



2017 LEGISLATIVE HIGHLIGHTS

AGRICULTURE & NATURAL RESOURCES

Water Impairment and WCAs

SB 46 amends law pertaining to a water right holder’s options for remedy of a water impairment, including a provision requiring water right holders to first exhaust administrative remedies before seeking a court-ordered injunction to stop the impairment of a water right, and amends law relating to management plans of water conservation areas (WCAs).

KDA Fees and Processes

House Sub. for SB 60 extends the sunset for certain fees assessed by the Kansas Department of Agriculture (KDA) on pesticides, fertilizer, and milk, cream, and dairy products, and requires the Secretary of Agriculture to lower certain fees and potentially to raise certain fees through rules and regulations.

Water District Reimbursement

HB 2066 requires the Secretary of Transportation to reimburse public wholesale water supply districts for the cost to relocate water pipelines in a state highway right-of-way.

Water Districts

HB 2080 adds water district vehicles to the list of vehicles that can be permanently registered and requires boards of rural water districts to reinstate any forfeited benefit unit upon payment of unpaid charges and a reinstatement fee.

Hunting and Fishing Violations

HB 2191 allows Kansas residents charged with violating laws requiring a license, permit, stamp, or other issue from the Kansas Department of Wildlife, Parks and Tourism (KDWPT) to avoid conviction if they present to the court or other office an issue from KDWPT that was valid at the time of the alleged violation rather than the arrest date.

KDA Fees and Processes

HB 2312 changes the administrative appeals process for certain fertilizer and water orders, along with notice requirements and opportunities for hearings under the Kansas Administrative Procedure Act on certain fertilizer orders.

ALCOHOL, DRUGS, AND GAMBLING

Expanded Sale of Strong Beer

House Sub. for SB 13 allows convenience, grocery, and drug stores licensed to sell cereal malt beverages (CMB), which is defined as any fermented but undistilled beverage with an alcohol weight of 3.2 percent or less, to sell beer containing not more than 6.0 percent alcohol by volume on and after April 1, 2019. Also effective April 1, 2019, any person with a retailer’s license to sell alcoholic liquor (beer, wine, and distilled spirits) may sell CMB. Liquor retailers may sell other goods or services, provided the amount of nonalcoholic sales—excluding the sales of lottery tickets, cigarettes, and other tobacco

products—does not exceed 20.0 percent of the retailer’s total gross sales. Liquor retailers may continue to provide product for resale by bars, restaurants, clubs, and caterers. Distributors may establish minimum quantities and dollar amounts for orders of CMB and alcoholic liquor. Ten years after the bill’s effective date, the Director of Alcoholic Beverage Control must conduct a market impact study on the sale of beer by persons holding CMB licenses, which must be reported in the 2029 Legislative Session.

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Common Consumption Areas; Class B Clubs

Sub. For HB 2277 allows a city or county to establish one or more common consumption areas by ordinance or resolution and designate the boundaries of these areas. Common consumption area permits can be issued to cities, counties, Kansas residents, or organizations whose principal place of business is in Kansas and is approved by the respective city or county. Common consumption area permit holders are liable for violations occurring within the common consumption area the permit identifies. Licensees are liable for violations on their individual premises. The bill also removes from current law a ten-day waiting period for an applicant to become a member of a class B club.



CHILDREN & YOUTH

Juvenile Justice—Absconding from Supervision; Immediate Intervention; Sentencing and Placement; Oversight Committee

House Sub. for SB 42 creates and amends law related to the Kansas juvenile justice system and the changes made to the system by 2016 SB 367.

The bill clarifies that absconding from supervision is not a technical violation of probation and thus reports may be filed and a warrant may be requested and issued for absconding without first imposing the graduated responses required for technical violations.

The bill specifies that immediate intervention does not have to be offered to a juvenile who has previously participated in such a program for a previous misdemeanor or to a juvenile who has had a charge amended down to a misdemeanor from a felony pursuant to a plea agreement.

Sentencing alternatives and the placement matrix are amended to allow a judge to place a juvenile in a juvenile correctional facility or a youth residential facility for a term of 6 to 19 months, regardless of the risk level of the

juvenile, upon a finding by the trier of fact that a firearm was used in the commission of a felony offense by the juvenile.

The bill amends the statute establishing the Kansas Juvenile Justice Oversight Committee to add two members to the Committee: one youth member of the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention and one director of a juvenile detention facility. The bill also creates two additional duties for the Committee.

Custody and Child in Need of Care Proceedings

SB 124 amends law governing determination of legal custody, residency, and parenting time to replace required consideration of evidence of emotional or physical spousal abuse with consideration of evidence of domestic abuse, including physically or emotionally abusive behavior or threats or an act of domestic violence, stalking, or sexual assault. The bill also allows drug and alcohol test results and analysis to be admissible *via* attestation as evidence in child in need of care proceedings under circumstances outlined in the bill.

Child Welfare System Task Force

House Sub. for SB 126 requires the Secretary for Children and Families to establish a Child Welfare System Task Force (Task Force) to study the Kansas child welfare system. The Task Force is composed of legislators and voting and non-voting stakeholders. The Task Force must convene working groups to study the Department for Children and Families' general administration of child welfare, protective services, family preservation, reintegration, foster care, and permanency placement. Members of each Task Force working group shall not exceed seven non-Task Force members and shall not have less than two Task Force members. The Task Force must submit to the Legislature a preliminary progress report detailing the Task Force's study by January 8, 2018, and a final report by January 14, 2019. The Task Force sunsets June 30, 2019.



COMMERCE & LABOR

Bonding Necessary in P3 Agreements

SB 55 revises the Kansas Fairness in Public Construction Contract Act by requiring a contractor involved in a public-private partnership (P3) agreement, valued at more than \$100,000, with a public entity to furnish performance and payment bonds.

Amusement Ride Act; Amusement Ride Insurance Act

House Sub. for SB 86 enacts law and amends the Kansas Amusement Ride Act and the Amusement Ride Insurance Act. All sections containing criminal penalties take effect January 1, 2018. All other provisions take effect July 1, 2017.

