

## HOUSE BILL No. 2829

By Committee on Taxation

Requested by Representative Ellis

3-12

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1 AN ACT concerning veterans and military; relating to the armed forces of  
2 the United States; clarifying the definition of armed forces; updating  
3 the definition thereof to include the space force; amending K.S.A. 44-  
4 706, 48-3401 and 65-1116 and K.S.A. 2023 Supp. 48-3407, 48-3408,  
5 48-3601 and 65-6129 and repealing the existing sections.  
6

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

8 Section 1. K.S.A. 44-706 is hereby amended to read as follows: 44-  
9 706. The secretary shall examine whether an individual has separated from  
10 employment for each week claimed. The secretary shall apply the  
11 provisions of this section to the individual's most recent employment prior  
12 to the week claimed. An individual shall be disqualified for benefits:

13 (a) If the individual left work voluntarily without good cause  
14 attributable to the work or the employer, subject to the other provisions of  
15 this subsection. For purposes of this subsection, "good cause" is cause of  
16 such gravity that would impel a reasonable, not supersensitive, individual  
17 exercising ordinary common sense to leave employment. Good cause  
18 requires a showing of good faith of the individual leaving work, including  
19 the presence of a genuine desire to work. Failure to return to work after  
20 expiration of approved personal or medical leave, or both, shall be  
21 considered a voluntary resignation. After a temporary job assignment,  
22 failure of an individual to affirmatively request an additional assignment  
23 on the next succeeding workday, if required by the employment  
24 agreement, after completion of a given work assignment, shall constitute  
25 leaving work voluntarily. The disqualification shall begin the day  
26 following the separation and shall continue until after the individual has  
27 become reemployed and has had earnings from insured work of at least  
28 three times the individual's weekly benefit amount. An individual shall not  
29 be disqualified under this subsection if:

30 (1) The individual was forced to leave work because of illness or  
31 injury upon the advice of a licensed and practicing health care provider  
32 and, upon learning of the necessity for absence, immediately notified the  
33 employer thereof, or the employer consented to the absence, and after  
34 recovery from the illness or injury, when recovery was certified by a  
35 practicing health care provider, the individual returned to the employer and

1 offered to perform services and the individual's regular work or  
2 comparable and suitable work was not available. As used in this paragraph  
3 "health care provider" means any person licensed by the proper licensing  
4 authority of any state to engage in the practice of medicine and surgery,  
5 osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

6 (2) the individual left temporary work to return to the regular  
7 employer;

8 (3) the individual left work to ~~enlist~~ *enter active service* in the armed  
9 forces of the United States; but was rejected or delayed from entry;

10 (4) The spouse of an individual who is a member of the armed forces  
11 of the United States who left work because of the voluntary or involuntary  
12 transfer of the individual's spouse from one job to another job, ~~which that~~  
13 is for the same employer or for a different employer, at a geographic  
14 location ~~which that~~ makes it unreasonable for the individual to continue  
15 work at the individual's job. For the purposes of this provision ~~the term~~  
16 "*member of the armed forces*" means ~~active duty~~ *a person performing*  
17 *active service* in the army, navy, marine corps, air force, *space force*, coast  
18 guard or any ~~branch~~ *component* of the military reserves of the United  
19 States;

20 (5) the individual left work because of hazardous working conditions;  
21 in determining whether or not working conditions are hazardous for an  
22 individual, the degree of risk involved to the individual's health, safety and  
23 morals, the individual's physical fitness and prior training and the working  
24 conditions of workers engaged in the same or similar work for the same  
25 and other employers in the locality shall be considered; as used in this  
26 paragraph, "hazardous working conditions" means working conditions that  
27 could result in a danger to the physical or mental well-being of the  
28 individual; each determination as to whether hazardous working  
29 conditions exist shall include, but shall not be limited to, a consideration  
30 of: (A) The safety measures used or the lack thereof; and (B) the condition  
31 of equipment or lack of proper equipment; no work shall be considered  
32 hazardous if the working conditions surrounding the individual's work are  
33 the same or substantially the same as the working conditions generally  
34 prevailing among individuals performing the same or similar work for  
35 other employers engaged in the same or similar type of activity;

36 (6) the individual left work to enter training approved under section  
37 236(a)(1) of the federal trade act of 1974, provided the work left is not of a  
38 substantially equal or higher skill level than the individual's past adversely  
39 affected employment, as defined for purposes of the federal trade act of  
40 1974, and wages for such work are not less than 80% of the individual's  
41 average weekly wage as determined for the purposes of the federal trade  
42 act of 1974;

43 (7) the individual left work because of unwelcome harassment of the

1 individual by the employer or another employee of which the employing  
2 unit had knowledge and that would impel the average worker to give up  
3 such worker's employment;

4 (8) the individual left work to accept better work; each determination  
5 as to whether or not the work accepted is better work shall include, but  
6 shall not be limited to, consideration of: (A) The rate of pay, the hours of  
7 work and the probable permanency of the work left as compared to the  
8 work accepted; (B) the cost to the individual of getting to the work left in  
9 comparison to the cost of getting to the work accepted; and (C) the  
10 distance from the individual's place of residence to the work accepted in  
11 comparison to the distance from the individual's residence to the work left;

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

16 (10) the individual left work because of a substantial violation of the  
17 work agreement by the employing unit and, before the individual left, the  
18 individual had exhausted all remedies provided in such agreement for the  
19 settlement of disputes before terminating. For the purposes of this  
20 paragraph, a demotion based on performance does not constitute a  
21 violation of the work agreement;

