

Journal of the House

FIFTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, April 26, 2022, 10:00 a.m.

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

The roll was called with 122 members present.

Rep. Schreiber was excused on verified illness.

Reps. L. Ruiz and Sutton were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Sovereign God,
Today I come before You
so thankful for the freedoms we have.
As citizens of this state
and nation,
We are thankful to have a voice in decisions made
through representation.
We are thankful for a system that allows a
variety of philosophies
that can discuss, debate, negotiate and collaborate
in making decisions that are to benefit the masses.
Although we may get frustrated and irritated
with the debates and disagreements,
at least we have the freedom for this to occur.
Most of all, We are thankful for the freedom
granted to each of us acknowledging
that You have created us all equally
and that we are endowed by You with certain unalienable rights,
including those of life, liberty and the pursuit of happiness.
Many people are not able to experience this
in their daily life.
Help us never to take this freedom for granted.
Lastly, but most importantly,
We are thankful for those who willingly
put their lives on the line so we may have these freedoms.
In an attitude of deep gratitude
I pray this prayer of thanksgiving in Your Name,
Amen.

The Pledge of Allegiance was led by Rep. Meyer.

On motion of Rep. Hawkins, the House recessed until 10:45 a.m.

LATE MORNING SESSION

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

MOTIONS OFFERED ON A PREVIOUS DAY

The motion of Rep. Gartner, in accordance with House Rule 1309, that **HB 2487** be withdrawn from Committee on Taxation and placed on the calendar as the first order of business on General Orders, was considered.

On roll call, the vote was: Yeas 48; Nays 74; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Amyx, Baker, Ballard, Burris, Burroughs, Byers, Carlin, Carmichael, Clayton, Coleman, Curtis, Fairchild, Featherston, Finney, Garber, Gartner, Haswood, Helgerson, Henderson, Highberger, Houser, Hoye, Jacobs, Kuether, Lee-Hahn, Meyer, Miller, Neighbor, Ohaebosim, Orr, Osman, Ousley, Poetter, Poskin, Probst, Ruiz, S., Sawyer, Schmidt, Seiwert, Stogsdill, Vaughn, Victors, Weigel, Winn, Wolfe Moore, Woodard, Xu.

Nays: Anderson, Arnberger, Awerkamp, Barker, Bergkamp, Bergquist, Blex, Borjon, Carlson, W. Carpenter, Clark, Clifford, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Finch, Francis, French, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Howe, Howell, Howerton, Huebert, Humphries, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Newland, Owens, F. Patton, Penn, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Sanders, Smith, A., Smith, C., Smith, E., Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

Present but not voting: None.

Absent or not voting: Ruiz, L., Schreiber, Sutton.

The motion did not prevail.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HCR 5022** submits the following report:

The Senate recedes from all of its amendments to the resolution.

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

KELLIE WARREN

RICK WILBORN

DAVID HALEY

Conferees on part of Senate

JOHN BARKER

TORY MARIE ARNBERGER-BLEW

LOUIS RUIZ

Conferees on part of House

On motion of Rep. Barker, the conference committee report on **HCR 5022** was adopted.

On roll call, the vote was: Yeas 91; Nays 31; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Arnberger, Averkamp, Baker, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Carlson, W. Carpenter, Clark, Clifford, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Finch, Francis, French, Garber, Hawkins, Helgerson, Helmer, Highland, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Newland, Orr, Owens, F. Patton, Penn, Poetter, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Sanders, Schmidt, Seiwert, Smith, A., Smith, C., Smith, E., Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Wolfe Moore.

Nays: Alcalá, Amyx, Ballard, Byers, Carlin, Carmichael, Clayton, Dodson, M., Featherston, Finney, Gartner, Haswood, Henderson, Highberger, Hoyer, Kuether, Meyer, Miller, Neighbor, Ohaebosim, Osman, Ousley, Poskin, Ruiz, S., Sawyer, Stogsdill, Vaughn, Victors, Winn, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Ruiz, L., Schreiber, Sutton.

CONFERENCE COMMITTEE REPORT

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

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

On page 1, by striking all in lines 10 through 34;

By striking all on pages 2 through 12;

On page 13, by striking all in lines 1 through 41; following line 41, by inserting:

"New Section 1. (a) On or before January 31, 2023, no state agency, including the governor, shall:

(1) Issue a request for proposal for the administration and provision of benefits under the medical assistance program; or

(2) enter into any new contract with managed care organizations for the administration and provision of benefits under the medical assistance program.

(b) Except to the extent prohibited by 42 U.S.C. § 1396u-2(a)(2) or other federal law, the secretary of health and environment shall continue to administer medical assistance benefits using managed care entities as described in 42 U.S.C. § 1396u-2.

(c) This section shall expire on January 31, 2023.

Sec. 2. K.S.A. 2021 Supp. 48-925 is hereby amended to read as follows: 48-925. (a) During any state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, the governor shall be commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement, embodied in appropriate executive orders or in rules and regulations of the adjutant general, but nothing shall restrict the authority of the governor to do so by

executive orders issued at the time of a disaster.

(b) Under the provisions of this act and for the implementation of this act, the governor may issue executive orders to exercise the powers conferred by subsection (c) that have the force and effect of law during the period of a state of disaster emergency declared under K.S.A. 48-924(b), and amendments thereto, or as provided in K.S.A. 2021 Supp. 48-924b, and amendments thereto. The chairperson of the legislative coordinating council shall call a meeting of the council to occur within 24 hours of the issuance of an executive order issued pursuant to this section for the purposes of reviewing such order. Such executive orders shall be null and void after the period of a state of disaster emergency has ended. Such executive orders may be revoked at any time by concurrent resolution of the legislature or, when the legislature is not in session or is adjourned during session for three or more days, such orders may be revoked by the legislative coordinating council with the affirmative vote of five members thereof.

(c) Except as provided in K.S.A. 2021 Supp. 48-924b, and amendments thereto, during a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, in addition to any other powers conferred upon the governor by law and subject to the provisions of ~~subsections~~ subsection (d) ~~and (e)~~, the governor may:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders or rules and regulations of any state agency which implements such statute, if strict compliance with the provisions of such statute, order or rule and regulation would prevent, hinder or delay in any way necessary action in coping with the disaster;

(2) utilize all available resources of the state government and of each political subdivision as reasonably necessary to cope with the disaster;

(3) transfer the supervision, personnel or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management activities;

(4) subject to any applicable requirements for compensation under K.S.A. 48-933, and amendments thereto, commandeer or utilize any private property if the governor finds such action necessary to cope with the disaster;

(5) direct and compel the evacuation of all or part of the population from any area of the state stricken or threatened by a disaster, if the governor deems this action necessary for the preservation of life or other disaster mitigation, response or recovery;

(6) prescribe routes, modes of transportation and destinations in connection with such evacuation;

(7) control ingress and egress of persons and animals to and from a disaster area, the movement of persons and animals within the area and the occupancy by persons and animals of premises therein;

(8) suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles;

(9) make provision for the availability and use of temporary emergency housing;

(10) require and direct the cooperation and assistance of state and local governmental agencies and officials; and

(11) perform and exercise such other functions, powers and duties in conformity with the constitution and the bill of rights of the state of Kansas and with the statutes of the state of Kansas, except any regulatory statute specifically suspended under the authority of subsection (c)(1), as are necessary to promote and secure the safety and

protection of the civilian population.

(d) The governor shall not have the power or authority under the provisions of the Kansas emergency management act or any other law to:

(1) Limit or otherwise restrict the sale, purchase, transfer, ownership, storage, carrying or transporting of firearms or ammunition, or any component or combination thereof, including any components or combination thereof used in the manufacture of firearms or ammunition, or seize or authorize the seizure of any firearms or ammunition, or any component or combination thereto, except as otherwise permitted by state or federal law pursuant to subsection (c)(8) or any other executive authority;

~~(e) The governor shall not have the power under the provisions of the Kansas emergency management act or the provisions of any other law to:~~

(2) alter or modify any provisions of the election laws of the state including, but not limited to, the method by which elections are conducted or the timing of such elections;

~~or~~

(3) prohibit attending or conducting any religious service or worship service in a church, synagogue or place of worship.

~~(e)~~(c) The governor shall exercise the powers conferred by subsection (c) by issuance of executive orders under subsection (b). Each executive order issued pursuant to the authority granted by subsection (b) shall specify the provision or provisions of subsection (c) by specific reference to each paragraph of subsection (c) that confers the power under which the executive order was issued. The adjutant general, subject to the direction of the governor, shall administer such executive orders.

~~(e)~~(f) (1) Any party aggrieved by an executive order issued pursuant to this section that has the effect of substantially burdening or inhibiting the gathering or movement of individuals or the operation of any religious, civic, business or commercial activity, whether for-profit or not-for-profit, may file a civil action in the district court of the county in which such party resides or in the district court of Shawnee county, Kansas, within 30 days after the issuance of such executive order. Notwithstanding any order issued pursuant to K.S.A. 2021 Supp. 20-172(a), and amendments thereto, the court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless the court finds such executive order is narrowly tailored to respond to the state of disaster emergency and uses the least restrictive means to achieve such purpose. The court shall issue an order on such petition within seven days after the hearing is conducted. If the court does not issue an order on such petition within seven days, the relief requested in the petition shall be granted.

(2) Relief under this section shall not include a stay or injunction concerning the contested executive order that applies beyond the county in which the petition was filed.

(3) The supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

~~(h)~~(g) (1) The board of county commissioners of any county may issue an order relating to public health that includes provisions that are less stringent than the provisions of an executive order effective statewide issued by the governor. Any board of county commissioners issuing such an order must make the following findings and include such findings in the order:

(A) The board has consulted with the local health officer or other local health

officials regarding the governor's executive order;

(B) following such consultation, implementation of the full scope of the provisions in the governor's executive order are not necessary to protect the public health and safety of the county; and

(C) all other relevant findings to support the board's decision.

(2) If the board of county commissioners of a county issues an order pursuant to paragraph (1), such order shall operate in the county in lieu of the governor's executive order.

Sec. 3. K.S.A. 2021 Supp. 48-925 is hereby repealed.";

Also on page 13, in line 43, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 6; in line 7, by striking all before the period and inserting "the executive branch; relating to actions by state agencies and the governor; prohibiting the issuance of a request for proposal or entering into a new contract for the administration and provision of benefits under the medical assistance program; relating to the Kansas emergency management act; removing the authority of the governor to prohibit attending or conducting certain religious services and worship services; amending K.S.A. 2021 Supp. 48-925 and repealing the existing section";

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

KELLIE WARREN

RICK WILBORN

Conferees on part of Senate

FRED PATTON

BRADLEY RALPH

Conferees on part of House

On motion of Rep. Landwehr, the conference committee report on **HB 2387** was adopted.

On roll call, the vote was: Yeas 84; Nays 38; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Arnberger, Awerkamp, Baker, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Carlson, W. Carpenter, Clark, Clifford, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Finch, Francis, French, Garber, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Newland, Orr, Owens, F. Patton, Penn, Poetter, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Sanders, Seiwert, Smith, A., Smith, C., Smith, E., Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Alcalá, Amyx, Ballard, Burroughs, Byers, Carlin, Carmichael, Clayton, Coleman, Curtis, Featherston, Finney, Gartner, Haswood, Helgerson, Henderson, Highberger, Hoye, Kuether, Meyer, Miller, Neighbor, Ohaebosim, Osman, Ousley, Poskin, Probst, Ruiz, S., Sawyer, Schmidt, Stogsdill, Vaughn, Victors, Weigel, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Ruiz, L., Schreiber, Sutton.

