



2018 LEGISLATIVE HIGHLIGHTS



AGRICULTURE & NATURAL RESOURCES

Industrial Hemp Research Program

SB 263, among other things, creates the Alternative Crop Research Act, which allows the growth and cultivation of industrial hemp for research and development under the supervision of the Kansas Department of Agriculture (KDA) or state higher education institutions. KDA must develop rules and regulations for the research program by December 31, 2018; annually license program participants; and oversee all program activities. KDA may establish fees for licenses, license renewals, and other expenses.

Chicken Facility Permitting

SB 405 amends law requiring a confined animal feeding facility to register with the Kansas Department of Health and Environment if it has an animal capacity of 300 or more. A permit is required if the facility has a capacity of 1,000 or more and may be required if it poses a significant water pollution potential. The bill establishes the animal unit measurement calculation for chicken facilities that use a dry manure waste system as the number of laying hens or broilers multiplied by 0.003. The bill also requires a confined chicken facility to obtain a federal permit if the facility uses a dry manure system and confines 125,000 or more broilers or 82,000 or more laying hens.

Pet Animal Act

HB 2477 amends the Pet Animal Act related to licensure of animal shelters, breeders, fosters, and rescue

organizations. The bill prohibits the KDA from requiring individuals who have a signed agreement with an animal shelter to foster dogs or cats to submit to inspections. It also changes various statutory fee maximums associated with licensing and inspection, including animal distributors, breeders, research facilities, pet shops, animal shelters, and hobby breeders. The bill requires inspections to be unannounced and sets a fee for those who do not make their facilities available to inspectors within 30 minutes of the inspector's arrival.

Noxious Weed Act

HB 2583 creates the Noxious Weed Act and, among other things, sunsets certain current noxious weed statutes. The bill defines key terms, authorizes the Secretary of Agriculture to make an emergency declaration of noxious weeds by order, creates the State Noxious Weed Advisory Committee, requires certain organic material used on state lands to be certified weed free, and allows the Secretary to adopt rules and regulations declaring species of plants as noxious weeds. The bill vests enforcement of the Act with local boards of county commissioners (Board), which enter into agreements with municipalities to transfer the responsibility, and amends the duties of weed supervisors. The bill also authorizes municipalities either to levy taxes each year or set aside funds to pay for control and eradication of noxious weed infestations and includes provisions pertaining to the sale, purchase, and application of chemicals by the Board or a city's governing body. The bill outlines notification requirements for authorized personnel entering private land to inspect property and states entrance will not be deemed a trespass.



ALCOHOL, DRUGS, GAMING

Uniform Controlled Substances Act; Definition of Marijuana

SB 282 amends the definition of "marijuana" in the Uniform Controlled Substances Act and exempts cannabidiol in criminal statutes involving controlled substances. Among other things, the bill adds several synthetic opioid fentanyl compounds and an opioid analgesic drug to Schedule I.

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Lottery Ticket and Instant Bingo Vending Machines; Kansas Lottery Sunset; Debt Setoff Program

Sub. for HB 2194 amends the Kansas Lottery Act to allow the use of lottery ticket and instant bingo vending machines; amends law concerning underage purchasing of lottery tickets; extends the sunset for the Kansas Lottery from July 1, 2022, to July 1, 2037; authorizes transfers from the Lottery Operating Fund to the Community Crisis Stabilization Centers Fund and the Clubhouse Model Program Fund of the Kansas Department for Aging and Disability Services; and requires the Director of Accounts and Reports, Department of Administration, to enter into agreements with certain Lottery facility managers and licensees for participation in the State Debt Setoff Program to collect debts.

Microbreweries; Candy; Refillable Containers; Service Times; Self-service Beer Machines

HB 2470 allows microbreweries in Kansas to contract with other microbreweries for production and packaging of beer and hard cider; creates and amends law related to the sale of alcoholic candy and domestic beer in refillable containers; allows licensed Kansas microbrewers to produce beer containing up to 15.0 percent alcohol by weight; increases the length of time certain businesses may serve or sell alcohol; and allows self-service beer from automated machines.



CHILDREN'S ISSUES

Juvenile Crisis Intervention Centers

House Sub. for SB 179, among other provisions, establishes a framework for juvenile crisis intervention centers (intervention centers), which provide short-term observation, assessment, treatment, and case planning, in addition to referral, for juveniles experiencing a mental health crisis who are likely to cause harm to self or others. The bill sets intervention center requirements in several areas, including access to various services, construction

and environmental features, and policies and procedures for operation and staff monitoring of entrances and exits. The bill outlines circumstances for admission, prohibits admission for more than 30 days, and allows a parent with legal custody or a legal guardian of a juvenile to remove the juvenile from the center at any time.

Child Care Facility Licensure; Drop-in and School-age Programs

SB 428 amends licensure and inspection requirements for child care facilities, creates definitions for “drop-in program” and “school-age program,” expands the definition of “school” to include grades 7 through 12, and raises the maximum age of an individual allowed to be served by recreation programs to 18. The bill prohibits denial, suspension, or revocation of a license for a drop-in or school-age program for failure to meet building or environmental licensure requirements if the public recreation center or school used for such programs meets specific requirements.



COMMERCE & LABOR

Workers Compensation Death Benefits

Senate Sub. for HB 2184 increases certain death and related benefits allowed by the Workers Compensation Act when an employee dies at the workplace. The bill increases the initial payment to be shared between the surviving spouse and dependent children from \$40,000 to \$60,000. The bill increases the maximum benefit for other individuals who were wholly dependent upon a deceased employee's earnings from \$18,500 to \$100,000. For partially dependent persons, the bill increases the minimum benefit from \$2,500 to \$25,000 and the maximum benefit from \$18,500 to \$100,000. The bill increases the lump-sum benefit to heirs from \$25,000 to \$100,000, which may be reduced if a certain life insurance policy is present, and the maximum amount for burial expenses from \$5,000 to \$10,000.

Licensure and Employment Qualifications; Drug Testing

Senate Sub. for Senate Sub. for HB 2386 amends law related to licensure and employment qualifications, as well as drug testing of all employees of the Kansas Commission on Veterans' Affairs Office (KCVAO).

Licensure qualifications. The bill requires any person or body who determines licensure qualifications of individuals to revise their requirements to list the specific civil and criminal records that could disqualify an applicant from receiving a license, certification, or registration. The bill also exempts several entities from the licensure qualifications provisions.

