

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 24, 2023, 2:30 p.m.

The Senate was called to order pro forma by Vice President Rick Wilborn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 323, AN ACT concerning county appraisers; providing for the election of county appraisers; amending K.S.A. 2-1915, 19-425, 19-433, 19-434, 19-435, 19-4110, 25-101, 25-213, 25-611, 74-2438, 75-5105a, 79-201q, 79-201s, 79-412, 79-5a04, 79-1404, 79-1404a, 79-1411b, 79-1412a, 79-1413a, 79-1420, 79-1455, 79-1460a, 79-1466, 79-1467, 79-1479, 79-1481 and 79-1606 and K.S.A. 2022 Supp. 19-432, 74-2433f, 79-1448, 79-1460, 79-1476, 79-1609 and 79-2005 and repealing the existing sections; also repealing K.S.A. 19-426, 19-428 and 79-1427c and K.S.A. 2022 Supp. 19-430 and 19-431, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Federal and State Affairs: **SB 322**.

MESSAGES FROM THE GOVERNOR

Enclosed herewith is Executive Directive No. 23-567 for your information (March 20, 2023)

MESSAGE FROM THE HOUSE

Announcing passage of **SB 113**, as amended by **H Sub for SB 113**.

Announcing passage of **HB 2436**.

The House accedes to the request of the Senate for a conference on **H Sub for SB 229** and has appointed Representatives Wasinger, B. Carpenter and Stogsdill as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2436 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 311** be passed.

Also, **HB 2201** be amended by substituting with a new bill to be designated as

"Senate Substitute for HOUSE BILL NO. 2201," as follows:

"Senate Substitute for HOUSE BILL NO. 2201

By Committee on Assessment and Taxation

"AN ACT concerning taxation; relating to homestead property tax refund claims; excluding social security payments from household income for eligibility of seniors and disabled veterans related to increased property tax claims; increasing the appraised value and household income thresholds for eligibility; amending K.S.A. 2022 Supp. 79-4508a and repealing the existing section.";

And the substitute bill be passed.

SB 128 be amended on page 1, in line 9, after "to" by inserting "95% of"; in line 14, by striking the second "or"; also in line 14, after "elementary" by inserting "or secondary"; in line 20, after "year" by inserting "; and

(3) was enrolled in a public school operated by a school district during the tax year immediately preceding the tax year for which the taxpayer claims the ad astra opportunity tax credit for the first time. This paragraph shall not apply to a dependent child who was enrolled in kindergarten for the first time during the tax year for which the taxpayer claims the credit for the first time";

Also on page 1, in line 23, by striking "excess amount shall be refunded to the"; also in line 23, after "taxpayer" by inserting "may carry over the amount of the tax credit that exceeds such tax liability for deduction from the taxpayer's income tax liability in the next succeeding tax year or years until the total amount of tax credit has been deducted from tax liability"; in line 28, after "(d)" by inserting "A taxpayer shall not be eligible to claim the ad astra opportunity tax credit for a dependent child, or the amount of the credit attributable to a dependent child, for a tax year in which such dependent child participated in a state program enacted by the legislature by law effective on or after April 1, 2023, that provides a scholarship account or savings account for such dependent child and money was deposited in or transferred to such account at any time during such tax year by the state treasurer for use for certain qualified education expenses.

(e)";

On page 2, following line 1, by inserting:

"(3) Taxpayers may be required to provide documentation of educational expenses, including, but not limited to, amounts paid for computers, tablets, printers, copy machines, wi-fi, video equipment, books, textbooks, study guides, calculators, science materials and equipment, musical instruments and music books, athletic supplies and gear, concurrent enrollment tuition, accredited nonpublic school tuition, tutors, subscriptions, transportation and admission fees for field trips, school supplies, CDs, DVDs and other learning materials, equipment and supplies.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

SB 313 be amended on page 1, in line 12, by striking "resident and"; in line 15, by striking "attributable" and inserting "allocated and apportioned"; also in line 15, by striking "the" and inserting "this"; in line 17, by striking "not"; in line 18, by striking all before the period and inserting "calculated either before allocation and apportionment or after allocation and apportionment to this state. The electing pass-through entity must use the same method of calculation for all resident electing pass-through entity owners"; and the bill be passed as amended.

HB 2106, As Amended by House Committee of the Whole, be amended on page 1, following line 6, by inserting:

"New Section 1. (a) When a used motor vehicle is sold on or after January 1, 2024, by an individual instead of being traded in as partial payment on the sale of a new or used motor vehicle, and the individual purchases a new or used vehicle of greater value within 90 days before or after such sale, the tax imposed by the Kansas retailers' sales tax act pursuant to K.S.A. 79-3601 et seq., and amendments thereto, or the Kansas compensating tax pursuant to K.S.A. 79-3701 et seq., and amendments thereto, shall be paid on the amount of total consideration paid for the new or used vehicle purchased by such individual that exceeds the amount received by such individual from such sale of the used motor vehicle. In the event that the consideration paid for the purchased vehicle is equal to or less than the amount received from the sale of the used motor vehicle, then the individual shall not owe any sales or compensating use tax.

(b) For purposes of subsection (a), the individual may either:

(1) Provide to the county treasurer the completed bills of sale for the vehicle sold and the vehicle purchased at the time that the purchased vehicle is registered. The county treasurer shall collect the tax on the amount prescribed under subsection (a); or

(2) apply to the department of revenue if taxes have already been paid on the purchased vehicle for a refund of the amount of tax paid by the individual that exceeds the tax amount owed pursuant to subsection (a) by providing both the completed bills of sale for the vehicle sold and the vehicle purchased.