EXPLANATION OF VOTE

MR. SPEAKER: I cannot support **HB 2387**. This extends the MCO contract to the tune \$4 billion, with a no-bid process, potentially violating law. It extends the existing managed care organization contracts by one year. There is no competition, no room for questions, no accountability. This is wholly irresponsible and I refuse to spend taxpayer dollars in such a reckless manner. — TOM SAWYER, STEPHANIE CLAYTON, VALDENIA WINN, JO ELLA HOYE, RUI XU, BARBARA BALLARD, SYDNEY CARLIN, CHRISTINA HASWOOD, DENNIS “BOOG” HIGHBERGER, GAIL FINNEY, ANNIE KUETHER, CHUCK SCHMIDT, JOHN CARMICHAEL, KATHY WOLFE MOORE, TOM BURROUGHS, JERRY STOGSDILL, KC OHAEBOSIM, DAN OSMAN, BRODERICK HENDERSON, JOHN ALCALA, MIKE AMYX, CINDY NEIGHBOR, STEPHANIE BYERS, MARI-LYNN POSKIN, LINDA FEATHERSTON, HEATHER MEYER, LINDSAY VAUGHN, VIRGIL WEIGEL, JASON PROBST

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2252** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2252, as follows:

On page 1, by striking all in lines 15 through 36;

By striking all on pages 2 through 25;

Also on page 25, following line 43, by inserting:

"Section 1. K.S.A. 25-125 is hereby amended to read as follows: 25-125. (a) The governor shall not have any authority to modify election laws or procedures by issuance of an executive order.

(b) Except as provided in subsection (c), neither the executive branch nor the judicial branch of state government shall have any authority to modify the state election laws.

(c) Neither the governor, the secretary of state nor any other officer in the executive branch shall ~~not~~ enter into any consent decree or other agreement with any state or federal court or any agreement with any other party regarding the enforcement of any election law or the alteration of any election procedure without specific approval of such consent decree or other agreement by the legislature or the legislative coordinating council if the legislature is not in session at the time such agreement is submitted for approval.

(d) Nothing in this section shall be construed to limit or otherwise restrict the judicial branch of state government in the exercise of any powers granted by article 3 of the constitution of the state of Kansas.

(e) If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of the section that can be given effect without the invalid provision or application, and, to this end, the provisions of this section are severable.

Sec. 2. K.S.A. 25-125 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 8; in line 9, by striking all before the semicolon and inserting "elections; prohibiting the modification of election laws by agreement except as approved by the legislature"; in line 10, by striking all after the first "K.S.A."; by striking all in line 11 and inserting "25-125"; in line 12, by striking "sections" and inserting "section";

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

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

JOHN BARKER
EMIL BERGQUIST
VIC MILLER
Conferees on part of House

On motion of Rep. Bergquist, the conference committee report on **HB 2252** was adopted.

On roll call, the vote was: Yeas 84; Nays 38; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Arnberger, Awerkamp, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Carlson, W. Carpenter, Clark, Clayton, Clifford, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Finch, Francis, French, Garber, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Newland, Orr, Owens, F. Patton, Penn, Poetter, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Sanders, Seiwert, Smith, A., Smith, C., Smith, E., Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Alcalá, Amyx, Baker, Ballard, Burroughs, Byers, Carlin, Carmichael, Coleman, Curtis, Featherston, Finney, Gartner, Haswood, Helgerson, Henderson, Highberger, Hoye, Kuether, Meyer, Miller, Neighbor, Ohaebosim, Osman, Ousley, Poskin, Probst, Ruiz, S., Sawyer, Schmidt, Stogsdill, Vaughn, Victors, Weigel, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Ruiz, L., Schreiber, Sutton.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2138** submits the following report:

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

On page 1, by striking all in lines 13 through 36;

By striking all on pages 2 through 16;

On page 17, by striking all in lines 1 through 22; following line 22, by inserting:

"New Section 1. (a) The secretary of state, in consultation with county election officers, shall develop an affidavit system to be utilized for the transfer of ballots. Each person who transfers ballots for a county election office shall be required to sign an affidavit listing, if applicable, the:

- (1) Number of blank ballots;
- (2) number of spoiled ballots;
- (3) number of provisional ballots;
- (4) number of counted ballots;
- (5) number of advanced ballots in envelopes;
- (6) name of the person to whom such ballots were delivered; and
- (7) location of where the ballots were delivered.

(b) The affidavit system developed under this section shall apply to all ballots delivered, collected and transferred by county election offices prior to, on and after the date of an election and shall operate in conjunction with the provisions of K.S.A. 25-2707, 25-2708 and 25-2709, and amendments thereto, regarding transporting, preserving and destroying ballots and election records.

(c) (1) It shall be a violation of this section to alter any information provided in an affidavit or provide false information in an affidavit with the intent to hinder, prevent or defeat a fair election.

- (2) A violation of this section is a severity level 9, nonperson felony.

New Sec. 2. (a) In the calendar year following the general election of an even-numbered year, the secretary of state shall conduct in four counties an audit of the procedures used for election administration and election records for the elections held during the previous two calendar years.

(b) The secretary of state shall select the counties to be audited at random, except that:

- (1) One of the counties selected shall have a voting age population of more than 90,000;
- (2) one of the counties selected shall have a voting age population of more than 20,000 but less than 90,000;
- (3) two of the counties selected shall have a voting age population of less than 20,000; and
- (4) voting age population shall be set by the most recent federal decennial census.

(c) The secretary of state shall adopt rules and regulations necessary to implement this section including enumerating the specific records and procedures to be examined.

New Sec. 3. (a) (1) (A) All voting systems used for elections in this state held on or after January 1, 2024, shall require the use of an individual, durable, voter-verified paper ballot with a distinctive watermark established by the secretary of state. The voter's ballot shall be:

(i) Marked by the voter, or by a person assisting the voter as otherwise permitted by law, either by hand or by use of a voting machine that is a non-tabulating paper ballot marking or printing device or system that may be electromechanical or electronic;

(ii) made available to the voter for inspection and verification by the voter after the voter has marked the ballot but before the voter's vote is cast and counted, that may be spoiled by the voter if it fails to reflect the voter's choices and that permits the voter to cast a new paper ballot; and

(iii) canvassed by hand or read and tabulated by vote-tabulating equipment consisting of optical scanning equipment or other counting equipment that counts and tabulates paper ballots.

(B) The voting system shall provide the voter with an opportunity to correct any error on the paper ballot before the paper ballot is secured and preserved.

(2) The voting system shall not preserve the paper ballots in any manner that makes it possible, at any time after the ballot has been cast, to associate a voter with the record of the voter's vote without the voter's consent.

(3) The paper ballot shall constitute the official ballot and shall be preserved and used as the official ballot suitable for purposes of any audit or recount conducted with respect to any election in which the voting system is used. Each paper ballot shall be counted by hand in any recount conducted with respect to any election, unless the requestor of a recount pursuant to K.S.A. 25-3107, and amendments thereto, elects not to have the ballots counted by hand.

(4) In the event of any inconsistencies or irregularities between any electronic vote tallies and the vote tallies determined by counting by hand the paper ballots cast, the paper ballots as counted by hand shall be the true and correct record of the votes cast.

(b) The use of poll books not requiring a hand-written signature shall be prohibited.

(c) On or before January 1, 2023, the secretary of state shall adopt rules and regulations to implement the provisions of this section.

Sec. 4. K.S.A. 25-1124 is hereby amended to read as follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter shall cast such voter's vote as follows: The voter shall make a cross or check mark in the square or parentheses opposite the name of each candidate or question for whom the voter desires to vote. The voter shall make no other mark, and shall allow no other person to make any mark, upon such ballot. If the advance voting ballot was transmitted by mail, the voter personally shall place the ballot in the ballot envelope bearing the same number as the ballot and seal the envelope. The voter shall complete the form on the ballot envelope and shall sign the same. Except as provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope shall be mailed or otherwise transmitted to the county election officer. If the advance voting ballot was transmitted to the voter in person in the office of the county election officer or at a satellite advance voting site, the voter may deposit such ballot into a locked ballot box without an envelope.

(b) The county election officer shall attempt to contact each person who submits an advance voting ballot where there is no signature or where the signature does not match with the signature on file and allow such voter the opportunity to correct the deficiency

before the commencement of the final county canvass.

(c) Any voter who has an illness or physical disability or who is not proficient in reading the English language and is unable to apply for or mark or transmit an advance voting ballot, or any voter who has a disability preventing the voter from signing an application or the form on the ballot envelope, may request assistance by a person who has signed a statement required by subsection (e) in applying for or marking an advance voting ballot, or in signing an application or the form on the ballot envelope if the voter has a disability preventing the voter from signing.

(d) Any voted ballot may be transmitted to the county election officer by the voter. Subject to the provisions of K.S.A. 25-2437, and amendments thereto, a voted ballot may be transmitted by another person designated in writing by the voter as provided in K.S.A. 25-2437, and amendments thereto, except if the voter has a disability preventing the voter from writing and signing a statement, the written and signed statement required by subsection (e) shall be sufficient. Any such voted ballot shall be transmitted to the county election officer before the close of the polls on election day.

(e) The county election officer shall allow a person to assist a voter who has an illness or physical disability or who is not proficient in reading the English language in applying for or marking an application or advance voting ballot, or to sign for a voter who has a disability preventing the voter from signing an application or advance voting ballot form, provided a written statement is signed by the person who renders assistance to the voter who has an illness or physical disability or who is not proficient in reading the English language and such statement is submitted to the county election officer with the application or ballot. The statement shall be on a form prescribed by the secretary of state and shall contain a statement from the person providing assistance that the person has not exercised undue influence on the voting decision of the voter who has an illness or physical disability or who is not proficient in reading the English language and that the person providing assistance has completed the application, marked the ballot, or signed the application or ballot form as instructed by the voter.

(f) Any person assisting a voter who has an illness or physical disability or who is not proficient in reading the English language in applying for or marking an advance voting ballot, or in signing an application or advance voting ballot form for a voter who has a disability preventing the voter from signing the application or advance voting ballot form, who knowingly fails to sign and submit the statement required by this section or who exercises undue influence on the voting decision of such voter shall be guilty of a severity level 9, nonperson felony.

(g) (1) No person who is a candidate for office shall assist any voter in marking an advance voting ballot or in signing an advance voting ballot form pursuant to this section.

(2) It shall not be a violation of this subsection for:

(A) The secretary of state, any election official or any county election officer to assist a voter while engaged in the performance of the duties of such office; or

(B) any candidate for office employed by a county election office to assist a voter while engaged in the performance of the duties of such employee, unless the employee appears as a candidate for office on the advance voting ballot for which such candidate is providing assistance.

(3) For purposes of this subsection, the term "candidate for office" means an individual who has declared such individual's candidacy pursuant to K.S.A. 25-205 et

seq., and amendments thereto, or has been nominated for elected office pursuant to K.S.A. 25-301 et seq., and amendments thereto, in the election for which the voter applied for an advance voting ballot.

(4) A violation of this subsection is a class C misdemeanor.

(h) Subject to the provisions of subsection (b), no county election officer shall accept an advance voting ballot transmitted by mail unless the county election officer verifies that the signature of the person on the advance voting ballot envelope matches the signature on file in the county voter registration records, except that verification of the voter's signature shall not be required if a voter has a disability preventing the voter from signing the ballot or preventing the voter from having a signature consistent with such voter's registration form. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person on the advance voting ballot envelope does not match the signature on file in the county voter registration records, the ballot shall not be counted.

