



# 2015 LEGISLATIVE HIGHLIGHTS



## ABORTION

### Unborn Child Protection from Dismemberment Abortion Act

**SB 95** creates the Kansas Unborn Child Protection from Dismemberment Abortion Act, which prohibits and establishes the penalties for a dismemberment abortion. The bill establishes exceptions for the prohibition and clarifies the individuals exempt from liability. Additionally, the bill allows for injunctive relief and civil damages, establishes who may seek civil damages and what the damages include, and authorizes the award of reasonable attorney fees. The bill specifies the conditions under which the court orders preservation of the anonymity of a woman upon whom an abortion has been performed or attempted, clarifies the Act does not create or recognize a right to abortion nor a right to a particular method of abortion, and includes a severability clause.

### Use of Abortifacient Drugs

**Senate Sub. for HB 2228** requires that when RU-486 (mifepristone) is used for the purpose of inducing an abortion, the drug must initially be administered by or in the same room as and in the physical presence of the physician prescribing, dispensing, or providing the drug to the patient. When any other drug is used, the bill requires the prescription or the drug must be given to the patient in the same room as and in the physical presence of the physician prescribing, dispensing, or otherwise providing the drug to the patient. Exceptions exist in the case of an abortion performed in a hospital through inducing labor and in the case of a medical emergency.



## AGENCY REORGANIZATIONS

### Reorganization—Medicaid Eligibility and Foster Care Licensing

**Executive Reorganization Order (ERO) No. 43** transfers Medicaid eligibility processing responsibility from the Kansas Department for Children and Families (DCF) to the Kansas Department of Health and Environment (KDHE), effective January 1, 2016, and transfers foster care licensing duties from KDHE to DCF, effective July 1, 2015.



## AGRICULTURE & NATURAL RESOURCES

### Water Augmentation, Multi-year Flex Accounts, Water Conservation, and Public Water Supply

**SB 52** allows Rattlesnake Creek Subbasin water right holders to utilize augmentation for the replacement in time, location, and quantity of water unlawfully diverted from senior water right holders and makes two changes to multi-year flex accounts regarding irrigation and unused water. The bill requires the Chief Engineer to give due consideration to water management or conservation measures when implementing further limitations on a water right or reviewing a local enhanced management plan. The bill also changes the interest rate the State charges to a local entity for the purchase of public water

supply storage in a class I, II, or III project under the Multipurpose Small Lakes Act.

### Land Purchases

**SB 120** exempts the Kansas Department of Wildlife, Parks and Tourism from law regarding certain land purchases in four counties. The bill also amends the law regarding purchase of tracts of land throughout the State.

## CONTENTS

<a href="#">Abortion</a> .....	1
<a href="#">Agency Reorganizations</a> .....	1
<a href="#">Agriculture &amp; Natural Resources</a> .....	1
<a href="#">Alcohol, Drugs, and Gambling</a> .....	2
<a href="#">Children's Issues</a> .....	2
<a href="#">Commerce &amp; Labor</a> .....	2
<a href="#">Concealed Carry &amp; Firearms</a> .....	2
<a href="#">Education</a> .....	3
<a href="#">Elections &amp; Ethics</a> .....	3
<a href="#">Energy &amp; Environment</a> .....	4
<a href="#">Financial Institutions &amp; Insurance</a> .....	4
<a href="#">Health</a> .....	5
<a href="#">Judiciary</a> .....	5
<a href="#">Local Government</a> .....	7
<a href="#">Public Safety</a> .....	7
<a href="#">Retirement</a> .....	8
<a href="#">Social Services</a> .....	8
<a href="#">State Finances</a> .....	9
<a href="#">State Government</a> .....	10
<a href="#">Taxation</a> .....	10
<a href="#">Transportation</a> .....	11
<a href="#">Veterans &amp; Military</a> .....	11

## Water Conservation, Agricultural Liming Material, and Groundwater Gages

**SB 156** establishes water conservation areas, prescribes testing methods for agricultural liming material, and provides for the operation and maintenance of groundwater gage sites in the Arkansas River Basin.

## Veterinary Medicine; Euthanasia

**SB 189** requires any person who practices veterinary medicine on client-owned animals at a Kansas school of veterinary medicine to be a licensed veterinarian or possess an institutional license, beginning July 1, 2016. In addition, the bill removes the sunset on the Veterinary Training Program for Rural Kansas, allowing the program to continue indefinitely. The bill also requires the Animal Health Commissioner of the Kansas Department of Agriculture (KDA) to promulgate rules and regulations by December 31, 2015, regarding acceptable forms of euthanasia, which may be more strict than euthanasia standards set by the American Veterinary Medical Association.

## Water Conservation Easements for Watershed Districts

**HB 2061** permits the Division of Conservation of the KDA, in consultation with the State Conservation Commission, to act as necessary to restore, establish, enhance, and protect natural resources with conservation easements for the purpose of compensatory mitigation required under Section 404 of the federal Clean Water Act for the construction of watershed district structures, in addition to other powers and duties authorized by law.



## Charitable Gaming, Fantasy Sports Leagues, Changes to Kansas Lottery Act

**Senate Sub. for HB 2155** creates the Kansas Charitable Gaming Act (Act) and amends the Kansas Lottery Act. The

Act includes changes to the Bingo Act and creates new law concerning the regulation of charitable raffles. The bill makes participation in fantasy sports leagues legal by including such sports leagues in the list of exceptions to the definition of what constitutes an illegal bet. Finally, the bill amends the Kansas Lottery Act as follows:

- Allows the Kansas Lottery to advertise at amateur athletic and sporting events where the majority of participants are not under the age of 18;
- Allows the Kansas Lottery to be a retailer and sell Lottery products; and
- Prevents anyone under the age of 18 from being able to redeem a winning lottery ticket.

## Alcoholic Liquor, Changes

**HB 2223** amends the following areas of the law concerning alcoholic liquor: allowing the infusion of alcohol with flavors or other ingredients; issuing citations for violations of the Liquor Control Act and the Club and Drinking Establishment Act; prohibiting the sale of powdered alcohol; allowing the use of automated wine devices; the eligibility of certain persons to obtain a liquor license; allowing the consumption of alcohol at the State Capitol and on unlicensed premises; allowing distributors to provide samples; creating farmers' market sales and vineyard permits; modifying the notification requirements for catered events; modifying the requirements for the consumption of alcoholic liquor on public property at events catered by a licensed caterer; establishing permissible locations for liquor retailers, microbreweries, microdistilleries, and farm wineries; and issuing temporary permits for the Kansas State Fair.



