum coverage requirements where required by K.S.A. 40-284 and 40-3107(f), and amendments thereto.

(2) The coverage requirements of this subsection (b) may be satisfied by any of the following:

(A) Automobile insurance maintained by the transportation network company driver or vehicle owner;

(B) automobile insurance maintained by the transportation network company; or

(C) any combination of subparagraphs (A) and (B).

(c) (1) The following automobile insurance requirements shall apply while a transportation network company driver is engaged in a prearranged ride:

(A) Primary automobile liability insurance that provides at least \$1,000,000 for death, bodily injury and property damage; and

(B) primary automobile liability insurance that meets the minimum coverage requirements where required by K.S.A. 40-284 and 40-3107(f), and amendments thereto.

(2) The coverage requirements of this subsection (c) may be satisfied by any of the following:

(A) Automobile insurance maintained by the transportation network company driver or vehicle owner;

(B) automobile insurance maintained by the transportation network company; or

(C) any combination of subparagraphs (A) and (B).

(d) If insurance maintained by the driver or vehicle owner in subsection (b) or (c) has lapsed or does not provide the required coverage, insurance maintained by a transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim and shall have the duty to defend such claim.

(e) Coverage under an automobile insurance policy maintained by the

transportation network company shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

(f) A transportation network company that contracts with the board of education of a school district to provide transportation services pursuant to section 1, and amendments thereto, shall name such school district as an additional insured party on such transportation networks company's automobile insurance policy.

~~(f)~~(g) Insurance required by this section may be placed with an insurer licensed under K.S.A. 40-208 or 40-209, and amendments thereto, or with a surplus lines insurer eligible under K.S.A. 40-246b, and amendments thereto.

~~(g)~~(h) Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirement for a personal vehicle under the Kansas automobile injury reparations act, K.S.A. 40-3101 et seq., and amendments thereto.

~~(h)~~(i) A transportation network company driver shall carry proof of coverage satisfying subsections (b) and (c) with such driver at all times during such driver's use of a vehicle in connection with a transportation network company's digital network. In the event of an accident, a transportation network company driver shall provide this insurance coverage information to the directly interested parties, automobile insurers and investigating police officers, upon request pursuant to K.S.A. 8-173, and amendments thereto. Upon such request, a transportation network company driver shall also disclose to directly interested parties, automobile insurers and investigating police officers, whether such driver was logged on to the transportation network company's digital network or on a prearranged ride at the time of an accident.";

Also on page 9, in line 15, by striking the third "and" and inserting a comma; also in line 15, after "8-272" by inserting "and 8-2708";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the semicolon; in line 2, by striking the first "education" and inserting "authorizing the board of education of a school district to contract with transportation network companies to provide certain transportation services; specifying requirements therefor"; in line 7, by striking the first "and" and inserting a comma; also in line 7, after "8-272" by inserting "and 8-2708";

And your committee on conference recommends the adoption of this report.

STEVE HUEBERT

ADAM THOMAS

JERRY STOGSDILL

*Conferees on part of House*

MOLLY BAUMGARDNER

RENEE ERICKSON

DINAH SYKES

*Conferees on part of Senate*

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **SB 215**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Corson, Dietrich, Doll, Erickson, Fagg,

Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Claeys.

The Conference Committee Report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 446** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 5 through 11; following line 11, by inserting:

"Section 1. K.S.A. 2021 Supp. 8-2,101 is hereby amended to read as follows: 8-2,101. ~~(a) (1)~~ The division of vehicles may issue a restricted class C or M driver's license in accordance with the provisions of this section. A restricted class C license issued under this section shall entitle the licensee, while possessing the license, to operate any motor vehicle in class C, as designated in K.S.A. 8-234b, and amendments thereto. A restricted class M license shall entitle the licensee, while possessing such license, to operate a motorcycle.