Sec. 5. K.S.A. 25-2316c is hereby amended to read as follows: 25-2316c. (a) When a registered voter changes name by marriage, divorce or legal proceeding, if ~~such the~~ voter is otherwise qualified to vote at such voting place ~~such the~~ voter shall be allowed to vote a provisional ballot at any election, or apply for an advance voting ballot, on the condition that ~~such the~~ voter first completes the application for registration prescribed by K.S.A. 25-2309, and amendments thereto. Completion of the application shall authorize the county election officer to update the registration records, if appropriate, for voting in future elections. The county election officer shall send, by nonforwardable mail, a notice of disposition to any voter completing such application.

(b) When a registered voter changes residence, ~~such the~~ voter shall reregister in order to be eligible to vote, except that when a registrant has moved from an address on the registration book to another address within the county and has not reregistered, ~~such the~~ registrant shall be allowed to vote a provisional ballot at any election, or to apply for an advance voting ballot, on the condition that ~~such the~~ registrant first completes the application for registration prescribed by K.S.A. 25-2309, and amendments thereto. Completion of the application shall authorize the county election officer to update the registration record, if appropriate, for voting in future elections. The county election officer shall send, by nonforwardable mail, a notice of disposition to any such voter. Whenever the county election officer receives from any other election officer a notice of registration of a voter in a different place than that shown in the records of the county election officer, ~~such the~~ officer shall remove the name of ~~such the~~ voter from the registration book and party affiliation list.

(c) Every application for registration completed under this section shall be returned to the county election officer with the registration books.

(d) A registrant shall not be removed from the registration list on the ground that the registrant has changed residence unless the registrant:

(1) Confirms in writing that the registrant has moved outside the county in which the registrant is registered, or registers to vote in any other jurisdiction; or

(2) (A) (i) has failed to respond to the notice described in subsection (e)(4) (1) through (e)(4); or (ii) the notice described in subsection (e)(5) is returned as undeliverable; and (B) has not appeared to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second federal general election that occurs after the date of the notice.

(e) A county election officer shall send a confirmation notice upon which a registrant may state such registrant's current address, within 45 days of the following events:

(1) A notice of disposition of an application for voter registration is returned as undeliverable;

(2) change of address information supplied by the national change of address program identifies a registrant whose address may have changed;

(3) if it appears from information provided by the postal service that a registrant has moved to a different residence address in the county in which the registrant is currently registered; ~~or~~

(4) if it appears from information provided by the postal service that a registrant has moved to a different residence address outside the county in which the registrant is currently registered; ~~or~~

(5) if the registrant has no election-related activity for any four-calendar year period. No election-related activity means that the elector has not voted, attempted to vote, requested or submitted an advance ballot application, filed an updated voter registration card, signed a petition, which is required by law to be verified by the county election officer or the secretary of state, or responded to any official election mailing transmitted by the county election office.

The confirmation notice shall be sent by forwardable mail and shall include a postage prepaid and preaddressed return card in a form prescribed by the chief state election official.

(f) Except as otherwise provided by law, when a voter dies or is disqualified for voting, the registration of the voter shall be void, and the county election officer shall remove such voter's name from the registration books and the party affiliation lists. Whenever (1) an obituary notice appears in a newspaper having general circulation in the county reports the death of a registered voter, or (2) a registered voter requests in writing that such voter's name be removed from registration, or (3) a court of competent jurisdiction orders removal of the name of a registered voter from registration lists, or (4) the name of a registered voter appears on a list of deceased residents compiled by the secretary of health and environment as provided in K.S.A. 65-2422, and amendments thereto, or appears on a copy of a death certificate provided by the secretary of health and environment, or appears in information provided by the social security administration, the county election officer shall remove from the registration books and the party affiliation lists in such officer's office the name of any person shown by such list or death certificate to be deceased. The county election officer shall not use or permit the use of such lists of deceased residents or copies for any other purpose than provided in this section.

(g) When the chief state election official receives written notice of a felony conviction in a United States district court, such official shall notify within five days the county election officer of the jurisdiction in which the offender resides. Upon notification of a felony conviction from the chief state election official, or from a county or district attorney or a Kansas district court, the county election officer shall remove the name of the offender from the registration records.

(h) Except as otherwise provided in this section, no person whose name has been removed from the registration books shall be entitled to vote until such person has registered again.

Sec. 6. K.S.A. 25-2437 is hereby amended to read as follows: 25-2437. (a) No person shall knowingly transmit or deliver an advance voting ballot to the county election officer or polling place on behalf of a voter who is not such person, unless the person submits a written statement accompanying the ballot at the time of ballot delivery to the county election officer or polling place as provided in this section. Any written statement shall be transmitted or signed by both the voter and the person transmitting or delivering such ballot and shall be delivered only by such person. The statement shall be on a form prescribed by the secretary of state and shall contain:

(1) A sworn statement from the person transmitting or delivering such ballot affirming that such person has not:

(A) Exercised undue influence on the voting decision of the voter; or
 (B) transmitted or delivered more than 10 advance voting ballots on behalf of other persons during the election in which the ballot is being cast; and

(2) a sworn statement by the voter affirming that:

(A) The voter has authorized such person to transmit or deliver the voter's ballot to a county election officer or polling place; and

(B) such person has not exercised undue influence on the voting decision of the voter.

(b) (1) No candidate for office shall knowingly transmit or deliver an advance voting ballot to the county election officer or polling place on behalf of a voter who is not such person, except on behalf of an immediate family member of such candidate.

(2) For purposes of this subsection, the term "candidate for office" means an individual who has declared such individual's candidacy pursuant to K.S.A. 25-205 et seq., and amendments thereto, or has been nominated for elected office pursuant to K.S.A. 25-301 et seq., and amendments thereto, in the election for which the voter applied for an advance voting ballot.

(c) No person shall transmit or deliver more than 10 advance voting ballots on behalf of other voters during an election.

(d) (1) A violation of subsection (a) or (b) is a severity level 9, nonperson felony.

(2) A violation of subsection (c) is a class B misdemeanor.

Sec. 7. K.S.A. 25-2430 is hereby amended to read as follows: 25-2430. (a) (1) Electioneering is:

(A) Knowingly attempting to persuade or influence eligible voters to vote for or against a particular candidate, party or question submitted, including wearing, exhibiting or distributing labels, signs, posters, stickers or other materials that clearly identify a candidate in the election or clearly indicate support or opposition to a question submitted election within any polling place on election day or advance voting site during the time period allowed by law for casting a ballot by advance voting or within a radius of 250 feet from the entrance thereof; or

(B) if committed by a candidate:

(i) Touching or handling any voter's ballot during the voting process;
 (ii) distributing ballots or counting ballots;
 (iii) hindering or obstructing any voter from voting or from entering and leaving the polling place; or

(iv) hindering or obstructing any election board worker from performing election duties.

(2) Electioneering shall not include bumper stickers affixed to a motor vehicle that

is used to transport voters to a polling place or to an advance voting site for the purpose of voting.

(b) The provisions of subsection (a)(1)(B) shall not apply to:

(1) The secretary of state ~~or~~ any election official or any county election ~~office officer~~;

(2) a candidate for precinct committeeman or committeewoman who is employed by a county election office and is engaged in the performance of such employee's duties;

(3) a candidate for any office not specified in paragraphs (1) or (2) who is employed by a county election office and is engaged in the performance of such employee's duties, if such employee does not appear as a candidate for office on any ballot such employee touches, handles, distributes or counts; or

(4) a candidate transmitting or delivering an advance voting ballot in accordance with K.S.A. 25-2437(b), and amendments thereto.

(c) As used in this section;

(1) "Advance voting site" means the central county election office or satellite advance voting sites designated as such pursuant to K.S.A. 25-1122(c), and amendments thereto, and adult care homes and hospital based care units at the time of an election participating in the voting procedures prescribed in K.S.A. 25-2812, and amendments thereto; and

(2) "candidate" means an individual who has declared such individual's candidacy pursuant to K.S.A. 25-205 et seq., and amendments thereto, or has been nominated for elected office pursuant to K.S.A. 25-301 et seq., and amendments thereto, in the election for which the individual is charged with having violated the provisions of this section.

(d) Electioneering is a class C misdemeanor.

Sec. 8. K.S.A. 25-3009 is hereby amended to read as follows: 25-3009. (a) After an election and prior to the meeting of the county board of canvassers to certify the official election results for any election in which the canvassers certify the results, the county election officer shall conduct a manual audit or tally of each vote cast, regardless of the method of voting, in 1% of all precincts, with a minimum of one precinct located within the county. The precinct or precincts shall be randomly selected and the selection shall take place after the election.

(b) (1) The audit shall be performed manually and shall review all paper ballots selected pursuant to subsection (a). The audit shall be performed by a sworn election board consisting of bipartisan trained board members. The county election officer ~~will~~ shall determine the members of the sworn election board who will conduct the audit.

(2) The audit ~~will~~ shall review contested races as follows:

(A) In presidential election years:

- (i) One federal race;
- (ii) one state legislative race; and
- (iii) one county race.

(B) ~~In even-numbered~~ even-numbered non-presidential election years:

- (i) One federal race;
- (ii) one statewide race;
- (iii) one state legislative race; and
- (iv) one county race.

(C) In even-numbered election years, any federal, statewide or state legislative race that is within 1% of the total number of votes cast tallied on election night, as determined by the secretary of state, shall be audited. The county election officer shall conduct the audit in the manner set forth in subsection (a) in 10% of all county precincts in the specified race, with a minimum of one precinct in the county. The precincts audited pursuant to this subsection shall be in addition to the precincts audited under subsections (2)(A) and (B).

(D) In odd-numbered election years, two local races will be randomly selected, and the selection shall take place after the election.

(c) At least five days prior to the audit, notice of the time and location of the audit shall be provided to the public on the official county website. The audit shall be conducted in a public setting. Any candidate or entity who is authorized to appoint a poll agent may appoint a poll agent for the audit.

(d) The results of the audit shall be compared to the unofficial election night returns and a report shall be submitted to the county election office and to the secretary of state's office prior to the meeting of the county board of canvassers. If a discrepancy is reported between the audit and the unofficial returns and cannot be resolved, the county election officer or the secretary of state may require audits of additional precincts. Once the audit has been completed, the results of the audit shall be used by the county board of canvassers when certifying the official election results.

(e) Upon publication of the notice of the audit pursuant to subsection (c), the signed and certified official abstracts required by K.S.A. 25-3006, and amendments thereto, shall be made available by the county election office for review by any authorized poll agent. Such abstracts shall be from all precincts and shall not be limited to those precincts that are subject to the audit. The abstracts shall be available for review until commencement of the original canvass.

(f) The secretary of state shall adopt rules and regulations governing the conduct and procedure of the audit, including the random selection of the precincts and offices involved in the audit.

~~(f) The provisions of this section shall apply to all counties for elections that take place after January 1, 2019.~~

Sec. 9. K.S.A. 25-3206 is hereby amended to read as follows: 25-3206. (a) The state board of canvassers shall make the final canvass of national and state primary and general elections. The board shall also make the final canvass of elections upon constitutional amendments and all questions submitted to election on a statewide basis, including questions on retention in office of justices of the supreme court, judges of the court of appeals and judges of the district court.