(c) (1) The deduction provided by this section shall not be allowed unless the taxpayer claiming the deduction provides a copy of the bills of sale required pursuant to subsection (b), and such bills of sale are on department of revenue form TR-312 that, at a minimum, includes information necessary to tie the specific purchase transaction to the related sale transaction including, but not limited to, the:

- (A) Seller's printed name and address;
- (B) buyer's printed name and address;
- (C) year, make and vehicle identification number of the vehicle;
- (D) sale price and date of sale of the vehicle; and
- (E) signatures of the seller and the buyer and the date signed.

(2) The sale price, date of sale and the name of at least one buyer and seller listed on the bill of sale must match the information entered in the assignment of title on the back of the certificate of title.

(3) If the taxpayer claiming such deduction fails to provide such signed bills of sale, the tax shall be due on the total consideration paid for the new or used vehicle.

(d) The department of revenue shall issue a refund pursuant to subsection (b)(2) from the sales tax refund fund for any valid claims filed within three years from the date of the purchase of the replacement vehicle.

(e) The director of vehicles shall prescribe forms for compliance with this section.

(f) As used in this section, "consideration paid" means the amount paid after any rebate or discount.

Sec. 2. K.S.A. 12-199 is hereby amended to read as follows: 12-199. (a) Except as otherwise provided by section 1, and amendments thereto, a compensating use tax for the privilege of using or storing within a city or county any vehicle ~~which that~~ is required to be registered under the provisions of article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, and ~~which that~~ is purchased within this

state but without the local retailers' sales taxing jurisdiction of such city or county, is hereby imposed by every city or county imposing a retailers' sales tax. The rate of any such tax shall be equal to the difference between the aggregate rate of all local retailers' sales tax rates imposed by all local retailers sales taxing jurisdictions of the situs of such vehicle less the aggregate rate of all local retailers' sales tax rates imposed by all local retailers' sales taxing jurisdictions of the situs of the purchase of such vehicle. Except as otherwise provided in this section, any city or county imposing a compensating use tax is prohibited from administering such tax locally, but shall utilize the services of the state department of revenue to administer and enforce such tax. All laws and rules and regulations of the state department of revenue relating to the Kansas compensating tax shall apply to such local compensating use tax insofar as the same may be made applicable. Such tax shall be collected by the county treasurer at the time the vehicle is registered in this state following a sale occurring within this state. Registration of such vehicle within a taxing jurisdiction shall be deemed to constitute use or storage thereof for compensating tax purposes and the residence or place of business of the applicant shall be deemed to be the situs of such use or storage for purposes of the collection and distribution thereof.

(b) The secretary of revenue is authorized to administer and enforce a city's or county's compensating use tax and to adopt such rules and regulations necessary for the efficient and effective administration, enforcement and collection thereof.

(c) All revenue received by any county treasurer from a countywide compensating use tax shall be apportioned among the county and each city located in such county in the same manner as provided in K.S.A. 12-192, and amendments thereto, for the apportionment of revenue received from a countywide retailers' sales tax, and all revenue received from a city compensating use tax shall be remitted at least quarterly to the treasurer of such city.";

On page 39, in line 15, before "K.S.A." by inserting "K.S.A. 12-199 and"; also in line 15, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "providing for a deduction for calculating tax owed when selling a motor vehicle that is purchased within 90 days of the sale of another vehicle;"; also in line 3, after "amending" by inserting "K.S.A. 12-199 and"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

SCR 1610 be adopted.

Committee on **Federal and State Affairs** recommends **HB 2053** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2053," as follows:

"Senate Substitute for HOUSE BILL NO. 2053

By Committee on Federal and State Affairs

"AN ACT concerning elections; providing for a presidential preference primary election; establishing voter registration and voting procedures for such election; amending K.S.A. 25-1122, 25-2311, 25-4501a, 25-4502, 25-4503, 25-4505, 25-4506 and 25-4507 and K.S.A. 2022 Supp. 25-3009 and repealing the existing sections.";

And the substitute bill be passed.

Also, **HB 2170** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2170," as follows:

"Senate Substitute for HOUSE BILL NO. 2170

By Committee on Federal and State Affairs

"AN ACT concerning philanthropic gifts; relating to judicial enforcement of donor-imposed restrictions on gifts of endowment funds or to endowment funds; enacting the donor intent protection act.";

And the substitute bill be passed.

The Committee on **Public Health and Welfare** recommends **SB 315** be amended on page 1, in line 13, by striking "any" and inserting "a COVID-19";

On page 2, in line 1, before "vaccine" by inserting "COVID-19";

On page 3, in line 13, before "Employee" by inserting "'COVID-19 vaccine" means an immunization, vaccination or injection against disease caused by the novel coronavirus identified as SARS-CoV-2 or disease caused by a variant of the virus;

(2) "COVID-19 vaccine requirement" means that an employer:

(A) Requires an employee to receive a COVID-19 vaccine;

(B) requires an employee to provide documentation certifying receipt of a COVID-19 vaccine; or

(C) enforces a requirement described in subparagraph (A) or (B) that is imposed by the federal government or any other entity;

(3)";

Also on page 3, in line 34, after the semicolon by inserting "and"; in line 37, by striking all after "views"; by striking all in lines 38 and 39; in line 40, by striking "disease"; and the bill be passed as amended.