Employment qualifications. The bill expands the classes of persons barred from employment at an adult care home to include persons who have adverse findings on any state or national registry. The bill requires the Kansas Department of Aging and Disability Services to require applicants to be fingerprinted and submit to a state and national criminal history record check. Upon authorization by the Secretary for Aging and Disability Services, other state agencies may access an Internet-based application portal to process criminal history record checks.

Drug testing. The bill adds all employees of the KCVAO to the definition of “safety sensitive positions.” Applicants for such positions are subject to drug testing.



CRIMES

Driving Under the Influence

House Sub. for SB 374 amends law concerning driving under the influence of alcohol, drugs, or both (DUI), including statutes governing the crime of operating or attempting to operate a commercial motor vehicle under the influence (commercial DUI); implied consent; and tests of blood, breath, urine, or other bodily substance. The bill also repeals the crime of test refusal.

Commercial DUI and DUI changes. The bill amends provisions in the commercial DUI and DUI statutes concerning supervision upon release from imprisonment. Additionally, the bill amends the one-month imprisonment enhancement for convicted persons who had one or more children under the age of 14 in the vehicle at the time of the offense. The bill specifies the enhancement applies to “any person 18 years of age or older” when one or more children under the age of 18 are in the vehicle at the time of the offense.

Implied consent. The bill amends law to state a person who drives a commercial motor vehicle “consents” to take a test or tests of that person’s blood, breath, urine, or other bodily substance. The bill adds language stating one or more tests may be required when, at the time of the request, an officer has probable cause to believe the person has committed the crime of DUI and has either been arrested or has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death.

DUI testing notice. The bill replaces provisions governing the oral and written notice required to be given to a person when requesting a test or tests of blood, breath, urine, or other bodily substance with two new subsections governing notice for tests of breath or other bodily substance other than blood or urine and for tests of blood and urine.

Collection of test samples. The bill allows an officer to direct a medical professional to draw one or more samples of blood from a person to determine the blood’s alcohol or drug concentration if certain requirements are met. Any person who participates in good faith in the obtaining, withdrawal, collection, or testing of blood, breath, urine, or other bodily substance as authorized by law will not incur any civil, administrative, or criminal liability.

Criminal Use of Weapons

HB 2145 amends the definition of the crime of “criminal use of weapons” to add possession of a firearm by fugitives from justice; aliens illegally or unlawfully in

the United States; persons convicted of a misdemeanor domestic violence offense within the past five years; and persons subject to court orders restraining them from harassing, stalking, or threatening an intimate partner, child, or an intimate partner’s child. The bill removes from the crime’s definition knowingly selling, manufacturing, purchasing, or possessing a throwing star and adds knowingly possessing a throwing star with intent to use the same unlawfully against another.

The bill specifies possession of a device or attachment designed, used, or intended for use in suppressing the report of any firearm is exempt from the definition of “criminal use of weapons” if the device or attachment meets the description of a Kansas-made firearm accessory in current law. The exemption applies to any “criminal use of weapons” violation that occurred on or after April 25, 2013.

Caitlin’s Law—DUI Involuntary Manslaughter and Aggravated Battery

HB 2439 amends the crime of involuntary manslaughter to include killing a human being while driving under the influence (DUI), attempting to DUI, or fleeing from DUI while the offender’s driving privileges are restricted, suspended, or revoked for DUI, or the offender has been deemed a habitual violator. This offense is a severity level 3 person felony. The bill also amends the crime of aggravated battery to include causing great bodily harm or disfigurement of another person under the above circumstances, which is a severity level 4 person felony.

Counterfeit Currency; Assault and Battery; Mistreatment of an Adult or Elder Person; THC Possession; Escape from Custody; Drug Treatment

HB 2458 amends provisions concerning crimes and criminal procedure.

Counterfeiting currency. The bill creates the crime of counterfeiting currency, defined as doing any of the following with the intent to defraud: making, forging,

or altering any U.S. note, obligation, or security; distributing, or possessing with the intent to distribute, any U.S. obligation or security knowing the obligation or security has been so made, forged, or altered; or possessing any paper, ink, printer, press, currency plate, or other item with the intent to produce any counterfeit U.S. note, currency, obligation, or security.

Assault and battery of a law enforcement officer (LEO). The bill amends the definition of an LEO within the crimes of assault and battery of an LEO to include uniformed or properly identified federal LEOs engaged in the performance of their duty.

Mistreatment of a dependent adult or elder person. The bill merges the crimes of mistreatment of a dependent adult and mistreatment of an elder person into a single crime of mistreatment of a dependent adult or elder person.

THC possession. The bill amends penalties for tetrahydrocannabinol (THC) possession to be consistent with the penalties for marijuana possession.

Escape from custody. The bill amends the definition of “escape” to include failure to return to custody following temporary leave lawfully granted by a custodial official authorized to grant such leave.

Expanded drug treatment eligibility. The bill expands eligibility for the nonprison sanction of placement in a certified drug abuse treatment program for certain offenders convicted of unlawful possession of a controlled substance.

Unlawful Sexual Relations—LEO

HB 2523, among other things, amends the crime of unlawful sexual relations by prohibiting persons in certain positions of authority from engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with certain persons under their authority, to include law enforcement officers, when the person with whom the offender is engaging in such conduct is 16 years of age or

older and is interacting with the officer during the course of a traffic stop, a custodial interrogation, or an interview in connection with an investigation, or while the officer has such person detained. Such conduct is a severity level 5 person felony.

Swatting

HB 2581 amends the crime of giving a false alarm, commonly known as “swatting.” The bill renames the offense to “making an unlawful request for emergency service assistance” and amends the definition to include transmitting or communicating false or misleading information to request emergency service assistance, including law enforcement, fire, or medical service, knowing at the time there is no reasonable ground to believe assistance is needed. The crime continues to be a class A nonperson misdemeanor or a severity level 7 nonperson felony when the request includes false information of violent criminal activity or immediate threat to a person’s life, but could increase to another severity level if certain circumstances occur.

Child Care Criminal Background Checks

HB 2639, among other things, requires local and state law enforcement officers and agencies to assist the Kansas Department of Health and Environment (KDHE) in taking and processing fingerprints of persons residing, working, or regularly volunteering in a child care facility and to release all records of adult convictions and nonconvictions to KDHE, which must fix a fingerprinting fee for such persons as required for reimbursement for the fingerprinting cost. All collected fees are to be used to pay for the processing of fingerprints and criminal history background checks.



