

SENATE BILL No. 165

By Committee on Federal and State Affairs

2-13

1 AN ACT concerning health and healthcare; relating to the practice of
2 podiatry; changing terminology and references related thereto;
3 amending K.S.A. 40-3202, 48-1601, 65-2001, 65-2002, 65-2004, 65-
4 2005, 65-2006, 65-2009, 65-2010, 65-2012, 65-2013, 65-2014, 65-
5 2015, 65-2016, 65-2813, 65-7302, 65-7602 and 65-7605 and K.S.A.
6 2018 Supp. 21-5808, 44-508, 44-706 and 79-201a and repealing the
7 existing sections.
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 New Section 1. Wherever the words "medicine and surgery" or
11 "licensed to practice medicine and surgery," or words of like effect, are
12 referred to or designated in any provision of the Kansas Statutes
13 Annotated, and amendments thereto, any rule and regulation adopted
14 thereunder or any contract or other document, such reference or
15 designation shall not include reference to or designation of "podiatric
16 medicine and surgery" or "licensed to practice podiatric medicine and
17 surgery," or words of like effect, unless the provision explicitly includes
18 "podiatric medicine and surgery" or "licensed to practice podiatric
19 medicine and surgery," or words of like effect.

20 Sec. 2. K.S.A. 2018 Supp. 21-5808 is hereby amended to read as
21 follows: 21-5808. (a) Criminal trespass is entering or remaining upon or in
22 any:

23 (1) Land, nonnavigable body of water, structure, vehicle, aircraft or
24 watercraft by a person who knows such person is not authorized or
25 privileged to do so, and:

26 (A) Such person enters or remains therein in defiance of an order not
27 to enter or to leave such premises or property personally communicated to
28 such person by the owner thereof or other authorized person;

29 (B) such premises or property are posted as provided in K.S.A. 32-
30 1013, and amendments thereto, or in any other manner reasonably likely to
31 come to the attention of intruders, or are locked or fenced or otherwise
32 enclosed, or shut or secured against passage or entry; or

33 (C) such person enters or remains therein in defiance of a restraining
34 order issued pursuant to K.S.A. 60-3105, 60-3106, 60-3107, 60-31a05 or
35 60-31a06 or K.S.A. 2018 Supp. 23-2707, 38-2243, 38-2244 or 38-2255,
36 and amendments thereto, and the restraining order has been personally

1 served upon the person so restrained; or

2 (2) public or private land or structure in a manner that interferes with
3 access to or from any healthcare facility by a person who knows such
4 person is not authorized or privileged to do so and such person enters or
5 remains thereon or therein in defiance of an order not to enter or to leave
6 such land or structure personally communicated to such person by the
7 owner of the healthcare facility or other authorized person.

8 (b) Criminal trespass is a class B nonperson misdemeanor. Upon a
9 conviction of a violation of subsection (a)(1)(C), a person shall be
10 sentenced to not less than 48 consecutive hours of imprisonment ~~which~~
11 *that* shall be served either before or as a condition of any grant of
12 probation or suspension, reduction of sentence or parole.

13 (c) As used in this section:

14 (1) "Healthcare facility" means any licensed medical care facility,
15 certificated health maintenance organization, licensed mental health center
16 or mental health clinic, licensed psychiatric hospital or other facility or
17 office where services of a healthcare provider are provided directly to
18 patients; and

19 (2) "healthcare provider" means any person:

20 (A) Licensed to practice a branch of the healing arts;

21 (B) licensed to practice psychology;

22 (C) licensed to practice professional or practical nursing;

23 (D) licensed to practice dentistry;

24 (E) licensed to practice optometry;

25 (F) licensed to practice pharmacy;

26 (G) ~~registered~~ *licensed to practice podiatry podiatric medicine and*
27 *surgery;*

28 (H) licensed as a social worker; or

29 (I) registered to practice physical therapy.

30 (d) This section shall not apply to:

31 (1) A land surveyor, licensed pursuant to article 70 of chapter 74 of
32 the Kansas Statutes Annotated, and amendments thereto, and such
33 surveyor's authorized agents and employees who enter upon lands, waters
34 and other premises in the making of a survey; or

35 (2) railroad property as defined in K.S.A. 2018 Supp. 21-5809, and
36 amendments thereto, or nuclear generating facility as defined in K.S.A.
37 66-2302, and amendments thereto.

38 Sec. 3. K.S.A. 40-3202 is hereby amended to read as follows: 40-
39 3202. As used in this act:

40 (a) "Commissioner" means the commissioner of insurance of the state
41 of Kansas.

42 (b) "Basic healthcare services" means but is not limited to usual
43 physician, hospitalization, laboratory, x-ray, emergency and preventive

1 services and out-of-area coverage.

2 (c) "Capitated basis" means a fixed per member per month payment
3 or percentage of premium payment wherein the provider assumes risk for
4 the cost of contracted services without regard to the type, value or
5 frequency of services provided. For purposes of this definition, capitated
6 basis includes the cost associated with operating staff model facilities.

7 (d) "Carrier" means a health maintenance organization, an insurer, a
8 nonprofit hospital and medical service corporation, or other entity
9 responsible for the payment of benefits or provision of services under a
10 group contract.

11 (e) "Certificate of coverage" means a statement of the essential
12 features and services of the health maintenance organization coverage
13 ~~which~~ *that* is given to the subscriber by the health maintenance
14 organization, medicare provider organization or by the group contract
15 holder.

16 (f) "Copayment" means an amount an enrollee must pay in order to
17 receive a specific service ~~which~~ *that* is not fully prepaid.

18 (g) "Deductible" means an amount an enrollee is responsible to pay
19 out-of-pocket before the health maintenance organization begins to pay the
20 costs associated with treatment.

21 (h) "Director" means the secretary of health and environment.

22 (i) "Disability" means an injury or illness that results in a substantial
23 physical or mental limitation in one or more major life activities such as
24 working or independent activities of daily living that a person was able to
25 do prior to the injury or illness.

26 (j) "Enrollee" means a person who has entered into a contractual
27 arrangement or on whose behalf a contractual arrangement has been
28 entered into with a health maintenance organization or the medicare
29 provider organization for healthcare services.

30 (k) "Grievance" means a written complaint submitted in accordance
31 with the formal grievance procedure by or on behalf of the enrollee
32 regarding any aspect of the health maintenance organization or the
33 medicare provider organization relative to the enrollee.

34 (l) "Group contract" means a contract for healthcare services ~~which~~
35 *that* by its terms limits eligibility to members of a specified group. The
36 group contract may include coverage for dependents.

37 (m) "Group contract holder" means the person to which a group
38 contract has been issued.

39 (n) "Healthcare services" means basic healthcare services and other
40 services, medical equipment and supplies ~~which~~ *that* may include, but are
41 not limited to, medical, surgical and dental care; psychological, obstetrical,
42 osteopathic, optometric, optic, podiatric, nursing, occupational therapy
43 services, physical therapy services, chiropractic services and

1 pharmaceutical services; health education, preventive medical,
2 rehabilitative and home health services; inpatient and outpatient hospital
3 services, extended care, nursing home care, convalescent institutional care,
4 laboratory and ambulance services, appliances, drugs, medicines and
5 supplies; and any other care, service or treatment for the prevention,
6 control or elimination of disease, the correction of defects or the
7 maintenance of the physical or mental well-being of human beings.

8 (o) "Health maintenance organization" means an organization~~which~~
9 *that*:

10 (1) Provides or otherwise makes available to enrollees healthcare
11 services, including at a minimum those basic healthcare services~~which~~
12 *that* are determined by the commissioner to be generally available on an
13 insured or prepaid basis in the geographic area served;

14 (2) is compensated, except for reasonable copayments, for the
15 provision of basic healthcare services to enrollees solely on a
16 predetermined periodic rate basis;

17 (3) provides physician services directly through physicians who are
18 either employees or partners of such organization or under arrangements
19 with a physician or any group of physicians or under arrangements as an
20 independent contractor with a physician or any group of physicians; *and*

21 (4) is responsible for the availability, accessibility and quality of the
22 healthcare services provided or made available.

23 (p) "Individual contract" means a contract for healthcare services
24 issued to and covering an individual. The individual contract may include
25 dependents of the subscriber.

26 (q) "Individual practice association" means a partnership,
27 corporation, association or other legal entity~~which~~ *that* delivers or
28 arranges for the delivery of basic healthcare services and~~which~~ *that* has
29 entered into a services arrangement with persons who are licensed to
30 practice medicine and surgery, dentistry, chiropractic, pharmacy, ~~podiatry~~
31 *podiatric medicine and surgery*, optometry or any other health profession
32 and a majority of whom are licensed to practice medicine and surgery.
33 Such an arrangement shall provide:

34 (1) That such persons shall provide their professional services in
35 accordance with a compensation arrangement established by the entity;
36 and

37 (2) to the extent feasible for the sharing by such persons of medical
38 and other records, equipment, and professional, technical and
39 administrative staff.

40 (r) "Medical group" or "staff model" means a partnership, association
41 or other group:

42 (1)~~Which~~ *That* is composed of health professionals licensed to
43 practice medicine and surgery and of such other licensed health

1 professionals, including but not limited to dentists, chiropractors,
2 pharmacists, optometrists and podiatrists as are necessary for the provision
3 of health services for which the group is responsible;

4 (2) a majority of the members of which are licensed to practice
5 medicine and surgery; and

6 (3) the members of which: (A) As their principal professional activity
7 over 50% individually and as a group responsibility are engaged in the
8 coordinated practice of their profession for a health maintenance
9 organization; (B) pool their income and distribute it among themselves
10 according to a prearranged salary or drawing account or other plan, or are
11 salaried employees of the health maintenance organization; (C) share
12 medical and other records and substantial portions of major equipment and
13 of professional, technical and administrative staff; and (D) establish an
14 arrangement whereby the enrollee's enrollment status is not known to the
15 member of the group who provides health services to the enrollee.

16 (s) "Medicare provider organization" means an organization ~~which~~
17 *that*:

18 (1) Is a provider-sponsored organization as defined by section 4001
19 of the balanced budget act of 1997 ~~(PL, public law 105-33)~~; and

20 (2) provides or otherwise makes available to enrollees basic
21 healthcare services pursuant to section 4001 of the balanced budget act of
22 1997 ~~(PL, public law 105-33)~~.

23 (t) "Net worth" means the excess of assets over liabilities as
24 determined by the commissioner from the latest annual report filed
25 pursuant to K.S.A. 40-3220, and amendments thereto.

26 (u) "Person" means any natural or artificial person including but not
27 limited to individuals, partnerships, associations, trusts or corporations.

28 (v) "Physician" means a person licensed to practice medicine and
29 surgery under the healing arts act.

30 (w) "Provider" means any physician, hospital or other person ~~which~~
31 *that* is licensed or otherwise authorized in this state to furnish healthcare
32 services.

33 (x) "Uncovered expenditures" means the costs of healthcare services
34 that are covered by a health maintenance organization for which an
35 enrollee would also be liable in the event of the organization's insolvency
36 as determined by the commissioner from the latest annual statement filed
37 pursuant to K.S.A. 40-3220, and amendments thereto, and ~~which~~ *that* are
38 not guaranteed, insured or assumed by any person or organization other
39 than the carrier.

40 Sec. 4. K.S.A. 2018 Supp. 44-508 is hereby amended to read as
41 follows: 44-508. As used in the workers compensation act:

42 (a) "Employer" includes: (1) Any person or body of persons,
43 corporate or unincorporated, and the legal representative of a deceased

1 employer or the receiver or trustee of a person, corporation, association or
2 partnership; (2) the state or any department, agency or authority of the
3 state, any city, county, school district or other political subdivision or
4 municipality or public corporation and any instrumentality thereof; and (3)
5 for the purposes of community service work, the entity for which the
6 community service work is being performed and the governmental agency
7 ~~which~~ *that* assigned the community service work, if any, if either such
8 entity or such governmental agency has filed a written statement of
9 election with the director to accept the provisions under the workers
10 compensation act for persons performing community service work and in
11 such case such entity and such governmental agency shall be deemed to be
12 the joint employer of the person performing the community service work
13 and both shall have the rights, liabilities and immunities provided under
14 the workers compensation act for an employer with regard to the
15 community service work, except that the liability for providing benefits
16 shall be imposed only on the party ~~which~~ *that* filed such election with the
17 director, or on both if both parties have filed such election with the
18 director; for purposes of community service work, "governmental agency"
19 shall not include any court or any officer or employee thereof and any case
20 where there is deemed to be a "joint employer" shall not be construed to be
21 a case of dual or multiple employment.

22 (b) "Workman" or "employee" or "worker" means any person who
23 has entered into the employment of or works under any contract of service
24 or apprenticeship with an employer. Such terms shall include, but not be
25 limited to: Executive officers of corporations; professional athletes;
26 persons serving on a volunteer basis as duly authorized law enforcement
27 officers, attendants, as defined in ~~subsection (f) of~~ K.S.A. 65-6112, and
28 amendments thereto, drivers of ambulances as defined in ~~subsection (d) of~~
29 K.S.A. 65-6112, and amendments thereto, firefighters, but only to the
30 extent and during such periods as they are so serving in such capacities;
31 persons employed by educational, religious and charitable organizations,
32 but only to the extent and during the periods that they are paid wages by
33 such organizations; persons in the service of the state, or any department,
34 agency or authority of the state, any city, school district, or other political
35 subdivision or municipality or public corporation and any instrumentality
36 thereof, under any contract of service, express or implied, and every
37 official or officer thereof, whether elected or appointed, while performing
38 official duties; persons in the service of the state as volunteer members of
39 the Kansas department of civil air patrol, but only to the extent and during
40 such periods as they are officially engaged in the performance of functions
41 specified in K.S.A. 48-3302, and amendments thereto; volunteers in any
42 employment, if the employer has filed an election to extend coverage to
43 such volunteers; minors, whether such minors are legally or illegally

1 employed; and persons performing community service work, but only to
2 the extent and during such periods as they are performing community
3 service work and if an election has been filed an election to extend
4 coverage to such persons. Any reference to an employee who has been
5 injured shall, where the employee is dead, include a reference to the
6 employee's dependents, to the employee's legal representatives, or, if the
7 employee is a minor or an incapacitated person, to the employee's guardian
8 or conservator. Unless there is a valid election in effect ~~which~~ *that* has
9 been filed as provided in K.S.A. 44-542a, and amendments thereto, such
10 terms shall not include individual employers, limited liability company
11 members, partners or self-employed persons.