(b) For the purpose of canvassing elections specified in subsection (a), the state board of canvassers shall meet on the call of the secretary of state, in the secretary's office, as soon as convenient after the tabulation of the returns is made. In the case of general elections, the meeting shall be called not later than December 1 next following the election, except when the date falls on Sunday, then not later than the following day, and may recess from time to time until the canvass is completed.

(c) The state board of canvassers shall, upon the abstracts on file in the office of secretary of state, proceed to make final canvass of any election for officers specified in subsection (a). The state board of canvassers shall certify a statement which shall show the names of the persons receiving votes for any of the offices, and the whole number

received by each, distinguishing the districts and counties in which they were voted.

(d) The state board of canvassers shall, upon the abstracts on file in the office of the secretary of state, proceed to make final canvass and determination of the result of statewide question submitted elections. The state board of canvassers shall certify a statement of the number of votes on each question and the result thereof.

(e) The state board of canvassers shall certify such statements to be correct, and the members shall subscribe their names thereto, and the board shall determine what persons have been elected to such offices and the members shall endorse and subscribe on the statement a certificate of the determination and deliver them to the secretary of state.

(f) The secretary of state shall publish on the official secretary of state website election results by precinct for all federal offices, statewide offices and for legislative offices not later than 30 days after the final canvass of the general election results.

(g) Each county election officer shall provide precinct level election results electronically in machine-readable format for all federal offices, statewide offices, legislative offices and local offices not later than 30 days after the final canvass of the general election results.

Sec. 10. K.S.A. 25-4401 is hereby amended to read as follows: 25-4401. As used in this act unless the context otherwise requires:

(a) "Ballot" may include an electronic display or printed document containing the offices and questions on which voters in a specified voting area are eligible to vote.

(b) "Counting location" means the location in the county selected by the county election officer for the counting of ballots.

(c) "Electronic or electromechanical voting system" means a system of casting votes and tabulating ballots employing automatic tabulating equipment or data processing equipment including a direct recording electronic system.

(d) "Direct recording electronic system" means a system that records votes by means of a ballot display provided with mechanical or electro-optical components that can be activated by the voter, that processes data by means of a computer program, that records voting data and ballot images in memory components, that produces a tabulation of the voting data stored in a removable memory component and as printed copy, and that may also provide a means for transmitting individual ballots or vote totals to a central location for consolidating and reporting results from precincts at the central location.

(e) "Electronic poll book" means an electronic list of registered voters for a particular precinct or polling location that may be transported to a polling location and on which each voter may sign the voter's signature. "Electronic poll book" includes both the hardware and software necessary for operation. An "electronic poll book" is a type of "poll book" as provided in K.S.A. 25-2507, and amendments thereto. "Electronic poll book" does not include automatic tabulating equipment or data processing equipment, including a direct recording electronic system, that are components of an electronic or electromechanical voting system.

Sec. 11. K.S.A. 25-4402 is hereby amended to read as follows: 25-4402. Subject to the limitations of article 44 of chapter 25 of Kansas Statutes Annotated, and amendments thereto, the board of county commissioners and the county election officer of any county are authorized to purchase, lease or rent and use electronic or electromechanical voting systems or electronic poll books as provided by K.S.A. 25-

4403, and amendments thereto.

Sec. 12. K.S.A. 25-4403 is hereby amended to read as follows: 25-4403. (a) The board of county commissioners and the county election officer of any county may provide an electronic or electromechanical voting system or electronic poll books to be used at voting places, or for advance voting in the county at national, state, county, township, city and school primary and general elections and in question submitted elections.

(b) The board of county commissioners of any county in which the board of county commissioners and county election officer have determined that an electronic or electromechanical voting system or electronic poll books shall be used may issue bonds to finance and pay for purchase, lease or rental of such a system.

(c) The board of county commissioners and the county election officer of any county may adopt, experiment with or abandon any electronic or electromechanical system or electronic poll books herein authorized and approved for use in the state and may use such a system in all or any part of the voting areas within the county or in combination with an optical scanning voting system or with regular paper ballots. Whenever the secretary of state rescinds approval of any voting system or electronic poll books, the board of county commissioners and the county election officer shall abandon the system or electronic poll books until changes therein required by the secretary of state have been made, or if the secretary of state advises that acceptable changes cannot be made therein, the abandonment shall be permanent.

(d) On and after the effective date of this act, no board of county commissioners in any county may purchase, lease or rent any direct recording electronic system, as defined in K.S.A. 25-4401(d), and amendments thereto. On and after the effective date of this act, no board of county commissioners in any county may purchase, lease or rent any electronic or electromechanical voting system, unless such system:

(1) Provides a paper record of each vote cast, produced at the time the vote is cast; and

(2) has the ability to be tested both before an election and prior to the date of canvass. Such test shall include the ability to match the paper record of the machine to the vote total contained in the machine.

(e) No component of an electronic or electromechanical voting system shall have the capability to be connected to the internet or to any other communications or computer network, including, but not limited to, a local area network, wireless network, cellular network or satellite network, or to use bluetooth or any other wireless communications technology.

(f) On and after July 1, 2022, no board of county commissioners or the county election officer of any county may purchase, lease or rent any electronic poll books unless the kind or make of such poll books have been certified by the secretary of state. No electronic poll book may be operated unless its network connectivity meets the security standards established by the secretary of state.

Sec. 13. K.S.A. 25-4404 is hereby amended to read as follows: 25-4404. The secretary of state shall examine and approve the kinds or makes of electronic or electromechanical voting systems, including operating systems, firmware and software, and electronic poll books, and no kind or make of such system or electronic poll book shall be used at any election unless and until it receives certification by the secretary of state and a statement thereof is filed in the office of the secretary of state.

Sec. 14. K.S.A. 25-4405 is hereby amended to read as follows: 25-4405. (a) Any person, firm or corporation desiring to sell any kind or make of electronic or electromechanical voting system or electronic poll book to political subdivisions in Kansas may in writing request the secretary of state to examine the kind or make of the system which it desires to sell and shall accompany the request with a certified check in the sum of \$250 payable to the secretary of state to be used to defray a portion of the costs of such examination, and shall furnish at its own expense such system to the secretary of state for use in examining such system. The secretary of state may require such person, firm or corporation to furnish a competent person to explain the system or electronic poll book and demonstrate by the operation of such system or electronic poll book that it complies with any applicable state and federal laws and regulations. The secretary of state may employ a competent person or persons to assist in the examination and to advise the secretary as to the sufficiency of such ~~machine voting system or electronic poll book~~ and to pay such persons reasonable compensation therefor. The costs of employment and any other costs associated with the approval of such system shall be paid by the applicant.

(b) The secretary of state may require a review of any theretofore approved electronic or electromechanical voting system or electronic poll book and the equipment and operation thereof. Such review shall be commenced by the secretary of state giving written notice thereof to the person, firm or corporation which sought approval of the voting system or electronic poll book and to each county election officer and county commissioner of counties known to have purchased, leased or rented any such voting system or electronic poll book or equipment thereof. Such notice shall fix a time and place of hearing at which those persons wishing to be heard may appear and give oral or written testimony and explanation of the voting system or electronic poll book, its equipment and operation and experience had therewith. After such hearing date and after such review as the secretary of state deems appropriate, the secretary of state may renew approval of the voting system or electronic poll book, require changes therein for continued approval thereof or rescind approval previously given on either a conditioned or permanent basis.

(c) The secretary of state may appoint persons to assist county election officers or county commissioners in the testing of any electronic or electromechanical voting system or electronic poll book and its equipment or the programs of such system or electronic poll book.

Sec. 15. K.S.A. 25-4406 is hereby amended to read as follows: 25-4406. Electronic or electromechanical voting systems approved by the secretary of state:

(a) Shall provide for voting for the candidates for nomination or election of all political parties officially recognized pursuant to K.S.A. 25-302a, and amendments thereto;

(b) shall permit a voter to vote for any independent candidate for any office;

(c) shall provide for voting on constitutional amendments or other questions submitted;

(d) shall be so constructed that, as to primaries where candidates are nominated by political parties, the voter can vote only for the candidates for whom the voter is qualified to vote according to articles 2 and 33 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(e) shall afford the voter an opportunity to vote for any or all candidates for an

office for whom the voter is by law entitled to vote and no more, and at the same time shall prevent the voter from voting for the same candidate twice for the same office;

(f) shall be so constructed that in presidential elections the presidential electors of any political party may be voted for by one action;

(g) shall provide for "write-in" votes;

(h) shall provide for voting in absolute secrecy, except as to persons who request assistance due to temporary illness or disability or a lack of proficiency in reading the English language;

(i) shall reject all votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast;

(j) shall provide for instruction of voters on the operation of voting machines, illustrating the manner of voting by the use of such systems. The instruction may include printed materials or demonstration by election board workers;

(k) shall provide a paper record of each vote cast, produced at the time the vote is cast;

(l) shall have the ability to be tested both before an election and prior to the date of canvass. The test shall include the ability to match the paper records of such machines to the vote totals contained in the machines; ~~and~~

(m) shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment; ~~and~~

(n) shall not have the capability nor shall any component of an electronic or electromechanical voting system have the capability to be connected to the internet or to any other communications or computer network, including, but not limited to, a local area network, wireless network, cellular network or satellite network, or to use bluetooth or any other wireless communications technology.

Sec. 16. K.S.A. 25-4407 is hereby amended to read as follows: 25-4407. (a) When a board of commissioners and county election officer have determined that such ~~a kind or make of electronic or electromechanical~~ voting system ~~or electronic poll book~~ shall be used in a county, the board of county commissioners and the county election officer shall provide such number of units as shall be necessary to equip voting places for the use of voters.

(b) No tax shall be levied under this section, nor shall any moneys be paid from any fund under authority of this section for any contract to purchase, lease or rent any electronic or electromechanical voting system or equipment thereof ~~or electronic poll books~~, if approval of such ~~voting system or equipment or kind or make of electronic poll book~~ has been rescinded by the secretary of state.

(c) The secretary of state may purchase, rent or lease voting equipment only for the purpose of providing such equipment to counties pursuant to the provisions of the help America vote act of 2002.

Sec. 17. K.S.A. 25-4408 is hereby amended to read as follows: 25-4408. The board of county commissioners shall provide for the storage of electronic or electromechanical voting systems ~~and electronic poll books~~. The county election officer shall be in complete charge of the ~~voting systems and electronic poll books~~, their safekeeping when not in use and keeping them in repair and working order and shall see that they are delivered to the voting places in time for all arrangements to be made and for the ~~voting systems and electronic poll books~~ to be ready for use at the hour of

opening the polls. After the election the county election officer shall see that the voting systems and electronic poll books are returned to the place of storage, or are secured for on-site storage.

Sec. 18. K.S.A. 25-4409 is hereby amended to read as follows: 25-4409. (a) The ballot information, shall, as far as practicable, be in the order of arrangement provided for paper ballots except that such information may be in vertical or horizontal rows, or in a number of separate pages. Voting squares or ovals may be before or after the names of candidates and statements of questions, and shall be of such size as is compatible with the type of system used. Ballot information shall be displayed in as plain clear type and size as the ballot spaces will reasonably permit. Where candidate rotation is used, the voting equipment shall be capable of meeting the requirements otherwise provided in law.

(b) Before the opening of the polls the election judges shall compare the ballots with the sample ballots furnished, and see that the ballot information thereon agrees and shall certify thereto on forms provided for this purpose. The certification shall be filed with the election returns.