EDUCATION

K-12 School Finance; Kansas School Equity and Enhancement Act

Sub. for SB 423 and House Sub. for SB 61, among other things, make appropriations to the Department of Education for FY 2019, create a mental health pilot program, and amend the Kansas School Equity and Enhancement Act (KSEEA) and statutes relating to capital outlay funds and school district capital improvements.

Mental Health Intervention Team pilot program. The bills create the Mental Health Intervention Team pilot program for FY 2019. Participating school districts will enter into agreements with community mental health centers for clinical therapists, case managers, and school liaisons to provide mental health services in Abilene, Garden City, Kansas City, Parsons, Topeka, and Wichita.

BASE. The Base Aid for Student Excellence (BASE) will be \$4,165 in school year 2018-2019 and increase to \$4,713 by school year 2022-2023, after which inflationary increases will take effect.

LOB. The bills require each school district to adopt a Local Option Budget (LOB) of at least 15.0 percent and to transfer the portion of the LOB attributable to at-risk and bilingual weightings to the at-risk and bilingual funds. The bills change the process for calculating LOB State Aid from the prior school year to the school district’s current-year LOB. The bills void any LOB in excess of 30.0 percent that was adopted by a local school board prior to July 1, 2017, unless the resolution for the LOB was approved by the electors of the school district.

Weightings. The bills eliminate the 10.0 percent floor for the at-risk student weighting, provide for the transportation weighting to be calculated using a static cost-density curve, and make smaller changes to the high-density at-risk, career and technical education, and bilingual weightings. The bills also expand the preschool-aged at-risk program to include three-year-old children.

Accreditation system. The bills require the Kansas State Board of Education (KSBE) to establish accountability measures for social-emotional learning, kindergarten readiness, individual plans of study, graduation, and postsecondary success. These measures are required to be applied at the district and building level.

Capital outlay funds. The bills eliminate the provision that allows school districts to expend capital outlay funds on utilities and property and casualty insurance.

Capital improvements. The bills amend provisions related to school bond election approval to limit to \$175.0 million the amount of a bond election applying to the statewide cap and providing a five-year inflation adjustment to the cap.

Kansas National Guard Assistance Act

HB 2541 amends the Kansas National Guard Educational Assistance Act. Among other provisions, the bill amends the definition of “eligible guard member”; limits assistance provided each semester and in total; requires members to have at least one year remaining on their enlistment contract at the beginning of any semester they receive assistance, agree to serve actively in good standing with the Kansas National Guard for at least 24 months after the last semester assistance is received and maintain at least a 2.0 grade point average; and specifies the amount members must pay to the State if they fail to satisfy the agreement to continue service in the Kansas National Guard.



ELECTIONS, ETHICS, & LOCAL GOVERNMENT

Lobbying

SB 394 amends the definition of “lobbying” to include efforts to influence the executive and judicial branches and to exempt certain types of routine communications. The bill equalizes the maximum value of meals provided by lobbyists between the legislative and executive branches at \$40 per occurrence and adds members, members elect, or judicial branch employees to those who may not be

given or paid hospitality in the form of recreation having an aggregate value of \$40 or more. The bill also extends to the judicial branch a presumption that hospitality in the form of food and beverages is not given to influence an official matter. Lobbyist reporting and registration requirements are changed to require the date on which gifts, entertainment, or hospitality were provided.

Traffic Control Devices

HB 2511 defines and clarifies county and township responsibilities for placing and maintaining traffic control devices, including signage. The bill also allows a township to transfer funds into a special highway improvement fund.

Elections Changes

HB 2539 amends elections law by amending advance voting-related procedures for those unable to sign because of disability; requiring audits of a limited number of contested races and prescribing certain related procedures; allowing the canvass of an election to be any business day within 13 days of the election, rather than only on specified days; and requiring newly acquired voting systems to provide a paper record of each vote and be tested.

As of January 1, 2019, each candidate for elected statewide office must be a qualified elector of Kansas by the filing deadline. Further, Governor or Lieutenant Governor candidates must be 25 or older, and Attorney General candidates must be licensed to practice law in Kansas.

Election Commissioners and Mayors

HB 2597, among other things, allows a board of county commissioners (Board) to decide the compensation of an election commissioner (Commissioner), and requires the Commissioner's office to comply with certain county administrative policies. The Commissioner may hire additional staff to effectively conduct elections, but is required to comply with the Board-adopted compensation policies. The bill requires the Commissioner to submit a budget to the Board, specifying the funding necessary to

operate the office, and removes the requirement to certify an itemized expense report to the Board for inclusion in the county budget. The Board must consider the request and adopt a budget determined adequate for the performance of the Commissioner's duties. The Commissioner must operate under the general supervision of the Secretary of State regarding voter registration and conduct of elections.

The bill also specifies when a mayor is considered a member of a governing body, based on the form of government the city utilizes.



FINANCIAL INSTITUTIONS & INSURANCE

Regulation of Mutual Banks and Money Transmitters

SB 335 amends the State Banking Code (Code) and the Kansas Money Transmitter Act (KMTA).

Savings and loan associations, savings banks, and mutual banks. The bill amends and creates law to incorporate savings and loan associations and savings banks into the Code and also repeals the Savings and Loan Code.

The bill creates law to govern mutual banks' activities and it specifically describes circumstances for raising funds and issuing accounts; prohibits a mutual bank from permitting overdrafts, as specified; describes notice required for payment of savings accounts; describes account withdrawal requirements; requires a depositor of a mutual bank to be a voting member and have ownership interest in the bank, as specified; permits the articles and bylaws of a mutual bank to require all borrowers from the bank to be members and provide for their rights and privileges; and states all savings accounts and demand accounts have the same priority upon liquidation.

The bill also creates law to govern service corporations, including requirements for investment in a service corporation by a savings and loan association or savings bank; activities in which a service corporation may engage; and requirements for a certificate of existence

related to the opening of any deposit account, loan account, or other banking relationship.

Further, the bill amends law relating to charter conversion of a national bank, federal savings association, federal savings bank, or state bank; amends capital requirements to incorporate the mutual form of ownership of most savings and loans and provides for minimum capital requirements for mutual banks organized on or after July 1, 2018; amends the definition of "capital"; permits banks to invest in bonds, securities, or other evidences of indebtedness; updates the reference from "assessed valuation" to "market value"; and defines key terms.