~~(a) (2)~~ The division may issue a restricted class C or M driver's license to any person who:

~~(+)(A)~~ Is at least 15 years of age;

~~(=)(B)~~ has successfully completed an approved course in driver training;

~~(=)(C)~~ has held an instructional permit issued under the provisions of K.S.A. 2021 Supp. 8-2,100, and amendments thereto, for a period of at least one year and has completed at least 25 hours of adult supervised driving or has obtained an instructional permit from another state or the District of Columbia ~~which that~~ has equivalent or greater requirements; and

~~(4)(D)~~ upon the written application of the person's parent or guardian, which shall be submitted to the division.

~~(3)~~ Any licensee issued a restricted license under this subsection; shall provide, prior to reaching 16 years of age, a signed affidavit of either a parent or guardian, stating that the applicant has completed the required 25 hours prior to being issued a restricted license and 25 hours of additional adult supervised driving. Of the 50 hours required by this subsection, at least 10 of those hours shall be at night. The adult supervised driving shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license.

(b) (1) A restricted license issued under subsection (a) shall entitle a licensee who is at least 15 years of age but less than 16 years of age, to operate the appropriate motor vehicles at any time:

(A) While going to or from or in connection with any job, employment or farm-related work;

(B) on days while school is in session, over the most direct and accessible route between the licensee's residence and school of enrollment for the purposes of school attendance;

(C) from 6 a.m. to 9 p.m. while going directly to or from any religious activity held by a religious organization;

~~(C)(D)~~ when the licensee is operating a passenger car, at any time when accompanied by an adult, who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or

~~(D)(E)~~ when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is either operating a motorcycle in the general proximity of the licensee or is riding as a passenger on the motorcycle being operated by the licensee.

(2)(A) For a period of six months, a restricted license issued under subsection (a) shall entitle a licensee who is at least 16 years of age to operate the appropriate motor vehicles at any time:

~~(A)(i)~~ From 5 a.m. to 9 p.m.;

~~(B)(ii)~~ while going to or from or in connection with any job, employment or farm-related work;

~~(C)(iii)~~ while going to or from authorized school activities;

~~(D)(iv)~~ while going directly to or from any religious ~~worship service~~ activity held by a religious organization;

~~(E)(v)~~ when the licensee is operating a passenger car, at any time when accompanied by an adult, who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or

~~(F)(vi)~~ when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is either operating a motorcycle in the general proximity of the licensee or is riding as a passenger on the motorcycle being operated by the licensee.

(B) After such six-month period, if the licensee has complied with the provisions of this section, such restricted license shall entitle the licensee to operate the appropriate motor vehicles at any time without any of the restrictions required by this section.

(c) (1) The division may issue a restricted class C or M driver's license to any person who is under 17 years of age but at least 16 years of age, who:

(A) Has held an instructional permit issued under the provisions of K.S.A. 2021 Supp. 8-2,100, and amendments thereto, for a period of at least one year; and

(B) has submitted a signed affidavit of either a parent or guardian, stating that the applicant has completed at least 50 hours of adult supervised driving with at least 10 of those hours being at night. The required adult supervised driving shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license.

(2)(A) For a period of six months, a restricted license issued under subsection (c) (1) shall entitle a licensee to operate the appropriate motor vehicles at any time:

~~(A)(i)~~ From 5 a.m. to 9 p.m.;

~~(B)(ii)~~ while going to or from or in connection with any job, employment or farm-related work;

~~(C)(iii)~~ while going to or from authorized school activities;

~~(D)(iv)~~ while going directly to or from any religious ~~worship service~~ activity held by a religious organization;

~~(E)(v)~~ when the licensee is operating a passenger car, at any time when accompanied by an adult, who is the holder of a valid commercial driver's license, class

A, B or C driver's license and who is actually occupying a seat beside the driver; or  
 (F)(vi) when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is either operating a motorcycle in the general proximity of the licensee or is riding as a passenger on the motorcycle being operated by the licensee.

(B) After such six-month period, if the licensee has complied with the provisions of this section, such restricted license shall entitle the licensee to operate the appropriate motor vehicles at any time without any of the restrictions required by this section.