(c) Before, during and after the operation of the polling place, the election judges shall make all electronic or electromechanical voting systems and vote tabulating equipment available to any candidate or any authorized poll agent for review to ensure there is no connectivity to the internet or to any other communications or computer network, including, but not limited to, a local area network, wireless network, cellular network or satellite network, or using bluetooth or any other wireless communications technology.

Sec. 19. K.S.A. 25-4411 is hereby amended to read as follows: 25-4411. (a) The vote tabulation equipment may be located at any place within the county approved by the county election officer.

(b) Within five days prior to the date of the election, the county election officer shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in a newspaper of general circulation in the county or city where such equipment is to be used and on the county website, if the county has a website. The test shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated within five business days after the completion of the canvass. The equipment, programs and ballots shall be secured and retained by the county election officer.

Sec. 20. K.S.A. 25-4414 is hereby amended to read as follows: 25-4414. Electronic or electromechanical voting system or electronic poll book fraud is:

(a) Being in unlawful or unauthorized possession of electronic or electromechanical voting system equipment, electronic poll book equipment, computer programs, operating systems, firmware, software or ballots; or

(b) intentionally tampering with, altering, disarranging, defacing, impairing or destroying any electronic or electromechanical voting system, electronic poll book or component part thereof, or any ballot used by such electronic or electromechanical voting systems.

Electronic or electromechanical voting system or electronic poll book fraud is a severity level 9, nonperson felony.

Sec. 21. K.S.A. 25-4415 is hereby amended to read as follows: 25-4415. The secretary of state may adopt rules and regulations:

(a) For the use of electronic and electromechanical voting systems to count votes under the election laws of this state; ~~and~~

(b) for the use of electronic poll books to process voters at polling places; and

(c) necessary for the administration of this act.

Sec. 22. K.S.A. 25-4610 is hereby amended to read as follows: 25-4610. (a) The optical scanning equipment may be located at any place within the county approved by the county election officer.

(b) Within five days prior to the date of the election, the county election officer shall have the optical scanning equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in a newspaper of general circulation in the county where such equipment is to be used and on the county website, if the county has a website. The test shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots marked as to record a predetermined number of valid votes for each candidate and on each question submitted, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the optical scanning equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the optical scanning equipment is approved. The test shall be repeated within five business days after the completion of the canvass. The programs and ballots shall be sealed, retained and disposed of in the same manner as paper ballots.

Sec. 23. K.S.A. 25-4613 is hereby amended to read as follows: 25-4613. Optical scanning equipment and systems using optical scanning equipment approved by the secretary of state:

(a) Shall be capable of being tested to ascertain that the equipment will correctly count votes cast for all offices and on all questions submitted; ~~and~~

(b) shall be capable of printing in legible form, reports and summaries of the election results as required by articles 30 and 31 of chapter 25 of Kansas Statutes Annotated, and amendments thereto; ~~and~~

(c) shall be capable of tabulating votes for candidates for nomination or election of all political parties officially recognized pursuant to K.S.A. 25-302a, and amendments thereto; ~~and~~

(d) shall be capable of tabulating votes for any independent candidate of any office; ~~and~~

(e) shall be capable of tabulating votes for constitutional amendments or other questions submitted; ~~and~~

(f) shall be capable of tabulating the number of "write-in" votes cast for any office;

(g) shall not count any votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast;

(h) shall provide notification when the voter has cast more votes for such office or upon such question than the voter is entitled to cast; ~~and~~

(i) shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment; and

(j) shall not have the capability to be connected to the internet or to any other communications or computer network, including, but not limited to, a local area network, wireless network, cellular network or satellite network, or to use bluetooth or any other wireless communications technology.

Sec. 24. K.S.A. 25-1124, 25-2316c, 25-2430, 25-2437, 25-3009, 25-3206, 25-4401, 25-4402, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4408, 25-4409, 25-4411, 25-4414, 25-4415, 25-4610 and 25-4613 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 9; in line 10, by striking all before the period and inserting "elections; relating to county election officers and employees; requiring the secretary of state to develop an affidavit system for transfers of ballots; exempting county election office employees from certain election crimes; requiring precinct level election results be electronically provided; relating to voting systems and procedures; requiring voter-verified paper ballots with a distinctive watermark; defining and authorizing use of electronic poll books; prohibiting electronic and electromechanical voting systems from being connected to the internet or other communications networks; requiring audits of election procedures and records of certain counties and of close federal, statewide or state legislative races; requiring a county election officer to send a confirmation notice to a voter if the voter has no election-related activity for a four-calendar year period; amending K.S.A. 25-1124, 25-2316c, 25-2430, 25-2437, 25-3009, 25-3206, 25-4401, 25-4402, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4408, 25-4409, 25-4411, 25-4414, 25-4415, 25-4610 and 25-4613 and repealing the existing sections";

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

ROB OLSON

RICHARD HILDEBRAND

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

JOHN BARKER

EMIL BERGQUIST

VIC MILLER

Conferees on part of House

On motion of Rep. Bergquist, the conference committee report on **S Sub for HB 2138** was adopted.

On roll call, the vote was: Yeas 82; Nays 40; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Arnberger, Awerkamp, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Carlson, W. Carpenter, Clifford, Collins, Concannon, Corbet, Croft, Delperdang,

Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Finch, Francis, French, Garber, Hawkins, Helgerson, Helmer, Highland, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Orr, Owens, F. Patton, Penn, Poetter, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Sanders, Seiwert, Smith, A., Smith, C., Smith, E., Tarwater, Thomas, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Alcala, Amyx, Baker, Ballard, Burroughs, Byers, Carlin, Carmichael, Clark, Clayton, Coleman, Curtis, Featherston, Finney, Gartner, Haswood, Henderson, Highberger, Hoye, Kuether, Meyer, Miller, Ohaebosim, Osman, Ousley, Poskin, Probst, Ruiz, S., Samsel, Sawyer, Schmidt, Stogsdill, Thompson, Vaughn, Victors, Weigel, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Ruiz, L., Schreiber, Sutton.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **S Sub for HB 2138**. While there are provisions in this conference committee report that I support, the provisions relating to requiring ballot paper with a unique watermark is an unnecessary and unfunded mandate upon local government. There has been no evidence presented of a problem addressed by this provision and no evidence that this is a solution to anything—just one more expense cast upon our local property taxpayers. — VIC MILLER

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2237** submits the following report:

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

On page 4, following line 10, by inserting:

"New Section 1. The provisions of sections 1 through 6, and amendments thereto, shall be known and may be cited as the Kansas affordable housing tax credit act.

New Sec. 2. As used in sections 1 through 6, and amendments thereto:

- (a) "Act" means the provisions of sections 1 through 6, and amendments thereto;
- (b) "allocation certificate" means a statement issued by the KHRC certifying that a given development is eligible for the credit and specifying the amount of the credit allowed;
- (c) "credit" means the Kansas affordable housing tax credit allowed pursuant to this act;
- (d) "credit period" means the credit period as defined in section 42(f)(1) of the federal internal revenue code;
- (e) "director" means the director of taxation pursuant to K.S.A. 75-5102, and amendments thereto;
- (f) "federal tax credit" means the federal low-income housing tax credit provided

by section 42 of the federal internal revenue code;

(g) "KHRC" means the Kansas housing resources corporation, a not-for-profit subsidiary of the Kansas development finance authority incorporated pursuant to K.S.A. 74-8904(v), and amendments thereto;

(h) "pass-through entity" means any: (1) Limited liability company; (2) limited partnership; or (3) limited liability partnership;

(i) "pass-through certification" means a certification provided to the director by any pass-through entity allocating a credit to its partners or members, certifying the amount of credit to be allocated to each partner or member of such pass-through entity;

(j) "qualified allocation plan" means the qualified allocation plan adopted by the KHRC pursuant to section 42(m) of the federal internal revenue code;

(k) "qualified development" means a "qualified low-income housing project," as that term is defined in section 42 of the federal internal revenue code that is located in Kansas and is determined by the KHRC to be eligible for a federal tax credit whether or not a federal tax credit is allocated with respect to such qualified development; and

(l) "qualified taxpayer" means an individual, a person, firm, corporation, or other entity that owns an interest, direct or indirect, in a qualified development and is subject to the taxes imposed by the Kansas income tax act, the privilege taxes imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premium taxes imposed pursuant to K.S.A. 40-252, and amendments thereto.

New Sec. 3. (a) For all taxable years commencing after December 31, 2022, there shall be allowed a credit against the income tax liability imposed pursuant to the Kansas income tax act, the privilege tax liability imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premium tax liability imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, for each qualified development for each year of the credit period, in an amount equal to the federal tax credit allocated or allowed by the KHRC to such qualified development, except that there shall be no reduction in the credit allowable in the first year of the credit period due to the calculation in section 42(f)(2) of the federal internal revenue code.

(b) The KHRC shall issue an allocation certificate to an owner of a qualified development to which a credit has been allocated. The KHRC shall issue an allocation certificate to the qualified development simultaneously with issuance of federal form 8609 with respect to the federal tax credits.

(c) All allocations shall be made pursuant to the qualified allocation plan.

(d) If an owner of a qualified development receiving an allocation of a credit is a pass-through entity, the owner may allocate the credit among its partners or members in any manner agreed to by such persons regardless of whether: (1) Any such person is allocated or allowed any portion of any federal tax credit with respect to the qualified project; (2) the allocation of the credit under the terms of the agreement has substantial economic effect within the meaning of section 704(b) of the federal internal revenue code; or (3) any such person is deemed a partner for federal income tax purposes, if the

partner or member would be considered a partner or member under applicable state law governing such entity and has been admitted as a partner or member on or prior to the date for filing the qualified taxpayer's tax return, including any amendments to such tax return, with respect to the year of the credit. In the case of multiple tiers of pass-through entities, the credit may be so allocated through any number of pass-through entities in any manner agreed by the owners of such pass-through entities, none of which shall be considered a transfer. Any pass-through entity allocating a credit to its partners or members shall attach a pass-through certification to its tax return annually. Each partner or member shall be allowed to claim or further allocate such amount subject to any restrictions set forth in this act.

(e) An owner of a qualified development to which a credit has been allocated and each qualified taxpayer to which such owner has allocated a portion of such credit, if any, shall file with their state income, privilege or premium tax return a copy of the allocation certificate issued by the KHRC with respect to such qualified development and a copy of any pass-through certification, as prescribed by the director.

(f) No credit shall be allocated pursuant to this act unless the qualified development is the subject of a recorded restrictive covenant requiring the development to be maintained and operated as a qualified development and is in accordance with the accessibility and adaptability requirements of the federal tax credits and title VIII of the civil rights act of 1968, as amended by the fair housing amendments act of 1988, for a period of 15 taxable years, or such longer period as may be agreed to between the KHRC and the owner of the qualified development, beginning with the first taxable year of the credit period.

(g) The allocated credit amount may be taken against the income, privilege or premium taxes imposed for each taxable year of the credit period. Any amount of credit that exceeds the income, privilege or premium tax liability of a qualified taxpayer for a taxable year may be carried forward as a credit against subsequent years' tax liability up to 11 tax years following the tax year in which the allocation was made and shall be applied first to the earliest years possible. Any amount of the credit that is not used shall not be refunded to the taxpayer.

(h) Unless otherwise provided in this act or the context or law requires otherwise, the KHRC shall determine eligibility for a credit and allocate credits in accordance with the standards and requirements set forth in section 42 of the federal internal revenue code. Any combination of federal tax credits and credits allowed pursuant to this act shall be the least amount necessary to ensure the financial feasibility of a qualified development.