KMTA amendments. The bill amends the KMTA under the Code to allow the State Bank Commissioner to issue an order, after notice and an opportunity for hearing, to address any violation of adopted rules and regulations and enter an informal agreement with a person to resolve a matter arising under the KMTA; sunset the Commissioner's authority to enter informal agreements on July 1, 2023; and permit designees of the Commissioner to administer, interpret, and enforce the KMTA.

Electronic Delivery of Health Documents; Elemental Formula Coverage

SB 348 allows a health benefit plan to use electronic delivery as the standard method of delivery for explanation of benefits and policy to a party, including those required by federal law, when paper documents are readily available and notice has been provided explaining the party's option to receive paper documents *via* U.S. mail.

Beginning January 1, 2019, the bill requires the State Employees Health Care Commission to provide coverage for amino acid-based elemental formula for the diagnosis or treatment of food protein-induced enterocolitis syndrome, eosinophilic disorders, or short bowel syndrome. The Health Care Commission must submit a report to the Legislature by March 1, 2020, detailing the impact this mandated coverage had on the state health care benefits program (also known as the

State Employee Health Plan [SEHP]), data on utilization of and cost for such coverage, and a recommendation of whether such mandated coverage should continue for the SEHP or whether additional utilization and cost data are required. During the 2020 Session, the Legislature may consider whether to mandate coverage for amino acid-based elemental formula in other health insurance plans, policies, and contracts issued, amended, or renewed on or after July 1, 2021.

Pharmacy Patients—Fair Practices

SB 351 creates the Kansas Pharmacy Patients Fair Practices Act, which specifies co-payments applied by a health carrier for a prescription drug may not exceed the total submitted charges by the network pharmacy; a pharmacy or pharmacist may provide information regarding the amount of a covered person’s cost share for a prescription drug; and a pharmacy benefits manager (PBM) cannot prohibit a pharmacy or pharmacist from discussing any such information or selling a more affordable available alternative to a covered person. The bill applies to contracts between a PBM and a pharmacy, pharmacy services administration organization, or group purchasing organization entered or renewed on or after January 1, 2019.

Prohibition on Credit Security Freezes

HB 2580 removes provisions allowing a \$5 or \$10 fee to place, temporarily lift, or remove a consumer (credit) report security freeze, and instead prohibits a consumer reporting agency from charging a fee for these services.



HEALTH

Kansas Telemedicine Act

Senate Sub. for HB 2028 establishes the Kansas Telemedicine Act (Act). Among other things, the bill addresses patient privacy, standards of practice, and follow-up care guidance. The bill also provides for

coverage of speech-language pathologist and audiologist services *via* telehealth under the Kansas Medical Assistance Program (KMAP), if KMAP covers such services when delivered in person. The Act applies to all insurance policies, subscriber contracts, or certificates of insurance issued for delivery within or outside of Kansas, or used within the State by an individual who resides or is employed in the State. Corporations organized under the Nonprofit Medical and Hospital Service Corporation Act are also subject to the Act.

Coverage for a healthcare service delivered *via* telemedicine is not mandated if such service is not already covered when delivered by a healthcare provider and subject to the terms and conditions of the covered individual’s health benefits plan. Further, a covered individual cannot be required to use telemedicine or use it in lieu of in-person healthcare services or consultations from an in-network provider.

If any provision or application of the Act is held unconstitutional or invalid by court order, the remainder of the Act and application of such provision is not affected. A provision in the Act prohibiting the delivery of any abortion procedure *via* telemedicine is expressly declared to be non-severable. If the abortion language is held invalid or unconstitutional by court order, the entire Act is affected.

Electronic Monitoring in Adult Care Homes

HB 2232 allows a resident of an adult care home, or a resident’s guardian or legal representative, to conduct authorized electronic monitoring in the resident’s room, subject to requirements set out in the bill. Among other things, the bill provides protections for the residents and adult care homes; establishes guidelines for monitoring; addresses the responsibilities of an adult care home and a resident, or a resident’s guardian or legal representative, the privacy rights of a resident and any other person sharing a room with the resident, and the terms under which a tape or recording could be admitted into evidence

or considered during any proceeding; and establishes penalties for monitoring violations.

Organ Transplant Access for Individuals with Disabilities

HB 2343 prohibits various covered entities from, solely on the basis of an individual’s disability, considering the individual ineligible to receive an anatomical gift or organ transplant, denying transplant-related services, refusing to refer the individual to a transplant center or related specialist for evaluation or receipt of a transplant, refusing to place the individual on a transplant waiting list, or placing a qualified individual at a lower-priority position on a waiting list than where the individual would be placed without the disability. The bill prescribes what a covered entity may or may not take into account regarding treatment or coverage recommendations, post-transplant medical requirements, and reasonable modifications in policies, practices, or procedures to access related services.

Driver’s License or ID Card Donor Designation

HB 2472, among other things, places a question as to an individual’s willingness to be listed as an organ, eye, and tissue donor in the Kansas Donor Registry on applications for a driver’s license, renewal of a driver’s license, and identification card and on the notice of a driver’s license expiration. Persons authorizing placement of their names in the Registry will have the word “donor” placed on the front of their driver’s license or identification card, and the anatomical gift is effective upon the death of the donor.

Nurse Licensure Compact; Kansas Nurse Practice Act Amendments

HB 2496 enacts the Nurse Licensure Compact and amends the Kansas Nurse Practice Act (Act) to allow the Board of Nursing (Board) to carry out the Compact and establish the duties of registered nurses (RNs) and licensed practical nurses (LPNs) under the Compact. The

Compact allows RNs and LPNs to have one multi-state license, with the privilege to practice in Kansas and other Compact states physically, electronically, telephonically, or any combination of those.

Amendments to the Act include licensure and notification requirements, RN and LPN single-state license fee cap increases and the addition of multi-state license fee caps, disciplinary action options available to the Board and a new ground for which disciplinary action may be taken, and a requirement to report alleged incidents of malpractice or the qualifications, fitness, or character of a licensee.

Palliative Care

Senate Sub. for HB 2600, among other things, creates the Palliative Care and Quality of Life Interdisciplinary Advisory Council (Council) and the State Palliative Care Consumer and Professional Information and Education Program (Program) within the Kansas Department of Health and Environment (KDHE). The Council is responsible for developing recommendations and advising KDHE on matters related to the establishment, maintenance, operation, outcomes evaluation of palliative care initiatives in the state, and effectiveness of the Program. The Program's purpose is to maximize the effectiveness of palliative care initiatives in the state by ensuring comprehensive and accurate information and education about palliative care is available to the public, healthcare providers, and healthcare facilities.