## CHILDREN'S ISSUES

### Risk Assessment and Juvenile Offender Placement

**HB 2336** requires the court to administer a risk assessment tool or review a risk assessment tool administered within the past six months before sentencing a juvenile offender to certain placements. The bill also modifies a general prohibition on placement of any juvenile convicted as an adult in a juvenile correctional facility by allowing certain juveniles convicted as adults to be placed in a juvenile correctional facility.



## COMMERCE & LABOR

### Unemployment Insurance

**SB 154** revises provisions of the Employment Security Law—commonly referred to as Unemployment Insurance (UI)—pertaining to the calculation of maximum weekly benefits, capping the benefit at the greater of \$474 or 55 percent of the average weekly wage paid last year; the assessment of employer contributions, distributing experienced employers across 38 rate groups instead of 61 groups and using a solvency adjustment instead of a planned yield calculation; and the administration of the UI System, repealing certain partisan prohibitions placed upon UI employees.



## CONCEALED CARRY & FIREARMS

### Concealed Carry Without a License

**SB 45** allows the concealed carry of a firearm without a concealed carry license issued by the State, as long as the individual carrying the firearm is not prohibited from possessing a firearm under either federal or state law.

## Eligibility for Concealed Carry Licenses, Local Control of Firearms and Ammunition

**HB 2331** amends a statute governing who is eligible for a concealed carry license. The bill prohibits a person from obtaining a concealed carry license for a length of time after a conviction, as specified by federal or state law, but does not necessarily permanently prohibit the individual from obtaining a concealed carry license, as the law previously did.

The bill also expands limitations on the local regulation of firearms and ammunition to prohibit local government entities' ordinances, resolutions, regulations, and administrative actions governing the requirement of fees, licenses, or permits for commerce in or the sale of firearms or ammunition. The bill specifies cities or counties can still levy and collect any retailers' sales tax on the sale of firearms or ammunition as authorized by statute.



### K-12 Education Funding

**House Sub. for SB 7** makes appropriations for K-12 education for fiscal years (FY) 2015, 2016, and 2017; repeals the existing school finance formula; and creates the Classroom Learning Assuring Student Success (CLASS) Act. The provisions of the bill will expire on June 30, 2017.

For FY 2015 (school year 2014-15), the bill adds \$27,346,783 in General State Aid, \$1,803,566 in Supplemental General State Aid (Local Option Budget [LOB] State Aid), and an amount not to exceed \$2,202,500 for the Capital Outlay State Aid demand transfer, all from the State General Fund (SGF). In addition, the bill transfers \$4.0 million from the SGF to the newly-created School District Extraordinary Need Fund (ENF).

The bill appropriates a block grant from the SGF in FY 2016 (school year 2015-16) of \$2,751,326,659 and

\$2,757,446,624 for FY 2017 (school year 2016-17). General state aid will be disbursed to districts in the same manner as in current law.

For FYs 2016 and 2017, 0.4 percent of general state aid will be transferred to the ENF. Districts may apply to the State Finance Council for payments from the ENF, who, in reviewing the application, will consider any extraordinary increase in enrollment; any extraordinary decrease in the district's assessed valuation; and any other unforeseen acts or circumstances substantially impacting a district's general fund.

### Freedom from Unsafe Restraint and Seclusion Act

**Senate Sub. for HB 2170** creates the Freedom from Unsafe Restraint and Seclusion Act (Act), regarding the use of "emergency safety interventions" (ESI), in the school setting. The bill defines ESI as the use of seclusion or physical restraint and outlines when it may be used; requirements for documentation and notification of the use of ESI; procedures for parent complaints; data reporting requirements; and authority to promulgate rules and regulations. The bill also creates the ESI Task Force, which is charged with studying and reviewing the use of ESI and preparing a report. The report is to be submitted to the Governor and the Legislature on or before January 20, 2016. The provisions of the bill expire June 30, 2018.

### Professional Negotiations Act

**Senate Sub. for HB 2353** amends provisions of the CLASS Act (House Sub. for SB 7). The bill also revises the Professional Negotiations Act (PNA) to provide that upon entering negotiations, the parties must negotiate compensation of professional employees and hours and amounts of work. Further, each party can select up to three additional terms and conditions of professional service from among those listed in the PNA's definition of "terms and conditions of professional service." All other items included in the definition are permissive topics for negotiation if the parties mutually agree to discuss them.



## ELECTIONS & ETHICS

### Elections Crimes

**SB 34** creates a separate crime of voting more than once and increases the severity levels of various other elections-related crimes. It provides certain officials with independent authority to prosecute a person for Kansas elections crimes, including the district attorney or county attorney of the county where the alleged violations occurred, the Kansas Attorney General, and the Kansas Secretary of State.

### Moving Election Dates, Filling Party Candidacy Vacancies, Eliminating Presidential Primary

**HB 2104** makes several changes to election law, including the following.

**Moving Election Dates.** The bill moves all elections for local government office holders currently held in the spring of odd-numbered years to the fall of odd-numbered years. The elections remain nonpartisan. Exceptions exist for cities, which also may hold elections in the fall of even-numbered years and may choose to make its elections partisan.

**Filling of Party Candidacy Vacancies.** The bill deletes language that allowed a candidate to withdraw after the primary election due to being incapable of fulfilling office duties and adds language that allows a nominee to withdraw only for medical reasons or because the nominee does not live in Kansas.

**Elimination of Presidential Preference Primary.** The bill repeals the statute calling for a presidential preference primary election and instead requires each recognized political party to select a presidential nominee in accordance with party procedures for every presidential election beginning in 2016.

## Use of the Internet and Social Media for Campaigns; Lobbyist Requirements; Campaign Finance Reporting; Political Signs

**HB 2183** makes several changes including the following.

**Use of the Internet and Social Media for Campaigns.** The bill permits: (a) a general public solicitation for campaign contributions distributed via social media during the legislative session not targeted toward an individual; (b) the publication of a paid communication via any social media provider with a 200-character limit that expressly advocates for or against an identified candidate for state or local office without identifying who paid for or sponsored the advertisement; and (c) the use of Internet provided by the State of Kansas or a municipality by a candidate or elected official.

**Lobbyist Requirements.** The bill: (a) increases the threshold amount below which a person spending money on activity meeting the “lobbying” definition would not have to register as a lobbyist; and (b) requires every lobbyist to file a detailed report listing the amount of public funds paid for lobbying services on behalf of a governmental entity or association of governmental entities receiving public funds.