(d) (1) Any licensee issued a restricted license under subsection (a) who is:

(A) ~~who is~~ Less than 16 years of age shall not operate any motor vehicle with nonsibling minor passengers; or

(B) ~~who is~~ at least 16 years of age, for a period of six months after reaching 16 years of age, shall not operate any motor vehicle with more than one passenger who is less than 18 years of age and who is not a member of the licensee's immediate family.

(2) Any licensee issued a restricted license under subsection (c), for a period of six months after such restricted license is issued, shall not operate any motor vehicle with more than one passenger who is less than 18 years of age and who is not a member of the licensee's immediate family.

(3) Any conviction for violating this subsection shall be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(e) Any licensee issued a restricted license under this section shall not operate a wireless communication device while driving a motor vehicle, except that a licensee may operate a wireless communication device while driving a motor vehicle to report illegal activity or to summons medical or other emergency help.

(f) (1) A restricted driver's license issued under this section is subject to suspension or revocation in the same manner as any other driver's license.

(2) A restricted driver's license shall be suspended in accordance with K.S.A. 8-291, and amendments thereto, for any violation of restrictions under this section.

(3) The division shall suspend the restricted driver's license upon receiving satisfactory evidence that the licensee has been involved in two or more accidents chargeable to the licensee and such suspended license shall not be reinstated for one year.

(g) Evidence of failure of any licensee who was required to complete the 50 hours of adult supervised driving under this section shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(h) Any licensee issued a restricted license under:

(1) Subsection (a) who:

(A) Is under the age of 16 years and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license ~~which that~~ is not restricted in accordance with the provisions of subsection (b) (1) until the person reaches 17 years of age;

(B) is under 17 years of age but at least 16 years of age and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license ~~which that~~ is not restricted in accordance with the provisions of subsection (b)(2) until the person reaches 18 years of age; or

(C) fails to provide the affidavit required under subsection (a) shall not be eligible

to receive a driver's license which is not restricted in accordance with the provisions of subsection (b)(1) until the person provides such affidavit to the division or the person reaches 17 years of age, whichever occurs first.

(2) Subsection (c) who is under the age of 17 years and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (c) until the person reaches 18 years of age.

(i) This section shall be a part of and supplemental to the motor vehicle driver's license act.

Sec. 2. K.S.A. 2021 Supp. 8-1324 is hereby amended to read as follows: 8-1324.

(a) Any resident who does not hold a current valid Kansas driver's license may make application to the division of vehicles and be issued one identification card.

(b) (1) Each application for an identification card shall include a question asking if the applicant is willing to give such applicant's authorization to be listed as an organ, eye and tissue donor in the Kansas donor registry in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto. The gift would become effective upon the death of the donor.

(2) For the purpose of obtaining an identification card, an applicant shall submit, with the application, proof of age, proof of identity and proof of lawful presence. An applicant shall submit with the application a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant's full legal name and date of birth, and documentation showing the applicant's name, the applicant's address of principal residence and the applicant's social security account number. The applicant's social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2014, and amendments thereto. If the applicant does not have a social security number, the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the identification card. Before issuing an identification card to a person, the division shall make reasonable efforts to verify with the issuing agency the issuance, validity and completeness of each document required to be presented by the applicant to prove age, identity and lawful presence.

(c) The division shall not issue an identification card to any person who fails to provide proof that the person is lawfully present in the United States. If an applicant provides evidence of lawful presence as set out in K.S.A. 8-240(b)(2)(E) through (2)(I), and amendments thereto, or is an alien lawfully admitted for temporary residence under K.S.A. 8-240(b)(2)(B), and amendments thereto, the division may only issue a temporary identification card to the person under the following conditions: (A) A temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date upon which it expires; (C) no temporary identification card issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-1325, and amendments thereto; and (D) a temporary identification card issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions set forth in this subsection ~~(e)~~ for the issuance of the original temporary identification card.