New Sec. 4. If, under section 42 of the federal internal revenue code, a portion of any federal tax credit taken on a qualified development is required to be recaptured or is otherwise disallowed during the credit period, the qualified taxpayer that claimed the credit pursuant to this act with respect to such qualified development shall also be required to recapture a portion of any credits authorized by this act. The percentage of credits subject to recapture shall be equal to the percentage of federal tax credits subject to recapture or otherwise disallowed during such period. Any credits recaptured or disallowed shall increase the tax liability of the qualified taxpayer who claimed the credits and shall be included on the tax return of the qualified taxpayer submitted for the

taxable year in which the recapture or disallowance event is identified.

New Sec. 5. The KHRC and the director, in consultation with each other, shall promulgate rules and regulations necessary for their respective administration of this act.

New Sec. 6. (a) The KHRC, in consultation with the director, shall monitor and oversee compliance with the provisions of this act and shall report specific occurrences of noncompliance to the director.

(b) For each allocation year, the KHRC shall submit a written report to the legislature on or before December 31 of each year and make such report available to the public. The report shall:

(1) Specify the number of qualified developments that have been allocated credits during the allocation year and the total number of units supported by each development;

(2) describe each qualified development that has been allocated credits including, without limitation, the geographic location of the development, the household type and any specific demographic information available about residents intended to be served by the development, the income levels intended to be served by the development, and the rents or set-asides authorized for each development; and

(3) provide housing market and demographic information that demonstrates how the qualified developments supported by the credits are addressing the need for affordable housing within the communities they are intended to serve as well as information about any remaining disparities in the affordability of housing within those communities.

New Sec. 7. (a) The purpose of the Kansas housing investor tax credit act is to bring housing investment dollars to communities that lack adequate housing. Development of suitable residential housing will complement economic development of rural and urban areas that lack adequate housing resources and enable such communities to attract businesses, employees and new residents.

(b) Sections 7 through 12, and amendments thereto, shall be known and may be cited as the Kansas housing investor tax credit act.

New Sec. 8. As used in the Kansas housing investor tax credit act, sections 7 through 12, and amendments thereto:

(a) "Act" means the Kansas housing investor tax credit act;

(b) "cash investment" means, as approved by the director, money or money equivalent in consideration for qualified securities;

(c) "city" means any city incorporated in accordance with Kansas law with a population of less than 70,000, as certified to the secretary of state by the division of the budget on the previous July 1 in accordance with K.S.A. 11-201, and amendments thereto;

(d) "corporation" means the Kansas housing resources corporation;

(e) "county" means any county organized in accordance with K.S.A. 18-101 et seq., and amendments thereto, with a population of less than 75,000, as certified to the

secretary of state by the division of the budget on the previous July 1 in accordance with K.S.A. 11-201, and amendments thereto;

(f) "director" means the director of housing of the Kansas development finance authority;

(g) "Kansas investor" means an individual who is a resident of Kansas or any business entity domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Kansas or conducts substantially all of its business activities in Kansas, or a bank or other financial institution or association chartered or incorporated under the laws of Kansas that does business primarily in Kansas or conducts substantially all of its business activities in Kansas;

(h) "manufactured home" means a "manufactured home" as defined in K.S.A. 58-4202, and amendments thereto, that is installed on a permanent foundation. The permanent foundation shall be of a type not removable intact from the site, constructed of durable materials such as concrete, mortared masonry or treated wood, site built and shall have attachment points to anchor and stabilize the manufactured home to transfer all loads to the underlying soil or rock;

(i) "modular home" means a "modular home" as defined in K.S.A. 58-4202, and amendments thereto, that is installed on a permanent foundation. The permanent foundation shall include a basement or crawl space;

(j) "qualified housing project" means a project within a city or county for the construction of single-family residential dwellings, including, but not limited to, manufactured housing or modular housing, or multi-family residential dwellings or buildings, that is eligible for designation by the director as a project for the purposes of the tax credit allowed under this act. "Qualified housing project" does not include a project eligible for income or other tax credits designated for low-income housing under state or federal law, including, but not limited to, the low income housing tax credit pursuant to 26 U.S.C. § 42, or a project participating in tenant-based or project-based programs pursuant to section 8 of the United States housing act of 1937, 42 U.S.C. § 1437f;

(k) "qualified investor" means an investor that has made a cash investment in a qualified housing project and is eligible for a tax credit under this act. A "qualified investor" includes a natural person, a business or a bank or other financial institution or association and the project builder or developer; and

(l) "qualified securities" means a cash investment through any form or combination of forms of financial assistance, including equity or debt instruments or bank or financial institution or association loans pursuant to rules and regulations adopted by the director, and that with respect to any investment made for the purpose of receiving a tax credit under this act have been approved in form and substance by the director.

New Sec. 9. (a) There is hereby established the Kansas housing investor tax credit program within the Kansas housing resources corporation, to be administered by the director of housing. The purpose of tax credits issued under the Kansas housing investor tax credit program is to facilitate investment in suitable housing that will support the growth of communities that lack adequate housing by attracting new employees,

residents and families and will support the development and expansion of businesses that are job and wealth creating enterprises.

(b) To achieve this purpose and to optimize the use of the limited resources of the state, the director is authorized to issue tax credits for qualified housing projects to qualified investors who make cash investments in such qualified housing projects and to project builders and developers. Such tax credits shall be issued for those qualified housing projects that, as determined by the director, are most likely to provide the greatest economic benefit to and best meet the needs of the community lacking adequate housing where the project is located. In issuing tax credits, the director shall give priority to Kansas investors.

(c) To be designated as a qualified housing project, the project builder or developer shall apply to the director. Such application shall be in a form and substance as required by the director and shall include:

(1) The name and address of the project builder or developer and names of all principals or management;

(2) if the project builder or developer is seeking tax credits for such builder's or developer's cash investment in the project, information as required by the director for consideration of the request;

(3) a project plan, including a description of the project, timeline, housing to be constructed, intended market, costs and anticipated pricing for the housing and any other information that may be required by the director;

(4) a statement of the potential economic impact of the project;

(5) a description of all financing for the project, the amount of any tax credits requested and the earliest year in which the tax credits may be claimed;

(6) a statement of the amount, timing and projected use of the proceeds to be raised from qualified investors;

(7) the names, addresses and taxpayer identification numbers of all investors who may qualify for the tax credit. Such list of investors who may qualify for the tax credit shall be amended as any information on the list shall change; and

(8) such additional information as the director may require.

(d) In determining whether to designate a project as a qualified housing project, the director shall consider whether the project:

(1) Has the support of the community and the governing body of the city or county where such project is located;

(2) will enhance the ability of the community that lacks adequate housing to attract new businesses or expand existing business by providing suitable housing directly for employees or make such housing significantly more available, or will meet other significant housing needs of the community making the community attractive to new or expanding businesses or their employees, as determined by the director;

(3) has the financial support, management, planning and market to be successful;

(4) has an analysis or survey of the housing needs of the community provided by

the project builder or developer or the governing body of the city or county where the project is located that, in the director's judgment, supports proceeding with the proposed project for the purposes of this act;

(5) has met all other requirements of this act to the satisfaction of the director; and

(6) has met such other requirements of the director as adopted in rules and regulations.

(e) If the director approves the application, the director shall enter into an agreement with the project builder or developer for the project prior to issuing any tax credits for the project. The agreement shall set forth the amount of tax credits to be issued for the project, the requirements for a cash investment and the issuance of tax credits. If the project builder or developer has been approved by the director for tax credits for the project builder's or developer's cash investment in the project, the agreement shall set forth the amount of credits so approved and the amount of credits remaining for issuance to other qualified investors. Such agreement shall require, as a condition of the issuance of tax credits, binding commitments by the project builder or developer to the corporation for:

(1) The reporting of progress and financial data, including investor information. The project builder or developer shall have the obligation to notify the director in a timely manner of any changes in the qualifications of the project or in the eligibility of investors to claim a tax credit;

(2) the right of access to the project and to the financial records of the project builder or developer;

(3) the provision of information for purposes of the economic development incentive program information database pursuant to K.S.A. 2021 Supp. 74-50,226, and amendments thereto;

(4) the repayment requirements upon loss of designation pursuant to section 11, and amendments thereto; and

(5) any additional terms and conditions required by the director.

(f) To be eligible to receive tax credits, a qualified investor shall make a cash investment in the project in accordance with the agreement required by subsection (e). Each project builder or developer of a designated qualified housing project shall promptly report to the corporation the following information at the time such information becomes known to the builder or developer:

(1) The name, address and taxpayer identification number of each qualified investor who has made a cash investment in qualified securities in the project and has received tax credits for this investment during the preceding year and all other preceding years;

(2) the amounts of the cash investments by each qualified investor and a description of the qualified securities issued in consideration of such cash investments;

(3) the name, address and taxpayer identification number of each person to whom tax credits have been transferred by the original qualified investor; and

(4) any additional information as the director may require when requested.

(g) Any violation of the reporting requirements set forth in this section shall be grounds for loss of the designation as a qualified housing project, as provided by section 5, and amendments thereto.

(h) The reasonable costs of the administration of this act, the review of applications for certification as qualified housing projects and the issuance of tax credits to qualified housing projects as authorized by this act may be reimbursed in total or in part through fees paid by the qualified project, qualified investors or transferees of investors, according to a reasonable fee schedule adopted by the director.

(i) The state of Kansas shall not be held liable for any damages to any qualified investor that makes an investment in a qualified housing project.

(j) The director shall provide information regarding qualified housing projects and qualified investors to the secretary of revenue.

(k) The director shall adopt rules and regulations as necessary to implement the provisions of this act.

New Sec. 10. (a) (1) For tax year 2022 and all tax years thereafter, a credit against the income tax liability imposed pursuant to the Kansas income tax act, the privilege tax liability imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premium tax liability imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, shall be allowed to:

(A) A qualified investor for a cash investment in a qualified housing project that has been approved and issued a tax credit by the director. The tax credit may be claimed in its entirety in the taxable year the cash investment is made; and

(B) a project builder or developer of a qualified housing project that has been approved and issued a tax credit by the director.

(2) To claim such tax credit, the qualified investor or project builder or developer shall provide all information or documentation in the form and manner required by the secretary of revenue. If the amount of the credit exceeds the taxpayer's tax liability in any one taxable year, the remaining portion of the credit may be carried forward in the succeeding taxable years until the total amount of the credit is used, except that no credit may be claimed after four taxable years next succeeding the taxable year that such credit was issued, and any remaining credit shall be forfeited.

(b) (1) Tax credits may be issued by the director for a qualified housing project as follows:

(A) For qualified housing projects located in a county with a population of not more than 8,000, in an amount not to exceed \$35,000 per residential unit;

(B) for qualified housing projects located in a county with a population of more than 8,000 but not more than 25,000, in an amount not to exceed \$32,000 per residential unit; and

(C) for all other qualified housing projects, in an amount not to exceed \$30,000.

(2) A qualified housing project shall be limited to a total of 40 such residential units

per year for both single-family and multi-family dwellings.

(3) Tax credits may be issued to a qualified investor in the amount of a cash investment of up to the total amount that may be issued by the director under this subsection for the qualified housing project, or as provided in the agreement required by section 9, and amendments thereto. Project builders or developers may apply to the director each year for tax credits for additional units or phases of a project. Qualified investors may be issued tax credits for cash investments in multiple qualified housing projects. Project builders or developers may apply and be approved for multiple qualified housing projects in the same tax year.