**Campaign Finance Reporting.** The bill increases the amount triggering whether a candidate for any state or certain local government office may file an affidavit instead of a detailed report of either campaign contributions or expenditures.

**Political Signs.** The bill prohibits a city or county from regulating or prohibiting the placement or number of political signs on private and some unpaved right-of-way property during the 45 days prior to and the 2 days following any election.



## Renewable Energy Standard; Property Tax Exemption

**House Sub. for SB 91** replaces the renewable energy standard with a voluntary renewable energy goal that 20.0 percent of a utility’s peak demand within the state be generated from renewable energy resources by the year 2020. The bill also reduces the lifetime property tax exemption to 10 years for new renewable resources after December 31, 2016, and excludes individuals or companies that generate electricity from renewable resources at wholesale only from the definition of public utility.

## Environmental Cleanup

**HB 2192** creates the Environmental Stewardship Fund in the Department of Health and Environment (KDHE) to pay for remediation activities at contaminated “orphan” sites, i.e., sites with no party responsible for cleanup. The bill also creates an incentive program for owners of single-wall underground petroleum tanks who replace those tanks with secondary containment systems.

## Voluntary Risk Management Program

**HB 2193** establishes the Voluntary Risk Management Program, which allows a party responsible for a low-risk contaminated site to enter an enforceable agreement with KDHE to carry out remediation activities agreed to in a risk management plan and pay a one-time fee of at least \$2,500. The bill also amends the Voluntary Cleanup and Property Redevelopment Act to, among other things, allow KDHE to determine that no further remedial action is needed at a site based on the results of a risk analysis.

## Gas Wells for Personal Use; Abandoned Oil and Gas Well Fund

**HB 2231** allows an operator of one or more natural gas wells to obtain an annual license from the Kansas Corporation

Commission (KCC) when the wells are used strictly for personal use on the property where the wells are located. The fee will be \$25, rather than the standard \$100 annual license fee under prior law. The bill extends the sunset date on the statutory transfers to the KCC’s Abandoned Oil and Gas Well Fund (Fund) from July 1, 2016, to July 1, 2020. The bill also deletes a quarterly transfer of \$100,000 from the State Water Plan Fund to the Fund and increases the quarterly transfer from the KCC’s Conservation Fee Fund to the Fund from \$100,000 to \$200,000.

## Clean Power Plan

**HB 2233** establishes the procedure for developing and submitting a state plan to the federal Environmental Protection Agency to comply with the proposed federal Clean Power Plan rule and creates the Clean Power Plan Implementation Study Committee to oversee and approve the state plan.



## FINANCIAL INSTITUTIONS & INSURANCE

### Banking Code Recodification

**SB 240** recodifies the Kansas Banking Code and amends two statutes referencing the Code. As part of the recodification, the bill adds 18 previously issued Special Orders of the Bank Commissioner to existing or new statutes and repeals 56 statutes. Thirty-six of the repealed statutes will be recodified into existing or new statutes upon the bill’s enactment.

### Professional Liability Insurance

**HB 2064**, among other things, modifies the Health Care Provider Insurance Availability Act to clarify exemptions from the term “health care provider,” add a definition for “health care facility,” and allow certain health care systems (includes nursing facilities and adult care homes) to aggregate insurance premiums for the purpose of obtaining a certificate of self-insurance.

## Money Transmitters; ABLÉ Savings Program

**HB 2216**, among other things, amends the Kansas Money Transmitter Act (KMTA), including updating the term “agent” and licensure requirements associated with the relationship between an agent and licensee, creating a distinction between payment instruments and money transmission considered to be outstanding, and authorizing the Bank Commissioner to increase the required amount of surety on a licensee. The bill also establishes the Kansas Achieving a Better Life Experience (ABLE) Savings Program, a tax-deferred 529A savings program authorized by the federal ABLE Act, intended to empower individuals with disabilities and their families to save private funds to support the individuals with disabilities and to provide guidelines for the maintenance of such accounts.

## Autism Insurance Coverage; Surplus Lines

**HB 2352**, among other things, makes changes to the definitions of “large employer” and “small employer” in the law requiring insurance coverage for Autism Spectrum Disorders; repeals 2011 law authorizing the state to join the Surplus Lines Insurance Multi-State Compliance Compact (SLIMPACT); and simplifies the calculation of gross premiums for surplus lines insurance.



## HEALTH

### Medicaid Drug Utilization Review Board; Donor Human Breast Milk

**Senate Sub. for HB 2149** requires the Kansas Department of Health and Environment to reimburse medical care facilities in certain situations for donor human breast milk provided to a recipient of medical assistance under the Kansas Medical Assistance Program.

The bill also amends the procedures regarding restrictions of patients’ access to any new prescription-only drug under the Kansas Medicaid Program. Specifically, the

bill allows prior authorization or other restrictions on medications used to treat mental illness to be imposed on Medicaid recipients for medications subject to guidelines developed by the Medicaid Drug Utilization Review Board; establishes requirements for Board review of medications used to treat mental illness available for use before and after July 1, 2015; and creates a Mental Health Medication Advisory Committee, which is required to provide the Board with recommendations for the development of guidelines.

### Medical Retainer Agreement and Amendments to the Kansas Healing Arts Act, Physician Assistant Licensure Act, Kansas Pharmacy Act, Controlled Substances Act, and Do Not Resuscitate Directives Act

**Senate Sub. for HB 2225** specifies a medical retainer agreement is not insurance and is not subject to specific insurance provisions. The bill makes several substantive and technical amendments to various acts related to the health industry, including the creation of a “resident active license”, expansion of the scope of the “special permit” for those licensed under the Kansas Healing Arts Act, and the creation of the designations of “exempt license” and “federally active license,” for those licensed under the Physician Assistant Licensure Act. Further, among other changes, the bill allows a physician assistant to write “do not resuscitate” orders if delegated the authority by a physician and delays implementation of previous changes made to the Pharmacy Act.

### HMO Privilege Fee; Creation of Medical Assistance Fee Fund

**Senate Sub. for HB 2281** creates the Medical Assistance Fee Fund (Fund) and increases the annual privilege fees paid by every health maintenance organization (HMO) for the reporting period beginning January 1, 2015, and ending December 31, 2017, from 1.0 percent per year to 3.31 percent per year of the total of all premiums, subscription

charges, or any other term that may be used to describe the charges made by such organization to enrollees. The privilege fees collected or received by the Insurance Commissioner (Commissioner) from July 1, 2015, through June 30, 2018, from HMOs, including the three KanCare Managed Care Organizations (MCOs), and Medicare provider organizations for fees specified in law are to be deposited in the Fund to be expended for Medicaid medical assistance payments only. On and after January 1, 2018, the privilege fee will be 2.0 percent.