Ride requirements. The bill prohibits a ride being operated without a valid annual permit issued by the Kansas Department of Labor (Department). A valid certificate of inspection, proof of insurance, and payment of a permit fee are required to receive a permit. Owners must also register with the Department and pay annual registration fees, determined by the ride's location.

Each ride must have a valid certificate of inspection, signed and dated by the inspector prior to operation. Further, each amusement ride must be inspected at least every 12 months by a "qualified inspector," a term the bill defines. Daily inspections also must be conducted and recorded by the operator. The Secretary must conduct unannounced compliance audits of rides at both temporary and permanent locations. Rides must be constructed, maintained, operated, and repaired in accordance with ASTM standards.

Injury or death of a patron. Patrons injured while on a ride must report their injuries before leaving the premises. Ride owners must notify the Department within 72 hours of any serious injury, injury caused by malfunction or failure of a ride, or injury caused by either operator or

patron error. In the event of the death of a patron, the owner must notify the Department as soon as possible by telephone and by written notification within 24 hours of the incident.

Liability insurance. The bill changes the required coverage to operate rides from at least \$1 million to not less than \$1 million per occurrence and annual aggregate coverage of \$2 million.

Park record requirements. Park owners must maintain records related to construction, repair, maintenance of operations, safety training records, inspection records, maintenance records, and ride operator training activities.

Penalties for violations. It is a Class B misdemeanor to operate a ride without a valid permit.

Public Benefit Corporations

HB 2153 creates a type of business entity known as a “public benefit corporation” (PBC). “PBC” is defined as a for-profit corporation organized under and subject to the Kansas General Corporation Code that is intended to produce a public benefit or benefits and to operate in a responsible and sustainable manner. A PBC balances the stockholders’ pecuniary interests, the best interests of those materially affected by the PBC’s conduct, and the public benefit(s) identified in its articles of incorporation. “Public benefit” is defined as a positive effect, or reduction of negative effects, on one or more categories of persons, entities, communities, or interests. The bill includes requirements related to PBC formation, organization, and operation.



CONCEALED CARRY & FIREARMS

Concealed Carry in State- or Municipal-Owned Hospitals

Senate Sub. for HB 2278 exempts the following from a law requiring public buildings to have adequate security before prohibiting the concealed carry of handguns:

State- or municipal-owned medical care facilities and adult care homes, community mental health centers, indigent health care clinics, and buildings located in the University of Kansas Medical Center health care district.



CRIMES

Domestic Battery, Drug Paraphernalia, Expungement, Law Enforcement Protection Act, Interrogation Recordings

SB 112, among other changes, amends the crimes of domestic battery, possession of drug paraphernalia, and provisions concerning expungement of arrest records. It also enacts the Law Enforcement Protection Act and provisions concerning custodial interrogation recordings.

Domestic battery. The bill creates the crime of aggravated domestic battery, a severity level 7 person felony, defined as knowingly impeding the normal breathing or blood circulation by either applying pressure on the throat, neck, or chest or blocking the nose or mouth of a person with whom the offender is involved or has been involved in a dating relationship, or a family or household member, when done in a rude, insulting, or angry manner. The bill also amends the existing crime of domestic battery by adding “a person with whom the offender is involved or has been involved in a dating relationship” as a possible victim of the offense and requiring a court to consider protective orders issued against the offender in determining the sentence imposed.

Possession of drug paraphernalia. The bill reduces the severity level for possession of drug paraphernalia from a class A to a class B nonperson misdemeanor when used to cultivate fewer than five marijuana plants or to store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance into the body.

Expungement of arrest records. If a person is arrested as a result of mistaken identity or another person uses identifying information of the named person and the

charge against the named person is dismissed or not prosecuted, the bill requires notice of such action and a petition for expungement of such arrest record be given to the district court. The court must order the arrest record and subsequent court proceedings expunged and purged from all applicable state and federal systems.

Law Enforcement Protection Act. The bill enacts the Law Enforcement Protection Act, which creates a special sentencing rule if a trier of fact finds beyond a reasonable doubt that an offender committed a nondrug felony offense (or an attempt or conspiracy to commit such offense) against a law enforcement officer while the officer was performing the officer’s duty or solely due to the officer’s status as a law enforcement officer.

Custodial interrogation. The bill requires Kansas law enforcement agencies to adopt a policy requiring electronic recording of a custodial interrogation that concerns a homicide or felony sex offense, as well as the making and signing of a statement during the course of such interrogation. The policy also must include retention and storage requirements.

Appeal of Grand Jury Petitions; Juvenile Adjudication Decay; Mandatory Minimum Sentences; Disclosure of Probable Cause Affidavits

HB 2092 amends various law related to crimes and criminal procedure, including the following changes.

Appeal of grand jury petitions. The bill amends law concerning grand juries summoned by petition to allow the person who filed the petition to appeal a finding that the petition is not in proper form to the Kansas Court of Appeals.

Juvenile adjudications decay. The bill provides that juvenile offenses falling within specified lower severity levels will not be used to determine an offender’s criminal history in sentencing for a new crime if at least five years has passed with no other adjudications or convictions.

Mandatory minimum sentences. The bill clarifies that mandatory minimum sentences will not apply if, due to criminal history, the offender would be subject to presumptive imprisonment for a severity level 1 crime for a term longer than the mandatory minimum. In such case, the offender would serve a sentence equal to the longer term and would not be eligible for parole until the entire sentence is completed. In addition, the sentence could not be reduced by good time credits.

Disclosure of probable cause affidavits. The bill amends law related to public disclosure of probable cause affidavits to clarify notice to the defendant of a request for disclosure shall be provided upon the entry of appearance of defense counsel or notification that the defendant will be acting *pro se*.

EDUCATION

School Finance

SB 19, among other things, enacts the Kansas School Equity and Enhancement Act (Act) and amends provisions concerning the Tax Credit for Low Income Students Scholarship (TCLISS) Program, capital outlay, and Capital Improvement State Aid.