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

26 (12) (A) the individual left work due to circumstances resulting from  
27 domestic violence, including:

28 (i) The individual's reasonable fear of future domestic violence at or  
29 en route to or from the individual's place of employment;

30 (ii) the individual's need to relocate to another geographic area in  
31 order to avoid future domestic violence;

32 (iii) the individual's need to address the physical, psychological and  
33 legal impacts of domestic violence;

34 (iv) the individual's need to leave employment as a condition of  
35 receiving services or shelter from an agency ~~which~~ *that* provides support  
36 services or shelter to victims of domestic violence; or

37 (v) the individual's reasonable belief that termination of employment  
38 is necessary to avoid other situations ~~which~~ *that* may cause domestic  
39 violence and to provide for the future safety of the individual or the  
40 individual's family.

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

43 (i) A restraining order or other documentation of equitable relief by a

- 1 court of competent jurisdiction;
- 2 (ii) a police record documenting the abuse;
- 3 (iii) documentation that the abuser has been convicted of one or more
- 4 of the offenses enumerated in articles 34 and 35 of chapter 21 of the
- 5 Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of
- 6 chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325,
- 7 21-6326 or 21-6418 through 21-6422, and amendments thereto, where the
- 8 victim was a family or household member;
- 9 (iv) medical documentation of the abuse;
- 10 (v) a statement provided by a counselor, social worker, health care
- 11 provider, clergy, shelter worker, legal advocate, domestic violence or
- 12 sexual assault advocate or other professional who has assisted the
- 13 individual in dealing with the effects of abuse on the individual or the
- 14 individual's family; or
- 15 (vi) a sworn statement from the individual attesting to the abuse.
- 16 (C) No evidence of domestic violence experienced by an individual,
- 17 including the individual's statement and corroborating evidence, shall be
- 18 disclosed by the department of labor unless consent for disclosure is given
- 19 by the individual.
- 20 (b) If the individual has been discharged or suspended for misconduct
- 21 connected with the individual's work. The disqualification shall begin the
- 22 day following the separation and shall continue until after the individual
- 23 becomes reemployed and in cases where the disqualification is due to
- 24 discharge for misconduct has had earnings from insured work of at least
- 25 three times the individual's determined weekly benefit amount, except that
- 26 if an individual is discharged for gross misconduct connected with the
- 27 individual's work, such individual shall be disqualified for benefits until
- 28 such individual again becomes employed and has had earnings from
- 29 insured work of at least eight times such individual's determined weekly
- 30 benefit amount. In addition, all wage credits attributable to the
- 31 employment from which the individual was discharged for gross
- 32 misconduct connected with the individual's work shall be canceled. No
- 33 such cancellation of wage credits shall affect prior payments made as a
- 34 result of a prior separation.
- 35 (1) ~~For the purposes of this~~ *As used in this* subsection, "misconduct" is
- 36 ~~defined as~~ *means* a violation of a duty or obligation reasonably owed the
- 37 employer as a condition of employment including, but not limited to, a
- 38 violation of a company rule, including a safety rule, if: (A) The individual
- 39 knew or should have known about the rule; (B) the rule was lawful and
- 40 reasonably related to the job; and (C) the rule was fairly and consistently
- 41 enforced.
- 42 (2) (A) Failure of the employee to notify the employer of an absence
- 43 and an individual's leaving work prior to the end of such individual's

1 assigned work period without permission shall be considered prima facie  
2 evidence of a violation of a duty or obligation reasonably owed the  
3 employer as a condition of employment.

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

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

8 (ii) the individual had knowledge of the employer's attendance  
9 expectation; and

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

12 (C) For the purposes of this subsection, if an employee disputes being  
13 absent or tardy without good cause, the employee shall present evidence  
14 that a majority of the employee's absences or tardiness were for good  
15 cause. If the employee alleges that the employee's repeated absences or  
16 tardiness were the result of health related issues, such evidence shall  
17 include documentation from a licensed and practicing health care provider  
18 as defined in subsection (a)(1).

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

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

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

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

31 (iii) a positive breath alcohol test or a positive chemical test, ~~provided~~  
32 *if*:

33 (a) The test was either:

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

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

39 (3) requested pursuant to a written policy of the employer of which  
40 the employee had knowledge and was a required condition of  
41 employment;

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

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

4 (b) the test sample was collected either:

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

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

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

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

15 (5) at a time contemporaneous with the events establishing probable  
16 cause;

17 (c) the collecting and labeling of a chemical test sample was  
18 performed by a licensed health care professional or any other individual  
19 certified pursuant to paragraph (b)(3)(A)(iii)(f) or authorized to collect or  
20 label test samples by federal or state law, or a federal or state rule or  
21 regulation having the force or effect of law, including law enforcement  
22 personnel;

23 (d) the chemical test was performed by a laboratory approved by the  
24 United States department of health and human services or licensed by the  
25 department of health and environment, except that a blood sample may be  
26 tested for alcohol content by a laboratory commonly used for that purpose  
27 by state law enforcement agencies;

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

32 (f) the breath alcohol test was administered by an individual trained  
33 to perform breath tests, the breath testing instrument used was certified  
34 and operated strictly according to a description provided by the  
35 manufacturers and the reliability of the instrument performance was  
36 assured by testing with alcohol standards; and