If the Commissioner determines at any time that the application of the privilege fee or a change in the rate of the privilege fee causes a denial of, reduction in, or elimination of federal assistance to the state or to any HMO subject to this act, the Commissioner is authorized to terminate the operation of such privilege fee or change such privilege fee.

*[The bill also amends one section enacted in 2015 Senate Sub. for HB 2258 pertaining to Temporary Assistance for Needy Families (TANF) cash assistance transactions for cash withdrawals from automated teller machines. See the Social Services section for further details.]*



## JUDICIARY

### Kansas Sexually Violent Predator Act

**House Sub. for SB 12** creates and amends law governing the civil commitment of sexually violent predators (SVPs) and the Sexual Predator Treatment Program (SPTP). The bill titles these amendments and new law the “Kansas Sexually Violent Predators Act.” The bill makes numerous changes to the statutes governing the initial identification of a SVP, the filing of a petition alleging a person is a SVP, the probable cause hearing, the trial on the petition, appellate and commitment procedure, annual examinations of SVPs’ mental conditions, and petitions for transitional release. The bill also amends the statute governing the rights and rules of conduct for SVPs.

## Bad Faith Assertions of Patent Infringement

**Sub. for SB 38** makes it an unconscionable act or practice under the Kansas Consumer Protection Act to make a bad faith assertion of patent infringement by sending an electronic or written communication stating the intended recipient or affiliated person is infringing or has infringed on a patent if the communication does not contain specified information, contains certain false information, or has no reasonable basis, or if the person asserting the infringement has not made a comparison of the scope of the patent to the products, services, or technology at issue.

The bill specifies certain good-faith patent-related situations or actions that would not be considered a bad faith assertion of patent infringement, and further excludes patent infringement assertions arising under certain federal statutes regulating drugs and biological products.

## Human Trafficking

**SB 113** creates and amends law related to human trafficking. The bill creates a civil cause of action for a victim of human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child against the perpetrator if the victim suffered psychological injury as a result of the conduct. The victim can seek any appropriate relief, including damages and equitable remedies. The court must award costs for prevailing plaintiffs and damages of at least \$150,000.

The bill also adds these crimes to the list of offenses covered by the civil action available for victims of such offenses when any portion of the offense was used in the production of child pornography. The bill amends the definition of “sexual abuse” within the Code for Care of Children to include allowing, permitting, or encouraging a child to engage in aggravated human trafficking, if

committed for the sexual gratification of the offender or another.

## Judicial Branch: Electronic Filing and Management Fund; Docket Fee Fund; Judicial Branch Surcharge; Dispositive Motion Filing Fee

**HB 2005** extends the authority from FY 2015 into FY 2016 for the Chief Justice to transfer funds from the Electronic Filing and Management Fund to the Judicial Branch Docket Fee Fund. The bill extends, from 2017 to 2018, a provision directing the first \$3.1 million collected in docket fee revenues to the Electronic Filing and Management Fund, and delays, from 2018 until 2019, a provision reducing this amount to \$1.0 million. The bill also extends, for two years, the Judicial Branch surcharge to fund non-judicial personnel.

The bill creates a dispositive motion filing fee of \$195, defines “dispositive motion,” and applies the fee to any motion seeking any of the dispositions in that definition, regardless of the title of the motion. The fee will not apply in Chapter 61 limited actions, and the State of Kansas and municipalities are exempt from paying the fee.

The provisions of the bill are non-severable internally and non-severable from the provisions of 2014 Senate Sub. for House Bill 2338, unless the appropriations to the Judicial Branch for FY 2016 or FY 2017 are subsequently reduced by the Legislature. [*Judicial Branch appropriations contained in HB 2005 are discussed in the State Finances section.*]

## Scrap Metal Theft Reduction Act

**HB 2048** establishes the Scrap Metal Theft Reduction Act by creating and amending law related to scrap metal dealer registration and scrap metal sales. The bill preempts scrap metal regulation by municipalities.

The bill gives the Attorney General jurisdiction and authority over the implementation, administration, and enforcement of the Act and requires the Attorney General to establish and maintain a database of scrap metal sales for law enforcement purposes and other purposes necessary to implement and enforce the Act.

The bill also amends criminal provisions related to scrap metal theft, including the creation of the crime of aggravated criminal damage to property, a severity level 6, nonperson felony, as well as a special sentencing rule imposing a sentence of presumptive imprisonment where an offender has a prior conviction for any nonperson felony.

## Good Time, Program Credits, and Community Corrections

**HB 2051** increases from 15 percent to 20 percent the amount of good time credit an inmate sentenced for a drug severity level 3 crime committed on or after July 1, 2012, may earn and allows these inmates to earn program credits. The bill also increases from 60 to 90 days the amount of time an eligible inmate may earn for program credits. Finally, the bill adjusts eligibility determination for placement in community correctional services programs.

## Criminal History Classification

**HB 2053** amends statutes governing the calculation of criminal history to specify that any prior adult felony conviction, misdemeanor, or juvenile adjudication for offenses committed before July 1, 1993, shall be scored as a person or nonperson crime using a comparable offense under the Kansas Criminal Code in effect on the date the current crime of conviction was committed. These amendments are to be applied retroactively.

## Battery Against a Law Enforcement Officer; Criminal History; Aggravated Battery When Driving Under the Influence; Search Warrants

[HB 2055](#) amends law related to crimes and criminal procedure.

**Battery Against a Law Enforcement Officer.** The bill amends the crime of battery against a law enforcement officer to include battery against a judge engaged in the performance of the judge’s duty, a prosecuting attorney or indigent defense attorney engaged in the performance of the attorney’s duty, or a court services or community corrections officer in the performance of such officer’s duty. The bill similarly amends the crime of aggravated battery against a law enforcement officer.

**Criminal History.** The bill amends one of the statutes governing the determination of an offender’s criminal history to establish a procedure for classifying out-of-state misdemeanor convictions.

**Aggravated Battery-DUI.** The bill creates a special rule (titled “Mija Stockman’s Law”) for determining criminal history for a conviction of aggravated battery when a person is driving under the influence (DUI) and great bodily harm to another person or disfigurement of another person results. The rule provides that, for the purposes of determining an offender’s criminal history, the first prior adult conviction, diversion in lieu of criminal prosecution, or juvenile adjudication of DUI, commercial DUI, or DUI test refusal shall count as one nonperson felony, and each subsequent offense shall count as one person felony.