JUDICIARY

Law Enforcement Records

SB 180 creates and amends law regarding law enforcement records. The bill creates a process for disclosure of a law enforcement officer applicant's files if the applicant has been employed by another state or local law enforcement agency or governmental agency.

The bill also amends the Kansas Law Enforcement Training Act (KLETA) to require all records received or

created by the Kansas Commission on Peace Officers' Standards and Training (CPOST) and all records related to violations of the KLETA, including records of complaints received or maintained by CPOST, to be kept in the central registry of Kansas police officers and law enforcement officers.

Protection from Stalking, Sexual Assault, or Human Trafficking Act

SB 281 amends the Protection from Stalking or Sexual Assault Act to apply to human trafficking victims and renames the Act to reflect these amendments. The bill allows certain adults to seek relief under the Act on behalf of a minor child alleged to be a human trafficking victim and allows a court to enter an order restraining the defendant from taking a variety of actions toward or communicating with the human trafficking victim. The bill makes a variety of procedural and technical amendments to reflect the new name and application of the Act.

Adoption Protection Act; Kansas Adoption and Relinquishment Act

SB 284 creates the Adoption Protection Act, which states, notwithstanding any other provision of state law and to the extent allowed by federal law, no child placement agency (CPA) shall be required to perform, assist, counsel, recommend, consent to, refer, or otherwise participate in placement of a child for foster care or adoption when the proposed placement of such child violates such CPA's sincerely held religious beliefs. The bill also prohibits taking the following actions against a CPA, if taken solely because of the CPA's objection to providing any of the services described above on the grounds of such religious beliefs:

- State agency or political subdivision denial of a license, permit, or other authorization or denial of renewal, revocation, or suspension of the same;
- Denial of participation in a Department for Children and Families (DCF) program in which CPAs are allowed to participate;

- Denial of reimbursement for performing foster care placement or adoption services on behalf of an entity that has a contract with DCF as a case management contractor; or
- Imposition of a civil fine or other adverse administrative action or any claim or cause of action under any state or local law.

The CPA's sincerely held religious beliefs must be described in the CPA's organizing documents, written policies, or such other written document approved by the CPA's governing body. The provisions of the bill do not apply to an entity while the entity has a contract with DCF as a case management contractor.

The bill also makes numerous amendments to the Kansas Adoption and Relinquishment Act based on Kansas Judicial Council recommendations.

Privatization or Outsourcing of Correctional Security Operations

SB 328 requires prior legislative authorization for a state agency to enter an agreement or take action to outsource or privatize security operations of a State-operated correctional or juvenile correctional facility. The bill defines "security operations" to include supervision of inmates by a corrections officer or warden and grants the Secretary of Corrections rule and regulation authority to identify job classifications and duties considered part of security operations. The Department of Corrections may renew a current or enter into a new agreement for services if it is substantially similar to an agreement existing prior to January 1, 2018.

Asbestos Trust Claims Transparency Act

HB 2457 enacts the Asbestos Trust Claims Transparency Act, which applies to all asbestos claims (as defined in the Silica and Asbestos Claims Act) filed on or after July 1, 2018. The bill requires the plaintiff to conduct an investigation, file all asbestos trust claims that can be made by the plaintiff, and provide a sworn statement indicating this has been done no later than 30 days prior to the date the court establishes for the completion of

all fact discovery. The plaintiff also must provide all parties with all trust claim materials, accompanied by a custodial affidavit from the asbestos trust. If the plaintiff's asbestos trust claim is based on exposure through another individual, the plaintiff must produce all trust claim documents submitted by or on behalf of the other individual to any asbestos trust to which the plaintiff has access.

Civil Asset Forfeiture

HB 2459 creates and amends law related to civil asset forfeiture. The bill creates a new section within the Kansas Standard Asset Seizure and Forfeiture Act (SASFA) requiring the Kansas Bureau of Investigation (KBI) to establish the Kansas Asset Seizure and Forfeiture Repository, which will gather information concerning each seizure for forfeiture a seizing agency makes pursuant to SASFA.

The bill, among other things, includes reporting and accounting requirements for each seizing agency regarding seizures and proceeds from forfeiture. The KBI will monitor compliance, and agencies not in compliance will be unable to seek forfeiture proceedings. Each year, the KBI must report to the Legislature any agencies not in compliance with the reporting requirements.

The bill includes an exclusive list of 12 special, additional law enforcement purposes for which proceeds from forfeiture may be used. Moneys in the funds containing forfeiture proceeds must be separated and accounted for in a manner that allows accurate tracking and reporting of deposits and expenditures of proceeds from forfeiture credited to the fund, proceeds from pending forfeiture actions under SASFA, and proceeds from federal forfeiture actions.

Immunity for Vehicle Entry to Remove a Vulnerable Person or Animal

HB 2516 provides civil immunity for motor vehicle damage to a person who enters the vehicle to remove a vulnerable person or domestic animal, if the person determines the vulnerable person or animal cannot exit

the vehicle without assistance, believes entry is necessary due to imminent danger of the vulnerable person or animal suffering harm, notifies law enforcement, remains with the vulnerable person or animal until law enforcement arrives, and uses no more force than necessary to enter the vehicle.

Transfer of Wireless Telephone Number for Abuse, Stalking, or Sexual Assault Victims

HB 2524 allows a court, at a hearing on a petition filed pursuant to the Protection from Abuse Act or Protection from Stalking or Sexual Assault Act, to issue an order directing a wireless services provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the petitioner if the petitioner is not the account holder, to ensure the petitioner and any minor children in the care of the petitioner may maintain their existing wireless telephone numbers.

Competency to Stand Trial

HB 2549 amends law related to competency of a defendant to stand trial to allow a court to commit a defendant to the state security hospital or any appropriate state, county, or private institution or facility for a psychiatric or psychological examination and report to the court. If a defendant is found incompetent to stand trial, the court must commit the defendant for evaluation and treatment to any appropriate state, county, or private institution or facility.

Compensation for Wrongful Conviction; Juror Contact in Civil Cases

HB 2579 creates and amends law regarding compensation for wrongful conviction and imprisonment and creates law regarding contact with jurors in civil cases.