Kansas School Equity and Enhancement Act. Foundation aid is provided to school districts under the Act by multiplying the base aid for student excellence (BASE) by the district's adjusted enrollment. The BASE is \$4,006 for school year 2017-2018, \$4,128 for school year 2018-2019, and adjusted each year thereafter according to the 3-year average of the Midwest region Consumer Price Index.

The district's adjusted enrollment is calculated by adding the weightings for at-risk students, declining enrollment, high-density at-risk, bilingual, low and high enrollment, new school facilities, ancillary school facilities, cost of living, special education and related services, career technical education, and transportation to the district's

enrollment. Major changes to weightings and enrollment relative to prior school finance law include the at-risk weighting being increased from 0.456 to 0.484, full-day kindergarteners being counted as a full student rather than 0.5 FTE, and options for districts to use by-building counts for high-density at-risk students and headcount for bilingual weighting.

The Act allows districts to adopt a local option budget, which is capped at 33.0 percent of the district's adjusted enrollment multiplied by \$4,490. Beginning in school year 2019-2020, \$4,490 will increase with inflation.

Other provisions. The bill expands eligibility for the TCLISS tax credit to individuals and places an annual cap of \$500,000 on contributions.

The bill also allows capital outlay funds to be used for utility expenses and property and casualty insurance.

For all bond issues after July 1, 2017, districts with less than 260 students must receive approval from the State Board of Education to be eligible for state aid. Additionally, the State Board will exclude from state aid any capital improvement project for extracurricular activities, absent concerns relating to safety or disability access. Beginning July 1, 2017, in each fiscal year, the State Board may approve for election bond issuances exceeding 14.0 percent of the district's assessed valuation for the election only to the extent of the aggregate amount of bonds retired by districts in the state in the preceding year. A district that has not passed a bond election in the past 25 years is not subject to this limitation.

Nursing Service Scholarship Program

SB 100 amends the Nursing Service Scholarship Program to give priority for scholarships to qualified applicants whose sponsor is a mental health or treatment facility. A nursing student need not be a Kansas resident to qualify for a scholarship under the Program, and the bill specifies the scholarship cap of 70 percent of the

cost of tuition is 70 percent of the cost of in-state tuition. The State will fully fund scholarships awarded to an applicant whose sponsor is a mental health or treatment facility as opposed to sharing the cost with the sponsor. A scholarship recipient's sponsorship can be transferred to another sponsor as long as the agreement transferring such sponsorship provides for service in a mental health or treatment facility.



ELECTIONS & ETHICS

Congressional Vacancies

HB 2017 requires each political party that has obtained official recognition to call a district convention in the case of a congressional vacancy. In such cases, prior law required each political party whose candidate for governor received not less than 5 percent of the votes cast at the next preceding gubernatorial election to call a district convention. The bill also changes the number of registered voters' signatures required for an independent candidate to petition for nomination to fill a congressional vacancy from 4 percent of qualified voters in the congressional district to a minimum of 3,000 voters. Such petitions may not be circulated for signatures until after the Governor proclaims the date of the election. Finally, the bill adjusts related time frames to conform to federal overseas-voter ballot requirements.

SB 43 amends 2017 HB 2017 by changing the county-level canvass date for these elections to coincide with the date for other county-level canvasses.

Elections and Campaign Finance

HB 2158 makes several changes regarding elections and campaign finance. The bill also authorizes counting of advance ballots delivered to an open polling place in the appropriate county or postmarked before the close of the polls and received in the county election office no later than the third day after an election. Additionally, absent

an emergency, the bill requires county election officers to provide mailed notice of a change in a polling place at least 30 days prior to the election. Finally, the bill removes a requirement that state-office candidates' pre-primary and pre-general election last-minute contribution reports be filed in the office of the county election officer. Such reports still must be filed with the Secretary of State.



FEDERAL & STATE AFFAIRS

Woman's Right to Know Act

SB 83 amends what constitutes voluntary and informed consent under the Woman's Right to Know Act. The bill requires additional information about the physician performing an abortion to be provided to a woman at least 24 hours before the procedure be printed on white paper in black ink with 12-point Times New Roman font.

Great Plains Interstate Fire Compact

HB 2140 adopts the Great Plains Interstate Fire Compact, which authorizes the Governor to enter an interstate compact to promote effective prevention and control of forest fires, or any fire requiring aid, in the U.S. Great Plains region.

Regulation Freedom Amendment to U.S. Constitution

HCR 5003 urges Congress to propose the Regulation Freedom Amendment to the *U.S. Constitution*. The proposed amendment would state, "[w]henver one quarter of the members of the United States House of Representatives or the United States Senate transmits to the President their written declaration of opposition to a proposed federal regulation, it shall require a majority vote of the House of Representatives and the Senate to adopt that regulation."



FINANCIAL INSTITUTIONS & INSURANCE

Office of the Securities Commissioner; Attorney General's Prosecutorial Functions

SB 23 moves the Kansas Office of the Securities Commissioner, which had been a stand-alone agency, to a division under the jurisdiction of the Insurance Commissioner, who, instead of the Governor, will appoint the Securities Commissioner. Further, among other changes, the bill creates a new funding source for fraud and abuse prosecution by the Attorney General; consolidates certain prosecutorial functions of the Attorney General; and requires coordination of efforts among the Attorney General, Insurance Commissioner, and Securities Commissioner.

The appointment of the Securities Commissioner must occur no later than September 1, 2017 (initial term ends January 14, 2019).



HEALTH

Medical Student Loan Act and Medical Residency Bridging Program; Outsourcing and Privatization Restrictions

SB 32 expands eligible practice areas under the Medical Student Loan Act and the Medical Residency Bridging Program, as well as service requirements to meet loan recipients' obligations under the Act, to include general and child psychiatry; further describes funding for the Act and Program; and restricts outsourcing and privatization of any operation or facility of Larned State Hospital, Osawatomie State Hospital, or any facility operated by a state agency that provides mental health services.

