

2018 Summary of Legislation



Legislative Coordinating Council 2018

Chairperson

Representative Ron Ryckman, Speaker of the House

Vice-Chairperson

Senator Susan Wagle, President of the Senate

Senator Jim Denning, Senate Majority Leader
Senator Anthony Hensley, Senate Minority Leader
Representative Don Hineman, House Majority Leader
Representative Scott Schwab, Speaker Pro Tem
Representative Jim Ward, House Minority Leader

Kansas Legislative Research Department
300 SW 10th Avenue
Room 68-West, Statehouse
Topeka, Kansas 66612-1504

Telephone: (785) 296-3181

FAX: (785) 296-3824

kslegres@klrd.ks.gov

<http://www.kslegislature.org/klrd>

INTRODUCTION

This publication includes summaries of the legislation enacted by the 2018 Legislature. Not summarized are bills of a limited, local, technical, clarifying, or repealing nature, and bills that were vetoed (sustained). However, these bills are listed beginning on page 232.

During the 2018 Session, 573 bills were introduced: 208 in the Senate and 365 in the House. In addition, 199 Senate bills and 371 House bills were carried over from the 2017 Session, for a grand total of 1,143 bills that were alive during the 2018 Session. Of these 1,143 bills, 118 bills (10.3 percent) became law: 52 Senate bills and 66 House bills. Further, of the 118 bills becoming law, 103 (87.3 percent) were introduced by committees and 15 (12.7 percent) were introduced by individual legislators. (Substitute bills whose original subject matter was substantially modified from the content in the introduced sponsor bill are included in the former category.)

Neither Governor vetoed bills, but Governor Colyer did veto ten line items. None of the line item vetoes was sustained (the Legislature's *Sine Die* session day was held prior to the issuance of the Governor's message on House Sub. for SB 109). [Note: On January 31, 2018, Governor Brownback resigned; Lt. Governor Colyer became Governor the same day.]

TABLE OF CONTENTS

AGRICULTURE AND NATURAL RESOURCES.....	1
ALCOHOL AND DRUGS	17
BUSINESS, COMMERCE, AND LABOR	21
CHILDREN AND YOUTH	23
CORRECTIONS AND JUVENILE JUSTICE.....	36
CRIMES AND CRIMINAL MATTERS	38
EDUCATION	48
ELECTIONS AND ETHICS	59
FEDERAL AND STATE AFFAIRS	67
FINANCIAL INSTITUTIONS	68
GAMING	75
HEALTH.....	80
INSURANCE	101
JUDICIARY.....	117
LAW ENFORCEMENT	134
LOCAL GOVERNMENT	138
OPEN RECORDS.....	144
PROFESSIONS AND OCCUPATIONS	148
PUBLIC SAFETY	166
RETIREMENT.....	181
STATE FINANCES.....	182
STATE GOVERNMENT	186
TAXATION	196
TELECOMMUNICATIONS.....	200
TRANSPORTATION AND MOTOR VEHICLES.....	203
UNIFORM LAWS	215
UTILITIES.....	224
WATER	229
WORKERS COMPENSATION.....	230
APPROPRIATIONS BILLS.....	231
TECHNICAL BILLS.....	232
BILL VETOED BY THE GOVERNOR (LINE ITEM).....	233
SUBJECT INDEX.....	235
NUMERICAL INDEX OF BILLS AND RESOLUTIONS	254

AGRICULTURE AND NATURAL RESOURCES

Alternative Crop Research Act; SB 263

SB 263 enacts the Alternative Crop Research Act (Act), which allows the Kansas Department of Agriculture (KDA), either alone or in coordination with a state institution of higher education, to grow and cultivate industrial hemp and promote the research and development of industrial hemp, in accordance with federal law. The bill allows individuals to participate in the research program under the authority of the KDA. Nothing in the Act is to be construed to authorize any person to violate state or federal law.

Research and Development; Pilot Program

Research and development of industrial hemp, under the provisions of the bill, means such things as analysis of industrial hemp growth, including required soils, growing conditions, and harvest methods; research on seeds most suitable for Kansas; and market analysis to determine the potential for an industrial hemp market in Kansas.

The bill authorizes the KDA to establish a pilot program in Russell County, and other counties determined by the KDA, for the purpose of economic development, research, cultivation, market analysis, manufacturing, and transportation of industrial hemp and industrial hemp products.

Advisory Board

If the KDA acts without coordination with a state institution of higher learning to cultivate industrial hemp grown from certified seed and to promote the research and development of industrial hemp, the Secretary of Agriculture (Secretary) is required to establish an advisory board within the KDA to review and recommend applications for pilot projects and research proposals to the Secretary. The Secretary is prohibited from approving any project or proposal without the recommendation of the advisory board.

Licensure and Fees

The KDA is required to annually license program participants and maintain oversight of all industrial hemp activities, including cultivation, growth, research, oversight, study, analysis, transportation, processing, or distribution of certified seed or industrial hemp pursuant to the Act.

In addition, the KDA is authorized to establish fees for licenses, license renewals, and other necessary expenses to defray the cost of implementing and operating the Act in the state on an ongoing basis. Licensing and renewal fees will be established by rules and regulations adopted by the Secretary under the Act.

The KDA will require all license holders to be fingerprinted and undergo a state and national criminal history check at the license holder's expense. The KDA is authorized to submit the fingerprints to the Kansas Bureau of Investigation (KBI), and the KBI is able to charge a reasonable

fee for conducting a criminal history record check. The KDA shall not issue licenses to individuals who have been convicted of felonies involving controlled substances.

Fee Fund

The bill creates the Alternative Crop Research Act Licensing Fee Fund (Fund) in the State Treasury, which is to be administered by the Secretary. Moneys received from fees will be deposited in the State Treasury and will be credited to the Fund. All expenditures from the Fund will be made in accordance with appropriation acts upon warrants of the Director of Accounts and Reports issued pursuant to vouchers signed by the Secretary or the Secretary's designee.

Rules and Regulations

The bill requires the KDA to promulgate rules and regulations by December 31, 2018, to carry out the provisions of the Act.

The rules and regulations of the KDA shall include, but not be limited to, a requirement that license holders keep in their possession at all times the license that they are engaged in cultivation, growth, research, oversight, study, analysis, transportation, processing, or distribution of certified seed or industrial hemp pursuant to the Act.

Report

The bill requires the KDA to report to the Senate Committee on Agriculture and Natural Resources and the House Committee on Agriculture by January 14, 2019, on the process by which the KDA will allow program participants to grow and process industrial hemp in Kansas and then sell it outside of Kansas. In addition, the KDA is required to send each committee an annual supplemental report on the continued progress on the process at the beginning of each regular legislative session for the next three years.

Legislative Review

The bill requires the Legislature to review the provisions of the Act prior to July 1, 2022.

Other Provisions

The bill amends KSA 2017 Supp. 21-5701, dealing with criminal law, excluding "industrial hemp" from the definition of "marijuana," when cultivated, possessed, or used for activities authorized by the Act.

The bill also amends KSA 2017 Supp. 65-4101, dealing with controlled substances, clarifying the definition of "marijuana" to exclude "industrial hemp" as defined in the bill, when cultivated, possessed, or used for activities authorized by the Act.

In addition, the bill amends KSA 2017 Supp. 65-4105, dealing with controlled substances included in Schedule I, excluding tetrahydrocannabinols (THC) obtained from industrial hemp as it is defined in the bill, when cultivated, possessed, or used for activities authorized by the Act.

State Parks—Additional Designations; SB 331

SB 331 adds to the list of designated state parks the Flint Hills Trail State Park located in Miami, Franklin, Osage, Lyon, Morris, and Dickinson counties and Little Jerusalem Badlands State Park located in Logan County.

In addition, the bill establishes the Flint Hills Advisory Council (Council), which will study and assess the development, staffing, maintenance, and promotion of the Flint Hills Nature Trail. The bill provides that consideration be given to appointing individuals who own land adjoining the Flint Hills Nature Trail. The 14 members of the Council will include:

- Two members of the Legislature who reside in a district adjoining the Flint Hills Nature Trail, or the members' designees, with one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
- Six county commissioners, or the commissioners' designees, with one appointed by each board of county commissioners of Miami, Franklin, Osage, Lyon, Morris, and Dickinson counties; and
- Six residents within each of Miami, Franklin, Osage, Lyon, Morris, and Dickinson counties, with each appointed by the governing body of the respective county seat.

The bill requires the Council to meet quarterly, at the call of the chairperson or upon request of a majority of the Council, and provide a quarterly report of its findings and recommendations to the Kansas Department of Wildlife, Parks and Tourism. The legislative member appointed by the Speaker of the House of Representatives will serve as the first chairperson of the Council and the legislative member appointed by the President of the Senate will serve as the first vice-chairperson. The positions of chairperson and vice-chairperson will alternate annually upon the first meeting of the Council each calendar year.

The bill also requires members of the Council to be appointed by August 1, 2018, and any vacancy on the Council is to be filled by appointment in the same manner as the original appointment. Members of the Council will be appointed for terms not to exceed three years and, with the exception of the chairperson and vice-chairperson, will not serve more than two consecutive terms. The initial terms for the members will be staggered according to the provisions of the bill. In addition, legislative members of the Council will receive compensation amounts provided in continuing law, subject to approval by the Legislative Coordinating Council.

All of the above provisions dealing with the Council will expire on July 1, 2021.

In addition, the bill removes the Prairie Spirit Rail Trail State Park and the Flint Hills Trail State Park from setback requirements for swine-confined animal feeding operations.

The bill directs the KDWPT to carry out the requirements outlined in state law [KSA 58-3212(a)(1)-(a)(11)] regarding the duties of the responsible party, at all times, after a transfer of a deed for land or water recreational areas. This will apply to the state parks designated by the bill that are subject to federal law regarding interim use of railroad rights-of-way. Among the duties required to be performed by the responsible party are safety, accessibility, litter control, and law enforcement.

Finally, the bill clarifies that property contained within or encumbered by any railroad rights-of-way that have been transferred or conveyed to the KDWPT for interim use as a rail trail under federal law and is part of a state park will be deemed to be acquired and used for state park purposes and will therefore be exempt from property or *ad valorem* taxation.

Chicken Facilities—Permitting Requirements; SB 405

SB 405 amends the law that establishes the number of animals permitted in a confined animal feeding facility (CAFO) for the purpose of determining permitting requirements for new construction or expansion of a CAFO. Under continuing law, a CAFO is required to register with the Kansas Department of Health and Environment if the CAFO has an animal unit capacity of 300 or more. A permit is required for a CAFO with a capacity of 1,000 or more and may be required for a CAFO if the facility 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. In addition, the bill 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.

Further, the bill modifies the definition of “confined feeding facility” to include “building” in addition to the terms “lot,” “pen,” “pool,” and “pond.”

Egg Repackaging; Sub. for SB 414

Sub. for SB 414 repeals the limitations on egg repackaging set forth in KSA 2017 Supp. 2-2510, known as the Kansas Egg Law. The bill permits repackaged eggs to be graded Grade B or better under certain requirements as outlined in the bill. Those requirements include if undamaged eggs from damaged containers are placed only into containers with the same distributor and packer information (including the name, address, and U.S. Department of Agriculture plant number and packaging code); the container holding repackaged eggs is not labeled with a declaration of enhanced quality or any other claim that did not appear on the original container; the eggs with undamaged shells are handled and repackaged using good manufacturing processes and are under refrigerated conditions in accordance with Food and Drug Administration regulations; all damaged containers and packing materials identified with the U.S. Department of Agriculture grade shield are destroyed; and all segregated inedible eggs are destroyed to prevent human consumption.

With respect to the requirement that an inspection fee stamp be placed on the carton indicating the inspection fee had been paid, the bill exempts repackaged eggs from the fee as outlined in the new provisions of the bill (these eggs would have already been assessed the inspection fee).

Pet Animal Act; HB 2477

HB 2477 makes several changes to the Kansas Pet Animal Act (Act) pertaining to licensure of those providing temporary care of dogs or cats, maximum license fees, notice of inspections, requested inspections, no-contact inspections, failed inspections, and license renewal dates.

Temporary Care of Dogs and Cats

The bill prohibits the Kansas Department of Agriculture from requiring the license of any individual who has written and signed an agreement to provide temporary care for one or more dogs or cats owned by an animal shelter licensed pursuant to the Act.

The bill requires animal shelters to keep a current list of individuals who have written and signed an agreement to provide temporary care.

Fee Maximums

The bill adjusts the maximum fees that may be prescribed by the Commissioner of Animal Health (Commissioner) for the license categories found in the Act. The actual fees charged will be set under rules and regulations adopted by the Secretary of Agriculture, the authority for which is current law. The adjustments to fee maximums are as follows:

- Fee maximums for animal distributors and breeders licensed under federal law (U.S. Department of Agriculture) increase from \$200 to \$450; and
- Fee maximums for research facilities and pet shops increase from \$405 to \$600.

In addition, the bill removes the license fee for an animal shelter or a pound and creates three new license fee categories for shelters in cities of the first, second, and third class. The new license fee categories and registration fee amounts are:

- Animal shelter, city of the first class: an amount not to exceed \$400;
- Animal shelter, city of the second class: an amount not to exceed \$335;
- Animal shelter, city of the third class: an amount not to exceed \$285; and
- Hobby breeder: an amount not to exceed \$250.

For premises that require more than one license under the conditions of the Act, the bill requires the premises pay for the most expensive license and a \$50 fee for each additional license.

A late fee of \$70 was assessed when a permit or license was not renewed prior to October 1. Previously, a late fee of \$70 was assessed if a license or permit renewal was more than 45 days late.

Inspections

Notice of Inspections

The bill requires that no notice be given to any person prior to an inspection, changed from “need not be given prior to inspection.”

Requested Inspections

The bill allows the Commissioner to charge a fee of \$200 to cover the cost of an inspection requested by a licensee, permittee, or applicant for a license or permit of their premises.

No-contact Inspections

The bill also establishes fees for no-contact inspections. Each no-contact inspection results in a \$200 no-contact fee for the owner of the premises, the licensee, or other permittee. The Commissioner, or the Commissioner’s authorized representative, is required to make a second or subsequent attempt to inspect the premises.

A no-contact inspection is defined as the failure by the owner of the premises, a licensee or a permittee, or the designated representative to make a premises available for inspection within 30 minutes of the arrival of the inspector or the inspector’s authorized representative.

Failed Inspections

The bill requires a \$200 re-inspection fee for any subsequent re-inspection be paid by the premises’ owner, licensee, or permittee that has failed an inspection. The payment must be made prior to the re-inspection of the premises. Failure to pay the re-inspection fee results in the revocation of the licensee’s or permittee’s license or permit. The owner of the premises is then required to reapply for any revoked licenses or permits and complete the following:

- Pay the fee for the new permit or license application;
- Pass an initial inspection; and
- Pay any past due fees.

License Renewals

The bill changes the definition of “license or permit year” to mean the 12-month period ending on September 30. Previously, the license year ended on June 30. The following licensees’ license periods change to end on September 30:

- Animal breeder;

- Animal distributor;
- Boarding or training kennel;
- Hobby breeder;
- Pet shop operator;
- Pound or animal shelter;
- Out-of-state distributor;
- Research facility; and
- Retail breeder.

Controlled Shooting Areas; HB 2558

HB 2558 extends the season for hunting and collecting game birds on controlled shooting areas from September 1 to March 31 to September 1 to April 30.

Kansas Emergency Planning and Community Right-to-Know Act; HB 2577

HB 2577 requires all fees collected by the Right-to-Know Program (Program) within the Kansas Department of Health and Environment to be deposited into the State Treasury and credited to the Kansas Right-to-Know Fee Fund (Fund), which is created by the bill. Before this bill, these fees were deposited in the State General Fund. Expenditures from the Fund will be used for the administration of the Program, to provide and maintain the reporting system as necessary to comply with KSA 65-5704, and to provide training to the owners or operators of Kansas facilities, Kansas first responders, and Kansas emergency management officials on the existence, access, and use of the reporting system established pursuant to the Kansas Emergency Planning and Community Right-to-Know Act.

The bill establishes statutory maximum fees for the Program, as in the following table.

Sum of the Maximum Daily Amounts of all Extremely Hazardous Substances reported (in pounds) on the Kansas Tier II Form	Annual Fee
1-9,999	\$25
10,000-999,999	\$50
1.0 million or greater	\$150
Sum of the Maximum Daily Amounts of all Hazardous Chemicals reported (in pounds) on the Kansas Tier II Form	Annual Fee
10,000-99,999	\$25
100,000-999,999	\$50
1.0 million-9,999,999	\$150
10.0 million or greater	\$300
Sum of the Total Chemical Releases reported (in pounds) on the Federal Form R	Annual Fee
100-19,999	\$250
20,000-99,999	\$700
100,000-999,999	\$1,700
1.0 million or greater	\$3,000

The bill also gives the Secretary of Health and Environment (Secretary) the authority to reduce the fees by adopting administrative rules and regulations if the Secretary determines such fees are yielding more than is necessary for the purposes of the Program outlined in the bill. In addition, the bill gives authority to the Secretary to increase the fees by adopting administrative rules and regulations if the Secretary finds an increase is necessary to produce sufficient revenue for purposes of the Program. The bill prohibits fee increases in excess of the total cost of operation of the Program.

Noxious Weed Act; HB 2583

HB 2583 creates the Noxious Weed Act (Act) and repeals former noxious weeds law.

Definitions

For purposes of the Act, the bill defines various terms, including “Act,” “certified weed free,” “control,” “governing body,” “governmental agency,” “noxious weed plant material,” “person,” “political subdivision,” “secretary,” “state advisory committee,” and “weed supervisor.” The term “noxious weed” means any species of plant the Secretary of Agriculture (Secretary) determines to be a noxious weed in rules and regulations adopted and promulgated pursuant to the Act.

Emergency Declaration of Noxious Weeds

The bill authorizes the Secretary to make an emergency declaration of noxious weeds by order if a new, potentially harmful, verified species of plant is discovered growing in the state or the state is facing a potential influx of harmful species of plants as the result of a natural disaster.

Once the Secretary makes an emergency declaration, the Secretary will be required to consider the species of plant as noxious and take every action and use any means available to control or eradicate the noxious weed. The Secretary will not be allowed to make an emergency declaration for the same species of plant more than once in a five-year period without the recommendation of the State Noxious Weed Advisory Committee. The declaration will remain in effect for the earlier of the following:

- 18 months;
- Until action can be taken by the Secretary to declare the species a noxious weed by rules and regulations; or
- Until the Secretary rescinds the declaration.

State Noxious Weed Advisory Committee

The bill creates the State Noxious Weed Advisory Committee (Committee), which will consist of 13 voting members and the Secretary as a non-voting ex officio member. Members will reflect the different geographic areas of the state equally, to the greatest extent possible, and receive no compensation for serving on the Committee, but will receive subsistence allowances, mileage, and other expenses as provided in law.

Membership

The following 13 voting members will be appointed by the Secretary:

- One member, natural resource management professional, Kansas Department of Wildlife, Parks and Tourism;
- Two members, weed specialists from Kansas State University, College of Agriculture, or Kansas State Research and Extension, with one member having knowledge of non-chemical methods of weed control, appointed upon recommendation of the Dean of the College of Agriculture and the Director of Kansas State Research and Extension;
- One member, county commissioner, appointed on recommendation of the Kansas Association of Counties;

- Four members shall be private landowners involved in agricultural production, including
 - One who is a Kansas producer of traditional Kansas crops, meaning wheat, corn, soybeans, milo, peanuts, cotton, hay, or oats;
 - One who is a Kansas producer who grows non-traditional Kansas crops; and
 - One who shall be a certified organic farmer;
- Two members, weed supervisors, appointed upon recommendation of the Board of Directors of the County Weed Director's Association of Kansas;
- One member, representing agricultural industries in the state, appointed upon recommendation of the Board of Directors of the Kansas Agribusiness Retailers Association;
- One member, appointed by the Kansas Biological Survey; and
- One member, appointed upon recommendation of the Board of Directors of the Kansas Cooperative Council.

Term of Office; Vacancies

The term of office for each Committee member will be four years, with initial appointments for six members for two years, four members for three years, and three members for four years, as designated by the Secretary. Committee members will be limited to serving two full terms and will hold office until expiration of the term, a successor has been duly appointed, or removal from the Committee for misconduct, incompetence, or neglect of duty. When a vacancy occurs, the recommending body of the vacating member will make a recommendation to the Secretary for a replacement, with the Secretary making the appointment as soon as reasonably possible to fill the vacancy.

Quorum; Meeting Frequency

A quorum of the Committee will be a majority of the members appointed to the Committee, which will elect or appoint a chairperson and vice-chairperson each year. The Committee is required to meet at least once a year, but not more than four times per year.

Duties of the Committee

The Committee will be assigned with the following duties, among other duties assigned by the Secretary:

- Review the State Weed Management Plan every five years and recommend changes and updates to the Secretary;
- Recommend the designation and classification of noxious weeds in the state through the use of a risk assessment designated by the Secretary;
- Review the Act and the rules and regulations of the Secretary declaring species of plants to be noxious weeds at least every four years and recommend changes to the Secretary;
- Review the official methods for the control and eradication for each species of plant declared a noxious weed and recommend changes to the Secretary that includes both chemical and non-chemical options for control and eradication; and
- Before January 1 of each odd-numbered year, report to the Secretary on the amount and manner of State funds spent on noxious weeds, the status of state and county noxious weed control programs, recommendations for the continued best use of state funds for noxious weed control, and recommendations on long-term noxious weed control needs.

Recommendations by the Committee may be made only by a majority vote of the members.

Certification

The bill requires any and all alfalfa, grass, hay, or other forage, straw, or mulch carried onto or used within the boundaries of any lands owned or managed by the State and its agencies to be certified weed free.

Noxious Weeds Listing

The bill requires the Secretary to adopt rules and regulations to declare species of plants as noxious weeds. The Secretary cannot declare any species of plant to be a noxious weed without the recommendation of the Committee, except under emergency declaration. The bill also clarifies law to reflect the Secretary's noxious weed authority proposed by the bill.

Once a species of plant has been declared a noxious weed, it will be considered a noxious weed in every county. The bill declares it is the duty of persons to control the spread of and to eradicate all noxious weeds on the land owned or supervised by them and to use official methods for control and eradication, at such times that are approved and adopted by the Secretary.

Before adopting rules and regulations on noxious weeds, the Secretary will be required to prepare a report on the proposed changes to the official list of noxious weeds and submit the report to the Legislature.

A board of county commissioners (Board) will be authorized, with the approval of the Secretary, to publish a list of species of plants to be controlled in the county; any species so listed will be

considered a noxious weed within the county boundaries. The Board will be required to submit official methods for control and eradication of that noxious weed to the Secretary, provided no other county has submitted information for that noxious weed. If the noxious weed is later declared a noxious weed by the Secretary, the methods for control and eradication adopted by the Secretary will control over any methods adopted by the Board. In addition, chemical materials will be available for control and eradication of the noxious weed listed by the Board, pursuant to continuing law. The Board will be permitted to submit additional control methods to the Secretary for approval. If the Secretary approves the additional control methods, the methods shall be added to the official control methods and be made available to all counties as a control method.

The list of noxious weeds in statute will expire on December 31, 2020. In addition, the option for counties to declare the multiflora rose (*Rosa multiflora*) or bull thistle (*Cirsium vulgare*) as noxious weeds will expire on December 31, 2020. In addition, the bill eliminates the Secretary's ability to designate any county as a *sericea lespedeza* disaster area.

Enforcement

The bill will vest the responsibility for enforcement of the Act, unless otherwise provided for, in the Board regarding all lands within a county's boundaries. The Board can enter into agreements with cities and townships to transfer the enforcement responsibility; however, the Board can revoke the agreement and resume the responsibility for enforcement if the city or township is unable or unwilling to fulfill the responsibilities.

County, Township, City, or District Weed Supervisor

The bill will modify the position of a county, township, city, or district weed supervisor (supervisor). The bill requires the supervisor to consult and cooperate with the Secretary regarding noxious weeds and to render every possible assistance and direction for control and eradication of noxious weeds in the supervisor's jurisdiction. In addition, the bill will continue to require the supervisor to investigate or aid in the investigation of any violation of the Act and report the results to the county attorney. The bill also adds language to require that before the supervisor applies any chemical control to public or private land, the supervisor must determine whether the lands or adjacent lands are registered on the registry or registries identified by the Secretary to provide location information about organic, sensitive, or specialty crops.

The salary of the supervisor will be paid out of the county noxious weed fund or, if the noxious weed program is funded primarily through county general funds, the salary will be paid from the county general funds. The bill also mandates that if the noxious weed program is funded from more than one source, the salary will be paid from each source in proportion to its contribution to the noxious weed program.

In addition, the supervisor is required to make findings and submit information each year:

- No later than October 31—annual surveys of noxious weed infestations and ascertain the approximate amount of land and highways infested with each kind of noxious weed and its location in the county;

- By March 15—annual weed eradication progress report for the preceding calendar year, consisting of compiled data on eradicated and treated areas and any other data deemed necessary by the Secretary, submitted to the Secretary for review; and
- By March 15—management plan for the coming year, submitted to the Board and Secretary for review.

Confer with Governing Bodies and Representatives

The bill requires the Secretary and supervisor to confer at times necessary and advisable with designated governing bodies and representatives regarding noxious weed infestation on their lands and eradication and control measures, and remove certain reporting requirements to the Secretary.

Costs and Funding

The bill replaces terms such as “highways,” “roads,” “streets,” and “alleys” with “right-of-ways.”

The bill also authorizes the tax levying body of each county, township, or incorporated city, based on the annual surveys of infestation required by law, to either make a tax levy each year for the purpose of paying the cost of control and eradication as provided in the Act or set aside a portion of the county general fund equivalent to the budget of the noxious weed program. In addition, in the case of cities and counties, a portion of the tax levy may be used to pay a portion of the principal and interest on bonds issued under current law. The bill also allows moneys remaining in the noxious weed eradication fund at the end of any year for which a levy is made shall either be transferred to the noxious weed capital outlay fund or remain in the noxious weed eradication fund for use in the next year.

The bill requires all records relating to funds received into and spent from both the noxious weed eradication fund and the noxious weed capital outlay fund to be retained by the county for at least five years and shall be made available to the Secretary upon request.

The bill requires all moneys collected be paid into the county noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, the moneys will be deposited into the county general fund. If the noxious weed program is funded from more than one source, moneys will be placed into each source in proportion to its contribution.

In addition, the bill provides, if the governing body of any political subdivision owning or supervising lands invested with noxious weeds within its jurisdiction fails to control the noxious weeds, the county will provide a 15-day notice to the political subdivision directing the submission of a plan and timeline to the Board. In instances where the Board determines the plan is unacceptable, the bill requires the Board to notify the political subdivision of requested changes to the plan and timeline. If the political subdivision fails to control the noxious weeds within 15 days or according to an accepted plan and timeline, the bill directs the Board to proceed to have official methods used for the control and eradication of the noxious weeds.

Purchase of Chemical Materials by Counties

The bill allows the Board or governing body of a city to apply chemical materials purchased under continuing law upon right-of-ways or county-owned or -managed property.

The bill requires all moneys collected from the sale of chemical materials and charges for use of machinery be deposited into the noxious weed eradication fund, or, if the noxious weed program is funded primarily through the county general fund, the moneys will be deposited into the county general fund. If the noxious weed program is funded from more than one source, moneys will be placed into each source in proportion to its contribution.

The bill provides, except as provided in continuing law, the Board will be required to sell chemical materials to landowners in its jurisdiction who have been assessed a tax by the county at a price fixed by the Board. Continuing law includes additional requirements for the cost that may be recovered by the Board. To clarify the role of the Board, the bill amends these requirements to clarify “them” means the “board of county commissioners” and replace “tax levy of” with “appropriated a budget equivalent to.”

In addition, the bill authorizes a Board that funds its noxious weed program from the county general fund to sell chemicals to landowners in its jurisdiction who have been assessed a tax by the county at a price fixed by the Board in an amount equal to not less than 50.0 percent and not more than 75.0 percent of the total cost incurred by the county in purchasing, storing, and handling of the chemical materials. The Board will be authorized to charge for the use of machines or other equipment and the operators to sufficiently cover the actual cost of operation. Once the tax levying body of a county, city, or township has appropriated a budget equivalent to 1.5 mills or more, the Board can collect from the landowners in its jurisdiction an amount equal to 75.0 percent, but not more than 100.0 percent, of the total cost incurred by the county in purchasing, storing, and handling of chemical materials.

Violations

The bill makes it a class C nonperson misdemeanor with a punishment of a \$100 fine for each day up to a maximum fine of \$1,500 for non-compliance by any person, association, corporation, county, city, or other official who knowingly violates or fails to comply with any provisions of the Act, or the rules and regulations adopted pursuant to the Act.

Entrance onto Lands

The bill amends law relating to authorized personnel entering private land to inspect real and personal property in connection with administration of the Act to stipulate that such personnel shall be able to do so without interference or obstruction, and entry upon such premises in accordance with the Act shall not be deemed a trespass.

The bill also requires any individual conducting an inspection on such premise to do the following before entering:

- Attempt to notify, if practicable, the owner, operator, or lessee of the premises intended to be inspected; and
- Allow any present and notified owner, operator, or lessees of the premises, or any representative, to accompany the individual conducting the inspection.

Notification, Methods for Control and Eradication, and Funding

The bill amends notification requirements sent by a county weed supervisor to include official methods adopted by the Secretary for the control and eradication of the noxious weeds that the county weed supervisor found on the land. The cost of this publication will be paid from the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, the moneys will be deposited into the county general fund. If the noxious weed program is funded from more than one source, moneys will be placed into each source in proportion to its contribution.

The bill also amends a provision of law that allows a supervisor who has found musk thistle plants that have reached a stage of maturity where the official methods of control would not have satisfactory results to give legal notice requiring fall treatment to be performed. The amendment provides that this language will expire December 31, 2020.

The bill requires the county weed officer, after completion of the weed control operation, to notify by certified mail the owner with an itemized statement of the cost of treatment. Funds collected will be deposited into the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, the moneys will be deposited into the county general fund. If the noxious weed program is funded from more than one source, moneys will be placed into each source in proportion, except not more than 25 percent of the cost of treating the portion of the entire contiguous tract of land as described in the legal notices provided by continuing law can be recorded on the tax rolls against such land in any one year.

The Board may develop a payment plan for the payment of the full amount after it has engaged in discussions with the landowner. If the landowner fails to fulfill the terms of the repayment agreement, the Board may collect the remainder of the amount owed. All moneys collected through a payment plan or sale of land subject to a lien under provisions of the Act will be deposited with the county treasurer for credit to the county noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, the moneys will be deposited into the county general fund. If the noxious weed program is funded from more than one source, moneys will be placed into each source in proportion.

Repeal of Additional Laws

In addition to the statutes amended, the bill repeals other law governing noxious weeds and weed control programs (KSA 2-1316a and KSA 2-1334).

Pesticide Business License; HB 2619

HB 2619 allows documentation required under Kansas pesticide law or rules and regulations to be created and maintained in paper or electronic format and stipulates that any document created or maintained in electronic format is capable of being reproduced in a paper format. These documents must be provided, in the format requested, to the Secretary of Agriculture (Secretary), or the Secretary's designee, upon request.