Compensation for wrongful conviction. The bill creates a civil cause of action entitling claimants to recover damages from the State for wrongful conviction if the claimants can establish, by a preponderance of the evidence, several elements specified in the bill. Claimants

must bring suit within two years of the criminal charges' dismissal, finding of not guilty on retrial, or pardon of a claimant. Claimants convicted, imprisoned, and released from custody before July 1, 2018, must commence an action no later than July 1, 2020.

Claimants entitled to damages will receive \$65,000 for each year of imprisonment and not less than \$25,000 for each additional year a claimant served on parole or postrelease supervision or was required to register as an offender under the Kansas Offender Registration Act, whichever is greater. The court must order the award be paid as a combination of an initial payment not to exceed \$100,000 or 25 percent of the award, whichever is greater, and the remainder as an annuity not to exceed \$80,000 per year. (Claimants may designate a beneficiary for the annuity.) Alternatively, the court may order one lump-sum payment if it is in the claimant's best interests.

The court may award other non-monetary relief, including counseling, housing assistance, and personal financial literacy assistance. Further, claimants are entitled to reasonable attorney fees and costs incurred in an action brought under the bill of not more than \$25,000, unless the court authorizes a greater reasonable total upon a showing of good cause; tuition assistance; and participation in the state health care benefits program.

Juror contact. The bill adds provisions specifying how and when parties may contact jurors following civil actions and requiring any unreasonable contact with a juror by the parties without the juror's consent to be immediately reported to the trial court. Any violation shall be considered a violation of a lawful court order, which may be punished as contempt of court.



LEGISLATIVE TASK FORCES

Transportation Task Force

House Sub. for SB 391 creates the Joint Legislative Transportation Vision Task Force. Its 31 members (and 4 ex officio members) are tasked with evaluating the

progress of the 2010 Transportation Works for Kansas program, the condition of the transportation system, uses of State Highway Fund dollars, and the sufficiency of transportation funding; identifying future projects; and making recommendations on transportation needs and the future structure of the State Highway Fund. Members are legislators and representatives of various listed stakeholder groups. The co-chairpersons (a senator and a representative) may authorize subcommittees. The Task Force is to report to the Legislature by January 31, 2019, and sunsets on June 30, 2019.

Legislative Task Force on Dyslexia

Sub. for HB 2602 establishes the Legislative Task Force on Dyslexia. Its 16 members and 3 non-voting ex officio members are charged to advise and make recommendations to the Governor, the Legislature, and the Kansas State Board of Education (KSBE) regarding use of evidence-based practices for students with dyslexia. The Task Force is limited to meeting no more than six times in 2018 and must hold its first meeting by July 15, 2018; complete its work by January 2, 2019; and submit a report to the Governor, Legislature, and KSBE by January 30, 2019.

Broadband Task Force

Senate Sub. for HB 2701 establishes the Statewide Broadband Expansion Planning Task Force. The Task Force consists of 17 voting members and 5 non-voting ex officio members. The mission of the Task Force is, among other things, to develop a statewide map defining and evaluating the broadband needs of Kansas citizens, business, industries, institutions, and organizations. The Task Force will sunset on June 30, 2020.



OPEN RECORDS

Public Records—Disclosure; Recordings; Redaction; Exceptions

House Sub. for SB 336 amends various law related to public records, including the following provisions.

Child fatalities. The bill amends law requiring disclosure of records or reports related to a child fatality or near fatality resulting from child abuse or neglect, but allowing the Secretary for Children and Families (Secretary) or any affected individual to file a motion to prevent disclosure of such records, to require notice of such filing to all parties requesting the records or report, and to provide such parties with the right to request and receive a hearing prior to the entry of an order on the motion. The bill adds the “public’s interest in the disclosure of such records or reports” to the factors the court must consider when ruling on the motion.

When child abuse or neglect results in a fatality and a request is made under the Kansas Open Records Act (KORA), the bill requires the Secretary, as allowed by applicable law, to release specific information within seven business days of receipt of the request. When a fatality occurs while the child was in the custody of the Secretary and a request is made under KORA, the Secretary, as allowed by applicable law, must release specific information within seven business days of receipt of the request.

Law enforcement recordings. The bill amends the statute governing disclosure of audio or video recordings made and retained by law enforcement using a body camera or a vehicle camera to require a law enforcement agency to allow the listening or viewing of such recordings within 20 days after a request is made under the provisions of the statute.

Redaction of Social Security numbers and notice of disclosure. The bill requires redaction of all portions of an individual’s Social Security number on any document or record before it is made available for public inspection or copying. Agencies must give notice and provide certain information and services to an individual when there is unauthorized disclosure of the individual’s personal information.

KORA exceptions. The bill continues in existence various KORA exceptions and removes an exception preventing disclosure of the name of any voter who has cast a ballot from the time the ballot is cast until the final canvass of the election by the county board of canvassers.



PUBLIC SAFETY

Amusement Rides

SB 310 amends the Kansas Amusement Ride Act and defines key terms. [Note: The provisions of SB 310, except for the effective date and a reference to antique amusement rides added for consistency, were passed by both chambers in House Sub. for SB 307. Both bills were signed on May 8.]

Permits. The bill prohibits operation of an antique amusement ride, limited-use amusement ride, or registered agritourism activity in Kansas without a valid permit issued by the Department of Labor. Owners of such a ride must apply to the Department for a one-year permit and pay a \$50 fee.

Registration. The bill requires owners of antique amusement rides, limited-use amusement rides, or registered agritourism activities to register as an owner with the Department prior to operation and to pay an annual \$50 fee, regardless of the number of rides owned by such owner.

Insurance. The owner or operator of any antique amusement ride, limited-use amusement ride, or registered agritourism activity must provide for coverage of at least \$750,000 per occurrence with a \$1,000,000 annual aggregate.

Inflatables. The bill prohibits operation in Kansas of an inflatable device rented on a regular basis and erected at a temporary location unless the operator has been trained by a person who has attained a basic inflatable safety operations certification from the Safe Inflatable Operators Training Organization or a similar qualification from another nationally recognized institution.

Slide attendants. The bill requires an attendant to be stationed at each slide that uses water to propel the patron through the ride and is at least 15 feet high.

Permit applications. The bill requires permit applications for amusement rides manufactured before July 1, 2018, to include certification that the ride qualifies as service

proven, as that term is used in applicable American Society for Testing and Materials (ASTM) International F24 Committee Standards. For rides manufactured after July 1, 2018, permit applications must include certification that the ride meets applicable ASTM International F24 Committee Standards pertaining to ride maintenance and operation.