Scheduling of Controlled Substance Analogs; Opioid Antagonists

House Sub. for SB 51 amends the definition of "controlled substance analog" and "marijuana," expands the authority of the State Board of Pharmacy to allow greater flexibility in the emergency scheduling of controlled substance analogs and new drugs, and amends the duration of the Board's temporary scheduling. The bill also adds several synthetic opioids to Schedule I of the Uniform Controlled Substances Act and cannabidiol, when comprising the sole active ingredient of a drug product approved by the federal Food and Drug Administration, to Schedule IV.

HB 2217 amends the Kansas Pharmacy Act to create standards governing use and administration of Food and Drug Administration-approved emergency opioid antagonists to inhibit the effects of opioids and treat an opioid overdose. The State Board of Pharmacy must issue a statewide opioid antagonist protocol, establish educational requirements for the use of opioid antagonists, and provide protection from civil and criminal liability for individuals acting in good faith and with reasonable care in administering an opioid antagonist. The Board must also adopt rules and regulations by January 1, 2018.

Kansas Lay Caregiver Act

SB 68 creates the Kansas Lay Caregiver Act, which takes effect July 1, 2018, and requires hospitals to provide each patient, or the patient's legal guardian, with an opportunity to designate a caregiver following the patient's admission to the hospital and prior to discharge of the patient. Prior to discharge, a patient may change the designated caregiver. Designation of a caregiver is not required, and an individual designated as a caregiver is not required to accept the role. At or before discharge, the hospital must provide the caregiver with any discharge instructions for the patient; education concerning the aftercare of the patient in a manner consistent with current accepted

practices, based on the caregiver’s learning needs; and an opportunity to ask questions about aftercare.

Simon’s Law

Sub. for SB 85 creates Simon’s Law, which addresses instituting do-not-resuscitate (DNR) and similar physician’s orders, petitions to enjoin violations of the bill and resolve parental disagreements, required disclosure of policies by facilities and physicians, and law concerning emergency health care.

Kansas Pharmacy Act—Minimum Age for Vaccination; Reporting Requirement; Opt Out

HB 2030 amends the Kansas Pharmacy Act to change from 18 to 12 the minimum age for a person to whom a pharmacist or a pharmacy student or intern working under the direct supervision and control of a pharmacist is authorized to administer a vaccine, other than the influenza vaccine. Continuing law requires immunizations provided pursuant to the Act be reported to appropriate county or state immunization registries. Beginning July 1, 2020, persons authorized in Kansas to administer vaccines must report administration of a vaccine to the state registry maintained by the Secretary of Health and Environment. The person vaccinated, or, if the person is a minor, the minor’s parent or guardian, may opt out of both reporting requirements.



JUDICIARY

Human Trafficking

House Sub. for SB 40 amends law concerning human trafficking.

New crimes. The bill creates crimes concerning use of a “communication facility,” which includes all means of communication. It is a severity level 7 person felony to knowingly or intentionally use any communication

facility to commit the crimes of human trafficking, commercial sexual exploitation of a child, or promoting the sale of sexual relations, as well as in any attempt, conspiracy, or solicitation of those crimes. Further, it is a class A person misdemeanor to use a communication facility to commit, cause, or facilitate the commission of the crime of buying sexual relations.

In addition, the bill creates the crimes of promoting travel for child exploitation, a severity level 5 person felony; Internet trading in child pornography, a severity level 5 person felony; and aggravated Internet trading in child pornography, which is a severity level 3 person felony or an off-grid felony when the child is under 14 years of age. The Internet trading in child pornography crimes do not apply where the crimes of possession or transmission of a visual depiction of a child apply.

Existing crimes. The bill amends the definition of aggravated human trafficking, which is a severity level 1 person felony or an off-grid crime if the victim is less than 14 years of age. The bill amends one of four existing definitions of the crime and adds a fifth, which is similar to one definition of the crime of commercial sexual exploitation of a child, which the bill modifies.

The bill specifies that a person who violates any of the provisions of the human trafficking statute could be prosecuted for, convicted of, and punished for commercial sexual exploitation of a child or any form of homicide; will be fined between \$2,500 and \$5,000 if convicted of human trafficking; will be fined a minimum of \$5,000 if convicted of aggravated human trafficking or any attempt, conspiracy, or solicitation of that crime; and can be ordered to complete an educational or treatment program regarding commercial sexual exploitation of a child.

The bill adds aggravated human trafficking if committed in whole or in part for the purpose of the sexual gratification of another to the definition of “sex offense” in the capital murder statute; increases the severity

level of sexual exploitation of a child from a level 5 to a level 3 person felony when committed under certain circumstances; and amends the amount of fines for the crime of buying sexual relations.

The bill replaces two definitions for the crime of commercial sexual exploitation of a child with one definition containing language modified from the existing definitions. Language similar to these definitions is already included in or is added to the crime of human trafficking. The bill also increases the severity level for commercial sexual exploitation of a child from a level 5 to a level 4 person felony.

Other provisions. On and after July 1, 2018, the bill requires an applicant for a commercial driver’s license to complete Attorney General-approved training in human trafficking identification and prevention. The bill also amends the Kansas Offender Registration Act to add the crime of promoting the sale of sexual relations to the list of sexually violent crimes and specifies a person convicted of such crime must register for 15 years. Finally, the bill adds language concerning affirmative defenses, expungement, and compensation from the Crime Victims Compensation Board if a person was a victim.

Fiduciary Access to Digital Assets Act

SB 63 enacts the Revised Uniform Fiduciary Access to Digital Assets Act, which authorizes access to a user’s “digital assets,” defined as an electronic record in which an individual has a right or interest, and outlines the duties of custodians of digital assets if the user resides in Kansas or resided in Kansas at the time of the user’s death. The Act specifies how a user can designate who has access to the user’s digital assets and governs disclosure of digital assets and electronic communications to certain types of fiduciaries, as well as procedures to compel disclosure.

Protective Orders—Sexual Assault; Crime Victims Compensation

House Sub. for SB 101, among other changes, extends the provisions of the Protection from Abuse Act and Protection from Stalking Act (PFSA) to victims of sexual assault. The PFSA is renamed the “Protection from Stalking and Sexual Assault Act.” The bill also allows a claimant to be compensated for mental health counseling through the Crime Victims Compensation Board when a claim is filed within two years of notification to the claimant that DNA testing revealed a suspected offender or identification of a suspected offender.

