

Journal of the House

SIXTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, April 26, 2024, 10:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Carpenter in the chair.

The roll was called with 119 members present.

Rep. Houser was excused on verified illness.

Reps. Blew, Jacobs, Rhiley, Vaughn and Woodard were excused on excused absence by the Speaker.

Excused later: Reps. Carlin, B. Carpenter, Ohaebosim, Poetter Parshall and Xu.

Prayer by Chaplain Holmes:

Dear Father; We have a new day before us. Help us to use it wisely and not squander it needlessly. Today we will engage in meetings, debate and in-depth conversations. Direct our minds into the good which can be accomplished, as we invest ourselves in the work set before us.

When we enter into the opportunities of the day for consideration, give us clarity of thought and purpose.

As St. Paul of the New Testament said “Remind them of these things and solemnly charge them in the presence of God not to wrangle about words, which is useless, and leads to the ruin of the hearers. Be diligent to present yourselves before God as a workman who does not need to be ashamed, handling accurately the word of truth.”

Might the truth of what is right and helpful, as well as that which is moral and good be our desire and purpose. Allow those who hear the words we speak to not hear only words, but thoughtful insight into the challenges we wrestle with.

The next few days could very well be long and exhausting. Give us patience when we most need it, and least want to extend it. Help each to remember everyone is working toward goals which will enhance our State and its people.

Bless our families as they are without us. Give them patience for the moment, reminding them this session will soon be over.

For those of our friends and families who are experiencing sickness, touch them I pray with Your healing hand.

In Jesus Name I pray. Amen.

The Pledge of Allegiance was led by Rep. Silas Miller.

CHANGE OF CONFEREES

Speaker pro tem Carpenter announced the appointment of Reps W. Carpenter, Kessler, and Hoye to replace Reps. Rahjes, Moser, and Carlin as members of the conference committee on **S Sub for HB 2047**.

Speaker pro tem Carpenter announced the appointment of Reps. Waymaster, Hoffman, and Helgerson to replace Reps Sutton, Penn, and Neighbor as members of the conference committee on **SB 27**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Croft, the House acceded to the request of the Senate for a conference on **Sub Bill for SB 172**.

Speaker pro tem Carpenter thereupon appointed Reps. Tarwater, Borjon and Probst as conferees on the part of the House.

On motion of Rep. Croft, the House recessed until 10:40 a.m.

LATE MORNING SESSION

The House met pursuant to recess with Speaker pro tem Carpenter in the chair.

CHANGE OF CONFEREES

Speaker pro tem Carpenter announced the appointment of Reps. Rahjes, Moser, and Carlin to replace Reps W. Carpenter, Kessler, and Hoye as members of the conference committee on **S Sub for HB 2047**.

CONSIDERATION OF VETO

On motion of Rep. Rep. A. Smith the House proceeded to reconsider **S Sub for HB 2036** AN ACT concerning taxation; relating to income tax; modifying tax rates for individuals; eliminating the income limit to qualify for a subtraction modification for social security income; increasing the Kansas standard deduction and the Kansas personal exemption; relating to privilege tax; decreasing the normal tax rate; relating to property tax; increasing the extent of exemption for residential property from the statewide school levy; decreasing the rate of ad valorem tax imposed by a school district; abolishing the local ad valorem tax reduction fund and the county and city revenue sharing fund and providing for certain transfers to the state school district finance fund; relating to sales and compensating use tax; reducing the state rate of tax on sales of food and food ingredients; modifying the percent credited to the state highway fund from revenue collected; amending K.S.A. 65-163j, 65-3306, 65-3327, 75-2556, 79-1107, 79-1108 and 79-1479 and K.S.A. 2023 Supp. 72-5142, 74-8768, 79-201x, 79-2988, 79-32,110, 79-32,117, 79-32,119, 79-32,121, 79-3603, 79-3603d, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 19-2694, 79-2960, 79-2961, 79-2962, 79-2965, 79-2966 and 79-2967 and K.S.A. 2023 Supp. 79-2959 and 79-2964..

The Governor's objection to **S Sub for HB 2036** having been read (HJ Page 3352) question being shall the bill be passed notwithstanding the Governor's veto?

On roll call, the vote was: Yeas 104; Nays 15; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blex, Bloom, Borjon, Bryce, Buehler, Butler, Carmichael, Carpenter, B., Carpenter, W., Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, Droge, Ellis, Eplee, Essex, Estes, Fairchild, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Highberger, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Humphries, Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, McNorton, Melton, Miller, S., Minnix, Moser, Murphy, Neelly, Osman, Owens, Penn, Pickert, Poetter Parshall, Probst, Proctor, Rahjes, Resman, Robinson, Roth, Ruiz, L., Sanders, Sawyer, Sawyer Clayton, Schlingensiepen, Schmoë, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stiens, Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Xu, Younger.

Nays: Carlin, Featherston, Houglan, Hoyer, McDonald, Meyer, Miller, D., Miller, V., Neighbor, Ohaebosim, Oropeza, Ousley, Poskin, Ruiz, S., Winn.

Present but not voting: none.

Absent or not voting: Blew, Houser, Jacobs, Rhiley, Vaughn, Woodard.

A two-thirds majority of the members elected to the House having voted in favor of the bill over the Governor's veto, the motion did prevail, the bill did pass.

EXPLANATIONS OF VOTE

MR. SPEAKER: The people's work should not be done at 2:00 AM. It is disrespectful to our constituents and irresponsible for our state. I am thankful that the governor and her team have had plenty of time to examine this bill in the light of day. As I told my constituents from day one, I trust the governor's assessment, and I am voting to sustain her veto of **HB 2036**. – LINDA FEATHERSTON

MR. SPEAKER: I vote NO on the veto override of **HB 2036**. Governor Kelly asked us to consider this legislation's affordability beyond the next election. We voted on this tax plan in the middle of the night with little forecast on the impact to future budgets and before we even passed a K-12 budget. I cannot leave a legacy that puts our budget in jeopardy. There is still time to pass an affordable plan that accomplishes most of what we have already come together to support. My vote reflects an attempt to provide tax relief while maintaining an additional \$90 million annually to support education, transportation, and safety net services. – JO ELLA HOYE

MR. SPEAKER: I vote No on the override of **HB 2036**. While I am committed to reducing taxes for ALL Kansans this year, my vote reflects concerns about the cost of this tax bill and our ability to sustain this level of tax cuts. We must fully fund public education, INCLUDING special education. The ramifications of passing an unsustainable tax bill could jeopardize our ability to honor this important commitment. I'm also committed to moving KPERS employees from Tier III to Tier II, which will be an expensive, but important task. I support Governor Kelly's plan because it is fiscally conservative & gives tax relief to all. – NIKKI McDONALD

MR. SPEAKER: "I join my colleagues in voting for this override of the Governor's veto of **HB 2036**. I am here to represent my constituents and all Kansans. This is the people's money, and they deserve it back." – BILL CLIFFORD, TIM JOHNSON, LEO DELPERDANG, CHUCK SMITH, MIKE THOMPSON, CARRIE BARTH, JOHN EPLEE, PATRICK PENN, GARY WHITE

CONSIDERATION OF VETO

On motion of Rep. Rep. A. Smith the House proceeded to reconsider **HB 2098** AN ACT concerning sales and compensating use tax; relating to motor vehicles; providing for a deduction for calculating tax owed when selling a motor vehicle that is purchased within 120 days of the sale of another vehicle; providing an exemption for certain purchases by disabled veterans of the armed forces of the United States; excluding manufacturers' coupons from the sales or selling price; providing exemptions for custom meat processing services, purchases for the construction or repair of buildings used for human habitation by the Kansas state school for the blind and the Kansas state school for the deaf, certain purchases by doorstep inc., exploration place, inc., Kansas children's discovery center, inc. and the Kansas fairgrounds foundation; providing for a sales tax exemption for sales of property and services used in the provision of communications services; amending K.S.A. 12-199 and K.S.A. 2023 Supp. 79-3602 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2023 Supp. 79-3602c..

The Governor's objection to **HB 2098** having been read (HJ Page 3353) question being shall the bill be passed notwithstanding the Governor's veto?

On roll call, the vote was: Yeas 99; Nays 20; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Amyx, Anderson, Averkamp, Barth, Bergkamp, Bergquist, Blex, Bloom, Borjon, Bryce, Buehler, Butler, Carmichael, Carpenter, B., Carpenter, W., Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, Droge, Ellis, Eplee, Essex, Estes, Francis, Gardner, Goddard, Goetz, Haskins, Hawkins, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Humphries, Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, McNorton, Melton, Meyer, Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ousley, Owens, Penn, Pickert, Poetter Parshall, Probst, Proctor, Rahjes, Resman, Robinson, Roth, Ruiz, L., Sanders, Sawyer, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stiens, Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Winn, Younger.

Nays: Ballard, Carlin, Carr, Fairchild, Featherston, Garber, Haswood, Helgerson, Highberger, Hougland, Hoye, McDonald, Miller, D., Ohaebosim, Oropéza, Osman, Poskin, Ruiz, S., Sawyer Clayton, Xu.

Present but not voting: none.

Absent or not voting: Blew, Houser, Jacobs, Rhiley, Vaughn, Woodard.

A two-thirds majority of the members elected to the House having voted in favor of the bill over the Governor's veto, the motion did prevail, the bill did pass.

CHANGE OF CONFEREES

Speaker pro tem Carpenter announced the appointment of Reps. W. Carpenter, Kessler, and Hoyo to replace Reps Sutton, Penn, and Neighbor as members of the conference committee on **HB 2530**.

MESSAGES FROM THE SENATE

The Senate announced the appointment of Senators Billinger, Claeys and Pettey as conferees on **SB 27**.

The Senate accedes to the request of the House for a conference on **HB 2096** and has appointed Senators Tyson, Peck and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2176** and has appointed Senators McGinn, Bowers and Francisco as conferees on the part of the Senate.

On motion of Rep. Croft, the House recessed until 2:00 p.m.

EARLY AFTERNOON SESSION

The House met pursuant to recess with Speaker Hawkins in the chair.

On motion of Rep. Croft, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The House met pursuant to adjournment with Speaker Hawkins in the chair.

CHANGE OF CONFEREES

Speaker Hawkins announced the appointment of Rep. Howerton to replace Rep B. Carpenter as a member of the conference committee on **H Sub for SB 291**.

MESSAGE FROM THE SENATE

The Senate announced the appointment of Senators Peck and Ware to replace Senators Longbine and Holscher as conferees on **HB 2530**.

The Senate not adopts the Conference Committee report on **HB 2784**, requests a conference and appoints Senators Gossage, Erickson and Pettey as Second conferees on the part of the Senate.

The Senate adopts the Conference Committee report on **SB 500**.

INTRODUCTION OF ORIGINAL MOTION

On motion of Rep. Croft, the House acceded to the request of the Senate for a conference on **HB 2784**.

Speaker Hawkins thereupon appointed Reps. Landwehr, Eplee and Ruiz, S. as second conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTION

On motion of Rep. Croft, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **Sub SB 387**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 387** 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 as House Substitute for Senate Bill No. 387 with House Committee of the Whole amendments, as follows:

On page 2, following line 41, by inserting:

"(f) On the effective date of this act, the \$300,000 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 2(a) of chapter 98 of the 2023 Session Laws of Kansas from the state general fund in the juvenile transitional crisis center pilot account (652-00-1000-0210) is hereby lapsed.