(d) The division shall not issue an identification card to any person who holds a current valid Kansas driver's license unless such driver's license has been physically surrendered pursuant to the provisions of K.S.A. 8-1002(e), and amendments thereto.

(e) The division shall refuse to issue an identification card to a person holding a driver's license or identification card issued by another state without confirmation that the person is terminating or has terminated the license or identification card.

(f) The parent or guardian of an applicant under 16 years of age shall sign the application for an identification card submitted by such applicant.

(g) (1) The division shall require payment of a fee of \$14 at the time application for an identification card is made, except that persons who are 65 or more years of age or who are handicapped, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10. In addition to the fees prescribed by this subsection, the division shall require payment of the photo fee established pursuant to K.S.A. 8-243, and amendments thereto, for the cost of the photograph to be placed on the identification card.

(2) The division shall not require or accept payment of application or photo fees under this subsection for any person 17 years of age or older for purposes of meeting the voter identification requirements of K.S.A. 25-2908, and amendments thereto. Such person shall:

(A) Swear under oath that such person desires an identification card in order to vote in an election in Kansas and that such person does not possess any of the forms of identification acceptable under K.S.A. 25-2908, and amendments thereto. The affidavit shall specifically list the acceptable forms of identification under K.S.A. 25-2908, and amendments thereto; and

(B) produce evidence that such person is registered to vote in Kansas.

(3) The secretary of revenue shall adopt rules and regulations in order to implement the provisions of paragraph (2).

(h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.

(i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if:

(1) The person owns, leases or rents a place of domicile in this state;

(2) the person engages in a trade, business or profession in this state;

(3) the person is registered to vote in this state;

(4) the person enrolls the person's child in a school in this state; or

(5) the person registers the person's motor vehicle in this state.

(j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture. The captured facial image shall be displayed on the front of the applicant's identification card by either:

(1) A digital color image or photograph; or

(2) a laser-engraved photograph of the licensee.

(k) (1) Any person who is a veteran may request that the division issue to such person a nondriver identification card which shall include the designation "VETERAN" displayed on the front of the nondriver identification card at a location to be determined by the secretary of revenue. In order to receive a nondriver identification card described in this subsection, the veteran must provide proof of the veteran's military service and honorable discharge or general discharge under honorable conditions, including a copy

of the veteran's DD214 form or equivalent.

(2) As used in this subsection, "veteran" means a person who:

(A) Has served in: The army, navy, marine corps, air force, coast guard, air or army national guard or any branch of the military reserves of the United States; and

(B) has been separated from the branch of service in which the person was honorably discharged or received a general discharge under honorable conditions.

(3) The director of vehicles may adopt any rules and regulations necessary to carry out the provisions of this subsection.

(l) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(m) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, either: (1) A digital color image or photograph; or (2) a laser engraved photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card which does not contain the address of principal residence of the cardholder as required may be issued to persons who are program participants pursuant to K.S.A. 75-455, and amendments thereto.

(n) An identification card issued to any person who indicated on the application that the person wished to make an anatomical gift in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto, shall have the word "Donor" placed on the front of the applicant's identification card.

(o) (1) Any person who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person needs assistance with cognition, including, but not limited to, persons with autism spectrum disorder, may request that the division issue to such person a nondriver identification card, that shall note such impairment on the nondriver identification card at a location to be determined by the secretary of revenue.

(2) Satisfactory proof that a person needs assistance with cognition shall include a statement from a person licensed to practice the healing arts in any state, an advanced practice registered nurse licensed under K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or a person clinically licensed by the Kansas behavioral sciences regulatory board certifying that such person needs assistance with cognition.