Courts—Surcharge; Collection of Court Debts; Reinstatement Fee

HB 2041 extends the sunset for judicial surcharges on various docket fees until June 30, 2019; requires the cost of collection of debts owed to courts or restitution be paid by the responsible party as an additional court cost where the party fails to pay such debts or restitution and the court contracts with a collection agent; and increases the reinstatement fee for failure to comply with a traffic citation from \$59 to \$100, effective July 1, 2018 (the distribution of the proceeds from this fee are also adjusted).

Crisis Intervention Act

Senate Sub. for HB 2053 creates the Crisis Intervention Act and amends related mental health law. The bill defines “crisis intervention center” (center) as an entity licensed by the Kansas Department for Aging and Disability Services that is open 24 hours a day, 365 days a year; equipped to serve voluntary and involuntary individuals in crisis due to mental illness, substance abuse, or a co-occurring condition; and uses certified peer specialists. The bill specifies detention for emergency observation and treatment (EOT) under the Act does not mean the person loses any civil right, property right, or legal capacity, except as ordered by a court. Admission alone

does not create a presumption that a person is in need of a guardian or conservator, or both.

An individual may be admitted voluntarily or involuntarily based on the belief and factual circumstances supporting the belief that the person needs EOT due to mental illness or substance abuse and he or she is likely to cause harm to self or others if not immediately detained. Law enforcement can transport a person needing EOT to a center, and the center cannot refuse to accept a person for evaluation if the center is within the officer’s jurisdiction.

The person’s need for EOT must be evaluated within 4 hours after admission by the head of the center and no later than 23 hours after admission by a different behavioral health professional. If the head of the center determines the need for EOT exists after 48 hours, the head of the center must file an affidavit to that effect for review in the district court in the county where the center is located. If the head of the center determines the need for EOT exists after 72 hours, the head of the center must immediately file a petition to find appropriate placement for the person.

The Act outlines the rights of every patient being treated in a center and requires the head of the center to advise any person in custody of his or her rights under the Act.

Kansas Sexually Violent Predator Act; Annual Review

HB 2128 amends law regarding procedures for annual review, transitional release, and conditional release for persons civilly committed under the Kansas Sexually Violent Predator Act. Among other changes, the bill specifies notice and request requirements for committed persons or persons in transitional release desiring an annual review hearing; adjusts provisions regarding independent examination of the person; requires annual *in camera* review by the court if the person does not request an annual hearing; clarifies the person’s right to counsel; and adjusts the standard to be applied by the court in annual review proceedings.



LOCAL GOVERNMENT

Definition of Municipality; Interlocal Cooperation

HB 2094 expands the definition of “municipality” in the statute allowing contracts between municipalities to include a school district, library district, road district, water district, drainage district, sewer district, fire district, park and recreation district, recreation commission, any other political or taxing subdivision, or any other authority, commission, agency, or quasi-municipal corporation created by state law. In addition, interlocal cooperation agreements entered into for joint or cooperative action that are subject to the oversight and regulation of a Kansas regulatory agency are exempted from Attorney General review.

Volunteer Service

HB 2137 allows county commissioners or members of a city governing body to receive the usual compensation or remuneration for volunteer service for an emergency medical or ambulance service or as a volunteer fire fighter.



OPEN RECORDS & OPEN MEETINGS

Open Records Exceptions; Juror Information; Procedure and Justification for Closed or Executive Meetings

HB 2301 removes addresses of prospective jurors from the information included in the list of prospective jurors filed as a public record with the clerk of the court. The bill also continues various exceptions to the Kansas Open Records Act and amends law concerning the motion to recess for a closed or executive session, limits

the justifications for closing meetings to those listed in the bill, and amends the list of subjects allowed to be discussed at closed or executive sessions.



PUBLIC SAFETY

Kansas Intelligence Fusion Center Act

SB 184 enacts the Kansas Intelligence Fusion Center (KIFC) Act to govern the KIFC, a collaboration among federal, state, local, and tribal agencies and private-sector entities already operating within the Adjutant General's Department. The bill details KIFC responsibilities and governance and allows participation agreements with public and private agencies and organizations, as well as receipt of gifts, grants, payments, or contributions for the purpose of paying KIFC costs.



RETIREMENT

Working After Retirement

House Sub. for SB 21 makes changes to the Kansas Public Employees Retirement System (KPERS) pertaining to working after retirement.

New provisions. Effective January 1, 2018, for retirees under the age of 62, there is a 180-day waiting period before returning to work. If the retiree is 62 or older, the current 60-day waiting period applies. The current prohibition placed on prearrangement for employment continues to apply. For covered positions, the employer pays the statutory contribution rate on the first \$25,000 of compensation and, for that portion of compensation greater than \$25,000, the contribution rate is 30 percent of the compensation. Covered positions for non-school employees are those that are not seasonal or temporary and whose employment requires at least 1,000 hours of

work per year. Covered positions for school employees are those that are not seasonal or temporary and whose employment requires at least 630 hours of work per year or at least 3.5 hours a day for at least 180 days. For non-covered positions, the employer makes no contributions.

Additionally, all retirees who retired prior to January 1, 2018, in state, local, and licensed or unlicensed school positions are not subject to an earnings limitation. Employers will pay the statutory contribution rate on the first \$25,000 of compensation and, for that portion of compensation greater than \$25,000, the contribution rate will be equal to 30 percent for retirees employed in covered positions. The employer makes no contributions for non-covered positions.

Exemptions for licensed school professionals and hardship, hard-to-fill, and special education positions are eliminated.

Changes effective July 1, 2017. The bill clarifies the working-after-retirement exemption covers substitute teachers working without a contract. Retirees who retired before January 1, 2018, and returned to work in licensed school professional positions are covered by current provisions for grandfathered licensed school professionals. The exemption is expanded to include statewide-elected officials and legislators, exempting them from both earnings limits and employer contributions; there is a 30-day waiting period following retirement before taking office, which does not apply if filling a vacant office. Working-after-retirement provisions apply to retirees employed as independent contractors or employed by third parties; however, retirees who are independent contractors or employed by third parties are excluded from the working-after-retirement provisions under certain conditions.