(g) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including
official hospitality) (652-00-1000-0053).....\$87,297";

On page 3, by striking all in lines 33 through 43;

On page 4, by striking all in lines 1 through 16; by striking all in lines 19 and 20; by striking all in lines 26 through 43;

On page 5, by striking all in lines 1 through 12; in line 13, by striking all before the period and inserting "*Provided*, That expenditures shall be made by the above agency from the school safety and security grants account for fiscal year 2025 for disbursements of grant moneys approved by the state board of education for the: (1) Acquisition of automated external defibrillators and routine maintenance of such devices; (2) purchase and installation of security cameras that are compatible with the firearm detection software specified in paragraph (3); and (3) notwithstanding the provisions of K.S.A. 72-1151, and amendments thereto, or any other statute, acquisition and implementation of firearm detection software that: (A) Can reduce the threat and impact of gun violence by providing a firearm detection software solution that integrates into existing security camera systems; (B) is designated as qualified anti-terrorism technology under the federal SAFETY act, 6 U.S.C. § 441 et seq.; (C) complies with industry standard information security frameworks, including ISO 27001 and SOC 2 type 2; (D) is managed through a constantly monitored operations center that is staffed by highly trained analysts to ensure rapid communication of possible threats to end users; (E) is developed in the United States without the use of any third-party or open-source data; (F) is protected by an awarded patent that includes a training database populated with frames of actual videos of firearms that were taken in relevant environments across diverse industries; (G) is utilized in at least 30 states with customers in the public and private sectors; (H) does not store, monetize or collect any biometric data or personally identifiable information; and (I) is able to detect three broad firearm classifications with a minimum of 300 subclassifications and has the ability to detect at least 2,000 permutations: *Provided further*, That all moneys expended

for school safety and security grants for fiscal year 2025 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the school district that may be used for such purpose: *And provided further*; That, notwithstanding the provisions of K.S.A. 75-3739, and amendments thereto, or any other statute, not less than 30 days following the effective date of this act, the above agency shall publish a list of the entities that provide firearm detection software that meets the requirements of paragraph (3)";

On page 6, in line 10, by striking "\$2,300,000" and inserting "\$1,300,000"; by striking all in lines 11 through 17; in line 20, by striking "\$75,000,000" and inserting "\$65,500,000"; in line 23, by striking "\$75,000,000" and inserting "\$65,500,000"; in line 31, by striking "\$3,670,000" and inserting "\$1,770,000"; by striking all in lines 32 through 39;

On page 7, by striking all in lines 5 through 18;

On page 11, following line 31, by inserting:

"Children's cabinet public-private partnership pilot program.....\$5,000,000

Provided, That all expenditures from the children's cabinet public-private partnership pilot program account shall be provided to a community foundation-led project that funds operational support to childcare providers in rural and frontier communities and can serve as a regional model for addressing childcare supply challenges: *Provided further*; That all such expenditures from such account shall require a match of private moneys on the basis of \$1 state moneys for \$1 private moneys: *And provided further*; That it is the intent of the legislature that the appropriation to the children's cabinet public-private partnership pilot program account made by this act is intended to be a one-time appropriation and that no moneys shall be appropriated to such account for fiscal year 2026.";

On page 13, in line 29, by striking "\$610,518,818" and inserting "\$601,018,818";

On page 14, in line 4, by striking "\$75,000,000" and inserting "sum of \$65,500,000";

On page 17, in line 18, after the semicolon by inserting "and"; in line 20, by striking "; and"; by striking all in line 21; in line 22, by striking all before the period;

On page 18, in line 8, by striking "Commencing in school year 2024-2025,"; also in line 8, after "each" by inserting "participating";

On page 19, in line 13, after "Each" by inserting "participating"; in line 39, after "Each" by inserting "participating";

On page 21, in line 27, after "(1)" by inserting "Commencing in school year 2030-2031,";

On page 22, in line 33, after "(2)" by inserting "commencing in school year 2030-2031,"; in line 42, after "Each" by inserting "participating";

On page 23, in line 7, by striking all after "students"; in line 8, by striking all before "who"; in line 12, after "(i) (1)" by inserting "For school years 2024-2025 and 2025-2026, the provisions of subsections (a) through (h) shall be implemented as a pilot program by 10 school districts selected by the state board of education for participation in such pilot program. When selecting the 10 school districts that will participate in such pilot program, the state board of education shall select a diverse array of school districts with consideration given to a school district's size, location, student demographics and level of staff participation and prior training in the science of

reading.

(2) Commencing in school year 2026-2027, the provisions of subsections (a) through (h) shall be implemented by all school districts, including the school districts that participated in the pilot program. A school district that participated in the pilot program may identify new student cohort groups in such school year.

(j) (1)";

Also on page 23, in line 15, after "(A)" by inserting "Subject to the provisions of subsection (i),"; in line 20, after "(B)" by inserting "subject to the provisions of subsection (i),"; in line 25, after "(C)" by inserting "the expenditures made from the school district's at-risk education fund, which shall be submitted:

(i) In school years 2024-2025 and 2025-2026 by the school districts that are participating in the pilot program established pursuant to subsection (i); and

(ii) in school year 2026-2027 and each school year thereafter, by all school districts;

(D)";

Also on page 23, in line 33, by striking "(D)" and inserting "(E)";

On page 24, in line 8, by striking "(j)" and inserting "(k) Commencing in school year 2026-2027,"; in line 9, after "by" by inserting "all"; in line 12, after the second quotation mark by inserting "Commencing in school year 2026-2027,"; in line 18, by striking "(i)" and inserting "(j)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 26, in line 23, by striking all after "(f)"; by striking all in lines 24 through 28; in line 29, by striking "(g)";

On page 33, in line 31, by striking all after "section"; by striking all in lines 32 through 37; in line 38, by striking all before the period; in line 40, by striking all after "districts"; in line 41, by striking all before "for";

On page 34, in line 40, after the stricken material by inserting "and"; in line 43 by striking the semicolon;

On page 35, by striking all in lines 1 through 12; in line 13, by striking all before the period; in line 15, by striking all after "aid"; in line 16, by striking ", raised and used";

On page 36, in line 43, by striking all after "than";

On page 37, by striking all in lines 1 and 2; in line 3, by striking all before the period and inserting "\$601,018,818";

On page 46, in line 38, by striking "peer" and inserting "school district";

On page 47, following line 1, by inserting:

(C) If the state board removes any program or service from the state board's list of approved at-risk educational programs and services, a school district that is implementing any such program or service may apply to the state board to continue to make expenditures from the school district's at-risk education fund for such program or service. When considering any such application, the state board shall require such school district to demonstrate that any of the following improvements are directly attributable to the program or service:

(i) Academic improvement in either mathematics or English language arts; or

(ii) an improvement in attendance, college and career readiness measures or the educational climate through a measurable decrease in detentions, expulsions, tardiness or other behavioral issues that hinder student learning.";

Also on page 47, by striking all in lines 7 through 15;

On page 48, in line 34, by striking "peer" and inserting "school district";

On page 1, in the title, in line 9, by striking "to count additional funding"; in line 16, by striking all after the semicolon; in line 17, by striking all before the first "to" and inserting "establishing a pilot program in school years 2024-2025 and 2025-2026 to require certain school districts"; in line 19, after the semicolon by inserting "requiring all school districts to participate in such program commencing in school year 2026-2027;"; in line 22, by striking "expenditure" and inserting "expenditures";

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

KRISTEY WILLIAMS

JASON GOETZ

VALDENIA WINN

Conferees on part of House

MOLLY BAUMGARDNER

RENEE ERICKSON

DINAH SYKES

Conferees on part of Senate

On motion of Rep. Williams, K., the conference committee report on **Sub Bill for SB 387** was adopted.

On roll call, the vote was: Yeas 115; Nays 2; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alcala, Amyx, Anderson, Ballard, Barth, Bergkamp, Bergquist, Blex, Bloom, Borjon, Bryce, Buehler, Butler, Carlin, Carmichael, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Highberger, Hill, Hoffman, Hoheisel, Hougland, Howe, Howell, Howerton, Hoye, Humphries, T. Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, McDonald, McNorton, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Owens, Penn, Pickert, Poskin, Probst, Proctor, Rahjes, Resman, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stiens, Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Winn, Xu, Younger.

Nays: Averkamp, Waggoner.

Present but not voting: None.

Absent or not voting: Blew, B. Carpenter, Houser, Jacobs, Poetter, Rhiley, Vaughn, Woodard.

On motion of Rep. Croft, the House recessed until 4:00 p.m.

MID AFTERNOON SESSION

The House met pursuant to recess with Speaker Hawkins in the chair.

On motion of Rep. Croft, the House recessed until 4:30 p.m.

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker Hawkins in the chair.

CHANGE OF CONFEREES

Speaker Hawkins announced the appointment of Reps. Tarwater, Borjon, and Probst to replace Reps. Sutton, Penn, and Neighbor as members of the conference committee on **HB 2663**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Croft, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 414**, **H Sub SB 419**, **H Sub SB 420**, **H Sub SB 291**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 414** 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 as Further Amended by House Committee, as follows:

On page 1, by striking all in lines 23 through 32;

On page 2, by striking all in lines 1 through 14; following line 14, by inserting:

"Section 1. On and after July 1, 2024, K.S.A. 8-1567 is hereby amended to read as follows: 8-1567. (a) Driving under the influence is operating or attempting to operate any vehicle within this state while:

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;

(2) the alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is 0.08 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b) (1) Driving under the influence is:

(A) On a first conviction, a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750 nor more than \$1,000;

(B) on a second conviction, a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto;

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence;

(C) on a third conviction, a class A, nonperson misdemeanor, except as provided in subsection (b)(1)(D). The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence;

(D) on a third conviction, a severity level 6, nonperson felony if the person has a prior conviction which occurred within the preceding 10 years, not including any period of incarceration. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of

imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence; and

(E) on a fourth or subsequent conviction, a severity level 6, nonperson felony. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.

(2) ~~(A)~~ The court may order that the term of imprisonment imposed pursuant to subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-6804, and amendments thereto. The secretary of corrections may refuse to admit the person to the designated facility and place the person in a different state facility, or admit the person and subsequently transfer the person to a different state facility, if the secretary determines: ~~(A)(i)~~ That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; ~~(B)(ii)~~ the person has failed to meaningfully participate in the treatment program of the designated facility; ~~(C)(iii)~~ the person is disruptive to the security or

operation of the designated facility; or ~~(D)~~(iv) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review.

(B) In addition to the provisions of subsection (b)(1), for any conviction pursuant to subsection (b)(1)(D) or (b)(1)(E), if the person is granted probation, the court shall determine whether the person shall be supervised by community correctional services or court services based on the risk and needs of the person. The risk and needs of the person shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. During the probation supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the Kansas department for aging and disability services designated treatment provider and the person.

(3) In addition to the provisions of subsection (b)(1), for any conviction pursuant to subsection (b)(1)(C), at the time of the filing of the judgment form or journal entry as required by K.S.A. 21-6711 or 22-3426 or K.S.A. 21-6711, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the ~~offender person~~ in charge. The court shall determine whether the ~~offender person~~, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the ~~offender person~~. The risk and needs of the ~~offender person~~ shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a ~~defendant person~~ for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the ~~defendant person~~ to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the Kansas department for aging and disability services designated treatment provider and the ~~offender person~~. ~~An offender~~ A person for whom a warrant has been issued by the court alleging a violation of this supervision shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it is found ~~the offender~~ that the person has violated the provisions of this supervision, the court shall determine whether the time from the issuing of the warrant to the date of the court's determination of an alleged violation, or any part of it, shall be counted as time

served on supervision. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in jail for the remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof. The term of supervision may be extended at the court's discretion beyond one year, and any violation of the conditions of such extended term of supervision may subject such person to the revocation of supervision and imprisonment in jail of up to the remainder of the original sentence, not the term of the extended supervision.

(4) In addition to the provisions of subsection (b)(1), prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person 18 years of age or older convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of subsection (a)(4) or (a)(5), the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the ~~defendant~~ person by the court.

(f) (1) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(2) The court may, in its discretion, waive any portion of a fine imposed pursuant to this section, except the \$250 required to be remitted to the state treasurer pursuant to subsection (q)(2), upon a showing that the person successfully completed court-ordered education or treatment.

(g) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division including any finding regarding the alcohol concentration in the ~~offender's~~ person's blood or breath. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(i) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of this section, or a violation of an ordinance of any city or resolution of any county that prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:

(A) Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto;

(B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;

(C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)(3) or (a)(5), and amendments thereto;

(D) aggravated battery as described in K.S.A. 21-5413(b)(3) or (b)(4), and amendments thereto; and

(E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes:

(A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging an offense described in subsection (i)(2); and

(B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense described in subsection (i)(1) or (i)(2);

(4) multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, or an ordinance which prohibits the acts of this section, and amendments thereto, only once during the person's lifetime.

(j) For the purposes of determining whether an offense is comparable, the following shall be considered:

- (1) The name of the out-of-jurisdiction offense;
- (2) the elements of the out-of-jurisdiction offense; and
- (3) whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.

(k) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(l) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) On and after July 1, 2007, and retroactive for ordinance violations committed on or after July 1, 2006, an ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.

(4) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(m) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

(A) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.

(n) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining. This subsection shall not be construed to prohibit an amendment or dismissal of any charge

where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge.

(o) The alternatives set out in subsection (a) may be pleaded in the alternative, and the state, city or county may, but shall not be required to, elect one or more of such alternatives prior to submission of the case to the fact finder.

(p) As used in this section:

(1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) "imprisonment" includes any restrained environment in which the court and law enforcement agency intend to retain custody and control of a ~~defendant~~ person and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) "drug" includes toxic vapors as such term is defined in K.S.A. 21-5712, and amendments thereto.

(q) (1) The amount of the increase in fines as specified in this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of remittance of the increase provided in this act, the state treasurer shall deposit the entire amount in the state treasury and the state treasurer shall credit 50% to the community alcoholism and intoxication programs fund and 50% to the department of corrections alcohol and drug abuse treatment fund, which is hereby created in the state treasury.