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

39 (iv) an individual's refusal to submit to a chemical test or breath  
40 alcohol test, ~~provided if~~:

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

43 (b) the test was administered as part of an employee assistance

1 program or other drug or alcohol treatment program in which the  
2 employee was participating voluntarily or as a condition of further  
3 employment;

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

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

9 (e) there was reasonable suspicion to believe that the individual used,  
10 possessed or was impaired by alcoholic liquor, cereal malt beverage or a  
11 nonprescribed controlled substance while working; *and*

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

13 (C) For purposes of this subsection:

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

16 (ii) "alcoholic liquor" means the same as ~~provided~~ *defined* in K.S.A.  
17 41-102, and amendments thereto;

18 (iii) "cereal malt beverage" means the same as ~~provided~~ *defined* in  
19 K.S.A. 41-2701, and amendments thereto;

20 (iv) "chemical test" includes, but is not limited to, tests of urine,  
21 blood or saliva;

22 (v) "controlled substance" means the same as ~~provided~~ *defined* in  
23 K.S.A. 21-5701, and amendments thereto;

24 (vi) "required by law" means required by a federal or state law, a  
25 federal or state rule or regulation having the force and effect of law, a  
26 county resolution or municipal ordinance, or a policy relating to public  
27 safety adopted in an open meeting by the governing body of any special  
28 district or other local governmental entity;

29 (vii) "positive breath test" means a test result showing an alcohol  
30 concentration of 0.04 or greater, or the levels listed in 49 C.F.R. part 40, if  
31 applicable, unless the test was administered as part of an employee  
32 assistance program or other drug or alcohol treatment program in which  
33 the employee was participating voluntarily or as a condition of further  
34 employment, in which case "positive chemical test" ~~shall mean~~ *means* a  
35 test result showing an alcohol concentration at or above the levels  
36 provided for in the assistance or treatment program; *and*

37 (viii) "positive chemical test" means a chemical result showing a  
38 concentration at or above the levels listed in K.S.A. 44-501, and  
39 amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or  
40 abuse listed therein, unless the test was administered as part of an  
41 employee assistance program or other drug or alcohol treatment program  
42 in which the employee was participating voluntarily or as a condition of  
43 further employment, in which case "positive chemical test" means a

1 chemical result showing a concentration at or above the levels provided for  
2 in the assistance or treatment program.

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

5 (A) The employer discharged the individual after learning the  
6 individual was seeking other work or when the individual gave notice of  
7 future intent to quit, except that the individual shall be disqualified after  
8 the time ~~at which~~ *that* such individual intended to quit and any individual  
9 who commits misconduct after such individual gives notice to such  
10 individual's intent to quit shall be disqualified;

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

13 (i) Inefficiency;

14 (ii) unsatisfactory performance due to inability, incapacity or lack of  
15 training or experience;

16 (iii) isolated instances of ordinary negligence or inadvertence;

17 (iv) good-faith errors in judgment or discretion; or

18 (v) unsatisfactory work or conduct due to circumstances beyond the  
19 individual's control; or

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

22 (c) If the individual has failed, without good cause, to either apply for  
23 suitable work when so directed by the employment office of the secretary  
24 of labor, or to accept suitable work when offered to the individual by the  
25 employment office, the secretary of labor, or an employer, such  
26 disqualification shall begin with the week in which such failure occurred  
27 and shall continue until the individual becomes reemployed and has had  
28 earnings from insured work of at least three times such individual's  
29 determined weekly benefit amount. In determining whether or not any  
30 work is suitable for an individual, the secretary of labor, or a person or  
31 persons designated by the secretary, shall consider the degree of risk  
32 involved to health, safety and morals, physical fitness and prior training,  
33 experience and prior earnings, length of unemployment and prospects for  
34 securing local work in the individual's customary occupation or work for  
35 which the individual is reasonably ~~fitted~~ *fit* by training or experience, and  
36 the distance of the available work from the individual's residence.  
37 Notwithstanding any other provisions of this act, an otherwise eligible  
38 individual shall not be disqualified for refusing an offer of suitable  
39 employment, or failing to apply for suitable employment when notified by  
40 an employment office, or for leaving the individual's most recent work  
41 accepted during approved training, including training approved under  
42 section 236(a)(1) of the trade act of 1974, if the acceptance of or applying  
43 for suitable employment or continuing such work would require the

1 individual to terminate approved training and no work shall be deemed  
2 suitable and benefits shall not be denied under this act to any otherwise  
3 eligible individual for refusing to accept new work under any of the  
4 following conditions:

5 (1) If the position offered is vacant due directly to a strike, lockout or  
6 other labor dispute;

7 (2) if the remuneration, hours or other conditions of the work offered  
8 are substantially less favorable to the individual than those prevailing for  
9 similar work in the locality;

10 (3) if as a condition of being employed, the individual would be  
11 required to join or to resign from or refrain from joining any labor  
12 organization; and

13 (4) if the individual left employment as a result of domestic violence,  
14 and the position offered does not reasonably accommodate the individual's  
15 physical, psychological, safety, or legal needs relating to such domestic  
16 violence.