The bill also requires statements of services or contracts be presented to the customer in a paper format, unless the customer agrees to receive all or part of the statement of services or contract in electronic format.

In addition, the pesticide business licensee is required to present the statement of services or contract to the customer within 30 days of the provided services and prior to the due date for payment. Statements and contracts for prepaid services are excluded. The bill allows a customer to request a statement of service or contract, which must be presented no later than the close of business the following business day. A duplicate of the statement of services or contract provided to the customer must also be made available to the Secretary, or the Secretary's designee, upon request within two business days. The bill also requires the statement of services or contract to be signed by the individual who performed and, when applicable, supervised the pest control service or application of pesticides. The statement of services or contract may be signed using the legible printed names of the individuals or, when applicable, supervised the performance of the pest control service or application of pesticide.

Finally, the bill makes technical changes by replacing the term "authorized representative" with "designee" and removing the term "written" throughout the amended section of law.

ALCOHOL AND DRUGS

Uniform Controlled Substances Act; Definition of Marijuana; SB 282

SB 282 amends the Uniform Controlled Substances Act (Act) and certain statutes pertaining to crimes involving controlled substances. The bill amends the definition of “marijuana” to exempt cannabidiol.

Drugs and Drug Classes

The bill amends the Act to add several drugs and modify drug classes in the schedules of controlled substances. Specifically, the bill adds several synthetic opioid fentanyl compounds and an opioid analgesic drug to Schedule I; updates several cannabinoid classes in Schedule I to include new synthetics and substitutes; adds oral solutions of dronabinol and 4-anilino-N-phenethyl-4-piperidine (immediate precursor to fentanyl) to Schedule II; and updates the list of anabolic steroids in Schedule III.

Definitions

The bill amends the definition of “marijuana” in the Act and in statutes pertaining to crimes involving controlled substances. The bill exempts cannabidiol from the definition of “marijuana.”

Alcoholic Beverage Control Modernization Fee; HB 2362

HB 2362 creates a \$20 alcoholic beverage control (ABC) modernization fee to be charged on both initial and renewal liquor license applications. The bill reduces the initial application fee for a liquor license from \$50 to \$30 plus the \$20 modernization fee. The \$20 modernization fee is added to the renewal application fee, which will remain at \$10.

The revenue from the \$20 fee will be deposited in the ABC Modernization Fund created by the bill, to be used for the software and equipment upgrades associated with the Department of Revenue’s licensing, permitting, enforcement, and case management.

Microbreweries Production; Alcoholic Candy; Domestic Beer in Refillable Containers; Hours of Sale for Alcohol; Self-service Beer from Automated Devices; HB 2470

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 to the sale of domestic beer in refillable containers, allows licensed microbrewers in the state to produce beer containing up to 15.0 percent alcohol by weight, increases the length of time that certain businesses may serve or sell alcohol, and allows self-service beer from automated machines.

Microbreweries Production and Packaging

The bill allows microbreweries in Kansas to contract with other microbreweries for production and packaging of beer and hard cider.

The contracting Kansas microbrewery will be held to all applicable state and federal laws concerning manufacturing, packaging, and labeling and will be responsible for payment of all state and federal taxes on the beer or hard cider.

Production of beer or hard cider will count toward production limits in continuing law for both of the microbreweries involved in such a contract. The bill allows the beer or hard cider to be transferred to the microbrewery on whose behalf the beer or hard cider was produced, after production and packaging.

Sale of Alcoholic Candy; Adulterated Foods

The bill defines “alcoholic candy” as follows:

- For purposes of manufacturing, “alcoholic candy” means any candy or other confectionery product with an alcohol content greater than 0.5 percent alcohol by volume; and
- For purposes of sale at retail locations, “alcoholic candy” means any candy or other confectionery product with an alcohol content greater than 1.0 percent alcohol by volume.

The term is included in the definition of “alcoholic liquor.” Alcoholic candy is subject to regulation by the Alcoholic Beverage Control Division (ABC) of the Kansas Department of Revenue, and a retailer is required to have a liquor license to sell such products.

In addition, the bill amends law regarding adulterated food. The bill exempts confectionery containing not more than 1.0 percent alcohol by volume from the definition of adulterated food, changed from 0.5 percent.

Sale of Domestic Beer in Refillable Containers

The bill amends the definition of “domestic beer” to allow licensed microbrewers in the state to produce beer containing up to 15.0 percent alcohol by weight, changed from 10.0 percent alcohol by weight.

The bill allows a microbrewery licensee to sell beer manufactured by the licensee in refillable and sealable containers to consumers for off-premises consumption. Such containers may not contain less than 32 fluid ounces or more than 64 fluid ounces of beer. Licensees will be required to affix labels to all containers sold, which will include the licensee’s name and the name and type of beer in such container.

[Note: Enacted 2017 House Sub. for SB 13 amended provisions of the Liquor Control Act and Cereal Malt Beverage Act. Certain provisions of the 2017 bill were delayed in implementation until April 1, 2019. References to such date are to reconcile the provisions of the 2017 and 2018 legislation.]

Hours of Sale and Service for Alcohol

The bill increases the length of time that certain businesses may serve or sell alcohol. Establishments licensed to serve alcohol will be allowed to sell drinks starting at 6:00 a.m. Under previous law, establishments were not allowed to sell drinks between the hours of 2:00 a.m. and 9:00 a.m.

Farm wineries, microbreweries, and microdistilleries are allowed to sell their respective alcoholic products in their original containers between 6:00 a.m. and 12:00 a.m. on any day. Former law limited the hours these establishments could sell alcohol on Sundays, between 12:00 p.m. and 6 p.m. for farm wineries and between 11:00 a.m. and 7:00 p.m. for microbreweries and microdistilleries.

“Day” means 6:00 a.m. until 2:00 a.m. the following calendar day.

Self-service Beer from Automated Devices

The bill allows licensed public venues, clubs, and drinking establishments to provide self-service beer to customers from automated devices in the same manner as is permitted for wine under continuing law, so long as the licensee monitors the dispensing of beer and can control such dispensing.

Definitions

The bill defines an “automated device” as any mechanized device capable of dispensing wine or beer directly to a customer in exchange for compensation that a licensee has received directly from a customer. “Day” means 6:00 a.m. until 2:00 a.m. the following calendar day.

Notice

A licensee will be required to provide written or electronic notice to the Director of ABC of a licensee’s intent to use an automated device at least 48 hours before the automated device is used on the licensed premises.

Video Monitoring

The bill requires any licensee offering self-service beer or wine from any automated device to provide constant video monitoring of the automated devices at all times the licensee is open to the public. The licensee will be required to maintain the recorded footage for at least 60 days and, if requested, provide the footage to any agent of the Director of ABC or other authorized law enforcement agent.

Access Card

Under the bill, compensation will be in the form of a prepaid access card containing a fixed monetary amount that can be directly exchanged for beer or wine from an automated device. The access cards may be sold, used, or reactivated only during the business day. The cards will be purchased from the licensee by a customer and a licensee could issue only one active card to a customer. An access card will be considered active if the access card contains monetary credit or has not yet been used to dispense 15 ounces of wine or 32 ounces of beer. The purchase of an access card is subject to the liquor drink tax.

A customer will be required to show a valid driver's license, identification card, or other government-issued document that contains a photograph of the customer and indicates the customer is at least 21 years of age. The bill requires each access card to be programmed to require the customer show identification before the access card could be used for the first time during any business day or for any subsequent reactivation.

The bill requires that access cards become inactive at the end of each business day. The access card will become inactive if it is used to dispense 15 ounces of wine or 32 ounces of beer. A customer will be able to reactivate the access card to allow an additional 15 ounces of wine or 32 ounces of beer by showing identification to the licensee or licensee's employee.

Service Hours

The bill amends the prohibited service period to last from 2:00 a.m. to 6:00 a.m. Former law prohibited public venues, clubs, or drinking establishments from allowing the serving, mixing, or consumption of alcohol on its premises between 2:00 a.m. and 9:00 a.m.

Other Provisions

The bill requires the Secretary of Revenue to adopt rules and regulations to implement the provisions of the bill relating to sales *via* automated devices by January 1, 2019. The bill also states that all laws and rules and regulations concerning the sale of alcohol to individuals under 21 years of age applies to the sales transaction of the access card.

BUSINESS, COMMERCE, AND LABOR

Vehicle Dealer Facilities, Performance Criteria, and Recall Repairs; SB 324

SB 324 adds two sections to the Vehicle Dealers and Manufacturers Licensing Act (Act) on improvements to dealer facilities, dealer performance criteria, and recall repairs.

Improvements to Dealer Facilities

The bill prohibits a manufacturer (as defined in the bill) from coercing or requiring any vehicle dealer to construct improvements to facilities or install new signs that replace or substantially alter improvements or signs completed within the previous ten years that were required and approved by the manufacturer or one of its contractors or affiliates, notwithstanding the terms and conditions of any franchise agreement or related document. The ten-year period begins for a dealer, including that dealer's successor and assigns, when the manufacturer gives final written approval of the facility, improvements, or signs or the dealer receives a certificate of occupancy, whichever is later.

The bill prohibits a manufacturer from requiring a dealer to purchase goods or services for improvements from vendors selected, identified, or designated by the manufacturer without allowing the dealer to obtain goods or services of substantially similar kind, quality, and design from a vendor chosen by the dealer. The bill requires manufacturer approval of an alternate vendor and specifies approval by the manufacturer may not be unreasonably withheld. The option to choose an alternate vendor is not available if the manufacturer provides substantial reimbursement (as defined in the bill) for the goods or services. The bill specifies the term "goods" does not include moveable displays, brochures, and promotional materials containing material subject to the intellectual property rights of the manufacturer.

The bill states this section is not intended to prohibit a manufacturer from requiring changes or updates to signs more frequently than every ten years if the manufacturer offers the dealer compensation for the sign or pays for the sign if the sign changes are required more than every five years.

Dealer Performance Criteria

The bill prohibits a manufacturer from using criteria that are unfair, unreasonable, arbitrary, or inequitable or that do not consider local and state or regional criteria, data, and facts presented by the dealer in writing to evaluate any dealer's sales or service performance. The prohibited criteria cannot be used for purposes of canceling, terminating, or non-renewing a franchise agreement with a dealer or assigning the dealership to another person. The bill requires prevailing economic or other conditions affecting sales or service performance to be taken into account by the manufacturer and state relevant and material criteria, data, or facts include, but are not limited to, dealerships of comparable size in comparable markets, geographic and market characteristics in the new vehicle dealer's area, proximity to the motor vehicle manufacturing facilities, buying patterns and consumer preferences, and customer drive time and distance. If any performance measurement criteria are based in whole or in part on a survey, the bill requires the survey be based on a statistically

significant and valid random sample or survey a majority of customers if the survey measures customer satisfaction.

Recall Repairs

The bill requires a manufacturer to provide reasonable compensation to its new vehicle dealers for all labor and parts required to perform recall repairs. A manufacturer is required to compensate a dealer in one of two ways:

- At the prorated rate of at least 1.0 percent of the value of the vehicle per month if, after 30 days, parts or a remedy are not reasonably available to perform a recall service or repair on a used vehicle held for sale by a vehicle dealer authorized to sell and service the same line-make of new vehicles and the manufacturer has issued a stop-sale or do-not-drive order on the vehicle; the period ends the date the parts are made available or the date the dealer sells, trades, or otherwise disposes of the vehicle; or
- Under a national recall compensation program, provided the compensation under the program is equal to or greater than the compensation outlined above, or as the manufacturer and dealer otherwise agree.

The bill defines both stop-sale and do-not-drive orders. The recall repair provisions apply only to used vehicles subject to safety or emissions recalls that are held by dealers of new vehicles and only to vehicles in inventory when the order is issued or taken into inventory as a trade-in incident to new vehicle purchases after the order was issued.

The bill states it will be a violation of this section for a manufacturer to reduce compensation to a new vehicle dealer or otherwise retaliate solely because the dealer has made a claim for reimbursement under this section, but it excludes an action by a manufacturer applied uniformly among all dealers of the same line-make in the state.

The bill authorizes a manufacturer to direct the manner and method in which a dealer must demonstrate the inventory status of a vehicle affected by a stop-sale or do-not-drive order, provided the manner and method are not unduly burdensome or require information that is unduly burdensome to provide.

The bill states a manufacturer will not be required to provide total compensation to a dealer for any single unit that exceeds the total average trade-in value of the affected used vehicle.

The bill states any remedy provided under this section is exclusive and may not be combined with any other recall compensation remedy. Also, it will not supersede or otherwise replace provisions in continuing law regarding liability of manufacturers and distributors for defects in equipment.

CHILDREN AND YOUTH

Juvenile Crisis Intervention Centers; Amendments to Revised Kansas Code for Care of Children; House Sub. for SB 179

House Sub. for SB 179 creates and amends law to establish juvenile crisis intervention centers (intervention centers) and procedures for admission of juveniles to such centers. The bill also makes additional amendments to the Revised Kansas Code for Care of Children (CINC Code) and the Newborn Infant Protection Act (Act) within the CINC Code.

Establishment of Intervention Centers

The bill creates law describing an intervention center as a facility that provides short-term observation, assessment, treatment, and case planning, and referral for any juvenile who is experiencing a mental health crisis and is likely to cause harm to self or others. The bill describes required parameters for intervention centers in several areas, including access to various services, construction and environmental features, and policies and procedures for operation and staff monitoring for intervention center entrances and exits.

The bill requires intervention centers to provide treatment to juveniles admitted to the centers, as appropriate while admitted.

An intervention center may be on the same premises as another licensed facility, but the living unit of the intervention center must be maintained in a separate, self-contained unit. An intervention center may not be located in a city or county jail or a juvenile detention facility.

A juvenile may be admitted to an intervention center when:

- The head of the center determines the juvenile is in need of treatment and is likely to cause harm to self or others;
- A qualified professional from a community mental health center (CMHC) has given written authorization for the juvenile to be admitted to an intervention center; and
- No other more appropriate treatment services are available and accessible to the juvenile at the time of admission.

A juvenile may be admitted to an intervention center for not more than 30 days, and a parent with legal custody or a legal guardian of the juvenile can remove the juvenile from the center at any time. If the removal could cause the juvenile to become a child in need of care pursuant to the CINC Code, the head of the intervention center may report such concerns to the Department for Children and Families (DCF) or may request the county or district attorney to initiate proceedings under the CINC Code. If the head of the intervention center determines such a request to the county or district attorney is the most appropriate action, the head of the intervention center shall make the

request and keep the juvenile in the intervention center for an additional 24-hour period to initiate the appropriate proceedings.

Upon a juvenile's release from an intervention center, the managed care organization (MCO), if the juvenile is a Medicaid recipient, and the CMHC serving the area where the juvenile is being discharged must be involved with discharge planning. The head of the intervention center must give written notice of the date and time of discharge, within seven days prior to discharge, to the patient, the MCO (if the juvenile is a Medicaid recipient), the CMHC serving the area where the juvenile is being discharged, and the patient's parent, custodian, or legal guardian.

If a juvenile is a Medicaid recipient, upon admission to an intervention center, the bill requires the MCO to approve services as recommended by the head of the intervention center. Within 14 days after admission, the head of the intervention center must develop a plan of treatment for the juvenile in collaboration with the MCO.

The bill does not prohibit the Kansas Department of Health and Environment (KDHE) from administering or reimbursing state Medicaid services to any juvenile admitted to an intervention center pursuant to the waiver granted under Section 1915(c) of the federal Social Security Act, provided that such services are not administered through a managed care delivery system, or from reimbursing any state Medicaid services that qualify for reimbursement and that are provided to a juvenile admitted to an intervention center. The bill will not impair or otherwise affect the validity of any contract in existence on July 1, 2018, between an MCO and KDHE to provide state Medicaid services. On or before January 1, 2019, the Secretary of Health and Environment must submit to the Centers for Medicare and Medicaid Services (CMS) any approval request necessary to implement these provisions.

On or before January 1, 2019, the Secretary for Children and Families, in consultation with the Attorney General, must promulgate rules and regulations to implement the law created by the bill.

The Secretary for Children and Families must provide an annual report of information regarding outcomes of juveniles admitted into intervention centers to the Joint Committee on Corrections and Juvenile Justice Oversight, the House Committee on Corrections and Juvenile Justice, and the Senate Committee on Judiciary. The bill requires the report to include the number of admissions and releases and the lengths of stay for juveniles admitted to intervention centers; services provided to admitted juveniles; needs of admitted juveniles determined by evidence-based assessment; and success and recidivism rates, including information on the reduction of involvement of the child welfare system and juvenile justice system.

The Secretary of Corrections may enter into memorandums of agreement with other cabinet agencies to provide funding, not to exceed \$2,000,000 annually, from the Evidence-based Programs Account of the State General Fund (SGF) or other available appropriations for juvenile crisis intervention services.

The bill defines "juvenile" as a person less than 18 years of age. It also provides definitions of "head of a juvenile crisis intervention center," "likely to cause harm to self or others," "treatment," and "qualified mental health professional."

Amendments to Law

The bill amends various statutes to incorporate use of intervention centers.

CINC Code amendments. The bill amends the statute governing when a law enforcement officer (LEO) may take a child into custody to require an LEO to take a child under 18 years of age into custody when the LEO reasonably believes the child is experiencing a mental health crisis and is likely to cause harm to self or others.

The bill amends the statute governing delivery of a child taken into custody by an LEO to allow an LEO to deliver a child taken into custody without a court order to an intervention center after written authorization by a CMHC. The bill also non-substantively restructures the list of delivery alternatives in this section.

The bill requires, when an LEO takes a child into custody because the LEO reasonably believes the child is experiencing a mental health crisis and is likely to cause harm to self or others, the LEO place the child in protective custody. The LEO may deliver the child to an intervention center after written authorization by a CMHC, but the child may not be placed in a juvenile detention facility or other secure facility.

The bill amends the statutes governing ex parte protective custody orders and temporary custody orders to allow placement, after written authorization by a CMHC, with an intervention center. The circumstances justifying an entry of a temporary custody order are amended to include probable cause to believe the child is experiencing a mental health crisis and is in need of treatment.

Throughout the amended CINC Code statutes, the term “forthwith” is replaced with “promptly.”

Juvenile Justice Code amendment. The bill amends the statute in the Revised Kansas Juvenile Justice Code governing taking juveniles into custody to allow an officer, when a juvenile cannot be delivered to the juvenile’s parent or custodian, to (in addition to continuing options) deliver the juvenile to an intervention center, if the juvenile is determined to not be detention eligible based on a standardized detention risk assessment tool and is experiencing a mental health crisis, after written authorization by a CMHC.

Account amendments. The bill amends the statute establishing the Evidence-based Programs Account of the SGF to allow expenditures from the account for the development and implementation of evidence-based community programs and practices for juveniles experiencing mental health crises, including intervention centers.

Additional Amendments to CINC Code and the Newborn Infant Protection Act

In addition to the provisions related to juvenile crisis intervention centers, the bill further amends the CINC Code and the Newborn Infant Protection Act (Act) within the Code.

Definitions

The bill amends the following definitions in the CINC Code:

- “Extended out of home placement” specifies removal from the home means from the child’s home;
- “Kinship care” changed to “kinship care placement,” means the placement of a child in the home of an adult with whom the child or the child’s parent already has close emotional ties; and
- “Relative” removes language indicating the term does not include the child’s other parent when referring to a relative of a child’s parent.

Interested Parties

The bill clarifies, in addition to the parties, interested parties also are entitled to notice of the time and place of the dispositional hearing.

Placement of a Child

The term “extended out of home placement” is deleted and replaced in various sections in the CINC Code with the specific time frame defined as when a child has been in the custody of the Secretary for Children and Families and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date on which the child was removed from the child’s home. In continuing law, this time frame is considered when a court is determining whether reintegration is a viable alternative and when a court is making a determination of unfitness.

Permanency Plan

If a child’s permanency plan is either adoption or appointment of a custodian, prior to a hearing to consider the termination of parental rights, either or both parents may relinquish parental rights to the child to the Secretary for Children and Families, consent to an adoption, or consent to appointment of a permanent custodian with the approval of the guardian *ad litem* and the acceptance and approval of the Secretary. Prior law required consent from both the guardian *ad litem* and the Secretary for Children and Families for the parental decision.

Adoption

The bill revises adoption provisions to clarify the process for a child in the custody of the Secretary for Children and Families to proceed to adoption. If a child is in the custody of the Secretary for Children and Families and the parental rights of both parents have been terminated or one parent has had parental rights terminated or has relinquished parental rights of the child to the Secretary, adoption may be allowed by persons approved by the Secretary and the court. The bill also adds language to specify that, if a child is no longer in the custody of the Secretary for Children and Families, the court is authorized to approve adoption of a child by persons who both parents

consent to adopt or one parent consents to adopt, if the parental rights of the other parent have been terminated.

Newborn Infant Protection Act

The bill adds language to state the purpose of the Act is to protect newborn children from injury and death caused by abandonment by a parent and to provide safe and secure alternatives to such abandonment.

Definitions. The following definitions are added and references throughout the Act are updated:

- “Non-relinquishing parent” means the biological parent of an infant who does not leave the infant with any person specified in accordance with the Act; and
- “Relinquishing parent” means the biological parent or person having legal custody of an infant who leaves the infant with any person in accordance with the Act.

The bill changes the defined age of an infant for purposes of the Act from 45 days old or younger to 60 days old or younger and states that provisions of the Act will be applicable to persons purporting to be an infant’s parent.

Relinquishment of infant at a facility. An employee of a facility where an infant was left is allowed to take physical custody of the child without a court order. References to “person or facility” throughout the Act are amended to clarify when provisions are applicable to employees of any facility specified in the Act, any facility specified, or both.

When an infant is delivered to a facility pursuant to the Act that is not a medical care facility, the employee taking physical custody of the infant must make arrangements for the immediate transportation of the infant to the nearest medical care facility. The medical care facility, its employees, agents, and medical staff are required to perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health and safety of the infant.

Immunity. Provisions regarding a specified facility’s civil and criminal immunity are amended to clarify the immunity applied to employees of such facilities. Administrative immunity is added for facilities specified in the Act and employees of such facilities. Such immunity does not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of the infant.

Any medical care facility receiving the infant from another facility pursuant to the Act is immune from administrative, civil, and criminal liability for treatment performed consistent with standards as specified in the Act.

The bill also adds provisions providing immunity from civil or criminal liability for a relinquishing parent if the following conditions are met:

- The relinquishing parent voluntarily delivered the infant safely to the physical custody of an employee at a facility specified in the Act;
- The infant was no more than 60 days old when delivered by the relinquishing parent to the physical custody of an employee at a facility specified in the Act; and
- The infant was not abused or neglected by the relinquishing parent prior to such delivery.

Parental rights to relinquished infant. A relinquishing parent's voluntary delivery of an infant in accordance with the Act shall constitute the parent's implied consent to the adoption of the infant and a voluntary relinquishment of such parent's parental rights.

The bill establishes notice by publication requirements for termination of parental rights proceedings initiated after relinquishment of an infant pursuant to the Act. The bill requires a non-relinquishing parent seeking to establish parental rights to notify the court where the proceeding is filed of the parent's intentions regarding the infant within 30 days after publication of such notice. The court must initiate proceedings to establish parentage if no person notifies the court within 30 days. An examination of the putative father registry is required in order to determine previous attempts to preserve parental rights to the infant and, if such attempts were made, the State must make reasonable efforts to provide notice of the abandonment of the infant to such putative father.

A non-relinquishing parent seeking to preserve parental rights to an infant relinquished pursuant to the Act must take necessary steps to establish parentage within 30 days after the published notice and, if the non-relinquishing parent fails to do so, the bill allows for the termination of such parent's rights with respect to the child. If a non-relinquishing parent inquires at a facility specified in the Act regarding an infant whose custody was relinquished pursuant to the Act, such facility must refer the non-relinquishing parent to the DCF and the court exercising jurisdiction over the child.

Technical Amendments

The bill removes outdated terms and language throughout the CINC Code and other statutes pertaining to children and minors, clarifies that references to "children in need of care" means children in need of care as defined within the Code, updates statutory references, and reconciles effective dates.

Adoption Protection Act; Amendments to Kansas Adoption and Relinquishment Act; SB 284

SB 284 creates the Adoption Protection Act and amends several provisions of the Kansas Adoption and Relinquishment Act.

Adoption Protection Act

The bill 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), as defined by the bill, shall be required to perform, assist, counsel, recommend, consent to, refer, or otherwise participate in any 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:

- Denial of a license, permit, or other authorization, denial of renewal of the same, or revocation or suspension of the same by any state agency or political subdivision;
- Denial of participation in any program operated by the Department for Children and Families (DCF) 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 bill requires the CPA's sincerely held religious beliefs to be described in the CPA's organizing documents, written policies, or such other written document approved by the governing body of the CPA.

The provisions of the bill do not apply to any entity while the entity has a contract with DCF as a case management contractor.

Kansas Adoption and Relinquishment Act Amendments

The bill amends various provisions within the Kansas Adoption and Relinquishment Act (KARA).

Definitions

The bill amends the definition of "residence of a child" and "place where a child resides" to mean the residence of any parent. The previous definition stated the residence of a child was the residence of the child's mother if the child's parents are not married or if the child's mother has established a separate, legal residence and the child resides with the mother or, alternatively, the residence of the child's father if the child's parents are married or, if not married, if the father has custody.

The bill adds a definition of "party in interest," which means:

- A parent whose parental rights have not been terminated;
- A prospective adoptive parent;
- An adoptive parent;
- A legal guardian of a child;
- An agency having authority to consent to the adoption of a child;
- The child sought to be adopted, if over 14 years of age and of sound intellect; or
- An adult adoptee.

The bill moves the definition of “professional” within the code and clarifies it does not include a person who received solely reimbursement for expenses.

Who May Adopt

The bill changes the phrase “husband and wife” to “married adult couple” in the statute governing who may adopt.

Consent to Adoption and Relinquishment

The bill clarifies it is the duty of the court to inform the consenting person or relinquishing person of the legal consequences of the consent or relinquishment; previous law stated the court’s duty was to advise the consenting person or relinquishing person of the consequences of consent or relinquishment. The bill also adds a provision that states a consent or relinquishment may be given by any father or possible father any time after the birth of a child, or before the birth of the child if he has the advice of independent legal counsel as to the consequences of the consent prior to its execution and such counsel is present at the execution of the consent.

The bill provides that a relinquishment will be final when executed unless the relinquishing party, prior to the entry of a final order terminating parental rights, alleges and proves by clear and convincing evidence that the relinquishment was not freely and voluntarily given; the burden of proving the relinquishment was not freely and voluntarily given is on the relinquishing party. The bill provides, if a parent has relinquished a child and the other parent does not relinquish the child, and the other parent’s rights have not been terminated, the rights of the parent who relinquished are not terminated, and full parental rights shall be restored. The bill removes a provision that terminates the right to receive notice in a subsequent adoption proceeding involving the child and a provision that terminates the rights of birth parents to inherit from or through such child upon relinquishment.

The bill clarifies that a petition for adoption must include facts relied upon to deem a relinquishment was unnecessary, if the consent or relinquishment of either or both parents is not obtained, and requires a copy of any relinquishment to be filed with the petition for adoption.

Foreign and Out-of-State Adoptions

The bill amends the section governing foreign and out-of-state adoptions to specify that a document that is the functional equivalent of a Kansas consent or relinquishment is valid if executed and acknowledged outside of Kansas or in a foreign country in accordance with the laws of Kansas or the laws of the place where executed. The bill removes the requirement that a consent or relinquishment signed in a foreign country be acknowledged or affirmed in accordance with the law and procedure of the foreign country.

The section governing interstate adoption is amended to specify that any professional providing services related to the placement of children or adoption who fails to comply with the Interstate Compact on the Placement of Children will be guilty of a class C nonperson misdemeanor; previous law provided the penalty was a class C misdemeanor.

Payment for Adoption

The bill removes the requirement that legal and professional services performed outside the state shall not exceed customary fees for similar services when performed in Kansas. The bill also removes related references limiting fees and expenses to those that are reasonable in Kansas or are based on fees in the state.

Access to Adoption Records

In the section governing who may access adoption records, the bill replaces “the parties in interest and their attorneys” with “party filing for adoption or termination and that party’s attorney.” The bill additionally grants access to such records to an adoptee who has reached the age of majority and the Disciplinary Administrator. The bill moves a provision providing access by the Commission on Judicial Performance to such records. The bill removes an exclusion to the definition of “parties in interest” applicable to this section. The bill adds a provision that allows any party in interest to request access to the files and records in an adoption proceeding prior to the final decree of adoption. After notice and a hearing and upon a written finding of good cause, a court may order that some or all of the files and records be open to inspection and copying by the moving party. The court may permit access to some or all of the files and records for good cause shown after the final decree of adoption. Provisions allowing DCF to make contact at the request of various parties are amended to include birth parents. The bill also clarifies that the legal guardian of the adopted adult may grant permission for DCF to share identifying information or request DCF contact the birth or genetic parents in the event of a health or medical need.

Advertising Adoption and Adoption-Related Services

The bill adds any person who advertises that such person will provide adoption-related services to the provision requiring disclosure in any advertisement of whether such person is licensed. The bill also exempts DCF, an individual seeking to adopt a child, an agency, or an attorney from a prohibition on offering to adopt, find a home for, or otherwise place a child as an inducement to any parent, guardian, or custodian of a child to place such child in such person’s home, institution, or establishment.

Venue

The section governing venue in an agency adoption is amended to clarify that venue may be in the county where the principal place of business for the child placing agency is located, and to provide that, in all adoptions, venue may be established in any county in Kansas if all parties in interest agree in writing.

Jurisdiction

The bill provides that jurisdiction over adoption proceedings, including a proceeding to terminate parental rights, shall be governed by the Uniform Child Custody Jurisdiction and Enforcement Act. The bill removes all provisions related to jurisdiction in the KARA. The bill specifies the notice provisions of the KARA shall control in adoption proceedings.

Background Information

The bill removes the requirement of filing with the petition any hospital records pertaining to the child, leaving only the requirement of a properly executed authorization for release of any hospital records pertaining to the child, which is clarified. The bill also clarifies that the continuing class C misdemeanor for intentional destruction of certain background information is a nonperson misdemeanor.

Assessments

The bill removes the requirement that reports of assessments of the advisability of an adoption in independent or agency adoptions be filed not less than ten days before the hearing on the petition. The ten-day limit for reports filed by nonresident petitioners is also removed.

Notice

The bill amends notice for adoption hearings in the following manner:

- **Independent and stepparent adoptions.** The bill requires notice to possible parents, rather than presumed parents, and adds a requirement that the notice be given at least ten calendar days before the hearing. This section is also amended to require notice be given to any person who has physical custody of the child, unless waived by that person, and the bill removes the requirement that notice be given to any other persons as the court may direct. The requirement of notice to an individual *in loco parentis* in an independent adoption is removed;
- **Agency adoptions.** In addition to the required notice to the consenting agency, the bill requires notice be given to the parents or possible parents, any relinquishing party, and any person who has physical custody of the child at least ten calendar days before the hearing, unless waived by the person entitled to notice; and

- **Service.** The bill specifies notice of the hearing shall be by personal service, certified mail return receipt requested, or in any other manner the court may direct.