12 (c) (1) "Dependents" means such members of the employee's family
13 as were wholly or in part dependent upon the employee at the time of the
14 accident or injury.

15 (2) "Members of a family" means only surviving legal spouse and
16 children; or if no surviving legal spouse or children, then parents or
17 grandparents; or if no parents or grandparents, then grandchildren; or if no
18 grandchildren, then brothers and sisters. In the meaning of this section,
19 parents include stepparents, children include stepchildren, grandchildren
20 include stepgrandchildren, brothers and sisters include stepbrothers and
21 stepsisters, and children and parents include that relation by legal
22 adoption. In the meaning of this section, a surviving spouse shall not be
23 regarded as a dependent of a deceased employee or as a member of the
24 family, if the surviving spouse shall have for more than six months
25 willfully or voluntarily deserted or abandoned the employee prior to the
26 date of the employee's death.

27 (3) "Wholly dependent child or children" means:

28 (A) A birth child or adopted child of the employee except such a child
29 whose relationship to the employee has been severed by adoption;

30 (B) a stepchild of the employee who lives in the employee's
31 household;

32 (C) any other child who is actually dependent in whole or in part on
33 the employee and who is related to the employee by marriage or
34 consanguinity; or

35 (D) any child as defined in ~~subsection (c)(3)~~ *subparagraph (A), (B)*
36 ~~(B) or (C)~~ who is less than 23 years of age and who is not physically or
37 mentally capable of earning wages in any type of substantial and gainful
38 employment or who is a full-time student attending an accredited
39 institution of higher education or vocational education.

40 (d) "Accident" means an undesigned, sudden and unexpected
41 traumatic event, usually of an afflictive or unfortunate nature and often,
42 but not necessarily, accompanied by a manifestation of force. An accident
43 shall be identifiable by time and place of occurrence, produce at the time

1 symptoms of an injury, and occur during a single work shift. The accident
2 must be the prevailing factor in causing the injury. "Accident" shall in no
3 case be construed to include repetitive trauma in any form.

4 (e) "Repetitive trauma" refers to cases where an injury occurs as a
5 result of repetitive use, cumulative traumas or microtraumas. The
6 repetitive nature of the injury must be demonstrated by diagnostic or
7 clinical tests. The repetitive trauma must be the prevailing factor in
8 causing the injury. "Repetitive trauma" shall in no case be construed to
9 include occupational disease, as defined in K.S.A. 44-5a01, and
10 amendments thereto.

11 In the case of injury by repetitive trauma, the date of injury shall be the
12 earliest of:

13 (1) The date the employee, while employed for the employer against
14 whom benefits are sought, is taken off work by a physician due to the
15 diagnosed repetitive trauma;

16 (2) the date the employee, while employed for the employer against
17 whom benefits are sought, is placed on modified or restricted duty by a
18 physician due to the diagnosed repetitive trauma;

19 (3) the date the employee, while employed for the employer against
20 whom benefits are sought, is advised by a physician that the condition is
21 work-related; or

22 (4) the last day worked, if the employee no longer works for the
23 employer against whom benefits are sought.

24 In no case shall the date of accident be later than the last date worked.

25 (f) (1) "Personal injury" and "injury" mean any lesion or change in
26 the physical structure of the body, causing damage or harm thereto.
27 Personal injury or injury may occur only by accident, repetitive trauma or
28 occupational disease as those terms are defined.

29 (2) An injury is compensable only if it arises out of and in the course
30 of employment. An injury is not compensable because work was a
31 triggering or precipitating factor. An injury is not compensable solely
32 because it aggravates, accelerates or exacerbates a preexisting condition or
33 renders a preexisting condition symptomatic.

34 (A) An injury by repetitive trauma shall be deemed to arise out of
35 employment only if:

36 (i) The employment exposed the worker to an increased risk or
37 hazard ~~which~~ *that* the worker would not have been exposed in normal non-
38 employment life;

39 (ii) the increased risk or hazard to which the employment exposed the
40 worker is the prevailing factor in causing the repetitive trauma; and

41 (iii) the repetitive trauma is the prevailing factor in causing both the
42 medical condition and resulting disability or impairment.

43 (B) An injury by accident shall be deemed to arise out of employment

1 only if:

2 (i) There is a causal connection between the conditions under which
3 the work is required to be performed and the resulting accident; and

4 (ii) the accident is the prevailing factor causing the injury, medical
5 condition, and resulting disability or impairment.

6 (3) (A) The words "arising out of and in the course of employment"
7 as used in the workers compensation act shall not be construed to include:

8 (i) Injury ~~which~~ *that* occurred as a result of the natural aging process
9 or by the normal activities of day-to-day living;

10 (ii) accident or injury ~~which~~ *that* arose out of a neutral risk with no
11 particular employment or personal character;

12 (iii) accident or injury ~~which~~ *that* arose out of a risk personal to the
13 worker; or

14 (iv) accident or injury ~~which~~ *that* arose either directly or indirectly
15 from idiopathic causes.

16 (B) The words "arising out of and in the course of employment" as
17 used in the workers compensation act shall not be construed to include
18 injuries to the employee occurring while the employee is on the way to
19 assume the duties of employment or after leaving such duties, the
20 proximate cause of which injury is not the employer's negligence. An
21 employee shall not be construed as being on the way to assume the duties
22 of employment or having left such duties at a time when the worker is on
23 the premises owned or under the exclusive control of the employer or on
24 the only available route to or from work ~~which~~ *that* is a route involving a
25 special risk or hazard connected with the nature of the employment that is
26 not a risk or hazard to which the general public is exposed and ~~which~~ *that*
27 is a route not used by the public except in dealings with the employer. An
28 employee shall not be construed as being on the way to assume the duties
29 of employment, if the employee is a provider of emergency services
30 responding to an emergency.

31 (C) The words, "arising out of and in the course of employment" as
32 used in the workers compensation act shall not be construed to include
33 injuries to employees while engaged in recreational or social events under
34 circumstances where the employee was under no duty to attend and where
35 the injury did not result from the performance of tasks related to the
36 employee's normal job duties or as specifically instructed to be performed
37 by the employer.

38 (g) "Prevailing" as it relates to the term "factor" means the primary
39 factor, in relation to any other factor. In determining what constitutes the
40 "prevailing factor" in a given case, the administrative law judge shall
41 consider all relevant evidence submitted by the parties.

42 (h) "Burden of proof" means the burden of a party to persuade the
43 trier of facts by a preponderance of the credible evidence that such party's

1 position on an issue is more probably true than not true on the basis of the
2 whole record unless a higher burden of proof is specifically required by
3 this act.

4 (i) "Director" means the director of workers compensation as
5 provided for in K.S.A. 75-5708, and amendments thereto.

6 (j) "Healthcare provider" means any person licensed, by the proper
7 licensing authority of this state, another state or the District of Columbia,
8 to practice medicine and surgery, osteopathy, chiropractic, dentistry,
9 optometry, ~~podiatry~~ *podiatric medicine and surgery*, audiology or
10 psychology.

11 (k) "Secretary" means the secretary of labor.

12 (l) "Construction design professional" means any person who is an
13 architect, professional engineer, landscape architect or land surveyor who
14 has been issued a license by the state board of technical professions to
15 practice such technical profession in Kansas or any corporation organized
16 to render professional services through the practice of one or more of such
17 technical professions in Kansas under the professional corporation law of
18 Kansas or any corporation issued a certificate of authorization under
19 K.S.A. 74-7036, and amendments thereto, to practice one or more of such
20 technical professions in Kansas.

21 (m) "Community service work" means: (1) Public or community
22 service performed as a result of a contract of diversion or of assignment to
23 a community corrections program or conservation camp or suspension of
24 sentence or as a condition of probation or in lieu of a fine imposed by
25 court order; or (2) public or community service or other work performed
26 as a requirement for receipt of any kind of public assistance in accordance
27 with any program administered by the secretary for children and families.

28 (n) "Utilization review" means the initial evaluation of
29 appropriateness in terms of both the level and the quality of healthcare and
30 health services provided a patient, based on accepted standards of the
31 healthcare profession involved. Such evaluation is accomplished by means
32 of a system ~~which that~~ identifies the utilization of healthcare services
33 above the usual range of utilization for such services, ~~which that~~ is based
34 on accepted standards of the healthcare profession involved, and ~~which~~
35 *that* refers instances of possible inappropriate utilization to the director for
36 referral to a peer review committee.

37 (o) "Peer review" means an evaluation by a peer review committee of
38 the appropriateness, quality and cost of healthcare and health services
39 provided a patient, ~~which that~~ is based on accepted standards of the
40 healthcare profession involved and ~~which that~~ is conducted in conjunction
41 with utilization review.

42 (p) "Peer review committee" means a committee composed of
43 healthcare providers licensed to practice the same healthcare profession as

1 the healthcare provider who rendered the healthcare services being
2 reviewed.

3 (q) "Group-funded self-insurance plan" includes each group-funded
4 workers compensation pool, ~~which~~ *that* is authorized to operate in this
5 state under K.S.A. 44-581 through 44-592, and amendments thereto, each
6 municipal group-funded pool under the Kansas municipal group-funded
7 pool act ~~which~~ *that* is covering liabilities under the workers compensation
8 act, and any other similar group-funded or pooled plan or arrangement that
9 provides coverage for employer liabilities under the workers compensation
10 act and is authorized by law.

11 (r) On and after the effective date of this act, "workers compensation
12 board" or "board" means the workers compensation appeals board
13 established under K.S.A. 44-555c, and amendments thereto.

14 (s) "Usual charge" means the amount most commonly charged by
15 healthcare providers for the same or similar services.

16 (t) "Customary charge" means the usual rates or range of fees charged
17 by healthcare providers in a given locale or area.

18 (u) "Functional impairment" means the extent, expressed as a
19 percentage, of the loss of a portion of the total physiological capabilities of
20 the human body as established by competent medical evidence and based
21 on the fourth edition of the American medical association guides to the
22 evaluation of impairment, if the impairment is contained therein.

23 (v) "Authorized treating physician" means a licensed physician or
24 other healthcare provider authorized by the employer or insurance carrier
25 or both, or appointed pursuant to court-order to provide those medical
26 services deemed necessary to diagnose and treat an injury arising out of
27 and in the course of employment.

28 (w) "Mail" means the use of the United States postal service or other
29 land based delivery service or transmission by electronic means, including
30 delivery by fax, e-mail or other electronic delivery method designated by
31 the director of workers compensation.

32 Sec. 5. K.S.A. 2018 Supp. 44-706 is hereby amended to read as
33 follows: 44-706. The secretary shall examine whether an individual has
34 separated from employment for each week claimed. The secretary shall
35 apply the provisions of this section to the individual's most recent
36 employment prior to the week claimed. An individual shall be disqualified
37 for benefits:

38 (a) If the individual left work voluntarily without good cause
39 attributable to the work or the employer, subject to the other provisions of
40 this subsection. For purposes of this subsection, "good cause" is cause of
41 such gravity that would impel a reasonable, not supersensitive, individual
42 exercising ordinary common sense to leave employment. Good cause
43 requires a showing of good faith of the individual leaving work, including

1 the presence of a genuine desire to work. Failure to return to work after
2 expiration of approved personal or medical leave, or both, shall be
3 considered a voluntary resignation. After a temporary job assignment,
4 failure of an individual to affirmatively request an additional assignment
5 on the next succeeding workday, if required by the employment
6 agreement, after completion of a given work assignment, shall constitute
7 leaving work voluntarily. The disqualification shall begin the day
8 following the separation and shall continue until after the individual has
9 become reemployed and has had earnings from insured work of at least
10 three times the individual's weekly benefit amount. An individual shall not
11 be disqualified under this subsection if:

12 (1) The individual was forced to leave work because of illness or
13 injury upon the advice of a licensed and practicing healthcare provider
14 and, upon learning of the necessity for absence, immediately notified the
15 employer thereof, or the employer consented to the absence, and after
16 recovery from the illness or injury, when recovery was certified by a
17 practicing healthcare provider, the individual returned to the employer and
18 offered to perform services and the individual's regular work or
19 comparable and suitable work was not available. As used in this paragraph
20 "healthcare provider" means any person licensed by the proper licensing
21 authority of any state to engage in the practice of medicine and surgery,
22 osteopathy, chiropractic, dentistry, optometry, ~~podiatry~~ *podiatric medicine*
23 *and surgery* or psychology;

24 (2) the individual left temporary work to return to the regular
25 employer;

26 (3) the individual left work to enlist in the armed forces of the United
27 States, but was rejected or delayed from entry;

28 (4) the spouse of an individual who is a member of the armed forces
29 of the United States who left work because of the voluntary or involuntary
30 transfer of the individual's spouse from one job to another job, ~~which that~~
31 is for the same employer or for a different employer, at a geographic
32 location ~~which that~~ makes it unreasonable for the individual to continue
33 work at the individual's job. For the purposes of this provision the term
34 "armed forces" means active duty in the army, navy, marine corps, air
35 force, coast guard or any branch of the military reserves of the United
36 States;

37 (5) the individual left work because of hazardous working conditions;
38 in determining whether or not working conditions are hazardous for an
39 individual, the degree of risk involved to the individual's health, safety and
40 morals, the individual's physical fitness and prior training and the working
41 conditions of workers engaged in the same or similar work for the same
42 and other employers in the locality shall be considered; as used in this
43 paragraph, "hazardous working conditions" means working conditions that

1 could result in a danger to the physical or mental well-being of the
2 individual; each determination as to whether hazardous working
3 conditions exist shall include, but shall not be limited to, a consideration
4 of: (A) The safety measures used or the lack thereof; and (B) the condition
5 of equipment or lack of proper equipment; no work shall be considered
6 hazardous if the working conditions surrounding the individual's work are
7 the same or substantially the same as the working conditions generally
8 prevailing among individuals performing the same or similar work for
9 other employers engaged in the same or similar type of activity;

10 (6) the individual left work to enter training approved under section
11 236(a)(1) of the federal trade act of 1974, provided the work left is not of a
12 substantially equal or higher skill level than the individual's past adversely
13 affected employment, as defined for purposes of the federal trade act of
14 1974, and wages for such work are not less than 80% of the individual's
15 average weekly wage as determined for the purposes of the federal trade
16 act of 1974;