Participating Service; KP&F Death Benefits; Board of Regents Retirement Plan

SB 205 makes numerous changes to KPERS pertaining to participating service, Kansas Police and Firemen's (KP&F) death benefits for certain surviving spouses, and the Board of Regents Retirement Plan relating to working after retirement.

Participating service. The bill expands the definition of "participating service" for members of KPERS and KP&F. Time away from work or normal duties while in paid status authorized and approved by a participating employer constitutes service credit. Administrative, vacation, sick, or personal leaves—including worker's compensation or light or temporary duty assignments—qualify as service credit without limitation. This provision applies retroactively, starting on July 1, 2014. If a member does not return to work for the participating employer at the conclusion of the leave, except for death or disability, the service credit will be removed. If a member voluntarily quits employment, the period of leave exceeding 365 days will be removed from the service credit. In either case, KPERS will reimburse the employer and employee for contributions made during that period.

KP&F death benefits. The bill revises death benefits for certain surviving spouses covered by KP&F. Upon the service-connected death of a KP&F member, the member's spouse receives an annual spouse's benefit equal to the greater of 50 percent of the member's final average salary or the amount the member would have been paid had the member elected the joint and survivor retirement benefit option and retired as of the first day of the month following the date of death. The benefits apply retroactively, starting on July 1, 2016.

Board of Regents Retirement Plan. The bill exempts from the working-after-retirement earnings cap those retirees who are reemployed by the Board of Regents

and covered by the Regents Retirement Plan, which is not administered by KPERs.



SOCIAL SERVICES

Public Assistance Applications—Telephonic Signatures

Sub. for Sub. for SB 95 amends law for public assistance programs concerning telephonic signatures. The bill requires a telephonic signature by an applicant or an applicant's authorized representative be accepted to fulfill any signature requirement for application for public assistance programs administered by the Secretary for Children and Families. The bill makes a telephonic signature an option for applicants, not a requirement.

Kansas Program of Medical Assistance—Medicaid (KanCare) Process and Contract Requirements

Senate Sub. for HB 2026 changes the Kansas Program of Medical Assistance (KMAP) by amending and creating in law processes for managed care organizations (MCOs) providing Medicaid services by providing for the services of an independent auditor, and by creating an external independent third-party review process (external review).

Kansas Department of Health and Environment (KDHE) processes. KDHE is required to provide accurate and uniform patient encounter data to participating health care providers upon request within 60 calendar days and may charge a reasonable fee for furnishing the data.

MCO processes. The bill requires the MCOs to provide certain education and training, provide documentation in certain situations, pay nursing facilities with a change in ownership, and prohibits discriminating against any licensed pharmacy or pharmacist located within the geographic coverage area of the MCO. The bill also

requires the Secretary of Health and Environment to develop uniform standards to be utilized by the MCOs and procure the services of an independent auditor to review a sample of claims paid and denied by the MCOs, and adopt rules and regulations before January 1, 2018.

External review process. Effective January 1, 2020, the bill requires implementation of an external review process for providers who have received denial of KMAP services and have exhausted the MCO's internal appeals process. The bill addresses MCO notification requirements and penalties for non-compliance and the eligibility requirements and processes for external review. KDHE is required to adopt rules and regulations to implement the provisions of the external review process prior to January 1, 2020.

HMO Privilege Fee, Medical Assistance Fee Fund, and Supplemental Medicaid Reimbursement

HB 2079 creates law to allow supplemental Medicaid reimbursement for certain providers of ground emergency medical transportation services and creates an intergovernmental transfer program relating to Medicaid managed care, ground emergency medical transport services, and those services provided by certain emergency medical services personnel in pre-stabilization and preparation for transport. The bill states the legislative intent for the supplemental reimbursement and intergovernmental transfer program is to be implemented without State General Fund expenditures.

In addition, the bill increases the annual privilege fee assessed on every health maintenance organization (HMO), changes the privilege fee payment structure, creates a priority system for use of revenue from the assessment, changes accounting procedures for the portion of the assessment dedicated to the Kansas Newborn Screening Fund, and establishes a \$2.5 million limit on the amount to be transferred to the Kansas Newborn Screening Fund in any given fiscal year.



STATE FINANCES

State Budget

Senate Sub. for Sub. for HB 2052, Senate Sub. for HB 2002, and SB 19 include funding for FY 2017, FY 2018, and FY 2019 expenditures for state agencies and FY 2018 and FY 2019 capital improvements for selected state agencies.

The approved FY 2017 budget totals \$16.0 billion, including \$6.3 billion from the State General Fund (SGF). The approved budget increases the Governor's recommended expenditures by \$31.5 million, including \$24.1 million from the SGF.

The FY 2017 budget delayed a \$75.0 million payment to K-12 education by one year, funded the human services consensus caseload estimates by adding \$147.0 million, including \$1.9 million from the SGF, reduced state contributions to KPERs/School by 17.0 percent from the statutory rate for a SGF reduction of \$64.1 million to be repaid at \$6.4 million per year starting in FY 2018, and transferred funding from the Treasurer's Unclaimed Property Fund in KPERs to the SGF to guarantee a \$50.0 million ending balance in FY 2017, with the remainder of the \$317.2 million to be transferred in FY 2018, to be paid back in six equal yearly payments starting in FY 2019.

The approved FY 2018 budget totals \$15.9 billion, including \$6.6 billion from the SGF. The approved budget increases the Governor's recommended expenditures by \$445.4 million, including \$354.3 million from the SGF, for FY 2018.