17 (d) For any week with respect to which the secretary of labor, or a  
18 person or persons designated by the secretary, finds that the individual's  
19 unemployment is due to a stoppage of work ~~which~~ that exists because of a  
20 labor dispute or there would have been a work stoppage had normal  
21 operations not been maintained with other personnel previously and  
22 currently employed by the same employer at the factory, establishment or  
23 other premises at which the individual is or was last employed, except that  
24 this subsection (d) shall not apply if it is shown to the satisfaction of the  
25 secretary of labor, or a person or persons designated by the secretary, that:

26 (1) The individual is not participating in or financing or directly  
27 interested in the labor dispute ~~which~~ that caused the stoppage of work; and

28 (2) the individual does not belong to a grade or class of workers of  
29 which, immediately before the commencement of the stoppage, there were  
30 members employed at the premises ~~at which~~ where the stoppage occurs  
31 any of whom are participating in or financing or directly interested in the  
32 dispute. If in any case separate branches of work ~~which~~ that are commonly  
33 conducted as separate businesses in separate premises are conducted in  
34 separate departments of the same premises, each such department shall, for  
35 the purpose of this subsection be deemed to be a separate factory,  
36 establishment or other premises. For the purposes of this subsection,  
37 failure or refusal to cross a picket line or refusal for any reason during the  
38 continuance of such labor dispute to accept the individual's available and  
39 customary work at the factory, establishment or other premises where the  
40 individual is or was last employed shall be considered as participation and  
41 interest in the labor dispute.

42 (e) For any week ~~with respect to which~~ or a part of *the week* in which  
43 the individual has received or is seeking unemployment benefits under the

1 unemployment compensation law of any other state or of the United  
2 States, except that if the appropriate agency of such other state or the  
3 United States finally determines that the individual is not entitled to such  
4 unemployment benefits, this disqualification shall not apply.

5 (f) For any week ~~with respect to~~ *in* which the individual is entitled to  
6 receive any unemployment allowance or compensation granted by the  
7 United States under an act of congress to ~~ex-service men and women~~  
8 *former members of the armed forces* in recognition of former service with  
9 the military ~~or~~, naval, *air or space* services of the United States.

10 (g) If the individual, or another in such individual's behalf with the  
11 knowledge of the individual, has knowingly made a false statement or  
12 representation, or has knowingly failed to disclose a material fact to obtain  
13 or increase benefits under this act or any other unemployment  
14 compensation law administered by the secretary of labor, unless the  
15 individual has repaid the full amount of the overpayment as determined by  
16 the secretary or the secretary's designee, including, but not limited to, the  
17 total amount of money erroneously paid as benefits or unlawfully  
18 obtained, interest, penalties and any other costs or fees provided by law. If  
19 the individual has made such repayment, the individual shall be  
20 disqualified for a period of one year for the first occurrence or five years  
21 for any subsequent occurrence, beginning with the first day following the  
22 date the department of labor confirmed the individual has successfully  
23 repaid the full amount of the overpayment. In addition to the penalties set  
24 forth in K.S.A. 44-719, and amendments thereto, an individual who has  
25 knowingly made a false statement or representation or who has knowingly  
26 failed to disclose a material fact to obtain or increase benefits under this  
27 act or any other unemployment compensation law administered by the  
28 secretary of labor shall be liable for a penalty in the amount equal to 25%  
29 of the amount of benefits unlawfully received. Notwithstanding any other  
30 provision of law, such penalty shall be deposited into the employment  
31 security trust fund. No person who is a victim of identify theft shall be  
32 subject to the provisions of this subsection. The secretary shall investigate  
33 all cases of an alleged false statement or representation or failure to  
34 disclose a material fact to ensure no victim of identity theft is disqualified,  
35 required to repay or subject to any penalty as provided by this subsection  
36 as a result of identity theft.

37 (h) For any week ~~with respect to~~ *in* which the individual is receiving  
38 compensation for temporary total disability or permanent total disability  
39 under the workmen's compensation law of any state or under a similar law  
40 of the United States.

41 (i) For any week of unemployment on the basis of service in an  
42 instructional, research or principal administrative capacity for an  
43 educational institution as defined in K.S.A. 44-703(v), and amendments

1 thereto, if such week begins during the period between two successive  
2 academic years or terms or, when an agreement provides instead for a  
3 similar period between two regular but not successive terms during such  
4 period or during a period of paid sabbatical leave provided for in the  
5 individual's contract, if the individual performs such services in the first of  
6 such academic years or terms and there is a contract or a reasonable  
7 assurance that such individual will perform services in any such capacity  
8 for any educational institution in the second of such academic years or  
9 terms.

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

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

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

39 (m) For any week on the basis of services performed by an alien  
40 unless such alien is an individual who was lawfully admitted for  
41 permanent residence at the time such services were performed, was  
42 lawfully present for purposes of performing such services, or was  
43 permanently residing in the United States under color of law at the time

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

11 (n) For any week in which an individual is receiving a governmental  
12 or other pension, retirement or retired pay, annuity or other similar  
13 periodic payment under a plan maintained by a base period employer and  
14 to which the entire contributions were provided by such employer, except  
15 that:

16 (1) If the entire contributions to such plan were provided by the base  
17 period employer but such individual's weekly benefit amount exceeds such  
18 governmental or other pension, retirement or retired pay, annuity or other  
19 similar periodic payment attributable to such week, the weekly benefit  
20 amount payable to the individual shall be reduced, but not below zero, by  
21 an amount equal to the amount of such pension, retirement or retired pay,  
22 annuity or other similar periodic payment ~~which~~ *that* is attributable to such  
23 week; or