(p) (1) The secretary of revenue shall permit an electronic online renewal of an identification card if the electronic online renewal applicant previously provided documentation of identity, lawful presence and residence to the division for electronic scanning. For purposes of this subsection, the division may rely on the division's most recent, existing color digital image and signature image of the applicant for the nondriver's identification card if the division has such images on file. The determination on whether an electronic online renewal application or equivalent of a nondriver's identification card is permitted shall be made by the director of vehicles or the director's designee. The division shall not renew a nondriver's identification card through an electronic online or equivalent process if the identification card has been previously

renewed through an electronic online application in the immediately preceding card's expiration period. No renewal under this subsection shall be granted to any person who is a registered offender pursuant to K.S.A. 22-4901 et seq., and amendments thereto.

(2) Prior to February 1, 2023, the division shall report to the house of representatives and the senate committees on transportation regarding the online renewal process of this subsection and the effects of implementing such process.

Sec. 3. K.S.A. 2021 Supp. 8-2,101 and 8-1324 are hereby repealed.";

Also on page 1, in line 13, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the period and inserting "driver's licenses and nondriver's identification cards; allowing restricted driver's license holders beginning at age 15 to drive to and from religious activities held by any religious organization; providing for the electronic renewal of nondriver's identification cards; amending K.S.A. 2021 Supp. 8-2,101 and 8-1324 and repealing the existing sections";

And your committee on conference recommends the adoption of this report.

RICHARD PROEHL

LEO DELPERDANG

HENRY HELGERSON

*Conferees on part of House*

MIKE PETERSEN

ELAINE BOWERS

TOM HAWK

*Conferees on part of Senate*

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 446**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Present and Passing: Francisco.

Absent or Not Voting: Claeys.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2456** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 7, by striking "On and after January 1, 2023,,"; in line 8, by striking "is authorized to" and inserting "shall"; also in line 8, after "issue" by inserting "and

make available"; in line 14, by striking "at least"; also in line 14, after "six" by inserting "or seven"; also in line 14, by striking "but not more than 12 years of age"; in line 15, by striking "\$400" and inserting "\$500"; by striking all in lines 17 through 19; in line 22, after the first "committee" by inserting "and the senate committee on agriculture and natural resources"; also in line 22, by striking the second "committee" and inserting "committees"; in line 25, by striking all after "(c)"; by striking all in lines 26 and 27; in line 28, by striking "(d)";

On page 2, in line 1, by striking "Kansas register" and inserting "statute book";  
And your committee on conference recommends the adoption of this report.

DAN KERSCHEN  
RONALD RYCKMAN, SR.  
MARY WARE  
*Conferees on part of Senate*

KEN CORBET  
RON RYCKMAN  
SYDNEY CARLIN  
*Conferees on part of House*

Senator Kerschchen moved the Senate adopt the Conference Committee Report on **HB 2456**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschchen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Claeys.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2703** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, following line 15, by inserting:

"New Section 1. The provisions of sections 1 through 6, and amendments thereto, shall be known and may be cited as the Kansas targeted employment act. The purpose of this act shall be to incentivize employers to employ persons with developmental disabilities in Kansas and decrease the reliance and associated costs to taxpayers to fund governmental programs.

New Sec. 2. As used in this act:

(a) "Competitive integrated employment" has the meaning as provided in the workforce innovation and opportunity act, 29 U.S.C. § 3101 et seq., as defined in 29 U.S.C. § 3102, 34 C.F.R. § 361.5 and 29 U.S.C. § 705.

(b) "Community service provider" means an association or organization licensed by the Kansas department for aging and disability services whose purpose is to provide support and services, relating to the ability to live and to work in the community, to persons who, without such support and services, would be unable or would have significant difficulty maintaining employment or living in the community. "Community service provider" also includes other governmental agencies that support or that elect to support eligible individuals with job placement and job preservation supports including, but not limited to, school districts, community mental health centers and vocational rehabilitation contractors.

(c) "Earned income" means compensation paid to a Kansas employee for competitive integrated employment that is equal or greater than the minimum wage and is performed in a competitive integrated setting.

(d) "Eligible individual" means an individual, including a high school student, who is a Kansas resident, is employed by an employer in a competitive integrated setting, has a developmental disability that has been documented as required by the secretary for aging and disability services and who has agreed to provide the secretary for aging and disability services, or the secretary's designee, information required by the secretary pursuant to the Kansas targeted employment act, or to permit the secretary of revenue to provide such information to the secretary for aging and disability services.