Major adjustments to previous budgets include:

- Adding \$26.7 million, including \$12.2 million from the SGF, for state employee salary adjustments in FY 2018 and the same amount in FY 2019;

- Adding \$43.0 million to increase the reimbursement rate for all providers by 4.0 percent with the increased revenue from the HMO privilege fee for FY 2018 and FY 2019; and
- A 3.0 percent rate increase for providers of Home and Community Based Services under each of the waivers was included, which added \$20.3 million, including \$9.1 million from the SGF. Funding of \$10.5 million, all from the SGF, also was included for community mental health centers.

In SB 19, the Legislature increased funding for K-12 education by \$186.6 million in FY 2018 and \$283.8 million in FY 2019, all from the SGF, by adopting a new school finance formula. The new formula multiplies the base aid for student excellence (BASE) by the adjusted enrollment of the district and deducts the local foundation aid of the district. The formula also adjusts the BASE going forward using the Consumer Price Index. *[For more information on SB 19, see the Education Section.]*

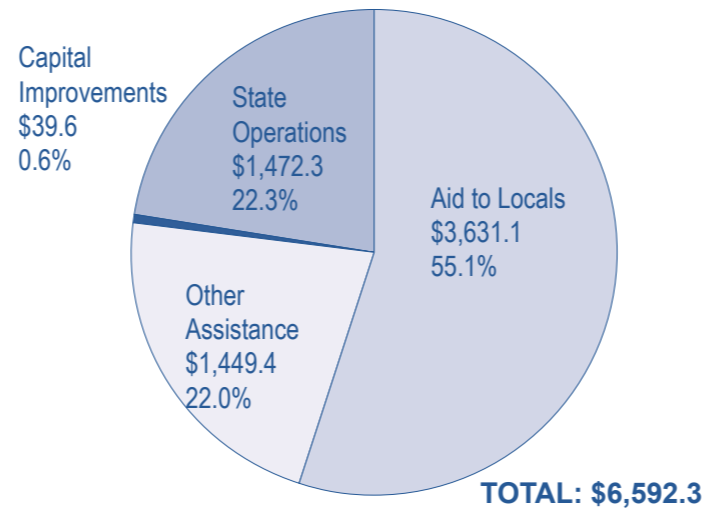
The approved FY 2019 budget totals \$16.2 billion, including \$6.6 billion from the SGF. The approved budget increases the Governor’s recommended expenditures by \$284.3 million, including \$411.3 million from the SGF, for FY 2019.

Major adjustments include:

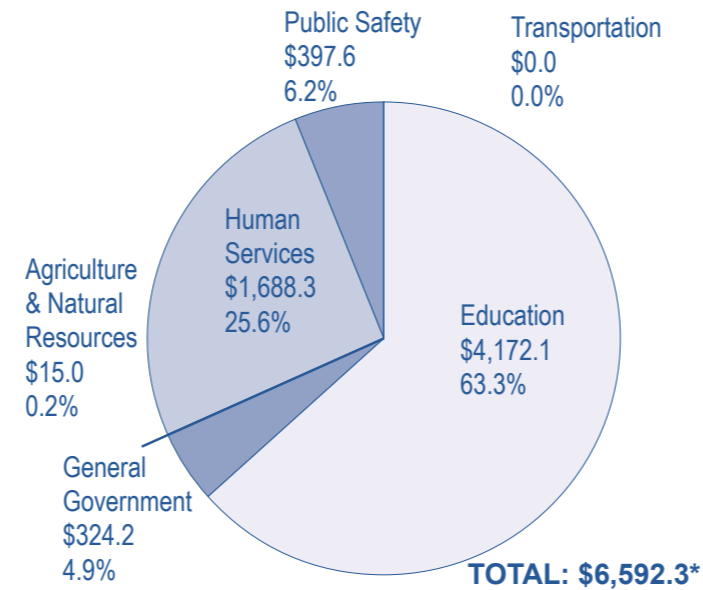
- Adding language to repay delayed FY 2019 employer contributions of \$194.0 million to KPERS via layered amortization beginning in FY 2020; and
- A 4.0 percent rate increase for providers of Home and Community Based Services under each of the waivers was included, which added \$48.1 million, including \$21.6 million from the SGF. Funding of \$13.2 million, all from the SGF, also was included for community mental health centers.

The following pie charts reflect approved SGF expenditures for major purpose of expenditures and by function of government for FY 2018.

FY 2018 Approved State General Fund Budget by Major Purpose (Dollars in Millions)



FY 2018 Approved State General Fund Budget by Function of Government (Dollars in Millions)



* NOTE: Total state expenditures do not reflect by function \$5.0 million in statewide information technology savings.

STATE GOVERNMENT

Attorney General—Legal Representation Charges; Scrap Metal Theft Reduction Act; Transfer of Office of Inspector General

SB 149 creates and amends law related to the Attorney General. The bill allows the Attorney General to establish legal representation charges for legal services provided to state agencies, which may not exceed the previously existing limits on compensation and reimbursement for legal services provided to indigent defendants. The legal services for which the Attorney General could establish charges would not include representation provided pursuant to the Kansas Tort Claims Act or for the defense of civil rights claims as specified in statute.

The bill also delays until January 1, 2019, the implementation of certain provisions of the Scrap Metal Theft Reduction Act, including provisions regarding the central repository, fees, civil penalties, and criminal history records checks. Civil penalties are allowed for some prohibited conduct until the full provisions take effect.

Finally, the bill transfers the Office of the Inspector General within the Kansas Department of Health and Environment (KDHE) to the Attorney General’s Office. Upon transfer, the Inspector General position will change from classified to unclassified, with an annual salary equal to that of a district court judge. The Inspector General will be appointed by the Attorney General, instead of KDHE, and will continue to be subject to Senate confirmation. The bill clarifies the duties of the Inspector General extend to oversight, audits, investigations, performance reviews, and independent and ongoing evaluations of the State’s programs for Medicaid, MediKan, and the Children’s Health Insurance Program.

Fee Funds

HB 2054, among other changes, amends a statute pertaining to revenues placed in the State General Fund

(SGF) to state that certain funds received from fees may be used for the purposes set forth in statute and for no other government purpose. If such moneys received by a “fee agency” (as defined by the bill) are proposed to be transferred to the SGF or any other special revenue fund to be expended for general government services and purposes, the agency must provide notice to any person or entity that paid such moneys to the agency within the preceding 24 months. The bill also requires the Director of the Budget to report the unencumbered balance of each fund included in the bill to the Legislature at the beginning of each legislative session.