24 (2) if only a portion of contributions to such plan were provided by  
25 the base period employer, the weekly benefit amount payable to such  
26 individual for such week shall be reduced, but not below zero, by the  
27 prorated weekly amount of the pension, retirement or retired pay, annuity  
28 or other similar periodic payment after deduction of that portion of the  
29 pension, retirement or retired pay, annuity or other similar periodic  
30 payment that is directly attributable to the percentage of the contributions  
31 made to the plan by such individual; or

32 (3) if the entire contributions to the plan were provided by such  
33 individual, or by the individual and an employer, or any person or  
34 organization, who is not a base period employer, no reduction in the  
35 weekly benefit amount payable to the individual for such week shall be  
36 made under this subsection; or

37 (4) whatever portion of contributions to such plan were provided by  
38 the base period employer, if the services performed for the employer by  
39 such individual during the base period, or remuneration received for the  
40 services, did not affect the individual's eligibility for, or increased the  
41 amount of, such pension, retirement or retired pay, annuity or other similar  
42 periodic payment, no reduction in the weekly benefit amount payable to  
43 the individual for such week shall be made under this subsection. No

1 reduction shall be made for payments made under the social security act or  
2 railroad retirement act of 1974.

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

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

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

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

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

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

43 (3) the individual is attending evening, weekend or limited day time

1 classes, ~~which~~ *that* would not affect availability for work, and is otherwise  
2 eligible under K.S.A. 44-705(c), and amendments thereto.

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

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

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

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

1 unemployment benefits, subject to applicable federal law.

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

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

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

24 Sec. 2. K.S.A. 48-3401 is hereby amended to read as follows: 48-  
25 3401. As used in K.S.A. 48-3401 through 48-3405 ~~of this act, and~~  
26 ~~amendments thereto:~~

27 (a) "~~Military~~Active service" means *service on active duty performed*  
28 ~~by a licensee in~~ *who is a member of the army, navy, marine corps, air*  
29 *force, space force, air or army national guard of any of the several states*  
30 *and territories, Puerto Rico and the District of Columbia, coast guard or*  
31 *any ~~branch~~ component of the military reserves of the United States.*

32 (b) "License" means any permit, certificate, authority, privilege or  
33 registration whether temporary or permanent issued, granted or made by  
34 the state of Kansas or any officer, board, department or commission or  
35 agency thereof authorizing a person to engage in or practice an occupation  
36 or profession in this state.

37 (c) "Licensee" means a person who had, at the time of commencing a  
38 period of military service, a valid, existing license to engage in or practice  
39 an occupation or profession in this state. "Licensee" also means a person  
40 who, while ~~in military~~ *performing active service*, obtains a valid license to  
41 engage in or practice an occupation or profession in this state.

42 Sec. 3. K.S.A. 2023 Supp. 48-3407 is hereby amended to read as  
43 follows: 48-3407. (a) ~~For the purposes of~~ *As used in this section:*

1 (1) "Applicant" means a person who entered into ~~military active~~  
 2 service and separated from such ~~military active~~ service with an honorable  
 3 discharge or a general discharge under honorable conditions;

4 (2) "licensing body" ~~has the meaning ascribed thereto~~ means the  
 5 same as defined in K.S.A. 74-146, and amendments thereto, except for  
 6 licensing boards under K.S.A. 65-1116 and 65-6129, and amendments  
 7 thereto; and

8 (3) "~~military active~~ service" means *service on active duty performed*  
 9 *by a member of the army, navy, marine corps, air force, space force, air or*  
 10 *army national guard of any ~~state of the several states and territories,~~*  
 11 *Puerto Rico and the District of Columbia, coast guard or any ~~branch~~*  
 12 *component of the military reserves of the United States.*

13 (b) (1) Notwithstanding any other provision of law, upon presentation  
 14 of a completed application by an applicant with an honorable discharge for  
 15 certification or licensure, a licensing body shall accept education, training  
 16 or service completed in ~~military active~~ service by the applicant towards  
 17 any educational requirements for certification or licensure in this state if  
 18 the applicant demonstrates to the satisfaction of the licensing body that  
 19 such education, training or service obtained is substantially equivalent to  
 20 the existing educational requirements of such licensure or certification. No  
 21 education, training or service shall count towards any examination  
 22 requirements unless such licensing body has provided a waiver for such  
 23 requirement. The licensing body may require the applicant to provide  
 24 documentation of such education, training or service as deemed necessary  
 25 by the licensing body to determine substantial equivalency.

26 (2) A licensing board under this section may accept education,  
 27 training or service completed in ~~military active~~ service towards any  
 28 educational requirements for certification or licensure in this state if an  
 29 applicant was separated from ~~military service~~ *the armed forces* with a  
 30 general discharge under honorable conditions.

31 (c) Each licensing body may adopt rules and regulations necessary to  
 32 implement and carry out the provisions of this section.