(4) The aggregate amount of tax credits that may be issued under this section shall not exceed \$13,000,000 each tax year, except that if the director issues an aggregate amount of tax credits in one tax year that is less than \$13,000,000, then the director may carry forward the difference and issue such amount of tax credits in the immediately succeeding tax year in addition to the statutory amount that may be issued under this section. Of the aggregate amount of tax credits issued in one tax year, the director shall allocate:

(A) Not less than \$2,500,000 in tax credits for qualified housing projects located in counties with a population of not more than 8,000;

(B) not less than \$2,500,000 in tax credits for qualified housing projects located in counties with a population of more than 8,000 but not more than 25,000; and

(C) up to \$8,000,000 in tax credits for qualified housing projects located in counties with a population of more than 25,000 but not more than 75,000.

(c) A cash investment in a qualified housing project shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined by the director.

(d) Any qualified investor without a current tax liability at the time of the investment in a qualified housing project that does not reasonably believe such investor will owe any such tax for the current taxable year and who receives a tax credit pursuant to this section shall be deemed to acquire an interest in the nature of a transferable credit limited to the amount of the credit issued to the qualified investor by the director. This interest may be transferred to any person whether or not such person is then a qualified investor and be claimed by the transferee as a credit against the transferee's Kansas tax liability in the same manner as the transferor beginning in the year the credit is transferred. The credit may be carried forward as permitted by subsection (a). No person shall be entitled to a refund for any interest on such tax credit that may be created under this section. Only the full amount of the tax credit for any one qualified housing project investment may be transferred and may only be transferred one time. A credit acquired by transfer shall be subject to the limitations prescribed in this section. Documentation of any credit acquired by transfer shall be provided by the taxpayer claiming such credit in the manner required by the secretary of revenue. The qualified investor transferring such credit shall provide the director and the secretary of revenue with the name, address and taxpayer identification number of each person to whom tax credits have been transferred and such other information as may be required by the director or the secretary of revenue.

(e) The secretary of revenue may adopt rules and regulations as necessary to implement and administer the provisions of this act.

New Sec. 11. (a) If the director determines that a project is not in substantial compliance with the requirements of this act or the agreement executed pursuant to section 9, and amendments thereto, the director shall inform the project builder or developer of the project in writing that the project will lose designation as a qualified housing project in 120 days from the date of mailing of the notice unless such builder or developer corrects the deficiencies and becomes compliant with the requirements for designation.

(b) At the end of such 120-day period, if the project is still not in substantial compliance, the director shall send a notice of loss of designation to the project builder or developer, the secretary of revenue and all known qualified investors in the project. Loss of designation of a qualified housing project shall preclude the issuance of any additional tax credits with respect to the project, and the director shall not approve any subsequent application for such project as a qualified housing project. Upon loss of the designation as a qualified housing project, the project builder or developer shall repay any tax credits such taxpayer has claimed.

(c) Qualified investors other than the project builder or developer who have lawfully made a cash investment in a qualified housing project approved by the director shall not have tax credits disallowed solely due to the project losing its designation as a qualified housing project under this act.

New Sec. 12. (a) On or before January 31, 2023, and on or before January 31 of each year thereafter, the director shall transmit a report annually to the governor, the standing committee on commerce of the senate and the standing committee on commerce, labor and economic development of the house of representatives. Such report shall be based upon information received from each qualified housing project for which tax credits have been issued during the preceding year and shall describe the following:

- (1) The manner in which the purpose, as described in this act, has been carried out;
- (2) the total cash investments made for qualified securities in qualified housing projects during the preceding year and cumulatively since the enactment of this act;
- (3) an estimate of jobs facilitated by housing developed through such investments; and
- (4) an estimate of the multiplier effect on the Kansas economy of the investments. The amount of tax credits claimed in the previous fiscal year; a general description of the investors that benefited from the tax credits; and any aggregate job creation or capital investment in Kansas that resulted from the tax credits for a period of five years beginning from the date on which the tax credits were issued.

(b) The director shall conduct an annual review of the activities undertaken pursuant to this act to ensure that tax credits issued pursuant to this act are issued in compliance with the provisions of this act and rules and regulations adopted by the director.

New Sec. 13. K.S.A. 79-32,211, and amendments thereto, and sections 13 and 14, and amendments thereto, shall be known as and may be cited as the historic Kansas act.

New Sec. 14. (a) For all taxable years commencing after December 31, 2021, there shall be allowed a tax credit against the income, privilege or premium tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, in an amount equal to 10% of costs and expenses incurred for the restoration and preservation of a commercial structure at least 50 years old that does not receive tax credits pursuant to K.S.A. 79-32,211, and amendments thereto. An additional tax credit of 10% of the costs and expenses may be allowed for the installation of fire suppression materials or equipment by a taxpayer. The total amount of such costs and expenses shall be at least \$25,000 but shall not exceed \$500,000. If the amount of such tax credit exceeds the taxpayer's income, privilege or premium tax liability for the year in which the rehabilitation was completed, such excess amount may be carried over for deduction from such taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability, except that no such credit shall be carried over for deduction after the 10th taxable year succeeding the taxable year in which the rehabilitation plan was placed in service.

(b) Any bank, savings and loan association or savings bank shall pay taxes on 50% of the interest earned on loans to taxpayers used for costs and expenses for the restoration and preservation of a commercial structure at least 50 years old or for the installation of fire suppression materials or equipment.

(c) If the taxpayer is a corporation having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability company, the credit provided by this section shall be claimed by the shareholders of such corporation, the partners of such partnership or the members of such limited liability company in the same manner as such shareholders, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability company, or as the corporation, partnership or limited liability company mutually agree as provided in the bylaws or other executed agreement. Credits granted to a partnership, a limited liability company taxed as a partnership or other multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting any alternate distribution method.

(d) Any person, hereinafter designated the assignor, may sell, assign, convey or otherwise transfer tax credits allowed and earned pursuant to subsection (a). The taxpayer acquiring credits, hereinafter designated the assignee, may use the amount of the acquired credits to offset up to 100% of the assignee's income, privilege or premium tax liability for either the taxable year in which the costs and expenses were made. Unused credit amounts claimed by the assignee may be carried forward for up to five years, except that all such amounts shall be claimed within 10 years following the tax year in which the costs and expenses were made. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement.

(e) No person claiming a tax credit under this section may claim a tax credit for the

same structure under K.S.A. 79-32,211, and amendments thereto.

(f) The aggregate amount of tax credits that may be claimed under this section shall not exceed \$10,000,000 each tax year.

(g) The director of taxation may adopt rules and regulations as necessary for the efficient and effective administration of the provisions of this section.

New Sec. 15. The provisions of sections 15 through 19, and amendments thereto, shall be known and may be cited as the Kansas rural home loan guarantee act.

New Sec. 16. As used in the Kansas rural home loan guarantee act:

- (a) "Act" means the Kansas rural home loan guarantee act;
- (b) "corporation" means the Kansas housing resources corporation;
- (c) "financial institution" means any bank, trust company, savings bank, credit union, savings and loan association or any other lending institution that is approved by the corporation;

(d) "loan" means a transaction with a financial institution to provide the owner financing for the construction or renovation of a single-family home in a rural county; and

(e) "rural county" means any county in this state with a population of less than 10,000, as certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year.

New Sec. 17. (a) The corporation is hereby authorized to enter into agreements with financial institutions to provide loan guarantees against risk of default for rural housing loans in accordance with the provisions of this act. Except as provided in section 18, and amendments thereto, for payment for a loan guarantee for which the state housing trust fund is liable, no claim against the state under this act shall be paid by the state, the corporation or any other state agency other than pursuant to an appropriation act of the legislature after such claim has been filed with and considered by the joint committee on special claims against the state.

(b) Eligible financial institutions shall apply all usual lending standards to determine the creditworthiness of eligible rural home loan borrowers. The financial institution originating the loan shall be responsible for monitoring the loan and, in case of any default, working with the borrower to obtain the collateral for the loan. The financial institution shall be in the first position and the state in second position to recover on the loan.

(c) The corporation shall administer the provisions of this act and shall adopt rules and regulations for the implementation or administration of this act including the development of an application process. The loan guarantee agreement with the corporation shall include reporting requirements and financial standards that are appropriate for the type of loan for the borrower. The corporation may enter into contracts that the corporation deems necessary for the implementation or administration of this act. The corporation may impose fees and charges as may be necessary to recover costs incurred for the administration of this act.

New Sec. 18. (a) Notwithstanding the provisions of K.S.A. 12-5256 or 74-8959,

and amendments thereto, to the contrary, each agreement entered into by the corporation to guarantee against default on a loan transaction shall be backed by the state housing trust fund and shall receive prior approval by the corporation or the corporation's designee.

(b) Each loan transaction eligible for a guarantee under this act shall be for the construction or renovation of a single-family home in a rural county. Eligible costs may include land and building purchases, renovation and new construction costs, equipment and installation costs, predevelopment costs that may be capitalized, financing, capitalized interest during construction and consultant fees that do not include staff costs.

(c) The portion of the loan guaranteed by the corporation under this act shall be for the amount of the loan that exceeds 80% of the appraised value of the home. No loan amount above 125% of the appraised value of the home shall be guaranteed by the corporation under this act. The loan amount guaranteed by the corporation under this act shall not exceed \$100,000 per home.

(d) The total amount of loans guaranteed by the corporation under this act shall not exceed \$2,000,000.

(e) All fees and charges imposed by the corporation and other moneys received by the corporation under this act shall be remitted to the state treasurer in accordance with 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 housing trust fund.

New Sec. 19. Beginning with the 2023 regular session of the legislature, the corporation shall prepare an annual report of the Kansas rural home loan guarantee act activity, including new loans, loan repayment status and other relevant information regarding activities under this act and shall submit such report at the beginning of each regular session of the legislature to the house of representatives committee on appropriations, or to the appropriate budget committee, and the senate committee on ways and means, or to the appropriate subcommittee thereof or to the successors of such committees.

New Sec. 20. (a) In developing an appraisal of residential real property identified as unique in style or square footage, or both, located in a rural county for the purpose of a mortgage finance transaction, if the sales comparison approach cannot be developed for a credible opinion or indication of value due to a lack of available comparable sales within 30 miles, the appraiser may perform the appraisal without completing the sales comparison approach to value. In the appraisal report, the appraiser shall provide an explanation of the reasons for exclusion of the sales comparison approach and document efforts to obtain comparable sales or market data. A financial institution shall not decline to proceed with a mortgage finance transaction due to the exclusion of the sales comparison approach in accordance with this section unless the sales comparison approach is required in order for such mortgage finance transaction loan to be guaranteed or sold in the secondary market.

(b) As used in this section:

(1) "Financial institution" means a bank, national banking association, savings and

loan association, savings bank, trust company, credit union, finance company or other lending institution; and

(2) "rural county" means any county in this state with a population of less than 10,000, as certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year.

Sec. 21. K.S.A. 2021 Supp. 12-5242 is hereby amended to read as follows: 12-5242. Except as otherwise provided, as used in K.S.A. 12-5241 through 12-5251, and amendments thereto, and K.S.A. 2021 Supp. 12-5252 through 12-5258, and amendments thereto, ~~the following words and phrases shall have the following meanings unless a different meaning clearly appears from the context:~~

(a) "City" means the city of Topeka or any city incorporated in accordance with Kansas law;

(1) With a population of less than 60,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1 in accordance with K.S.A. 11-201, and amendments thereto; or

(2) for purposes of a project as defined in K.S.A. 12-5249(a)(11), and amendments thereto, within a qualified census tract, "city" includes any city with a qualified census tract located within the city.