(e) "Developmental disability" means the same as defined in K.S.A. 39-1803, and amendments thereto.

(f) "Targeted employment business" means those employers employing eligible individuals in competitive integrated employment in a competitive integrated setting and who are authorized to do business in Kansas. In order to qualify as a "targeted employment business," the employer must pay earned income to an eligible individual in a calendar year. "Targeted employment business" does not include a community service provider.

New Sec. 3. For tax years 2022 through 2027, a credit shall be allowed against the income, privilege or premium tax liability imposed upon a taxpayer qualifying as a targeted employment business or a taxpayer outsourcing work to a targeted employment business pursuant to the Kansas income tax act, the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, for every hour that an eligible individual is employed in a calendar year in a targeted employment business and receives earned income as compensation. The credit shall only apply to wages for hours worked and not for any compensation for leave paid to the eligible individual. The credit shall be 50% of the wages paid to the eligible individual on an hourly basis, up to a maximum credit of \$7.50 per hour. For the purpose of calculating the tax credit, the wage rate used shall not be more than a reasonable or usual and customary market wage rate for a similar job. The credit shall not be refundable, shall not be carried forward and shall only be used once each taxable year against tax liability imposed by only one of the income, privilege or premium taxes. For any employed eligible individual who receives support or services from a community service provider, such eligible individual may choose to have support or services provided as needed at the individual's worksite to help the individual maintain employment. The maximum amount of all tax credits

allowed in each tax year under the Kansas targeted employment act shall be \$5,000,000.

New Sec. 4. (a) Any targeted employment business seeking to qualify for a tax credit pursuant to section 3, and amendments thereto, shall provide to the secretary of revenue the names of each eligible individual employed and the wage rate per hour, hours worked and gross wages paid, minus any compensation for leave, for each eligible individual and such other information as the secretary of revenue may require.

(b) The secretary of revenue and the secretary for aging and disability services are hereby authorized to adopt such rules and regulations as may be necessary for the administration of the provisions of the Kansas targeted employment act.

New Sec. 5. (a) The secretary for aging and disability services shall develop and implement a program to measure the results of the tax credits allowed by sections 1 through 4, and amendments thereto, including an analysis of: (1) Decreases in reliance upon state government-funded subsidies for employed eligible individuals and any associated net savings to Kansas taxpayers resulting from any such decreases in reliance; (2) effects of reallocation of tax dollars that employers would have paid to the state government of Kansas to employers who employed eligible individuals pursuant to the tax credit program; and (3) any benefits or detriments to the quality of life and the standard of living for employed eligible individuals, including access to health insurance, healthcare or other services and increases or decreases in income, discretionary income and expenses. The secretary for aging and disability services may require employed eligible individuals or targeted employment businesses to provide or to permit the secretary of revenue to provide, as a condition of participation in the tax credit program, information necessary to assess the tax credit program pursuant to this section, including information otherwise confidential under state or federal law. All confidential information provided shall be received, stored and used in a manner that shall maintain the confidentiality of the information provided and not permit the identification of eligible individuals or targeted employment businesses.

(b) Notwithstanding any other provision of state law, the secretary of revenue shall provide the secretary for aging and disability services with tax information, including tax information for individuals and targeted employment businesses that have waived the confidentiality of such information, as necessary to enable the secretary for aging and disability services to fulfill the requirements of this section. All information pertaining to an eligible individual or targeted employment business shall be provided in a manner that shall maintain the confidentiality of such eligible individuals and businesses. Nothing in this section shall be construed to violate or conflict with any federal law.

(c) The secretary for aging and disability services shall submit a written report of the findings of the secretary's review pursuant to subsection (a) to the standing committee on commerce of the senate and the standing committee on commerce, labor and economic development of the house on the first day of the 2023 through 2027 regular sessions of the legislature.