33 (d) This section shall not apply to the practice of law or the regulation  
 34 of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

35 Sec. 4. K.S.A. 2023 Supp. 48-3408 is hereby amended to read as  
 36 follows: 48-3408. (a) ~~For the purposes of~~ *As used in* this section:

37 (1) "Accreditation" ~~has the meaning ascribed thereto~~ means the same  
 38 as defined in K.S.A. 74-32,163, and amendments thereto;

39 (2) "accredited educational institution" means an educational  
 40 institution that has achieved and maintained accreditation;

41 (3) "applicant" means a person who entered into ~~military active~~  
 42 service and separated from such ~~military service~~ *the armed forces* under  
 43 conditions other than dishonorable;

1 (4) "community college" means any community college established  
2 under the laws of this state;

3 (5) "distance education course" means a course consisting solely or  
4 primarily of instruction provided online or in other computer-assisted  
5 formats, or by correspondence, audiotape, videotape or other media;

6 (6) "educational institution" means any postsecondary educational  
7 institution, private postsecondary educational institution and out-of-state  
8 postsecondary educational institution;

9 (7) "institute of technology" or "Washburn institute of technology"  
10 means the institute of technology at Washburn university;

11 (8) "licensing body" ~~has the meaning ascribed thereto~~ means the  
12 same as defined in K.S.A. 74-146, and amendments thereto;

13 (9) "~~military~~active service" means *service on active duty performed*  
14 *by a member of the army, navy, marine corps, air force, space force, air*  
15 *army national guard of any* ~~state of the several states and territories,~~  
16 *Puerto Rico and the District of Columbia, coast guard or any ~~branch~~  
17 *component of the military reserves of the United States;**

18 (10) "municipal university" means Washburn university of Topeka or  
19 any other municipal university established under the laws of this state;

20 (11) "out-of-state postsecondary educational institution" ~~has the~~  
21 ~~meaning ascribed thereto~~ means the same as defined in K.S.A. 74-32,163,  
22 and amendments thereto;

23 (12) "postsecondary educational institution" means any state  
24 educational institution, municipal university, community college, technical  
25 college and institute of technology, and includes any entity resulting from  
26 the consolidation or affiliation of any two or more of such postsecondary  
27 educational institutions;

28 (13) "private postsecondary educational institution" ~~has the meaning~~  
29 ~~ascribed thereto~~ means the same as defined in K.S.A. 74-32,163, and  
30 amendments thereto;

31 (14) "state educational institution" means ~~any state educational~~  
32 ~~institution,~~ the same as defined in K.S.A. 76-711, and amendments thereto;  
33 and

34 (15) "technical college" means any technical college established  
35 under the laws of this state.

36 (b) Notwithstanding any other provision of law, a licensing body may  
37 authorize any educational requirements for certification or licensure in this  
38 state to be waived if an applicant provides satisfactory evidence of  
39 completion of a distance education course. To qualify for such a waiver,  
40 the distance education course must be:

41 (1) Provided by an accredited educational institution; and

42 (2) substantially equivalent to the educational standards required for  
43 certification or licensure in this state.

1 (c) Each licensing body may adopt rules and regulations necessary to  
2 implement and carry out the provisions of this section.

3 (d) This section shall not apply to the practice of law or the regulation  
4 of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

5 Sec. 5. K.S.A. 2023 Supp. 48-3601 is hereby amended to read as  
6 follows: 48-3601. (a) A current member of the armed forces of the United  
7 States or the member's spouse or dependent child who is enrolled or has  
8 been accepted for admission at a postsecondary educational institution as a  
9 postsecondary student shall be deemed to be a resident of the state for the  
10 purpose of tuition and fees for attendance at such postsecondary  
11 educational institution.

12 (b) A person is entitled to pay tuition and fees at an institution of  
13 higher education at the rates provided for Kansas residents without regard  
14 to the length of time the person has resided in the state if the person:

15 (1) (A) Files a letter of intent to establish residence in the state with  
16 the postsecondary educational institution at which the person intends to  
17 register;

18 (B) lives in the state while attending the postsecondary educational  
19 institution; and

20 (C) is eligible for benefits under the federal post-9/11 veterans  
21 educational assistance act of 2008, 38 U.S.C. § 3301 et seq., or any other  
22 federal law authorizing educational benefits for veterans;

23 (2) (A) is a veteran;

24 (B) was stationed in Kansas for at least 11 months during service in  
25 the armed forces or had established residency in Kansas prior to service in  
26 the armed forces; and

27 (C) lives in Kansas at the time of enrollment; or

28 (3) (A) is the spouse or dependent of a veteran who was stationed in  
29 Kansas for at least 11 months during such veteran's service in the armed  
30 forces or had established residency in Kansas prior to service in the armed  
31 forces; and

32 (B) lives in Kansas at the time of enrollment.

33 (c) As used in this section:

34 (1) "Armed forces" means the army, navy, marine corps, air force,  
35 *space force*, coast guard, Kansas army or air national guard or any ~~branch~~  
36 *component* of the military reserves of the United States;

37 (2) "postsecondary educational institution" means the same as  
38 ~~provided~~ *defined* in K.S.A. 74-3201b, and amendments thereto; and

39 (3) "veteran" means a person who ~~has been separated from the armed~~  
40 ~~forces~~ *served in the active military, naval, air or space service* and who  
41 was ~~honorably~~ discharged or ~~received a general discharge~~ *released*  
42 *therefrom under honorable conditions other than dishonorable.*

43 (d) This section shall be a part of and supplemental to chapter 48 of

1 the Kansas Statutes Annotated, and amendments thereto.

2 Sec. 6. K.S.A. 65-1116 is hereby amended to read as follows: 65-  
3 1116. (a) *Qualification*. An applicant for a license to practice as a licensed  
4 practical nurse shall:

5 (1) Have graduated from an approved school of practical nursing or  
6 professional nursing in the United States or its territories or from a school  
7 of practical nursing or professional nursing in a foreign country ~~which that~~  
8 is approved by the board as defined in rules and regulations;

9 (2) have obtained other qualifications not in conflict with this act as  
10 the board may prescribe by rule and regulation; and

11 (3) file with the board a written application for a license.