Also, **HB 2141**, As Amended by House Committee, be amended on page 1, in the title, in line 3, after the semicolon by inserting "identifying when the secretary for children and families shall review cooperation with child support;"; in line 4, after the semicolon by inserting "adding disqualification exemptions;"; and the bill be passed as amended.

HB 2260 be amended on page 1, following line 7, by inserting:

"Section 1. K.S.A. 74-3265 is hereby amended to read as follows: 74-3265. (a) Within the limits of appropriations for osteopathic medical service scholarships, and in accordance with the provisions of this section, the state board of regents may award such scholarships to Kansas residents who are undergraduate students enrolled in or admitted to accredited or pre-accredited schools of osteopathic medicine in a course of instruction leading to the degree of doctor of osteopathy and who enter into a written agreement with the state board of regents as provided in K.S.A. 74-3266, and amendments thereto.

(b) Osteopathic medical service scholarships shall be in effect for the period of time specified in subsection (c) and shall provide to the person receiving the scholarship the payment of an amount not to exceed the maximum amount of a loan authorized to be made under the medical student loan act.

(c) Osteopathic medical service scholarships shall be awarded on an annual basis and shall be in effect for one year unless otherwise terminated before the expiration of such period of time. A Kansas resident who is an undergraduate student enrolled in or admitted to an accredited or pre-accredited school of osteopathic medicine in a course of instruction leading to the degree of doctor of osteopathy may be awarded a scholarship for each year the student enters into a written agreement with the state board of regents as provided in K.S.A. 74-3266, and amendments thereto, up to a

maximum of four years. For each year a student is awarded a scholarship, the student shall engage in the practice of medicine and surgery in Kansas for the period of time specified in ~~subsection (a)(3)~~ of K.S.A. 74-3266~~(a)(3)~~, and amendments thereto, unless such obligation is otherwise satisfied as provided in K.S.A. 74-3268, and amendments thereto.

(d) The state board of regents shall not award more than ~~15~~ 25 osteopathic medical service scholarships in any year to persons who have not previously been awarded such a scholarship and, in any case, the state board shall not award more than ~~60~~ 80 such scholarships in any year. In selecting Kansas residents to be awarded osteopathic medical service scholarships, the state board shall give primary consideration to students commencing their first year of instruction at accredited or pre-accredited schools of osteopathic medicine and thereafter shall consider students in later years of instruction.

Sec. 2. K.S.A. 74-3268 is hereby amended to read as follows: 74-3268. (a) An obligation to engage in the practice of medicine and surgery in accordance with an agreement under K.S.A. 74-3266, and amendments thereto, shall be postponed during any period of time: (1) ~~During any~~ Of required ~~period of~~ active military service; (2) ~~during any period~~ of service as a part of volunteers in service to America (VISTA); (3) ~~during any period~~ of service in the peace corps; (4) ~~during any period~~ of service commitment to the United States public health service; (5) ~~during any period~~ of religious missionary work conducted by an organization exempt from tax under section 501(c)(3) of the federal internal revenue code as in effect on December 31, 2000; (6) ~~during any period of time~~ the person obligated is engaged solely in the teaching of medicine; (7) ~~during any period of time~~ the person obligated is engaged solely in medical research; (8) ~~during any period of time~~ the person obligated is unable because of temporary medical disability to practice medicine and surgery; (9) ~~during any period of time~~ the person obligated is on job-protected leave under the federal family and medical leave act of 1993; or (10) ~~during any period of time~~ the state board of regents determines that the person obligated is unable because of special circumstances to practice medicine and surgery; or (11) not longer than one year during which the person participates in a healthcare-related fellowship program.

(b) ~~Except for clauses subsection (a)(8), (9) and (10), an obligation to engage in the practice of medicine and surgery in accordance with an agreement under K.S.A. 74-3266, and amendments thereto, shall not be postponed more than five years from the time the practice of medicine and surgery was to have been commenced under any such agreement. An obligation to engage in the practice of medicine and surgery in accordance with an agreement under K.S.A. 74-3266, and amendments thereto, shall be postponed under clause subsection (a)(8) during the period of time the medical disability exists. An obligation to engage in the practice of medicine and surgery in accordance with an agreement under K.S.A. 74-3266, and amendments thereto, shall be postponed under clause subsection (a)(9) during the period of time the person obligated remains on FMLA leave. An obligation to engage in the practice of medicine and surgery in accordance with an agreement under K.S.A. 74-3266, and amendments thereto, shall be postponed under clause subsection (a)(10) during the period of time the state board of regents determines that the special circumstances exist. The state board of regents shall adopt rules and regulations prescribing criteria or guidelines for determination of the existence of special circumstances causing an inability to practice~~

medicine and surgery, and shall determine the documentation required to prove the existence of such circumstances.

~~(b)~~(c) An obligation to engage in the practice of medicine and surgery in accordance with an agreement under K.S.A. 74-3266, and amendments thereto, shall be satisfied: (1) If the obligation to engage in the practice of medicine and surgery has been completed in accordance with the agreement; (2) if the person obligated dies; (3) if, because of permanent physical disability, the person obligated is unable to practice medicine and surgery; (4) if the person obligated fails to satisfy the requirements for a degree of doctor of osteopathy after making the best effort possible to obtain such degree; or (5) if the person obligated fails to satisfy all requirements for a permanent license to practice medicine and surgery in Kansas or any other jurisdiction or has been denied a license after the person has applied for a license and has made the best effort possible to obtain a license.