(2) On and after July 1, 2011, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court 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 credit the entire amount to the community corrections supervision fund established by K.S.A. 75-52,113, and amendments thereto.

Sec. 2. On and after July 1, 2024, K.S.A. 12-4517 is hereby amended to read as follows: 12-4517. (a) (1) Except as provided further, the municipal court judge shall ensure that all persons convicted of violating municipal ordinance provisions that prohibit conduct comparable to a class A or B misdemeanor or assault as defined in K.S.A. ~~2022 Supp.~~ 21-5412(a), and amendments thereto, under a Kansas criminal statute are fingerprinted and processed. The provisions of this section shall not apply to persons convicted of violating municipal ordinance provisions that prohibit the acts prohibited by K.S.A. 8-235 or 40-3104, and amendments thereto.

(2) The municipal court judge shall ensure that all persons arrested or charged with a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-2,144 or 8-1567, and amendments thereto, are fingerprinted and processed at the time of booking or first appearance, whichever occurs first.

(b) The municipal court judge shall order the individual to be fingerprinted at an appropriate location as determined by the municipal court judge. Failure of the person to be fingerprinted after court order issued by the municipal judge shall constitute contempt of court. To reimburse the city or other entity for costs associated with fingerprinting, the municipal court judge may assess reasonable court costs, in addition to other court costs imposed by the state or municipality.";

On page 8, following line 24, by inserting:

"Sec. 5. On and after July 1, 2024, K.S.A. 21-6607 is hereby amended to read as

follows: 21-6607. (a) Except as required by subsection (c), nothing in this section shall be construed to limit the authority of the court to impose or modify any general or specific conditions of probation, suspension of sentence or assignment to a community correctional services program. The court services officer or community correctional services officer may recommend, and the court may order, the imposition of any conditions of probation, suspension of sentence or assignment to a community correctional services program. For crimes committed on or after July 1, 1993, in presumptive nonprison cases, the court services officer or community correctional services officer may recommend, and the court may order, the imposition of any conditions of probation or assignment to a community correctional services program. The court may at any time order the modification of such conditions, after notice to the court services officer or community correctional services officer and an opportunity for such officer to be heard thereon. The court shall cause a copy of any such order to be delivered to the court services officer and the probationer or to the community correctional services officer and the community corrections participant, as the case may be. The provisions of K.S.A. 75-5291, and amendments thereto, shall be applicable to any assignment to a community correctional services program pursuant to this section.

(b) The court may impose any conditions of probation, suspension of sentence or assignment to a community correctional services program that the court deems proper, including, but not limited to, requiring that the defendant:

(1) ~~Avoid such injurious or vicious habits, as directed by the court, court services officer or community correctional services officer;~~

(2) ~~avoid such persons or places of disreputable or harmful character, as directed by the court, court services officer or community correctional services officer;~~

(3) ~~report to the court services officer or community correctional services officer as directed;~~

(4) ~~permit the court services officer or community correctional services officer to visit the defendant at home or elsewhere;~~

(5) ~~work faithfully at suitable employment insofar as possible;~~

(6) ~~remain within the state unless the court grants permission to leave;~~

(7) ~~pay a fine or costs, applicable to the offense, in one or several sums and in the manner as directed by the court;~~

(8) ~~support the defendant's dependents;~~

(9) ~~reside in a residential facility located in the community and participate in educational, counseling, work and other correctional or rehabilitative programs;~~

(10) ~~perform community or public service work for local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community;~~

(11) ~~perform services under a system of day fines whereby the defendant is required to satisfy fines, costs or reparation or restitution obligations by performing services for a period of days, determined by the court on the basis of ability to pay, standard of living, support obligations and other factors;~~

(12) ~~participate in a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto;~~

(13) ~~order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court; or~~

(14) ~~in felony cases, except for violations of K.S.A. 8-1567, and amendments-~~

thereto, be confined in a county jail not to exceed 60 days, which need not be served consecutively. Obey all laws and ordinances and report any law enforcement contact to the defendant's supervision officer within 24 hours after such contact;

(2) not engage in physical violence or threats of violence of any kind and, if the defendant is being supervised for conviction of a felony, not purchase or possess a dangerous weapon, including a firearm, while on supervision;

(3) report to the defendant's supervision officer as directed and be truthful in all matters;

(4) remain within the state of Kansas or other specified areas as defined by the defendant's supervision officer;

(5) reside at the defendant's approved residence unless the defendant receives permission from the defendant's supervision officer to relocate and notify the defendant's supervision officer within 24 hours after any emergency changes in residence or contact information;

(6) not possess, use or distribute any controlled substances except those prescribed by a licensed medical professional;

(7) not possess or consume any form of alcohol or intoxicating substance or enter any establishment where alcohol is sold or consumed as the primary business;

(8) submit to any form of alcohol or substance use testing directed by the defendant's supervision officer and not alter or tamper with the specimen or test;

(9) participate in assessment, treatment, programming and other directives of the court or the defendant's supervision officer;

(10) be subject to searches of the defendant's person, effects, vehicle, residence and property by a court services officer, community correctional services officer or any other law enforcement officer based on reasonable suspicion that the defendant violated conditions of probation or engaged in criminal activity; or

(11) refrain from contacting victims unless authorized by the court to contact a victim as part of rehabilitative or therapeutic purposes.

(c) In addition to any ~~other~~ conditions of probation, suspension of sentence or assignment to a community correctional services program ordered pursuant to subsection (b), the court shall order the defendant to ~~comply with each of the following conditions:~~

(1) ~~The defendant shall obey all laws of the United States, the state of Kansas and any other jurisdiction to the laws of which the defendant may be subject;~~

(2) ~~Make reparation or restitution to the aggrieved party for the damage or loss caused by the defendant's crime in accordance with K.S.A. 21-6604(b), and amendments thereto;~~

~~(3)~~(2) (A) pay a correctional supervision fee of \$60 if the person was convicted of a misdemeanor or a fee of \$120 if the person was convicted of a felony. In any case the amount of the correctional supervision fee specified by this paragraph may be reduced or waived by the judge if the person is unable to pay that amount;

(B) the correctional supervision fee imposed by this paragraph shall be charged and collected by the district court. The clerk of the district court shall remit all revenues received under this paragraph from correctional supervision fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund, a sum equal to 41.67% of such

remittance, and to the correctional supervision fund, a sum equal to 58.33% of such remittance;

(C) this paragraph shall apply to persons placed on felony or misdemeanor probation or released on misdemeanor parole to reside in Kansas and supervised by Kansas court services officers under the interstate compact for offender supervision; and

(D) this paragraph shall not apply to persons placed on probation or released on parole to reside in Kansas under the uniform act for out-of-state parolee supervision; and

~~(4)~~(3) reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less;

~~(5) be subject to searches of the defendant's person, effects, vehicle, residence and property by a court services officer, a community correctional services officer and any other law enforcement officer based on reasonable suspicion of the defendant violating conditions of probation or criminal activity; and~~

~~(6) be subject to random, but reasonable, tests for drug and alcohol consumption as ordered by a court services officer or community correctional services officer.~~

(d) The office of judicial administration and the department of corrections shall collaborate to develop documentation related to conditions of supervision.

(e) Any law enforcement officer ~~conducting~~ who conducts a search pursuant to subsection ~~(e)(5)~~ (b)(10) shall submit a written report to the appropriate court services officer or community correctional services officer ~~no not~~ later than the close of ~~the next business day~~ business the next day after such search is conducted. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

~~(e)(f)~~ There is hereby established in the state treasury the correctional supervision fund. All moneys credited to the correctional supervision fund shall be used for: (1) The implementation of and training for use of a statewide, mandatory, standardized risk assessment tool or instrument as specified by the Kansas sentencing commission, pursuant to K.S.A. 75-5291, and amendments thereto; (2) the implementation of and training for use of a statewide, mandatory, standardized risk assessment tool or instrument for juveniles adjudicated to be juvenile offenders; and (3) evidence-based adult and juvenile offender supervision programs by judicial branch personnel. If all expenditures for the program have been paid and moneys remain in the correctional

supervision fund for a fiscal year, remaining moneys may be expended from the correctional supervision fund to support adult and juvenile offender supervision by court services officers. All expenditures from the correctional supervision 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 chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.";

On page 13, following line 25, by inserting:

"Sec. 8. On and after July 1, 2024, K.S.A. 22-2907 is hereby amended to read as follows: 22-2907. (a) After a complaint has been filed charging a defendant with commission of a crime and prior to conviction thereof, and after the district attorney has considered the factors listed in K.S.A. 22-2908, if it appears to the district attorney that diversion of the defendant would be in the interests of justice and of benefit to the defendant and the community, the district attorney may propose a diversion agreement to the defendant. The terms of each diversion agreement shall be established by the district attorney in accordance with K.S.A. 22-2909, and amendments thereto.

(b) Each district attorney shall adopt written policies and guidelines for the implementation of a diversion program in accordance with this act. Such policies and guidelines shall provide for a diversion conference and other procedures in those cases where the district attorney elects to offer diversion in lieu of further criminal proceedings on the complaint.

(c) Each defendant shall be informed in writing of the diversion program and the policies and guidelines adopted by the district attorney. The district attorney may require any defendant requesting diversion to provide information regarding prior criminal charges, education, work experience and training, family, residence in the community, medical history, including any psychiatric or psychological treatment or counseling, and other information relating to the diversion program. In all cases, the defendant shall be present and shall have the right to be represented by counsel at the diversion conference with the district attorney.

(d) (1) A county or district attorney may enter into a memorandum of understanding with the chief judge of a judicial district or community correctional services to assist with supervision and monitoring of persons who have entered into a diversion agreement. The county or district attorney shall retain authority over whether a defendant is given the option to enter into a diversion agreement and whether the defendant's diversion agreement will be revoked.

(2) A memorandum of understanding shall include provisions related to:

- (A) Determining the level of supervision needed for a defendant;
- (B) use of a criminal risk-need assessment;
- (C) payment of costs for supervision; and
- (D) waiver of the supervision fee established in this subsection.

(3) (A) When a person who has entered into a diversion agreement is supervised pursuant to a memorandum of understanding under this subsection, the person shall pay a supervision fee in the amount established in K.S.A. 21-6607~~(e)(3)(A)~~ ~~(c)(2)(A)~~ for misdemeanor or felony post-conviction supervision, as appropriate for the crime charged.

(B) The diversion supervision fee imposed by this paragraph shall be charged and collected by the county or district attorney.

(C) All moneys collected pursuant to this section shall be paid into the county

general fund and used to fund the costs of diversion supervision performed pursuant to a memorandum of understanding under this subsection.

(D) The diversion supervision fee specified by this paragraph may be reduced or waived by the county or district attorney in accordance with a memorandum of understanding under this subsection.

(4) When a person who has entered into a diversion agreement is supervised pursuant to a memorandum of understanding under this subsection, the person shall pay the actual costs of any urinalysis testing required as a term of supervision. Payments for urinalysis testing shall be remitted to the county treasurer for deposit in the county general fund. The costs of urinalysis testing may be reduced or waived by the county or district attorney.

(5) The office of judicial administration may develop guidelines regarding the content of a memorandum of understanding between a county or district attorney and the chief judge of a judicial district and the administration of a supervision program operating pursuant to such memorandum of understanding.

Sec. 9. On and after July 1, 2024, K.S.A. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through 21-4638 and 21-4642, prior to their repeal; K.S.A. 21-6617, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) An inmate sentenced to imprisonment for life without the possibility of parole pursuant to K.S.A. 21-6617, and amendments thereto, shall not be eligible for parole.

(2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for the crime of: (A) Capital murder committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; (B) murder in the first degree based upon a finding of premeditated murder committed on or after July 1, 1994, but prior to July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; and (C) murder in the first degree as described in K.S.A. 21-5402(a)(2), and amendments thereto, committed on or after July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(3) Except as provided by subsections (b)(1), (b)(2) and (b)(5), K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

(4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its repeal, an inmate

sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(5) An inmate sentenced to imprisonment for a violation of K.S.A. 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

(6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.

(c) (1) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(A) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608, prior to its repeal, or K.S.A. 21-6606, and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(B) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, or persons subject to subparagraph (G), will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 1 through 4 crimes, drug severity levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after July 1, 2012, must serve 36 months on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 4 crimes committed on or after July 1, 2012, must serve 24 months on postrelease supervision.

(C) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 7 through 10 crimes, drug severity level 4 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 5 crimes committed on or after July 1, 2012, must serve 12 months on postrelease supervision.