Hearing

In the statute governing hearings, the bill clarifies if a court enters a final decree of adoption after a hearing, that decree will terminate parental rights if not previously terminated. The bill also amends references in this section to jurisdiction and a party in interest to align the section with other amendments made by the bill.

Termination of Parental Rights in Adoption and Relinquishment Proceedings

In the statute governing termination of parental rights in adoption and relinquishment proceedings, the bill removes provisions specific to termination of parental rights in stepparent adoptions.

The bill directs a court to order publication notice of an adoption hearing if a father's whereabouts are unknown.

Former provisions regarding filing of a petition to terminate parental rights are removed. The bill then specifies that a petition to terminate parental rights may be filed independently or with a petition for adoption; if such petition is filed independently, the venue for the proceeding will be in the county in which the child or a parent resides or is found.

A parent, a petitioner for adoption, the person or agency having legal custody of the child, or the agency to which the child has been relinquished may file a petition to terminate parental rights. The proceeding to terminate parental rights shall have precedence over any other proceeding involving custody of the child, absent a court's finding of good cause, until a court enters a final order on the termination issues or until further orders of the court.

The bill adds a requirement that notice be given at least ten calendar days before the hearing, unless waived by the person entitled to notice. The bill requires proof of waiver of notice be filed with the court before the petition can be heard, as required for proof of notice under continuing law.

References to "man" are changed to "person," "paternity" to "parentage," "regard to" to "consideration of," and "asserts" to "claims."

With regard to the court's consideration, order, and findings, the bill:

- Clarifies that finding the consent and relinquishment unnecessary may be part of the court's conclusion;
- Changes references to "next" to "immediately" with regard to timing requirements; and

- Replaces a provision allowing the court to consider the best interests of the child with a requirement the court consider all of the relevant surrounding circumstances.

This section is also amended to add a definition of “support,” which means monetary or non-monetary assistance that is reflected in specific and significant acts and sustained over the applicable period.

Adult Adoptions

The sections governing adoption of adults are amended to state that Kansas courts have jurisdiction over a proceeding for the adoption of an adult if the petitioner or adult adoptee resides in Kansas. In addition to the county in which the petitioner or adult adoptee resides, venue may be established in any county in Kansas if all parties in interest agree in writing to venue in that county. The bill clarifies a notice and hearing statute applies only to adult adoptions.

Forms

The bill adds the waiver of notice of hearing to the list of forms to be provided by the Judicial Council under the KARA.

Licensure Requirements for Child Care Facilities; SB 428

SB 428 amends licensure and inspection requirements for child care facilities and creates definitions for “drop-in program” and “school-age program.”

Building Requirements

The bill states no license for a drop-in program or school-age program shall be denied, suspended, or revoked on the basis that the building does not meet requirements for licensure if the building:

- Is a public recreation center or school and is used by school-age children and youth the same age as children and youth cared for in the drop-in program or school-age program;
- Complies, during all hours of operation of the drop-in program or school-age program, with the Kansas Fire Prevention Code (KFPC) or a building code that is by law deemed to comply with the KFPC; and
- Complies, during all hours of operation of the drop-in program or school-age program, with all local building code provisions that apply to recreation centers, if the building is a public recreation center, or schools, if the building is a school, except if the local building code provisions for a recreation building and the KFPC conflict or are otherwise inconsistent, then the KFPC standards shall control.

Environmental Requirements

The bill states no license for a drop-in program or school-age program operating in a public recreation center or school that is used by school-age children or youth the same age as the children or youth cared for in the drop-in program or school-age program shall be denied, suspended, or revoked based on an environmental deficiency if:

- The environmental deficiency does not pose an imminent risk to children and youth;
- The environmental deficiency is outside the applicant's or licensee's immediate authority to correct; and
- The applicant or licensee has notified the public recreation center or school of the environmental deficiency.

Definitions

The bill deletes the definition of "child care program" and inserts the definition of "drop-in program" to mean a child care facility that is not located in an individual's residence that serves exclusively school-age children and youth and where the operator permits children and youth to arrive and depart from the program at the child or youth's own volition at unscheduled times.

The bill defines "school-age program" to mean a child care facility that services exclusively school-age children and youth but does not include a drop-in program. The definition of "school" is amended to include grades 7 through 12 in addition to kindergarten and grades 1 through 6.

The definition of "recreation center" is amended to "public recreation center" and the maximum age of an individual allowed to be served by recreation programs is changed from 16 to 18.

CORRECTIONS AND JUVENILE JUSTICE

Privatization or Outsourcing of Security Operations; SB 328

SB 328 creates and amends law related to security operations of state correctional and juvenile correctional facilities.

The bill requires prior legislative authorization for any state agency to enter into any agreement or take any action to outsource or privatize security operations of any correctional or juvenile correctional facility operated by a state agency. The bill applies to security operations or job classifications and duties associated with a security operation of correctional or juvenile correctional facilities.

The bill defines “security operations” to include supervision of inmates in a correctional institution or juvenile correctional facility by a corrections officer or warden. The Secretary of Corrections is granted rule and regulation authority to identify job classifications and duties to be considered part of security operations.

The bill does not prevent the Department of Corrections (Department) from renewing such an agreement for services if the agreement is substantially similar to an agreement existing prior to January 1, 2018. The Department is also permitted to enter into such an agreement for services with a different provider, if the agreement is substantially similar to an agreement existing prior to January 1, 2018.

Juvenile Justice; Detention Hearings; Dispositional Hearings; Tolling of Probation Term and Case Length Limits; Oversight Committee Duties; HB 2454

HB 2454 amends various statutes related to juvenile offenders.

Detention Hearings

The bill amends the statute in the Revised Kansas Juvenile Justice Code (Code) governing detention hearings to expand the permitted use of two-way electronic audio-visual communication between the juvenile and the judge from detention hearings only to all hearings under the section, including the detention review hearings required every 14 days while the juvenile is in detention. The bill further amends law related to detention review hearings by adding a provision stating such hearings are not required for a juvenile offender held in detention awaiting case disposition. The bill amends the Code statute governing post-adjudication orders and hearings to require, if a juvenile offender is being held in detention, that a dispositional hearing for sentencing take place within 45 days after the juvenile has been adjudicated.

Tolling of Probation Term and Case Length Limits

The bill amends the statute governing probation term limits and overall case length limits in the Code to clarify that when such limits are tolled due to the offender absconding from supervision while

on probation, the limits shall not begin to run again until the offender is located and brought back to the jurisdiction. The bill also clarifies, if the juvenile fails to appear for the dispositional hearing, such limits shall not apply until the juvenile is brought before the court for disposition.

Duties of Oversight Committee

The bill amends one of the statutory duties of the Kansas Juvenile Justice Oversight Committee (Juvenile Oversight Committee) to require the Juvenile Oversight Committee to “monitor,” rather than “calculate,” any state expenditures that have been avoided by reductions in the number of youth placed in out-of-home placements. A corresponding requirement that a summary of such averted costs be included in the Juvenile Oversight Committee’s annual report is changed from “calculated by the committee” to “determined.”

CRIMES AND CRIMINAL MATTERS

Driving Under the Influence; House Sub. for SB 374

House Sub. for SB 374 amends law concerning driving under the influence of alcohol, drugs, or both (DUI). Specifically, the bill amends statutes governing the crimes 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.

Legislative Intent

The bill states the Legislature's intent with regard to comparability of an out-of-jurisdiction offense to a Kansas offense shall be liberally construed to allow comparable offenses, regardless of whether the elements are identical to or narrower than the corresponding Kansas offense, for the purposes of determining a person's criminal history and that the Legislature intends to include, but does not limit such offenses to, convictions under specified statutes in Missouri, Oklahoma, Colorado, and Nebraska, as well as a Wichita municipal ordinance.

Commercial DUI

The bill amends language in the commercial DUI implied consent statute 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. Prior law stated a person is "deemed to have given consent" to tests of blood, breath, or urine. The bill amends the commercial DUI statute to provide a person commits the crime if the person commits an offense "otherwise comparable" to DUI, as defined in Kansas law.

Commercial DUI and DUI Changes

The bill amends provisions in the commercial DUI and DUI statutes concerning supervision upon release from imprisonment to provide an offender for whom a warrant has been issued by the court alleging a violation of such supervision is considered a fugitive from justice if it is found the warrant cannot be served. If it is found the offender has violated the provisions of this supervision, the court determines whether the time from the issuing of the warrant to the date of the court's determination of an alleged violation, or any part of it, is to be counted as time served on supervision. Further, the bill allows the term of supervision to be extended at the court's discretion beyond one year. Any violation of the conditions of such extended term of supervision may subject such person to the revocation of supervision and imprisonment in jail of up to the remainder of the original sentence, not the term of the extended supervision.

Within both statutes, 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.

In subsections within those statutes stating the fact a person is or has been entitled to lawful use of a drug is not a defense, the bill replaces a reference to a DUI “involving drugs” with references to the subsections in the DUI statute that apply to drugs or a combination of drugs and alcohol.

The bill removes a requirement for the court to electronically report every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of commercial DUI to the Division of Vehicles. Under continuing law, diversions are not available for commercial DUI.

The bill amends the definition of “conviction” in these statutes to:

- Replace the phrase “a violation of a crime” with “an offense”;
- Replace the term “state” with “jurisdiction” and remove a provision specific to acts committed on a military reservation; and
- Replace the phrase “a crime” with the phrase “an offense that is comparable to the offense” described in the statute.

The bill provides, for the purposes of determining whether an offense is comparable, the following shall be considered:

- The name of the out-of-jurisdiction offense;
- The elements of the out-of-jurisdiction offense; and
- Whether the out-of-jurisdiction offense prohibits conduct similar to the conduct prohibited by the closest approximate Kansas offense.

In the DUI statute, the bill requires the court to electronically report any finding regarding the alcohol concentration in the offender’s blood or breath.

DUI Implied Consent

The bill amends language in the DUI implied consent statute to state a person who operates or attempts to operate a vehicle “may be requested” to submit to one or more tests of the person’s blood, breath, urine, or other bodily substance. The bill removes language stating a dead or unconscious person shall be deemed not to have withdrawn consent. The bill adds language requiring the test to be administered at the direction of a law enforcement officer, and the law enforcement officer determines which type of test is to be conducted or requested. This replaces language requiring a law enforcement officer to request the person to submit to testing after providing required notice (described below) and to select the test or tests to be completed.

The bill removes language requiring law enforcement to request a person to submit to a test deemed consented to if at the time of the request the officer has reasonable grounds to believe the

person was DUI. Instead, the bill adds language stating one or more tests may be required of a person when, at the time of the request, a law enforcement officer has probable cause to believe the person has committed the crime of DUI. The bill also replaces “reasonable grounds” with “probable cause” elsewhere in the bill to reflect this change in the required standard.

The bill also amends law to allow a test when a person has been involved in a motor vehicle accident or collision resulting in personal injury or death. This new language replaces provisions that distinguish between personal injury and serious injury or death when the operator may be cited for any traffic offense. The bill removes a definition for “serious injury” and other references to these provisions to reflect this change.

The bill removes “accident” from language allowing a law enforcement officer directing administration of a test to act on the basis of the collective information available to law enforcement officers involved in the investigation or arrest.

DUI Testing

Notice When Requesting a Test and Exceptions

The bill removes 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. Instead, the bill adds 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.

The notice for tests of breath or other bodily substance other than blood or urine states the following: there is no right to consult with an attorney regarding whether to submit to testing, but, after the completion of the testing, the person may request and has the right to consult with an attorney and may secure additional testing; if the person refuses to submit to and complete the test or tests, or if the person fails a test, the person’s driving privileges will be suspended for a period of at least 30 days and up to a year; refusal to submit to testing may be used against the person at any trial or hearing on a charge arising out of DUI; and the results of the testing may be used against the person at any trial or hearing on a DUI charge.

The notice for tests of blood or urine states the following: if the person refuses to submit to and complete the test or tests, or if the person fails a test, the person’s driving privileges will be suspended for a period of at least 30 days and up to a year; the results of the testing may be used against the person at any trial or hearing on a DUI charge; and after the completion of the testing, the person may request and has the right to consult with an attorney and may secure additional testing.

The bill states nothing in this section is to be construed to limit the right of a law enforcement officer to conduct any search of a person’s breath or other bodily substance, other than blood or urine, incident to a lawful arrest pursuant to the *U.S. Constitution*, with or without providing the person the notice outlined above for requesting a test of breath or other bodily substance, other than blood or urine, nor limit the admissibility at any trial or hearing of alcohol or drug concentration testing results obtained pursuant to such a search. Additionally, the bill states nothing in this section is to be construed to limit the right of a law enforcement officer to conduct or obtain a blood or urine test of a

person pursuant to a warrant under the Kansas Code of Criminal Procedure, the *U.S. Constitution*, or a judicially recognized exception to the search warrant requirement, with or without providing the person the notice outlined above for requesting a test of blood or urine, nor limit the admissibility at any trial or hearing of alcohol or drug concentration testing results obtained pursuant to such a search. Similarly, the bill states nothing in this section is to be construed to limit the admissibility at trial of test results obtained pursuant to a judicially recognized exception to the warrant requirement.

The bill amends a subsection stating no test results shall be suppressed because of technical irregularities in the consent or notice required. Instead, the bill states no test results shall be suppressed because of irregularities not affecting the substantial rights of the accused in the consent or notice authorized. The bill replaces notice “required” with notice “authorized” elsewhere in the bill consistent with this change.

The bill states failure to provide any or all notice is not an issue or defense in any action other than an administrative action regarding the subject’s driving privileges.

Collection of Test Samples

The bill revises law allowing a law enforcement 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 under certain circumstances. Pursuant to the bill, an officer may direct such withdrawal if the person has given consent, with or without the notice outlined above, and the officer has the required probable cause; law enforcement has obtained a search warrant authorizing the collection of blood from the person; or the person refuses or is unable to consent to submit to and complete a test and another judicially recognized exception to the warrant requirement applies.

The bill amends law subsection outlining who may perform such withdrawal of blood to apply when a law enforcement officer “is authorized to collect one or more tests of blood,” rather than when an officer “requests a person to submit to a test.” The bill also clarifies language prohibiting a medical professional from requiring a person to sign any additional consent or waiver form to prohibit the medical professional from requiring the person “that is the subject of the test or tests to provide any additional consent or sign any waiver form.” The bill also removes in this subsection references to medical technicians no longer defined by statute.

Similarly, the bill amends law outlining who may collect urine samples to apply when a law enforcement officer “is authorized to collect one or more tests of urine,” rather than when an officer “requests a person to submit to a test.”

The bill clarifies test results are to be made available to any person submitting to testing “when available.” The bill also states 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 does not incur any civil, administrative, or criminal liability.

Immunity of Persons and Entities Involved in Testing

The bill adds paramedics to, and adds “advanced” to the term “emergency medical technicians” in, the list of persons and entities who have immunity for participating in good faith in the obtaining,

withdrawal, collection, or testing of blood, breath, urine, or other bodily substance under specified circumstances. The bill adds “as otherwise authorized by law” to the circumstances under which this immunity applies.

Repeal of the Crime of Test Refusal

The bill repeals the crime of test refusal, a class A nonperson misdemeanor, for which penalties include between 90 days and 1 year of imprisonment and a fine of between \$1,250 and \$1,750 for a first conviction. The bill also removes references to this statute throughout numerous statutes and makes other technical amendments to ensure statutory consistency.

Criminal Use of Weapons; HB 2145

HB 2145 amends the definition of “criminal use of weapons” by adding possession of a firearm by any of the following:

- Fugitives from justice;
- Aliens illegally or unlawfully in the United States;
- Persons convicted of a misdemeanor for a 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 child of an intimate partner.

The bill also adds “throwing star” to the definition of criminal use of weapons by knowingly possessing with intent to use the same unlawfully against another, and removes “throwing star” from the definition of criminal use of weapons by knowingly selling, manufacturing, purchasing, or possessing certain items.

In addition, the bill clarifies that possession of a device or attachment designed, used, or intended for use in suppressing the report of any firearm will be exempt from the definition of “criminal use of weapons” if the device or attachment satisfies the description of a Kansas-made firearm accessory in continuing law. The provisions of this exemption apply to any violation of law pertaining to “criminal use of weapons” that occurred on or after April 25, 2013.

The bill specifies requirements for the issuance of court orders, after which the individual named in the order will be guilty of criminal use of weapons. The bill requires such court order to:

- Be issued after a noticed hearing where the individual had an opportunity to participate; and
- Include findings that such person is a credible threat to the safety of an intimate partner or child; or

- Explicitly prohibit the attempted, threatened, or actual use of physical force against an intimate partner or child that would reasonably be expected to cause bodily injury.

The bill defines “domestic violence,” “fugitive from justice,” and “intimate partner.”

Involuntary Manslaughter—DUI; Aggravated Battery—DUI; HB 2439

HB 2439 amends the definition of the crime of involuntary manslaughter to include the killing of a human being committed in the commission of, or attempt to commit, or flight from driving under the influence of alcohol, drugs, or both (DUI) while:

- In violation of any restriction imposed on such person’s driving privileges for DUI;
- The person’s driving privileges are suspended or revoked for DUI; or
- The person has been deemed a “habitual violator,” as defined in KSA 2017 Supp. 8-285, including at least one DUI violation.

Violation of this provision is a severity level 3 person felony. This new offense is added to the list of offenses for which juvenile records or files may not be expunged. It also is added to the list of offenses that the Department of Corrections is required to report when committed by a sex offender in the custody of the Secretary of Corrections.

In addition, the bill amends the definition of aggravated battery to include causing great bodily harm or disfigurement of another person while DUI under the same circumstances as those described above. Violation of the aggravated battery provision is a severity level 4 person felony.

The new offenses are added to the list of underlying offenses requiring an increased penalty for a third or subsequent conviction for driving while driving privileges are canceled, suspended, or revoked for such underlying offenses. The bill amends the DUI, commercial DUI, and test refusal statutes to include the new offenses in the list of offenses for which any convictions in a person’s lifetime must be considered in determining the number of a subsequent DUI conviction. The DUI administrative penalties definitions statute is amended to include the new offenses, as well as the continuing offense of involuntary manslaughter while DUI, in the definition of “alcohol or drug-related conviction.”

The statute governing the use of previous DUI-related convictions in calculating criminal history for involuntary manslaughter while DUI or aggravated battery while DUI is amended to apply the same rules to the new offenses.

Counterfeit Currency; Assault and Battery of a Law Enforcement Officer; Mistreatment of a Dependent Adult or Elder Person; THC Possession; Escape from Custody; Expanded SB 123 Program Eligibility; HB 2458

HB 2458 amends law related to counterfeit currency, assault and battery of a law enforcement officer, mistreatment of a dependent adult, mistreatment of an elder person, possession of tetrahydrocannabinol (THC), escape from custody, and expanded eligibility for SB 123 program.

Counterfeiting Currency

The bill creates the crime of counterfeiting currency, which is defined as doing any of the following with the intent to defraud:

- Making, forging, or altering any note, obligation, or security of the United States, as a severity level 7 nonperson felony if the total face value is \$25,000 or more and a severity level 8 nonperson felony if the total face value is less than \$25,000;
- Distributing, or possessing with the intent to distribute, any obligation or security of the United States knowing the obligation or security has been so made, forged, or altered, with the same penalties as above; or
- Possessing any paper, ink, printer, press, currency plate, or other item with the intent to produce any counterfeit note, currency, obligation, or security of the United States, as a severity level 9 nonperson felony.

Assault and Battery of a Law Enforcement Officer

The bill amends the definition of a law enforcement officer for purposes of the crimes of assault and battery of a law enforcement officer by including uniformed or properly identified federal law enforcement officers while such officers are engaged in the performance of their duty. "Federal law enforcement officer" is defined as a law enforcement officer employed by the U.S. federal government who, as part of such officer's duties, is permitted to make arrests and to be armed.

Mistreatment of a Dependent Adult and an Elder Person

The bill amends law related to the crimes of mistreatment of a dependent adult and mistreatment of an elder person.

The bill merges the two crimes into a single crime of mistreatment of a dependent adult or an elder person. Under previous law, the two crimes included the same list of acts against their victims, with the exception of the act of committing mistreatment of a dependent adult by infliction of physical injury, unreasonable confinement, or unreasonable punishment of the adult. Thus, under the bill, this act also becomes a crime when committed against an elder person. The bill also adds an additional act applicable to all victims: taking the personal property or financial resources of a victim for the benefit of the defendant or another person by taking control, title, use, or management

of the personal property or financial resources of a victim through a violation of the Act for Obtaining a Guardian or Conservator.

The bill amends the penalty provisions of the crime where the penalty level depends on the monetary value of the personal property or financial resources to increase the ceiling for a misdemeanor from less than \$1,000 to less than \$1,500. The corresponding floor for the lowest felony penalty (severity level 7) and ceiling for an exception for multiple previous offenses is changed to \$1,500.

The definition of “elder person” for purposes of the crime is changed from 70 years of age or older to 60 years of age or older.

In the first degree murder statute, the bill adds the crime to the list of inherently dangerous felonies for purposes of the felony murder rule. (Under the felony murder rule, first degree murder includes the killing of a human being committed in the commission of, attempt to commit, or flight from any inherently dangerous felony.)

Possession of THC

The bill amends penalties for possession of THC so that a first offense is a class B nonperson misdemeanor, a second offense would be a class A nonperson misdemeanor, and a third or subsequent offense is a drug severity level 5 felony.

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 Eligibility for SB 123 Program

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 (a program established by 2003 SB 123). Eligibility is expanded from offenders convicted of a drug severity level 5 possession offense who have not been convicted of certain other crimes, to include offenders convicted of a severity level 4 possession offense with a criminal history of E or lower who have not been convicted of certain other crimes.

Under continuing law, an offender is classified as criminal history level E if the offender has at least three nonperson felonies but no person felonies.

Automated Sales Suppression Devices; HB 2488

HB 2488 creates the crime of knowingly selling, purchasing, installing, transferring, manufacturing, creating, designing, updating, repairing, using, or possessing automated sales suppression devices or phantom-ware.

The bill defines an “automated sales suppression device” to include a computer software program carried on a memory stick or removable compact disc that is accessed through an Internet link or any other means that falsifies electronic records of electronic cash registers and other point-of-sale systems. “Phantom-ware” is generally defined as a hidden programming option embedded in the operating system or hardwired into an electronic cash register that is used to create a virtual second till or eliminate or manipulate selected transaction records.

An unlawful act under the bill is considered a severity level 7 nonperson felony. The bill also clarifies that persons convicted under the law are liable for all taxes, interest, and penalties due as a result of such unlawful acts.

Criminal History—Comparable Offenses; HB 2567

HB 2567 amends a statute governing determination of criminal history to replace references to “another state” with “the convicting jurisdiction,” clarify the comparable offense to be used for comparison for misdemeanor crimes in another jurisdiction is the offense under the Kansas Criminal Code in effect on the date the current crime of conviction was committed, and standardize terminology.

The bill also adds a provision that if a crime is not classified as either a felony or misdemeanor in the convicting jurisdiction, the comparable offense under the Kansas Criminal Code in effect on the date the current crime of conviction was committed shall be used to classify the out-of-state crime as either a felony or misdemeanor. If Kansas does not have such comparable offense, the out-of-state crime shall not be used in classifying the offender’s criminal history.

Giving a False Alarm; HB 2581

HB 2581 amends law related to the crime of giving a false alarm.

The bill renames the offense as “making an unlawful request for emergency service assistance” and its definition is amended to include transmitting or communicating false or misleading information in any manner to request emergency service assistance, including law enforcement, fire, medical, or other emergency service knowing at the time there is no reasonable ground for believing assistance is needed.

The crime continues to be a class A nonperson misdemeanor, except including false information that violent criminal activity or immediate threat to a person’s life or safety has or is taking place continues to be a severity level 7 nonperson felony, except in the following circumstances added by the bill:

- If bodily harm results from the response by emergency services, the offense is a severity level 6 person felony;
- Great bodily harm resulting from the response by emergency services is a severity level 4 person felony; and

- Death resulting from the response by emergency services is a severity level 1 person felony.

The bill clarifies use of an electronic device or software to alter, conceal, or disguise the source of the request or the identify of the person making such request continues to be a level 10 nonperson felony.

The bill provides that it shall not be a defense that the person who suffered bodily harm, great bodily harm, or death contributed, or others contributed, to such person's harm or death. Persons who make an unlawful request for emergency service assistance may also be prosecuted for any form of homicide.

Child Care Criminal Background and Fingerprinting Fund; Additional Prohibited Crimes; HB 2639

HB 2639 requires local and state law enforcement officers and agencies to assist the Secretary of Health and Environment (Secretary) 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 and adult convictions or adjudications of another state or country to the Kansas Department of Health and Environment (KDHE). The Secretary of Health and Environment is required to adopt rules and regulations, by January 1, 2019, to fix a fee for fingerprinting such persons as required to reimburse KDHE for the cost of fingerprinting. The bill creates the Child Care Criminal Background and Fingerprinting Fund (Fund) in the State Treasury to be administered by the Secretary. All fingerprinting fees collected are to be deposited in the Fund for use in paying local and state law enforcement officers and agencies for the processing of fingerprints and criminal history background checks for KDHE.

The bill also updates the list of sex-related crimes that prohibit a person from residing, working, or regularly volunteering in a child care facility to include the crimes of commercial sexual exploitation of a child and the unlawful use of electronic means to commit human trafficking, commercial sexual exploitation of a child, and similar offenses.

EDUCATION

K-12 School Finance; Kansas School Equity and Enhancements Act Amendments; House Sub. for SB 61

House Sub. for SB 61 makes changes to school finance law. The bill makes a public policy statement concerning the consideration of Local Option Budget (LOB) funds in determining adequacy, revises the Base Aid for Student Excellence (BASE) for school years 2018-2019 through 2022-2023, amends LOB authority, changes the definition of Local Foundation Aid, and revises the terms of the mental health pilot program provided by 2018 Sub. for SB 423. [*Note: Sub. for SB 423 was approved by the Governor on April 17, 2018.*]

Public Policy Statement

The bill provides a statement of public policy of the State of Kansas to require an LOB of at least 15 percent of the school district's Total Foundation Aid. The statement further provides that the moneys provided for school districts pursuant to the required portion of the LOB shall be included in determining the adequacy of the amount of total funding and that other moneys provided by LOBs may also be included in determining the adequacy of the amount of total funding.

Base Aid for Student Excellence

The bill amends the BASE for five years beginning in school year 2018-2019. The new BASE amounts are as follows:

- School year 2018-2019, \$4,165;
- School year 2019-2020, \$4,302;
- School year 2020-2021, \$4,439;
- School year 2021-2022, \$4,576; and
- School year 2022-2023, \$4,713.

Local Option Budget Authority

The bill provides that school districts may adopt an LOB up to the statewide average from the preceding year and may adopt an LOB up to 33 percent of the Total Foundation Aid of the district if the board of education of the district has adopted a resolution providing for such authority that has been subject to a protest petition of the district.

The bill reinstates a provision in law prior to Sub. for SB 423 providing for the Total Foundation Aid for purposes of the LOB to be calculated as if the BASE was \$4,490 in all years in which the BASE is less than \$4,490.

The bill also reinstates a provision in law prior to Sub. for SB 423 providing for districts to use the Special Education Aid amount from school year 2008-2009 for purposes of calculating the district's LOB authority in any year in which the district's actual Special Education Aid amount is less than that year.

Local Foundation Aid Defined

The bill eliminates a provision created by Sub. for SB 423 that included the proceeds of a 15.0 percent LOB as Local Foundation Aid.

Mental Health Pilot Program

The bill voids the provision of Sub. for SB 423 that allowed for nine schools to be served by the Central Kansas Cooperative in Education and replaces it with a provision allowing nine schools to be served by USD 435, Abilene, as fiscal agent.

K-12 School Finance; Amendments to the Kansas School Equity and Enhancement Act; Sub. for SB 423

Sub. for SB 423 makes appropriations to the Kansas State Department of Education (KSDE) for FY 2019. This bill also creates a new pilot program for the Mental Health Intervention Team between school districts and community mental health centers (CMHCs). In addition, the bill makes several amendments to the Kansas School Equity and Enhancement Act (KSEEA), including amendments to the Base Aid for Student Excellence (BASE), preschool-aged at-risk students, the Local Option Budget (LOB), various weightings in the school finance formula, the State Board of Education's (KSBE) accreditation system, school district funding reporting requirements, and the schedule for audits to be completed by the Legislative Division of Post Audit (LPA). The bill also amends statutes relating to capital outlay funds and school district capital improvements.

Introductory Statement

The bill includes an introductory statement stating the State's educational interests concern the areas of social-emotional learning, kindergarten readiness, individual plans of study, graduation, and post secondary success, and the State addresses such interests by providing support and services both in the classroom and in the community. Further, the introductory statement summarizes appropriations for K-12 education, as well as appropriations for support services provided by other state agencies and institutions for students from birth to graduation.

FY 2019 Appropriations

The bill appropriates \$26.0 million, all from the State General Fund (SGF), for increased State Foundation Aid payments. The bill also appropriates \$32.4 million for increased Special Education

Services Aid payments and \$6.0 million for increased Supplemental State Aid (LOB State Aid) payments, all from the SGF.

The bill appropriates \$2.8 million, all from the SGF, to provide the ACT and three ACT WorkKeys assessments required to earn a national career readiness certificate to each student enrolled in grades 9-12. No such student is required to pay any fees or costs, and no school district is required to provide more than one exam and three assessments per student. Further, the bill appropriates \$500,000 for the mentor teacher program, all from the SGF.

The bill appropriates \$10.0 million, all from the SGF, for the first year of a Mental Health Intervention Team pilot program between school districts and CMHCs for FY 2019, including \$7.5 million for the operation of the pilot program and \$2.5 million for the one-time purchase of a database. Upon the certification of memorandums of understanding between participating school districts and CMHCs, the bill requires the transfer of \$1.5 million from KSDE to the Kansas Department for Aging and Disability Services (KDADS) to provide treatment and services for students under the pilot program who are uninsured or underinsured.

The bill appropriates \$15,000, all from the SGF, to implement the Jobs for America's Graduates—Kansas (JAG-K) pilot program for foster children in the Wichita school district (USD 259), the Topeka school district (USD 501), and the Kansas City school district (USD 500).

Mental Health Intervention Team Pilot Program

The bill creates the Mental Health Intervention Team pilot program between participating school districts and CMHCs for FY 2019. School districts will enter into memorandums of understanding with participating CMHCs and the appropriate state agencies. The mental health intervention teams will be composed of school liaisons employed by the school district and clinical therapists and case managers employed by the CMHC.

The following will participate in the program:

- Twenty-three schools in the Wichita school district (USD 259);
- Twenty-eight schools in the Topeka school district (USD 501);
- Ten schools in the Kansas City school district (USD 500);
- Five schools in the Parsons school district (USD 503);
- Four schools in the Garden City school district (USD 457); and
- Nine schools served by the Central Kansas Cooperative in Education. [*Note:* This provision was amended by House Sub. for SB 61.]

The bill requires the Director of the Division of Health Care Finance of the Kansas Department of Health and Environment to certify to the Director of the Budget and the Director of Legislative Research the aggregate amount of expenditures for FY 2019 for treatment provided to students under the pilot program, or provided based on a referral from such program.