Sec. 3. K.S.A. 76-381 is hereby amended to read as follows: 76-381. As used in K.S.A. 76-380 through 76-386, and amendments thereto:

(a) "Act" means the medical student loan act;

(b) "approved postgraduate residency training program" means a residency training program in general pediatrics, general internal medicine, family medicine, family practice, emergency medicine, obstetrics and gynecology, general psychiatry, child psychiatry or fellowship training in geriatric medicine;

(c) "service commitment area" means: (1) Any community within any county in Kansas other than Douglas, Johnson, Sedgwick, Shawnee or Wyandotte county; (2) any state medical care facility or institution; (3) any medical center operated by the veterans administration of the United States; (4) ~~the full-time faculty of the university of Kansas school of medicine in family medicine, family practice, general psychiatry or child psychiatry if serving as full-time faculty as provided in K.S.A. 76-384(c), and amendments thereto;~~ or (5) any community within Wyandotte county for purposes of any practice obligation under an agreement entered into by a person who is enrolled for the first time after July 1, 2004, in a course of study leading to the medical degree; and

(d) "state medical care facility or institution" includes, but is not limited to, the Kansas state school for the ~~visually handicapped blind~~, the Kansas state school for the deaf, any institution under the secretary for aging and disability services, as defined ~~by~~ in K.S.A. 76-12a01, and amendments thereto, any institution ~~under the commissioner of juvenile justice as defined by~~ in K.S.A. 38-2302, and amendments thereto, the Kansas soldiers' home, the Kansas veterans' home and any correctional institution under the secretary of corrections, as defined ~~by~~ in K.S.A. 75-5202, and amendments thereto, but shall not include any state educational institution under the state board of regents, as defined ~~by~~ in K.S.A. 76-711, and amendments thereto, except as specifically provided by statute.";

On page 2, following line 32, by inserting:

"Sec. 5. K.S.A. 76-383 is hereby amended to read as follows: 76-383. A medical student loan agreement entered into by the university of Kansas school of medicine and an undergraduate student enrolled in or admitted to the university of Kansas school of medicine in a course of instruction leading to the degree of doctor of medicine for the purpose of receiving a medical student loan under this act shall require that the person receiving the loan:

(a) Complete the required course of instruction and receive the degree of doctor of

medicine and apply for, enter and complete an approved postgraduate residency training program;

(b) apply for and obtain a license to practice medicine and surgery in Kansas;

(c) ~~except as otherwise provided in K.S.A. 76-384, and amendments thereto,~~ engage in the full-time practice of medicine and surgery for a period of 12 months within a service commitment area, ~~except as otherwise provided in K.S.A. 76-384(e), and amendments thereto,~~ for service as a full-time faculty member of the university of Kansas school of medicine in family medicine, family practice, general psychiatry or child psychiatry;

(d) commence such full-time practice of medicine and surgery within nine months after completion of an approved postgraduate residency training program and licensure in a service commitment area and continue such full-time practice in such service commitment area for a consecutive period of months equal to the total number of months required under the agreement;

(e) agree that the service commitment for each agreement entered into under this act is in addition to the service commitment contained in any other agreement ~~which~~ that has been or may be entered into under this act for the purpose of obtaining a medical student loan or under other agreements for the purpose of obtaining scholarship aid;

(f) maintain records and make reports to the university of Kansas school of medicine to document the satisfaction of the obligation under such agreement to engage in the full-time practice of medicine and surgery within a service commitment area and to continue such full-time practice in such service commitment area for a consecutive period of months equal to the total number of months required under the agreement; and

(g) upon failure to satisfy an agreement to engage in the full-time practice of medicine and surgery within a service commitment area for the required period of time under any such agreement, the person receiving a medical student loan under this act shall repay amounts to the university of Kansas school of medicine as provided in K.S.A. 76-385, and amendments thereto.

Sec. 6. K.S.A. 76-385 is hereby amended to read as follows: 76-385. (a) (1) Except as otherwise provided in paragraphs (2), ~~(3), (4) and (5)~~ through (6) or in K.S.A. 76-386, and amendments thereto, upon the failure of any person to satisfy the obligation to engage in the full-time practice of medicine and surgery within a service commitment area of this state for the required period of time under any medical student loan agreement entered into under this act, such person shall repay to the university of Kansas school of medicine in accordance with subsection (b) an amount equal to the total of: (A) The amount of money received by such person pursuant to such agreement, or the amount of money determined under rules and regulations of the university of Kansas; plus (B) annual interest at a rate of 15% from the date such money was received.

(2) Any person who fails to apply for and enter an approved postgraduate residency training program shall be required to repay all moneys received pursuant to an agreement entered into for any such medical student loan, plus accumulated interest at an annual rate of 15% and shall commence such repayment in accordance with subsection (b) within 90 days of graduation from the school of medicine or upon termination or completion of a residency training program ~~which~~ that does not comply with the provisions of this act, whichever is later.