**Search Warrants.** The bill amends the statute governing search warrants to add a provision allowing the search or seizure of anything that may be seized under the Fourth Amendment to the *U.S. Constitution*. The bill also adds a specific provision allowing the search or seizure of

biological material, DNA, cellular material, blood, hair, or fingerprints.

## Smoking Ban Exemption for Clinical Research; Tobacco Master Settlement Agreement

[Senate Sub. for HB 2124](#) provides an exemption from the statute prohibiting smoking in an enclosed area for certain portions of a medical or clinical facility used for clinical research activities. It also amends various tobacco-related statutes related to the Master Settlement Agreement.

## DUI Expungement, Restricted Licenses

[Sub. for HB 2159](#) amends the statutes governing expungement of DUI and test refusal convictions and city ordinance violations that also would constitute a DUI or test refusal to change to five the number of years that must have elapsed since the person satisfied the sentence before petitioning for expungement of a first DUI offense. A person may petition for expungement of a second or subsequent conviction of DUI or test refusal after ten years.

Concerning ignition interlock restrictions of driving privileges, the bill allows a person subject to such restrictions following a first DUI-related test refusal, test failure, or conviction, to drive to and from the ignition interlock provider for maintenance and downloading of data from the device. Further, the bill allows the Division of Vehicles to issue a restricted driver’s license with a DUI-IID (Ignition Interlock Device) designation to a person subject to such restrictions.



## LOCAL GOVERNMENT

### Annexation of Noncontiguous Land

[HB 2003](#) changes authority for unilateral annexation of land owned by or held in trust for a city by requiring that the

land adjoin the city. The bill also requires the affirmative vote of two-thirds of the members of the board of county commissioners, rather than a simple majority, for consent annexation of noncontiguous land.

## Claims Against Municipal Employees

[HB 2246](#) requires notice to be provided to a municipality when a claim is brought against a municipal employee.



## PUBLIC SAFETY

### Law Enforcement Officers, Peer Support Counseling

[HB 2025](#) enacts provisions related to the confidentiality of communications within a “peer support counseling session” (session), defined as a session conducted by a peer support specialist called or requested in response to a critical incident or traumatic event involving the personnel of a law enforcement agency or emergency services provider. Any communication made by a participant or specialist in a session and oral or written information conveyed in or as the result of a session are confidential, not subject to disclosure, and inadmissible in any judicial or other adjudicatory proceeding. Further, any communication relating to a confidential session made between specialists, specialists and the supervisors or staff of an employee assistance program (EAP), or supervisors or staff of an EAP is confidential and disclosure is prohibited. Exceptions exist for threat of suicide or criminal act; information relating to abuse of spouses, children, or the elderly; and admission of criminal conduct.

The bill also amends the authority of the Commission on Peace Officers’ Standards and Training to suspend, condition, or revoke an officer’s certification; reprimand or censure an officer; or deny certification of an officer.

## Search and Rescue Teams

**HB 2097** authorizes the State Fire Marshal to enter into contracts (typically with local fire departments and emergency responders) to create regional search and rescue teams and to appoint a Search and Rescue Advisory Committee. The bill redesignates the Hazardous Materials Emergency Fund of the State Fire Marshal as the Emergency Response Fund and authorizes uses including the establishment and maintenance of teams to respond to hazardous materials or search and rescue incidents.

## RETIREMENT

### Authorization for \$1.0 Billion in Bonds; Employer Contribution Rates

**SB 228** authorizes the issuance of \$1.0 billion in bonds for the unfunded actuarial pension liability. Debt service is payable from appropriations. The bonds' interest rate, all inclusive cost, must not exceed 5.0 percent. The bonds issued and interest owed are an obligation of the Kansas Development Finance Authority, not the Kansas Public Employees Retirement System (KPERS). The employer contribution rate for the State-School Group will decrease from 12.37 percent to 10.91 percent in FY 2016 and from 13.57 percent to 10.81 percent in FY 2017, provided certain debt service conditions are met.

### Working After Retirement; DROP Plan

**Senate Sub. for HB 2095** extends KPERS working-after-retirement provisions from June 30, 2015, to June 30, 2016. Starting July 1, 2016, and ending July 1, 2021, a retiree may receive up to \$25,000 in compensation annually from a contributing KPERS employer, regardless of whether the retiree is returning to work for the same or a different employer, before the retiree must either terminate employment or forgo monthly KPERS benefits until the end of the calendar year. A participating employer that hires a retiree must pay the employer contribution rate to KPERS. However, employers

of licensed nurses or certified law enforcement officers also must pay the statutorily prescribed employee contribution rate. Retirees may not receive additional credit for service while employed under the provisions of the bill. School districts may hire a retiree to fill a special teacher position or any of the top five hard-to-fill positions, as determined by the State Board of Education, but must document recruiting efforts to employ non-retirees in hard-to-fill positions. Re-employed retirees may receive full retirement benefits for the lesser of three school years or 36 months. During this period, the school district pays the actuarially determined employer contribution plus 8.0 percent. Extensions may be granted by the Joint Committee on Pensions, Investments and Benefits.

The bill also creates the Kansas Deferred Retirement Option Program (DROP) for members of the Kansas Highway Patrol. The DROP Plan takes effect January 1, 2016, and sunsets January 1, 2020. Upon attaining normal retirement age, troopers, examiners, or officers may participate in the DROP plan for a minimum of three years and no more than five years. A member's monthly retirement benefit is deposited into the member's DROP account, which accrues between 0.0 and 3.0 percent interest annually. During the DROP period, the member remains in active service. Employer and employee contributions continue to be made to KPERS, but the member does not earn any additional service credit. At the end of the DROP period, a member is entitled to a distribution from the DROP account.



## SOCIAL SERVICES

### Eligibility Requirements for Temporary Assistance for Needy Families, Child Care Assistance, and Food Assistance

**Senate Sub. for HB 2258** places the authorization of the Temporary Assistance for Needy Families (TANF) program in statute rather than in rule and regulation, which had been used to establish the program. The bill also modifies and creates

certain definitions and requirements pertaining to child care, TANF assistance, and food assistance programs. It repeals certain sections of law authorizing the KanWork Act and general assistance. In addition, the bill requires an electronic check for false information provided on an application for TANF or other programs by the Department for Children and Families (DCF) on and after July 1, 2017. DCF is required to maintain sufficient staffing to conduct work program case management services in a timely manner.