17 (7) the individual left work because of unwelcome harassment of the
18 individual by the employer or another employee of which the employing
19 unit had knowledge and that would impel the average worker to give up
20 such worker's employment;

21 (8) the individual left work to accept better work; each determination
22 as to whether or not the work accepted is better work shall include, but
23 shall not be limited to, consideration of: (A) The rate of pay, the hours of
24 work and the probable permanency of the work left as compared to the
25 work accepted; (B) the cost to the individual of getting to the work left in
26 comparison to the cost of getting to the work accepted; and (C) the
27 distance from the individual's place of residence to the work accepted in
28 comparison to the distance from the individual's residence to the work left;

29 (9) the individual left work as a result of being instructed or requested
30 by the employer, a supervisor or a fellow employee to perform a service or
31 commit an act in the scope of official job duties ~~which~~ that is in violation
32 of an ordinance or statute;

33 (10) the individual left work because of a substantial violation of the
34 work agreement by the employing unit and, before the individual left, the
35 individual had exhausted all remedies provided in such agreement for the
36 settlement of disputes before terminating. For the purposes of this
37 paragraph, a demotion based on performance does not constitute a
38 violation of the work agreement;

39 (11) after making reasonable efforts to preserve the work, the
40 individual left work due to a personal emergency of such nature and
41 compelling urgency that it would be contrary to good conscience to
42 impose a disqualification; or

43 (12) (A) the individual left work due to circumstances resulting from

1 domestic violence, including:

- 2 (i) The individual's reasonable fear of future domestic violence at or
3 en route to or from the individual's place of employment;
4 (ii) the individual's need to relocate to another geographic area in
5 order to avoid future domestic violence;
6 (iii) the individual's need to address the physical, psychological and
7 legal impacts of domestic violence;
8 (iv) the individual's need to leave employment as a condition of
9 receiving services or shelter from an agency ~~which~~ that provides support
10 services or shelter to victims of domestic violence; or
11 (v) the individual's reasonable belief that termination of employment
12 is necessary to avoid other situations ~~which~~ that may cause domestic
13 violence and to provide for the future safety of the individual or the
14 individual's family.

15 (B) An individual may prove the existence of domestic violence by
16 providing one of the following:

- 17 (i) A restraining order or other documentation of equitable relief by a
18 court of competent jurisdiction;
19 (ii) a police record documenting the abuse;
20 (iii) documentation that the abuser has been convicted of one or more
21 of the offenses enumerated in articles 34 and 35 of chapter 21 of the
22 Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of
23 chapter 21 of the Kansas Statutes Annotated, *and amendments thereto*, or
24 K.S.A. 2018 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-
25 6422, and amendments thereto, where the victim was a family or
26 household member;
27 (iv) medical documentation of the abuse;
28 (v) a statement provided by a counselor, social worker, healthcare
29 provider, clergy, shelter worker, legal advocate, domestic violence or
30 sexual assault advocate or other professional who has assisted the
31 individual in dealing with the effects of abuse on the individual or the
32 individual's family; or
33 (vi) a sworn statement from the individual attesting to the abuse.

34 (C) No evidence of domestic violence experienced by an individual,
35 including the individual's statement and corroborating evidence, shall be
36 disclosed by the department of labor unless consent for disclosure is given
37 by the individual.

38 (b) If the individual has been discharged or suspended for misconduct
39 connected with the individual's work. The disqualification shall begin the
40 day following the separation and shall continue until after the individual
41 becomes reemployed and in cases where the disqualification is due to
42 discharge for misconduct has had earnings from insured work of at least
43 three times the individual's determined weekly benefit amount, except that

1 if an individual is discharged for gross misconduct connected with the
2 individual's work, such individual shall be disqualified for benefits until
3 such individual again becomes employed and has had earnings from
4 insured work of at least eight times such individual's determined weekly
5 benefit amount. In addition, all wage credits attributable to the
6 employment from which the individual was discharged for gross
7 misconduct connected with the individual's work shall be canceled. No
8 such cancellation of wage credits shall affect prior payments made as a
9 result of a prior separation.

10 (1) For the purposes of this subsection, "misconduct" is defined as a
11 violation of a duty or obligation reasonably owed the employer as a
12 condition of employment including, but not limited to, a violation of a
13 company rule, including a safety rule, if: (A) The individual knew or
14 should have known about the rule; (B) the rule was lawful and reasonably
15 related to the job; and (C) the rule was fairly and consistently enforced.

16 (2) (A) Failure of the employee to notify the employer of an absence
17 and an individual's leaving work prior to the end of such individual's
18 assigned work period without permission shall be considered prima facie
19 evidence of a violation of a duty or obligation reasonably owed the
20 employer as a condition of employment.

21 (B) For the purposes of this subsection, misconduct shall include, but
22 not be limited to, violation of the employer's reasonable attendance
23 expectations if the facts show:

24 (i) The individual was absent or tardy without good cause;

25 (ii) the individual had knowledge of the employer's attendance
26 expectation; and

27 (iii) the employer gave notice to the individual that future absence or
28 tardiness may or will result in discharge.

29 (C) For the purposes of this subsection, if an employee disputes being
30 absent or tardy without good cause, the employee shall present evidence
31 that a majority of the employee's absences or tardiness were for good
32 cause. If the employee alleges that the employee's repeated absences or
33 tardiness were the result of health related issues, such evidence shall
34 include documentation from a licensed and practicing healthcare provider
35 as defined in subsection (a)(1).

36 (3) (A) The term "gross misconduct" as used in this subsection shall
37 be construed to mean conduct evincing extreme, willful or wanton
38 misconduct as defined by this subsection. Gross misconduct shall include,
39 but not be limited to: (i) Theft; (ii) fraud; (iii) intentional damage to
40 property; (iv) intentional infliction of personal injury; or (v) any conduct
41 that constitutes a felony.

42 (B) For the purposes of this subsection, the following shall be
43 conclusive evidence of gross misconduct:

1 (i) The use of alcoholic liquor, cereal malt beverage or a
2 nonprescribed controlled substance by an individual while working;

3 (ii) the impairment caused by alcoholic liquor, cereal malt beverage
4 or a nonprescribed controlled substance by an individual while working;

5 (iii) a positive breath alcohol test or a positive chemical test,
6 provided:

7 (a) The test was either:

8 (1) Required by law and was administered pursuant to the drug free
9 workplace act, 41 U.S.C. § 701 et seq.;

10 (2) administered as part of an employee assistance program or other
11 drug or alcohol treatment program in which the employee was
12 participating voluntarily or as a condition of further employment;

13 (3) requested pursuant to a written policy of the employer of which
14 the employee had knowledge and was a required condition of
15 employment;

16 (4) required by law and the test constituted a required condition of
17 employment for the individual's job; or

18 (5) there was reasonable suspicion to believe that the individual used,
19 had possession of, or was impaired by alcoholic liquor, cereal malt
20 beverage or a nonprescribed controlled substance while working;

21 (b) the test sample was collected either:

22 (1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et
23 seq.;

24 (2) as prescribed by an employee assistance program or other drug or
25 alcohol treatment program in which the employee was participating
26 voluntarily or as a condition of further employment;

27 (3) as prescribed by the written policy of the employer of which the
28 employee had knowledge and ~~which~~ *that* constituted a required condition
29 of employment;

30 (4) as prescribed by a test ~~which~~ *that* was required by law and ~~which~~
31 *that* constituted a required condition of employment for the individual's
32 job; or

33 (5) at a time contemporaneous with the events establishing probable
34 cause;

35 (c) the collecting and labeling of a chemical test sample was
36 performed by a licensed healthcare professional or any other individual
37 certified pursuant to ~~paragraph~~ *subsection* (b)(3)(A)(iii)(f) or authorized to
38 collect or label test samples by federal or state law, or a federal or state
39 rule or regulation having the force or effect of law, including law
40 enforcement personnel;

41 (d) the chemical test was performed by a laboratory approved by the
42 United States department of health and human services or licensed by the
43 department of health and environment, except that a blood sample may be

1 tested for alcohol content by a laboratory commonly used for that purpose
2 by state law enforcement agencies;

3 (e) the chemical test was confirmed by gas chromatography, gas
4 chromatography-mass spectroscopy or other comparably reliable
5 analytical method, except that no such confirmation is required for a blood
6 alcohol sample or a breath alcohol test;

7 (f) the breath alcohol test was administered by an individual trained
8 to perform breath tests, the breath testing instrument used was certified
9 and operated strictly according to a description provided by the
10 manufacturers and the reliability of the instrument performance was
11 assured by testing with alcohol standards; and

12 (g) the foundation evidence establishes, beyond a reasonable doubt,
13 that the test results were from the sample taken from the individual;

14 (iv) an individual's refusal to submit to a chemical test or breath
15 alcohol test, provided:

16 (a) The test meets the standards of the drug free workplace act, 41
17 U.S.C. § 701 et seq.;

18 (b) the test was administered as part of an employee assistance
19 program or other drug or alcohol treatment program in which the
20 employee was participating voluntarily or as a condition of further
21 employment;

22 (c) the test was otherwise required by law and the test constituted a
23 required condition of employment for the individual's job;

24 (d) the test was requested pursuant to a written policy of the employer
25 of which the employee had knowledge and was a required condition of
26 employment; or

27 (e) there was reasonable suspicion to believe that the individual used,
28 possessed or was impaired by alcoholic liquor, cereal malt beverage or a
29 nonprescribed controlled substance while working;

30 (v) an individual's dilution or other tampering of a chemical test.

31 (C) For purposes of this subsection:

32 (i) "Alcohol concentration" means the number of grams of alcohol
33 per 210 liters of breath;

34 (ii) "alcoholic liquor" shall be defined as provided in K.S.A. 41-102,
35 and amendments thereto;

36 (iii) "cereal malt beverage" shall be defined as provided in K.S.A. 41-
37 2701, and amendments thereto;

38 (iv) "chemical test" shall include, but is not limited to, tests of urine,
39 blood or saliva;

40 (v) "controlled substance" shall be defined as provided in K.S.A.
41 2018 Supp. 21-5701, and amendments thereto;

42 (vi) "required by law" means required by a federal or state law, a
43 federal or state rule or regulation having the force and effect of law, a

1 county resolution or municipal ordinance, or a policy relating to public
2 safety adopted in an open meeting by the governing body of any special
3 district or other local governmental entity;

4 (vii) "positive breath test" shall mean a test result showing an alcohol
5 concentration of 0.04 or greater, or the levels listed in 49 C.F.R. part 40, if
6 applicable, unless the test was administered as part of an employee
7 assistance program or other drug or alcohol treatment program in which
8 the employee was participating voluntarily or as a condition of further
9 employment, in which case "positive chemical test" shall mean a test result
10 showing an alcohol concentration at or above the levels provided for in the
11 assistance or treatment program;

12 (viii) "positive chemical test" shall mean a chemical result showing a
13 concentration at or above the levels listed in K.S.A. 44-501, and
14 amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or
15 abuse listed therein, unless the test was administered as part of an
16 employee assistance program or other drug or alcohol treatment program
17 in which the employee was participating voluntarily or as a condition of
18 further employment, in which case "positive chemical test" shall mean a
19 chemical result showing a concentration at or above the levels provided for
20 in the assistance or treatment program.

21 (4) An individual shall not be disqualified under this subsection if the
22 individual is discharged under the following circumstances:

23 (A) The employer discharged the individual after learning the
24 individual was seeking other work or when the individual gave notice of
25 future intent to quit, except that the individual shall be disqualified after
26 the time ~~at which~~ *when* such individual intended to quit and any individual
27 who commits misconduct after such individual gives notice to such
28 individual's intent to quit shall be disqualified;

29 (B) the individual was making a good-faith effort to do the assigned
30 work but was discharged due to:

- 31 (i) Inefficiency;
32 (ii) unsatisfactory performance due to inability, incapacity or lack of
33 training or experience;
34 (iii) isolated instances of ordinary negligence or inadvertence;
35 (iv) good-faith errors in judgment or discretion; or
36 (v) unsatisfactory work or conduct due to circumstances beyond the
37 individual's control; or

38 (C) the individual's refusal to perform work in excess of the contract
39 of hire.

40 (c) If the individual has failed, without good cause, to either apply for
41 suitable work when so directed by the employment office of the secretary
42 of labor, or to accept suitable work when offered to the individual by the
43 employment office, the secretary of labor, or an employer, such

1 disqualification shall begin with the week in which such failure occurred
2 and shall continue until the individual becomes reemployed and has had
3 earnings from insured work of at least three times such individual's
4 determined weekly benefit amount. In determining whether or not any
5 work is suitable for an individual, the secretary of labor, or a person or
6 persons designated by the secretary, shall consider the degree of risk
7 involved to health, safety and morals, physical fitness and prior training,
8 experience and prior earnings, length of unemployment and prospects for
9 securing local work in the individual's customary occupation or work for
10 which the individual is reasonably fitted by training or experience, and the
11 distance of the available work from the individual's residence.
12 Notwithstanding any other provisions of this act, an otherwise eligible
13 individual shall not be disqualified for refusing an offer of suitable
14 employment, or failing to apply for suitable employment when notified by
15 an employment office, or for leaving the individual's most recent work
16 accepted during approved training, including training approved under
17 section 236(a)(1) of the trade act of 1974, if the acceptance of or applying
18 for suitable employment or continuing such work would require the
19 individual to terminate approved training and no work shall be deemed
20 suitable and benefits shall not be denied under this act to any otherwise
21 eligible individual for refusing to accept new work under any of the
22 following conditions: (1) If the position offered is vacant due directly to a
23 strike, lockout or other labor dispute; (2) if the remuneration, hours or
24 other conditions of the work offered are substantially less favorable to the
25 individual than those prevailing for similar work in the locality; (3) if as a
26 condition of being employed, the individual would be required to join or to
27 resign from or refrain from joining any labor organization; and (4) if the
28 individual left employment as a result of domestic violence, and the
29 position offered does not reasonably accommodate the individual's
30 physical, psychological, safety, or legal needs relating to such domestic
31 violence.