(3) If at any time a person is failing to satisfy an obligation to engage in the full-time practice of medicine and surgery in Kansas for the required period of time under an agreement entered into under this act because such person is engaged in the full-time practice of medicine and surgery in a state other than Kansas, or within Kansas in an area that is not a service commitment area or in the practice of medicine and surgery which does not otherwise comply with the agreement entered into under this act, and if such person is subject to or currently making repayments under this section and if such person subsequently commences the practice of medicine and surgery in this state which is in a service commitment area or which otherwise complies with the agreement entered into under this act, the balance of the repayment amount, including interest thereon, from the time of such commencement of practice until the obligation of such person is satisfied, or until the time such person again becomes subject to repayments, shall be waived. All repayment amounts due prior to such commencement of practice, including interest thereon, shall continue to be payable as provided in this section. If subsequent to such commencement of practice, the person fails to satisfy such obligation, the person again shall be subject to repayments, including interest thereon, as otherwise provided in this section.

(4) If, during the time a person is satisfying the service requirement of an agreement entered into under this act, such person desires to engage in less than the full-time practice of medicine and surgery within a service commitment area of the state and remain in satisfaction of such service requirement, such person may make application to the chancellor of the university of Kansas or the designee of the chancellor for permission to engage in less than such full-time practice of medicine and surgery. Upon a finding of exceptional circumstances made by the chancellor of the university of Kansas, or the designee of the chancellor, such person may be authorized to engage in less than the full-time practice of medicine and surgery within a service commitment area of the state for the remaining required period of time under such agreement and for an additional period of time which shall be equal to the length of the originally required period of time multiplied by the decimal fraction which is equal to the reduction of the full-time practice of medicine and surgery to be authorized hereunder, multiplied by two. In any such determination of the period required to be engaged in the less than full-time practice of medicine and surgery, the decimal fraction utilized shall not exceed 0.5 and any person granted permission to engage in less than the full-time practice of medicine and surgery in accordance with the provisions of this paragraph shall be required to engage in at least the half-time practice of medicine and surgery.

(5) Any person who enters but fails to complete an approved postgraduate residency training program, or who enters and completes an approved postgraduate residency training program but fails to satisfy the obligation to engage in the full-time practice of medicine and surgery within a service commitment area of this state for the required period of time shall be required to repay all money received pursuant to an agreement entered into under this act ~~a for any such~~ medical student loan, plus accumulated interest at an annual rate of 15%, and shall commence such repayment in accordance with subsection (b) within 90 days of failure to complete an approved postgraduate residency training program or 90 days of failure to commence qualifying practice, whichever occurs first. Any person who fails to satisfy the obligation to engage in the full-time practice of medicine and surgery in accordance with this section due to

active military service of such person or such person's spouse shall not be required to pay the 15% annual interest rate on any moneys received under such agreement.

(6) For any person who entered and completed an approved postgraduate residency training program in obstetrics and gynecology, if during the time such person is satisfying the service requirement of an agreement entered into pursuant to this act, such person is employed by, provides services at or establishes any clinic or facility as such terms are defined in K.S.A. 65-4a01, and amendments thereto, or performs or induces, or attempts to perform or induce, an abortion, except in the case of a medical emergency as defined in K.S.A. 65-6701, and amendments thereto, or in the case of a pregnancy resulting from rape or incest, such person shall be deemed to have failed to complete such person's service requirement and shall be required to repay all money received pursuant to an agreement entered into under this act for any such medical student loan, plus accumulated interest at an annual rate of 15%, and shall commence such repayment in accordance with subsection (b).

(b) For any repayment requirement under this section, the person shall repay an amount totaling the entire amount to be repaid under all such agreements for which such obligations are not satisfied, including all amounts of interest at the rate prescribed. The repayment shall be made in not more than 10 equal annual installment payments.

(c) All installment payments under this section shall commence six months after the date of the action or circumstance that causes the failure of the person to satisfy the obligations of such agreements, as determined by the university of Kansas school of medicine based upon the circumstances of each individual case. In all cases, if an installment payment becomes 91 days overdue, the entire amount outstanding shall become immediately due and payable, including all amounts of interest at the rate prescribed.

(d) The total repayment obligation imposed under all agreements entered into under this act may be satisfied by the person who entered into the agreements at any time prior to graduation from the university of Kansas school of medicine by making a single lump-sum payment equal to the total of: (1) The entire amount to be repaid under all such agreements upon failure to satisfy the obligations under such agreements to practice in Kansas; plus (2) all amounts of interest thereon at the rate prescribed to the date of payment.

(e) The university of Kansas school of medicine shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the medical loan repayment fund.

(f) There is hereby created in the state treasury the medical loan repayment fund. All expenditures from the medical loan repayment fund shall be for medical student loans under the medical student loan act and for the expenses of administration of the medical student loan act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chancellor of the university of Kansas or by a person designated by the chancellor, except that expenditures shall not be made from the medical loan repayment fund for medical student loans for medical students who intend to enter and complete an approved postgraduate residency training program in obstetrics and gynecology, general

psychiatry or child psychiatry. On the effective date of this act, the director of accounts and reports shall transfer all moneys in the medical scholarship and loan repayment fund to the medical loan repayment fund. On the effective date of this act, all liabilities of the medical scholarship and loan repayment fund are hereby imposed on the medical loan repayment fund and the medical scholarship and loan repayment fund is hereby abolished. Whenever the medical scholarship and loan repayment fund, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the medical loan repayment fund.

(g) There is hereby established in the state treasury the psychiatry medical loan repayment fund. All moneys credited to the psychiatry medical loan repayment fund shall be expended only for medical student loans for general psychiatry or child psychiatry students under the medical student loan act and for the expenses of administration of the medical student loan act associated with such students. All expenditures from the psychiatry medical loan repayment 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 chancellor of the university of Kansas or the chancellor's designee.