Base Aid for Student Excellence

The bill amends the BASE for five years beginning in school year 2018-2019. The new BASE amounts are:

- School year 2018-2019, \$4,900;
- School year 2019-2020, \$5,061;
- School year 2020-2021, \$5,222;
- School year 2021-2022, \$5,384; and
- School year 2022-2023, \$5,545. [Note: These amounts are amended by House Sub. for SB 61.]

Beginning in school year 2023-2024, the BASE will increase by the average percentage increase in the Consumer Price Index for all urban consumers in the Midwest region during the three immediately preceding school years. SB 19 (2017) provided for inflationary increases beginning in school year 2019-2020.

Preschool-Aged At-Risk

The bill amends the definition of “preschool-aged at-risk student” to allow districts to expand their programs to include three-year-old children.

Local Option Budget

Use of LOB

The bill requires each school district to adopt an LOB equal to 15.0 percent of the school district’s Total Foundation Aid. The amount, along with the LOB State Aid attributable to that required LOB, will be included in a district’s Local Foundation Aid. The required LOB dollars will be included in the BASE amount, and the bill revises the BASE to reflect this increase.

Beyond the required LOB amount, school districts may adopt an LOB up to 27.5 percent of a district’s Total Foundation Aid on the action of local school boards. The maximum LOB amount a school district may adopt is 30.5 percent of Total Foundation Aid, which is subject to a protest petition. [Note: House Sub. for SB 61 amends these percentages to 30.0 percent and 33.0 percent, respectively, and further amends LOB provisions.]

The Total Foundation Aid amount used for LOB purposes divides the total Special Education Services Aid received by a school district by 85.0 percent of the BASE. The resulting quotient is then used to calculate a school district's Total Foundation Aid.

Further, the bill requires school districts to transfer from the LOB an amount proportional to the amounts of its Total Foundation Aid attributable to the at-risk and bilingual weightings to their at-risk and bilingual funds.

LOB Authority

The bill voids any resolution providing LOB authority in excess of 30.0 percent that was adopted by a local school board prior to July 1, 2017, under the provisions of the Classroom Learning Assuring Student Success Act and not submitted to the electors of the school district for approval. Any school district affected by this provision will be required to adopt a new resolution subject to protest petition to adopt an LOB above 27.5 percent. [Note: House Sub. for SB 61 changes this to 30.0 percent.]

The bill increases the protest petition requirements to challenge an LOB increase above 27.5 percent from 5.0 percent of a school district's qualified voters in 30 days to 10.0 percent of voters in 40 days.

The bill requires any school board seeking to raise its LOB authority for the succeeding school year to notify KSBE of the intended percentage increase in its LOB authority by April 1 of the current school year. School boards are prohibited from adopting an LOB in excess of the authority stated in its notice submitted to KSBE, which is required to submit all such notifications to the Legislature. The notification requirement takes effect for any planned increases in LOB authority during school year 2019-2020.

LOB State Aid

The bill changes the process for calculating LOB State Aid from a school district's LOB for the immediately preceding school year to a school district's current-year LOB.

Formula Weightings

Transportation Weighting

The bill amends the transportation weighting in the KSEEA. The transportation weighting will be calculated based on a per capita allowance based on a school district's density figure, which is the area of a school district in square miles divided by the number of transported students. The bill also provides for a statutory minimum level of transportation funding; provides for per capita allowances based on a cost factor of 5.0 for students more than 2.5 miles away from their school (prior law provided for a cost factor of 2.8); and limits the proportion of a school district's State Foundation Aid attributable to the transportation weighting to being no more than 110.0 percent of a school district's total transportation expenditures for the immediately preceding school year.

At-Risk and Other Weightings

The bill removes language that provides for a 10.0 percent minimum for the at-risk student weighting. The bill also delays to July 1, 2020, the sunset on the provision in the high-density at-risk weighting that allows for calculation of the weighting at the school-building level. The bill removes authority for the Board to adopt rules and regulations to establish criteria for eligibility for at-risk program services.

The bill changes the use of the preceding year's data to use of the current year's data for the bilingual and career and technical education (CTE) weightings and repeals the July 1, 2019, sunset for the CTE weighting.

KSBE Accreditation System

The bill requires KSBE to establish rigorous accountability measures in the areas of social-emotional learning, kindergarten readiness, individual plans of study, graduation, and postsecondary success. The bill requires such accountability measures to be applied at the school district level and the school building level, and both KSBE and local school boards are required to publish such accountability measures on their websites.

The bill also requires any corrective action plan required by KSBE for a school district not meeting accreditation requirements, and any subsequent reports regarding the implementation of such a corrective action plan, to be published on the websites of KSDE and such school district. In addition, the bill requires the superintendent, or the superintendent's designee, of any school district not meeting accreditation requirements to appear before the House Committee on Education and the Senate Committee on Education during the same school year in which the school district is not accredited. Such school district is required to provide a report to the House and Senate education committees on the challenges to the district regaining accreditation.

School District Funding Reporting Requirements

The bill requires KSDE to include the following in the annual school district funding reports:

- Expenditures and fund transfers from the LOB for the following:
 - At-risk education programs and services;
 - Preschool-aged at-risk education programs and services;
 - Bilingual education programs and services;
 - CTE programs and services;
 - Special education and related services; and
 - Virtual school programs and services; and

- Each school district's total bonded indebtedness.

Performance Audit Schedule—Legislative Division of Post Audit

The bill makes several changes to the schedule for the performance audits to be completed by LPA. The new schedule is:

- FY 2019, special education and related services;
- FY 2020, at-risk education funding;
- FY 2021, cost-function analysis of statewide education performance;
- FY 2022, bilingual education funding;
- FY 2023, virtual school programs; and
- FY 2024, cost-function analysis of statewide education performance.

The bill removes from the schedule a cost-function analysis that was to be performed in 2019. The remaining cost-function analyses will not include special education and related services. The bill also removes two performance audits to identify best practices in successful schools that were to be performed in 2021 and 2026.

Use of Capital Outlay Funds

The bill eliminates the provision of law that allowed school districts to expend capital outlay funds on utilities and property and casualty insurance.

School District Capital Improvements

The bill amends provisions that allow KSBE to approve an application for a bond election only if approval does not result in the aggregate amount of all general obligation bonds approved by the KSBE for such school year exceeding the aggregate principal amount of bonds retired by districts in the state in the preceding year (aggregate principal amount). The bill provides that for an application in excess of \$175.0 million, KSBE will apply an amount of \$175.0 million when determining whether the aggregate principal amount has been exceeded. Additionally, commencing in school year 2017-2018, KSBE is required to determine the aggregate principal amount by adjusting the aggregate principal amount by the five-year compounded producer price index industry data for new school buildings as reported by the Bureau of Labor Statistics.

Effective Dates

The bill took effect upon publication in the *Kansas Register*. However, all provisions other than the use of current year data for the bilingual and CTE weighting will be effective on and after July 1, 2018.

Kansas National Guard Assistance Act; HB 2541

HB 2541 amends the Kansas National Guard Educational Assistance Act. Specifically, the bill amends the definition of “eligible guard member” to require the member not be under a suspension of favorable action flag or currently on the unit unfavorable information file. Within that definition, the bill replaces “newly enlisted or reenlisted member” with “current member.” The bill also removes language stating the term “eligible guard member” does not include any member of the Kansas National Guard who is entitled to federal educational benefits earned by membership in the Kansas National Guard, except financial assistance under the federal Education Assistance Program for members of the selected reserve.

The bill provides that every eligible guard member enrolled at a Kansas educational institution and participating in the educational assistance program shall receive assistance each semester in an amount equal to the tuition and required fees for not more than 15 credit hours. The aggregate number of credit hours for which assistance may be provided under the program cannot exceed 150 percent of the total credit hours required for the eligible guard member to complete such member’s educational program.

The eligible guard member must have at least one year remaining on such member’s enlistment contract at the beginning of any semester for which the member receives assistance under the program and must agree to serve actively in good standing with the Kansas National Guard for not less than 24 months upon completion of the last semester for which the member receives assistance under the program. Prior law required three additional months of service for each semester, or part thereof, of assistance received. Further, prior to becoming eligible for participation in the program, each eligible guard member must submit the Free Application for Federal Student Aid (commonly referred to as the FAFSA) and apply for any other federal tuition assistance that such member also may be eligible to receive. To remain eligible, a member must maintain a grade point average of not less than 2.0. Upon completion of each semester, each eligible guard member receiving assistance under the program must submit a transcript of the credit hours earned, including the grades for credit hours, to such member’s unit of assignment.

If a member fails to satisfy the agreement to continue service in the Kansas National Guard, such person must pay an amount to the State calculated by determining the total amount of assistance paid to the member under the program, dividing that amount by 24, and multiplying the resulting amount by the number of months such member did not serve as required. Prior law required payment of the total amount received. Any eligible guard member who received payments under the program but has failed to satisfy the agreement to continue service in the Kansas National Guard by reason of extenuating circumstances or extreme hardship may request a waiver from recoupment in writing through such member’s chain of command to the Kansas National Guard Education Services Office. The chief of staff of the Kansas Army National Guard or the director of staff for the Kansas Air

National Guard will review all requests for a waiver from recoupment, and the decision to issue such waiver will be made by either officer as such officer deems appropriate.

Postsecondary Fees and Budgeting; HB 2542

HB 2542 amends statutes for fees collected by the Kansas Board of Regents (KBOR) and performance-based budgeting requirements.

Fees Collected by KBOR

The bill removes the June 30, 2018, sunset on a statute authorizing KBOR to fix, charge, and collect fees for state institutions and institutions domiciled or having their principal place of business outside the state of Kansas. The bill also removes fees concerning program modifications, on-site branch campus reviews, representative registration renewals, and changes in institution profiles. The bill adds “up to” before the percentage of gross tuition allowed to be charged for renewal fees.

Performance-based Budgeting Requirements

The bill also exempts postsecondary educational institutions that have implemented a performance agreement with KBOR from the performance-based budgeting requirements.

Legislative Task Force on Dyslexia; Sub. for HB 2602

Sub. for HB 2602 establishes the Legislative Task Force on Dyslexia (Task Force), which will advise and make recommendations to the Governor, Legislature, and the Kansas State Board of Education (KSBE) regarding matters concerning the use of evidence-based practices for students with dyslexia. Recommendations and resource materials must:

- Research and recommend evidence-based reading practices to address dyslexia or characteristics of dyslexia for use by schools;
- Research and recommend high quality pre-service and in-service professional development activities to address reading difficulties like dyslexia, including identification of dyslexia and effective reading interventions to be used in schools and applicable degree programs;
- Study and examine state and federal law, rules and regulations, and the implementation of such laws and rules and regulations that affect students with dyslexia; and
- Identify valid and reliable screening and evaluation assessments and protocols that can be used, as well as the appropriate personnel to administer such assessments, in order to identify children with reading difficulties, such as dyslexia or the characteristics of dyslexia.

The Task Force will be composed of the following 16 voting members:

- One Senate member and one elementary school classroom teacher appointed jointly by the chairperson and ranking minority member of the Senate Committee on Education;
- One House member and one elementary school classroom teacher appointed jointly by the chairperson and ranking minority member of the House Committee on Education;
- One member from the KSBE appointed by the KSBE, who will serve as the Task Force chairperson;
- One professor employed by a state educational institution with specialized expertise in effective evidence-based reading practices for dyslexia appointed by the President of the Kansas Board of Regents;
- One public school principal appointed by the United School Administrators of Kansas;
- Four parents of children with a diagnosis of dyslexia to be individually appointed by Keys for Networking, Inc.; Families Together, Inc.; Decoding Dyslexia Johnson County; and the International Dyslexia Association Kansas Missouri Branch, who should be appointed with an effort to provide statewide representation, if possible;
- One member appointed by the Kansas Association of Special Education Administrators;
- One elementary school building-level reading specialist appointed by the KSBE;
- One elementary school special education teacher appointed by the KSBE;
- One licensed psychologist or speech-language pathologist who diagnoses dyslexia as a part of such person's practice appointed by the Task Force chairperson; and
- One member identified as a non-profit service provider for children diagnosed with dyslexia appointed by the chairperson of the Task Force.

The Task Force will also include the following three ex officio, non-voting members:

- One Kansas Department of Education (KSDE) licensed attorney appointed by the KSDE;
- One licensed attorney familiar with dyslexia appointed jointly by the chairpersons of the House Committee on Education and Senate Committee on Education; and

- One member appointed by the Disability Rights Center of Kansas.

The Task Force chairperson will call an organizational meeting of the Task Force on or before July 15, 2018. At such organizational meeting, members will elect a vice-chairperson from the membership of the Task Force and consider dates for future meetings, the agendas for such meetings, and the need for electing a facilitator to assist in discussions. The Task Force is limited to meeting no more than six times in 2018; may hold meetings by telephone or video conference, if necessary; and may meet at any time and place within the state on the call of the chairperson. A quorum of the Task Force is nine members, and all actions of the Task Force must be by motion adopted by a majority of those members present when there is a quorum. The Task Force's work will be completed by January 2, 2019, and a report prepared and submitted to the Governor, the Legislature, and the KSBE by January 30, 2019.

If approved by the Legislative Coordinating Council, members of the Task Force attending meetings authorized by the Task Force will be paid amounts for expenses, mileage, and subsistence, as provided by law. Additionally, staff of the Office of Revisor of Statutes, the Kansas Legislative Research Department, and the Division of Legislative Administrative Services are required to provide assistance as may be requested by the Task Force.

ELECTIONS AND ETHICS

Expanding the Definition of Lobbying to Include the Executive and Judicial Branches; SB 394

SB 394 expands the definition of “lobbying” to include lobbying of the executive and judicial branches and makes related changes.

The bill amends law to:

- Expand the definition of lobbying to include lobbying of the executive and judicial branches;
- Equalize the treatment of meals provided by lobbyists between the legislative and executive branches;
- Change lobbyist reporting and registration requirements in accordance with the above; and
- Require a lobbyist to report the date on which a gift, entertainment, or hospitality was provided.

Definition of Lobbying

The bill adds any independent contractor compensated by an executive agency for the purpose of evaluation, management, consulting, or acting as a liaison for the executive agency and who engages in lobbying to the definition of “lobbyist.” Attorneys and law firms representing the agency in any legal matter are not included in the definition.

The bill includes promoting or opposing any action or inaction of any executive agency on any executive administrative matter or judicial agency on any judicial administrative matter to the definition of lobbying.

Exemptions from Lobbying Definition

The following are exempted from the definition of lobbying:

- Written communications from an employee of a private business attempting to sell, or preparing a bid or proposal related to a contract, agreement, or lease;
- Communications by an attorney regarding an executive administrative matter or judicial administrative matter, communication between parties in litigation, witness testimony in an administrative hearing, and investigation communications;

- Communications between and among members of the Legislature or executive or judicial officials or employees;
- Providing written information at the written request of an executive agency, or from a judicial agency regarding a procurement;
- Communications regarding a contract, lease, or agreement of \$5,000 or less;
- Communications made by or on behalf of a private business for the purpose of securing a grant, loan, or tax benefit under a Kansas economic development program; and
- Communications made by officers or employees of a certified business or disabled veteran business, as defined in a statute governing competitive bids.

Additional Definitions

The bill also defines the following terms:

- “Executive administrative matter” means any rule and regulation; utility ratemaking decision; any agreement, contract, bid, or bid process; or any procurement decision, including, but not limited to, any financial services agreement, software licensing, servicing or procurement agreement, any lease, grant, award, loan, bond issue, certificate, license, permit, administrative order, or any other matter that is within the official jurisdiction or cognizance of the executive agency;
- “Judicial administrative matter” means any administrative matter regarding an agreement, contract, bid, or bid process; any procurement decision, including, but not limited to, any financial services agreement, software licensing, servicing or procurement agreement, or lease; or any other administrative procurement or contractual matter;
- “Executive agency” means any state agency, state office or state officer, state officer elect, or employee of the executive branch including, but not limited to, the Board of Regents and State Board of Education but excluding local boards of education of school districts or municipalities or other political subdivisions;
- “Judicial agency” means any department, institution, office, officer, employee, commission, board or bureau, or any agency, division, or unit thereof, of the judicial branch of government including any justice or commissioner of the Supreme Court or judge or judge elect of the judicial branch, or any member of a board, council, or commission who is appointed by the Supreme Court or who is elected and is performing a function or duty of the judicial branch that constitutes a judicial administrative matter; and

- “Written communications or written information” includes e-mail or other electronic forms of communication that are retained as a record by the executive agency or judicial agency.

Gifts and Meals

The bill includes a member, member elect, or employee of the judicial branch among those who shall not be given or paid hospitality in the form of recreation having an aggregate value of \$40 or more, or in the form of food and beverages given to influence the performance of official duties pertaining to a judicial administrative member.

The bill extends to members, members elect, and employees of the judicial branch a provision that hospitality in the form of food and beverages is presumed not to be given to influence an official matter; in continuing law, state officers and employees, candidates for state office, and state officers are included.

The bill increases the value of a meal that may be accepted by any member of the executive branch from \$25 to \$40 per occurrence. A lobbyist may provide a meal, except when a particular official action must be taken as a condition of accepting the meal.

Receipt of a meal by a member of the executive branch from a lobbyist who is not registered or fails to report providing the meal is not considered a violation, unless the recipient knew the lobbyist was not registered or requested the lobbyist not report the meal.

Lobbyist Reporting and Registration Requirements

The bill requires a lobbyist registration to show the name of each executive and judicial agency, office, and any agency, division, unit, department, institution, office, commission, board, bureau, or other division. Lobbyists are also required to note whether they will lobby the legislative branch on the form as well.

A lobbyist must disclose the aggregate value of gift, entertainment, or hospitality provided when the lobbyist expends \$100 or more for lobbying in any reporting period. Lobbyists are also required to disclose the full name of the legislator, member of the judicial branch, or legislative or judicial employee who received the gift, entertainment, or hospitality, and the amount expended. The bill extends these requirements to include state officers, state officers elect, state employees, members elect of the judicial branch, and legislators elect, and requires the lobbyist also report the date the gift, entertainment, or hospitality was provided.

The bill requires a lobbyist to report expenditures for any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service to any officer or candidate for office or employee of the judicial branch, as well as to the legislative branch as in continuing law.

Elections—Eligibility for Candidacy; Vote Audits; Canvass Date; Voting Machines; Signature if Voter Has Disability; HB 2539

HB 2539 amends the qualifications for candidacy for several statewide elected offices, creates law requiring manual audits of elections, amends law related to the timing of the election canvasses and to electronic voting machines, and amends provisions in election law concerning signatures if the voter has a disability that prevents the individual from signing.

Candidacy Qualifications for Certain Statewide Offices

The bill requires every candidate for the office of Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, or State Commissioner of Insurance to be a qualified elector of Kansas by the deadline for filing for such office.

The bill also adds these requirements for certain candidates:

- Age 25 or older when becoming a candidate for the office of Governor and Lieutenant Governor; and
- Licensed to practice law in Kansas to be a candidate for the Office of Attorney General.

These provisions take effect January 1, 2019.

Advance Voting Signatures and Forms

Signature verification. The bill states verification of the voter's signature by the county election official on an application for an advance ballot shall not be required if the voter has a disability preventing the voter from signing.

Assistance with voting. Voters with any disability that prevents them from being able to provide a signature may request assistance in signing an application for or marking an advance ballot, or signing an application or the form on the ballot envelope. The bill also exempts an individual with a disability that prevents the person from writing or signing from providing written permission for another individual to return the person's ballot to the county election officer.

The bill requires the individual providing assistance to submit a written statement, signed by the individual, to the county election officer with the application or ballot. This statement will affirm that the assisting individual has not influenced the voter and the assisting individual has completed the application, ballot, or signed the application or ballot form as the voter instructed.

Failure of the assisting individual to complete or sign these documents as the voter instructed becomes a level 9 nonperson felony.

Advance ballot envelopes. The bill requires the Office of the Secretary of State to prescribe the general format for advance voting ballot envelopes. The bill requires the envelope to include a signature block for the advance voter; a signature block for the person, if any, assisting the advance

voter; and a signature block for a person, if any, who signs the advance voting ballot envelope on behalf of an advance voter, when the advance voter is physically unable to sign the envelope.

The bill requires the advance ballot envelope contain the following statement after the signature block provided for the person who signs the advance ballot envelope on behalf of an advance voter who is physically unable to do so:

My signature constitutes an affidavit that the person for whom I signed the envelope is a person who is physically unable to sign such envelope. By signing this envelope, I swear this information is true and correct, and that signing an advance ballot envelope under false pretenses shall constitute the crime of perjury.

The bill includes signing the above statement under false pretenses in the crime of perjury.

Election Audit Requirements

The bill requires, after any election in which the county board of canvassers certifies the results, the county election officer to conduct a manual audit or tally of each vote cast in 1.0 percent of all precincts, with a minimum of one precinct located within the county. The precinct(s) audited will be selected randomly after the election. The requirement for audit or tally applies regardless of the method of voting used.

The bill specifies these contested races will be audited:

- In presidential election years: one federal race, one state legislative race, and one county race;
- In even-numbered, non-presidential election years: one federal race, one statewide race, one state legislative race, and one county race; and
- In odd-numbered election years: two local races, selected randomly after the election.

The bill requires the audit take place before the county board of canvassers meets to certify the election results. The bill requires the audit be performed manually and review all paper ballots selected for audit in accordance with the provisions of the bill. A sworn election board of bipartisan trained members is required to perform the audit in a public setting. The county election officer will determine the members of the board. The bill states any candidate or entity authorized to appoint a poll agent may appoint a poll agent for the audit.

The bill requires notice of the time and location of the audit be provided on the official county website at least five days before the audit takes place.

The results of the audit will be compared to the unofficial election night returns, and the bill requires a report be submitted to the county election officer and the Office of the Secretary of State before the county board of canvassers meets. In the case of a discrepancy between the audit and

the unofficial returns that cannot be resolved, the county election officer or Secretary of State is authorized to require audits of additional precincts.

The Secretary of State is required to adopt rules and regulations governing the conduct and procedure of election audits, including the random selection of precincts and offices involved in audits.

The bill specifies the audit requirements apply to all counties for elections occurring after January 1, 2019.

Timing of Election Canvasses

The bill allows the county election officer to move the canvass for any election held on a Tuesday to any business day not later than 13 days after any election. The bill requires notice of the time and place of the canvass to be published in a newspaper of general circulation in the county prior to the canvass. The bill authorizes the canvass of any election not held on a Tuesday to be held not later than the 13th day following the election. Former law allowed the canvass for elections held on Tuesday to be moved to the second Thursday following the election with prior notice, and required the canvass for any election not held on Tuesday be held no later than the fifth day following the election.

Requirements for Electronic Voting Systems

The bill prohibits any board of county commissioners from purchasing, leasing, or renting any direct recording electronic voting system after the effective date of the bill.

The bill requires any electronic or electromechanical voting system purchased, leased, or rented by a board of county commissioners after the effective date of the bill to:

- Provide a paper record of each vote cast at the time the vote is cast; and
- Have the ability to be tested both before an election and prior to the canvass date. The ability to match the paper record of the machine to the vote total contained in the machine will be included in the testing.

The bill does not amend additional requirements in continuing law for electronic or electromechanical voting systems.

Social Media Attribution Requirements; New Penalties for Late Filing of Certain Reports; Publishing Precinct Level Election Results for Certain Races; HB 2642

HB 2642 maintains an exemption for attributions on certain social media providers, maintains the requirement to include the name of the chairperson or treasurer of a political or other organization in an attribution, establishes new penalties for late-filed candidates' campaign finance reports and certain political committees' reports, addresses lobbyists' reporting formats and penalties, and

requires the Office of the Secretary of State to publish precinct-level primary and general election results for certain races.

Attributions

The bill maintains an exemption for attributions on social media providers (e.g., Twitter) by increasing the character limit of communications made over any social media provider from 200 to 280 characters or fewer. The bill also maintains a requirement to include the name of the chairperson or treasurer of a political or other organization in an attribution. Penalties for Late Filing of Campaign Finance Reports and Lobbyist Report Formats and Penalties

The bill establishes new penalties for late-filed candidates' campaign finance reports that were due immediately prior to a primary or general election. The bill also requires similar penalties for the late filing of certain political committees' reports. The bill addresses lobbyists' reporting format and penalties.

Penalties for Late Filing of Candidates' Last-minute Reports

Under the bill, candidates' reports due the eighth day preceding a primary or general election and filed more than 48 hours late are subject to a civil penalty. The bill specifies the candidate is liable for a penalty of \$100 for the first day such report was more than 48 hours late and \$50 for each subsequent day the report was late. The civil penalty is capped at \$1,000. Notice requirements regarding late reports are unchanged. The bill authorizes the Kansas Governmental Ethics Commission (KGEC) to waive these penalties for good cause.

Penalties for Late Filing of Certain Political Committees' Reports

The bill applies the same civil penalty schedule for late filing of reports—\$100 for the first day and \$50 for each subsequent day—to each political committee that anticipates receiving \$2,501 or more in any calendar year and is more than 48 hours late in submitting the reports required under KSA 2017 Supp. 25-4145 (reporting of organizational information and contribution receipts) and KSA 2017 Supp. 25-4148 (reporting of contributions made to candidates). The civil penalty is also capped at \$1,000 for political committees. The bill authorizes KGEC to waive these penalties for good cause.

Changes Regarding Lobbyist Reporting

The bill requires every lobbyist electronically file the required reports of employment and expenditures. (Prior law did not specify the filing format.) The bill also makes late filing of these reports subject to the same civil penalty amounts as applied under the bill to late last-minute campaign finance reports (*i.e.*, \$100 for the first day such report was more than 48 hours late, \$50 for each subsequent day the report was late, with a cap of \$1,000). The bill authorizes KGEC to waive these penalties for good cause.

Publishing of Precinct Level Election Results for Certain Races

The bill also requires the Office of the Secretary of State to publish precinct-level primary and general election results for all statewide offices, state legislative offices, and federal offices on the Office's official website no later than 30 days after the final canvass of the election has been completed.

FEDERAL AND STATE AFFAIRS

Anti-Israel Boycott; HB 2482

HB 2482 amends law related to contracts between the State and persons or companies that are actively engaged in a boycott of Israel.

The bill amends the definition of “company” to include an organization, association, corporation, partnership, venture, other entity, or its subsidiary or affiliate that exists for profitmaking purposes or to otherwise secure economic advantage.

The bill defines “contract” as a written agreement between the State and a company to acquire or dispose of goods or services with an aggregate price of more than \$100,000. It does not include a written agreement between the State and an individual to acquire or dispose of goods or services, including employment or consultant services.

The bill provides the State will not enter into a contract with a company unless such company submits written certification that the company is not engaged in a boycott of goods or services from Israel that constitutes an integral part of business conducted or sought to be conducted with the State.

FINANCIAL INSTITUTIONS

Expulsion of Credit Union Members; Terms of Service for Members of the Credit Union Council; SB 275

SB 275 amends provisions in law relating to the expulsion of credit union members and the terms of service for members of the Credit Union Council (Council).

Authorization and Notice of Expulsion

The bill authorizes the president, general manager, or any other credit union employee designated by the board of directors to expel a credit union member from the credit union under certain circumstances. The bill specifies a member can be expelled for failure to comply with the credit union's adopted policy regarding expulsion. The bill requires the president or general manager to report such expulsion at the next regularly scheduled board meeting.

Additionally, the bill eliminates the requirement that the board of directors provide notice to the member not less than 30 days prior to the effective date of the member's expulsion from the credit union. The bill also eliminates the appeals process before the credit union membership. The bill instead requires the expelled member to be informed of the reason for expulsion, and the expelled member is permitted to appeal the expulsion to the board of directors within 30 days of the expulsion.

Credit Union Council—Terms of Service

The bill specifies a Council member cannot serve more than two consecutive full three-year terms. The bill requires the Governor, in the event of vacancy on the Council, to appoint a new member to fill the unexpired term, but this mid-term appointment of a new Council member is not considered a full term for purposes of the two-term limit. The bill also deletes language relating to the original appointment of Council members.

Amendments to the State Banking Code; SB 283

SB 283 amends several sections of the State Banking Code.

Change of Terminology – Collective Investment Funds

On and after July 1, 2018, the bill changes the terminology, from “common trust” funds to “collective investment” funds, for the establishment and investment of such funds by a bank or trust company authorized to act as a fiduciary.

Notification Requirements for Acquiring Control and Change of Control

The bill updates the notice requirements for acquiring control and change of control provided to the State Bank Commissioner (Commissioner). The bill specifies that a person acting directly,

indirectly, or directly or indirectly in concert with one or more persons is prohibited from engaging in any activity that may result or does result in acquiring control of any bank, bank holding company, or trust company without notifying the Commissioner at least 30 days prior to acquiring control. The bill permits the Commissioner to determine whether an activity may result or does result in a change of control. Additionally, the bill requires the board of directors of any privately held bank, bank holding company, or trust company to notify the Commissioner, at least 30 days prior to the date the change of control becomes effective, of any change of control of the bank, bank holding company, or trust company.

Waiver of Notice Requirement

On and after July 1, 2018, the bill amends the requirement that a person proposing to acquire control, or a bank or trust company undertaking a merger transaction submit an application 60 days prior to the proposed change of control or merger transaction. The bill permits the Commissioner to waive this 60-day prior notice requirement if the acquired bank or trust company is under a formal corrective action.

Qualifications of the Deputy Commissioner of the Banking Division

The bill amends the required qualifications for an individual to serve as Deputy Commissioner of the Banking Division (Deputy Commissioner). The bill permits an individual to serve as Deputy Commissioner if the individual has five years of experience as an officer of a state bank holding company or a wholly-owned subsidiary conducting business that is related to banking, or has a combination of experience.

State Banking Code; Savings and Loan Associations and Savings Banks; Mutual Banks; Kansas Money Transmitter Act; SB 335

SB 335 amends the State Banking Code related to savings and loan associations, savings banks, and the Kansas Money Transmitter Act (KMTA).

Savings and Loan Associations and Savings Banks

The bill amends and creates law to incorporate savings and loan associations and savings banks into the State Banking Code. The bill repeals the Savings and Loan Code (Chapter 17, Articles 51-58, *Kansas Statutes Annotated*).

Activities of Mutual Banks

The bill specifies the activities in which a mutual bank may engage. The bill authorizes a mutual bank, subject to the terms of its articles of incorporation (articles) and bylaws, and rules and regulations of the State Bank Commissioner (Commissioner), to raise funds through deposit, share, or other accounts, including demand deposit accounts (referred to as “accounts”) and issue passbooks, certificates, or other evidence of accounts.

The bill also prohibits a mutual bank from permitting overdrafts, as specified; describes notice requirements for payment of savings accounts; describes requirements for account withdrawals and states that any mutual bank failing to make full payment of any withdrawal when due will be deemed to be in an unsafe or unsound condition; requires a depositor of a mutual bank to be a voting member and have ownership interest in the bank, as may be provided for in the articles and bylaws of the bank; permits the articles and bylaws of a mutual bank to require all borrowers from the bank to be members and provides for their rights and privileges; and specifies all savings accounts and demand accounts have the same priority upon liquidation.