12 (b) If the board finds in evaluating any applicant that such applicant is  
13 deficient in qualification or in the quality of such applicant's educational  
14 experience, the board may require such applicant to fulfill such remedial  
15 or other requirements as the board may prescribe.

16 (c) *License*. (1) The board shall issue a license to an applicant to  
17 practice as a practical nurse who has:

18 (A) Met the qualifications set forth in subsections (a) and (b);

19 (B) passed a written examination as prescribed by the board; and

20 (C) no disqualifying factors under K.S.A. 65-1120, and amendments  
21 thereto.

22 (2) The board may issue a license to practice nursing as a practical  
23 nurse to an applicant who has been duly licensed as a practical nurse by  
24 examination under the laws of another state or territory if, in the opinion of  
25 the board, the applicant meets the qualifications required of a practical  
26 nurse in this state. Verification of the applicant's licensure status shall be  
27 required from the original state of licensure.

28 (3) The board may authorize the educational requirement under  
29 subsection (a)(1) to be waived for an applicant who has attained a passing  
30 score on the national council licensure examination for practical nurses  
31 and provided evidence to the board of such applicant's practical nursing  
32 experience ~~with the military~~ *during a period of active service as a member*  
33 *of the armed forces*. To qualify for such a waiver, the applicant ~~must~~ *shall*  
34 *have been a member or is a current member* of the army, navy, marine  
35 corps, air force, *space force*, air or army national guard of any of the  
36 *several states and territories, Puerto Rico and the District of Columbia,*  
37 *coast guard or any ~~branch~~ component* of the military reserves of the United  
38 States; and separated from such ~~military~~ *period of active service* with an  
39 honorable discharge. *Current members of the armed forces are presumed*  
40 *to be serving honorably*. If such applicant was separated from such  
41 ~~military~~ *period of active service* with a general discharge under honorable  
42 conditions and meets the requirements of this paragraph, the board may  
43 authorize the educational requirements under subsection (a)(1) be waived.

1 (4) *Refresher course.* Notwithstanding the provisions of subsections  
2 (a) and (b), an applicant for a license to practice as a licensed practical  
3 nurse who has not been licensed to practice practical nursing for five years  
4 preceding application shall be required to successfully complete a  
5 refresher course as defined by the board.

6 (5) *Renewal license.* A licensed practical nurse licensed under this act  
7 shall be eligible for renewal licenses upon compliance with K.S.A. 65-  
8 1117, and amendments thereto.

9 (6) *Licensure examination within 24 months of graduation.* (A)  
10 Persons who do not take the licensure examination within 24 months after  
11 graduation shall petition the board for permission prior to taking the  
12 licensure examination. The board may require the applicant to submit and  
13 complete a plan of study prior to taking the licensure examination.

14 (B) Persons who are unsuccessful in passing the licensure  
15 examination within 24 months after graduation shall petition the board for  
16 permission prior to subsequent attempts. The board may require the  
17 applicant to submit and complete a plan of study prior to taking the  
18 licensure examination a subsequent time. The study plan shall contain  
19 subjects related to deficiencies identified on the failed examination  
20 profiles.

21 (7) An application for initial licensure or endorsement will be held  
22 awaiting completion of meeting qualifications for a time period specified  
23 in rules and regulations.

24 (d) *Title and abbreviation.* Any person who holds a license to practice  
25 as a licensed practical nurse in this state shall have the right to use the title,  
26 "licensed practical nurse," and the abbreviation, "L.P.N." No other person  
27 shall assume the title or use the abbreviation or any other words, letters,  
28 signs or figures to indicate that the person is a licensed practical nurse.

29 (e) *Temporary permit.* The board may issue a temporary permit to  
30 practice nursing as a licensed practical nurse for a period not to exceed 120  
31 days. A temporary permit for 120 days may be issued to an applicant for  
32 licensure as a licensed practical nurse who is a graduate of a practical  
33 school of nursing in a foreign country after verification of licensure in that  
34 foreign country and approval of educational credentials.

35 (f) *Exempt license.* The board may issue an exempt license to any  
36 licensee as defined in rules and regulations who makes written application  
37 for such license on a form provided by the board, who remits a fee as  
38 established pursuant to K.S.A. 65-1118, and amendments thereto, and who  
39 is not regularly engaged in the practice of practical nursing in Kansas but  
40 volunteers practical nursing service or is a charitable health care provider  
41 as defined by K.S.A. 75-6102, and amendments thereto. Each exempt  
42 licensee shall be subject to all provisions of the nurse practice act, except  
43 as otherwise provided in this subsection-(f). Each exempt license may be

1 renewed biennially subject to the provisions of this section. The holder of  
2 the exempt license shall not be required to submit evidence of satisfactory  
3 completion of a program of continuing nursing education for renewal. To  
4 convert an exempt license to an active license, the exempt licensee shall  
5 meet all the requirements of subsection (c) or K.S.A. 65-1117, and  
6 amendments thereto. The board shall have authority to write rules and  
7 regulations to carry out the provisions of this section.