32 (d) For any week with respect to which the secretary of labor, or a
33 person or persons designated by the secretary, finds that the individual's
34 unemployment is due to a stoppage of work ~~which~~ that exists because of a
35 labor dispute or there would have been a work stoppage had normal
36 operations not been maintained with other personnel previously and
37 currently employed by the same employer at the factory, establishment or
38 other premises ~~at which~~ where the individual is or was last employed,
39 except that this subsection ~~(d)~~ shall not apply if it is shown to the
40 satisfaction of the secretary of labor, or a person or persons designated by
41 the secretary, that: (1) The individual is not participating in or financing or
42 directly interested in the labor dispute ~~which~~ that caused the stoppage of
43 work; and (2) the individual does not belong to a grade or class of workers

1 of which, immediately before the commencement of the stoppage, there
2 were members employed at the premises at which the stoppage occurs any
3 of whom are participating in or financing or directly interested in the
4 dispute. If in any case separate branches of work ~~which~~ *that* are commonly
5 conducted as separate businesses in separate premises are conducted in
6 separate departments of the same premises, each such department shall, for
7 the purpose of this subsection be deemed to be a separate factory,
8 establishment or other premises. For the purposes of this subsection,
9 failure or refusal to cross a picket line or refusal for any reason during the
10 continuance of such labor dispute to accept the individual's available and
11 customary work at the factory, establishment or other premises where the
12 individual is or was last employed shall be considered as participation and
13 interest in the labor dispute.

14 (e) For any week with respect to which or a part of which the
15 individual has received or is seeking unemployment benefits under the
16 unemployment compensation law of any other state or of the United
17 States, except that if the appropriate agency of such other state or the
18 United States finally determines that the individual is not entitled to such
19 unemployment benefits, this disqualification shall not apply.

20 (f) For any week with respect to which the individual is entitled to
21 receive any unemployment allowance or compensation granted by the
22 United States under an act of congress to ex-service men and women in
23 recognition of former service with the military or naval services of the
24 United States.

25 (g) For the period of five years beginning with the first day following
26 the last week of unemployment for which the individual received benefits,
27 or for five years from the date the act was committed, whichever is the
28 later, if the individual, or another in such individual's behalf with the
29 knowledge of the individual, has knowingly made a false statement or
30 representation, or has knowingly failed to disclose a material fact to obtain
31 or increase benefits under this act or any other unemployment
32 compensation law administered by the secretary of labor. In addition to the
33 penalties set forth in K.S.A. 44-719, and amendments thereto, an
34 individual who has knowingly made a false statement or representation or
35 who has knowingly failed to disclose a material fact to obtain or increase
36 benefits under this act or any other unemployment compensation law
37 administered by the secretary of labor shall be liable for a penalty in the
38 amount equal to 25% of the amount of benefits unlawfully received.
39 Notwithstanding any other provision of law, such penalty shall be
40 deposited into the employment security trust fund.

41 (h) For any week with respect to which the individual is receiving
42 compensation for temporary total disability or permanent total disability
43 under the workmen's compensation law of any state or under a similar law

1 of the United States.

2 (i) For any week of unemployment on the basis of service in an
3 instructional, research or principal administrative capacity for an
4 educational institution as defined in K.S.A. 44-703(v), and amendments
5 thereto, if such week begins during the period between two successive
6 academic years or terms or, when an agreement provides instead for a
7 similar period between two regular but not successive terms during such
8 period or during a period of paid sabbatical leave provided for in the
9 individual's contract, if the individual performs such services in the first of
10 such academic years or terms and there is a contract or a reasonable
11 assurance that such individual will perform services in any such capacity
12 for any educational institution in the second of such academic years or
13 terms.

14 (j) For any week of unemployment on the basis of service in any
15 capacity other than service in an instructional, research, or administrative
16 capacity in an educational institution, as defined in K.S.A. 44-703(v), and
17 amendments thereto, if such week begins during the period between two
18 successive academic years or terms if the individual performs such
19 services in the first of such academic years or terms and there is a
20 reasonable assurance that the individual will perform such services in the
21 second of such academic years or terms, except that if benefits are denied
22 to the individual under this subsection and the individual was not offered
23 an opportunity to perform such services for the educational institution for
24 the second of such academic years or terms, such individual shall be
25 entitled to a retroactive payment of benefits for each week for which the
26 individual filed a timely claim for benefits and for which benefits were
27 denied solely by reason of this subsection.

28 (k) For any week of unemployment on the basis of service in any
29 capacity for an educational institution as defined in K.S.A. 44-703(v), and
30 amendments thereto, if such week begins during an established and
31 customary vacation period or holiday recess, if the individual performs
32 services in the period immediately before such vacation period or holiday
33 recess and there is a reasonable assurance that such individual will perform
34 such services in the period immediately following such vacation period or
35 holiday recess.

36 (l) For any week of unemployment on the basis of any services,
37 substantially all of which consist of participating in sports or athletic
38 events or training or preparing to so participate, if such week begins during
39 the period between two successive sport seasons or similar period if such
40 individual performed services in the first of such seasons or similar periods
41 and there is a reasonable assurance that such individual will perform such
42 services in the later of such seasons or similar periods.

43 (m) For any week on the basis of services performed by an alien

1 unless such alien is an individual who was lawfully admitted for
2 permanent residence at the time such services were performed, was
3 lawfully present for purposes of performing such services, or was
4 permanently residing in the United States under color of law at the time
5 such services were performed, including an alien who was lawfully present
6 in the United States as a result of the application of the provisions of
7 section 212(d)(5) of the federal immigration and nationality act. Any data
8 or information required of individuals applying for benefits to determine
9 whether benefits are not payable to them because of their alien status shall
10 be uniformly required from all applicants for benefits. In the case of an
11 individual whose application for benefits would otherwise be approved, no
12 determination that benefits to such individual are not payable because of
13 such individual's alien status shall be made except upon a preponderance
14 of the evidence.

15 (n) For any week in which an individual is receiving a governmental
16 or other pension, retirement or retired pay, annuity or other similar
17 periodic payment under a plan maintained by a base period employer and
18 to which the entire contributions were provided by such employer, except
19 that: (1) If the entire contributions to such plan were provided by the base
20 period employer but such individual's weekly benefit amount exceeds such
21 governmental or other pension, retirement or retired pay, annuity or other
22 similar periodic payment attributable to such week, the weekly benefit
23 amount payable to the individual shall be reduced, but not below zero, by
24 an amount equal to the amount of such pension, retirement or retired pay,
25 annuity or other similar periodic payment ~~which~~ that is attributable to such
26 week; ~~or~~ (2) if only a portion of contributions to such plan were provided
27 by the base period employer, the weekly benefit amount payable to such
28 individual for such week shall be reduced, but not below zero, by the
29 prorated weekly amount of the pension, retirement or retired pay, annuity
30 or other similar periodic payment after deduction of that portion of the
31 pension, retirement or retired pay, annuity or other similar periodic
32 payment that is directly attributable to the percentage of the contributions
33 made to the plan by such individual; ~~or~~ (3) if the entire contributions to the
34 plan were provided by such individual, or by the individual and an
35 employer, or any person or organization, who is not a base period
36 employer, no reduction in the weekly benefit amount payable to the
37 individual for such week shall be made under this subsection; or (4)
38 whatever portion of contributions to such plan were provided by the base
39 period employer, if the services performed for the employer by such
40 individual during the base period, or remuneration received for the
41 services, did not affect the individual's eligibility for, or increased the
42 amount of, such pension, retirement or retired pay, annuity or other similar
43 periodic payment, no reduction in the weekly benefit amount payable to

1 the individual for such week shall be made under this subsection. No
2 reduction shall be made for payments made under the social security act or
3 railroad retirement act of 1974.

4 (o) For any week of unemployment on the basis of services
5 performed in any capacity and under any of the circumstances described in
6 subsection (i), (j) or (k)—~~which~~ *that* an individual performed in an
7 educational institution while in the employ of an educational service
8 agency. For the purposes of this subsection, the term "educational service
9 agency" means a governmental agency or entity—~~which~~ *that* is established
10 and operated exclusively for the purpose of providing such services to one
11 or more educational institutions.

12 (p) For any week of unemployment on the basis of service as a school
13 bus or other motor vehicle driver employed by a private contractor to
14 transport pupils, students and school personnel to or from school-related
15 functions or activities for an educational institution, as defined in K.S.A.
16 44-703(v), and amendments thereto, if such week begins during the period
17 between two successive academic years or during a similar period between
18 two regular terms, whether or not successive, if the individual has a
19 contract or contracts, or a reasonable assurance thereof, to perform
20 services in any such capacity with a private contractor for any educational
21 institution for both such academic years or both such terms. An individual
22 shall not be disqualified for benefits as provided in this subsection for any
23 week of unemployment on the basis of service as a bus or other motor
24 vehicle driver employed by a private contractor to transport persons to or
25 from nonschool-related functions or activities.

26 (q) For any week of unemployment on the basis of services
27 performed by the individual in any capacity and under any of the
28 circumstances described in subsection (i), (j), (k) or (o)—~~which~~ *that* are
29 provided to or on behalf of an educational institution, as defined in K.S.A.
30 44-703(v), and amendments thereto, while the individual is in the employ
31 of an employer—~~which~~ *that* is a governmental entity, Indian tribe or any
32 employer described in section 501(c)(3) of the federal internal revenue
33 code of 1986—~~which~~ *that* is exempt from income under section 501(a) of
34 the code.

35 (r) For any week in which an individual is registered at and attending
36 an established school, training facility or other educational institution, or is
37 on vacation during or between two successive academic years or terms. An
38 individual shall not be disqualified for benefits as provided in this
39 subsection provided:

40 (1) The individual was engaged in full-time employment concurrent
41 with the individual's school attendance;

42 (2) the individual is attending approved training as defined in K.S.A.
43 44-703(s), and amendments thereto; or

1 (3) the individual is attending evening, weekend or limited day time
2 classes, ~~which~~ that would not affect availability for work, and is otherwise
3 eligible under K.S.A. 44-705(c), and amendments thereto.

4 (s) For any week with respect to which an individual is receiving or
5 has received remuneration in the form of a back pay award or settlement.
6 The remuneration shall be allocated to the week or weeks in the manner as
7 specified in the award or agreement, or in the absence of such specificity
8 in the award or agreement, such remuneration shall be allocated to the
9 week or weeks in which such remuneration, in the judgment of the
10 secretary, would have been paid.

11 (1) For any such weeks that an individual receives remuneration in
12 the form of a back pay award or settlement, an overpayment will be
13 established in the amount of unemployment benefits paid and shall be
14 collected from the claimant.

15 (2) If an employer chooses to withhold from a back pay award or
16 settlement, amounts paid to a claimant while they claimed unemployment
17 benefits, such employer shall pay the department the amount withheld.
18 With respect to such amount, the secretary shall have available all of the
19 collection remedies authorized or provided in K.S.A. 44-717, and
20 amendments thereto.

21 (t) (1) Any applicant for or recipient of unemployment benefits who
22 tests positive for unlawful use of a controlled substance or controlled
23 substance analog shall be required to complete a substance abuse treatment
24 program approved by the secretary of labor, secretary of commerce or
25 secretary for children and families, and a job skills program approved by
26 the secretary of labor, secretary of commerce or the secretary for children
27 and families. Subject to applicable federal laws, any applicant for or
28 recipient of unemployment benefits who fails to complete or refuses to
29 participate in the substance abuse treatment program or job skills program
30 as required under this subsection shall be ineligible to receive
31 unemployment benefits until completion of such substance abuse
32 treatment and job skills programs. Upon completion of both substance
33 abuse treatment and job skills programs, such applicant for or recipient of
34 unemployment benefits may be subject to periodic drug screening, as
35 determined by the secretary of labor. Upon a second positive test for
36 unlawful use of a controlled substance or controlled substance analog, an
37 applicant for or recipient of unemployment benefits shall be ordered to
38 complete again a substance abuse treatment program and job skills
39 program, and shall be terminated from unemployment benefits for a period
40 of 12 months, or until such applicant for or recipient of unemployment
41 benefits completes both substance abuse treatment and job skills programs,
42 whichever is later. Upon a third positive test for unlawful use of a
43 controlled substance or controlled substance analog, an applicant for or a

1 recipient of unemployment benefits shall be terminated from receiving
2 unemployment benefits, subject to applicable federal law.

3 (2) Any individual who has been discharged or refused employment
4 for failing a preemployment drug screen required by an employer may
5 request that the drug screening specimen be sent to a different drug testing
6 facility for an additional drug screening. Any such individual who requests
7 an additional drug screening at a different drug testing facility shall be
8 required to pay the cost of drug screening.

9 (u) If the individual was found not to have a disqualifying
10 adjudication or conviction under K.S.A. 39-970 or 65-5117, and
11 amendments thereto, was hired and then was subsequently convicted of a
12 disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments
13 thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and
14 amendments thereto. The disqualification shall begin the day following the
15 separation and shall continue until after the individual becomes
16 reemployed and has had earnings from insured work of at least three times
17 the individual's determined weekly benefit amount.

18 (v) Notwithstanding the provisions of any subsection, an individual
19 shall not be disqualified for such week of part-time employment in a
20 substitute capacity for an educational institution if such individual's most
21 recent employment prior to the individual's benefit year begin date was for
22 a non-educational institution and such individual demonstrates application
23 for work in such individual's customary occupation or for work for which
24 the individual is reasonably fitted by training or experience.

25 Sec. 6. K.S.A. 48-1601 is hereby amended to read as follows: 48-
26 1601. (a) It is the policy of the state of Kansas in furtherance of its
27 responsibility to protect the public health and safety:

28 ~~(a)~~(1) To institute and maintain a program to permit development and
29 utilization of sources of radiation for peaceful purposes consistent with the
30 health and safety of the public;

31 ~~(b)~~(2) to institute and maintain a regulatory program for sources of
32 radiation so as to provide for~~(1)~~: (A) Compatibility with the standards and
33 regulatory programs of the federal government;~~(2)~~ (B) an integrated,
34 effective system of regulation within the state; and~~(3)~~ (C) a system
35 consonant insofar as possible with those of other states; and

36 ~~(e)~~(3) to provide for the availability of capacity either within or
37 outside the state for the disposal of low-level radioactive waste generated
38 within the state, except for waste generated as a result of defense or federal
39 research and development activities, and to recognize that such radioactive
40 waste can be most safely and efficiently managed on a regional basis. Any
41 state agency or institution acting as a grantee in a federal research or
42 development program~~which~~ that generates low-level radioactive waste
43 within the state shall be required to dispose of such waste in accordance

1 with applicable state law.