Definitions

The bill establishes definitions for the following terms (applicable to this portion of the bill):

- “Invest” means any investment in the capital stock, obligations, or other securities, and any advance of funds to a service corporation, including the purchase of stock, the making of a loan, or other such advance of funds. The term does not include a payment for rent earned, goods sold and delivered, or services rendered prior to the making of such payment; and
- “Savings and loan service corporation” or “service corporation” means a corporation or limited liability company organized under the laws of Kansas. The bill requires the entirety of the capital stock of a savings and loan service corporation to be available for purchase only by Kansas-chartered savings and loan associations, Kansas-chartered savings banks, and federally chartered savings and loan associations with home offices in Kansas. The bill requires Kansas-chartered and federally chartered savings and loan associations and Kansas-chartered and federally chartered savings banks investing in a savings and loan service corporation to designate the savings and loan service corporation as a service corporation.

Investment in a Service Corporation by Savings and Loan Association or Savings Bank

The bill states no savings and loan association or savings bank is permitted to make any investment in a service corporation if the association’s aggregate outstanding investment exceeds 3.0 percent of the association’s assets. The bill further requires that not less than half of the investment permitted exceeding 1.0 percent of the savings and loan association’s assets must be used primarily for community, inner city, and community development purposes.

Application by a Savings and Loan Association to the Commissioner

The bill requires a savings and loan association to apply to the Commissioner for approval at least 30 days prior to acquiring, establishing, or commencing new activity with an existing service corporation. The bill prohibits the association from engaging in activity with the service corporation without the Commissioner’s approval.

The bill requires such application to include a complete description of the savings and loan association’s investment in the service corporation, the proposed activities of the service corporation, the organizational structure and management of the service corporation, the relationship between

the savings and loan association and the service corporation, and any other information the Commissioner deems necessary to describe the proposal.

The bill requires the service corporation to be operated in a manner that demonstrates to the public it maintains a separate corporate identity from the applicant and not commingle business transactions, accounts, and records with a savings and loan association.

The bill permits the Commissioner, in considering an application, to limit a savings and loan association's investment in a service corporation or refuse to permit any activity of a service corporation for supervisory, legal, or safety and soundness reasons.

Activities of a Service Corporation

The bill specifies the activities in which a service corporation may engage. The bill authorizes the service corporation to engage in any activity that a savings and loan association may conduct directly and is subject to the Commissioner's supervision. The savings and loan association is required to notify the Commissioner if the service corporation fails to meet the requirements specified under this section of the bill. Further, if the service corporation is unable to comply with requirements of this section of the bill within 90 days of initial failure to meet such requirements, the savings and loan association is required to dispose of its investment in the service corporation.

The bill specifies that after a savings and loan association has received approval from the Commissioner, the service corporation may engage in a range of activities in these categories: business activities, when such activities are limited to financial documents, financial clients, or are generally financially related to certain activities; credit-related activities; consumer services; real estate-related services; securities, liquidity management, and coin purchase activities; certain investments; community and economic development, or public welfare investment activities permissible under federal law; establishing or acquiring a corporation recognized by the Internal Revenue Service as organized for charitable purposes under certain circumstances; acting as an agent for or engaging in activities conducted on behalf of a customer, other than on an as principal basis; and any other activity reasonably incident to other listed services if the service corporation engages in those activities.

Certificate of Existence

The bill authorizes a person acting on behalf of an entity to provide the financial institution with a certificate of existence of the entity and the authority of the person to act on behalf of the entity related to the opening of any deposit account, loan account, or other banking relationship.

The bill requires the certificate of existence and authority to be in the form of an affidavit and include certain information related to the entity and the person executing the affidavit. Additionally, the bill requires the affidavit to include a statement that the board of directors, managers, members, general partners, or other governing body of the entity opening the account has taken all required legal action to open the account in the name of the entity and the person authorized to engage in transactions related to the account.

The bill specifies, if the financial institution accepts the certificate of existence and authority, the financial institution is permitted to open and administer the account relying on the provided information. The financial institution will not be liable for any inaccurate information, unless the financial institution had actual knowledge of the inaccuracy or had sufficient knowledge to cause a reasonably prudent person to doubt the accuracy of such information.

Additionally, the bill does not prohibit a financial institution from requesting additional information or requiring other agreements in order to establish an account for an entity, including a resolution, certificate of good standing, request for taxpayer identification number, entity agreements or documents or parts evidencing the existence of the entity or the authority of the person executing the certificate, and an indemnification.

The bill defines “entity” and “financial institution” for this purpose.

State Banking Code Definitions

The bill amends the term definition of “bank” in the State Banking Code to be “bank or state bank” and mean a bank, savings and loan association, or savings bank incorporated under the laws of Kansas.

The bill also adds the following definitions to the State Banking Code:

- “Stock bank” means a bank that has an ownership structure represented by stock;
- “Mutual bank” means a bank that does not have an ownership structure represented by stock; and
- “Savings and loan association” or “savings bank” means a bank that is required to have qualified thrift investments that equal or exceed 65.0 percent of its portfolio assets, and its qualified thrift investments are required to equal or exceed 65.0 percent of its assets on a monthly average basis in 9 out of every 12 months.

Conversion to a State Bank

The bill amends the State Banking Code relating to any national bank, federal savings association, or federal savings bank becoming a state bank by specifying not less than two-thirds of the institution’s members may ratify such a change and updates the requirements of the transcription of minutes. Further, the bill clarifies a federal savings association or federal savings bank operating in a mutual form and which seeks to become a stock bank must convert to a stock bank prior to converting to a state bank.

Conversion to a National Bank

The bill specifies that any state bank may convert to a federal savings and loan association or federal savings bank, in addition to a national bank as in continuing law. The bill specifies not less than two-thirds of the bank’s members may ratify such a change. The application process and notice

of conversion applies to federal savings and loan associations and federal savings banks in the same manner as to a national bank.

Capital Requirements

The bill amends the capital requirements specified in the State Banking Code to incorporate the mutual form of ownership of most savings and loans.

Additionally, the bill provides for minimum capital requirements for mutual banks organized on or after July 1, 2018, which requires founding members of the bank to pledge funds at the time of organization the greater of \$3,000,000 or an amount equal to 8.0 percent of the proposed bank's estimated deposits five years after organization.

The bill amends the definition of "capital" to mean, for a mutual bank, the total of the funds pledged by its members and its undivided profits.

Investment in Municipal Bonds

The bill permits banks to invest in bonds, securities, or other evidences of indebtedness, up to 15.0 percent of the bank's capital stock and surplus. The bill also updates the reference from "assessed valuation" to "market value."

Deletion of Internal References

Enactment of the bill repeals the Savings and Loan Code and references to it in other areas of law.

Amendments to the KMTA

The bill makes amendments to the KMTA under the State Banking Code.

KMTA Rules and Regulations; Informal Agreements

The bill specifies the Commissioner is allowed to issue an order, after notice and an opportunity for hearing, to address any violation of rules and regulations adopted pursuant to the KMTA.

The bill allows the Commissioner to enter into an informal agreement at any time with a person to resolve a matter arising under the KMTA, rules and regulations adopted pursuant to the KMTA, or an order issued pursuant to the KMTA.

The bill specifies the adoption of an informal agreement is not subject to the Kansas Administrative Procedure Act or the Kansas Judicial Review Act, nor considered an order or other agency action. The informal agreement is considered confidential examination material, which is confidential by law and privileged. The bill specifies such informal agreements are not subject to the Open Records Act, subpoena, discovery, or admissible in evidence in any private civil action.

The authority of the Commissioner to enter into informal agreements prescribed by the bill sunsets on July 1, 2023, unless the Legislature reviews and reenacts the provision.

Commissioner's Designees

The bill permits designees of the Commissioner to administer, interpret, and enforce the KMTA.

Fair Credit Reporting Act; Security Freeze; Prohibition on Fees; HB 2580

HB 2580 amends the Fair Credit Reporting Act (Act) to clarify that continuing statutes governing security freezes on consumer reports fall within the Act. It also amends one of the statutes governing security freezes to remove a provision allowing a \$5 fee to place, temporarily lift, or remove a freeze, and instead prohibits a consumer reporting agency from charging a fee for these services.

Similarly, the bill amends the statute governing security freezes for “protected consumers” (defined elsewhere in the Act as an individual under 16 years of age when the request for a security freeze is made or an individual for whom a guardian or conservator has been appointed) to remove a provision allowing a \$10 fee to place or remove a security freeze.

Because no fee is allowed in any case, the bill removes provisions in both statutes prohibiting the charging of a fee to an identity theft victim or, in the case of a protected consumer, when the protected consumer is under 18 years of age and the reporting agency has a consumer report pertaining to the consumer.

GAMING

Lottery Ticket and Instant Bingo Vending Machines; Extending the Sunset of the Kansas Lottery; Changes to State Debt Setoff Program; Sub. for HB 2194

Sub. for HB 2194 amends the Kansas Lottery Act (Act) to allow the use of lottery ticket vending machines and the use of instant bingo vending machines, amends law concerning underage purchasing of lottery tickets, extends the sunset for the Kansas Lottery (Lottery), amends law directing transfers from the Lottery Operating Fund, and amends law concerning the State Debt Setoff Program.

Lottery Machines; Definition Changes

The bill amends the definition of “lottery machine” by removing the term “lottery ticket vending machine” from the definition of “lottery machine.” The bill further amends the definition of “lottery machine” to specify lottery ticket vending machines and instant bingo vending machines are not considered lottery machines. Games on lottery machines are prohibited under law unchanged by the bill (KSA 2017 Supp. 74-8710).

Lottery Ticket Vending Machines

The bill allows the Lottery to use lottery ticket vending machines to sell lottery tickets.

The bill also creates a definition for “lottery ticket vending machine,” which is defined as a machine or similar electronic device owned or leased by the Lottery, the sole purposes of which are to:

- Dispense a printed physical ticket, such as a lottery ticket, a keno ticket, a pull tab ticket, or a coupon, which must be redeemed through something other than a lottery ticket vending machine, after a purchaser inserts cash or other form of consideration into the machine;
- Allow purchasers to manually check the winning status of a Lottery ticket; and
- Display advertising, promotions, and other information pertaining to the Lottery.

The bill states a lottery ticket vending machine cannot:

- Provide a visual or audio representation of an electronic gaming machine;
- Visually or functionally have the same characteristics as an electronic gaming machine;
- Automatically determine or display the winning status of any dispensed ticket;

- Extend or arrange credit for the purchase of a ticket;
- Dispense any winnings;
- Dispense any prize or dispense any evidence of a prize other than the lottery ticket, keno ticket, pull tab ticket, or any free Lottery ticket received as a result of the purchase of another Lottery ticket;
- Provide free games or any other item that can be redeemed for cash; or
- Dispense any other form of a prize to a purchaser.

The bill also allows lottery ticket vending machines to dispense only the printed physical lottery ticket, keno ticket, or pull tab ticket, including any free Lottery ticket received as a result of the purchase of another Lottery ticket, and change from a purchase to the purchaser. The bill specifies any winnings from a lottery ticket vending machine can be redeemed only for cash or check by a lottery retailer or by cash, check, or other prize from the office of the Lottery.

The bill specifies no more than two lottery ticket vending machines may be located at each Lottery retailer selling location.

Instant Bingo; Vending Machines

The bill removes language in the definition of “instant bingo” prohibiting bingo games utilizing electronically generated or computer-generated tickets from an instant bingo vending machine. The definition is amended to specify instant bingo games can be dispensed by an instant bingo vending machine.

The bill also creates a definition for “instant bingo vending machine,” which is defined as a machine or electronic device that is purchased or leased by a licensee, as defined by KSA 2017 Supp. 75-5173, from a distributor who has been issued a distributor registration certificate pursuant to KSA 2017 Supp. 75-5184, or leased from the Lottery in fulfillment of the Lottery’s obligations under an agreement between the Lottery and a licensee entered into pursuant to the provisions of the bill. As specified in the definition, the sole purpose of an instant bingo vending machine is to:

- Dispense a printed instant bingo ticket after a purchaser inserts cash or other form of consideration into the machine; and
- Allow purchasers to manually check the winning status of an instant bingo ticket.

The bill states an instant bingo vending machine cannot:

- Provide a visual or audio representation of a bingo card or an electronic gaming machine;

- Visually or functionally have the same characteristics as a bingo card or an electronic gaming machine;
- Automatically determine or display the winning status of any dispensed instant bingo ticket;
- Extend or arrange credit for the purchase of an instant bingo ticket;
- Dispense any winnings;
- Dispense any prize;
- Dispense any evidence of a prize other than the instant bingo ticket;
- Provide free instant bingo tickets or any other item that can be redeemed for cash; or
- Dispense any other form of a prize to a purchaser.

The bill also requires all physical instant bingo tickets dispensed by an instant bingo vending machine to be purchased by a licensee from a registered distributor. No more than two instant bingo vending machines can be located on the premises of each licensee location.

Agreements Between Lottery and Nonprofit Organizations; Vending Machine Sales

The bill authorizes the Executive Director of the Kansas Lottery (Executive Director) to enter into agreements with licensed nonprofit organizations for the operation of instant bingo vending machines on the premises of nonprofit organizations. No more than two instant bingo vending machines can be located on the premises of the nonprofit organization.

These agreements are required to provide for the remittance of gross receipts of instant bingo tickets in the vending machines to the nonprofit organization. All sales of instant bingo tickets in the vending machines are considered sales by the nonprofit organization and proceeds from such sales are remitted to the nonprofit organization.

Underage Purchasing of Lottery Tickets

The bill provides any lottery ticket or share of a ticket purchased by an individual under the age of 18 will be null and void and cannot be redeemed for a prize.

The bill also allows officers having authority to enforce the provisions of the Act, or authorized representatives of the Attorney General, county attorney, or district attorney, to develop a program or system that determines and encourages compliance with the provisions of the Act. Such officers can engage or direct a person to violate the provisions of the Act, which prohibits sales of lottery tickets to persons under the age of 18 by lottery ticket vending machines.

Lottery retailers or such retailer's designee can also engage or direct a person younger than 18 to violate provisions of the Act pursuant to a self-compliance program designed to increase compliance with the provisions of the Act, and approved by the Executive Director.

Lottery Sunset Provision

The bill extends the date on which the Lottery will be abolished from July 1, 2022, to July 1, 2037.

Transfers from the Lottery Operating Fund

The bill authorizes moneys in the Lottery Operating Fund to be used for transfers to the Community Crisis Stabilization Centers Fund and the Clubhouse Model Program Fund of the Kansas Department for Aging and Disability Services.

Commencing in FY 2019, on or before the tenth day of each month, the bill requires the Executive Director to certify the net profits from the sale of lottery tickets and shares in lottery ticket vending machines. Of that certified amount, moneys are distributed from the Lottery Operating Fund, as follows:

- 75.0 percent are transferred to the Community Crisis Stabilization Centers Fund created by the bill and to be used for community crisis stabilization centers operated through community mental health centers; and
- 25.0 percent are transferred to the Clubhouse Model Program Fund created by the bill and to be used for certified clubhouse model programs.

Such transfers could not exceed \$4.0 million in the aggregate for FY 2019 or \$8.0 million in the aggregate for FY 2020, and each fiscal year thereafter.

State Debt Setoff Program

The bill amends the State Debt Setoff Program (Program) in several ways.

Continuing law allows the Director of Accounts and Reports (Director) of the Department of Administration to enter into an agreement with a municipality for participation in the Program for the purpose of assisting in the collection of a debt. Such municipalities are required to certify that the municipality has made at least three attempts to collect a debt prior to submitting such debt to setoff. The bill amends the definition of "municipality" to include community mental health centers and licensed mental health clinics.

The bill requires the Director to enter into agreements with lottery gaming facility managers, racetrack gaming facility managers, and facility owner licensees for participation in the Program for the purpose of collecting debts. Each such contract is required to include a provision agreeing to defend, indemnify, and hold harmless the manager or licensee for all claims, demands, suits, actions, damages, judgments, costs, charges, and expenses brought or asserted against the manager

or licensee arising from the manager or licensee's performance of an agreement to facilitate the collection of debts.

The bill specifies lottery gaming facility managers, racetrack gaming facility managers, and facility owner licensees are required to check the state debtor files before paying moneys on behalf of the State for any gambling winnings requiring completion of a federal tax form. If the person winning the prize is listed in the state debtor files, the prize will be withheld by the manager or licensee to the extent of such debt. Withheld moneys are transmitted to the State Treasurer and deposited in the Setoff Clearing Fund.

Lottery gaming facility managers, racetrack gaming facility managers, and facility owner licensees are not subject to civil, criminal, or administrative liability for actions taken under the bill, unless such actions were intentional, malicious, or wanton. The State is required to indemnify the manager or licensee for expenses, losses, damages, and attorney fees arising from the performance of activities under the bill, and the manager or licensee has all the protection of the State under the Kansas Tort Claims Act. The sole remedy at law for persons claiming wrongful withholding of prizes is an appeal to the Department of Administration.

Debts for child support enforced by the Kansas Department for Children and Families (DCF) under federal law have the cost of collection paid by DCF. Collection costs are not added to such debts.

Debt setoff provisions do not apply to Native American tribal gaming facilities.

HEALTH

Mandatory Reporters; SB 311

SB 311 adds emergency medical services attendants to the list of mandatory reporters of abuse, neglect, exploitation, or need of protective services as it pertains to a resident or certain adults (as defined in continuing law).

Continuing law defines “resident” and an “adult” when referencing “certain adults,” as specified below.

Definitions of “Resident” and “Adult” in Continuing Law

Continuing law (KSA2017 Supp. 39-1401) defines a “resident” as any resident, as defined by KSA 2017 Supp. 39-923 (any individual kept, cared for, treated, boarded, or otherwise accommodated in an adult care home), or any individual kept, cared for, treated, boarded, or otherwise accommodated in a medical care facility, state psychiatric hospital, or state institution for people with an intellectual disability.

Additionally, continuing law as it pertains to the abuse, neglect, exploitation, or need for protective services of certain adults (KSA 2017 Supp. 39-1430) defines an “adult” to mean an individual 18 years of age or older alleged to be unable to protect the individual’s own interest and who is harmed or threatened with harm, whether financial, mental, or physical in nature, through action or inaction by either another individual or through their own action or inaction when residing in the person’s own home, the home of a family member, or the home of a friend; residing in an adult family home; or receiving services through a provider of community services and its affiliates operated or funded by the Kansas Department for Children and Families, the Kansas Department for Aging and Disability Services, or a residential facility licensed pursuant to statutes pertaining to providers of disability services.

The above definition of “adult” excludes residents as defined in KSA 39-1401 *et seq.*

Recognizing Pornography as a Public Health Hazard; SR 1762

SR 1762 states the Senate recognizes pornography is a public health hazard that leads to individual and public health impacts and societal harms and recognizes the need for additional education prevention, research, and policy change at the community and societal levels. It urges the Senate and other governing bodies to take appropriate steps. It references poor personal and societal outcomes related to pornography and related research.

The resolution requires the Secretary of the Senate to send enrolled copies of the resolution to the following: the Attorney General; the Kansas Bureau of Investigation Director; the Kansas Highway Patrol Superintendent; the Secretary of Health and Environment; the Kansas Library Association; the Kansas County and District Attorneys Association; the Kansas Sheriffs’ Association; the Kansas Association of Chiefs of Police; the Kansas Association of District Court Clerks and Administrators;

the Kansas Appellate Courts; the Kansas Supreme Court; the League of Kansas Municipalities; the Kansas County Commissioners Association; the American Family Association of Kansas and Missouri State Director; and Senator Pilcher-Cook.

(A similar resolution, HR 6016, was adopted by the House of Representatives during the 2017 Session.)

Kansas Telemedicine Act; Senate Sub. for HB 2028

Senate Sub. for HB 2028 establishes the Kansas Telemedicine Act (Act). The bill also provides for coverage of speech-language pathologist and audiologist services *via* telehealth under the Kansas Medical Assistance Program (KMAP), if such services are covered under KMAP when delivered *via* in-person contact.

Naming of Act

The bill creates the Kansas Telemedicine Act. The naming of the Act takes effect on and after January 1, 2019.

Definitions

The bill establishes definitions for the following terms under the Act:

- “Distant site” means a site at which a healthcare provider is located while providing healthcare services by means of telemedicine;
- “Healthcare provider” means a physician, licensed physician assistant, licensed advanced practice registered nurse, or a person licensed, registered, certified, or otherwise authorized to practice by the Behavioral Sciences Regulatory Board (BSRB);
- “Originating site” means a site at which a patient is located at the time healthcare services are provided by means of telemedicine;
- “Physician” means a person licensed to practice medicine and surgery by the Board of Healing Arts (BOHA); and
- “Telemedicine,” including “telehealth” means the delivery of healthcare services or consultations while the patient is at an originating site and the healthcare provider is at a distant site. Telemedicine is to be provided by means of real-time two-way interactive audio, visual, or audio-visual communications, including the application of secure video conferencing or store-and-forward technology, to provide or support healthcare delivery that facilitates the assessment, diagnosis, consultation, treatment, education, and care management of a patient’s healthcare. The term does not include communication between healthcare providers consisting solely of a telephone voice-

only conversation, e-mail, or facsimile transmission, or between a physician and a patient consisting solely of an e-mail or facsimile transmission.

Effective Date

This section takes effect on and after January 1, 2019.

Privacy and Confidentiality, Establishment of a Provider-Patient Relationship, Standards of Practice, and Follow-up

Requirements for Patient Privacy

The bill specifies the same requirements for patient privacy and confidentiality under the Health Insurance Portability and Accountability Act of 1996 and 42 CFR § 2.13 (related to confidentiality restrictions and safeguards), as applicable, applying to healthcare services delivered *via* in-person visits also apply to healthcare visits delivered *via* telemedicine. Nothing in this section supersedes the provisions of any state law relating to the confidentiality, privacy, security, or privileged status of protected health information.

Establishment of the Provider-Patient Relationship

The bill authorizes telemedicine to be used to establish a valid provider-patient relationship.

Standards of Practice

The bill requires the same standards of practice and conduct that apply to healthcare services delivered *via* in-person visits apply to healthcare services delivered *via* telemedicine.

Follow-up Care

The bill requires a person authorized by law to provide and who provides telemedicine services to a patient to provide the patient with guidance on appropriate follow-up care.

Reporting of Services

If the patient consents and has a primary care or other treating physician, the person providing telemedicine services is required to send a report to the primary care or other treating physician of the treatment and services rendered to the patient within three business days of the telemedicine encounter. A person licensed, registered, certified, or otherwise authorized to practice by the BSRB is not required to comply with this reporting requirement.

Effective Date

This section takes effect on and after January 1, 2019.

Application to Policies, Contracts, and KMAP

Issued for Delivery, Amended, or Renewed On or After January 1, 2019

The provisions of this section apply to any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society, or health maintenance organization that provides coverage for accident and health services delivered, issued for delivery, amended, or renewed on or after January 1, 2019. The Act also applies to KMAP.

Prohibitions

The bill prohibits the aforementioned policies, plans, contracts, and KMAP from excluding an otherwise covered healthcare service from coverage solely because the service is provided through telemedicine rather than in-person contact or based upon the lack of a commercial office for the practice of medicine, when such service is delivered by a healthcare provider. The bill also prohibits such groups from requiring a covered individual to use telemedicine or in lieu of receiving in-person healthcare service or consultation from an in-network provider.

Medically Necessary Coverage

These groups shall not be prohibited from providing coverage for only those services that are medically necessary, subject to the terms and conditions of the covered individual's health benefits plan.

Medical Record

The insured's medical record serves to satisfy all documentation for the reimbursement of all telemedicine healthcare services, and no additional documentation outside the medical record is required.

Payment or Reimbursement

The bill authorizes an insurance company, nonprofit health service corporation, nonprofit medical and hospital service corporation, or health maintenance organization to establish payment or reimbursement of covered healthcare services delivered through telemedicine in the same manner as payment or reimbursement for covered services delivered *via* in-person contact.

No Mandate of Coverage

The bill does not mandate coverage for a healthcare service delivered *via* telemedicine, if such service is not already a covered service when delivered by a healthcare provider, and subject to the terms and conditions of the covered individual's health benefits plan.

Impact Report and State Employee Group Pilot Project Statutes Not Applicable

The bill specifies KSA 40-2248 (related to mandated health benefits and impact report) and KSA 40-2249a (related to the state employee group pilot project) do not apply to this section.

Effective Date

This section takes effect on and after January 1, 2019.

Rules and Regulations

BOHA

The bill requires the BOHA, following consultation with the State Board of Pharmacy and the Board of Nursing, to adopt rules and regulations by December 31, 2018, relating to the prescribing of drugs, including controlled substances, *via* telemedicine.

Additionally, the BOHA is required to adopt rules and regulations necessary to effectuate provisions of the Act by December 31, 2018.

BSRB

The BSRB is required to adopt rules and regulations as necessary to effectuate provisions of the Act by December 31, 2018.

Prohibition on Delivery of Abortion Procedures via Telemedicine

The bill states nothing in the Act is construed to authorize the delivery of any abortion procedure *via* telemedicine.

Severability and Non-severability Clauses

The bill states if any provision of the Act, or the application thereof to any person or circumstance, is held invalid or unconstitutional by court order, the remainder of the Act and application of such provision is not affected. Additionally, it is conclusively presumed the Legislature would have enacted the remainder of the Act without the invalid or unconstitutional provision. Further, the provision of the bill related to abortion is expressly declared to be non-severable. If the abortion language is held invalid or unconstitutional by court order, the entire Act is affected. [Note: Subsequent portions of the bill are not included in the Kansas Telemedicine Act.]

Coverage of Speech-Language Pathology and Audiology Services

Coverage Requirement under KMAP

On and after January 1, 2019, the Kansas Department of Health and Environment (KDHE) and any managed care organization providing state Medicaid services under KMAP is required to provide coverage for speech-language pathology services and audiology services by means of telehealth, as defined in the Act, when provided by a licensed speech-language pathologist or audiologist licensed by the Kansas Department for Aging and Disability Services if such services are covered by KMAP when delivered *via* in-person contact.

Implementation and Administration by KDHE

KDHE is required to implement and administer this section consistent with applicable federal laws and regulations. KDHE is required to submit to the Centers for Medicare and Medicaid Services any state Medicaid plan amendment, waiver request, or other approval request necessary to implement this section.

Rules and Regulations

KDHE is required to adopt rules and regulations necessary to implement and administer this section by December 31, 2018.

Impact Report

On or before January 13, 2020, KDHE is required to prepare an impact report that assesses the social and financial effects of the coverage mandated under this section for speech-language pathology and audiology services, including the impacts listed in KSA 40-2249(a) and (b) relating to social and financial impacts of mandated health benefits. KDHE is required to submit such report to the Legislature, the House Committee on Health and Human Services, the House Committee on Insurance, the Senate Committee on Public Health and Welfare, and the Senate Committee on Financial Institutions and Insurance.

Application of the Act to Insurance Policies

The bill specifies the requirements of the Act apply to all insurance policies, subscriber contracts, or certificates of insurance delivered, renewed, or issued for delivery within or outside of Kansas, or used within the state by or for an individual who resides or is employed in the state.

Corporations Under the Nonprofit Medical and Hospital Service Corporation Act

The bill specifies corporations organized under the Nonprofit Medical and Hospital Service Corporation Act are subject to the provisions of the Act.

Treatment Facility Deemed Status License Renewal; HB 2106

HB 2106 authorizes the Secretary for Aging and Disability Services (Secretary) to grant a treatment facility licensed by the Secretary under the Alcohol or Other Drug Addiction Treatment Act and also accredited by the Commission on Accreditation of Rehabilitation Services, The Joint Commission, the Council on Accreditation, or another national accrediting body approved by the Kansas Department for Aging and Disability Services (KDADS), a license renewal based on such accreditation, referred to as “deemed status.” An accredited treatment facility that loses accreditation is required to notify KDADS immediately.

Additionally, the bill requires KDADS to inspect an accredited treatment facility to determine compliance with state licensing standards and rules and regulations not covered by the accrediting entity’s standards, or inspect and investigate in response to a complaint made against the accredited treatment facility.

Electronic Monitoring in Adult Care Homes; HB 2232

HB 2232 allows a resident of an adult care home, or a resident’s guardian or legal representative, to conduct authorized electronic monitoring (monitoring) in the resident’s room subject to requirements set out in the bill. The bill defines applicable terms; provides protections for the residents and adult care homes; establishes guidelines for monitoring, including the required notification and the content of the notification form; addresses the responsibilities of an adult care home and a resident or a resident’s guardian or legal representative; addresses the privacy rights of a resident and any other person sharing a room with the resident; addresses the terms under which a tape or recording could be admitted into evidence or considered during any proceeding; establishes penalties for violations related to permissible electronic monitoring; and requires the Secretary for Aging and Disability Services (Secretary) to adopt rules and regulations necessary to administer the provisions of the bill.

Definitions

The bill defines the following terms:

- “Adult care home” to have the same meaning as in the Adult Care Home Licensure Act, and amendments thereto;
- “Authorized electronic monitoring” means the placement of one or more electronic monitoring devices (device) in the room of an adult care home resident and making recordings with such devices after notifying the adult care home of the resident’s intent to conduct electronic monitoring;
- “Electronic monitoring device” means a surveillance instrument used to broadcast or record activity or sound occurring in a room, but not to intercept wire or electronic communications; and
- “Resident’s room” means a room in an adult care home that is used as a resident’s private living quarters.

Resident's Rights

A resident is allowed to conduct monitoring in the resident's room subject to the requirements outlined in the bill. The bill prohibits an adult care home from discharging, refusing to admit, or otherwise retaliating against a resident or person based on conducting or consenting to monitoring.

Requirements of Monitoring Notification Form

A resident, or a resident's guardian or legal representative, who desires to conduct monitoring is required to use a form prescribed by the Secretary to notify the adult care home. The form is to be maintained in the resident's file at the adult care home and requires the resident, or the resident's guardian or legal representative, to:

- Release the adult care home from civil liability for a violation of the resident's privacy rights with regard to the use of the device;
- Be informed of the proper complaint reporting procedures, as outlined by the Kansas Department for Aging and Disability Services (KDADS);
- Choose, if the device is a video surveillance camera, whether the camera will always be unobstructed or will be obstructed in specific circumstances to protect the resident's dignity; and
- Obtain, if the resident resides in a multi-resident room, the consent of the other residents in the room on a form prescribed for this purpose by the Secretary.

An adult care home is required to provide a copy of the completed form to the resident, any resident or residents with whom the resident shares a room, and the Office of the State Long-Term Care Ombudsman.

Physical Accommodations for Monitoring

The bill requires an adult care home to make reasonable physical accommodations for monitoring, including:

- Providing a reasonably secure place to mount the device;
- Providing access to power sources for the device;
- Making reasonable accommodations if a resident in a multi-resident room wishes to conduct monitoring but a resident or residents who share the room with the resident wishing to conduct monitoring do not consent to the monitoring, including offering to move the resident who wishes to conduct monitoring to another shared room that is or becomes available; and

- Making reasonable accommodations if a resident in a multi-resident room wishes to conduct monitoring but another resident who begins residing in the room does not consent to the monitoring, before moving the resident wishing to conduct monitoring.