(D) Persons sentenced to a term of imprisonment that includes a sentence for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, committed on or after July 1, 1993, but prior to July 1, 2006, a sexually motivated crime in which the offender has been ordered to register pursuant to K.S.A. 22-3717(d)(1)(D) (vii), and amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 21-5509, and amendments thereto, or unlawful sexual relations,

K.S.A. 21-3520, prior to its repeal, or K.S.A. 21-5512, and amendments thereto, shall serve the period of postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C), plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto, on postrelease supervision.

(i) If the sentencing judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually motivated, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721, prior to its repeal, or K.S.A. 21-6820, and amendments thereto.

(iii) In determining whether substantial and compelling reasons exist, the court shall consider:

- (a) Written briefs or oral arguments submitted by either the defendant or the state;
- (b) any evidence received during the proceeding;
- (c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to K.S.A. 21-4714(e), prior to its repeal, or K.S.A. 21-6813(e), and amendments thereto; and
- (d) any other evidence the court finds trustworthy and reliable.

(iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the prisoner review board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subsection (d)(1)(D), the court shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 21-6817, and amendments thereto.

(vi) Upon petition and payment of any restitution ordered pursuant to K.S.A. 21-6604, and amendments thereto, the prisoner review board may provide for early discharge from the postrelease supervision period imposed pursuant to subsection (d)(1)(D)(i) upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease supervision is at the discretion of the board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated shall be registered according to the offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto.

(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 21-5508, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.

(E) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

(G) (i) Except as provided in subsection ~~(u)~~(v), persons sentenced to imprisonment for a sexually violent crime committed on or after July 1, 2006, when the offender was 18 years of age or older, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.

(ii) Persons sentenced to imprisonment for a sexually violent crime committed on or after the effective date of this act, when the offender was under 18 years of age, and who are released from prison, shall be released to a mandatory period of postrelease supervision for 60 months, plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto.

(2) Persons serving a period of postrelease supervision pursuant to subsections (d) (1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner review board for early discharge. Upon payment of restitution, the prisoner review board may provide for early discharge.

(3) Persons serving a period of incarceration for a supervision violation shall not have the period of postrelease supervision modified until such person is released and returned to postrelease supervision.

(4) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments thereto, or whose underlying prison term expires while serving a sanction pursuant to K.S.A. 22-3716(c), and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(5) As used in this subsection, "sexually violent crime" means:

(A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto;

(B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal, or K.S.A. 21-5506(a), and amendments thereto;

(C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments thereto;

(D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its repeal, or K.S.A. 21-5504(a)(3) and (a)(4), and amendments thereto;

(E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal, or K.S.A. 21-5504(b), and amendments thereto;

(F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto;

(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments thereto;

(H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal, or K.S.A. 21-5510, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or K.S.A. 21-5505(b), and amendments thereto;

(J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A. 21-5604(b), and

amendments thereto;

(K) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(L) internet trading in child pornography, as defined in K.S.A. 21-5514(a), and amendments thereto;

(M) aggravated internet trading in child pornography, as defined in K.S.A. 21-5514(b), and amendments thereto;

(N) commercial sexual exploitation of a child, as defined in K.S.A. 21-6422, and amendments thereto; or

(O) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section.

(6) As used in this subsection, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the prisoner review board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724, prior to its repeal, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the prisoner review board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the prisoner review board.

(g) Subject to the provisions of this section, the prisoner review board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of

such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

(h) The prisoner review board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least one month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made, including, but not limited to, risk factors revealed by any risk assessment of the inmate; comments of the victim and the victim's family including in person comments, contemporaneous comments and prerecorded comments made by any technological means; comments of the public; official comments; any recommendation by the staff of the facility where the inmate is incarcerated; proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration; and capacity of state correctional institutions.

(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the prisoner review board will review the inmate's proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a, and amendments thereto. The board may not advance or delay an inmate's

release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j) (1) Before ordering the parole of any inmate, the prisoner review board shall have the inmate appear either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a, and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to 10 years, but any such deferral shall require the board to state the basis for its findings.

(2) Inmates sentenced for a class A or class B felony who have not had a board hearing in the five years prior to July 1, 2010, shall have such inmates' cases reviewed by the board on or before July 1, 2012. Such review shall begin with the inmates with the oldest deferral date and progress to the most recent. Such review shall be done utilizing existing resources unless the board determines that such resources are insufficient. If the board determines that such resources are insufficient, then the provisions of this paragraph are subject to appropriations therefor.

(k) (1) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

(2) Parolees and persons on postrelease supervision are, and shall agree in writing

to be, subject to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment.

(3) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity. Any law enforcement officer who conducts such a search shall submit a written report to the appropriate parole officer no later than the close of the next business day after such search. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(l) The prisoner review board shall promulgate rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(m) Whenever the prisoner review board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board shall require that the inmate:

~~(1) Unless it finds compelling circumstances that would render a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;~~

~~(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;~~

~~(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not for profit or charitable or social service organizations performing services for the community; Obey all laws and ordinances and report any law enforcement contact to the inmate's supervision officer within 24 hours after such contact;~~

~~(2) not engage in physical violence or threats of violence of any kind and, if the inmate is being supervised for conviction of a felony, not purchase or possess a dangerous weapon, including a firearm, while on supervision;~~

~~(3) report to the inmate's supervision officer as directed and be truthful in all matters;~~

~~(4) remain within the state of Kansas or other specified areas as defined by the defendant's supervision officer;~~

(5) reside at the inmate's approved residence unless the defendant receives permission from the inmate's supervision officer to relocate and notify the inmate's supervision officer within 24 hours after any emergency changes in residence or contact information;

(6) not possess, use or distribute any controlled substances except those prescribed by a licensed medical professional;

(7) not possess or consume any form of alcohol or intoxicating substance or enter any establishment where alcohol is sold or consumed as the primary business;

(8) submit to any form of alcohol or substance use testing directed by the inmate's supervision officer and not alter or tamper with the specimen or test;

(9) participate in assessment, treatment, programming and other directives of the court or the inmate's supervision officer;

(10) submit to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause, except that nothing in this paragraph shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment;

(11) submit to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity;

(12) refrain from contacting victims unless authorized by the board to contact a victim as part of rehabilitative or therapeutic purposes;

~~(4)(13) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 22-4529, and amendments thereto, unless the board finds compelling circumstances that would render payment unworkable; and~~

~~(5)(14) unless it the board finds compelling circumstances that would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the prisoner review board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services;~~

~~(6) shall order that the parolee or person on postrelease supervision agree in writing to be subject to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment; and~~

~~(7) shall order that the parolee or person on postrelease supervision agree in writing~~

to be subject to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity.

(n) Any law enforcement officer who conducts a search pursuant to subsection (m) (11) shall submit a written report to the inmate's parole officer not later than the close of business the next day after such search is conducted. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(o) If the court that sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the prisoner review board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances that would render a plan of restitution unworkable.

~~(p)~~(p) Whenever the prisoner review board grants the parole of an inmate, the board, within 14 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

~~(q)~~(q) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

~~(r)~~(r) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

~~(s)~~(s) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life-threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions that result in a financial savings to the state.

~~(t)~~(t) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be applied retroactively as provided in subsection ~~(u)~~(u).

~~(u)~~(u) For offenders sentenced prior to July 1, 2014, who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section:

(1) On or before September 1, 2013, for offenders convicted of:

(A) Severity levels 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity level 4 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) severity level 5 crimes on the sentencing guidelines grid for drug crimes committed on and after July 1, 2012;

(2) on or before November 1, 2013, for offenders convicted of:

(A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes;

(B) level 3 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) level 4 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012; and

(3) on or before January 1, 2014, for offenders convicted of:

(A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity levels 1 and 2 crimes on the sentencing guidelines grid for drug crimes committed at any time; and

(C) severity level 3 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012.

~~(v)~~(v) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the prisoner review board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

~~(w)~~(w) Whenever the prisoner review board orders a person to be electronically monitored pursuant to this section, or the court orders a person to be electronically monitored pursuant to K.S.A. 21-6604(r), and amendments thereto, the board shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose.

~~(x)~~(x) (1) On and after July 1, 2012, for any inmate who is a sex offender, as defined in K.S.A. 22-4902, and amendments thereto, whenever the prisoner review board orders the parole of such inmate or establishes conditions for such inmate placed on postrelease supervision, such inmate shall agree in writing to not possess pornographic materials.

(A) As used in this subsection, "pornographic materials" means any obscene material or performance depicting sexual conduct, sexual contact or a sexual performance; and any visual depiction of sexually explicit conduct.

(B) As used in this subsection, all other terms have the meanings provided by K.S.A. 21-5510, and amendments thereto.

(2) The provisions of this subsection shall be applied retroactively to every sex offender, as defined in K.S.A. 22-4902, and amendments thereto, who is on parole or postrelease supervision on July 1, 2012. The prisoner review board shall obtain the written agreement required by this subsection from such offenders as soon as practicable.";

Also on page 13, in line 27, after "K.S.A." by inserting "8-1567, 12-4517,"; in line 28, by striking "and" and inserting ", 21-6607,"; also in line 28, after "21-6805" by inserting ", 22-2907 and 22-3717";

And by renumbering sections accordingly;

the requirement to collect fingerprints from persons convicted of violating certain municipal ordinance provisions related to driving without a valid driver's license or motor vehicle liability insurance coverage"; in line 18, after the semicolon by inserting "relating to supervision of offenders; updating the terms of supervision for offenders on probation and postrelease supervision;"; also in line 18, after "K.S.A." by inserting "8-1567, 12-4517,"; in line 19, after "21-6101," by inserting "21-6607,"; also in line 19, by striking the first "and" and inserting a comma; also in line 19, after "21-6805" by inserting ", 22-2907 and 22-3717";

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

STEPHEN OWENS

ERIC SMITH

JOHN CARMICHAEL

Conferees on part of House

KELLIE WARREN

RICHARD WILBORN

ETHAN CORSON

Conferees on part of Senate

On motion of Rep. Owens, the conference committee report on **SB 414** was adopted.

On roll call, the vote was: Yeas 114; Nays 0; Present but not voting: 0; Absent or not voting: 11.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blex, Bloom, Borjon, Bryce, Buehler, Butler, Carmichael, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Highberger, Hill, Hoffman, Hoheisel, Houglund, Howe, Howell, Howerton, Hoye, Humphries, T. Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, McDonald, McNorton, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Oropeza, Osman, Ousley, Owens, Penn, Pickert, Poskin, Probst, Proctor, Rahjes, Resman, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stiens, Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Winn, Younger.

Nays: None.

Present but not voting: None.

Absent or not voting: Blew, Carlin, B. Carpenter, Houser, Jacobs, Ohaebosim, Poetter, Rhiley, Vaughn, Woodard, Xu.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 419** 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 as House Substitute for Senate Bill No. 419, as follows:

On page 1, by striking all in lines 7 through 34; following line 34 by inserting:

"Section 1. (a) A law enforcement officer shall not take a person into custody based solely on the commission of an offense described in subsection (b) if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that the person:

(1) (A) Initiated contact with a law enforcement officer, law enforcement agency or emergency medical services and requested medical assistance on the person's own behalf because the person reasonably believed they needed medical assistance as a result of the use of a controlled substance; and

(B) cooperated with law enforcement officers and emergency medical services personnel in providing such medical assistance;

(2) (A) was a person who rendered aid to another person who reasonably appeared to need medical assistance as a result of the use of a controlled substance or initiated contact with a law enforcement officer, law enforcement agency or emergency medical services and requested medical assistance for another person who reasonably appeared to need medical assistance as a result of the use of a controlled substance;

(B) provided such person's full name and any other relevant information that is necessary to provide the medical assistance described in paragraph (2)(A) as requested by law enforcement or emergency medical services;

(C) remained at the scene with the person who reasonably appeared to need medical assistance until emergency medical services personnel and law enforcement officers arrived; and

(D) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance; or

(3) (A) was the person who reasonably appeared to need medical assistance as a result of the use of a controlled substance as described in subsection (a)(2)(A); and

(B) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance.

(b) (1) Except as provided in paragraph (2), each person who meets the criteria in subsection (a) is immune from criminal prosecution for a violation of K.S.A. 21-5706 or 21-5709(b)(2), and amendments thereto, and any city ordinance or county resolution prohibiting the acts prohibited by K.S.A. 21-5706 or 21-5709(b)(2), and amendments thereto.

(2) No person is immune from criminal prosecution as provided in paragraph (1) if the quantity of controlled substances found at the scene of the encounter with law enforcement would be sufficient to create a rebuttable presumption of an intent to distribute as described in K.S.A. 21-5705(e), and amendments thereto.

(c) The provisions of this section shall not apply to a person seeking medical assistance during the course of the execution of an arrest warrant or search warrant or a lawful search.

(d) Nothing in this section shall be construed to preclude a person who is immune from criminal prosecution pursuant to this section from being prosecuted based on evidence obtained from an independent source.