(h) There is hereby established in the state treasury the OBGYN medical loan repayment fund. All moneys credited to the OBGYN medical loan repayment fund shall be expended only for medical student loans for medical students who intend to enter and complete an approved postgraduate residency training program in obstetrics and gynecology under the medical student loan act and for the expenses of administration of the medical student loan act associated with such students. All expenditures from the OBGYN medical loan repayment 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 chancellor of the university of Kansas or the chancellor's designee.

~~(h)(i)~~ Notwithstanding any other provision of law to the contrary, no moneys shall be transferred from the comprehensive grant program account of the state board of regents to the medical loan repayment fund, the OBGYN medical loan repayment fund or the psychiatry medical loan repayment fund or expended for any purposes related thereto.

Sec. 7. K.S.A. 76-386 is hereby amended to read as follows: 76-386. (a) An obligation to engage in the practice of medicine and surgery in accordance with an agreement under this act shall be postponed during any period of time for: (1) ~~During any~~ Required period of active military service of the person obligated or such person's spouse; (2) ~~during any period of~~ service as a part of volunteers in service to America (VISTA); (3) ~~during any period of~~ service in the peace corps; (4) ~~during any period of~~ service commitment to the United States public health service; (5) ~~during any period of~~ religious missionary work conducted by an organization exempt from tax under subsection (c) of section 501 of the federal internal revenue code of 1986; ~~or (6) ~~during any period of~~ temporary medical disability during which the person obligated is unable because of such medical disability to practice medicine and surgery; or (7) not more than one year during which the person participates in a healthcare-related fellowship program.~~

(b) Except for ~~clause (6) of this subsection~~ (a)(6), an obligation to engage in the practice of medicine and surgery in accordance with an agreement under this act shall not be postponed more than five years from the time the practice of medicine and surgery was to have been commenced under any such agreement. An obligation to

engage in the practice of medicine and surgery in accordance with an agreement under this act shall be postponed under ~~clause (6) of this subsection~~ (a)(6) during the period of time the medical disability exists.

~~(b)~~(c) An obligation to engage in the practice of medicine and surgery in accordance with an agreement under this act shall be satisfied: (1) If the obligation to engage in the practice of medicine and surgery in accordance with an agreement under this act has been completed; (2) if the person obligated dies; or (3) if, because of permanent physical disability, the person obligated is unable to practice medicine and surgery.

Sec. 8. K.S.A. 76-387 is hereby amended to read as follows: 76-387. (a)(1) There is hereby established the Kansas medical residency bridging program at the university of Kansas school of medicine, which shall be developed and implemented in order to provide encouragement, opportunities and incentives for persons ~~in primary care or mental health care to:~~

(A) Enter and complete medical residency training programs in general pediatrics, general internal medicine, family medicine, family practice, obstetrics and gynecology, general psychiatry or child psychiatry that are operated by or affiliated with the university of Kansas school of medicine or other such ~~primary care or mental health care~~ medical residency training program that is operated in Kansas and approved by the state board of healing arts; and ~~a person under subsection (i) to~~

(B) locate their medical practice in rural Kansas communities upon completion of such residency training.

(2) The Kansas medical residency bridging program shall be administered by the institute for rural health care of the university of Kansas school of medicine.

(b) Subject to the provisions of appropriation acts, the university of Kansas school of medicine may enter into residency bridging loan agreements, ~~in accordance with the provisions of this section:~~ (A) with any person who has completed the first year of a ~~primary care or mental health care~~ medical residency training program in general pediatrics, general internal medicine, family medicine, family practice, obstetrics and gynecology, general psychiatry or child psychiatry that is operated by or affiliated with the university of Kansas school of medicine or other such ~~primary care or mental health care~~ medical residency training program that is operated in Kansas and approved by the state board of healing arts; and (B) ~~with a person under subsection (i).~~

(c) Subject to the provisions of appropriation acts, each person entering into a residency bridging loan agreement under this section shall receive a payment of \$5,000 each year of ~~primary care or mental health care~~ medical residency training, or any part of a year of such training, after the date that the residency bridging loan agreement is entered into by the resident and the university of Kansas school of medicine and, upon completion of the ~~primary care or mental health care~~ medical residency training program, a payment of \$6,000.

(d) Each residency bridging loan agreement shall require that the person receiving the loan:

(1) Complete the ~~primary care or mental health care~~ medical residency training program;

(2) engage in the full-time practice of medicine and surgery in any county in Kansas other than Douglas, Johnson, Sedgwick, Shawnee or Wyandotte for three years under a practice commitment agreement;

(3) commence such full-time practice of medicine and surgery within 90 days after completing the ~~primary care or mental health care~~ medical residency training program; and

(4) upon failure to satisfy the obligation to engage in the full-time practice of medicine and surgery in accordance with the provisions of the residency bridging loan agreement and this section, the person receiving the loan under this section shall repay to the university of Kansas school of medicine, within 90 days of such failure, the amount equal to the amount of ~~money~~ moneys received by such person from the university of Kansas school of medicine, less credits earned, under such agreement plus interest at the annual rate of 15% from the date such ~~money was~~ moneys were received. Any person who fails to satisfy the obligation to engage in the full-time practice of medicine and surgery in accordance with this section due to active military service of such person or such person's spouse shall not be required to pay the 15% annual interest rate on any moneys received under such agreement.