A resident, or the resident's guardian or legal representative, is required to pay all costs associated with installing and maintaining a requested device.

Consent

New Roommate Consent

The bill requires a resident who previously conducted monitoring to obtain consent from any new roommates before resuming monitoring. The adult care home is allowed to turn off the device if the new roommate does not consent to monitoring and the resident conducting monitoring does not remove or disable the device.

Withdrawal of Consent

The bill allows consent to be withdrawn by a resident, a resident's guardian or legal representative, or any roommate at any time, and the withdrawal of consent is to be documented in the resident's clinical record. The adult care home is allowed to turn off the device if a roommate withdraws consent to monitoring and the resident conducting monitoring does not remove or disable the device.

Posting of Notice and Monitoring in Plain View

Each adult care home is required to post a conspicuous notice at the entrance to the adult care home and at the entrance of each resident's room stating the rooms of some residents may be monitored electronically by or on behalf of the room's resident or residents.

An adult care home is allowed to require a resident, or the resident's guardian or legal representative, to conduct monitoring in plain view.

Form Addressing Monitoring Guidelines

On or before a person's admission to an adult care home, the person is required to complete and sign a form prescribed by the Secretary, and such form is to be maintained in the person's resident file. The form is to state the following:

- That a person who places a device in a resident's room or discloses a recording made on such device may be civilly liable for any unlawful violation of the privacy rights of another person;
- That a resident, or a resident's guardian or legal representative, is entitled to conduct monitoring as authorized in the bill;

- The basic procedures required to request monitoring;
- Who may request monitoring;
- Who may consent to monitoring;
- Restrictions a resident may elect to place on monitoring conducted in the resident's room, including, but not limited to:
 - Prohibiting video recording; or
 - Prohibiting audio recording;
- Turning off the device or blocking the visual recording component in the following instances: during an exam or procedure administered by a health care professional; while the resident is dressing or bathing; or during a resident's visit with a spiritual adviser, ombudsman, attorney, financial planner, intimate partner, or other visitor; and
- Any other information related to monitoring the Secretary deems necessary or appropriate to include on the form.

Device Requirements

The bill requires a device installed or operated pursuant to the bill to comply with the requirements of the National Fire Protection Association 101 Life Safety Code, or other standards determined by the Secretary to have substantially equivalent requirements.

Tape or Recording Requirements

No court or state agency is allowed to admit into evidence or consider during any proceeding any tape or recording created using an electronic monitoring device, or take or authorize action based on such tape or recording, unless:

- The tape or recording shows the time and date when the event occurred; and
- The contents of the tape or recording have not been edited or artificially enhanced.

Interference with Monitoring and Penalties

The bill prohibits a person from knowingly hindering, obstructing, tampering with, or destroying a device installed in a resident's room in accordance with this bill or a video or audio recording obtained in accordance with this bill, without the consent of the resident or individual who authorized the monitoring.

A person violating these provisions is guilty of a class B nonperson misdemeanor. Such violations done with the intent to commit or conceal the commitment of a misdemeanor offense is a class A nonperson misdemeanor; if done with the intent to commit or conceal the commitment of a felony offense, it is a severity level 8 nonperson felony.

Rules and Regulations Authority

The Secretary is required to adopt rules and regulations necessary to administer the provisions of the bill on or before January 1, 2019.

Organ Transplants—Nondiscrimination in Access for Individuals with Disabilities; HB 2343

HB 2343 creates law regarding nondiscrimination in access to organ transplants for individuals with disabilities.

The bill states the following findings and purpose:

- Mental or physical disability does not diminish an individual's right to health care;
- The federal Americans with Disabilities Act (ADA) prohibits discrimination against individuals with disabilities, yet many such individuals still experience discrimination in accessing critical health care services;
- In other states, individuals with disabilities have been denied lifesaving organ transplants based on assumptions their lives are less worthy, they are incapable of complying with post-transplantation medical requirements, or they lack adequate support systems to ensure compliance with post-transplantation medical requirements;
- Although organ transplant centers must consider medical and psychosocial criteria when determining whether a patient is suitable to receive an organ transplant, transplant centers that participate in Medicare, the state program for medical assistance, and other federally funded programs are required to use patient selection criteria that result in a fair and nondiscriminatory distribution of organs; and
- State residents in need of organ transplants are entitled to assurances they will not encounter discrimination on the basis of a disability.

The bill defines "covered entity" to include:

- A licensed health care provider, as defined in the Health Care Provider Insurance Availability Act;

- A medical care facility, as defined in the act governing standards for medical care facilities;
- A laboratory;
- A state psychiatric hospital, as defined in the Care and Treatment Act for Mentally Ill Persons;
- An adult care home, as defined in the act governing licensure of adult care home administrators;
- A group home, as defined in the statute governing planning and zoning of group homes;
- An institutional medical unit in a correctional facility; or
- Any entity responsible for potential recipients of the anatomical gift.

The bill defines “qualified individual” to mean an individual who has a disability (defined to have the meaning stated in the ADA) and meets the essential eligibility requirements for the receipt of an anatomical gift, with or without the support networks available to the individual, the provision of auxiliary aids and services, or reasonable modifications to the policies or practices of a covered entity, including certain modifications specified in the bill.

The bill defines “auxiliary aids and services” to include various methods of making aurally delivered materials available to individuals with hearing impairments and visually delivered materials available to individuals with visual impairments, as well as various supported decision-making services.

The bill also defines “anatomical gift” and “organ transplant.”

The bill prohibits a covered entity, solely on the basis of an individual’s disability, from:

- Considering a qualified individual ineligible to receive an anatomical gift or organ transplant;
- Denying medical and other services related to organ transplantation;
- Refusing to refer the individual to a transplant center or a related specialist for the purpose of evaluation or receipt of an organ transplant;
- Refusing to place a qualified individual on an organ transplant waiting list; or

- Placing a qualified individual at a lower-priority position on an organ transplant waiting list than the position where the individual would be placed without the disability.

A covered entity may take an individual's disability into account when making treatment or coverage recommendations or decisions to the extent a physician, following an individualized evaluation, has found the disability to be medically significant to the provision of the anatomical gift. A covered entity may not consider the individual's inability to independently comply with post-transplantation medical requirements to be "medically significant" if the individual has the necessary support system to assist in complying with the requirements.

A covered entity must make reasonable modifications in policies, practices, or procedures when necessary to allow an individual with a disability to access services, including transplantation-related counseling, information, coverage, or treatment, unless the entity can demonstrate the modifications would fundamentally alter the nature of the services. Similarly, a covered entity must take necessary steps to ensure an individual with a disability is not denied services due to the absence of auxiliary aids and services, unless the entity can demonstrate taking the steps would fundamentally alter the nature of the services or would result in an undue burden.

An affected individual may bring an action in the appropriate district court for injunctive or other equitable relief if a covered entity violates the provisions of the bill, and the bill requires a district court in such an action to schedule a hearing as soon as possible and apply the same standards in rendering a judgment as would be applied in an action in federal court under the ADA.

The bill states that none of its provisions shall be construed to require a covered entity to make a referral or recommendation for or perform a medically inappropriate organ transplant.

Revised Uniform Anatomical Gift Act Amendments; Designation on Driver's License or Identification Card; Healthcare Provider Liability Exemption; HB 2472

HB 2472 places a question as to an individual's willingness to give his or her authorization to be listed as an organ, eye, and tissue donor in the Kansas Donor Registry (Registry) in accordance with the Revised Uniform Anatomical Gift Act (Act) on the applications for a driver's license, renewal of a driver's license, and an identification card and on the notice of a driver's license expiration. The bill requires the word "donor" be placed on the front of the driver's license or identification card of an individual who provides authorization to be listed in the Registry on an application for a driver's license or an identification card.

Further, the bill amends the Act regarding the persons authorized to make an anatomical gift upon a decedent's death, adds a definition for "healthcare provider," and provides an exemption from liability for such providers.

Declaration of Intent to Gift

The bill removes the requirement that an individual 16 years of age or older to whom a Kansas driver's license has been issued, and who desires to make an anatomical gift, sign a form in the presence of two witnesses stating a desire to make such a gift. Instead, the bill requires an

application for a driver's license, a notice of a driver's license expiration or renewal application, and an application for an identification card include a question as to the applicant's willingness to authorize the placement of the applicant's name in the Registry. Such authorization on a driver's license application by a person 16 years of age or older or on an application for an identification card by any person makes the anatomical gift effective upon the death of the donor. [Note: Prior law required a parent or guardian of an applicant under 16 years of age to sign the application for a driver's license or identification card submitted by the applicant.] 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.

Persons Authorized to Make a Gift

With regard to the classes of individuals authorized to make an anatomical gift of a decedent's body or part for transplantation, therapy, research, or education, the bill removes adult siblings of a decedent from the list of classes requiring approval by a majority of the members of the class if an objection of another member of the class is known. Both parents of a decedent, if living and available to decide, must agree to make the anatomical gift.

Healthcare Provider Liability Exemption

The bill defines "healthcare provider" under the Act to mean the same as in the Health Care Provider Insurance Availability Act. A healthcare provider is exempt from liability in a civil action, criminal prosecution, or administrative proceeding when acting in good faith with the Act or the applicable anatomical gift law of another state.

State Long-Term Care Ombudsman Program; HB 2590

HB 2590 amends law related to the State Long-Term Care Ombudsman (Ombudsman) and the State Long-Term Care Ombudsman Program (Program).

Monitoring of the Program

The bill requires the Secretary for Aging and Disability Services (Secretary) to monitor the Program and its activities, as set forth in the agreement entered into by the Secretary and Ombudsman for the provision of financial assistance to the Office of the Ombudsman. The monitoring must include an assessment of whether the Program is performing all of the functions, responsibilities, and duties set forth in state and federal laws and regulations.

Definitions

The bill amends and adds definitions used in the Long-Term Care Ombudsman Act (Act). The bill amends the definition of "conflict of interest" to include receipt of gifts, gratuities, money, or compensation from a long-term care facility, its management, a resident, or the resident's representative, in which the Ombudsman or Ombudsman's representative provides services.

The bill defines "resident representative" to mean:

- An individual chosen by the resident to act on behalf of the resident in order to support the resident in decision making; access medical, social, or other personal information of the resident; manage financial matters; or receive notifications;
- A person authorized by state or federal law, including, but not limited to, agents under power of attorney, representative payees and other fiduciaries, to act on behalf of the resident in order to support the resident in decision making; access medical, social, or other personal information of the resident; manage financial matters; or receive notifications;
- The resident's legal representative, as used in the federal Older Americans Act; or
- The court-appointed guardian or conservator of a resident.

Additionally, the definition of "resident representative" will not be construed to expand the scope of authority of any resident representative beyond the authority specifically authorized by the resident, state, or federal law, or a court of competent jurisdiction.

Qualifications of the Ombudsman

The bill adds additional eligibility requirements to the Ombudsman. The bill prohibits an individual from the appointment to, or holding the office of, Ombudsman if the individual was employed by or participated in the management of a long-term care facility within the previous 12 months. Additionally, the bill specifies no person will be eligible for appointment as the Ombudsman unless the person has experience in negotiation (in addition to investigation and conflict resolution procedures under continuing law), demonstrated expertise in long-term care services and supports or other direct services for older persons or individuals with disabilities, and demonstrated expertise in leadership and program management skills.

Duties of the Ombudsman

The bill amends the duties of the Ombudsman. The Ombudsman is required to investigate and resolve complaints made by or on behalf of the residents:

- Relating to action, inaction, or decisions of providers, or representatives of providers, of long-term care, public agencies, or health and social services. The bill specifies complaints of abuse, neglect, or exploitation of a resident may be referred to the Secretary (changed from a requirement these complaints be referred to the Secretary), with the resident or resident's representative's consent, or as permitted by federal law; or
- Regarding the welfare and rights of residents with respect to the appointment or activities of resident representatives.

The bill specifies to whom the Ombudsman will be required to provide information, including public and private agencies and the media. Additionally, the Ombudsman is permitted to give the

information or recommendations to any directly affected public and private agency or legislator (changed from a requirement the information be provided to any directly affected parties or their representatives).

The bill amends the duty of the Ombudsman to collaborate with the Kansas Department for Aging and Disability Services so the parties will review and maintain (rather than establish, as in prior law) the statewide system that collects and analyzes information on complaints and conditions in facilities.

Access of Records

The bill amends law related to access to records and documents concerning residents. The bill updates “guardian of the resident” to “resident representative” so the resident representative, with consent of the resident of the facility, has access to all records and documents kept for or concerning the resident. The bill also updates “guardian” to “resident representative” in all instances related to access of documents by the Ombudsman. The bill specifies an ombudsman or volunteer ombudsman has access to all administrative records, policies, and documents of the facility that the residents have or the general public has access to that are relevant to carry out provisions of the Act. Additionally, the bill deletes the subsection of law related to the volunteer ombudsman having access to the plan of care and other records or documents, because the bill provides the volunteer ombudsman with access to certain administrative records, policies, and documents.

Quarterly Summary Report

The bill requires the Ombudsman to forward to the Secretary a quarterly summary report relating to the health and safety of residents, complaints reported, and resolutions to complaints. The bill permits the summary report to be posted quarterly on the Program’s website.

Nuclear Energy Development and Radiation Control Act; Maternal Deaths; Palliative Care; Senate Sub. for HB 2600

Senate Sub. for HB 2600 amends the Nuclear Energy Development and Radiation Control Act, provides for the study and investigation of maternal deaths by the Secretary of Health and Environment (Secretary), and 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).

Nuclear Energy Development and Radiation Control Act

The bill requires the assessment of an additional fee up to 50.0 percent of the maximum annual licensing fee for each noncontiguous site where radioactive material is stored or used under the same license, per category. “Noncontiguous site” means a location more than one mile away from the main safety office where licensure records are maintained.

Study and Investigation of Maternal Deaths

The bill provides for the study and investigation of maternal deaths by the Secretary; defines “maternal death”; provides for access to records related to maternal death and addresses the confidentiality of those records; and establishes a July 1, 2023, expiration date for provisions addressing confidentiality of the records, unless the provisions are reenacted by the Legislature prior to their expiration. The Legislature is required to review the confidentiality provisions prior to the expiration date established in the bill. Additionally, the bill requires reports of aggregate non-individually identifiable data to be compiled on a routine basis for distribution to further study the causes and problems associated with maternal death.

Definition of “Maternal Death”

“Maternal death” means the death of any woman from any cause while pregnant or within one calendar year of the end of any pregnancy, regardless of the duration of the pregnancy or the site of the end of the pregnancy.

Access to Records by the Secretary

The bill requires the Secretary to have access to all law enforcement investigative information regarding a maternal death in Kansas, any autopsy records and coroner’s investigative records relating to the death, any medical records of the mother, and any records of the Kansas Department for Children and Families or any other state social service agency that has provided services to the mother.

The bill authorizes the Secretary to apply to the district court for, and the court may issue, a subpoena to compel the production of any books, records, or papers relevant to the cause of any maternal death being investigated by the Secretary. Any books, records, or papers received by the Secretary through a subpoena are confidential and privileged information and are not subject to disclosure.

The provisions related to the confidentiality of the records received by the Secretary pursuant to a subpoena expire on July 1, 2023, unless reenacted by the Legislature. The Legislature is required to review these confidentiality provisions prior to the expiration date.

Duties of the Secretary

The bill requires the Secretary to identify maternal death cases; review medical records and other relevant data; contact family members and other affected or involved persons to collect additional relevant data; consult with relevant experts to evaluate the records and data collected; make determinations regarding the preventability of maternal deaths; develop recommendations and actionable strategies to prevent maternal deaths; and disseminate findings and recommendations to the Legislature, healthcare providers, healthcare facilities, and the general public.

Access to Medical Records

The bill requires the following to provide reasonable access to all relevant medical records associated with a maternal death case under review by the Secretary:

- Healthcare providers licensed pursuant to Chapters 65 and 74 of the Kansas statutes [*Note:* Examples of licensed healthcare providers include advanced practice registered nurse, practical nurse, and professional nurse; dentist and dental hygienist; optometrist; pharmacist; podiatrist; individual licensed to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic; physician assistant; physical therapist; mental health technician; occupational therapist and occupational therapy assistant; respiratory therapist; professional counselor and clinical professional counselor; licensed dietitian; baccalaureate social worker, master social worker, and specialist clinical social worker; marriage and family therapist and clinical marriage and family therapist; speech-language pathologist and audiologist; addiction counselor, master's addiction counselor, and clinical addiction counselor; naturopathic doctor; radiologic technologist; behavior analyst and assistant behavior analyst; licensed acupuncturist; psychologist and master's level psychologist; and individual with licensure to practice fitting and dispensing of hearing instruments.];
- Medical care facilities licensed pursuant to Article 4 of Chapter 65 of the Kansas statutes (hospital, ambulatory surgical center, or recuperation center);
- Maternity centers licensed pursuant to Article 5 of Chapter 65 of the Kansas statutes; and
- Pharmacies licensed pursuant to Article 16 of Chapter 65 of the Kansas statutes.

When making good-faith efforts to provide access to medical records as required under the bill, these providers are exempt from liability for civil damages and are not subject to criminal or disciplinary administrative action.

Information, records, reports, statements, notes, memoranda, or other data collected are privileged and confidential and are not admissible as evidence in any court action or before another tribunal, board, agency, or person. Exhibition of this information or disclosure of the contents in any manner by any officer or representative of KDHE or any other person is prohibited, except when necessary to further the investigation of the related case. Anyone participating in the investigation is prohibited from disclosing the information obtained. The confidentiality provisions related to these records expire on July 1, 2023, unless reenacted by the Legislature. The bill requires the Legislature to review the confidentiality provisions prior to their expiration.

Confidentiality of Records Resulting from KDHE Review

The following are confidential records and are not subject to the Kansas Open Records Act or Kansas Open Meetings Act, or subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding:

- Proceedings, activities, and the resulting opinions of the Secretary or the Secretary's representatives; and
- Records obtained, created, or maintained, including records of interviews, written reports, and statements procured by the Secretary or any other person, agency, or organization acting jointly or under contract with KDHE in connection with investigating maternal death.

The bill specifies the right to discover or use in any civil or criminal proceeding any document or record that is available and entirely independent of the proceedings and activities of the Secretary or the Secretary's representatives is not limited or otherwise restricted.

The bill prohibits the Secretary or the Secretary's representatives from being questioned in a civil or criminal proceeding regarding the information presented in or opinions formed as a result of an investigation. The Secretary or the Secretary's representatives are allowed to testify to information that is public or obtained independently of investigations, activities, and proceedings by the Secretary or the Secretary's representatives or any other person, agency, or organization acting jointly or under contract with KDHE in connection with investigating maternal death.

The provisions regarding the confidentiality of this information expire on July 1, 2023, unless reenacted by the Legislature prior to their expiration.

Compilation and Distribution of Aggregate Reports

In an effort to further study the causes and problems associated with maternal death, the bill requires reports of aggregate non-individually identifiable data to be compiled on a routine basis for distribution to healthcare providers, medical care facilities, and other persons necessary to reduce the maternal death rate.

Palliative Care

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. The bill also defines "palliative care."

Council Composition, Appointment, Terms, and Compensation

The Council consists of 13 members appointed on or before October 1, 2018, with appointments as follows:

- Two members by the Governor;
- Two members by the Speaker of the House of Representatives;

- One member by the Majority Leader of the House of Representatives;
- One member by the Minority Leader of the House of Representatives;
- Two members by the President of the Senate;
- One member by the Minority Leader of the Senate;
- One member of the House Committee on Health and Human Services by the chairperson of the House Committee;
- One member of the Senate Committee on Public Health and Welfare by the chairperson of the Senate Committee;
- One member by the Secretary to represent KDHE; and
- One member by the Secretary for Aging and Disability Services to represent the Kansas Department for Aging and Disability Services (KDADS).

Council members serve for three years and at the pleasure of their respective appointing authorities. The Council members appoint the chairperson and vice-chairperson, whose duties are established by the Council. KDHE is required to fix the time and place for regular Council meetings, with at least two meetings required annually.

Council members serve without compensation but are reimbursed for actual and necessary expenses incurred in the performance of their duties.

Council Member Qualifications

The bill requires Council members to be individuals with experience and expertise in interdisciplinary palliative care medical, nursing, social work, pharmacy, and spiritual guidance. The bill specifies the Council membership must include healthcare professionals with palliative care work experience or expertise in palliative care delivery models in a variety of settings and with a variety of populations. The Council is required to have a minimum of two members who are board-certified hospice and palliative medicine physicians or nurses and at least one member who is a patient or caregiver.

Definition of Palliative Care

Palliative care means an approach that improves the quality of life of patients and their families facing the problems associated with life-threatening illness, through the prevention and relief of suffering by means of early identification and impeccable assessment and treatment of pain and other problems, physical, psychosocial, and spiritual. Palliative care:

- Provides relief from pain and other distressing symptoms;

- Affirms life and regards dying as a normal process;
- Intends neither to hasten or postpone death;
- Integrates psychological and spiritual aspects of patient care;
- Offers a support system to help patients live as actively as possible until death;
- Offers a support system to help the family cope during the patient's illness and their own bereavement;
- Uses a team approach to address the needs of patients and their families, including bereavement counseling, if indicated;
- Enhances the quality of life, and may also positively influence the course of illness; and
- Applies early in the course of illness, in conjunction with other therapies intended to prolong life, such as chemotherapy or radiation, and includes investigations needed to better understand and manage distressing clinical complications.

KDHE's Program Responsibilities

With regard to the Program, KDHE is required to publish information and resources on its website, including links to external resources, about palliative care for the public, healthcare providers, and healthcare facilities; develop and implement any other initiatives regarding palliative care services and education KDHE determines will further the Program's purposes; and consult with the Council. The information to be published on the KDHE website includes, but is not limited to, healthcare provider continuing education opportunities, information about palliative care delivery in home and other environments, and consumer educational materials and referral information for palliative care, including hospice. Palliative care has the meaning as described in the section regarding the Council.

INSURANCE

Risk-based Capital Instructions; SB 267

SB 267 updates the effective date specified in the Insurance Code for the risk-based capital (RBC) instructions promulgated by the National Association of Insurance Commissioners for property and casualty companies and for life insurance companies from December 31, 2016, to December 31, 2017.

Electronic Delivery for Certain Health Insurance-related Documents; Coverage for Amino Acid-based Elemental Formula; SB 348

SB 348 authorizes electronic delivery as the standard method of delivery for certain health insurance-related documents and requires the State Employees Health Care Commission (Health Care Commission) to provide coverage for amino acid-based elemental formula, as specified.

Electronic Delivery as the Standard Method of Delivery

The bill amends the Electronic Notice and Document Act under the Insurance Code.

The bill authorizes a health benefit plan (plan) to utilize electronic delivery as the standard method of delivery for explanation of benefits and policy, including federally required summary of benefit and coverage documents, to a party when paper documents are readily available and notification has been provided to the party explaining the party's option to receive paper documents *via* U.S. mail.

The bill requires a plan to deliver paper documents *via* U.S. mail to a party if the party notifies the plan of a desire to receive the documents in such a manner instead of by electronic delivery.

The bill states "health benefit plan" has the same meaning as in KSA 40-4602 (any hospital or medical expense policy; health, hospital, or medical service corporation contract; a plan provided by a municipal group-funded pool; a policy or agreement entered into by a health insurer or health maintenance organization contract offered by an employer; or any certificate issued under any such policies, contracts, or plans; the definition excludes certain types of policies or certificates). The bill further specifies a "health benefit plan" also includes any individual health insurance policy, individual or group dental insurance policy, or nonprofit dental services corporation.

The bill defines a "nonprofit dental services corporation" as a nonprofit corporation organized pursuant to the Nonprofit Dental Service Corporation Act (KSA 40-19a01 *et seq.*).

The bill amends law related to the procedure for electronic delivery of notice in KSA 2017 Supp. 40-5804 under the Electronic Notice and Document Act to clarify such provisions are not applicable to the electronic delivery of explanation of benefits and policies, including federally required summary of benefit and coverage documents, to a party by a plan.

Coverage for Amino Acid-based Elemental Formula; Report to the Legislature

The bill requires the Health Care Commission (which administers the state health care benefits program for state employees and other qualified entities) to provide coverage for amino acid-based elemental formula, regardless of delivery method, for the diagnosis or treatment of food protein-induced enterocolitis syndrome, eosinophilic disorders, or short bowel syndrome if this formula is prescribed by a prescriber as defined in and authorized by the state Pharmacy Act and who is also licensed by the applicable medical professional licensure entity in Kansas. This coverage begins at the start of the next plan year (January 1, 2019).

The bill requires the Health Care Commission, pursuant to the requirements of the Insurance Code regarding mandated health insurance benefits, to submit on or before March 1, 2020, a report to the President of the Senate and the Speaker of the House of Representatives. The report is to include the following information pertaining to the mandated coverage for amino acid-based elemental formula provided during the 2019 Plan Year:

- The impact this mandated coverage had on the state health care benefits program (also referred to as the State Employee Health Plan [SEHP]);
- Data on the utilization of coverage for amino acid-based elemental formula by covered individuals and the cost of providing such coverage; and
- A recommendation whether such mandated coverage should continue for the SEHP or whether additional utilization and cost data are required.

The Legislature is permitted to consider in the next session following the report (the 2020 Legislative Session) whether to mandate coverage for amino acid-based elemental formula in individual or group health insurance policies, medical service plans, health maintenance organizations, or other contracts that provide for accident and health services delivered, issued for delivery, amended, or renewed on or after July 1, 2021.

Kansas Pharmacy Patients Fair Practices Act; SB 351

SB 351 creates the Kansas Pharmacy Patients Fair Practices Act (Act). The bill specifies co-payments applied by a health carrier for a prescription drug may not exceed the total submitted charges by the network pharmacy. Additionally, a pharmacy or pharmacist has the right to provide a covered person with information regarding the amount of the covered person's cost share for a prescription drug. The bill specifies neither a pharmacy or pharmacist can be proscribed by a pharmacy benefits manager (PBM) from discussing any such information or selling a more affordable alternative to the covered person, if such alternative is available.

The bill applies to any contract between a PBM and a pharmacy, pharmacy services administration organization, or group purchasing organization entered or renewed on and after January 1, 2019. The bill states supplemental policies are exempt from the Act.

The terms “covered person,” “health carrier,” and “pharmacy benefits manager” are defined in the bill.

Captive Insurance Act; Regulation of Captive Insurance Companies; SB 410

SB 410 creates the Captive Insurance Act (Act) under the Insurance Code by amending law and creating law related to captive insurance companies. The bill creates two new captive insurance types—branch captive insurance company and special purpose insurance captive—and specifies the regulatory structure for each.

[*Note:* A captive is an insurance company created and wholly owned by one or more non-insurance companies to insure the risks of its owner (or owners).]

Creation of the Act

The bill establishes the Act by creating 35 sections of law, updating 14 statutes from the original set of statutes regulating captive insurance companies, integrating 2 statutes into the Act without amendments (related to trade practices and specifying no requirement to join a rating organization), and repealing 2 statutes (related to certain surplus and product liability requirements).

Captive Insurance Companies

Definitions Under the Act

The bill amends the definition of “captive insurance company” to mean any pure captive insurance company or association captive insurance company; for purposes of the Act, a branch captive insurance company is a pure captive insurance company with respect to operations in Kansas, unless otherwise permitted by the Commissioner of Insurance (Commissioner) of the Kansas Insurance Department (Department).

The bill also amends various definitions, specifies definitions for additional terms, removes certain definitions, and integrates the amended statute into the Act.

Certificate of Authority, Requirements, Application, Fees

The bill amends law related to the certificate of authority for captive insurance companies, requirements in order to do business and prohibitions, the application process, fees for the application and annual renewal fee, and provisions for confidentiality and disclosure of materials.

The bill authorizes any captive insurance company, when permitted by its organizational documents, to apply to the Commissioner for a certificate of authority to do any and all insurance related to the issuance of life or accident and health insurance policies, when certain requirements are met. The bill authorizes a pure captive insurance company to insure any controlled unaffiliated business up to 5.0 percent of total written premium, upon prior approval of the Commissioner.

The bill removes certain references; specifies insurance and exposure to risk; specifies captive insurance companies are prohibited from providing personal lines of insurance, long-term care coverage, critical care coverage, surety, title insurance, and credit insurance; prohibits a captive insurance company from providing accident and health insurance, life insurance, or annuities on a direct basis; states no captive insurance company authorized as a life insurance company is able to transact business other than life insurance; and prohibits a captive insurance company authorized to transact business related to fire insurance or casualty, surety, and fidelity from engaging in the business of life insurance.

The bill amends the requirements for meetings and specifies the materials the applicant captive insurance company is required to file with the Commissioner before receiving a certificate of authority.

Further, the bill specifies each captive insurance company not in existence on January 1, 2018, will be required to pay a nonrefundable fee of \$10,000 for examining, investigating, and processing its application for a certificate of authority and authorizes the Commissioner to retain certain services from outside the Department. The bill sets the renewal fee for each year thereafter at \$10,000. [Note: The new fees replace an initial application fee of \$500 and renewal fee of \$110.] The bill states each captive insurance company already in existence on January 1, 2018, will pay an annual renewal fee of \$110 until January 1, 2028, after which the fee increases to \$10,000.

Additionally, the bill changes the end date of each year of the certificate of authority to March 1 and specifies confidential treatment for materials submitted to the Commissioner and exceptions for disclosure.

Name of Company

The bill amends law related to the name of a captive insurance company by removing reference to an aircraft captive insurance company.

Capital Requirements

The bill specifies the requirements for maintaining capital and surplus; changes the amount, from \$100,000 to \$250,000, a pure captive insurance company must possess and maintain; changes the amount, from \$200,000 to \$500,000, an association captive insurance company must possess and maintain (the bill changes “industrial insured” to “association”); authorizes the Commissioner to prescribe additional minimum capital surplus based upon the type, volume, and nature of the insurance business transacted; prohibits loans of minimum capital and surplus funds; and prohibits a pure captive insurance company from making a loan or an investment in its parent company or affiliates without prior written approval of the Commissioner, and such loan or investment needs evidence of Commissioner-approved documentation.

Incorporation or Formation and Membership

The bill amends the formation possibilities of a pure captive insurance company to include incorporation as a nonstock corporation or formation as a limited liability company, partnership, or limited partnership; states an association captive insurance company can be incorporated as a stock corporation or nonstock corporation, or formed as a limited liability company, partnership, or limited

partnership; specifies incorporator and organizer requirements for a captive insurance company; states member, manager, or partner requirements for a captive insurance company formed as a corporation, limited liability company, partnership, or limited partnership; describes the quorum for a captive insurance company formed as a corporation; and specifies the applicability of laws.

Reports of Financial Condition

The bill amends law related to the annual report of financial condition of captive insurance companies to describe the requirements for the report and filing deadlines, requires the filing of a report of financial condition on a quarterly basis to be designated by the Commissioner, specifies confidential treatment for all reports, and requires the Commissioner to adopt rules and regulations related to forms.

Financial Examination

The bill amends law related to the financial examination of captive insurance companies. The bill updates language related to the timing of such examination; permits the Commissioner to engage in continuous analysis for the preparation of examination; specifies the considerations for scheduling and determining the nature, scope, and frequency of examinations of financial condition; specifies the Commissioner's ability to access information from books, records, reports, and other documents; authorizes the Commissioner to examine or investigate any person, or the business of any person, related to and necessary or material to the examination or investigation; specifies appointment of examiners under provided guidelines; and specifies the Commissioner may retain certain groups to make such examination.