(e) A person shall not be allowed to initiate or maintain an action against a law enforcement officer, or the officer's employer, based on the officer's compliance or failure to comply with this section. Except in cases of reckless or intentional misconduct, a law enforcement officer shall be immune from liability for arresting a person who is later determined to be immune from prosecution pursuant to this section.

(f) As used in this section:

(1) "Controlled substance" means the same as defined in K.S.A. 21-5701, and amendments thereto; and

(2) "law enforcement officer" means the same as defined in K.S.A. 21-5111, and amendments thereto.";

Also on page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "crimes, punishment and criminal procedure; relating to controlled substances; providing immunity from prosecution for certain drug crimes when persons seek or provide medical assistance related to the use of a controlled substance";

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

STEPHEN OWENS

ERIC SMITH

JOHN CARMICHAEL

Conferees on part of House

KELLIE WARREN

RICHARD WILBORN

ETHAN CORSON

Conferees on part of Senate

On motion of Rep. Owens, the conference committee report on **H Sub SB 419** was adopted.

On roll call, the vote was: Yeas 114; Nays 0; Present but not voting: 0; Absent or not voting: 11.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blex, Bloom, Borjon, Bryce, Buehler, Butler, Carmichael, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Highberger, Hill, Hoffman, Hoheisel, Houglund, Howe, Howell, Howerton, Hoyer, Humphries, T. Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, McDonald, McNorton, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Oropeza, Osman, Ousley, Owens, Penn, Pickert, Poskin, Probst, Proctor, Rahjes, Resman, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoie, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stiens, Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Winn, Younger.

Nays: None.

Present but not voting: None.

Absent or not voting: Blew, Carlin, B. Carpenter, Houser, Jacobs, Ohaebosim, Poetter, Rhiley, Vaughn, Woodard, Xu.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 420** 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 as House Substitute for Senate Bill No. 420, as follows:

On page 1, by striking all in lines 9 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 27;

On page 4, in line 2, by striking "(1) Except as provided in paragraph (2),"; in line 7, after "adult" by inserting "unless the juvenile meets the appropriate classification as defined by policies and procedures adopted by the department. The secretary of corrections is authorized to establish a work release program or an educational release program for juveniles. If the secretary or the secretary's designee finds that a juvenile meets the criteria for such release programs and is capable of receiving substantial benefit from educational or vocational programs that are not available within the facility, the juvenile may attend such release programs outside of the facility. The secretary shall develop policies and procedures to ensure adequate oversight, supervision and accountability of the juvenile, including communication with community providers related to the juvenile"; by striking all in lines 8 through 15; in line 39, by striking "and K.S.A. 2023 Supp. 38-2391 are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in line 2; in line 5, by striking all after "75-7062"; in line 6, by striking all before "and"; also in line 6, by striking "sections" and inserting "section";

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

STEPHEN OWENS

ERIC SMITH

JOHN CARMICHAEL

Conferees on part of House

KELLIE WARREN

RICHARD WILBORN

ETHAN CORSON

Conferees on part of Senate

On motion of Rep. Owens, the conference committee report on **H Sub SB 420** was adopted.

On roll call, the vote was: Yeas 113; Nays 1; Present but not voting: 0; Absent or not voting: 11.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blex, Bloom, Borjon, Bryce, Buehler, Butler, Carmichael, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Hill, Hoffman, Hoheisel, Houglund, Howe, Howell, Howerton, Hoye, Humphries, T. Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, McDonald, McNorton, Melton, Meyer, Miller, D., Miller, S., Miller,

V., Minnix, Moser, Murphy, Neelly, Neighbor, Oropeza, Osman, Ousley, Owens, Penn, Pickert, Poskin, Probst, Proctor, Rahjes, Resman, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stiens, Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Winn, Younger.

Nays: Highberger.

Present but not voting: None.

Absent or not voting: Blew, Carlin, B. Carpenter, Houser, Jacobs, Ohaebosim, Poetter, Rhiley, Vaughn, Woodard, Xu.

INTRODUCTION OF ORIGINAL MOTION

On motion of Rep. Croft, to suspend Joint Rule 3(f) requiring conference committee reports to be distributed at least 30 minutes prior to consideration on the Conference Committee Report on **H Sub SB 291**, the motion prevailed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 291** 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 as House Substitute for Senate Bill No. 291 with Committee of the Whole amendments, as follows:

On page 1, in line 29, by striking "each branch" and inserting "the legislative and executive branches"; in line 31, by striking all after the period; by striking all in line 32;

On page 2, in line 3, by striking "hardware"; by striking all in lines 9 through 12; in line 13, by striking all before the period and inserting "The project cost developed pursuant to this paragraph shall include, in consultation with the executive branch information technology officer, a plan to allow each piece of information technology hardware that is used by a judicial branch employee to access a judicial branch application to have access to the KANWIN network and an estimated project cost to develop a cybersecurity program for all judicial districts that complies with the national institute of standards and technology cybersecurity framework (CSF) 2.0, as in effect on July 1, 2024";

Also on page 2, following line 27, by inserting:

"(f) The provisions of this section do not apply to state educational institutions as defined in K.S.A. 76-711, and amendments thereto.

(g) This section shall expire on July 1, 2026.";

On page 3, in line 27, by striking "The"; by striking all in lines 28 and 29; in line 32, after "speaker" by inserting "and minority leader"; also in line 32, after "president" by inserting "and minority leader"; in line 37, after "speaker" by inserting "and minority leader"; in line 38, after "president" by inserting "and minority leader"; following line 42, by inserting:

"(e) This section shall expire on July 1, 2026.";

On page 5, in line 7, after "speaker" by inserting "and minority leader"; also in line 7, after "president" by inserting "and minority leader"; in line 12, after "speaker" by inserting "and minority leader"; in line 13, after "president" by inserting "and minority

leader"; following line 17, by inserting:

"(e) This section shall expire on July 1, 2026.";

On page 6, following line 1, by inserting:

"(d) This section shall expire on July 1, 2026.";

Also on page 6, following line 27, by inserting:

"New Sec. 5.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Judiciary operations (677-00-1000-0103).....\$659,368";

On page 7, in line 24, after "thereto" by inserting ": *Provided however*, That the provisions of this subsection do not apply to state educational institutions as defined in K.S.A. 76-711, and amendments thereto";

On page 8, in line 20, after "(c)" by inserting "(1)"; in line 24, by striking "(1)" and inserting "(A)"; in line 30, by striking "(2)" and inserting "(B)"; in line 34, by striking "(3) (A) (i)" and inserting "(C) (i) (a)"; in line 38, by striking "(ii)" and inserting "(b)"; in line 41, by striking "(B)" and inserting "(ii)"; following line 43, by inserting:

"(2) The provisions of this subsection shall expire on July 1, 2026.";

On page 13, following line 27, by inserting:

"Sec. 11. On and after July 1, 2026, K.S.A. 2023 Supp. 45-229, as amended by section 10 of this act, is hereby amended to read as follows: 45-229. (a) It is the intent of the legislature that exceptions to disclosure under the open records act shall be created or maintained only if:

- (1) The public record is of a sensitive or personal nature concerning individuals;
- (2) the public record is necessary for the effective and efficient administration of a governmental program; or
- (3) the public record affects confidential information.

The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds that the public has a right to have access to public records unless the criteria in this section for restricting such access to a public record are met and the criteria are considered during legislative review in connection with the particular exception to disclosure to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the legislature shall consider the criteria in this section before enacting an exception to disclosure.

(b) Subject to the provisions of subsections (g) and (h), any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new exception or substantial amendment, unless the legislature acts to continue the exception. A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires at the end of five years and that the exception shall be reviewed by the legislature before the scheduled date.

(c) For purposes of this section, an exception is substantially amended if the amendment expands the scope of the exception to include more records or information. An exception is not substantially amended if the amendment narrows the scope of the

exception.

(d) This section is not intended to repeal an exception that has been amended following legislative review before the scheduled repeal of the exception if the exception is not substantially amended as a result of the review.

(e) In the year before the expiration of an exception, the revisor of statutes shall certify to the president of the senate and the speaker of the house of representatives, by July 15, the language and statutory citation of each exception that will expire in the following year that meets the criteria of an exception as defined in this section. Any exception that is not identified and certified to the president of the senate and the speaker of the house of representatives is not subject to legislative review and shall not expire. If the revisor of statutes fails to certify an exception that the revisor subsequently determines should have been certified, the revisor shall include the exception in the following year's certification after that determination.

(f) "Exception" means any provision of law that creates an exception to disclosure or limits disclosure under the open records act pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any other provision of law.

(g) A provision of law that creates or amends an exception to disclosure under the open records law shall not be subject to review and expiration under this act if such provision:

- (1) Is required by federal law;
- (2) applies solely to the legislature or to the state court system;
- (3) has been reviewed and continued in existence twice by the legislature; or
- (4) has been reviewed and continued in existence by the legislature during the 2013 legislative session and thereafter; ~~or~~

~~(5) is a report of the results of an audit conducted by the United States cybersecurity and infrastructure security agency.~~

(h) (1) The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

- (A) What specific records are affected by the exception;
- (B) whom does the exception uniquely affect, as opposed to the general public;
- (C) what is the identifiable public purpose or goal of the exception;
- (D) whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;

(2) an exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:

(A) Allows the effective and efficient administration of a governmental program that would be significantly impaired without the exception;

(B) protects information of a sensitive personal nature concerning individuals, the release of such information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be exempted under this paragraph; or

(C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of

information that is used to protect or further a business advantage over those who do not know or use it, if the disclosure of such information would injure the affected entity in the marketplace.

(3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) would occur if the records were made public.

(i) (1) Exceptions contained in the following statutes as continued in existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 12-189, 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-1312e, 17-2227, 17-5832, 17-7511, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427, 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922, 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203, 66-1220a, 66-2010, 72-2232, 72-3438, 72-6116, 72-6267, 72-9934, 73-1228, 74-2424, 74-2433f, 74-32,419, 74-4905, 74-4909, 74-50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11, 76-12c03, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2015 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-4616, 60-3351, 72-3415, 74-50,217 and 75-53,105.

(j) (1) Exceptions contained in the following statutes as continued in existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and 74-7508.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2015 and that have been reviewed during the 2016

legislative session are hereby continued in existence: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05, 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

(k) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2014 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48), 50-6a11, 65-1,243, 65-16,104, 65-3239, 74-50,184, 74-8134, 74-99b06, 77-503a and 82a-2210.

(l) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2016 and that have been reviewed during the 2017 legislative session are hereby continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)(51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

(m) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2012 and that have been reviewed during the 2013 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a, 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-8268, 75-712 and 75-5366.

(n) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2018 legislative session are hereby continued in existence: 9-513c(c)(2), 39-709, 45-221(a)(26), (53) and (54), 65-6832, 65-6834, 75-7c06 and 75-7c20.

(o) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2019 legislative session are hereby continued in existence: 21-2511(h)(2), 21-5905(a)(7), 22-2302(b) and (c), 22-2502(d) and (e), 40-222(k)(7), 44-714(e), 45-221(a)(55), 46-1106(g) regarding 46-1106(i), 65-2836(i), 65-2839a(c), 65-2842(d), 65-28a05(n), article 6(d) of 65-6230, 72-6314(a) and 74-7047(b).

(p) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2020 legislative session are hereby continued in existence: 38-2310(c), 40-409(j)(2), 40-6007(a), 45-221(a)(52), 46-1129, 59-29a22(b)(10) and 65-6747.

(q) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2021 legislative session are hereby continued in existence: 22-2302(c)(4)(J) and (c)(6)(B), 22-2502(e)(4)(J) and (e)(6)(B) and 65-6111(d)(4).