(e) An obligation to engage in the practice of medicine and surgery in accordance with the provisions of a residency bridging loan agreement and this section shall be postponed during: (1) Any period of temporary medical disability during which the person obligated is unable to practice medicine and surgery because of such medical disability; (2) any period of not more than one year during which the person participates in a healthcare-related fellowship program; (3) any required period of active military service of the person obligated or such person's spouse; or ~~(2) (4)~~ (4) any other period of postponement agreed to or determined in accordance with criteria agreed to in the practice commitment agreement.

(f) Except as otherwise provided in subsection (g), an obligation to engage in the practice of medicine and surgery in accordance with the provisions of a residency bridging loan agreement and this section shall be satisfied: (1) If the obligation to engage in the practice of medicine and surgery in accordance with such agreement has been completed; (2) if the person obligated dies; or (3) if, because of permanent physical disability, the person obligated is unable to practice medicine and surgery.

(g) For any person who completed a medical residency training program in obstetrics and gynecology pursuant to this section, such person's obligation to engage in the practice of medicine and surgery in accordance with the provisions of a residency bridging loan agreement and this section shall be deemed to not be satisfied if such person is employed by, provides services at or establishes any clinic or facility as such terms are defined in K.S.A. 65-4a01, and amendments thereto, or performs or induces, or attempts to perform or induce, an abortion, except in the case of a medical emergency as defined in K.S.A. 65-6701, and amendments thereto, or in the case of a pregnancy resulting from rape or incest, at any time in which such person is obligated to satisfy the provisions of such person's loan agreement made pursuant to this section.

(h) The university of Kansas school of medicine may adopt additional provisions, requirements or conditions for participation in the Kansas medical residency bridging program as are practicable and appropriate to accomplish the purposes of the program or as may be required for the implementation or administration of the program and, in any case, as are not inconsistent with the provisions of this section or the provisions of appropriation acts.

~~(h)~~(i) As used in this section, "practice commitment agreement" means an agreement to commence the full-time practice of medicine and surgery in a city located

in any county in Kansas other than Douglas, Johnson, Sedgwick, Shawnee or Wyandotte county, that:

(1) Was entered into: ~~(A)~~ by a person in a ~~primary care or mental health care~~ medical residency training program in general pediatrics, general internal medicine, family medicine, family practice, obstetrics and gynecology, general psychiatry or child psychiatry, that is operated by or affiliated with the university of Kansas school of medicine or other such ~~primary care or mental health care~~ medical residency training program that is operated in Kansas and approved by the state board of healing arts; ~~or~~ ~~(B)~~ by a person under subsection (i), with the city where such practice is to commence or another contracting entity other than the university of Kansas school of medicine that is representative of the interests of such city; and

(2) provides benefits to such person that have an aggregate monetary value equal to or greater than the aggregate amount of payments to such person from the university of Kansas school of medicine under a residency bridging loan agreement under this section.

~~(i) A person who graduated from the university of Kansas school of medicine prior to July 1, 1992, who has completed the first year of a primary care residency training program in family practice which is operated outside the state of Kansas and who has entered into a practice commitment agreement with the north central Kansas health care foundation is eligible to enter into a residency bridging loan agreement under this section.~~

(j) Notwithstanding any other provision of law to the contrary, no moneys appropriated for the Kansas medical residency bridging program at the university of Kansas school of medicine, except moneys appropriated to the OBGYN medical residency bridging fund or the rural health bridging psychiatry fund, shall be expended for residency bridging loan agreements for medical residents training in obstetrics and gynecology, general psychiatry or child psychiatry.

(k) Subject to appropriations, the university of Kansas school of medicine shall enter into residency bridging loan agreements with three medical residents training in general psychiatry or child psychiatry.

(l) There is hereby established in the state treasury the rural health bridging psychiatry fund. All moneys credited to the rural health bridging psychiatry fund shall be used only for purposes related to residency bridging loan agreements for medical residents training in general psychiatry or child psychiatry pursuant to ~~K.S.A. 76-387, and amendments thereto~~ this section. All expenditures from the rural health bridging psychiatry 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 chancellor of the university of Kansas or the chancellor's designee.

(m) There is hereby established in the state treasury the OBGYN medical residency bridging fund. All moneys credited to the OBGYN medical residency bridging fund shall be used only for purposes related to residency bridging loan agreements for medical residents training in obstetrics and gynecology pursuant to this section. All expenditures from the OBGYN medical residency bridging 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 chancellor of the university of Kansas or the chancellor's designee.

(n) Notwithstanding any other provision of law to the contrary, no moneys shall be

transferred from the comprehensive grant program account of the state board of regents to the rural health bridging psychiatry fund or the OBGYN medical residency bridging fund or expended for any purposes related to the Kansas medical residency bridging program.";

Also on page 2, in line 33, after "K.S.A." by inserting "74-3265, 74-3268, 76-381,"; also in line 33, by striking "is" and inserting ", 76-383, 76-385, 76-386, 76-386a and 76-387 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the" and inserting "postsecondary and postgraduate"; also in line 1, by striking "student"; in line 2, by striking all before "mental" and inserting "programs and financial assistance therefor; osteopathic medical service scholarships; medical student loan program and residency bridging programs; encouraging the practice of osteopathic medicine, obstetrics and gynecology and"; in line 5, after the semicolon by inserting "establishing the OBGYN medical loan repayment fund and the OBGYN medical residency bridging fund"; also in line 5, after "K.S.A." by inserting "74-3265, 74-3268, 76-381,"; also in line 5, after "76-382" by inserting ", 76-383, 76-385, 76-386 and 76-387"; also in line 5, by striking "section" and inserting "sections; also repealing K.S.A. 76-386a"; and the bill be passed as amended.