The bill also states the time line for the examiner to file a verified written report of examination with the Department, specifies transmission of the report to the examined company and provides opportunity for rebuttal, provides the circumstances for the Commissioner to enter an order and discuss the requirements for all orders, describes the terms of privacy and confidentiality for such reports, and specifies the bill does not limit the Commissioner's authority to terminate or suspend any examination to pursue other legal or regulatory action pursuant to Kansas insurance laws.

Additionally, the bill specifies confidential treatment of documents, and access of information, and provides a sunset of July 1, 2023, for confidentiality of certain documents unless the Legislature reviews and reenacts the provision.

Suspension or Revocation of the Certificate of Authority

The bill specifies additional reasons why the certificate of authority of a captive insurance company can be suspended or revoked. These reasons include the captive insurance company is financially impaired, insolvent, or otherwise deemed to be in a hazardous financial condition; failure to comply with the provisions of its organizational documents; and failure to pay any tax or fee or submit to pay the cost of an examination or any legal obligation.

Further, the bill requires a procedure for notice and hearing before the captive insurance company's suspension or revocation of the certificate of authority; requires the delivery of the suspended, revoked, or terminated certificate to the Commissioner; specifies the period of time for

suspension; and prohibits the captive insurance company from soliciting or writing new business during the suspension period, but the company will still be required to file annual statements, pay fees and taxes, and service its business already in force.

Investments

The bill amends law related to allowable investments and limitations on such investment. The bill specifies investments of association captive insurance companies will be valued in accordance with the valuation procedures established by the National Association of Insurance Commissioners (NAIC), except for those procedures inconsistent with the accounting standards in use by the company and approved by the Commissioner.

Assumption of Risks

The bill amends law related to the assumption of risk by captive insurance companies to specify the captive insurance company is permitted to assume all or any part of an individual risk or all or any part of a particular class of risks by affiliated insurers, authorizes the company to take a credit or reduction from liability for reinsurance of risks or portions of risks ceded to a reinsurer, and removes reference to aircraft captive insurance companies.

Guaranty or Insolvency Fund

The bill specifies, prior to insuring a risk or hazard of an association member, the association captive insurance company is required to notify the association member it does not participate in any guaranty or insolvency fund in Kansas.

Premium Tax

The bill amends the law related to companies subject to premium taxes. The bill specifies the tax rate for direct premiums and assumed reinsurance premiums, and the maximum tax for each year, and requires the tax to be calculated annually unless prorated for multi-year policies or contracts.

Exemption from Provisions or Rules and Regulations

The bill authorizes the Commissioner to issue an order exempting a captive insurance company from provisions of the bill or rule or regulation adopted by the Commissioner under certain circumstances.

Applicability of Law Related to Insurance Holding Companies and Impaired or Insolvent Insurers

The bill specifies provisions related to insurance holding companies continue to apply to insurers, as applicable, and provisions related to impaired or insolvent insurers apply to captive insurance companies.

Rules and Regulations

The bill permits the Commissioner to adopt rules and regulations establishing standards to ensure a pure captive insurance company's parent or any of its affiliated companies is able to exercise control of the risk management function of any controlled unaffiliated business to be insured by the pure captive insurance company. However, the Commissioner may approve the coverage of risks by a pure captive insurance company on a case-by-case basis until such time as rules and regulations are adopted.

Prior Approval Required for Certain Acts

The bill specifies certain acts cannot be taken regarding a captive insurance company without the prior approval of the Commissioner. These acts include dissolution; sale, exchange, lease, mortgage, assignment, pledge, or other transfer of or granting of a security interest; making of a loan, investment, or extension of credit exceeding 3.0 percent of assets; distributions or dividends out of the capital and surplus; merger or consolidation; conversion to another business form; transfer to or domestication in any jurisdiction; and any amendment of the organizational documents.

Inspection of Records and Civil Penalties

The bill requires a captive insurance company to maintain its books, records, documents, accounts, vouchers, and agreements in Kansas. The bill specifies these items must be available for inspection by the Commissioner; must be kept in such manner that its financial condition, affairs, and operations can be readily ascertained and the Commissioner can readily verify financial statements; and all originals must be preserved and kept available in Kansas for examination and inspection until the Commissioner approves of destruction or other disposition. The bill specifies the accessibility of electronic documents and the storage and reproduction of electronic documents.

Additionally, the bill specifies civil penalties under this section. Upon notice and opportunity for hearing, the bill authorizes the Commissioner to impose a civil penalty of up to \$5,000 for each violation or act, along with a penalty of up to \$1,000 for each week that such report or document is not provided. A violation of this section will be grounds for suspension, refusal, or non-renewal of a certificate of authority held by the captive insurance company. The bill specifies any proceeding for suspension, refusal, or revocation will be made in accordance with the Kansas Administrative Procedure Act (KAPA).

Captive Insurance Regulatory and Supervision Fund

The bill creates the Captive Insurance Regulatory and Supervision Fund (Fund) within the State Treasury, to be administered by the Commissioner. The bill requires all moneys credited to the Fund to be expended only for the purpose of providing administration of the Act. The bill specifies the process for receipt, remittance, and deposit of fees in the State Treasury to the credit of the Fund.

The bill further specifies all expenditures from the Fund will be made in accordance with appropriation acts upon warrants of the Director of Accounts and Reports issued pursuant to vouchers approved by the Commissioner. The bill requires all amounts received by the Department pursuant to the Act to be credited to the Fund.

Dormant Captive Insurance Company

The bill specifies a “dormant captive insurance company” (dormant captive) is a captive insurance company that has ceased transacting the business of insurance, including the issuance of insurance policies, and there are no remaining liabilities associated with insurance business transactions or insurance policies issued prior to the filing of its application for a certificate of dormancy. A certificate will be revoked if the dormant captive no longer meets this criteria.

A captive insurance company domiciled in Kansas meeting the aforementioned criteria may apply to the Commissioner for a certificate of dormancy. The certificate is subject to renewal every five years. The bill requires a dormant captive that has been issued a certificate of dormancy to possess and maintain unimpaired, paid-in capital and surplus of not less than \$25,000, submit to the Commissioner a report of its financial condition prior to March 15 of each year, and pay a \$500 license renewal fee.

Additionally, a dormant captive will not be liable for payment of certain premium tax, a dormant captive is required to apply to the Commissioner for approval to surrender its certificate of dormancy and resume conducting insurance business prior to issuing any insurance policies, and the Commissioner is authorized to promulgate rules and regulations related to dormant captives.

Material Change to Financial Condition

The bill requires the captive insurance company to notify the Commissioner in writing within ten days of any material change in financial condition or management. The Commissioner is required to designate material changes through rules and regulations.

Branch Captive Insurance Companies

The bill establishes a branch captive insurance company (branch captive) as a new type of captive insurance company and specifies the regulatory scheme for such a company.

Establishment of Branch Captives

The bill authorizes the establishment of branch captives, specifies applicability of the Insurance Code, and states the Act takes precedence over the Insurance Code. The bill describes the requirements of maintaining a principal place of business and appointing a Kansas resident as principal representative in order to conduct insurance business in Kansas.

Definitions

The bill establishes definitions applicable to portions of the bill related to branch captives. The bill defines “branch captive insurance company” as any alien captive insurance company that has been issued a certificate of authority by the Commissioner to transact the business of insurance in Kansas through a business unit with a principal place of business in Kansas, and has not otherwise been issued a certificate of authority by the Commissioner to transact insurance under the Act. The bill also defines additional terms.

Securities

The bill specifies no branch captive will be issued a certificate of authority unless it possesses and maintains, as security for the payment of liabilities attributable to the branch operations, the following:

- Minimum capital and surplus of an amount equal to the amount set forth in KSA 40-4304 as the minimum capital requirement for a pure captive insurance company; and
- Reserves on such insurance policies or reinsurance contracts as may be issued or assumed by the branch captive through its branch operations, including reserves for losses, allocated loss adjustment expenses, incurred but not reported losses, and unearned premiums with regard to business written through the branch operations, unless the Commissioner permits a branch captive to credit against reserve equipment under KSA 40-221a.

The bill specifies the form of holding for such security and authorizes the Commissioner to issue an order exempting a branch captive from any or all of these requirements, provided the Commissioner finds satisfactory evidence of the branch captive's financial stability.

Captive Insurance Company Authorized as Branch Captive

The bill outlines the requirements of a captive insurance company authorized as a branch captive for petitioning the Commissioner for a certificate and the issuance of such a certificate by the Commissioner. Upon issuance of the certificate, the bill permits the branch captive to register to do business in the state.

Required Filing of Reports and Statements

The bill specifies the requirements of a branch captive to file reports and statements with the Commissioner, authorizes the Commissioner to waive the requirement of an annual report, and provides for confidentiality treatment for reports.

Examination of a Branch Captive

The bill states the examination of a branch captive will be of the branch business and branch operations only, as long as the branch captive insurance company provides an annual certificate of compliance to the Commissioner or its equivalent and demonstrates it is operating in sound financial condition. Further, a branch captive is required to grant authority to the Commissioner for examination of affairs of a branch captive in a specified jurisdiction, as a condition of the issuance of a certificate of authority, and all reports will be given confidential treatment.

Premium Tax

The bill specifies a premium tax applies only to the branch business of a branch captive insurance company.

Special Purpose Insurance Captive

The bill establishes a special purpose insurance captive (special captive) as a new type of captive insurance company and specifies the regulatory scheme for such company.

Definitions

The bill establishes definitions applicable to new portions of the bill related to special captives. A “special purpose insurance captive” means a captive insurance company that has received a certificate of authority from the Commissioner for the limited purposes specified in a new section on transacting business.

Applicability of Laws

The bill states no provision of Kansas insurance laws, other than the new sections added by the bill and described here are applicable to a special captive. However, the bill specifies Chapter 40, Article 33, of the Kansas statutes (relating to insurance holding companies) continues to apply, as applicable.

Further, the bill states these new sections precedence over the Insurance Code. The bill authorizes the Commissioner to exempt a special captive from rules and regulations and orders, under certain circumstances.

Transacting Business

The bill specifies the requirements a special captive must meet to transact business in Kansas. The special captive is required to obtain a certificate of authority from the Commissioner authorizing the special captive to conduct reinsurance business in Kansas, hold at least one meeting of its board of directors each year in Kansas, maintain its principal place of business in Kansas, authorize the Commissioner to accept service of process on its behalf, maintain unimpaired paid-in capital and surplus of not less than \$5,000,000, maintain a risk-based capital of at least 200.0 percent, and pay all applicable fees as required by the Act.

The bill also permits a special captive to apply to the Commissioner for a certificate of authority to conduct reinsurance and describes reinsurance and ceded reinsurance agreements.

The bill specifies the requirements a special captive must meet to obtain a certificate of authority to transact business in Kansas. These requirements include filing an application, including certain documents, descriptions, statements, and affidavits; depositing specified securities with the Commissioner; demonstrating the minimum surplus required is established and held in Kansas; providing copies of any filings made by the ceding company with the ceding company’s domiciliary insurance regulator and any letters of approval or disapproval received from the insurance regulator (but this requirement does not apply to a ceding company that is not required to make filings with its domiciliary insurance regulator, provided the applicant provides certification of such); revising plan of operation and meeting requirements imposed by a revised plan of operation, as may be required by the Commissioner; and paying a nonrefundable application fee of \$10,000.

Further, the bill specifies the time line for the Department to act on the completed application and states a certificate of authority under this section continues until March 1 of each year and is renewable at the discretion of the Commissioner.

Requirements of a Plan of Operation

The bill requires a special captive to file a plan of operation as part of its application. The plan of operation includes a description of the contemplated financing transaction and a detailed description of transaction documents to which the special captive is a party, including the special captive contract, and specifies other required documents, including *pro forma* balance sheets.

The bill specifies *pro forma* balance sheets and income statements filed must be updated by the special captive and filed with the Commissioner in the event of material deviation from the original or most recently filed plan of operation. The plan of operation must specify which deviations are to be considered material and any other documents or descriptions the Commissioner deems appropriate to explain such material deviation.

Findings by the Commissioner Prior to Issuing a Certificate of Authority to a Special Captive

The bill describes the required findings of the Commissioner before approving an application and issuing a certificate of authority to a special captive. The Commissioner will be required to find the proposed plan of operation provides a reasonable and expected successful operation, the terms of the transactions proposed in the plan of operation to which the special captive is a party comply with the Act, and the Commissioner of the domiciliary state of each ceding company has notified the Commissioner in writing or the applicant has provided satisfactory assurance to the Commissioner that the regulator has approved or granted a disapproval of the special captive contract. The bill also specifies considerations by the Commissioner in evaluating the expectation of a successful operation of a special captive.

Incorporation or Formation

The bill permits a special captive to be incorporated as a stock insurer or nonstock corporation, or formed as a limited liability company, partnership, or limited partnership.

Activities, Name, Number of Incorporators, and Capital Stock

The bill specifies activities of a special captive are limited to those necessary to accomplish its purpose, as outlined in the plan of operation; the name of the special captive cannot be deceptively similar or likely to be confused with another business name registered in the state; requires the special captive to have at least three incorporators or organizers, at least one being a Kansas resident; and requires the issuance of capital stock not less than par value for a special captive incorporated as a stock.

Entering into a Contract with a Ceding Company

The bill specifies the requirements for a special captive to enter into a special captive contract with a ceding company. The special captive must have been granted a certificate of authority to transact business as a special captive, and the special captive must provide the Commissioner with approval or disapproval from the ceding company's regulatory official, but provides an alternative if the ceding company's regulatory official does not customarily provide evidence of such approval or disapproval.

Securities and Surplus Notes

The bill authorizes a special captive to issue approved securities, subject to and in accordance with applicable law, the approved plan of operation, and organizational documents. Further, the special captive is permitted to enter into and perform all of its obligations under any required contract to facilitate the issuance of the securities.

Additionally, the bill authorizes the Commissioner to approve the use of surplus notes. If the Commissioner approves of such use, the special captive will be required to account for proceeds of surplus notes as a surplus and not a debt and submit, for prior approval of the Commissioner, periodic written requests for payments of interest on and repayments of principal of surplus notes. The bill notes the obligation to repay principal, interest, or both on the securities issued by the special captive is required to reflect the risk associated with the reinsurance obligations assumed by the special captive.

Investment Management Agreement

The bill requires the special captive's assets to be managed in accordance with an investment management agreement filed with and approved by the Commissioner. The special captive is required to invest at least 90.0 percent of its assets in cash and securities that are investment grade at the time of acquisition. The balance may be invested in cash, securities, or other assets otherwise permitted in the Insurance Code.

Recognition of Admitted Assets; Orders by the Commissioner

The bill specifies the admitted assets of the special captive must include permitted investments, proceeds from securitization (as defined in a section of the bill specific to special captives), premium and other amounts payable by a ceding insurer to the special captive, and any other assets approved by the Commissioner. Additionally, with prior approval of the Commissioner, letters of credit and guarantees of a parent may be recognized as an admitted asset. The bill includes a method for the Commissioner to reduce the amount of admitted assets previously approved if the Commissioner has determined the value of those assets has decreased. Such method requires an order, time for remedy, notifications, a resolution period, and the special captive's right to an administrative hearing.

Prohibitions

The bill prohibits a special captive from entering into a special captive contract with a person that is not authorized to transact insurance or reinsurance in at least its state or country of domicile, or to lend, invest, place assets, or borrow money or receive a loan, other than according to the plan of operation.

Dividends and Distributions

The bill prohibits a special captive from declaring or paying dividends or distributions in any form to its owners other than in accordance with transaction agreements or the plan of operation. The bill specifies dividends and distributions cannot decrease the capital of the special captive below the minimum capital requirements; all dividends and distributions must be approved by the Commissioner; and declaration of dividends and distributions must be provided for by the management of the special captive under certain circumstances.

Material Change to a Plan of Operation

The bill requires prior written approval of the Commissioner for any material changes to the plan of operation. The plan of operation is required to specify which deviations are considered material.

Affiliated Agreements

The bill specifies copies of all completed affiliated agreements to which the special captive is a party, including special captive contracts and reinsurance agreements, be filed with the Commissioner for prior approval.

Reporting of Financial Conditions

The bill requires each captive insurance company to submit a report of its financial condition to the Commissioner prior to March 1 of each year. The bill requires the special captive to report using certain accounting principles; requires the Commissioner to establish the form and content of the annual report by rules and regulations; specifies certain annual and biennial actuarial reports; provides for the filing of an annual report on a fiscal year basis, upon written application; requires a special captive to maintain books, records, and other items in Kansas for inspection by the Commissioner; and outlines the requirements for preservation of original books, records, and other items.

Financial Examinations and Reports

The bill specifies a financial examination of a special captive will occur at least once every five years or whenever the Commissioner deems such examination necessary. The bill authorizes the Commissioner to engage in continuous analysis for the preparation of the examination; permits the Commissioner to make or direct to be made a market regulation examination of any insurance company doing business in the state; requires the Commissioner to make certain considerations when scheduling and determining the nature, scope, and frequency of examinations of financial

condition; authorizes the Commissioner to have free access to books and paper relating to business for the purpose of making such examination or analysis; authorizes the Commissioner to require reports and documents to be filed with the Commissioner; permits the Commissioner to examine or investigate any person or the business of any person if deemed by the Commissioner to be necessary or material to the financial examination; specifies the appointment of examiners; and permits the Commissioner to retain certain persons when making an examination, to be paid for by the company subject to examination.

Additionally, the bill requires the examiner to file a verified written report of examination with the Department. The report must be filed no later than 30 days following the completion of the examination, or at an earlier time prescribed by the Commissioner. The Department will then be required to transmit the report to the examined company within 30 days of receipt of the verified report and a notice of opportunity for rebuttal.

The bill gives the examined company a reasonable opportunity of not more than 30 days to make a written submission or rebuttal. Then, within 30 days of the end of the period for written submissions and rebuttals, the Commissioner is required to fully consider and review the report and any written submissions or rebuttals.

Upon review, the Commissioner enters an order either adopting or rejecting the examination report, or calls for and conducts a fact-finding hearing for purposes of obtaining additional information. The bill specifies the requirements for all orders, describes the terms of privacy and confidentiality for such reports, and specifies the bill does not limit the Commissioner's authority to terminate or suspend any examination in order to pursue other legal or regulatory action pursuant to Kansas insurance laws.

Reinsurance Premium Tax

The bill requires each special captive to pay the Commissioner, on or before May 1 of each year, a premium tax at the rate of 0.214 of 1.0 percent on the first \$20,000,000 of the assumed reinsurance premium; 0.143 of 1.0 percent on the next \$20,000,000; 0.048 of 1.0 percent on the next \$20,000,000; and 0.024 of 1.0 percent of each dollar thereafter.

Additionally, the bill specifies no reinsurance premium tax is payable in connection with the receipt of assets in exchange for the assumption of loss reserves and other liabilities in certain circumstances; specifies the premium tax constitutes all taxes collectible under Kansas law from any special captive, except *ad valorem* taxes on real and personal property used in the production of income could be collected; specifies the requirements of the special captive submitting a return by February 1 of each year stating the amount of all direct premiums and assumed reinsurance premiums received; specifies the requirements of the Commissioner to notify the company of taxes due; and specifies a special captive failing to make returns as required or failing to pay within the time required subjects the special captive to the interests and penalties prescribed in KSA 40-2806.

Confidentiality of Documents

The bill specifies all documents, materials, or other information obtained by or disclosed to the Commissioner related to special captives is confidential and privileged, but exceptions apply, and

such information is not subject to disclosure under the Kansas Open Records Act, but sunsets on July 1, 2023, unless the Legislature reviews and reenacts the provision prior to that date. The bill describes requirements of prior written consent and circumstances requiring notice and opportunity to be heard under KAPA, and specifies the Commissioner or other persons receiving such documents are not permitted or required to testify in any private civil action regarding confidential materials.

The bill outlines the authority of the Commissioner to share and receive documents and materials with federal and international regulatory agencies and the NAIC and its affiliates, and includes a sunset provision of July 1, 2023, for exclusion from the Kansas Open Records Act for documents received. The bill outlines the requirements for sharing agreements, including specifying procedures and protocols for confidentiality and security, specifying ownership of information shared with NAIC remains with the Commissioner; requires prompt notice to the insurer and affiliates; requires the NAIC to consent to intervention by an insurer under certain circumstances; and specifies a sunset provision of July 1, 2023, for confidentiality provisions.

The bill states the sharing of information by the Commissioner is not a delegation of regulatory authority and no waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information occurs as a result of disclosure to the Commissioner or under a sharing agreement.

Conservation, Rehabilitation, or Liquidation

The bill authorizes the Commissioner, after notice and hearing, to issue an order, subject to KAPA, to conserve, rehabilitate, or liquidate a special captive domiciled in the state on one or more of the following grounds: embezzlement, wrongful sequestration, dissipation, or diversion of the special captive's assets; the special captive is financially impaired, insolvent, or otherwise deemed to be in a hazardous financial condition; or the holders of a majority in outstanding principal amount of each class of special captive securities or surplus notes request or consent to conservation, rehabilitation, or liquidation.

The bill also describes the requirements of the receiver to manage assets and liability and specifies the amount recoverable under the special captive contract by the receiver cannot be reduced or diminished as a result of the entry of an order with respect to the ceding company, unless provided for in the contract or other governing document.

Rules and Regulations

The bill authorizes the Commissioner to promulgate rules and regulations related to special captives.

Claims Handling Operations—Catastrophic Events; HB 2469

HB 2469 prohibits local units of government from imposing restrictions or enforcing local licensing or registration ordinances on insurance claims handling operations during any catastrophic event threatening life or property. The bill requires insurers to notify the city or county prior to establishing a claims handling operation.

Under the bill, a political subdivision will not be prohibited from exercising its police power when necessary to preserve public health and welfare, including, but not limited to, enforcing its building, zoning, and fire safety codes.

The bill defines “claims handling operations” as including, but not limited to, the establishment of a base of operations on a temporary basis, not to exceed six months, by an insurer within the disaster area and the investigation and handling of claims by personnel authorized by such insurer. The term “insurer” means an insurance company, as defined in KSA 40-201 (general provisions, Insurance Code).

JUDICIARY

Supersedeas Bonds; SB 199

SB 199 amends law concerning stay of enforcement of a judgment while on appeal. The law specifies that if an appellant seeks such a stay, the *supersedeas* bond shall be set at the full amount of the judgment, subject to certain limitations where the appellant can prove an undue hardship or denial of the right to an appeal. The bill creates a rebuttable presumption that an appellant will suffer an undue hardship when the judgment amount exceeds \$2.5 million, the defendant is a small business, and judgment is for a claim arising from activities within the appellant's ordinary course of business. For these purposes, "small business" means a sole proprietorship, partnership, limited liability company, corporation, or other business entity, whether for-profit or not-for-profit, with between 2 and 50 employees that is not a corporate affiliate or subsidiary of, or owned in whole or in part by, any other business. The bill also limits the amount of any *supersedeas* bond to no more than \$25.0 million, regardless of the full amount of judgment.

In addition to a continuing exception to limitations on the amount of a *supersedeas* bond applicable where the appellee proves the appellant is purposefully dissipating or diverting its assets, the bill adds an exception where the appellee proves the appellant is likely to purposefully dissipate or divert assets outside of the ordinary course of its business. The bill specifies the court may enter orders necessary to stop dissipation and diversion of assets when an appellee proves the dissipation or diversion or likely dissipation or diversion was for the primary purpose of avoiding ultimate payment of the judgment. This replaces language stating these limitations would not apply if the court makes a finding on the record that the appellant bringing the appeal is likely to disburse assets reasonably necessary to satisfy the judgment and allowing the court to increase the amount of such bond required not to exceed the full amount of the judgment.

The bill applies to any proceeding filed on or after the effective date of the bill.

Kansas Sexually Violent Predator Act Amendments; SB 266

SB 266 amends various provisions within the Kansas Sexually Violent Predator Act (Act).

Definitions

The bill amends the definition of "sexually violent predator" to specify such person "has serious difficulty in controlling such person's dangerous behavior."

The bill defines "conditional release" to mean approved placement in the community for a minimum of five years while under the supervision of the person's court of original commitment and monitored by the Secretary for Aging and Disability Services (Secretary).

The bill defines "conditional release monitor" to mean an individual appointed by the court to monitor the person's compliance with the treatment plan while placed on conditional release and who reports to the court. The bill specifies the monitor shall not be a court services officer.

The bill defines “progress review panel” to mean individuals appointed by the Secretary to evaluate a person’s progress in the sexually violent predator treatment program.

Secure Confinement

The bill amends a provision requiring committed persons be kept in a secure facility to clarify the language of the provision and to specify it shall not apply to any reintegration, transitional release, or conditional release facility or building.

Annual Review and Petition for Final Discharge

The bill amends provisions related to the annual examination of and report regarding each committed person to require the court to forward the file-stamped copy of the annual report, notice, and waiver form to the Attorney General, and to require the Attorney General to forward a file-stamped copy of the annual written notice and report to the Secretary upon receipt.

A provision regarding petition for final discharge is amended to add a reference to a continuing, separate statutory provision requiring a minimum of five years pass in which the person petitioning has been free of violations of conditions of the person’s treatment plan.

Conditional Release

The bill removes a prohibition on placement of more than 16 sexually violent predators on conditional release in any one county.

A provision requiring the plan of treatment established by the court for conditional release be based upon the recommendation of the treatment staff is amended also to include the recommendation of the progress review panel.

The non-exclusive list of provisions that may be included in the plan of treatment is amended to add “any other type of treatment,” travel restrictions, searches, home visits, substance abuse testing, and registration requirements. The list is also amended to replace provisions prohibiting frequenting locations where children are likely to be present or engaging in activities in which contact with children is likely with a provision prohibiting “direct contact with individuals that match the person’s victim template.”

Provisions regarding procedures upon violation of a material condition of the conditional release treatment plan or for final discharge are reorganized. [Note: The amendments to these provisions remove four entire subsections and add five new subsections. However, much of the substantive language remains the same and is only reorganized. Substantive changes to these provisions are discussed beginning in the next paragraph of this summary.]

Provisions related to monitoring by a professional person are changed to monitoring by a conditional release monitor. Provisions regarding a request by such monitor to the court for an emergency *ex parte* order directing law enforcement to take a person who has violated a material condition of the treatment plan into custody are amended to replace provisions allowing for a verbal

request followed by a written form with a requirement that such request be by sworn affidavit setting forth with specificity the grounds for the entry of such emergency *ex parte* order, provided to the court by personal delivery, telefacsimile communication, or electronic means prior to the entry of such order, with notice given to the person's counsel or to the person, if unrepresented.

The provision for examination to determine whether the person should be considered for final discharge is amended to adjust the applicable standard from the person's mental abnormality or personality having "changed" to having "significantly changed."

In addition, references to "transitional release program" are changed to "transitional release."

The bill adds a provision requiring a current examination of the person's mental condition be made and submitted to the court and the Secretary once each year.

Individual Person Management Plans and Appeals

The bill amends the statute governing rights and rules of conduct for various persons in the custody of the Secretary, including sexually violent predators, to clarify that the continuing provision allowing use of an individual person management plan as needed for safety and security purposes in various situations may be used for behavioral management in such situations and that the list of situations is non-exclusive. The wording of the list of situations is amended to provide grammatical consistency and to add "disruption of the therapeutic environment on the unit" to the list of situations.

The provision in this statute governing appeals from a final agency determination is amended to require all documentation submitted through Larned State Hospital and all agency responses accompany a request for hearing. The bill requires a request for hearing be dismissed if the appellant fails to demonstrate exhaustion.

Protection from Stalking, Sexual Assault, or Human Trafficking Act; SB 281

SB 281 amends the Protection from Stalking or Sexual Assault Act to apply to victims of human trafficking. The bill renames the act the Protection from Stalking, Sexual Assault, or Human Trafficking Act and defines "human trafficking" as any act that constitutes the following crimes as defined in Kansas criminal law: human trafficking, aggravated human trafficking, commercial sexual exploitation of a child, and selling sexual relations. Similarly, "human trafficking victim" is defined as a victim of one of these crimes.

The bill revises who may seek relief on behalf of a minor child under the Protection from Abuse and Protection from Stalking, Sexual Assault, or Human Trafficking Act. Specifically, when a minor child is alleged to be a human trafficking victim, the bill allows the following to seek relief on the minor's behalf: a parent of the minor child, an adult residing with the minor child, the child's court-appointed legal custodian or court-appointed legal guardian, a county or district attorney, or the Attorney General. Additionally, the bill allows the child's court-appointed legal custodian or court-appointed legal guardian to seek relief on behalf of a minor child under the Protection from Abuse Act and the Protection from Stalking, Sexual Assault, or Human Trafficking Act. Under continuing law

in these acts, parents and adults residing with the minor are authorized to seek relief on behalf of a minor not alleged to be a human trafficking victim.

The bill allows a court to enter an order restraining the defendant from following, harassing, telephoning, contacting, recruiting, harboring, transporting, or committing or attempting to commit human trafficking upon the human trafficking victim or otherwise communicating with the human trafficking victim. The order must contain a statement that violation of the order may constitute an offense under the Kansas Criminal Code, and the accused may be prosecuted, convicted of, and punished for such offense.

The bill replaces references in the Protection from Abuse Act and Protection from Stalking, Sexual Assault, or Human Trafficking Act to “district judge” with “judge of the district court.”

The bill also makes conforming amendments to statutes within the Protection from Stalking, Sexual Assault, or Human Trafficking Act and amends the crime of violation of a protective order, a class A misdemeanor, to include knowingly violating a protection from human trafficking order.

Saturday Process Service; SB 288

SB 288 repeals statutes making it a misdemeanor, subject to a fine of \$100, imprisonment in the county jail for up to 30 days, or both, if a person knowingly:

- Causes or procures any process issued from a justice’s court in a civil suit to be served on Saturday upon a person whose religious faith recognizes Saturdays as the Sabbath or who shall serve any such process made returnable on that day; or
- Procures any such suit pending in court against such person to be adjourned for trial on Saturday.

Asbestos Trust Claims Transparency Act; HB 2457

HB 2457 enacts the Asbestos Trust Claims Transparency Act (Act), which shall apply 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 provide certain statements and materials no later than 30 days prior to the date the court establishes for the completion of all fact discovery. Specifically, the plaintiff is required to conduct an investigation, file all asbestos trust claims that can be made by the plaintiff, and provide a sworn statement indicating the investigation has been conducted and all possible claims filed. The plaintiff is required to 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 is required to produce all trust claim documents submitted by or on behalf of the other individual to any asbestos trust to which the plaintiff has access. The bill also requires the plaintiff to supplement the information and materials within 30 days after the plaintiff, or a person on the plaintiff’s behalf, supplements an existing asbestos trust claim,

receives additional information or materials related to such a claim, or files an additional asbestos trust claim.

The bill outlines circumstances under and procedures by which a defendant may file and the court may grant a motion for the completion of all fact discovery regarding the plaintiff's asbestos trust claims.