(r) Exceptions contained in the following statutes as certified by the revisor of

statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2023 legislative session are hereby continued in existence: 2-3902 and 66-2020.";

Also on page 13, in line 35, after "(b)" by inserting "(1)"; in line 39, by striking "(1)" and inserting "(A)";

On page 14, in line 1, by striking "(2)" and inserting "(B)"; in line 5, by striking "(3) (A) (i)" and inserting "(C) (i) (a)"; in line 9, by striking "(ii)" and inserting "(b)"; in line 12, by striking "(B)" and inserting "(ii)"; following line 14, by inserting:

"(2) The provisions of this subsection shall expire on July 1, 2026.";

Also on page 14, in line 21, after "(b)" by inserting "(1)"; in line 25, by striking "(1)" and inserting "(A)"; in line 30, by striking "(2)" and inserting "(B)"; in line 34, by striking "(3) (A) (i)" and inserting "(C) (i) (a)"; in line 38, by striking "(ii)" and inserting "(b)"; in line 41, by striking "(B)" and inserting "(ii)"; following line 43, by inserting:

"(2) The provisions of this subsection shall expire on July 1, 2026.";

On page 15, in line 16, after "(b)" by inserting "(1)"; in line 20, by striking "(1)" and inserting "(A)"; in line 25, by striking "(2)" and inserting "(B)"; in line 29, by striking "(3) (A) (i)" and inserting "(C) (i) (a)"; in line 33, by striking "(ii)" and inserting "(b)"; in line 36, by striking "(B)" and inserting "(ii)"; following line 38, by inserting:

"(2) The provisions of this subsection shall expire on July 1, 2026.";

On page 16, in line 36, after "(e)" by inserting "(1)"; in line 40, by striking "(1)" and inserting "(A)";

On page 17, in line 2, by striking "(2)" and inserting "(B)"; in line 6, by striking "(3) (A) (i)" and inserting "(C) (i) (a)"; in line 10, by striking "(ii)" and inserting "(b)"; in line 13, by striking "(B)" and inserting "(ii)"; following line 15, by inserting:

"(2) The provisions of this subsection shall expire on July 1, 2026.";

On page 18, following line 32, by inserting:

"Sec. 17. On and after July 1, 2026, K.S.A. 2023 Supp. 75-7201, as amended by section 16 of this act, is hereby amended to read as follows: 75-7201. As used in K.S.A. 75-7201 through 75-7212, and amendments thereto:

(a) "Business risk" means the overall level of risk determined by a business risk assessment that includes, but is not limited to, cost, information security and other elements as determined by the information technology executive council's policies ~~or policies adopted by the judicial branch or the legislative coordinating council.~~

(b) "Cumulative cost" means the total expenditures, from all sources, for any information technology project by one or more state agencies to meet project objectives from project start to project completion or the date and time the project is terminated if it is not completed.

(c) "Executive agency" means any state agency in the executive branch of government, ~~including the judicial council but not the elected office agencies.~~

(d) "Information technology project" means an information technology effort by a state agency of defined and limited duration that implements, effects a change in or presents a risk to processes, services, security, systems, records, data, human resources or architecture.

(e) "Information technology project change or overrun" means any change in:

(1) Planned expenditures for an information technology project that would result in the total authorized cost of the project being increased above the currently authorized

cost of such project by more than 10% of such currently authorized cost of such project or an established threshold within the information technology executive council's policies ~~or policies adopted by the judicial branch or the legislative coordinating council;~~

(2) the scope or project timeline of an information technology project, as such scope or timeline was presented to and reviewed by the joint committee or the chief information technology officer to whom the project was submitted pursuant to K.S.A. 75-7209, and amendments thereto, that is a change of more than 10% or a change that is significant as determined by the information technology executive council's policies ~~or policies adopted by the judicial branch or the legislative coordinating council;~~ or

(3) the proposed use of any new or replacement information technology equipment or in the use of any existing information technology equipment that has been significantly upgraded.

(f) "Joint committee" means the joint committee on information technology.

(g) "Judicial agency" means any state agency in the judicial branch of government.

(h) "Legislative agency" means any state agency in the legislative branch of government.

(i) "Project" means a planned series of events or activities that is intended to accomplish a specified outcome in a specified time period, under consistent management direction within a state agency or shared among two or more state agencies, and that has an identifiable budget for anticipated expenses.

(j) "Project completion" means the date and time when the head of a state agency having primary responsibility for an information technology project certifies that the improvement being produced or altered under the project is ready for operational use.

(k) "Project start" means the date and time when a state agency begins a formal study of a business process or technology concept to assess the needs of the state agency, determines project feasibility or prepares an information technology project budget estimate under K.S.A. 75-7209, and amendments thereto.

(l) "State agency" means any state office or officer, department, board, commission, institution or bureau, or any agency, division or unit thereof.";

On page 20, following line 18, by inserting:

"Sec. 19. On and after July 1, 2026, K.S.A. 2023 Supp. 75-7202, as amended by section 18 of this act, is hereby amended to read as follows: 75-7202. (a) There is hereby established the information technology executive council which shall be attached to the office of information technology services for purposes of administrative functions.

(b) (1) The council shall be composed of ~~43~~ 17 voting members as follows:

(A) Two cabinet agency heads or such persons' designees;

(B) two noncabinet agency heads or such persons' designees;

(C) the executive chief information technology officer;

(D) the legislative chief information technology officer;

~~(E) the judicial chief information technology officer;~~

~~(F) the chief executive officer of the state board of regents or such person's designee;~~

~~(G)~~ (G) one representative of cities;

~~(H)~~ (H) one representative of counties; the network manager of the information network of Kansas (INK);

~~(G)~~(L) one representative with background and knowledge in technology and cybersecurity from the private sector, except that such representative or such representative's employer shall not be an information technology or cybersecurity vendor that does business with the state of Kansas;

~~(H)~~(J) one representative appointed by the Kansas criminal justice information system committee; ~~and~~

~~(I) two information technology employees from state board of regents institutions appointed by the board of regents~~(K) one member of the senate appointed by the president of the senate or such member's designee;

(L) one member of the senate appointed by the minority leader of the senate or such member's designee;

(M) one member of the house of representatives appointed by the speaker of the house of representatives or such member's designee; and

(N) one member of the house of representatives appointed by the minority leader of the house of representatives or such member's designee.

~~(2) The chief information technology architect, the legislative chief information technology officer, the judicial chief information technology officer, one member of the senate appointed by the president of the senate, one member of the senate appointed by the minority leader of the senate, one member of the house of representatives appointed by the speaker of the house of representatives and one member of the house of representatives appointed by the minority leader of the house of representatives shall be a nonvoting members member of the council.~~

(3) The cabinet agency heads, the noncabinet agency heads, the representative of cities, the representative of counties and the representative from the private sector shall be appointed by the governor for a term not to exceed 18 months. Upon expiration of an appointed member's term, the member shall continue to hold office until the appointment of a successor. Legislative members shall remain members of the legislature in order to retain membership on the council and shall serve until replaced pursuant to this section. Vacancies of members during a term shall be filled in the same manner as the original appointment only for the unexpired part of the term. The appointing authority for a member may remove the member, reappoint the member or substitute another appointee for the member at any time. Nonappointed members shall serve ex officio.

~~(c) The chairperson of the council shall be the executive chief information technology officer drawn from the chief information technology officers, with each chief information technology officer serving a one-year term. The term of chairperson shall rotate among the chief information technology officers on an annual basis.~~

~~(d) The council shall hold monthly quarterly meetings and hearings in the city of Topeka or at such other places as the council designates, on call of the executive chief information technology officer or on request of four or more members. A quorum of the council shall be seven nine members. All actions of the council shall be taken by a majority of all of the members of the council.~~

(e) Except for members specified as a designee in subsection (b), members of the council may not appoint an individual to represent them on the council and only members of the council may vote.

(f) Members of the council shall receive mileage, tolls and parking as provided in K.S.A. 75-3223, and amendments thereto, for attendance at any meeting of the council

or any subcommittee meeting authorized by the council.";

Also on page 20, in line 41, after "services" by inserting "and all cybersecurity services for state educational institutions as defined in K.S.A. 76-711, and amendments thereto, into the office of information technology services and the Kansas information security office";

On page 21, following line 6, by inserting:

"Sec. 21. On and after July 1, 2026, K.S.A. 75-7203, as amended by section 20 of this act, is hereby amended to read as follows: 75-7203. (a) The information technology executive council is hereby authorized to adopt such policies and rules and regulations as necessary to implement, administer and enforce the provisions of this act.

(b) The council shall:

(1) Adopt:

(A) Information technology resource policies and procedures and project management methodologies for all ~~executive branch state~~ agencies;

(B) an information technology architecture, including telecommunications systems, networks and equipment, that covers all state agencies;

(C) standards for data management for all ~~executive branch state~~ agencies; and

(D) a strategic information technology management plan for the ~~executive branch state~~;

(2) provide direction and coordination for the application of the ~~executive branch's state's~~ information technology resources;

(3) designate the ownership of information resource processes and the lead ~~executive branch state~~ agency for implementation of new technologies and networks shared by multiple agencies ~~within the executive branch in different branches~~ of state government;

~~(4) develop a plan to integrate all information technology services for the executive branch into the office of information technology services and all cybersecurity services for state educational institutions as defined in K.S.A. 76-711, and amendments thereto, into the office of information technology services and the Kansas information security office; and~~

~~(5)~~(4) perform such other functions and duties as necessary to carry out the provisions of this act.

~~(e) The information technology executive council shall report the plan developed under subsection (b)(4) to the senate standing committee on ways and means and the house standing committee on legislative modernization or its successor committee prior to January 15, 2026, in accordance with section 1, and amendments thereto.";~~

On page 22, in line 29, by striking all after the period; by striking all in line 30; following line 39, by inserting:

"Sec. 23. On and after July 1, 2026, K.S.A. 2023 Supp. 75-7205, as amended by section 22 of this act, is hereby amended to read as follows: 75-7205. (a) There is hereby established within and as a part of the office of information technology services the position of executive chief information technology officer. The executive chief information technology officer shall be in the unclassified service under the Kansas civil service act, shall be appointed by the governor, and shall receive compensation in an amount fixed by the governor. The executive chief information technology officer shall maintain a presence in any cabinet established by the governor and shall report to the governor.

(b) The executive chief information technology officer shall:

(1) Review and consult with each executive agency regarding information technology plans, deviations from the state information technology architecture, information technology project estimates and information technology project changes and overruns submitted by such agency pursuant to K.S.A. 75-7209, and amendments thereto, to determine whether the agency has complied with:

(A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council;

(B) the information technology architecture adopted by the information technology executive council;

(C) the standards for data management adopted by the information technology executive council; and

(D) the strategic information technology management plan adopted by the information technology executive council;

(2) report to the chief information technology architect all deviations from the state information architecture that are reported to the executive information technology officer by executive agencies;

(3) submit recommendations to the division of the budget as to the technical and management merit of information technology projects and information technology project changes and overruns submitted by executive agencies that are reportable pursuant to K.S.A. 75-7209, and amendments thereto;

(4) monitor executive agencies' compliance with:

(A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council;

(B) the information technology architecture adopted by the information technology executive council;

(C) the standards for data management adopted by the information technology executive council; and

(D) the strategic information technology management plan adopted by the information technology executive council;

(5) coordinate implementation of new information technology among executive agencies and with the judicial and legislative chief information technology officers;

(6) designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies within the executive branch of state government; and

(7) perform such other functions and duties as provided by law or as directed by the governor;

~~(8) consult with the appropriate legal counsel on topics related to confidentiality of information, the open records act, K.S.A. 45-215 et seq., and amendments thereto, the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto, and any other legal matter related to information technology;~~

~~(9) ensure that each executive agency has the necessary information technology and cybersecurity staff imbedded within the agency to accomplish the agency's duties;~~

~~(10) maintain all third-party data centers at locations within the United States or with companies that are based in the United States; and~~

~~(11) create a database of all electronic devices within the branch and ensure that each device is inventoried, cataloged and tagged within an inventory device.~~

(c) ~~An employee of the office of information technology services shall not disclose confidential information of an executive agency.~~

(d) ~~The executive chief information technology officer may make a request to the adjutant general to permit the Kansas national guard in a state active duty capacity to perform vulnerability assessments or other assessments of the branch for the purpose of enhancing security. During such vulnerability assessments, members performing the assessment shall, to the extent possible, ensure that no harm is done to the systems being assessed. The executive chief information technology officer shall notify the executive agency that owns the information systems being assessed about such assessment and coordinate to mitigate the security risk."~~

On page 24, in line 14, by striking all after the period; by striking all in line 15; following line 24, by inserting:

"Sec. 25. On and after July 1, 2026, K.S.A. 2023 Supp. 75-7206, as amended by section 24 of this act, is hereby amended to read as follows: 75-7206. (a) There is hereby established within and as a part of the office of the state judicial administrator the position of judicial chief information technology officer. The judicial chief information technology officer shall be appointed by the judicial administrator, subject to approval of the chief justice, and shall receive compensation determined by the judicial administrator, subject to approval of the chief justice.