2 (b) The provisions of this act shall not be interpreted as limiting the
3 intentional exposure of patients to radiation, for the purpose of diagnosis
4 or therapy, by persons licensed to practice one or more of the healing arts
5 within the authority granted to them by the Kansas healing arts statute, or
6 by persons licensed to practice dentistry or ~~podiatry~~ *podiatric medicine*
7 *and surgery* within the authority granted to them by Kansas licensing laws
8 applying to dentists and podiatrists.

9 Sec. 7. K.S.A. 65-2001 is hereby amended to read as follows: 65-
10 2001. As used in the ~~podiatry~~ *podiatric medicine and surgery* act, unless
11 the context otherwise requires:

12 (a) "Board" means the state board of healing arts.

13 (b) "Podiatrist" means one practicing ~~podiatry~~ *podiatric medicine and*
14 *surgery*.

15 (c) ~~"Podiatry" means the diagnosis and medical and surgical~~
16 ~~treatment of all illnesses of the human foot, including the ankle and~~
17 ~~tendons which insert into the foot as well as the foot, subject to subsection~~
18 ~~(d) of K.S.A. 65-2002, and amendments thereto~~ "Podiatric medicine and
19 *surgery*" means the specialty that addresses the diagnosis and treatment of
20 *pathologies and conditions of the lower extremities, with special emphasis*
21 *in the diagnosis and treatment of the foot and ankle, and governing and*
22 *related structures of the leg, by any and all means.*

23 Sec. 8. K.S.A. 65-2002 is hereby amended to read as follows: 65-
24 2002. (a) It shall be unlawful for any person to profess to be a podiatrist, to
25 practice or assume the duties incidental to ~~podiatry~~ *podiatric medicine and*
26 *surgery*, to advertise or hold oneself out to the public as a podiatrist, or to
27 use any sign or advertisement with the word or words podiatrist, foot
28 specialist, foot correctionist, foot expert, practapedist or chiropodist, or
29 any other term or terms indicating that such person is a podiatrist or that
30 such person practices or holds oneself out as practicing ~~podiatry~~ *podiatric*
31 *medicine and surgery* or foot correction in any manner, without first
32 obtaining from the board a license authorizing the practice of ~~podiatry~~
33 *podiatric medicine and surgery* in this state, except as ~~hereinafter~~
34 *otherwise provided by the podiatric medicine and surgery act.*

35 (b) A licensed podiatrist shall be authorized to prescribe such drugs or
36 medicine, and to perform such surgery on the human foot, ankle and
37 tendons that insert into the foot, including amputation of the toes or part of
38 the foot, as may be necessary to the proper practice of ~~podiatry~~ *podiatric*
39 *medicine and surgery*, but no podiatrist shall amputate the human foot ~~or~~
40 ~~administer any anesthetic other than local.~~

41 (c) This act shall not prohibit the recommendation, advertising, fitting
42 or sale of corrective shoes, arch supports, or similar mechanical
43 appliances, or foot remedies by manufacturers, wholesalers or retail

1 dealers.

2 (d) No podiatrist shall perform surgery on the ankle unless such
3 person has completed a three-year post-doctoral surgical residency
4 program in reconstructive rearfoot/ankle surgery and is either board-
5 certified or board qualified progressing to board certification in
6 reconstructive rearfoot/ankle surgery by a nationally recognized certifying
7 organization acceptable to the board. Surgical treatment of the ankle by a
8 podiatrist shall be performed only in a medical care facility, as defined in
9 K.S.A. 65-425, and amendments thereto.

10 (e) ~~Not later than 90 days after the effective date of this act, the board
11 shall appoint a five-member committee to be known as the podiatry
12 interdisciplinary advisory committee. Such committee shall advise and
13 make recommendations to the board on matters relating to licensure of
14 podiatrists to perform surgery on the ankle pursuant to subsection (d). The
15 podiatry interdisciplinary advisory committee shall consist of five
16 members:~~

17 ~~(1) One member of the board appointed by the board who shall serve
18 as a nonvoting chairperson;~~

19 ~~(2) two persons licensed to practice medicine and surgery
20 specializing in orthopedics, chosen by the board from four names
21 submitted by the Kansas medical society; and~~

22 ~~(3) two podiatrists, at least one of whom shall have completed an
23 accredited residency in foot and ankle surgery, chosen by the board from
24 four names submitted by the Kansas podiatric medical association.~~

25 ~~Members appointed to such committee shall serve at the pleasure of the
26 board without compensation. All expenses of the committee shall be paid
27 by the board. The provisions of this subsection shall expire on July 1,
28 2018.~~

29 Sec. 9. K.S.A. 65-2004 is hereby amended to read as follows: 65-
30 2004. (a) Except as provided in ~~subsection (b) of~~ K.S.A. 65-2003(b), and
31 amendments thereto, each applicant for a license to practice ~~podiatry~~
32 *podiatric medicine and surgery* shall be examined by the board in the
33 following subjects: Anatomy, bacteriology, chemistry, dermatology,
34 histology, pathology, physiology, pharmacology and medicine, diagnosis,
35 therapeutics, and clinical ~~podiatry~~ *podiatric medicine and surgery*, limited
36 in their scope to the treatment of the human foot, including the ankle and
37 tendons ~~which~~ *that* insert into the foot as well as the foot. If the applicant
38 possesses the qualifications required by K.S.A. 65-2003, and amendments
39 thereto, completes the examination prescribed with the passing grade as
40 established by rules and regulations of the board and pays to the board the
41 license fee established pursuant to K.S.A. 65-2012, and amendments
42 thereto, such applicant shall be issued a license by the board to practice
43 *podiatry podiatric medicine and surgery* in this state.

1 (b) Each applicant before taking the examination shall pay to the
2 board the examination fee established pursuant to K.S.A. 65-2012, and
3 amendments thereto. Any applicant failing the examination may have a
4 reexamination in accordance with criteria established by rules and
5 regulations of the board, ~~which criteria~~ *that* may limit the number of times
6 an applicant may retake the examination.

7 Sec. 10. K.S.A. 65-2005 is hereby amended to read as follows: 65-
8 2005. (a) A licensee shall be designated a licensed podiatrist and shall not
9 use any title or abbreviations without the designation licensed podiatrist,
10 practice limited to the human foot, including the ankle and tendons ~~which~~
11 *that* insert into the foot as well as the foot, and shall not mislead the public
12 as to such licensee's limited professional qualifications to treat human
13 ailments. Whenever a registered podiatrist, or words of like effect, is
14 referred to or designated by any statute, contract or other document, such
15 reference or designation shall be deemed to refer to or designate a licensed
16 podiatrist.

17 (b) The license of each licensed podiatrist shall expire on the date
18 established by rules and regulations of the board ~~which~~ *that* may provide
19 renewal throughout the year on a continuing basis. In each case in which a
20 license is renewed for a period of time of less than one year, the board may
21 prorate the amount of the fee established under K.S.A. 65-2012, and
22 amendments thereto. The request for renewal shall be on a form provided
23 by the board and shall be accompanied by the renewal fee established
24 under K.S.A. 65-2012, and amendments thereto, ~~which~~ *that* shall be paid
25 not later than the expiration date of the license. At least 30 days before the
26 expiration of a licensee's license, the board shall notify the licensee of the
27 expiration by mail addressed to the licensee's last mailing address as noted
28 upon the office records. If a licensee fails to pay the renewal fee by the
29 date of expiration, the licensee shall be given a second notice that the
30 licensee's license has expired and the license may be renewed only if the
31 renewal fee and the late renewal fee are received by the board within the
32 ~~thirty~~ 30-day period following the date of expiration and that, if both fees
33 are not received within the ~~thirty~~ 30-day period, such licensee's license
34 shall be canceled by operation of law and without further proceedings for
35 failure to renew and shall be reissued only after the licensee has been
36 reinstated under subsection (c).

37 (c) Any licensee who allows the licensee's license to be canceled by
38 failing to renew may be reinstated upon recommendation of the board and
39 upon payment of the renewal fee and the reinstatement fee established
40 pursuant to K.S.A. 65-2012, and amendments thereto, and upon submitting
41 evidence of satisfactory completion of the applicable reeducation and
42 continuing education requirements established by the board. The board
43 shall adopt rules and regulations establishing appropriate reeducation and

1 continuing education requirements for reinstatement of persons whose
2 licenses have been canceled for failure to renew.

3 (d) The board, prior to renewal of a license, shall require the licensee,
4 if in the active practice of ~~podiatry~~ *podiatric medicine and surgery* within
5 Kansas, to submit to the board evidence satisfactory to the board that the
6 licensee is maintaining a policy of professional liability insurance as
7 required by K.S.A. 40-3402, and amendments thereto, and has paid the
8 annual premium surcharge as required by K.S.A. 40-3404, and
9 amendments thereto.

10 (e) The board may issue a temporary permit to practice ~~podiatry~~
11 *podiatric medicine and surgery* in this state to any person making
12 application for a license to practice ~~podiatry~~ *podiatric medicine and*
13 *surgery* who meets the required qualifications for a license and who pays
14 to the board the temporary permit fee established pursuant to K.S.A. 65-
15 2012, and amendments thereto. A temporary permit shall authorize the
16 permittee to practice within the limits of the permit until the license is
17 issued or denied to the permittee by the board.

18 (f) The board may issue a postgraduate permit to practice ~~podiatry~~
19 *podiatric medicine and surgery* to any person who: (1) Is engaged in a
20 full-time, approved postgraduate study program; (2) has made application
21 for such postgraduate permit upon a form provided by the board; (3) meets
22 all the qualifications for a license, except the examination required under
23 K.S.A. 65-2004, and amendments thereto; and (4) has paid the fee
24 established pursuant to K.S.A. 65-2012, and amendments thereto. The
25 postgraduate permit shall authorize the person receiving the permit to
26 practice ~~podiatry~~ *podiatric medicine and surgery* in the postgraduate study
27 program, but shall not authorize practice outside of the postgraduate study
28 program. The postgraduate permit shall be canceled if the permittee ceases
29 to be engaged in the postgraduate study program.

30 (g) The board may issue, upon payment to the board of the temporary
31 license fee established pursuant to K.S.A. 65-2012, and amendments
32 thereto, a temporary license to a practitioner of another state or country
33 who is appearing as a clinician at meetings, seminars or training programs
34 approved by the board, if the practitioner holds a current license,
35 registration or certificate as a podiatrist from another state or country and
36 the sole purpose of such appearance is for promoting professional
37 education.

38 (h) There is hereby created a designation of exempt license. The
39 board is authorized to issue an exempt license to any licensee who makes
40 written application for such license on a form provided by the board and
41 remits the fee for an exempt license established under K.S.A. 65-2012, and
42 amendments thereto. The board may issue an exempt license only to a
43 person who has previously been issued a license to practice ~~podiatry~~

1 *podiatric medicine and surgery* within Kansas, who is no longer regularly
2 engaged in such practice and who does not hold oneself out to the public
3 as being professionally engaged in such practice. An exempt license shall
4 entitle the holder to all privileges attendant to the practice of ~~podiatry~~
5 *podiatric medicine and surgery*. Each exempt license may be renewed
6 annually subject to the other provisions of this section and other sections
7 of the ~~podiatry~~ *podiatric medicine and surgery* act. Each exempt licensee
8 shall be subject to all provisions of the ~~podiatry~~ *podiatric medicine and*
9 *surgery* act, except as otherwise provided. The holder of an exempt license
10 shall not be required to submit evidence of satisfactory completion of a
11 program of continuing education required under the ~~podiatry~~ *podiatric*
12 *medicine and surgery* act. Each exempt licensee may apply for a license to
13 regularly engage in the practice of ~~podiatry~~ *podiatric medicine and*
14 *surgery* upon filing a written application with the board and submitting
15 evidence of satisfactory completion of the applicable ~~and~~ continuing
16 education requirements established by the board. The request shall be on a
17 form provided by the board and shall be accompanied by the license fee
18 established under K.S.A. 65-2012, and amendments thereto. The board
19 shall adopt rules and regulations establishing appropriate and continuing
20 education requirements for exempt licensees to become licensed to
21 regularly practice ~~podiatry~~ *podiatric medicine and surgery* within Kansas.

22 (i) There is hereby created a designation of inactive license. The
23 board is authorized to issue an inactive license to any licensee who makes
24 written application for such license on a form provided by the board and
25 remits the fee for an inactive license established pursuant to K.S.A. 65-
26 2012, and amendments thereto. The board may issue an inactive license
27 only to a person who meets all the requirements for a license to practice
28 ~~podiatry~~ *podiatric medicine and surgery* in Kansas, who is not regularly
29 engaged in the practice of ~~podiatry~~ *podiatric medicine and surgery* in
30 Kansas, who does not hold oneself out to the public as being
31 professionally engaged in such practice and who meets the definition of
32 inactive healthcare provider as defined in K.S.A. 40-3401, and
33 amendments thereto. An inactive license shall not entitle the holder to
34 practice ~~podiatry~~ *podiatric medicine and surgery* in this state. Each
35 inactive license may be renewed subject to the provisions of this section.
36 Each inactive licensee shall be subject to all provisions of the ~~podiatry~~
37 *podiatric medicine and surgery* act, except as otherwise provided in this
38 subsection. The holder of an inactive license shall not be required to
39 submit evidence of satisfactory completion of a program of continuing
40 education required by K.S.A. 65-2010, and amendments thereto. Each
41 inactive licensee may apply for a license to regularly engage in the
42 practice of ~~podiatry~~ *podiatric medicine and surgery* upon filing a written
43 application with the board. The request shall be on a form provided by the

1 board and shall be accompanied by the license fee established pursuant to
2 K.S.A. 65-2012, and amendments thereto. For those licensees whose
3 license has been inactive for less than two years, the board shall adopt
4 rules and regulations establishing appropriate continuing education
5 requirements for inactive licensees to become licensed to regularly
6 practice ~~podiatry~~ *podiatric medicine and surgery* within Kansas. Any
7 licensee whose license has been inactive for more than two years and who
8 has not been in the active practice of ~~podiatry~~ *podiatric medicine and*
9 *surgery* or engaged in a formal education program since the licensee has
10 been inactive may be required to complete such additional testing, training
11 or education as the board may deem necessary to establish the licensee's
12 present ability to practice with reasonable skill and safety.