SOCIAL SERVICES

Mandatory Reporters

SB 311 adds emergency medical services attendants to the list of mandatory reporters of abuse, neglect, exploitation, or need of protective services with regard to certain adults unable to protect their own interests who are harmed or threatened with harm, as well as residents of an adult care home, medical care facility, state psychiatric hospital, or state institution for persons with an intellectual disability.



STATE FINANCES

State Budget

House Sub. for SB 109, Sub. for SB 423, and House Sub. for SB 61 include adjusted funding for FY 2018 and FY 2019 for most state agencies and FY 2018 and FY 2019 capital improvement expenditures for a number of state agencies.

The approved FY 2018 budget in House Sub. for SB 109 includes expenditures of \$16.3 billion, including \$6.7 billion from the State General Fund (SGF), and the claims bill. This amount is an all funds decrease of \$208,376 and an SGF decrease of \$8.3 million below the Governor's recommendation. Major adjustments include:

- Adding \$31.1 million, including \$40.5 million from the SGF, to fund the spring human services consensus caseload estimate.

In FY 2019, the bill includes expenditures of \$16.8 billion, including \$7.1 billion from the SGF. This amount is an all funds decrease of \$2.9 million and an SGF increase of \$17.9 million from the Governor's recommendation. The bill also reduces SGF revenue by \$100.4 million. Major adjustments include:

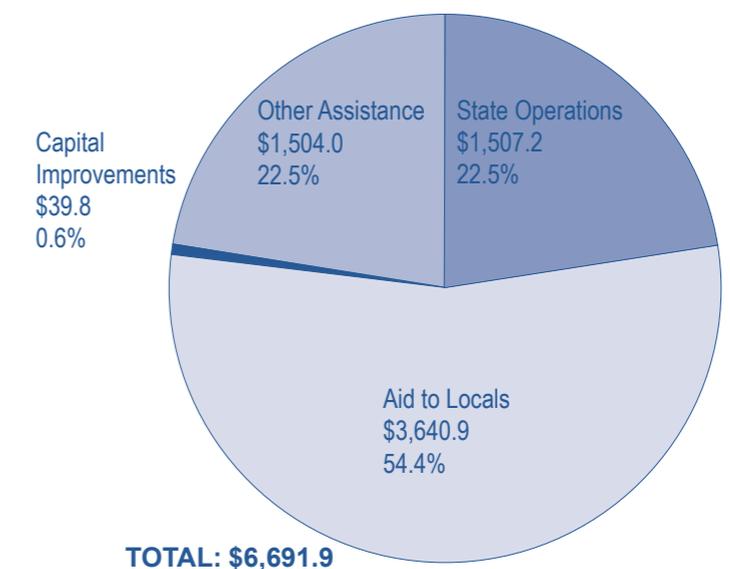
- Adding \$68.6 million, including \$76.9 million from the SGF, to fund the human services consensus caseload estimate for FY 2019;
- Adding \$27.7 million, including \$14.9 million from the SGF, to provide salary adjustments for employees, excluding state legislators, the Board of Regents (KBOR) and Regents institutions, and various state agencies;
- Adding \$82.0 million, all from the SGF, for Kansas Public Employees Retirement System (KPERs)-School by transferring \$82.0 million from the SGF to the KPERs Trust Fund. The bill also requires up to \$56.0 million in SGF receipts in excess of FY 2018 estimates to be transferred into the KPERs Trust Fund for FY 2019;
- Adding \$57.3 million, all from the SGF, to reduce by the same amount SHF transfers to the Department of Education (KSDE);
- Adding \$15.0 million, all from the SGF, to restore approximately 64.0 percent of the remaining 4.0 percent FY 2017 allotment to KBOR and state universities. The 2017 Legislature had reviewed the allotment and restored approximately \$6.7 million of the original \$30.7 million for FY 2019;
- Adding \$5.5 million, including \$3.3 million from the SGF, to increase payments for foster care kinship placements from an average of \$3 per day to an average of \$10 per day; and
- Transferring \$2.8 million from the SGF and \$500,000 from the Economic Development Initiatives Fund to the State Water Plan Fund for water-related projects.

The bill also implements a change to the Medicaid Home and Community Based Services Traumatic Brain Injury waiver to remove requirements concerning age of individuals on the waiver and traumatic onset requirements and allow expenditures within existing resources to provide coverage for new individuals on the waiver for FY 2018, FY 2019, and FY 2020.

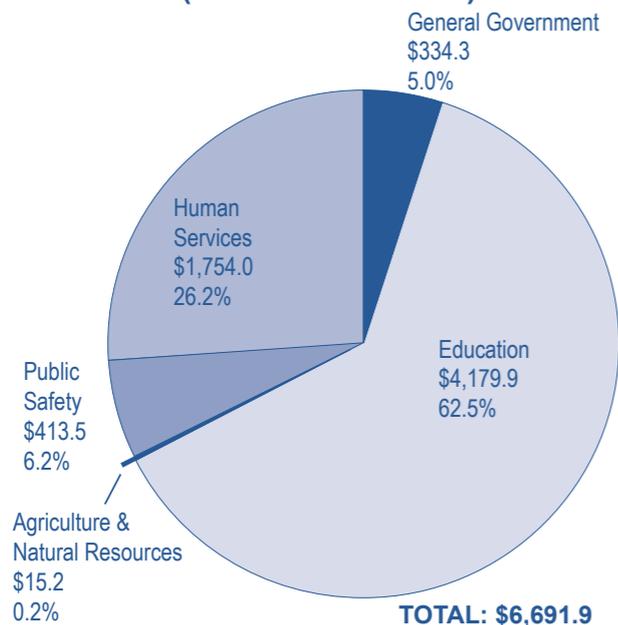
Sub. for SB 423 makes appropriations to the KSDE for FY 2019. The bill appropriates \$26.0 million for increased State Foundation Aid payments, \$32.4 million for increased Special Education Services Aid payments, and \$6.0 million for increased Supplemental State Aid payments, all from the SGF. **House Sub. for SB 61** also makes changes to school finance law. [Note: For more information on SB 61 and SB 423, see the Education Section.]

The following pie charts reflect approved SGF expenditures by major purpose and function of government for FY 2019.