(b) The judicial chief information technology officer shall:

(1) Review and consult with each judicial agency regarding information technology plans, deviations from the state information technology architecture, information technology project estimates and information technology project changes and overruns ~~submitted by such agency pursuant to K.S.A. 75-7209, and amendments thereto, to determine whether the agency has complied with policies and procedures adopted by the judicial branch;~~

(A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council;

(B) the information technology architecture adopted by the information technology executive council;

(C) the standards for data management adopted by the information technology executive council; and

(D) the strategic information technology management plan adopted by the information technology executive council;

(2) report to the chief information technology architect all deviations from the state information architecture that are reported to the judicial information technology officer by judicial agencies;

(3) submit recommendations to the judicial administrator as to the technical and management merit of information technology projects and information technology project changes and overruns submitted by judicial agencies that are reportable pursuant to K.S.A. 75-7209, and amendments thereto;

(4) monitor judicial agencies' compliance with:

(A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council;

(B) the information technology architecture adopted by the information technology executive council;

(C) the standards for data management adopted by the information technology

executive council; and

(D) the strategic information technology management plan adopted by the information technology executive council;

(5) coordinate implementation of new information technology among judicial agencies and with the executive and legislative chief information technology officers;

~~(5)~~(6) designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies within the judicial branch of state government; and

~~(6)~~(7) perform such other functions and duties as provided by law or as directed by the judicial administrator;

~~(7)~~ ensure that each judicial agency has the necessary information technology and cybersecurity staff imbedded within the agency to accomplish the agency's duties;

~~(8)~~ maintain all third-party data centers at locations within the United States or with companies that are based in the United States; and

~~(9)~~ create a database of all electronic devices within the branch and ensure that each device is inventoried, cataloged and tagged with an inventory device.

~~(e) An employee of the office of the state judicial administrator shall not disclose confidential information of a judicial agency.~~

~~(d) The judicial chief information technology officer may make a request to the adjutant general to permit the Kansas national guard in a state active duty capacity to perform vulnerability assessments or other assessments of the branch for the purpose of enhancing security. During such vulnerability assessments, members performing the assessment shall, to the extent possible, ensure that no harm is done to the systems being assessed. The judicial chief information technology officer shall notify the judicial agency that owns the information systems being assessed about such assessment and coordinate to mitigate the security risk. ";~~

On page 25, in line 38, after the semicolon by inserting "and"; in line 41, by striking all after "device"; by striking all in lines 42 and 43;

On page 26, in line 1, by striking all before the period; in line 4, by striking all after the period; by striking all in line 5; following line 14, by inserting:

"Sec. 27. On and after July 1, 2026, K.S.A. 2023 Supp. 75-7208, as amended by section 26 of this act, is hereby amended to read as follows: 75-7208. ~~(a)~~The legislative chief information technology officer shall:

~~(a)~~(a) Review and consult with each legislative agency regarding information technology plans, deviations from the state information technology architecture, information technology project estimates and information technology project changes and overruns submitted by such agency pursuant to K.S.A. 75-7209, and amendments thereto, to determine whether the agency has complied with the policies and procedures adopted by the legislative coordinating council;

(1) Information technology resource policies and procedures and project management methodologies adopted by the information technology executive council;

(2) information technology architecture adopted by the information technology executive council;

(3) standards for data management adopted by the information technology executive council; and

(4) strategic information technology management plan adopted by the information technology executive council;

~~(2)(b)~~ report to the chief information technology architect all deviations from the state information architecture that are reported to the legislative information technology officer by legislative agencies;

~~(3)(c)~~ submit recommendations to the legislative coordinating council as to the technical and management merit of information technology projects and information technology project changes and overruns submitted by the legislative agencies that are reportable pursuant to K.S.A. 75-7209, and amendments thereto;

~~(d)~~ monitor legislative agencies' compliance with the:

(1) Information technology resource policies and procedures and project management methodologies adopted by the information technology executive council;

(2) information technology architecture adopted by the information technology executive council;

(3) standards for data management adopted by the information technology executive council; and

(4) strategic information technology management plan adopted by the information technology executive council;

~~(4)(e)~~ coordinate implementation of new information technology among legislative agencies and with the executive and judicial chief information technology officers;

~~(5)(f)~~ designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies within the legislative branch of state government;

~~(6)(g)~~ serve as staff of the joint committee; and

~~(7)(h)~~ perform such other functions and duties as provided by law or as directed by the legislative coordinating council or the joint committee;

~~(8)~~ consult and obtain approval from the revisor of statutes prior to taking action on topics related to confidentiality of information, the open records act, K.S.A. 45-215 et seq., and amendments thereto, the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto, and any other legal matter related to information technology;

~~(9)~~ ensure that each legislative agency has the necessary information technology and cybersecurity staff imbedded within the agency to accomplish the agency's duties;

~~(10)~~ maintain all third-party data centers at locations within the United States or with companies that are based in the United States; and

~~(11)~~ create a database of all electronic devices within the branch and ensure that each device is inventoried, cataloged and tagged with an inventory device.

~~(b)~~ An employee of the Kansas legislative office of information services or the division of legislative administrative services shall not disclose confidential information of a legislative agency.

~~(c)~~ The legislative chief information technology officer may make a request to the adjutant general to permit the Kansas national guard in a state active duty capacity to perform vulnerability assessments or other assessments of the branch for the purpose of enhancing security. During such vulnerability assessments, members performing the assessment shall, to the extent possible, ensure that no harm is done to the systems being assessed. The legislative chief information technology officer shall notify the legislative agency that owns the information systems being assessed about such assessment and coordinate and subordinate to mitigate the security risk.";

On page 28, following line 29, by inserting:

"Sec. 29. On and after July 1, 2026, K.S.A. 2023 Supp. 75-7209, as amended by

section 28 of this act, is hereby amended to read as follows: 75-7209. (a) (1) Whenever an agency proposes an information technology project, such agency shall prepare and submit information technology project documentation to the chief information technology officer of the branch of state government of which the agency is a part. Such information technology project documentation shall:

(A) Include a financial plan showing the proposed source of funding and categorized expenditures for each phase of the project and cost estimates for any needs analyses or other investigations, consulting or other professional services, computer programs, data, equipment, buildings or major repairs or improvements to buildings and other items or services necessary for the project; and

(B) be consistent with:

(i) Information technology resource policies and procedures and project management methodologies for all state agencies;

(ii) an information technology architecture, including telecommunications systems, networks and equipment, that covers all state agencies;

(iii) standards for data management for all state agencies; and

(iv) a strategic information technology management plan for the state.

(2) Any information technology project with significant business risk, as determined pursuant to the information technology executive council's policies ~~or policies adopted by the judicial branch or the legislative coordinating council~~, shall be presented to the joint committee on information technology by such branch chief information technology officer.

(b) (1) Prior to the release of any request for proposal for an information technology project with significant business risk:

(A) Specifications for bids or proposals for such project shall be submitted to the chief information technology officer of the branch of state government of which the agency or agencies are a part. Information technology projects requiring chief information technology officer approval shall also require the chief information technology officer's written approval on specifications for bids or proposals; and

(B) (i) The chief information technology officer of the appropriate branch over the state agency or agencies that are involved in such project shall submit the project, the project plan, including the architecture, and the cost-benefit analysis to the joint committee on information technology to advise and consult on the project. Such chief information technology officer shall submit such information to each member of the joint committee and to the director of the legislative research department. Each such project plan summary shall include a notice specifying the date the summary was mailed or emailed. After receiving any such project plan summary, each member shall review the information and may submit questions, requests for additional information or request a presentation and review of the proposed project at a meeting of the joint committee. If two or more members of the joint committee contact the director of the legislative research department within seven business days of the date specified in the summary description and request that the joint committee schedule a meeting for such presentation and review, then the director of the legislative research department shall notify the chief information technology officer of the appropriate branch, the head of such agency and the chairperson of the joint committee that a meeting has been requested for such presentation and review on the next business day following the members' contact with the director of the legislative research department. Upon

receiving such notification, the chairperson shall call a meeting of the joint committee as soon as practicable for the purpose of such presentation and review and shall furnish the chief information technology officer of the appropriate branch and the head of such agency with notice of the time, date and place of the meeting. Except as provided in subsection (b)(1)(B)(ii), the state agency shall not authorize or approve the release of any request for proposal or other bid event for an information technology project without having first advised and consulted with the joint committee at a meeting.

(ii) The state agency or agencies shall be deemed to have advised and consulted with the joint committee about such proposed release of any request for proposal or other bid event for an information technology project and may authorize or approve such proposed release of any request for proposal or other bid event for an information technology project if:

(a) Fewer than two members of the joint committee contact the director of the legislative research department within seven business days of the date the project plan summary was mailed and request a committee meeting for a presentation and review of any such proposed request for proposal or other bid event for an information technology project; or

(b) a committee meeting is requested by at least two members of the joint committee pursuant to this paragraph, but such meeting does not occur within two calendar weeks of the chairperson receiving the notification from the director of the legislative research department of a request for such meeting.

(2) (A) Agencies are prohibited from contracting with a vendor to implement the project if that vendor prepared or assisted in the preparation of the program statement, the project planning documents or any other project plans prepared prior to the project being approved by the chief information technology officer as required by this section.

(B) Information technology projects with an estimated cumulative cost of less than \$5,000,000 are exempted from the provisions of subparagraph (A).

(C) The provisions of subparagraph (A) may be waived with prior written permission from the chief information technology officer.

(c) Annually at the time specified by the chief information technology officer of the branch of state government of which the agency is a part, each agency shall submit to such officer:

(1) A copy of a three-year strategic information technology plan that sets forth the agency's current and future information technology needs and utilization plans for the next three ensuing fiscal years, in such form and containing such additional information as prescribed by the chief information technology officer; and

(2) any deviations from the state information technology architecture adopted by the information technology executive council.

(d) The provisions of this section shall not apply to the information network of Kansas (INK).";

On page 29, following line 40, by inserting:

"Sec. 31. On and after July 1, 2026, K.S.A. 2023 Supp. 75-7237, as amended by section 30 of this act, is hereby amended to read as follows: 75-7237. As used in K.S.A. 75-7236 through 75-7243, and amendments thereto:

(a) "Act" means the Kansas cybersecurity act.

(b) "Breach" or "breach of security" means unauthorized access of data in electronic form containing personal information. Good faith access of personal

information by an employee or agent of an executive branch agency does not constitute a breach of security, provided that the information is not used for a purpose unrelated to the business or subject to further unauthorized use.

(c) "CISO" means the executive branch chief information security officer.

(d) "Cybersecurity" means the body of information technologies, processes and practices designed to protect networks, computers, programs and data from attack, damage or unauthorized access.

(e) "Cybersecurity positions" do not include information technology positions within executive branch agencies.

(f) "Data in electronic form" means any data stored electronically or digitally on any computer system or other database and includes recordable tapes and other mass storage devices.

(g) "Executive branch agency" means any agency in the executive branch of the state of Kansas, ~~including the judicial council~~ but does not include the elected office agencies, the adjutant general's department, the Kansas public employees retirement system, regents' institutions, or the board of regents.

(h) "KISO" means the Kansas information security office.

(i) (1) "Personal information" means:

(A) An individual's first name or first initial and last name, in combination with at least one of the following data elements for that individual:

(i) Social security number;

(ii) driver's license or identification card number, passport number, military identification number or other similar number issued on a government document used to verify identity;

(iii) financial account number or credit or debit card number, in combination with any security code, access code or password that is necessary to permit access to an individual's financial account;

(iv) any information regarding an individual's medical history, mental or physical condition or medical treatment or diagnosis by a healthcare professional; or

(v) an individual's health insurance policy number or subscriber identification number and any unique identifier used by a health insurer to identify the individual; or

(B) a user name or email address, in combination with a password or security question and answer that would permit access to an online account.

(2) "Personal information" does not include information:

(A) About an individual that has been made publicly available by a federal agency, state agency or municipality; or

(B) that is encrypted, secured or modified by any other method or technology that removes elements that personally identify an individual or that otherwise renders the information unusable.

(j) "State agency" means the same as defined in K.S.A. 75-7201, and amendments thereto.";

On page 31, in line 3, after "executive" by inserting "branch"; in line 7, after "executive" by inserting "branch"; following line 8, by inserting:

"Sec. 33. On and after July 1, 2026, K.S.A. 2023 Supp. 75-7238, as amended by section 32 of this act, is hereby amended to read as follows: 75-7238. (a) There is hereby established the position of executive branch chief information security officer (CISO). The ~~executive~~ CISO shall be in the unclassified service under the Kansas civil

service act, shall be appointed by the governor and shall receive compensation in an amount fixed by the governor.