General eligibility for federal assistance is revised to include reference to cohabiting partners, in addition to a husband and wife living together. The husband and wife or cohabiting partners are required to register for work in accordance with criteria set by the Secretary for Children and Families by rule and regulation. A family group is ineligible for TANF if one household member has received the maximum number of months of TANF assistance under state law.

Recipients are limited to 36 months of TANF assistance over a lifetime, but hardship assistance is allowed for 12 additional months if the Secretary finds the recipient meets certain conditions.

Additional provisions include the conditions under which an adult is exempt from the work program assessment; mandatory work participation requirements; and the non-allowable uses for TANF cash assistance.

TANF cash assistance transactions using automated teller machines (ATMs) are limited to one \$25 transaction per day. [*With the passage of 2015 Senate Sub. for HB 2281, the Secretary may raise or rescind the ATM withdrawal limit to ensure continued appropriation of the TANF Block Grant through compliance with the provisions of the federal Middle Class Tax Relief and Job Creation Act of 2012 governing adequate access to cash assistance.*]

## State Budget

**House Sub. for SB 112, House Sub. for SB 4, House Sub. for SB 7, and HB 2005** include funding for claims against the state; Fiscal Year (FY) 2015, FY 2016, and FY 2017 expenditures for most state agencies; and FY 2016 and FY 2017 capital improvements for selected state agencies.

**House Sub. for SB 7**, the K-12 Education block grant bill, reduced State General Fund (SGF) expenditures by \$19.6 million in FY 2015. The bill increased expenditures from the Governor's recommendation by \$106.8 million, including \$61.1 million from the SGF, in FY 2016 and increased expenditures by \$129.1 million, including \$83.4 million from the SGF, in FY 2017. [For more information on House Sub. for SB 7, see the Education section.]

**HB 2005**, the Judicial Branch budget bill, increased expenditures from the Governor's recommendation by \$6.1 million, all from the SGF, for FY 2016 and \$10.8 million, all from the SGF, for FY 2017.

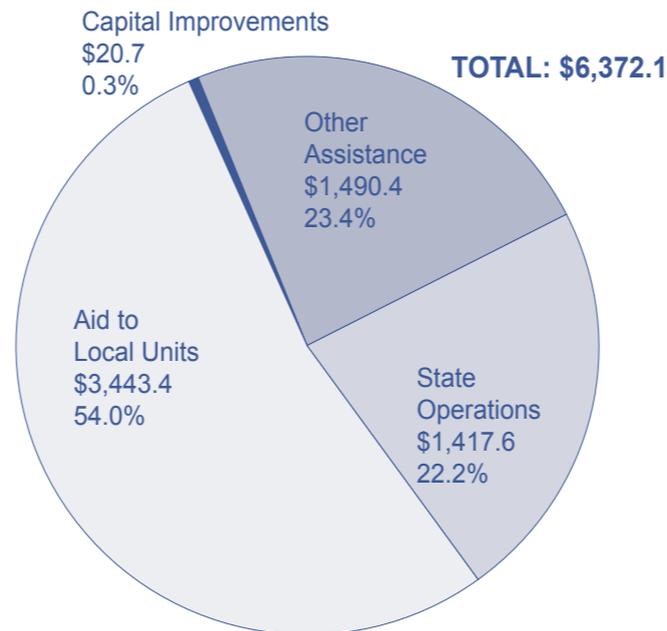
**FY 2015.** The approved FY 2015 budget totals \$15.5 billion, including \$6.3 billion from the SGF. The approved budget is a reduction of \$19.8 million, or 0.1 percent, from all funding sources, including \$17.4 million, or less than 0.3 percent, from the SGF, below the Governor's recommended expenditures. Full-time equivalent (FTE) positions decrease 9.0 FTE positions below the Governor's recommendation. The FY 2015 approved budget provides for a SGF ending balance of \$75.5 million, or 1.2 percent, of SGF expenditures.

**FY 2016.** The approved FY 2016 budget totals \$15.4 billion, including \$6.4 billion from the SGF. The approved budget is an increase of \$106.4 million, or 0.7 percent, from all funding sources, above the Governor's recommendation, partially offset by a SGF decrease of

\$10.2 million, or less than 0.1 percent. FTE positions decrease by 31.0 FTE positions below the Governor's recommendation. In addition, the approved budget reduces SGF receipts by \$22.2 million for FY 2016. The approved budget provides for a SGF ending balance of \$87.5 million, or 1.4 percent, of SGF expenditures.

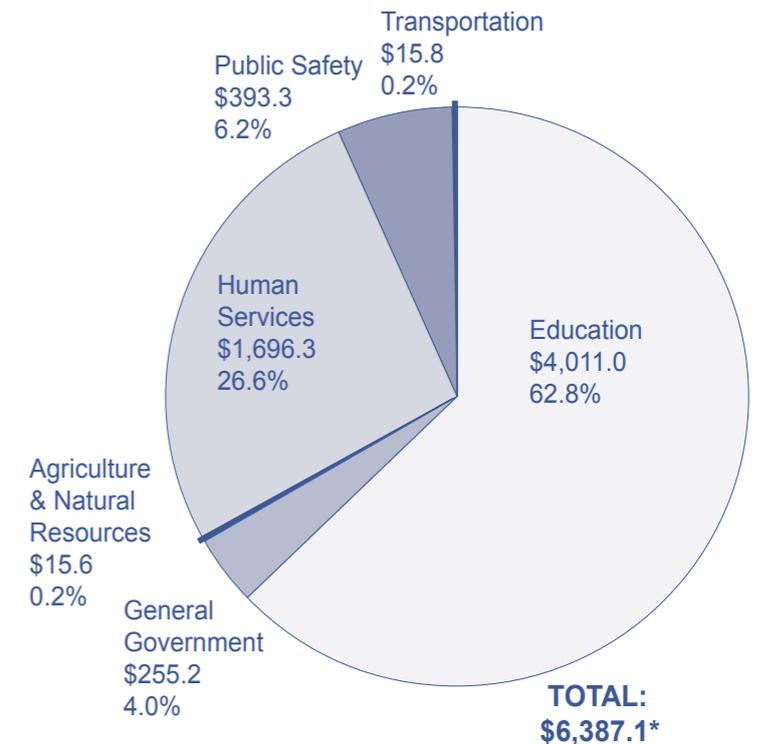
The following pie charts reflect approved SGF expenditures by major purpose of expenditure and by function of government for FY 2016.