FY 2019 Approved State General Fund Budget by Major Purpose (Dollars in Millions)



**FY 2019 Approved State General Fund Budget
by Function of Government
(Dollars in Millions)**



Note: Total state expenditures do not reflect by function of government \$5.0 million in statewide information technology savings.



STATE GOVERNMENT

Kansas Cybersecurity Act

House Sub. for SB 56 creates the Kansas Cybersecurity Act (Act). The bill establishes the position of Chief Information Security Officer (CISO) and the Kansas Information Security Office (KISO) within the Office of Information Technology Services to administer the Act and perform various functions related to cybersecurity of Executive Branch agencies. The definition of “Executive Branch agency” does not include elected office agencies, the Kansas Public Employees Retirement System, Regents institutions, the Kansas Board of Regents, or the Adjutant General’s Department. The bill directs Executive Branch agency heads to be solely responsible for security of all data and information technology resources under its purview through various measures and procedures outlined in the bill. Executive Branch agencies are able to pay for cybersecurity services from existing budgets, from grants or other revenues, or through special assessments

to offset costs. Any increase in fees or charges due to the Act, including cybersecurity fees charged by the KISO, are to be fixed by rules and regulations adopted by the agency and can only be used for cybersecurity.

Scrap Metal Theft Reduction Act; Crime Victims Compensation Board

SB 261 amends law concerning the regulation of scrap metal and the Crime Victims Compensation Board, among other provisions. Specifically, the bill delays or makes unenforceable certain provisions of the Scrap Metal Theft Reduction Act until January 1, 2020. The bill amends the definition of “collateral source” in law governing awards granted by the Board to specify it means the “net financial benefit” received by a victim or claimant from various sources and excludes taxes, legal fees, costs, expenses of litigation, liens, offsets, credits, or other deductions from the benefit received. The bill also adds “damages awarded in a tort action” to the definition.

Tribal Regalia and Objects of Cultural Significance

HB 2498 prohibits state agencies and municipalities from prohibiting individuals from wearing tribal regalia or objects of cultural significance at public events. The bill specifies its purpose is to help further the State’s recognition of Native Americans’ distinct and unique cultural heritage and the State’s commitment to preserving Native Americans’ cultural integrity.



TAXATION

Motor Vehicle Rebate Sales Tax Exclusion

HB 2111 excludes any cash rebate a manufacturer grants to a purchaser or lessee of a new motor vehicle from the sales price of the motor vehicle for purposes of calculating sales tax. This exclusion takes effect July 1, 2018, and sunsets June 30, 2021.

Native American Veterans’ Income Tax Refund

Sub. for HB 2147 creates a process for Native American military veterans domiciled within the boundaries of

Kansas tribal lands during the period of active military duty from tax years 1977 through 2001 to apply for a refund of state personal income taxes improperly withheld from such veterans’ federal military income in the amount of income taxes paid plus interest. The Secretary of Revenue may adopt rules and regulations as necessary to administer the provisions of the bill.

Taxation of Beer

HB 2502 provides for newly authorized sales by cereal malt beverage (CMB) licensees of beer containing no more than 6.0 percent alcohol by volume (ABV) to be subject to state and local sales taxes instead of the state liquor enforcement tax. Legislation enacted in 2017 allows CMB licensees to sell beer containing no more than 6.0 percent ABV on April 1, 2019.



TRANSPORTATION

Traffic Law Changes

Sub. for SB 272, among other things, requires a driver of a motor vehicle approaching a stationary waste collection vehicle to move into an adjacent lane or slow the vehicle to a speed safe for the immediate conditions. The bill requires law enforcement to issue a warning citation prior to July 1, 2019, and establishes a fine of \$45 for such violation. The bill retains the \$315 fine for improper passing of a school bus, but increases the fine for another violation within five years to \$750 for a second violation and \$1,000 for subsequent violations. The bill also allows cities to permit operation of golf carts at night if the carts are equipped with lights as required for motorcycles and with slow-moving vehicle emblems.

License Plates

HB 2599 authorizes the following distinctive license plates for issuance on and after January 1, 2019: Special Olympics, Choose Life, City of Wichita, veteran of the Korean War, veteran of Operation Desert Storm, veteran of Operation Iraqi Freedom, and veteran of Operation Enduring Freedom.

2018 Legislative Session At-A-Glance

Bill Information

Senate bills carried over from the 2017 Session	199
Senate bills introduced in the 2018 Session.....	208
TOTAL Bills	407
House bills carried over from the 2017 Session	371
House bills introduced in the 2018 Session	365
TOTAL Bills	736
Bills considered in 2018 Session that became law:	
House Bills.....	66
Senate Bills	52
Percentage of Bills that became law:	10.3%
Days in Session	91

Fiscal Information for FY 2019 (Dollars in Millions)

Estimated State General Fund Revenue	
Income Taxes	\$ 3,728.2
Excise Taxes	3,038.5
All Other	236.6
Total	\$ 7,003.3
Estimated State Budget	
State General Fund	\$ 7,071.1
All Other	9,942.6
Total	\$ 17,013.7
2017 Population Estimate	2,913,123

What's Inside:

- Adoption Protection Act; Kansas Adoption and Relinquishment Act [*see* Judiciary]
- Disclosure of Information (Child Fatalities and Law Enforcement Recordings); Kansas Open Records Act Exceptions [*see* Open Records]
- Industrial Hemp Research Program [*see* Agriculture & Natural Resources]
- K-12 School Finance [*see* Education]
- Kansas Telemedicine Act [*see* Health]
- Lottery Ticket and Instant Bingo Vending Machines [*see* Alcohol, Drugs, & Gaming]
- Microbreweries; Candy; Refillable Containers; Service Times; Self-service Beer Machines [*see* Alcohol, Drugs, & Gaming]

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House Sub. for SB 109..... 10	Sub. for SB 423..... 4, 10	HB 2502..... 11
House Sub. for SB 179..... 2	SB 428..... 2	HB 2511..... 5
SB 180..... 7	Senate Sub. for HB 2028..... 6	HB 2516..... 8
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SB 328..... 7	HB 2439..... 3	HB 2583..... 1
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House Sub. for SB 336..... 9	HB 2458..... 3	HB 2599..... 11
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SB 351..... 6	HB 2470..... 2	Sub. for HB 2602..... 9
House Sub. for SB 374..... 2	HB 2472..... 6	HB 2639..... 4
House Sub. for SB 391..... 8	HB 2477..... 1	Senate Sub. for HB 2701..... 9