(b) "City housing authority" means any agency of a city created pursuant to the municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto.

(c) "Corporation" means the Kansas housing resources corporation.

(d) "County" means any county organized in accordance with K.S.A. 18-101 et seq., and amendments thereto;

(1) With a population of less than 80,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1st in accordance with K.S.A. 11-201, and amendments thereto; or

(2) for purposes of a project as defined in K.S.A. 12-5249(a)(11), and amendments thereto, within a qualified census tract, "county" includes any county with a qualified census tract located within the county.

(e) "Developer" means the person, firm or corporation responsible under an agreement with the governing body to develop housing or related public facilities in a district.

(f) "District" means a rural housing incentive district established in accordance with this act.

(g) "Governing body" means the board of county commissioners of any county or the mayor and council, mayor and commissioners or board of commissioners, as the laws affecting the organization and status of cities affected may provide.

(h) "Housing development activities" means the construction or rehabilitation of infrastructure necessary to support construction of new residential dwellings and the actual construction of such residential dwellings, if such construction is conducted by a city housing authority.

(i) "Secretary" means the secretary of commerce of the state of Kansas.

(j) "Qualified census tract" means an economically distressed urban area that is a qualified census tract as defined and designated by the United States department of housing and urban development.

(k) "Real property taxes" means and includes all taxes levied on an ad valorem

basis upon land and improvements thereon.

~~(k)~~(l) "Taxing subdivision" means the county, the city, the unified school district, and any other taxing subdivision levying real property taxes, the territory or jurisdiction of which includes any currently existing or subsequently created rural housing incentive district.

Sec. 22. K.S.A. 2021 Supp. 12-5249 is hereby amended to read as follows: 12-5249. (a) Any city or county ~~which that~~ has established a rural housing incentive district may use the proceeds of special obligation bonds issued under K.S.A. 12-5248, and amendments thereto, or any uncommitted funds derived from those sources of revenue set forth in K.S.A. 12-5248(a)(1), and amendments thereto, to implement specific projects identified within the rural housing incentive district plan including, without limitation:

- (1) Acquisition of property within the specific project area or areas as provided in K.S.A. 12-5247, and amendments thereto;
- (2) payment of relocation assistance;
- (3) site preparation;
- (4) sanitary and storm sewers and lift stations;
- (5) drainage conduits, channels and levees;
- (6) street grading, paving, graveling, macadamizing, curbing, guttering and surfacing;
- (7) street lighting fixtures, connection and facilities;
- (8) underground gas, water, heating, and electrical services and connections located within the public right-of-way;
- (9) sidewalks;
- (10) water mains and extensions; and
- (11) renovation of buildings or other structures more than 25 years of age primarily for residential use located in a central business district or in a business or commercial district within a qualified census tract as approved by the secretary of commerce. Certification of the age of the building or other structure shall be submitted to the secretary by the governing body of the city or county with the resolution as provided by K.S.A. 12-5244, and amendments thereto. Eligible residential improvements shall include only improvements made to the second or higher floors of a building or other structure. Improvements for commercial purposes shall not be eligible.

(b) None of the proceeds from the sale of special obligation bonds issued under K.S.A. 12-5248, and amendments thereto, shall be used for the construction of buildings or other structures to be owned by or to be leased to any developer of a residential housing project within the district, except for buildings or other structures located in a central business district or in a business or commercial district within a qualified census tract as approved by the secretary of commerce.";

On page 5, by striking all in lines 29 through 43; by striking all on page 6; on page 7, by striking all in lines 1 through 38; following line 38, by inserting:

Sec. 24. K.S.A. 79-32,211 is hereby amended to read as follows: 79-32,211. (a) For all taxable years commencing after December 31, 2006, there shall be allowed a tax credit against the income, privilege or premium tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or

the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, in an amount equal to:

(1) 25% of qualified expenditures incurred in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equal \$5,000 or more if the total amount of such expenditures equals \$5,000 or more; or in an amount equal to

(2) 30% of the qualified expenditures incurred in the restoration and preservation of a qualified historic structure located in a city with a population between 9,500 and 50,000 pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equals \$5,000 or more;

(3) 40% of the qualified expenditures incurred in the restoration and preservation of a qualified historic structure located in a city with a population of less than 9,500 pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equals \$5,000 or more; or

(4) 30% of qualified expenditures incurred in the restoration and preservation of a qualified historic structure which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code and which is not income producing pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equals \$5,000 or more. In no event shall the total amount of credits allowed under this section exceed \$3,750,000 for fiscal year 2010.

(b) If the amount of such tax credit exceeds the qualified taxpayer's income, privilege or premium tax liability for the year in which the qualified rehabilitation plan was placed in service, as defined by section 47(b)(1) of the federal internal revenue code and federal regulation section 1.48-12(f)(2), such excess amount may be carried over for deduction from such taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability, except that no such credit shall be carried over for deduction after the 10th taxable year succeeding the taxable year in which the qualified rehabilitation plan was placed in service.

(b)(c) Any bank, savings and loan association or savings bank shall pay taxes on 50% of the interest earned on loans to qualified taxpayers used for qualified expenditures for the restoration and preservation of a qualified historic structure.

(d) As used in this section, unless the context clearly indicates otherwise:

(1) "Qualified expenditures" means the costs and expenses incurred by a qualified taxpayer in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan which are defined as a qualified rehabilitation expenditure by section 47(c)(2) of the federal internal revenue code;

(2) "qualified historic structure" means any building, whether or not income producing, which is defined as a certified historic structure by section 47(c)(3) of the federal internal revenue code, is individually listed on the register of Kansas historic places, or is located and contributes to a district listed on the register of Kansas historic places;

(3) "qualified rehabilitation plan" means a project which is approved by the cultural resources division of the state historical society, or by a local government certified by the division to so approve, as being consistent with the standards for rehabilitation and guidelines for rehabilitation of historic buildings as adopted by the federal secretary of interior and in effect on the effective date of this act. The society shall adopt rules and

regulations providing application and approval procedures necessary to effectively and efficiently provide compliance with this act, and may collect fees in order to defray its approval costs in accordance with rules and regulations adopted therefor; and

(4) "qualified taxpayer" means the owner of the qualified historic structure or any other person who may qualify for the federal rehabilitation credit allowed by section 47 of the federal internal revenue code.

If the taxpayer is a corporation having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability company, the credit provided by this section shall be claimed by the shareholders of such corporation, the partners of such partnership or the members of such limited liability company in the same manner as such shareholders, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability company, or as the corporation, partnership or limited liability company mutually agree as provided in the bylaws or other executed agreement. Credits granted to a partnership, a limited liability company taxed as a partnership or other multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting any alternate distribution method.

(e) Any person, hereinafter designated the assignor, may sell, assign, convey or otherwise transfer tax credits allowed and earned pursuant to subsection (a). The taxpayer acquiring credits, hereinafter designated the assignee, may use the amount of the acquired credits to offset up to 100% of ~~its~~ such assignee's income, privilege or premiums tax liability for either the taxable year in which the qualified rehabilitation plan was first placed into service or the taxable year in which such acquisition was made. Unused credit amounts claimed by the assignee may be carried forward for up to five years, except that all such amounts shall be claimed within 10 years following the tax year in which the qualified rehabilitation plan was first placed into service. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the cultural resources division of the state historical society in writing within 90 calendar days following the effective date of the transfer and shall provide any information as may be required by such division to administer and carry out the provisions of this section. The amount received by the assignor of such tax credit shall be taxable as income of the assignor, and the excess of the value of such credit over the amount paid by the assignee for such credit shall be taxable as income of the assignee.

(f) The executive director of the state historical society may adopt rules and regulations as necessary for the efficient and effective administration of the provisions of this section.;

Also on page 7, in line 40, after "32,190" by inserting "and 79-32,211"; also in line 40, by striking "74-50,223 and 79-32,267" and inserting "12-5242 and 12-5249";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the first semicolon; by striking lines 2 through 4; in line 5, by striking all before "relating" and inserting "enacting the Kansas affordable housing tax credit act and the Kansas housing investor tax credit act; providing tax credits for qualified housing projects; establishing an older structures tax credit; increasing the amount of the historic structures tax credit for qualified expenditures incurred for structures in cities with a certain population; enacting the

Kansas rural home loan guarantee act; guaranteeing a certain portion of home loans with moneys from the state housing trust fund; authorizing certain unique residential real property appraisals in rural counties to be conducted without completing the sales comparison approach to value; allowing the use of bond proceeds under the Kansas rural housing incentive district act for residential vertical development and renovation of certain buildings within economically distressed urban areas;"; in line 9, after "79-32,190" by inserting "and 79-32,211"; in line 10, by striking "74-50,223 and 79-32,267" and inserting "12-5242 and 12-5249";

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

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

JIM KELLY
 NICK HOHEISEL
 RUI XU
Conferees on part of House

On motion of Rep. Kelly, the conference committee report on **HB 2237** was adopted.

On roll call, the vote was: Yeas 109; Nays 12; Present but not voting: 1; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Baker, Ballard, Barker, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, W. Carpenter, Clark, Clayton, Clifford, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Featherston, Finch, Finney, Francis, French, Gartner, Haswood, Hawkins, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Hoye, Huebert, Humphries, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Long, Lynn, Mason, Meyer, Miller, Minnix, Moser, Neelly, Neighbor, Newland, Ohaebosim, Orr, Osman, Owens, F. Patton, Penn, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schmidt, Smith, A., Smith, C., Smith, E., Stogsdill, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Awerkamp, Bergkamp, Delperdang, Fairchild, Garber, Helgerson, Jacobs, Lee-Hahn, Murphy, Poetter, Seiwert, Waggoner.

Present but not voting: Ousley.

Absent or not voting: Ruiz, L., Schreiber, Sutton.

EXPLANATION OF VOTE

MR. SPEAKER: I reluctantly cast a No vote on **HB 2237**. I support many of the underlying aspects of this bill. I think housing issues, if addressed by the state at all, are better done via tax credits than setting up new agencies or regulations. Yet the bigger budget picture is that we just approved a record \$9.03 billion SGF budget which had special provisions already for housing needs. We need to focus more on smaller government and sending more tax dollars back to our state's taxpayers rather than picking winners and losers in the state's housing market. — PAUL WAGGONER

CHANGE OF CONFEREES

Speaker pro tem Finch announced the appointment of Reps. Barker, Eplee, and Highberger to replace Reps. Concannon, Esau and Ousley as members of the conference committee on **SB 12**.

Also, the appointment of Reps. Landwehr, Eplee, and S. Ruiz to replace Reps. Barker, Arnberger-Blew and L. Ruiz as members of the conference committee on **Sub SB 34**.

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

AFTERNOON SESSION

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

On motion of Rep. Hawkins, the House recessed until 4:20 p.m.

LATE AFTERNOON SESSION

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

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on House amendments to **SB 313** submits the following report:

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

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

RICHARD PROEHL

LEO DELPERDANG

HENRY HELGERSON

Conferees on part of House

MIKE PETERSEN

J R CLAEYS

TOM HAWK

Conferees on part of Senate

On motion of Rep. Delperdang the conference committee report on **SB 313** to agree to disagree, was adopted.

Speaker pro tem Finch thereupon appointed Reps. Proehl, Delperdang and Helgerson as second conferees on the part of the House.

On motion of Rep. Hawkins, the House adjourned until 10:00 a.m., Wednesday, April 27, 2022.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*