New Sec. 6. The provisions of sections 1 through 5, and amendments thereto, shall expire on January 1, 2028, except that tax credits earned in tax year 2027 may be awarded by the secretary of revenue as provided by this act.";

On page 26, in line 4, after "year" by inserting ", unless it is determined by actual calculation pursuant to fund control table B that credit rate schedules (8-13) would apply based on the health of the unemployment insurance trust fund";

On page 34, in line 15, after "date" by inserting "but such claimants shall only be excepted during any first 8 consecutive weeks of benefits"; in line 16, by striking "or that no longer reside in Kansas"; in line 18, after the first "are" by inserting "active"; also in line 18, after "members" by inserting "in good standing";

On page 35, in line 32, after the stricken material by inserting "The secretary of commerce shall monitor those my reemployment plan claimants participating in training managed by the workforce centers to ensure compliance."; in line 36, by striking all before "to" and inserting "secretary of commerce"; in line 37, by striking "educational"; in line 38, by striking all before the first "secretary"; also in line 38, by striking "and" and inserting "to";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "security law"; also in line 1, after "the" by inserting "employment security law;"; in line 5, after "mandatory" by inserting "with specified exceptions"; by striking all in lines 10 and 11; in line 12, by striking all before the semicolon and inserting "enacting the Kansas targeted employment act to facilitate employment of persons with developmental disabilities through a tax credit incentive for employers";

And your committee on conference recommends the adoption of this report.

RENEE ERICKSON  
BRENDA DIETRICH  
TOM HOLLAND  
*Conferees on part of Senate*

SEAN TARWATER  
MARTY LONG  
STEPHANIE CLAYTON  
*Conferees on part of House*

Senator Erickson moved the Senate adopt the Conference Committee Report on **HB 2703**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Clays.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2387** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

KELLIE WARREN

RICK WILBORN

DAVID HALEY

*Conferees on part of Senate*

FRED PATTON

BRAD RALPH

JOHN CARMICHAEL

*Conferees on part of House*

On motion of Senator Warren the Senate adopted the conference committee report on **HB 2387**, and requested a new conference be appointed.

The President appointed Senators Warren, Wilborn and Sykes as a second Conference Committee on the part of the Senate on **HB 2387**.

On motion of Senator Alley, the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with Vice President Wilborn in the chair.

#### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub SB 91**.

The House adopts the Conference Committee report on **SB 421**.

The House adopts the Conference Committee report on **SB 408**.

The House adopts the Conference Committee report on **SB 366**.

The House adopts the Conference Committee report to agree to disagree on **HB 2387**, and has appointed Representatives Patton, Ralph and Carmichael as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **H Sub Sub SB 286**, and has appointed Representatives Patton, Ralph and Carmichael as second conferees on the part of the House.

The House announces the appointment of Reps. Bergquist and Miller to replace Reps. Arnberger and L. Ruiz as conferees on **H Sub HB 2252**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 286** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

FRED PATTON

BRAD RALPH

JOHN CARMICHAEL

*Conferees on part of House*

KELLIE WARREN

RICK WILBORN

ETHAN CORSON

*Conferees on part of House*

On motion of Senator Warren the Senate adopted the conference committee report on **H Sub Sub SB 286**, and requested a new conference be appointed.

The President appointed Senators Warren, Wilborn and Corson as a second Conference Committee on the part of the Senate on **H Sub Sub SB 286**.

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2567** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

MOLLY BAUMGARDNER

RENEE ERICKSON

*Conferees on part of Senate*

KRISTEY WILLIAMS

KYLE HOFFMAN

*Conferees on part of House*

On motion of Senator Baumgardner the Senate adopted the conference committee report on **S Sub HB 2567**, and requested a new conference be appointed.

The President appointed Senators Baumgardner, Erickson and Sykes as a second Conference Committee on the part of the Senate on **S Sub HB 2567**.

On motion of Senator Alley, the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with Vice President Wiborn in the chair.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Friday, April 1, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