Anti-Israel Boycott

HB 2409 prohibits the State from entering into a contract with any individual or company engaged in a boycott of Israel and from adopting a procurement, investment, or other policy that effectively requires or induces the boycott of the government of Israel or a person conducting business in Israel. The Secretary of Administration has the authority to waive application of this prohibition if the prohibition is not practicable.



TAXATION

Individual Income Tax

SB 30 amends the Kansas individual income tax structure and statutory provisions related to Sales Tax and Revenue (STAR) Bonds. The bill is expected to increase State General Fund receipts by \$591.0 million in FY 2018; \$633.0 million in FY 2019; \$617.4 million in FY 2020; \$584.4 million in FY 2021; and \$590.3 million in FY 2022.

Individual income tax provisions. Effective tax year 2017, the bill repeals the exemption for non-wage business income that took effect in tax year 2013. Taxpayers also may begin claiming certain non-wage business income losses in conformity with federal treatment.

The bill allows as an itemized deduction for individual income tax purposes 50.0 percent of medical expenses

currently allowed under federal law for tax year 2018. The amount is increased to 75.0 percent of the federal allowable amount for tax year 2019 and to 100.0 percent in subsequent tax years. Itemized deductions for mortgage interest and property taxes paid, currently set at 50.0 percent of the federal allowable amounts, are increased to 75.0 percent for tax year 2019 and to 100.0 percent beginning in tax year 2020.

A child and dependent care tax credit repealed in 2012 is restored in stages: 12.50 percent of the allowable federal amount for tax year 2018, 18.75 percent for tax year 2019, and 25.00 percent (the level that had been utilized prior to the 2012 repeal) in subsequent tax years.

Starting in tax year 2018, the low-income exclusion threshold is reduced from \$12,500 to \$5,000 for married filers and from \$5,000 to \$2,500 for single filers.

Individual income tax rates are increased beginning in tax year 2017 utilizing a three-bracket system with rates of 2.9 percent, 4.9 percent, and 5.2 percent. For tax year 2018 and all years thereafter, a three-bracket system with rates of 3.1 percent, 5.25 percent, and 5.7 percent is used. Additional formulaic provisions that could have provided for rate reductions in certain future years based on growth in selected tax receipts are repealed.

STAR Bond provisions. The bill extends the sunset date for the STAR Bond Financing Act from July 1, 2017, to July 1, 2020. For the first year of that extension, there is a moratorium on the approval of new STAR Bond districts, but cities or counties with existing districts may continue to develop projects.

Electronic Cigarette Tax

Sub. for HB 2230, in addition to provisions concerning the Master Settlement Agreement, delays the effective date of the tax on electronic cigarettes from January 1, 2017, to July 1, 2017, and reduces the tax rate from \$0.20 per milliliter of consumable material to \$0.05 per milliliter.



TRANSPORTATION

Joey's Law: Voluntary Identification of Need for Assistance with Cognition

Sub. for SB 74 enacts Joey's Law, which authorizes a person, including, but not limited to, a person with autism spectrum disorder, to use a placard, decal, and notation on a driver's license or nondriver identification card indicating the person needs assistance with cognition. Proof of eligibility is required.

Annual Permits for Certain Heavy Divisible Loads

HB 2095 authorizes the Secretary of Transportation to issue annual overweight divisible load permits to allow certain vehicle combinations with 6 or more axles to transport farm-related divisible loads of 85,500 to 90,000 pounds on state highways. The fee is \$200. Such vehicles may not be operated on the interstate system and must comply with posted weight and axle weight limits.

Decals; License Plates

HB 2174 expands eligibility for the purchase of decals indicating certain military honors. In addition, as of January 1, 2018, the bill authorizes a wheelchair emblem decal to be placed on any specialized license plate to indicate the vehicle transports someone with a disability and authorizes specialized license plates for Autism Hope for Families, Inc., and the Kansas 4-H Foundation.



VETERANS & MILITARY

Kansas Consumer Protection Act

SB 201 adds members of the military to the definition of “protected consumer” in the Kansas Consumer Protection Act.

2017 Legislative Session At-A-Glance

Bill Information

Senate bills introduced in the 2017 Session	254
Senate bills carried over to the 2018 Session	199
House bills introduced in the 2017 Session	434
House bills carried over to the 2018 Session	371
Bills considered in 2017 Session that became law:	
House Bills	55
Senate Bills	49
Percentage of Bills that became law:	15.1%
Days in Session	114

Fiscal Information for FY 2018

(Dollars in Millions)

Estimated State General Fund Revenue	
Income Taxes	\$ 3,243.0
Excise Taxes	2,950.9
All Other	511.6
Total	\$ 6,705.5
Estimated State Budget	
State General Fund	\$ 6,592.3
All Other	9,354.1
Total	\$ 15,946.4
2016 Population Estimate	2,907,289

What's Inside:

- Child Welfare System Task Force
- Expanded Sale of Strong Beer
- Individual Income Tax
- Kansas Amusement Ride Act
- School Finance
- State Budget

NUMERICAL INDEX OF BILLS

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House Sub. for SB 21	8	SB 112.....	3	HB 2095	11
SB 23	5	SB 124.....	2	HB 2128	7
SB 30	11	House Sub. for SB 126.....	2	HB 2137	7
SB 32	5	SB 149.....	10	HB 2140	5
House Sub. for SB 40.....	6	SB 184.....	8	HB 2153	3
House Sub. for SB 42.....	2	SB 201.....	11	HB 2158	4
SB 43	4	SB 205.....	8	HB 2174	11
SB 46	1	Senate Sub. for HB 2002	9	HB 2191	1
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SB 83	5	HB 2054	10	HB 2409	11
Sub. for SB 85	6	HB 2066	1	HCR 5003	5
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Sub. for Sub. for SB 95.....	9	HB 2080	1		