**FY 2016 Approved State General Fund Budget by Major Purpose (Dollars in Millions)**



**FY 2017.** The approved FY 2017 budget totals \$15.9 billion, including \$6.4 billion from the SGF. The approved budget is an increase of \$160.3 million, or 1.0 percent, from all funding sources, including a SGF increase of \$22.1 million, or 0.1 percent, above the Governor's recommendation. FTE positions decrease by 31.0 FTE positions below the Governor's recommendation. The approved budget provides for a SGF ending balance of \$199.1 million, or 3.1 percent, of SGF expenditures.

**FY 2016 Approved State General Fund Budget by Function of Government (Dollars in Millions)**



\* NOTE: Total state expenditures do not include \$15.0 million in statewide information technology savings.

## New Budget Authority

**Senate Sub. for HB 2135** authorizes the Governor's Director of the Budget, if the Director determines the unencumbered ending balance of the SGF will be less than \$100 million, to lapse appropriations or transfer funding to the SGF from special revenue funds in Executive Branch agencies, up to a total of \$100 million, for FY 2016. This authority would not apply to appropriations for debt service; employer contributions to the KPERS; KSDE, except the operating expenditures account of the SGF; or demand transfers to the school district capital improvements fund.



## STATE GOVERNMENT

### Kansas Disaster Utilities Response Act

**SB 109** creates the Kansas Disaster Utilities Response Act. Out-of-state businesses conducting operations within the state for disaster or emergency-related work are not considered to have established a level of presence requiring registration, licensing, or filing or remitting state or local taxes. Similarly, out-of-state employees are not considered to have established residency in the state that would require the employee or the employee's employer to file and pay state income taxes.

### Kansas Open Records Act; Kansas Open Meetings Act

**HB 2256** creates and amends law related to the Kansas Open Records Act (KORA) and Kansas Open Meetings Act (KOMA). The bill requires the Attorney General to provide and coordinate KORA and KOMA training throughout the state, including through coordination with appropriate organizations. Further, the bill gives the Attorney General or county or district attorney various subpoena and examination powers in KORA and KOMA investigations.

Among other enforcement provisions, the bill allows the Attorney General or a county or district attorney to accept a consent judgment with respect to a KORA or KOMA violation, in lieu of filing an action in district court, and allows the Attorney General to enter into a consent order with a public agency or issue a finding of violation to the public agency upon discovery of a KORA or KOMA violation.

Finally, the bill adds exceptions to KORA for public agency records on a searchable website that would identify home address information of municipal judges and certain city attorneys and prosecuting attorneys.

### Revisions to Civil Service Act

**HB 2391** revises the Kansas Civil Service Act. To the existing list of unclassified positions specified in the Act, the bill adds

persons in newly hired positions, including any employee who is rehired into a position and any current employee who voluntarily transfers, or is voluntarily promoted or demoted, into an unclassified position. If federal law requires a state agency to maintain personnel standards on a merit basis and that agency has converted classified positions to unclassified positions, the state agency must adopt a binding statement of agency policy to meet the federal requirements.



## TAXATION

### Revenue Enhancement & Other Provisions

**Senate Sub. for HB 2109, as amended by House Sub. for SB 270 and as further amended by HB 2142**, makes a number of changes in individual income, sales, and cigarette tax laws; amends motor vehicle registration and tax provisions; imposes certain restrictions on cities and counties with respect to future property tax increases; and enacts a special amnesty for a number of tax sources. The bills also enact a number of other minor tax-related provisions.

**Individual Income Tax.** Individual income tax rate reductions scheduled for future years are decelerated. The tax year 2015 rates of 2.7 percent for the bottom tax bracket and 4.6 percent for the top tax bracket will now remain in effect through tax year 2017. The rates are set at 2.6 percent and 4.6 percent for tax year 2018. A special formula that could provide additional income tax rate relief as early as tax year 2021 is amended to relax the current trigger (2 percent growth in most State General Fund [SGF] tax receipts) to 2.5 percent plus a further adjustment to account for growth in certain Kansas Public Employee Retirement System expenditures. Starting in tax year 2015, guaranteed payments from businesses are counted as income in determining Kansas adjusted gross income. A number of changes are enacted for Kansas itemized deductions retroactive to tax year 2015. With the exception of charitable contributions, mortgage interest, and property taxes paid, all Kansas itemized

deductions are repealed. A special low-income exclusion provision will become applicable in tax year 2016 that generally eliminates all positive income tax liability for single filers with taxable income of \$5,000 or less, and for married taxpayers filing jointly with taxable income of \$12,500 or less.

**Sales and Use Taxes.** The statewide sales tax and use tax rate is increased from 6.15 percent to 6.50 percent on July 1, 2015.

**Cigarette Tax.** The bill increases the cigarette tax by \$0.50 per pack (from \$0.79 to \$1.29 per pack) on July 1, 2015. A new tax, effective July 1, 2016, is placed on the privilege of selling or dealing electronic cigarettes at a rate of \$0.20 per milliliter of consumable material.

**Tax Amnesty.** The bill authorizes a tax amnesty for penalties and interest relative to certain delinquent taxes provided such taxes are paid in full from September 1, 2015, to October 15, 2015. The amnesty applies to privilege, income, estate, cigarette, tobacco products, liquor enforcement, liquor drink, severance, state sales, state use, local sales, and local use taxes. The amnesty is limited to penalties and interest applied to liabilities associated with tax periods ending on or before December 31, 2013.

**Property Tax Lids.** Beginning in 2018, cities and counties are prohibited from adopting, absent mandatory elections, portions of their budgets funded with revenues from certain property tax increases. Generally, cities and counties will be authorized to increase property taxes at the rate of inflation and for a number of exempt purposes prior to the triggering of the election mandate.

**ROZ Program.** The Rural Opportunity Zone program, which provides an income tax exemption and the repayment of certain student loans for certain individuals who establish residency in selected counties, is extended for five additional years and will not sunset until tax year 2022.

## Commercial Vehicle Regulation

**SB 21** exempts most commercial vehicles weighing between 10,001 and 26,000 pounds used only within the state from most safety requirements specific to commercial vehicles and from requirements to obtain any certificate, license, or permit from the Kansas Corporation Commission. Safety requirements that will apply to intrastate commercial vehicles regardless of weight include requirements for load securement, coupling devices, and vehicle inspection.

## Creation of and Amendments to the Kansas Transportation Network Company Services Act

**House Sub. for SB 117** creates the Kansas Transportation Network Company Services Act (Act). The bill defines applicable terms; regulates transportation network companies (TNCs); establishes the responsibilities, requirements, and rights of the parties involved in prearranged rides; establishes automobile insurance coverage requirements for TNC drivers and vehicle owners, when applicable, and specifies when the coverage applies; provides for allowable insurance exclusions; provides for the protection of lienholder interests; and provides for the Kansas Bureau of Investigation (KBI) to conduct driver background checks.