HB 2264, As Amended by House Committee, be amended on page 2, in line 9, by striking "may" and inserting "shall"; in line 10, by striking ", including,"; in line 11, by striking all before the colon and inserting "that"; by striking all in lines 12 through 17; in line 18, by striking all after "objects"; by striking all in lines 19 through 29; in line 30, by striking all before the semicolon; in line 31, by striking "be" and inserting "are"; in line 33, by striking "be" and inserting "are"; in line 35, by striking "(g)" and inserting "(f)"; in line 42, by striking all after "(2)"; in line 43, by striking "(3)";

On page 3, in line 7, by striking "(g)" and inserting "(f)"; by striking all in lines 17 through 24;

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

Also on page 3, following line 24, by inserting:

"Sec. 2. (a) Each patient being cared for in a patient care facility has rights that the patient care facility shall protect and promote. Such rights include:

(1) The right to choose a personal attending physician, to be fully informed in advance about care and treatment, to be fully informed in advance of any changes in care or treatment that may affect the patient's well-being and, except with respect to a patient adjudged incompetent, to participate in planning care and treatment or changes in care and treatment;

(2) the right to be free from physical or mental abuse, corporal punishment, involuntary seclusion and any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat the patient's medical symptoms. Restraints may only be imposed to ensure the physical safety of the patient or other patients and upon the written order of a physician that specifies the duration and circumstances under which the restraints are to be used, except in emergency circumstances until such order could reasonably be obtained;

(3) the right to privacy regarding accommodations, medical treatment, written and telephonic communications, visits and meetings of family and other visitors;

(4) the right to confidentiality of personal and clinical records and access to current clinical records of the patient upon request by the patient or the patient's legal representative, within 24 hours, excluding hours occurring during a weekend or holiday, after making such a request;

(5) the right to receive services with reasonable accommodation of individual needs and preferences, except where the health or safety of the individual or other patients would be endangered;

(6) the right to voice grievances with respect to treatment or care that is or fails to be furnished, without discrimination or reprisal for voicing the grievances, and the right to prompt efforts by the patient care facility to resolve grievances of the patient;

(7) the right of the patient to participate in social, religious and community activities that do not interfere with the rights of other patients in the patient care facility; and

(8) the right to examine, upon reasonable request, the results of the most recent survey of the patient facility conducted by the patient care facility's licensing body with respect to the patient care facility and any plan of correction in effect with respect to the patient care facility.

(b) As used in this section:

(1) "Patient" means an individual who is receiving care at or is a resident of a patient care facility.

(2) "Patient care facility" includes any adult care home as defined in K.S.A. 39-923, and amendments thereto, and any medical care facility as defined in K.S.A. 65-425, and amendments thereto. "Patient care facility" also includes a hospice that is certified to participate in the medicare program under 42 C.F.R. § 418.1 et seq., and that provides services only to hospice patients.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking "authorizing" and inserting "requiring"; in line 5, after "procedures" by inserting "; establishing a patient's bill of rights"; and the bill be passed as amended.

HB 2313 be amended on page 2, in line 11, by striking all before "to"; and the bill be passed as amended.

HB 2340, As Amended by House Committee of the Whole, be amended on page 9, following line 14, by inserting:

"(6) A person shall not be issued a community-based professional counselor license if such person has been issued a student temporary addiction counselor license.";

On page 19, following line 24, by inserting:

"(6) A person shall not be issued a community-based social work license if such person has been issued a student temporary addiction counselor license.";

On page 29, following line 26, by inserting:

"(6) A person shall not be issued a community-based marriage and family therapist license if such person has been issued a student temporary addiction counselor license.";

On page 41, following line 12, by inserting:

"(j) A person shall not be issued a student temporary addiction counselor license if such person has been issued a community-based license to practice professional counseling, social work, marriage and family therapy or psychology.";

On page 43, in line 21, by striking "mental" and inserting "substance use";

On page 51, following line 5, by inserting:

"(7) A person shall not be issued a community-based psychologist license if such person has been issued a student temporary addiction counselor license."; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 24 reported correctly enrolled, properly signed and presented to the Governor on March 24, 2023.

SR 1717, SR 1718 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 24, 2023.

TRIBUTES

The Committee on Organization, Calendar, and Rules authorizes the following tributes for the week of March 20 through March 24, 2023:

Senator Bowers: congratulating Leonard Wolfe on receiving the 2023 KBA Kansas Ag Bankers Division Pioneer Award, celebrating Helen Schaffer's 100th Birthday;

Senator Faust Goudeau: commending Pastor Elder Zebedee Bell on thirty years of ministry in the Wichita Community;

Senator Gossage: celebrating the Olathe Chamber of Commerce's 100th Anniversary;

Senator Pittman: celebrating Juanita Gnip's 105th Birthday, thanking Mary Ann Brown for her service to the Leavenworth County Historical Society; and

Senator Thompson: commending Friends in Service of Heroes for service to the United States Military and veterans.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Monday, March 27, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