13 (j) There is hereby created a designation of federally active license.
14 The board is authorized to issue a federally active license to any licensee
15 who makes written application for such license on a form provided by the
16 board and remits the same fee required for a license established under
17 K.S.A. 65-2012, and amendments thereto. The board may issue a federally
18 active license only to a person who meets all the requirements for a license
19 to practice ~~podiatry~~ *podiatric medicine and surgery* in Kansas and who
20 practices ~~podiatry~~ *podiatric medicine and surgery* solely in the course of
21 employment or active duty in the United States government or any of its
22 departments, bureaus or agencies or who, in addition to such employment
23 or assignment, provides professional services as a charitable healthcare
24 provider as defined under K.S.A. 75-6102, and amendments thereto. The
25 provisions of subsections (b) and (c) ~~of this section~~ relating to expiration,
26 renewal and reinstatement of a license and K.S.A. 65-2010, and
27 amendments thereto, relating to continuing education shall be applicable to
28 a federally active license issued under this subsection. A person who
29 practices under a federally active license shall not be deemed to be
30 rendering professional service as a healthcare provider in this state for
31 purposes of K.S.A. 40-3402, and amendments thereto.

32 (k) Each license or permit granted under this act shall be
33 conspicuously displayed at the office or other place of practice of the
34 licensee or permittee.

35 (l) A person whose license has been revoked may apply for
36 reinstatement of the license after the expiration of three years from the
37 effective date of the revocation. Application for reinstatement shall be on a
38 form provided by the board and shall be accompanied by a reinstatement
39 of a revoked license fee established by the board under K.S.A. 65-2012,
40 and amendments thereto. The burden of proof by clear and convincing
41 evidence shall be on the applicant to show sufficient rehabilitation to
42 justify reinstatement of the license. If the board determines a license
43 should not be reinstated, the person shall not be eligible to reapply for

1 reinstatement for three years from the effective date of the denial. All
2 proceedings conducted on an application for reinstatement shall be in
3 accordance with the provisions of the Kansas administrative procedure act
4 and shall be reviewable in accordance with the Kansas judicial review act.
5 The board, on its own motion, may stay the effectiveness of an order of
6 revocation of license.

7 Sec. 11. K.S.A. 65-2006 is hereby amended to read as follows: 65-
8 2006. (a) The board, upon hearing, may revoke, suspend or limit any
9 license or permit to practice ~~podiatry~~ *podiatric medicine and surgery*, may
10 deny issuance or renewal of any such license or permit, or may publicly or
11 privately censure a licensee or permittee, if the person holding or applying
12 for such license or permit is found by the board to:

- 13 (1) Have committed fraud in securing the license or permit;
- 14 (2) have engaged in unprofessional or dishonorable conduct or
15 professional incompetency;
- 16 (3) have been convicted of a felony if the board determines, after
17 investigation, that such person has not been sufficiently rehabilitated to
18 warrant the public trust;
- 19 (4) have used untruthful or improbable statements or flamboyant,
20 exaggerated or extravagant claims in advertisements concerning the
21 licensee's or permit holder's professional excellence or abilities;
- 22 (5) be addicted to or have distributed intoxicating liquors or drugs for
23 any other than lawful purposes;
- 24 (6) have willfully or repeatedly violated the ~~podiatry~~ *podiatric*
25 *medicine and surgery* act, the pharmacy act of the state of Kansas or the
26 uniform controlled substances act, or any rules and regulations adopted
27 thereunder, or any rules and regulations of the secretary of health and
28 environment ~~which that~~ are relevant to the practice of ~~podiatry~~ *podiatric*
29 *medicine and surgery*;
- 30 (7) have unlawfully invaded the field of practice of any branch of the
31 healing arts;
- 32 (8) have failed to submit proof of completion of a continuing
33 education course required pursuant to the ~~podiatry~~ *podiatric medicine and*
34 *surgery* act;
- 35 (9) have engaged in the practice of podiatry under a false or assumed
36 name or impersonated another podiatrist, but practice by a licensee or
37 permit holder under a professional corporation or other legal entity duly
38 authorized to provide ~~podiatry~~ *podiatric medicine and surgery* services in
39 the state shall not be considered to be practice under an assumed name;
- 40 (10) be unable to practice ~~podiatry~~ *podiatric medicine and surgery*
41 with reasonable skill and safety to patients by reason of any mental or
42 physical condition, illness, alcoholism or excessive use of drugs,
43 controlled substances or chemical or any other type of material;

1 (11) have had the person's license or permit to practice ~~podiatry~~
2 *podiatric medicine and surgery* revoked, suspended or limited, or have had
3 other disciplinary actions taken or an application for a license or permit
4 denied, by the proper licensing authority of any state, territory or country
5 or the District of Columbia;

6 (12) have violated any rules and regulations of the board or any
7 lawful order or directive of the board;

8 (13) have knowingly submitted a misleading, deceptive, untrue or
9 fraudulent misrepresentation on a claim form, bill or statement; or

10 (14) have assisted suicide in violation of K.S.A. 21-3406, prior to its
11 repeal, or K.S.A. 2018 Supp. 21-5407, and amendments thereto, as
12 established by any of the following:

13 (A) A copy of the record of criminal conviction or plea of guilty for a
14 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2018
15 Supp. 21-5407, and amendments thereto.

16 (B) A copy of the record of a judgment of contempt of court for
17 violating an injunction issued under K.S.A. 60-4404, and amendments
18 thereto.

19 (C) A copy of the record of a judgment assessing damages under
20 K.S.A. 60-4405, and amendments thereto.

21 (b) (1) In determining whether or not a licensee or permit holder is
22 unable to practice ~~podiatry~~ *podiatric medicine and surgery* with reasonable
23 skill and safety to patients as provided in subsection (a)(10), the board,
24 upon probable cause, shall have authority to compel a licensee or permit
25 holder to submit to mental or physical examination by such persons as the
26 board may designate. Failure of a licensee or permit holder to submit to
27 such examination when directed shall constitute an admission of the
28 allegations against the licensee or permit holder, unless the failure was due
29 to circumstances beyond the licensee's or permit holder's control. A person
30 affected by this subsection shall be offered, at reasonable intervals, an
31 opportunity to demonstrate that such person can resume the competent
32 practice of ~~podiatry~~ *podiatric medicine and surgery* with reasonable skill
33 and safety to patients. Each licensee or permit holder accepting the
34 privilege to practice ~~podiatry~~ *podiatric medicine and surgery* in this state,
35 by practicing ~~podiatry~~ *podiatric medicine and surgery* in this state or by
36 making and filing an application for a license or permit, or renewal of a
37 license or permit, to practice ~~podiatry~~ *podiatric medicine and surgery* in
38 this state, shall be deemed to have consented to submit to a mental or
39 physical examination when directed in writing by the board pursuant to
40 this subsection and to have waived all objections to the admissibility of the
41 testimony or examination report of the person conducting such
42 examination at any proceeding or hearing before the board on the ground
43 that such testimony or examination report constitutes a privileged

1 communication. The record of any board proceedings involving a mental
2 or physical examination pursuant to this subsection shall not be used in
3 any other administrative or judicial proceeding.

4 (2) Whenever the board directs that a licensee or permit holder
5 submit to an examination pursuant to this subsection, the time from the
6 date of the board's directive until the submission to the board of the report
7 of the examination shall not be included in the computation of the time
8 limit for hearing prescribed by the Kansas administrative procedure act.

9 (c) As used in this section, "professional incompetency" and
10 "unprofessional conduct" shall have the meanings ascribed thereto by
11 *mean the same as defined in K.S.A. 65-2837, and amendments thereto.*

12 (d) The procedure for revocation, suspension, limitation, temporary
13 suspension, temporary limitation, or for denial of issuance or renewal
14 pursuant to this section, of any license or permit to practice ~~podiatry~~
15 *podiatric medicine and surgery* shall be in accordance with the provisions
16 of the Kansas administrative procedure act.

17 Sec. 12. K.S.A. 65-2009 is hereby amended to read as follows: 65-
18 2009. An action to enjoin or oust from the unlawful practice of ~~podiatry~~
19 *podiatric medicine and surgery* may be brought and maintained in the
20 name of the state of Kansas against any person who ~~shall practice podiatry~~
21 *practices podiatric medicine and surgery* without being licensed to
22 practice ~~podiatry podiatric medicine and surgery~~ by the board. This
23 authority shall be in addition to and not in lieu of authority to prosecute
24 criminally any person unlawfully engaged in the practice of ~~podiatry~~
25 *podiatric medicine and surgery*.

26 Sec. 13. K.S.A. 65-2010 is hereby amended to read as follows: 65-
27 2010. (a) Every licensed podiatrist in the active practice of ~~podiatry~~
28 *podiatric medicine and surgery* within Kansas shall submit with the
29 request for renewal under K.S.A. 65-2005, and amendments thereto
30 evidence of satisfactory completion of a continuing education course
31 approved by the board. The board shall revoke the license of any
32 individual who fails to submit proof of completion of such course. Where
33 a license has been revoked for this cause, the board may later reissue such
34 license if proof of completion of such course is later provided.

35 (b) Every licensed podiatrist in the active practice of ~~podiatry~~
36 *podiatric medicine and surgery* within Kansas, in order to comply with the
37 provisions of this section, shall complete such hours of continuing
38 education as may be required by the board by rules and regulations. The
39 following categories of continuing education programs shall count toward
40 satisfying the hourly requirement: (1) Programs offered by colleges of
41 ~~podiatry podiatric medicine and surgery~~; (2) veterans administration
42 programs; (3) American podiatry association programs; (4) state podiatry
43 association programs; (5) seminars sponsored by recognized specialty

1 groups of the American podiatry association; and (6) the activities of
 2 persons publishing papers, presenting clinics, lecturing and teaching shall
 3 be granted 10 credit hours for each hour of original presentation and hour
 4 for hour credit for additional presentations of the same material.

5 (c) Formal meetings and seminars ~~which~~ *that* are not included in any
 6 category of subsection (b) shall be assigned credit by the board upon the
 7 licensee furnishing a copy of the program of such meetings and seminars
 8 to the board for the board's approval 30 days prior to the license renewal
 9 date. Podiatrists engaged in acceptable internships, residencies, military
 10 service or formal graduate study will fulfill their continuing education
 11 requirements by the nature of their activities and shall not be required to
 12 fulfill the formal requirements for continuing education while involved in
 13 the above training programs.

14 (d) Commercially sponsored courses shall not constitute approved
 15 courses for continuing education credit.

16 (e) Each licensed podiatrist shall be responsible for keeping a record
 17 of attendance for credit in compliance with the requirements of continuing
 18 education established by this section. Such record shall be submitted to the
 19 board at the time required by subsection (a). The board may waive
 20 educational requirements set forth in subsections (a) and (b) for good
 21 cause shown.

22 Sec. 14. K.S.A. 65-2012 is hereby amended to read as follows: 65-
 23 2012. The following fees shall be established by rules and regulations
 24 adopted by the board and shall be collected by the board:

25 (a) For a license to practice ~~podiatry~~ *podiatric medicine and surgery*
 26 or an inactive license or federally active license, issued on the basis of an
 27 examination, an amount of not more than \$300;

28 (b) for a license to practice ~~podiatry~~ *podiatric medicine and surgery*
 29 or an inactive license or federally active license, issued without
 30 examination and by endorsement, an amount of not more than \$300;

31 (c) for the renewal of a license to practice ~~podiatry~~ *podiatric*
 32 *medicine and surgery* or an inactive license or federally active license, an
 33 amount of not more than \$500;

34 (d) for the renewal of an exempt license, an amount of not more than
 35 \$150;

36 (e) for the renewal of an inactive license, an amount of not more than
 37 \$150;

38 (f) for late renewal of any license, an amount of not more than \$500;

39 (g) for reinstatement of a license canceled for failure to renew, an
 40 amount of not more than \$300;

41 (h) for a temporary permit, an amount of not more than \$60;

42 (i) for a temporary license, an amount of not more than \$50;

43 (j) for any examination given by the board, an amount equal to the

1 cost to the board of the examination and its administration;

2 (k) for a certified statement from the board that a licensee is licensed
3 to practice ~~podiatry~~ *podiatric medicine and surgery* in this state, an amount
4 of not more than \$30;

5 (l) for any copy of any license issued by the board, an amount of not
6 more than \$30;

7 (m) for written verification of any license issued by the board, an
8 amount of not more than \$25;

9 (n) for conversion of an exempt or inactive license to a license to
10 practice ~~podiatry~~ *podiatric medicine and surgery*, an amount of not more
11 than \$300;

12 (o) for reinstatement of a revoked license, an amount of not more
13 than \$1,000; and

14 (p) for a postgraduate permit, an amount of not more than \$60.

15 Sec. 15. K.S.A. 65-2013 is hereby amended to read as follows: 65-
16 2013. The board shall adopt such rules and regulations as necessary to
17 carry out the provisions of the ~~podiatry~~ *podiatric medicine and surgery* act,
18 and may amend or revoke any existing rules and regulations adopted by
19 the state podiatry board of examiners *prior to the state podiatry board of*
20 *examiner's abolition*.

21 Sec. 16. K.S.A. 65-2014 is hereby amended to read as follows: 65-
22 2014. K.S.A. 65-2001 ~~to 65-2013, inclusive, through 65-2016~~, and
23 amendments thereto, shall be known and may be cited as the ~~podiatry~~
24 *podiatric medicine and surgery* act.

25 Sec. 17. K.S.A. 65-2015 is hereby amended to read as follows: 65-
26 2015. (a) The state board of healing arts, in addition to any other penalty
27 prescribed under the ~~podiatry~~ *podiatric medicine and surgery* act, may
28 assess a civil fine, after proper notice and an opportunity to be heard,
29 against a licensee for a violation of the ~~podiatry~~ *podiatric medicine and*
30 *surgery* act in an amount not to exceed \$5,000 for the first violation,
31 \$10,000 for the second violation and \$15,000 for the third violation and
32 for each subsequent violation. All fines assessed and collected under this
33 section shall be remitted to the state treasurer in accordance with the
34 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
35 each such remittance, the state treasurer shall deposit the entire amount in
36 the state treasury to the credit of the state general fund.