8 Sec. 7. K.S.A. 2023 Supp. 65-6129 is hereby amended to read as  
9 follows: 65-6129. (a) (1) Application for an emergency medical service  
10 provider certificate shall be made to the board. The board shall not grant  
11 an emergency medical service provider certificate unless the applicant  
12 meets the following requirements:

13 (A) (i) Has successfully completed coursework required by the rules  
14 and regulations adopted by the board;

15 (ii) has successfully completed coursework in another jurisdiction  
16 that is substantially equivalent to that required by the rules and regulations  
17 adopted by the board; or

18 (iii) has provided evidence that such applicant holds a current and  
19 active certification with the national registry of emergency medical  
20 technicians, completed emergency medical technician training as a  
21 member of the army, navy, marine corps, air force, *space force*, air or army  
22 national guard of *any of the several states and territories, Puerto Rico and*  
23 *the District of Columbia*, coast guard or any ~~branch~~ *component* of the  
24 military reserves of the United States that is substantially equivalent to that  
25 required by the rules and regulations adopted by the board, and such  
26 applicant separated from such ~~military~~ *period of active service as a*  
27 *member of the armed forces* with an honorable discharge. *Applicants*  
28 *currently performing active service as a member of the armed forces are*  
29 *presumed to be serving honorably;*

30 (B) (i) has passed the examination required by the rules and  
31 regulations adopted by the board; or

32 (ii) has passed the certification or licensing examination in another  
33 jurisdiction that has been approved by the board; and

34 (C) has paid an application fee required by the rules and regulations  
35 adopted by the board.

36 (2) The board may grant an emergency medical service provider  
37 certificate to any applicant who meets the requirements under subsection  
38 (a)(1)(A)(iii) but was separated from such ~~military~~ *period of active service*  
39 *as a member of the armed forces* with a general discharge under honorable  
40 conditions.

41 (b) (1) The emergency medical services board may require an original  
42 applicant for certification as an emergency medical services provider to be  
43 fingerprinted and submit to a state and national criminal history record

1 check. The fingerprints shall be used to identify the applicant and to  
2 determine whether the applicant has a record of criminal history in this  
3 state or another jurisdiction. The emergency medical services board is  
4 authorized to submit the fingerprints to the Kansas bureau of investigation  
5 and the federal bureau of investigation for a state and national criminal  
6 history record check. The emergency medical services board may use the  
7 information obtained from fingerprinting and the applicant's criminal  
8 history for purposes of verifying the identification of the applicant and  
9 making the official determination of the qualifications and fitness of the  
10 applicant to be issued or to maintain a certificate.

11 (2) Local and state law enforcement officers and agencies shall assist  
12 the emergency medical services board in taking the fingerprints of  
13 applicants for license, registration, permit or certificate. The Kansas  
14 bureau of investigation shall release all records of adult convictions,  
15 nonconvictions or adjudications in this state and any other state or country  
16 to the emergency medical services board.

17 (3) The emergency medical services board may fix and collect a fee  
18 as may be required by the board in an amount equal to the cost of  
19 fingerprinting and the criminal history record check. The emergency  
20 medical services board shall remit all moneys received from the fees  
21 established by this section to the state treasurer in accordance with the  
22 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
23 each such remittance, the state treasurer shall deposit the entire amount in  
24 the state treasury to the credit of the emergency medical services criminal  
25 history and fingerprinting fund.

26 (4) There is hereby created in the state treasury the emergency  
27 medical services criminal history and fingerprinting fund. All moneys  
28 credited to the fund shall be used to pay the Kansas bureau of investigation  
29 for the processing of fingerprints and criminal history record checks for  
30 the emergency medical services board. The fund shall be administered by  
31 the emergency medical services board. All expenditures from the fund  
32 shall be made in accordance with appropriation acts upon warrants of the  
33 director of accounts and reports issued pursuant to vouchers approved by  
34 the chairperson of the emergency medical services board or the  
35 chairperson's designee.

36 (c) The board shall not grant an initial advanced emergency medical  
37 technician certificate or paramedic certificate as a result of successful  
38 course completion in the state of Kansas, ~~unless~~ *except if* the applicant for  
39 such an initial certificate is certified as an emergency medical technician.

40 (d) An emergency medical service provider certificate shall expire on  
41 the date prescribed by the board. An emergency medical service provider  
42 certificate may be renewed for a period of two years upon payment of a  
43 fee as prescribed by rule and regulation of the board and upon presentation

1 of satisfactory proof that the emergency medical service provider has  
2 successfully completed continuing education as prescribed by the board.

3 (e) All fees received pursuant to the provisions of this section shall be  
4 remitted to the state treasurer in accordance with the provisions of K.S.A.  
5 75-4215, and amendments thereto. Upon receipt of each such remittance,  
6 the state treasurer shall deposit the entire amount in the state treasury to  
7 the credit of the emergency medical services operating fund established by  
8 K.S.A. 65-6151, and amendments thereto.

9 (f) If a person who was previously certified as an emergency medical  
10 service provider applies for an emergency medical service provider's  
11 certificate after the certificate's expiration, the board may grant a  
12 certificate without the person completing an initial course of instruction or  
13 passing a certification examination if the person has completed education  
14 requirements and has paid a fee as specified in rules and regulations  
15 adopted by the board.

16 (g) The board shall adopt, through rules and regulations, a formal list  
17 of graduated sanctions for violations of article 61 of chapter 65 of the  
18 Kansas Statutes Annotated, and amendments thereto, that shall specify the  
19 number and severity of violations for the imposition of each level of  
20 sanction.

21 Sec. 8. K.S.A. 44-706, 48-3401 and 65-1116 and K.S.A. 2023 Supp.  
22 48-3407, 48-3408, 48-3601 and 65-6129 are hereby repealed.

23 Sec. 9. This act shall take effect and be in force from and after its  
24 publication in the statute book.