(b) ~~The executive CISO shall:~~

- ~~(1) Report to the executive branch chief information technology officer;~~
- ~~(2) establish security standards and policies to protect the branch's information technology systems and infrastructure in accordance with subsection (c);~~
- ~~(3) ensure the confidentiality, availability and integrity of the information transacted, stored or processed in the branch's information technology systems and infrastructure;~~
- ~~(4) develop a centralized cybersecurity protocol for protecting and managing executive branch information technology assets and infrastructure;~~
- ~~(5) detect and respond to security incidents consistent with information security standards and policies;~~
- ~~(6) be responsible for the cybersecurity of all executive branch data and information resources;~~
- ~~(7) collaborate with the chief information security officers of the other branches of state government to respond to cybersecurity incidents;~~
- ~~(8) ensure that the governor and all executive branch employees complete cybersecurity awareness training annually and that if an employee does not complete the required training such employee's access to any state-issued hardware or the state network is revoked; and~~
- ~~(9) review all contracts related to information technology entered into by a person or entity within the executive branch to make efforts to reduce the risk of security vulnerabilities within the supply chain or product and ensure each contract contains standard security language.~~

~~(c) The executive CISO shall develop a cybersecurity program for each executive branch agency that complies with the national institute of standards and technology cybersecurity framework (CSF) 2.0, as in effect on July 1, 2024. The executive CISO shall ensure that such programs achieve a CSF tier of 3.0 prior to July 1, 2028, and a CSF tier of 4.0 prior to July 1, 2030. The agency head of each executive branch agency shall coordinate with the executive CISO to achieve such standards~~serve as the state's CISO:

- (3) serve as the executive branch chief cybersecurity strategist and authority on policies, compliance, procedures, guidance and technologies impacting executive branch cybersecurity programs;
- (4) ensure Kansas information security office resources assigned or provided to executive branch agencies are in compliance with applicable laws and rules and regulations;
- (5) coordinate cybersecurity efforts between executive branch agencies;
- (6) provide guidance to executive branch agencies when compromise of personal information or computer resources has occurred or is likely to occur as the result of an identified high-risk vulnerability or threat;
- (7) set cybersecurity policy and standards for executive branch agencies; and
- (8) perform such other functions and duties as provided by law and as directed by the executive chief information technology officer;"

On page 32, in line 34, after "speaker" by inserting "and minority leader"; in line 35, after "president" by inserting "and minority leader"; in line 39, after "speaker" by

inserting "and minority leader"; in line 40, after "president" by inserting "and minority leader";

On page 33, following line 9, by inserting:

"Sec. 35. On and after July 1, 2026, K.S.A. 2023 Supp. 75-7239, as amended by section 34 of this act, is hereby amended to read as follows: 75-7239. (a) There is hereby established within and as a part of the office of information technology services the Kansas information security office. The Kansas information security office shall be administered by the ~~executive~~ CISO and be staffed appropriately to effect the provisions of the Kansas cybersecurity act.

(b) For the purpose of preparing the governor's budget report and related legislative measures submitted to the legislature, the Kansas information security office, established in this section, shall be considered a separate state agency and shall be titled for such purpose as the "Kansas information security office." The budget estimates and requests of such office shall be presented as from a state agency separate from the office of information technology services, and such separation shall be maintained in the budget documents and reports prepared by the director of the budget and the governor, or either of them, including all related legislative reports and measures submitted to the legislature.

(c) Under direction of the ~~executive~~ CISO, the KISO shall:

(1) Administer the Kansas cybersecurity act;

(2) ~~develop, implement and monitor~~ assist the executive branch in developing, implementing and monitoring strategic and comprehensive information security risk-management programs;

(3) facilitate executive branch information security governance, including the consistent application of information security programs, plans and procedures;

(4) using standards adopted by the information technology executive council, create and manage a unified and flexible control framework to integrate and normalize requirements resulting from applicable state and federal laws and rules and regulations;

(5) facilitate a metrics, logging and reporting framework to measure the efficiency and effectiveness of state information security programs;

(4)(6) provide the executive branch strategic risk guidance for information technology projects, including the evaluation and recommendation of technical controls;

(5)(7) assist in the development of executive branch agency cybersecurity programs to ensure compliance with applicable state and federal laws, rules and regulations, executive branch policies and standards and policies and standards adopted by the information technology executive council;

(8) ~~coordinate with the United States cybersecurity and infrastructure security agency to perform annual~~ audits of executive branch agencies for compliance with applicable state and federal laws, rules and regulations ~~and~~ executive branch policies and standards. ~~The executive CISO shall make an audit request to such agency annually, regardless of whether or not such agency has the capacity to perform the requested audit;~~

(6) ~~perform audits of executive branch agencies for compliance with applicable state and federal laws, rules and regulations, executive branch policies and standards and policies and standards adopted by the information technology executive council;~~

(7)(9) coordinate the use of external resources involved in information security

programs, including, but not limited to, interviewing and negotiating contracts and fees;

~~(8)(10)~~ liaise with external agencies, such as law enforcement and other advisory bodies as necessary, to ensure a strong security posture;

~~(9)(11)~~ assist in the development of plans and procedures to manage and recover business-critical services in the event of a cyberattack or other disaster;

~~(10)~~ coordinate with executive branch agencies to provide cybersecurity staff to such agencies as necessary;

~~(11)(12)~~ assist executive branch agencies to create a framework for roles and responsibilities relating to information ownership, classification, accountability and protection;

~~(13)~~ ensure a cybersecurity awareness training program is made available to all branches of state government; and

~~(12)(14)~~ perform such other functions and duties as provided by law and as directed by the CISO.

~~(d)(1)~~ If an audit conducted pursuant to subsection (c)(5) results in a failure, the executive CISO shall report such failure to the speaker and minority leader of the house of representatives and the president and minority leader of the senate within 30 days of receiving notice of such failure. Such report shall contain a plan to mitigate any security risks identified in the audit. The executive CISO shall coordinate for an additional audit after the mitigation plan is implemented and report the results of such audit to the speaker and minority leader of the house of representatives and the president and minority leader of the senate.

~~(2)~~ Results of audits conducted pursuant to subsection (c)(5) and the reports described in subsection (d)(1) (c)(8) shall be confidential and shall not be subject to discovery or disclosure pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2028, unless the legislature reviews and acts to continue such provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2028.

~~(e)~~ There is hereby created in the state treasury the information technology security fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive CISO or by a person designated by the executive CISO."

On page 35, following line 14, by inserting:

"Sec. 37. On and after July 1, 2026, K.S.A. 2023 Supp. 75-7240, as amended by section 36 of this act, is hereby amended to read as follows: 75-7240. (a) The executive branch agency heads shall:

(1) Be solely responsible for security of all data and information technology resources under such agency's purview, irrespective of the location of the data or resources. Locations of data may include:

(A) Agency sites;

(B) agency real property;

(C) infrastructure in state data centers;

(D) third-party locations; and

(E) in transit between locations;

(2) ensure that an agency-wide information security program is in place;

~~(2)(3)~~ designate an information security officer to administer the agency's information security program that reports directly to executive leadership;

~~(3)~~(4) participate in CISO-sponsored statewide cybersecurity program initiatives and services;

(5) implement policies and standards to ensure that all the agency's data and information technology resources are maintained in compliance with applicable state and federal laws and rules and regulations;

(6) implement appropriate cost-effective safeguards to reduce, eliminate or recover from identified threats to data and information technology resources;

(7) include all appropriate cybersecurity requirements in the agency's request for proposal specifications for procuring data and information technology systems and services;

(8) (A) submit a cybersecurity self-assessment report to the CISO by October 16 of each even-numbered year, including an executive summary of the findings, that assesses the extent to which the agency is vulnerable to unauthorized access or harm, including the extent to which the agency's or contractor's electronically stored information is vulnerable to alteration, damage, erasure or inappropriate use;

(B) ensure that the agency conducts annual internal assessments of its security program. Internal assessment results shall be considered confidential and shall not be subject to discovery by or release to any person or agency, outside of the KISO or CISO, without authorization from the executive branch agency director or head; and

(C) prepare or have prepared a financial summary identifying cybersecurity expenditures addressing the findings of the cybersecurity self-assessment report required in subparagraph (A), excluding information that might put the data or information resources of the agency or its contractors at risk and submit such report to the house of representatives committee on appropriations and the senate committee on ways and means; and

~~(4)~~(9) ensure that if an agency owns, licenses or maintains computerized data that includes personal information, confidential information or information, the disclosure of which is regulated by law, such agency shall, in the event of a breach or suspected breach of system security or an unauthorized exposure of that information:

(A) Comply with the notification requirements set out in K.S.A. 2023 Supp. 50-7a01 et seq., and amendments thereto, and applicable federal laws and rules and regulations, to the same extent as a person who conducts business in this state; and

(B) not later than ~~12~~ 48 hours after the discovery of the breach, suspected breach or unauthorized exposure, notify:

(i) The CISO; and

(ii) if the breach, suspected breach or unauthorized exposure involves election data, the secretary of state.

(b) The director or head of each state agency shall:

(1) Participate in annual agency leadership training to ensure understanding of:

(A) The potential impact of common types of cyberattacks and data breaches on the agency's operations and assets;

(B) how cyberattacks and data breaches on the agency's operations and assets may impact the operations and assets of other governmental entities on the state enterprise network;

(C) how cyberattacks and data breaches occur; and

(D) steps to be undertaken by the executive director or agency head and agency employees to protect their information and information systems; ~~and~~

~~(2) coordinate with the executive CISO to implement the security standard described in K.S.A. 75-7238, and amendments thereto ensure that all information technology login credentials are disabled the same day that any employee ends their employment with the state; and~~

~~(3) require that all employees with access to information technology receive a minimum of one hour of information technology security training per year.~~

~~(c) (1) The CISO, with input from the joint committee on information technology and the joint committee on Kansas security, shall develop a self-assessment report template for use under subsection (a)(8)(A). The most recent version of such template shall be made available to state agencies prior to July 1 of each even-numbered year. The CISO shall aggregate data from the self-assessments received under subsection (a)(8)(A) and provide a summary of such data to the joint committee on information technology and the joint committee on Kansas security.~~

~~(2) Self-assessment reports made to the CISO pursuant to subsection (a)(8)(A) shall be confidential and shall not be subject to the provisions of the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2028, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2028.";~~

Also on page 35, following line 18, by inserting:

"Sec. 39. On and after July 1, 2026, K.S.A. 75-7203, as amended by section 20 of this act, and K.S.A. 2023 Supp. 45-229, as amended by section 10 of this act, 75-7201, as amended by section 16 of this act, 75-7202, as amended by section 18 of this act, 75-7205, as amended by section 22 of this act, 75-7206, as amended by section 24 of this act, 75-7208, as amended by section 26 of this act, 75-7209, as amended by section 28 of this act, 75-7237, as amended by section 30 of this act, 75-7238, as amended by section 32 of this act, 75-7239, as amended by section 34 of this act, and 75-7240, as amended by section 36 of this act, are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 15, after "for" by inserting "the judicial branch,"; in line 20, after the semicolon by inserting "providing for expiration of certain amendments made by this act,"; also in line 20, by striking "and" and inserting a comma; in line 21, after "75-7203" by inserting "and 75-7203, as amended by section 20 of this act,"; also in line 21, after the first comma by inserting "45-229, as amended by section 10 of this act,"; also in line 21, after the second comma by inserting "75-7201, as amended by section 16 of this act,"; also in line 21, after the third comma by inserting "75-7202, as amended by section 18 of this act,"; also in line 21, after the fourth comma by inserting "75-7205, as amended by section 22 of this act,"; in line 22, after the first comma by inserting "75-7206, as amended by section 24 of this act,"; also in line 22, after the second comma by inserting "75-7208, as amended by section 26 of this act,"; also in line 22, after the third comma by inserting "75-7209, as amended by section 28 of this act,"; also in line 22, after the fourth comma by inserting "75-7237, as amended by section 30 of this act,"; also in line 22, after the fifth comma by inserting "75-7238, as amended by section 32 of this act,"; also in line 22, by striking "and" and inserting ", 75-7239, as amended by section 34 of this act,"; also in line 22, after "75-7240" by inserting "and 75-7240, as amended by section 36 of this act,";

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

BARB WASINGER
CYNDI HOWERTON
JERRY STOGSDILL

Conferees on part of House

MIKE THOMPSON
RICK KLOOS
JEFF PITTMAN

Conferees on part of Senate

On motion of Rep. Wasinger, the conference committee report on **H Sub SB 291** was adopted.

On roll call, the vote was: Yeas 113; Nays 1; Present but not voting: 0; Absent or not voting: 11.

Yeas: Alcala, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blex, Bloom, Borjon, Bryce, Buehler, Butler, Carmichael, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Droge, Ellis, Eplee, Essex, Estes, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgersen, Highberger, Hill, Hoffman, Hoheisel, Hougland, Howe, Howell, Howerton, Hoye, Humphries, T. Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, McDonald, McNorton, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Oropeza, Osman, Ousley, Owens, Penn, Pickert, Poskin, Probst, Proctor, Rahjes, Resman, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stiens, Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Winn, Younger.

Nays: Fairchild.

Present but not voting: None.

Absent or not voting: Blew, Carlin, B. Carpenter, Houser, Jacobs, Ohaebosim, Poetter, Rhiley, Vaughn, Woodard, Xu.

On motion of Rep. Croft, the House adjourned until 9:00 a.m., Monday, April 29, 2024.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