37 (b) This section shall be part of and supplemental to the ~~podiatry~~
38 *podiatric medicine and surgery* act.

39 Sec. 18. K.S.A. 65-2016 is hereby amended to read as follows: 65-
40 2016. The state board of healing arts shall establish and appoint a review
41 committee for the practice of ~~podiatry~~ *podiatric medicine and surgery*. The
42 review committee shall be composed of not less than two members. The
43 members shall be licensed podiatrists. Additional members of the review

1 committee may be appointed on an ad hoc basis. Such additional members
2 shall be licensed podiatrists. Members of the state board of healing arts
3 shall not be eligible to act as members of the review committee. Members
4 of the review committee may be selected from names submitted by the
5 state podiatry association. The state board of healing arts shall ensure that
6 no conflict of interest exists by reason of geography, personal or
7 professional relationship, or otherwise, between any of the review
8 committee members and any person whose conduct is being reviewed.
9 Members of the review committee attending meetings of such committee
10 shall be paid amounts provided in ~~subsection (e) of K.S.A. 75-3223(e)~~, and
11 amendments thereto.

12 Sec. 19. K.S.A. 65-2813 is hereby amended to read as follows: 65-
13 2813. Five members of the board shall hold a degree of doctor of medicine
14 from an accredited medical school and shall be residents of and have been
15 actively engaged in the practice of medicine and surgery in the state of
16 Kansas under license issued in this state, for a period of at least six
17 consecutive years immediately preceding their appointment; three
18 members shall hold a degree of doctor of osteopathy from an accredited
19 school of osteopathic medicine and surgery and shall be residents of and
20 have been actively engaged in the practice of osteopathic medicine and
21 surgery in the state of Kansas under license issued in this state, for a period
22 of at least six consecutive years immediately preceding their appointment;
23 three members shall hold a degree of doctor of chiropractic from an
24 accredited school of chiropractic and shall be residents of and have been
25 actively engaged in the practice of chiropractic in the state of Kansas
26 under license issued in this state, for a period of at least six consecutive
27 years immediately preceding their appointment; one member shall be a
28 licensed podiatrist and shall be a resident of and have been actively
29 engaged in the practice of ~~podiatry~~ *podiatric medicine and surgery* in the
30 state of Kansas under license issued in this state for a period of at least six
31 consecutive years immediately preceding appointment; and three members
32 shall be appointed to represent the general public of this state. Subject to
33 the provisions of K.S.A. ~~1992-Supp. 75-4315c~~, *and amendments thereto*,
34 no two of the members representing the general public shall be from the
35 same United States congressional district. No member representing the
36 general public shall be the spouse of a licensee of the healing arts or a
37 person or the spouse of a person who has a financial interest in any
38 person's practice of the healing arts.

39 Sec. 20. K.S.A. 65-7302 is hereby amended to read as follows: 65-
40 7302. As used in this act:

41 (a) "Board" means the state board of healing arts.

42 (b) "Ionizing radiation" means x-rays, gamma rays, alpha and beta
43 particles, high speed electrons, protons, neutrons and other nuclear

1 particles capable of producing ions directly or indirectly in its passage
2 through matter.

3 (c) "License" means a certificate issued by the board authorizing the
4 licensee to perform radiologic technology procedures on humans for
5 diagnostic or therapeutic purposes.

6 (d) "Licensed practitioner" means a person licensed to practice
7 medicine and surgery, dentistry, ~~podiatry~~ *podiatric medicine and surgery*
8 or chiropractic in this state.

9 (e) "Licensure" and "licensing" mean a method of regulation by
10 which the state grants permission to persons who meet predetermined
11 qualifications to engage in a health related occupation or profession.

12 (f) "Nuclear medicine technologist" means a person who uses radio
13 pharmaceutical agents on humans for diagnostic or therapeutic purposes.

14 (g) "Nuclear medicine technology" means the use of radio nuclides
15 on human beings for diagnostic or therapeutic purposes.

16 (h) "Radiation therapist" means a person who applies radiation to
17 humans for therapeutic purposes.

18 (i) "Radiation therapy" means the use of any radiation procedure or
19 article intended for the cure, mitigation or prevention of disease in
20 humans.

21 (j) "Radiographer" means a person who applies radiation to humans
22 for diagnostic purposes.

23 (k) "Radiography" means the use of ionizing radiation on human
24 beings for diagnostic purposes.

25 (l) "Radiologic technologist" means any person who is a
26 radiographer, radiation therapist or nuclear medicine technologist.

27 (m) "Radiologic technology" means the use of radioactive substance
28 or equipment emitting or detecting ionizing radiation on humans for
29 diagnostic or therapeutic purposes upon prescription of a licensed
30 practitioner. The term includes the practice of radiography, nuclear
31 medicine technology and radiation therapy, but does not include
32 echocardiography, diagnostic sonography and magnetic resonance
33 imaging.

34 ~~(n) This section shall take effect on and after July 1, 2005.~~

35 Sec. 21. K.S.A. 65-7602 is hereby amended to read as follows: 65-
36 7602. As used in the acupuncture practice act:

37 (a) "ACAOM" means the national accrediting agency recognized by
38 the U.S. department of education that provides accreditation for
39 educational programs for acupuncture and oriental medicine. For purposes
40 of the acupuncture practice act, the term ACAOM shall also include any
41 entity deemed by the board to be the equivalent of ACAOM.

42 (b) "Act" means the acupuncture practice act.

43 (c) "Acupuncture" means the use of needles inserted into the human

1 body by piercing of the skin and related modalities for the assessment,
2 evaluation, prevention, treatment or correction of any abnormal
3 physiology or pain by means of controlling and regulating the flow and
4 balance of energy in the body and stimulating the body to restore itself to
5 its proper functioning and state of health.

6 (d) "Board" means the state board of healing arts.

7 (e) "Council" means the acupuncture advisory council established by
8 K.S.A. 65-7613, and amendments thereto.

9 (f) "Licensed acupuncturist" means any person licensed to practice
10 acupuncture under the acupuncture practice act.

11 (g) "NCCAOM" means the national certification commission for
12 acupuncture and oriental medicine. NCCAOM is a national organization
13 that validates entry-level competency in the practice of acupuncture and
14 oriental medicine through the administration of professional certification
15 examinations. For purposes of the acupuncture practice act, the term
16 NCCAOM shall also include any entity deemed by the board to be the
17 equivalent of the NCCAOM.

18 (h) "Physician" means a person licensed to practice medicine and
19 surgery or osteopathy in Kansas.

20 (i) "Practice of acupuncture" includes, but is not limited to:

21 (1) Techniques sometimes called "dry needling," "trigger point
22 therapy," "intramuscular therapy," "auricular detox treatment" and similar
23 terms;

24 (2) mechanical, thermal, pressure, suction, friction, electrical,
25 magnetic, light, sound, vibration, manual and electromagnetic treatment;

26 (3) the use, application or recommendation of therapeutic exercises,
27 breathing techniques, meditation and dietary and nutritional counselings;
28 and

29 (4) the use and recommendation of herbal products and nutritional
30 supplements, according to the acupuncturist's level of training and
31 certification by the NCCAOM or its equivalent.

32 (j) "Practice of acupuncture" does not include:

33 (1) Prescribing, dispensing or administering of any controlled
34 substances as defined in K.S.A. 65-4101 et seq., and amendments thereto,
35 or any prescription-only drugs;

36 (2) the practice of medicine and surgery, including obstetrics and the
37 use of lasers or ionizing radiation;

38 (3) the practice of osteopathic medicine and surgery or osteopathic
39 manipulative treatment;

40 (4) the practice of chiropractic;

41 (5) the practice of dentistry; or

42 (6) the practice of ~~podiatry~~ *podiatric medicine and surgery*.

43 Sec. 22. K.S.A. 65-7605 is hereby amended to read as follows: 65-

1 7605. ~~(a)~~—The following shall be exempt from the requirements for an
 2 acupuncture license pursuant to this act:

3 ~~(1)~~*(a)* Any person licensed in this state to practice medicine and
 4 surgery, osteopathy, dentistry or ~~podiatry~~ *podiatric medicine and surgery*, a
 5 licensed chiropractor or a licensed naturopathic doctor, if the person
 6 confines the person's acts or practice to the scope of practice authorized by
 7 their health professional licensing laws and does not represent to the public
 8 that the person is licensed under this act;

9 ~~(2)~~*(b)* any herbalist or herbal retailer who does not hold oneself out to
 10 be a licensed acupuncturist;

11 ~~(3)~~*(c)* any healthcare provider in the United States armed forces,
 12 federal facilities and other military service when acting in the line of duty
 13 in this state;

14 ~~(4)~~*(d)* any student, trainee or visiting teacher of acupuncture, oriental
 15 medicine or herbology who is designated as a student, trainee or visiting
 16 teacher while participating in a course of study or training under the
 17 supervision of a licensed acupuncturist licensed under this act in a program
 18 that the council has approved. This includes continuing education
 19 programs and any acupuncture or herbology programs that are a
 20 recognized route by the NCCAOM, or its equivalent, to certification;

21 ~~(5)~~*(e)* any person rendering assistance in the case of an emergency or
 22 disaster relief;

23 ~~(6)~~*(f)* any person practicing self-care or any family member providing
 24 gratuitous care, so long as such person or family member does not
 25 represent or hold oneself out to the public to be an acupuncturist;

26 ~~(7)~~*(g)* any person who massages, so long as such person does not
 27 practice acupuncture or hold oneself out to be a licensed acupuncturist;

28 ~~(8)~~*(h)* any person whose professional services are performed pursuant
 29 to delegation by and under the supervision of a practitioner licensed under
 30 this act;

31 ~~(9)~~*(i)* any team acupuncturist or herbology practitioner, who is
 32 traveling with and treating those associated with an out-of-state or national
 33 team that is temporarily in the state for training or competition purposes;
 34 and

35 ~~(10)~~*(j)* any person licensed as a physical therapist when performing
 36 dry needling, trigger point therapy or services specifically authorized in
 37 accordance with the provisions of the physical therapy practice act.

38 ~~(b)~~—This section shall take effect on and after July 1, 2017.

39 Sec. 23. K.S.A. 2018 Supp. 79-201a is hereby amended to read as
 40 follows: 79-201a. The following described property, to the extent herein
 41 specified, shall be exempt from all property or ad valorem taxes levied
 42 under the laws of the state of Kansas:

43 *First.* All property belonging exclusively to the United States, except

1 property ~~which~~ *that* congress has expressly declared to be subject to state
2 and local taxation.

3 *Second.* All property used exclusively by the state or any municipality
4 or political subdivision of the state. All property owned, being acquired
5 pursuant to a lease-purchase agreement or operated by the state or any
6 municipality or political subdivision of the state, including property ~~which~~
7 *that* is vacant or lying dormant, ~~which~~ *that* is used or is to be used for any
8 governmental or proprietary function and for which bonds may be issued
9 or taxes levied to finance the same, shall be considered to be used
10 exclusively by the state, municipality or political subdivision for the
11 purposes of this section. The lease by a municipality or political
12 subdivision of the state of any real property owned or being acquired
13 pursuant to a lease-purchase agreement for the purpose of providing office
14 space necessary for the performance of medical services by a person
15 licensed to practice medicine and surgery or osteopathic medicine by the
16 *state* board of healing arts pursuant to K.S.A. 65-2801 et seq., and
17 amendments thereto, dentistry services by a person licensed by the Kansas
18 dental board pursuant to K.S.A. 65-1401 et seq., and amendments thereto,
19 optometry services by a person licensed by the board of examiners in
20 optometry pursuant to K.S.A. 65-1501 et seq., and amendments thereto, or
21 K.S.A. 74-1501 et seq., and amendments thereto, ~~podiatry podiatric~~
22 *medicine and surgery* services by a person licensed by the *state* board of
23 healing arts pursuant to K.S.A. 65-2001 et seq., and amendments thereto,
24 or the practice of psychology by a person licensed by the behavioral
25 sciences regulatory board pursuant to K.S.A. 74-5301 et seq., and
26 amendments thereto, shall be construed to be a governmental function, and
27 such property actually and regularly used for such purpose shall be
28 deemed to be used exclusively for the purposes of this paragraph. The
29 lease by a municipality or political subdivision of the state of any real
30 property, or portion thereof, owned or being acquired pursuant to a lease-
31 purchase agreement to any entity for the exclusive use by it for an exempt
32 purpose, including the purpose of displaying or exhibiting personal
33 property by a museum or historical society, if no portion of the lease
34 payments include compensation for return on the investment in such
35 leased property shall be deemed to be used exclusively for the purposes of
36 this paragraph. All property leased, other than motor vehicles leased for a
37 period of at least one year and property being acquired pursuant to a lease-
38 purchase agreement, to the state or any municipality or political
39 subdivision of the state by any private entity shall not be considered to be
40 used exclusively by the state or any municipality or political subdivision of
41 the state for the purposes of this section except that the provisions of this
42 sentence shall not apply to any such property subject to lease on the
43 effective date of this act until the term of such lease expires but property