**SB 101** was subsequently passed to amend the Act, as enacted in House Sub. for SB 117. This bill modifies the definition of a TNC; makes changes to the required actions by a TNC prior to permitting an individual to act as a driver on its digital network by removing KBI background check requirements and eliminating the requirement that the individual provide proof of comprehensive and collision insurance coverage for personal vehicles subject to a lien; replaces the list of events outlined in current law disqualifying an individual as

a TNC driver with an expanded list of disqualifying events; modifies language regarding the disclosure provided by a TNC to its TNC drivers in the prospective drivers' written terms of service with regard to lienholders' interests; requires a TNC driver to ensure the insurance coverage required by a lienholder on a vehicle used to provide TNC services is in effect; and removes obsolete language referencing an undefined Commission.

## Turnpike Contracts and Operations

**HB 2085** moves from 2016 to 2015 the effective date for authorization of contracts between the Kansas Turnpike Authority (KTA) and the Kansas Department of Transportation (KDOT) to use KDOT resources for certain types of work related to KTA projects. The bill also removes a sunset date on authorization for KTA and KDOT to take actions to minimize duplication of effort.



## VETERANS & MILITARY

### Parking

**HB 2006** grants free parking privileges to certain disabled veterans in public parking facilities and public parking lots that employ parking attendants to collect payment.

### Employment; Education; Sentencing

**HB 2154** amends a number of areas related to veterans, military personnel, and their families.

**Employment.** The bill establishes a permissive veterans' preference in private employment. The employer must have a written policy that is consistently applied. The bill also expands employment reinstatement protections to include reserve component service members who work

in Kansas and are called to active duty by a U.S. Armed Forces reserve component in another state.

The bill creates a 60-day deadline for a licensing body to issue a license by reciprocity after a complete application is submitted and extends to six months the amount of time a service member or military spouse may have a license on a probationary basis. The bill also permits a licensing body to grant a license to a person who meets the requirements, but was separated from the military under less than honorable conditions. These provisions do not apply to attorneys.

**Education.** The bill grants in-state tuition and fees to current military personnel, National Guard personnel, veterans, military spouses, and dependents attending post-secondary institutions who are eligible to receive educational assistance under federal law granting such assistance to veterans, regardless of their length of residency in Kansas.

**Criminal Sentencing for Veterans.** The bill allows prosecuting attorneys, when determining whether to enter into a diversion agreement with a defendant, to consider whether a defendant committed the crime as a result of a combat service related injury and would cooperate and benefit from treatment in a military treatment facility. The bill also allows a judge, when sentencing a defendant, to consider whether the defendant committed the crime as a result of a combat service related injury.

Regarding court-ordered treatment for veterans, the bill eliminates the requirement that the veteran's discharge be honorable or under honorable conditions; expands the list of service connected injuries that would qualify for treatment; and provides an alternative for veterans who cannot be treated by a military treatment facility.

## 2015 Legislative Session At-A-Glance

### Bill Information

Senate bills introduced in the 2015 Session .....	311
Senate bills carried over to the 2016 Session .....	238
House bills introduced in the 2015 Session .....	435
House bills carried over to the 2016 Session .....	335
Bills considered in 2015 Session that became law:	
House Bills.....	64
Senate Bills .....	41
Percentage of Bills that became law: .....	14.1%
Days in Session .....	114

### Fiscal Information for FY 2016 (Dollars in Millions)

Estimated State General Fund Revenue	
Income Taxes	\$ 2,950.8
Excise Taxes	3,103.1
All Other	271.1
<b>Total</b>	<b>\$ 6,325.0</b>
Estimated State Budget	
State General Fund	\$ 6,372.1
All Other	9,016.4
<b>Total</b>	<b>\$ 15,388.5</b>
2014 Population Estimate	2,904,021

### Highlights of What's Inside:

- Charitable Gaming, Fantasy Sports Leagues, Changes to Kansas Lottery Act
- Eligibility Requirements for TANF, Child Care Assistance, and Food Assistance
- K-12 Education Funding; Professional Negotiations Act
- Kansas Transportation Network Company Services Act, Creation of and Amendments to
- Moving Election Dates, Filling Party Candidacy Vacancies, Eliminating Presidential Primary
- State Budget; Revenue Enhancement and Other Tax Provisions

## Numerical Index of Bills

Executive Reorganization Order (ERO) No. 43.....	1	Sub. for HB 2159.....	7	House Sub. for SB 12.....	5
HB 2003.....	7	Senate Sub. for HB 2170.....	3	SB 21 .....	11
HB 2005.....	6, 9	HB 2183.....	4	SB 34 .....	3
HB 2006.....	11	HB 2192.....	4	Sub. for SB 38 .....	6
HB 2025.....	7	HB 2193.....	4	SB 45 .....	2
HB 2048.....	6	HB 2216.....	5	SB 52 .....	1
HB 2051.....	6	HB 2223.....	2	House Sub. for SB 91.....	4
HB 2053.....	6	Senate Sub. for HB 2225.....	5	SB 95 .....	1
HB 2055.....	7	Senate Sub. for HB 2228.....	1	SB 101.....	11
HB 2061.....	2	HB 2231.....	4	SB 109.....	10
HB 2064.....	4	HB 2233.....	4	House Sub. for SB 112.....	9
HB 2085.....	11	HB 2246.....	7	SB 113.....	6
Senate Sub. for HB 2095.....	8	HB 2256.....	10	House Sub. for SB 117.....	11
HB 2097.....	8	Senate Sub. for HB 2258.....	8	SB 120.....	1
HB 2104.....	3	Senate Sub. for HB 2281.....	5	SB 154.....	2
Senate Sub. for HB 2109.....	10	HB 2331.....	3	SB 156.....	2
Senate Sub. for HB 2124.....	7	HB 2336.....	2	SB 189.....	2
Senate Sub. for HB 2135.....	9	HB 2352.....	5	SB 228.....	8
HB 2142.....	10	Senate Sub. for HB 2353.....	3	SB 240.....	4
Senate Sub. for HB 2149.....	5	HB 2391.....	10	House Sub. for SB 270.....	10
HB 2154.....	11	House Sub. for SB 4.....	9		
Senate Sub. for HB 2155.....	2	House Sub. for SB 7.....	3, 9		