1 taxes levied upon any such property prior to tax year 1989, shall not be
2 abated or refunded. Any property constructed or purchased with the
3 proceeds of industrial revenue bonds issued prior to July 1, 1963, as
4 authorized by K.S.A. 12-1740 through 12-1749, and amendments thereto,
5 or purchased with proceeds of improvement district bonds issued prior to
6 July 1, 1963, as authorized by K.S.A. 19-2776, and amendments thereto,
7 or with proceeds of bonds issued prior to July 1, 1963, as authorized by
8 K.S.A. 19-3815a and 19-3815b, and amendments thereto, or any property
9 improved, purchased, constructed, reconstructed or repaired with the
10 proceeds of revenue bonds issued prior to July 1, 1963, as authorized by
11 K.S.A. 13-1238 through 13-1245, and amendments thereto, or any
12 property improved, reimproved, reconstructed or repaired with the
13 proceeds of revenue bonds issued after July 1, 1963, under the authority of
14 K.S.A. 13-1238 through 13-1245, and amendments thereto, ~~which~~ *that* had
15 previously been improved, reconstructed or repaired with the proceeds of
16 revenue bonds issued under such act on or before July 1, 1963, shall be
17 exempt from taxation for so long as any of the revenue bonds issued to
18 finance such construction, reconstruction, improvement, repair or purchase
19 shall be outstanding and unpaid. Any property constructed or purchased
20 with the proceeds of any revenue bonds authorized by K.S.A. 13-1238
21 through 13-1245, and amendments thereto, 19-2776, 19-3815a and 19-
22 3815b, and amendments thereto, issued on or after July 1, 1963, shall be
23 exempt from taxation only for a period of 10 calendar years after the
24 calendar year in which the bonds were issued. Any property, all or any
25 portion of which is constructed or purchased with the proceeds of revenue
26 bonds authorized by K.S.A. 12-1740 through 12-1749, and amendments
27 thereto, issued on or after July 1, 1963 and prior to July 1, 1981, shall be
28 exempt from taxation only for a period of 10 calendar years after the
29 calendar year in which the bonds were issued. Except as hereinafter
30 provided, any property constructed or purchased wholly with the proceeds
31 of revenue bonds issued on or after July 1, 1981, under the authority of
32 K.S.A. 12-1740 through 12-1749, and amendments thereto, shall be
33 exempt from taxation only for a period of 10 calendar years after the
34 calendar year in which the bonds were issued. Except as hereinafter
35 provided, any property constructed or purchased in part with the proceeds
36 of revenue bonds issued on or after July 1, 1981, under the authority of
37 K.S.A. 12-1740 through 12-1749, and amendments thereto, shall be
38 exempt from taxation to the extent of the value of that portion of the
39 property financed by the revenue bonds and only for a period of 10
40 calendar years after the calendar year in which the bonds were issued. The
41 exemption of that portion of the property constructed or purchased with
42 the proceeds of revenue bonds shall terminate upon the failure to pay all
43 taxes levied on that portion of the property ~~which~~ *that* is not exempt and

1 the entire property shall be subject to sale in the manner prescribed by
2 K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or
3 purchased in whole or in part with the proceeds of revenue bonds issued
4 on or after January 1, 1995, under the authority of K.S.A. 12-1740 through
5 12-1749, and amendments thereto, and used in any retail enterprise
6 identified under NAICS sectors 44 and 45, except facilities used
7 exclusively to house the headquarters or back office operations of such
8 retail enterprises identified thereunder, shall not be exempt from taxation.
9 For the purposes of the preceding provision "NAICS" means the North
10 American industry classification system, as developed under the authority
11 of the office of management and budget of the office of the president of
12 the United States. "Headquarters or back office operations" means a
13 facility from which the enterprise is provided direction, management,
14 administrative services, or distribution or warehousing functions in support
15 of transactions made by the enterprise. Property purchased, constructed,
16 reconstructed, equipped, maintained or repaired with the proceeds of
17 industrial revenue bonds issued under the authority of K.S.A. 12-1740 et
18 seq., and amendments thereto, ~~which~~ that is located in a redevelopment
19 project area established under the authority of K.S.A. 12-1770 et seq., and
20 amendments thereto, shall not be exempt from taxation. Property
21 purchased, acquired, constructed, reconstructed, improved, equipped,
22 furnished, repaired, enlarged or remodeled with all or any part of the
23 proceeds of revenue bonds issued under authority of K.S.A. 12-1740
24 through 12-1749a, and amendments thereto, for any poultry confinement
25 facility on agricultural land ~~which~~ that is owned, acquired, obtained or
26 leased by a corporation, as such terms are defined by K.S.A. 17-5903, and
27 amendments thereto, shall not be exempt from such taxation. Property
28 purchased, acquired, constructed, reconstructed, improved, equipped,
29 furnished, repaired, enlarged or remodeled with all or any part of the
30 proceeds of revenue bonds issued under the authority of K.S.A. 12-1740
31 through 12-1749a, and amendments thereto, for a rabbit confinement
32 facility on agricultural land ~~which~~ that is owned, acquired, obtained or
33 leased by a corporation, as such terms are defined by K.S.A. 17-5903, and
34 amendments thereto, shall not be exempt from such taxation.

35 *Third.* All works, machinery and fixtures used exclusively by any rural
36 water district or township water district for conveying or production of
37 potable water in such rural water district or township water district, and all
38 works, machinery and fixtures used exclusively by any entity ~~which that~~
39 performed the functions of a rural water district on and after January 1,
40 1990, and the works, machinery and equipment of which were exempted
41 hereunder on March 13, 1995.

42 *Fourth.* All fire engines and other implements used for the
43 extinguishment of fires, with the buildings used exclusively for the

1 safekeeping thereof, and for the meeting of fire companies, whether
2 belonging to any rural fire district, township fire district, town, city or
3 village, or to any fire company organized therein or therefor.

4 *Fifth.* All property, real and personal, owned by county fair associations
5 organized and operating under the provisions of K.S.A. 2-125 et seq., and
6 amendments thereto.

7 *Sixth.* Property acquired and held by any municipality under the
8 municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto,
9 except that such exemption shall not apply to any portion of the project
10 used by a nondwelling facility for profit making enterprise.

11 *Seventh.* All property of a municipality, acquired or held under and for
12 the purposes of the urban renewal law, K.S.A. 17-4742 et seq., and
13 amendments thereto, except that such tax exemption shall terminate when
14 the municipality sells, leases or otherwise disposes of such property in an
15 urban renewal area to a purchaser or lessee which is not a public body
16 entitled to tax exemption with respect to such property.

17 *Eighth.* All property acquired and held by the Kansas armory board for
18 armory purposes under the provisions of K.S.A. 48-317, and amendments
19 thereto.

20 *Ninth.* All property acquired and used by the Kansas turnpike authority
21 under the authority of K.S.A. 68-2001 et seq., and amendments thereto,
22 K.S.A. 68-2030 et seq., and amendments thereto, K.S.A. 68-2051 et seq.,
23 and amendments thereto, and K.S.A. 68-2070 et seq., and amendments
24 thereto.

25 *Tenth.* All property acquired and used for state park purposes by the
26 Kansas department of wildlife, parks and tourism. Property that is part of a
27 state park listed in K.S.A. 32-837(a)(25) or (a)(26), and amendments
28 thereto, and that is contained within or encumbered by any railroad rights-
29 of-way that have been transferred or conveyed to the Kansas department of
30 wildlife, parks and tourism for interim use, pursuant to 16 U.S.C. §
31 1247(d), shall be deemed to be acquired and used for state park purposes
32 by the Kansas department of wildlife, parks and tourism for the purposes
33 of this subsection.

34 *Eleventh.* The state office building constructed under authority of
35 K.S.A. 75-3607 et seq., and amendments thereto, and the site upon which
36 such building is located.

37 *Twelfth.* All buildings erected under the authority of K.S.A. 76-6a01 et
38 seq., and amendments thereto, and all other student union buildings and
39 student dormitories erected upon the campus of any institution mentioned
40 in K.S.A. 76-6a01, and amendments thereto, by any other nonprofit
41 corporation.

42 *Thirteenth.* All buildings, as the same is defined in K.S.A. 76-6a13(c),
43 and amendments thereto, ~~which~~ that are erected, constructed or acquired

1 under the authority of K.S.A. 76-6a13 et seq., and amendments thereto,
2 and building sites acquired therefor.

3 *Fourteenth.* All that portion of the waterworks plant and system of the
4 city of Kansas City, Missouri, now or hereafter located within the territory
5 of the state of Kansas pursuant to the compact and agreement adopted by
6 K.S.A. 79-205, and amendments thereto.

7 *Fifteenth.* All property, real and personal, owned by a groundwater
8 management district organized and operating pursuant to K.S.A. 82a-1020,
9 and amendments thereto.

10 *Sixteenth.* All property, real and personal, owned by the joint water
11 district organized and operating pursuant to K.S.A. 80-1616 et seq., and
12 amendments thereto.

13 *Seventeenth.* All property, including interests less than fee ownership,
14 acquired for the state of Kansas by the secretary of transportation or a
15 predecessor in interest—~~which~~ *that* is used in the administration,
16 construction, maintenance or operation of the state system of highways,
17 regardless of how or when acquired.

18 *Eighteenth.* Any building used primarily as an industrial training center
19 for academic or vocational education programs designed for and operated
20 under contract with private industry, and located upon a site owned, leased
21 or being acquired by or for an area vocational school, an area vocational-
22 technical school, a technical college, or a community college, as defined
23 by K.S.A. 74-32,407, and amendments thereto, and the site upon which
24 any such building is located.

25 *Nineteenth.* For all taxable years commencing after December 31,
26 1997, all buildings of an area vocational school, an area vocational-
27 technical school, a technical college or a community college, as defined by
28 K.S.A. 74-32,407, and amendments thereto, ~~which~~ *that* are owned and
29 operated by any such school or college as a student union or dormitory and
30 the site upon which any such building is located.

31 *Twentieth.* For all taxable years commencing after December 31, 1997,
32 all personal property—~~which~~ *that* is contained within a dormitory that is
33 exempt from property taxation and—~~which~~ *that* is necessary for the
34 accommodation of the students residing therein.

35 *Twenty-First.* All real property from and after the date of its transfer by
36 the city of Olathe, Kansas, to the Kansas state university foundation, all
37 buildings and improvements thereafter erected and located on such
38 property, and all tangible personal property, ~~which~~ *that* is held, used or
39 operated for educational and research purposes at the Kansas state
40 university Olathe innovation campus located in the city of Olathe, Kansas.

41 *Twenty-Second.* All real property, and all tangible personal property,
42 owned by postsecondary educational institutions, as that term is defined in
43 K.S.A. 74-3201b, and amendments thereto, or by the board of regents on

1 behalf of the postsecondary educational institutions, ~~which that~~ is leased
2 by a for profit company and is actually and regularly used exclusively for
3 research and development purposes so long as any rental income received
4 by such postsecondary educational institution or the board of regents from
5 such a company is used exclusively for educational or scientific purposes.
6 Any such lease or occupancy described in this section shall be for a term
7 of no more than five years.

8 *Twenty-Third.* For all taxable years commencing after December 31,
9 2005, any and all housing developments and related improvements located
10 on United States department of defense military installations in the state of
11 Kansas, ~~which that~~ are developed pursuant to the military housing
12 privatization initiative, 10 U.S.C. § 2871 et seq., or any successor thereto,
13 and ~~which that~~ are provided exclusively or primarily for use by military
14 personnel of the United States and their families.

15 *Twenty-Fourth.* For all taxable years commencing after December 31,
16 2012, except as hereinafter provided, any property constructed or
17 purchased in part with the proceeds of revenue bonds issued on or after
18 July 1, 2013, under the authority of K.S.A. 12-1740 through 12-1749a, and
19 amendments thereto, shall be exempt from taxation to the extent of the
20 value of that portion of the property financed by the revenue bonds and
21 only for a period of 10 calendar years after the calendar year in which the
22 bonds were issued. The exemption of that portion of the property
23 constructed or purchased with the proceeds of revenue bonds shall
24 terminate upon the failure to pay all taxes levied on that portion of the
25 property ~~which that~~ is not exempt and the entire property shall be subject
26 to sale in the manner prescribed by K.S.A. 79-2301 et seq., and
27 amendments thereto. Property constructed or purchased in whole or in part
28 with the proceeds of revenue bonds issued on or after January 1, 1995,
29 under the authority of K.S.A. 12-1740 through 12-1749a, and amendments
30 thereto, and used in any retail enterprise identified under NAICS sectors
31 44 and 45, except facilities used exclusively to house the headquarters or
32 back office operations of such retail enterprises identified thereunder, shall
33 not be exempt from taxation. For the purposes of the preceding provision
34 "NAICS" means the North American industry classification system, as
35 developed under the authority of the office of management and budget of
36 the office of the president of the United States. "Headquarters or back
37 office operations" means a facility from which the enterprise is provided
38 direction, management, administrative services, or distribution or
39 warehousing functions in support of transactions made by the enterprise.
40 Property purchased, constructed, reconstructed, equipped, maintained or
41 repaired with the proceeds of industrial revenue bonds issued under the
42 authority of K.S.A. 12-1740 et seq., and amendments thereto, ~~which that~~
43 is located in a redevelopment project area established under the authority of

1 K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from
2 taxation. Property purchased, acquired, constructed, reconstructed,
3 improved, equipped, furnished, repaired, enlarged or remodeled with all or
4 any part of the proceeds of revenue bonds issued under authority of K.S.A.
5 12-1740 through 12-1749a, and amendments thereto, for any poultry
6 confinement facility on agricultural land ~~which~~ that is owned, acquired,
7 obtained or leased by a corporation, as such terms are defined by K.S.A.
8 17-5903, and amendments thereto, shall not be exempt from such taxation.
9 Property purchased, acquired, constructed, reconstructed, improved,
10 equipped, furnished, repaired, enlarged or remodeled with all or any part
11 of the proceeds of revenue bonds issued under the authority of K.S.A. 12-
12 1740 through 12-1749a, and amendments thereto, for a rabbit confinement
13 facility on agricultural land ~~which~~ that is owned, acquired, obtained or
14 leased by a corporation, as such terms are defined by K.S.A. 17-5903, and
15 amendments thereto, shall not be exempt from such taxation.

16 *Twenty-Fifth.* For all taxable years commencing after December 31,
17 2013, any and all utility systems and appurtenances located on United
18 States department of defense military installations in the state of Kansas,
19 ~~which~~ that have been acquired after December 31, 2013, pursuant to the
20 military utilities privatization initiative, 10 U.S.C. § 2688 et seq., or any
21 successor thereto, or ~~which~~ that have been installed after December 31,
22 2013, and ~~which~~ that are provided exclusively or primarily for use by the
23 military of the United States.

24 *Twenty-Sixth.* All land owned by a municipality that is a part of a public
25 levee that is leased pursuant to K.S.A. 13-1243, and amendments thereto.

26 Except as otherwise specifically provided, the provisions of this section
27 shall apply to all taxable years commencing after December 31, 2010.

28 Sec. 24. K.S.A. 40-3202, 48-1601, 65-2001, 65-2002, 65-2004, 65-
29 2005, 65-2006, 65-2009, 65-2010, 65-2012, 65-2013, 65-2014, 65-2015,
30 65-2016, 65-2813, 65-7302, 65-7602 and 65-7605 and K.S.A. 2018 Supp.
31 21-5808, 44-508, 44-706 and 79-201a are hereby repealed.

32 Sec. 25. This act shall take effect and be in force from and after its
33 publication in the statute book.