Additionally, the bill defines "asbestos," "asbestos claim," "asbestos trust," "plaintiff," "trust claim materials," and "trust governance documents"; establishes evidentiary standards for asbestos claims; provides a procedure to reopen and adjust judgment in an asbestos claim if the plaintiff subsequently files an asbestos trust claim with an asbestos trust in existence at the time of judgment; and requires defendants and judgment debtors to file any motion under the bill within a reasonable time and not more than one year after the judgment was entered.

Civil Asset Forfeiture; Kansas Asset Seizure and Forfeiture Repository; HB 2459

HB 2459 creates and amends law related to civil asset forfeiture.

Creation of Kansas Asset Seizure and Forfeiture Repository and Related Reporting Requirements

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, on or before July 1, 2019, the Kansas Asset Seizure and Forfeiture Repository (Repository), which will gather information concerning each seizure for forfeiture made by a seizing agency pursuant to SASFA. The information gathered will include, but not be limited to:

- The name of the seizing agency or name of the lead agency if part of a multi-jurisdictional task force and any applicable agency or district court case numbers for the seizure;
- The county where and date and time the seizure occurred, a description of the initiating law enforcement activity leading to the seizure, and the specific location where the seizure occurred;
- Descriptions of the type of property and contraband seized and the estimated values of the property and contraband;
- Whether criminal charges were filed for an offense related to the forfeiture and court and case number information of such charges;
- A description of the final disposition of the forfeiture action, including any claim or exemption asserted under SASFA;
- Whether the forfeiture was transferred to the federal government for disposition;

- Total cost of the forfeiture action, including attorney fees; and
- Total amount of proceeds from the forfeiture action, specifying the amount received by the seizing agency and the amount received by any other agency or person.

The bill requires the KBI to maintain the Repository and an associated public website and requires the KBI to promulgate rules and regulations before July 1, 2019, to implement the new section.

On and after July 1, 2019, each seizing agency must report the specified information concerning each seizure for forfeiture to the Repository, with the prosecuting attorney submitting information to the seizing agency within 30 days after the final disposition of the forfeiture, and the seizing agency submitting the required information to the Repository within 60 days after the final disposition of the forfeiture.

On or before February 1 of each year, beginning in 2020, each law enforcement agency (agency) must annually compile and submit a forfeiture fund report to the Repository. If the agency is a state agency, the report must include the agency's state forfeiture fund balance on January 1 and December 31 of the preceding calendar year and the total amount of the deposits and a listing, by category, of expenditures during the preceding calendar year. If the agency is a city or county agency, the report must include the agency's special law enforcement trust fund balance on January 1 and December 31 of the preceding calendar year and the total amount of deposits and a listing, by category, of expenditures during the preceding calendar year.

The reports for each agency must separate and account for deposits and expenditures from proceeds from forfeiture credited to the agency's fund pursuant to the SASFA section governing disposition of forfeited property, deposits and expenditures from proceeds from forfeiture actions under federal law, and amounts held by the agency related to pending forfeiture actions under SASFA.

On March 1 of each year, beginning in 2020, the KBI must determine whether each agency's financial report matches the agency's seizing report. If the agency has not submitted the required financial report, or if the agency's financial report does not substantially match the agency's seizing report, the KBI must notify the agency of the difference in reports. If the agency does not correct the reporting error within 30 days, the KBI must send the agency and the county or district attorney for the county where the agency is located a certified letter notifying the agency it is out of compliance. Upon receipt of the letter, no forfeiture proceedings may be filed on property seized by the agency. Once the agency has achieved compliance with the reporting requirements, the KBI must send the agency and the county or district attorney a certified letter notifying the agency it is in compliance and forfeiture proceeding filings may continue under SASFA. Each year, on or before April 15, the KBI must report to the Legislature any agencies in the state that have failed to come into compliance with the reporting requirements for the agencies' funds.

The bill amends the Kansas Open Records Act to provide, except for requests of summary data compiled from information submitted by multiple agencies or as otherwise provided by law, requests for records submitted to the Repository shall be directed to the agency from which the records originated.

Amendments to SASFA Sections

The bill amends multiple sections of SASFA.

Exemptions

The statute governing exemptions is amended to require a common carrier be an actual consenting party or privy to a violation of SASFA before the carrier's conveyance is subject to forfeiture, rather than allowing forfeiture upon the appearance of consent or being privy to a violation. This statute is also amended to clarify a reference to owners or interest holders who acquire the property after the conduct giving rise to forfeiture.

Seizure of Property—County or District Attorney and Attorney General Requirements

The bill amends the statute governing the seizure of property to clarify that the county or district attorney has 14 days to accept or decline a written request for forfeiture from a local or state agency. For those cases where the county or district attorney approves another attorney to represent a local agency in the forfeiture proceeding, the bill prohibits the county or district attorney from approving an attorney with whom the county or district attorney has a direct or indirect financial interest. Similarly, for state agencies, the Attorney General is prohibited from approving an attorney with whom the Attorney General has a direct or indirect financial interest. A county or district attorney and the Attorney General are prohibited from requesting or receiving any referral fee or personal financial benefit from any proceeding under the SASFA.

Commencement of Forfeiture Proceedings—Service of Notice

The statute governing commencement of forfeiture proceedings is amended by specifying that the various types of service of the required notice are to be accomplished and are effective pursuant to the Code of Civil Procedure. The bill extends the circumstances under which service by publication is allowed, to include where service by certified mail was attempted but was not effective.

The bill requires an affidavit describing the essential facts supporting forfeiture and copies of Judicial Council forms for petitioning for recognition of an exemption and for making a claim be included with the notice.

Recognition of Exemption

The statute governing recognition of exemption is amended to require, rather than allow, the plaintiff's attorney to make an opportunity to file a petition for recognition of exemption available, and to require the plaintiff's attorney to acknowledge this opportunity in the notice of pending forfeiture.

The time provided for an owner of or interested holder in the property to file a claim or a petition for recognition of exemption is extended from 30 days to 60 days, and the bill states that such claims or petitions must "substantially comply" with the requirements for claims. The time for the plaintiff's attorney to provide the seizing agency and the petitioning party with a written recognition

of exemption and statement of nonexempt interests in response to each petitioning party is reduced from 120 days to 90 days after the effective date of the notice of pending forfeiture.

The time provided for an owner of or interest holder in any property declared nonexempt to file a claim is extended from 30 days to 60 days after the effective date of the notice of the recognition of exemptions and statement of nonexempt interests.

The time before the recognition of exemption and statement of nonexempt interests becomes final if no claims are filed is extended from 30 days to 60 days, in keeping with the time extensions described above.

Claims; In Rem Proceedings

The sections governing claims and *in rem* proceedings are amended to extend the time provided for an owner or interest holder in property to file a claim or answer from 30 days to 60 days. Attestation requirements that the claim or answer and all supporting documents be in affidavit form, signed under oath, and sworn to by the affiant are removed, leaving only the requirement that the claim or answer be signed by the claimant under penalty of perjury. A possible penalty of making a false writing is removed.

The bill removes requirements that the claim or answer set forth the date, the identity of the transferor, and a detailed description of the circumstances of the claimant's acquisition of an interest in the property; the specific provision of SASFA relied on in asserting the property is not subject to forfeiture; all essential facts supporting each assertion; and the specific relief sought. It adds a requirement that the claim or answer include a detailed description of when and how the claimant obtained an interest in the property.

The bill specifies substantial compliance with the claim or answer requirements shall be deemed sufficient and adds a provision allowing the right against self-incrimination to be asserted in a claim or answer. If the right is asserted, the court may, at its discretion, draw an adverse inference from the assertion against the claimant, but the adverse inference may not, by itself, be the basis of a judgment against the claimant.

The bill amends the section governing claims by removing a prohibition against granting an extension of time to file a claim except for good cause.

The bill further amends the section governing *in rem* proceedings to remove provisions governing discovery and a requirement the court hold a hearing on the claim within 60 days after service of the petition.

Time to File a Claim in In Personam Proceedings

The statute governing *in personam* proceedings is amended to extend the time in which an owner of or interest holder in property that has been forfeited and whose claim is not precluded may file a claim from 30 days to 60 days after initial notice of pending forfeiture or after notice following the entry of an order of forfeiture, whichever is earlier.

Rebuttable Presumptions and Elements

The bill amends the section governing judicial proceedings to remove a rebuttable presumption that certain items found in close proximity to contraband or an instrumentality of conduct giving rise to forfeiture are the proceeds of conduct giving rise to forfeiture or were used or intended to be used to facilitate the conduct.

A rebuttable presumption that property is subject to forfeiture if the seizing agency establishes three elements is amended to remove the presumption and instead state that the totality of the circumstances shall determine if the property of a person is subject to seizure, while the elements in continuing law are changed to non-exclusive factors to be considered and a fourth factor (proximity to contraband or an instrumentality giving rise to forfeiture) is added.

The bill removes a rebuttable presumption that property in or upon which controlled substances are located at the time of seizure was being used or intended for use to facilitate an act giving rise to forfeiture.

A provision preventing a defendant convicted in a criminal proceeding from denying the essential allegations of the criminal offense in a later forfeiture proceeding is changed to prevent the defendant from denying the elements of the criminal offense.

A provision allowing only the plaintiff's attorney to file a motion to stay discovery against the criminal defendant and seizing agency in civil proceedings during a related criminal proceeding is amended to remove the language limiting filing to the plaintiff's attorney.

Disposition of Forfeited Property

The statute governing disposition of forfeited property is amended to specify an exclusive list of 12 special, additional law enforcement purposes for which proceeds from forfeiture may be used. The bill requires moneys in the funds containing forfeiture proceeds to 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 forfeiture actions under federal law.

Continuing reporting requirements are moved within this section and a sunset date for these requirements of July 1, 2019, is added in light of the bill's new reporting requirements.

Stay During *Habeas Corpus* Proceedings, Juror Contact, and Grand Jury Procedures; HB 2479

HB 2479 creates and amends law related to criminal procedure.

Stay During KSA 60-1507 Proceedings

The bill creates law in the Kansas Code of Criminal Procedure providing for an automatic stay in an underlying criminal case when a district court has granted relief in a KSA 60-1507 proceeding and the prosecution files an appellate docketing statement appealing from the district court's decision. The time during the prosecution's appeal is not counted for purposes of the speedy trial statute until the mandate in the appeal has issued. Despite the stay, the court can release the prisoner on bond, even where the prisoner has not filed a notice of appeal, pursuant to the statute governing release after conviction.

The stay can be lifted upon motion filed in the appellate court if the court finds the prisoner has made a strong showing the prisoner is entitled to relief and will be irreparably injured if the stay is not lifted. If the stay is lifted, the time during the prosecution's appeal still will not be counted for purposes of the speedy trial statute until the mandate in the appeal has been issued, and the prisoner will be entitled to a new bond hearing in the underlying criminal case.

Juror Contact

The bill also adds provisions to the Code of Criminal Procedure concerning contact of jurors following criminal actions. Immediately following discharge of the jury, the defendant, the defendant's attorney or representative, or the prosecutor or the prosecutor's representative may discuss the jury deliberations or verdict with a member of the jury only if the juror consents to the discussion and the discussion takes place at a reasonable time and place.

If such discussion occurs at any time other than immediately following the discharge of the jury, prior to discussing the jury deliberations or verdict with a member of a jury, the defendant, the defendant's attorney or representative, or the prosecutor or the prosecutor's representative must inform the juror of the identity of the case, the party in the case that the person represents, the subject of the interview, the absolute right of the juror to discuss or not discuss the deliberations or verdict in the case with the person, and the juror's right to review and have a copy of any declaration filed with the court.

The bill requires any unreasonable contact with a juror by the defendant, the defendant's attorney or representative, the prosecutor, or the prosecutor's representative without the juror's consent to be immediately reported to the trial court. Any violation will be considered a violation of a lawful court order, which the bill provides is punished as contempt of court.

The bill requires the judge, on completion of a jury trial and before the jury is discharged, to inform the jurors they have an absolute right to discuss or not to discuss the deliberations or verdict with anyone. Further, before the jury is discharged, the judge must inform jurors of the consent required for a discussion with the parties, the obligation to report unreasonable contact, and that violation of the court order can be punished as contempt of court.

The bill states nothing in the section prohibits a law enforcement officer from discussing the deliberations or verdict with a member of the jury for the purpose of investigating an allegation of criminal conduct. Further, the bill states nothing in the section prohibits the court or a judge from discussing the deliberations or verdict with a member of the jury for any lawful purpose.

Grand Jury Procedure

The bill amends law concerning grand juries to require all proceedings before the grand jury, including all testimony, to be recorded. The grand jury may select the method of recording and employ a certified shorthand reporter to make a stenographic record of all proceedings. The law previously required the grand jury to employ a certified shorthand reporter. The bill allows the grand jury to elect to record the proceedings utilizing a digital recording system maintained by the court, if such system is available.

The bill also amends law concerning indictments to allow the presiding juror to sign the indictment “Presiding Grand Juror” rather than signing the presiding juror’s name, which was required under former law. Additionally, the bill amends a statute concerning amendment of an indictment to replace “the people” with “the prosecuting attorney” to clarify who can order the amendment.

Civil Immunity for Entry into Vehicle to Remove a Vulnerable Person or Domestic Animal; HB 2516

HB 2516 creates law providing for immunity from civil liability for damage to a motor vehicle for a person who enters the vehicle, by force or otherwise, to remove a vulnerable person or domestic animal, if the person entering:

- Determines the vehicle is locked or there is otherwise no reasonable method for the vulnerable person or domestic animal to exit the vehicle without assistance;
- Has a good faith and reasonable belief, based upon known circumstances, that entry is necessary because the vulnerable person or domestic animal is in imminent danger of suffering harm;
- Ensures law enforcement is notified or calls 911 before or immediately after entering the vehicle;
- Uses no more force to enter the vehicle and remove the vulnerable person or domestic animal than is necessary; and
- Remains with the vulnerable person or domestic animal in a safe location in reasonable proximity to the vehicle until law enforcement or a first responder arrives.

The bill defines “domestic animal” to include a dog, cat, or other animal that is domesticated and may be kept as a household pet. This does not include livestock, as defined elsewhere in statute, or other farm animals.

The bill defines “vulnerable person” to mean an adult whose ability to perform the normal activities of daily living or to provide for such adult’s own care or protection is impaired or a minor.

The bill defines “motor vehicle” by reference to the definition in the statutes governing vehicle registration.

Protection from Abuse Act; Protection from Stalking or Sexual Assault Act; Transfer of Wireless Telephone Number; HB 2524

HB 2524 creates law allowing a court, at a hearing on a petition filed pursuant to the Protection from Abuse Act (PFAA) or Protection from Stalking or Sexual Assault Act (PFSSAA), to issue an order directing a wireless services provider (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. The forms for the petition and order shall be prescribed by the Judicial Council and supplied by the clerk of the court.

This order shall be a separate order directed to the provider and must list the name and billing telephone number of the account holder, the name and contact information of the person to whom the telephone number or numbers will be transferred, and each telephone number to be transferred.

If the order is made in conjunction with a PFSSAA petition, the court must ensure the petitioner’s address and telephone number are not disclosed to the account holder. If the order is made in conjunction with a petition filed under the PFAA, the court must direct that the petitioner’s information remain confidential if the court finds the petitioner’s address, telephone number, or both need to remain confidential.

The order must be served on the provider’s agent for service of process listed with the Secretary of State. The provider must notify the petitioner if the provider cannot operationally or technically effectuate the order due to circumstances including, but not limited to:

- The account holder already terminating the account;
- Differences in network technology preventing the functionality of a device on the network; or
- Geographic or other limitations on network or service availability.

Upon transfer of billing responsibility for and rights to a number or numbers to the petitioner, the petitioner shall assume all financial responsibility for the transferred number or numbers, monthly service costs, and costs for any wireless device associated with the number or numbers.

The bill states a provider is not prohibited from applying any routine and customary requirements for account establishment to the petitioner as part of the transfer of billing responsibility, including, but not limited to, identification, financial information, and customer preferences.

The bill states it will not affect the ability of the court to apportion the assets and debts of the petitioner and account holder or the ability to determine the temporary use, possession, and control

of personal property pursuant to the statute governing division of property under the Revised Kansas Family Law Code.

The bill states, notwithstanding any other provision of law, no wireless services provider or its officers, employees, assigns, or agents shall be liable for civil damages or criminal liability in connection with compliance with a transfer issued under its provisions or for failure to process such order.

The bill requires any provider operating in Kansas to adhere to an order issued under its provisions and prohibits a provider from charging a fee for the services provided pursuant to the bill.

The bill provides the definitions of “wireless services” and “wireless services provider” are the same as provided in the statute governing siting of wireless infrastructure.

Commitment for Evaluation and Treatment; Competency to Stand Trial; HB 2549

HB 2549 amends law related to the competency of a defendant to stand trial.

The bill allows a court in misdemeanor and felony cases 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 for determination of competency to stand trial. Additionally, if a defendant who is charged with a misdemeanor or felony is found incompetent to stand trial, the bill requires the court to commit the defendant for evaluation and treatment to any appropriate state, county, or private institution or facility.

The bill adds “facility” to the list of places where a defendant may be committed for evaluation and treatment.

[*Note:* Under prior law, a defendant charged with a felony could be committed only to a state security hospital or any county or private institution for examination and report to the court and, if found incompetent to stand trial, could be committed only to a state security hospital or any appropriate county or private institution for evaluation and treatment. Under prior law, a defendant charged with a misdemeanor could be committed only to any appropriate state, county, or private institution for examination and report and, if found incompetent to stand trial, could be admitted only to these same institutions for evaluation and treatment.]

Compensation for Wrongful Conviction and Imprisonment; Contact with Jurors in Civil Cases; HB 2579

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 and Imprisonment

The bill creates a civil cause of action allowing claimants to seek damages from the State for wrongful conviction.

Establishing Eligibility for Damages

A claimant is entitled to damages if he or she establishes by a preponderance of evidence:

- The claimant was convicted of a felony crime and subsequently imprisoned;
- The claimant's judgment of conviction was reversed or vacated and either the charges were dismissed or on retrial the claimant was found to be not guilty;
- The claimant did not commit the crime or crimes for which the claimant was convicted and was not an accessory or accomplice to the acts that were the basis of the conviction and resulted in a reversal or vacation of the judgment of conviction, dismissal of the charges, or finding of not guilty on retrial; and
- The claimant did not commit or suborn perjury, fabricate evidence, or by the claimant's own conduct cause or bring about the conviction.

For these purposes, neither a confession nor admission later found to be false or a guilty plea constitute committing or suborning perjury, fabricating evidence, or causing or bringing about the conviction. Additionally, the bill allows the court, in exercising its discretion as permitted by law regarding the weight and admissibility of evidence submitted pursuant to this section, in the interest of justice, to give due consideration to difficulties of proof caused by the passage of time, the death or unavailability of witnesses, the destruction of evidence, or other factors not caused by such person or those acting on such person's behalf.

The bill requires the suit, accompanied by a statement of the facts concerning the claim for damages and verified by the claimant, to be brought by the claimant within a period of two years after the dismissal of the criminal charges against the claimant, finding of not guilty on retrial, or grant of a pardon to the claimant. A claimant convicted, imprisoned, and released from custody before July 1, 2018, must commence an action under this section no later than July 1, 2020.

The bill specifies the caption form for pleadings and requires any claim filed under the bill be served on the Attorney General in accordance with the Code of Civil Procedure. The claim shall be tried by the court and no request for jury trial is permitted. The decision of the district court may be appealed directly to the Supreme Court pursuant to the Code of Civil Procedure.

Monetary Damages

A claimant entitled to damages shall receive \$65,000 for each year of imprisonment, as well as not less than \$25,000 for each additional year served on parole or postrelease supervision or each additional year the claimant was required to register as an offender under the Kansas Offender

Registration Act, whichever is greater. A claimant shall not receive compensation for any period of incarceration during which the claimant was concurrently serving a sentence for a conviction of another crime for which such claimant was lawfully incarcerated. The bill requires the court to 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. The bill allows the claimant to designate a beneficiary or beneficiaries for the annuity by filing such designation with the court. Alternatively, the bill allows the court to order one lump-sum payment if it finds it is in the best interests of the claimant.

If, at the time the judgment for the award is entered, the claimant has won a monetary award against or has entered into a settlement with the State or any political subdivision thereof in a civil action related to the same subject, the amount of the award in the action or received in the settlement agreement, minus any sums paid to attorneys or for costs in litigating the other civil action or obtaining the settlement agreement, will be deducted from the sum of money to which the claimant is entitled pursuant to the bill. The court must include in the judgment entry an award to the State of any amount deducted.

If, after the judgment is entered, the claimant wins a monetary award against or enters into a settlement with the State or any political subdivision thereof in a civil action related to the same subject, the claimant must reimburse the State for the sum of money paid pursuant to the claim under the bill, minus any sums paid to attorneys or for costs in litigating the other civil action or obtaining the settlement agreement. The amount of the reimbursement shall not exceed the amount of the monetary award the claimant wins for damages in the other civil action or receives in the settlement agreement.

Fees, Costs, and Other Relief

In addition to monetary damages, the bill allows the court to award other non-monetary relief as sought in the complaint, including, but not limited to, counseling, housing assistance, and personal financial literacy assistance as appropriate. Further, the bill states claimants are entitled to receive reasonable attorney fees and costs incurred in the action brought pursuant to the bill, not to exceed a total of \$25,000, unless a greater reasonable total is authorized by the court upon a showing of good cause; receive tuition assistance; and participate in the state health care benefits program (Program).

Tuition assistance. Claimants awarded tuition assistance shall receive a waiver of tuition and required fees for attendance at a “postsecondary educational institution” (defined in the bill) for up to 130 credit hours and could attend either full time or part time. The Kansas Board of Regents (KBOR) is authorized to make expenditures to reimburse each individual awarded tuition assistance for additional fees, including, but not limited to, fees for room and board, technical equipment, and course-required books. Further, the bill prohibits delayed enrollment of an individual who is awarded tuition assistance because appropriations are not available for any additional fees provided to such individual. To remain eligible for a tuition and fees waiver, the individual must remain in good standing at the institution where the individual is enrolled and provide a written electronic copy of the court order awarding relief in the form of tuition assistance to the institution or KBOR. KBOR is required to adopt rules and regulations to administer this tuition assistance.

State health care benefits. On and after July 1, 2018, a claimant has 31 calendar days from the date of judgment entered to complete or decline enrollment in the Program for the remainder of the plan year and for the next ensuing plan year. A claimant is qualified to participate in the Program for the remainder of the claim year and the next ensuing plan year. A claimant is not qualified to elect a high-deductible health plan and health savings account under the Program. The cost of premiums shall be paid from the Tort Claims Fund and shall not be charged to the claimant. The claimant must pay any applicable copayments, deductibles, and other related costs, however, and may elect to include the claimant's dependents, in which case the claimant shall be responsible for the costs of premiums, copayments, deductibles, and other costs for covered dependents. The bill requires the Secretary of Health and Environment, or the Secretary's designee, to provide assistance to obtain and maintain coverage including enrollment, maintenance of records, and other assistance.

Certificate of Innocence; Expungement Orders

If the court finds the claimant is entitled to a judgment, the bill requires the court to enter a certificate of innocence finding the claimant was innocent of all crimes for which the claimant was mistakenly convicted and order the associated convictions and arrest records expunged and purged from all applicable state and federal systems. The court is required to enter the expungement order regardless of whether the claimant has prior criminal convictions. The bill outlines the required contents of the order of expungement, which includes a direction to the Kansas Bureau of Investigation (KBI) to purge the conviction and arrest information from the criminal justice information system central repository and all applicable state and federal databases. The clerk of the court must send a certified copy of the order to the KBI, which is required to carry out the order and notify the Federal Bureau of Investigation, the Secretary of Corrections, and any other criminal justice agency that may have a record of the conviction and arrest. The KBI is required to provide confirmation of such action to the court. If a certificate of innocence and an order of expungement are entered, the bill states the claimant shall be treated as not having been arrested or convicted of the crime.

Upon entry of a certificate of innocence, the bill requires the court to order the expungement and destruction of the associated biological samples authorized by and given to the KBI in accordance with state law requiring collection of such samples in certain circumstances. The order shall direct the KBI to expunge and destroy such samples and profile record. The clerk of the court must send a certified copy of the order to the KBI, which shall be required to carry out the order and provide confirmation of such action to the court. The bill states the KBI shall not be required to expunge and destroy any samples or profile record associated with the claimant related to any offense other than the offense for which the court has entered a certificate of innocence.

The bill states the decision to grant or deny a certificate of innocence shall not have a *res judicata* effect on any other proceedings.

Kansas Department of Corrections Reentry Services

The bill states nothing in the bill precludes the Kansas Department of Corrections from providing reentry services to a claimant that are provided to other persons, including, but not limited to, financial assistance, housing assistance, mentoring, and counseling. Such services may be provided while an action under this section is pending and after any judgment is entered, as appropriate for such claimant.

Additional Responsibilities of the Attorney General

Upon receiving a certified copy of the certificate of innocence and the judgment entry from the clerk of the court, the bill requires the Attorney General to pay any judgment through the procedure established in the Tort Claims Act.

The bill amends the statute governing the Tort Claims Fund administered by the Attorney General to provide that moneys in that fund may be used to pay judgments arising under the bill. The bill states payment of a judgment arising from a claim under the bill shall be subject to review by the State Finance Council, and the Attorney General is required to notify the State Finance Council of the need for such review and ensure that payment of the judgment occurs without unnecessary delay.

Contact With Jurors in Civil Cases

The bill adds provisions to the Code of Civil Procedure concerning contact with jurors following civil actions. Immediately following discharge of the jury, the bill allows the defendant, the defendant's attorney or representative, the plaintiff, or the plaintiff's attorney or representative (the parties) to discuss the jury deliberations or verdict with a member of the jury only if the juror consents to the discussion.

If a discussion occurs at any time other than immediately following the discharge of the jury, prior to discussing the jury deliberations or verdict with a member of a jury, the contacting party must inform the juror of the identity of the case, the party in the case that the person represents, the subject of the interview, the absolute right of the juror to discuss or not discuss the deliberations or verdict in the case with the person, and the juror's right to review and have a copy of any declaration filed with the court.

The bill requires 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.

The bill requires the judge, on completion of a jury trial and before the jury is discharged, to inform the jurors they have an absolute right to discuss or not to discuss the deliberations or verdict with anyone. Further, before the jury is discharged, the bill requires the judge to inform jurors of the consent required for a discussion with the parties, the obligation to report unreasonable contact, and that violation of the court order can be punished as contempt of court.

The bill states nothing in the section prohibits a law enforcement officer from discussing the deliberations or verdict with a juror for the purpose of investigating an allegation of criminal conduct or the court from discussing the deliberations or verdict with a juror for any lawful purpose.

LAW ENFORCEMENT

Records Related to Law Enforcement Officers—Disclosure of Files Related to Previous Employment; Central Registry Records; SB 180

SB 180 creates and amends law regarding records related to law enforcement officers.

Disclosure of Files Related to Previous Law Enforcement or Government Employment

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. For these purposes, "files" is defined as all performance reviews or other files related to job performance, commendations, administrative files, grievances, previous personnel applications, personnel-related claims, disciplinary actions, internal investigation files, suspensions, investigation-related leave, documents concerning termination or other departure from employment, all complaints, and all early warning information. "Early warning information" is defined as information from a data-based management tool designed to identify officers who may be exhibiting precursors of problems on the job that can result in providing those officers with counseling or training to divert them from conduct that may become a disciplinary matter. The bill also defines other key terms.

When interviewing an applicant who has been employed by another agency for a law enforcement officer position, hiring agencies shall require such applicant to execute a written waiver that explicitly authorizes each agency that has employed the applicant to disclose the applicant's files to the hiring agency and releases the hiring agency and each agency that employed the applicant from any liability related to the use and disclosure of the files. An applicant who refuses to execute the waiver shall not be considered by the hiring agency. A copy of the waiver shall be provided to each agency along with the request for information.

The bill requires the agency to disclose the files to the hiring agency within 21 days of receiving the request either by providing copies to the hiring agency or allowing the hiring agency to review the files at the agency's office. The bill establishes an exception if the agency is prohibited from providing the files pursuant to a binding nondisclosure agreement executed before July 1, 2018, to which such agency is a party. However, agencies must disclose an applicant's files if such files are subject to a binding nondisclosure agreement executed on or after July 1, 2018, but the bill limits disclosure to only those files necessary to determine an applicant's qualifications and fitness for performance of a law enforcement officer's duties. Further, the bill allows agencies to redact personally identifiable information of persons other than the applicant in files disclosed. The bill states an agency shall not be liable for complying with the provisions of this section in good faith or participating in an official oral interview with an investigator regarding the applicant.

The bill prohibits disclosure of the files by the hiring agency, except as necessary for such agency's internal hiring processes, and states the files constitute a record of the agency that made, maintained, or kept the files for the purposes of the Kansas Open Records Act (KORA) and are not subject to a KORA request directed toward the hiring agency. Except in a civil action involving negligent hiring, the files are not subject to discovery, subpoena, or other process directed toward the hiring agency obtaining the files. The bill adds a provision to KORA to specify a request for

records defined by the bill as “files” that were submitted to an agency must be directed to the agency that made, maintained, or kept such files.

Central Registry Records

The bill amends the section of the Kansas Law Enforcement Training Act (KLETA) related to the central registry of Kansas police officers and law enforcement officers.

The bill specifies the registry is to include all records received or created by the Kansas Commission on Peace Officers’ Standards and Training (CPOST) pursuant to this section and all records related to violations of KLETA, including records of complaints received or maintained by CPOST.

The bill removes language stating the registry shall be made available only to agencies that appoint or elect police or law enforcement officers and adds provisions governing disclosure of records in the registry.

All records in the registry shall be confidential and not subject to disclosure pursuant to KORA, except the bill requires records contained in the registry, other than investigative files, to be disclosed:

- To an agency that certifies, appoints, or elects police or law enforcement officers;
- To the person who is the subject of the information, but CPOST may require disclosure in a manner to prevent identification of any other person who is the subject or source of the information;
- In any proceeding conducted by CPOST in accordance with the Kansas Administrative Procedure Act (KAPA), in an appeal from such proceeding, or to a party or party’s attorney in such proceeding;
- To a municipal, state, or federal licensing, regulatory, or enforcement agency with jurisdiction over acts or conduct similar to acts or conduct that would constitute grounds for action under KLETA; or
- To the director of police training of the Law Enforcement Training Center when such disclosure is relevant to the director’s pretraining evaluation of applicants for admission.

Additionally, the following records may be disclosed to any person pursuant to KORA:

- A record containing only a police or law enforcement officer’s name, the name of a police or law enforcement officer’s current employer, the police or law enforcement officer’s dates of employment with the police or law enforcement officer’s current employer, the name of previous law enforcement employers and the dates of employment with each each employer, a summary of the trainings completed by the

police or law enforcement officer as reported to CPOST, and the status of the police or law enforcement officer's certification under KLETA; and

- Statewide summary data without personally identifiable information.

The bill provides that KORA exceptions shall apply to any records disclosed under the above provisions.

Finally, the bill specifies that records may be disclosed as provided in KAPA.

The confidentiality provision and disclosure exceptions created by the bill will expire on July 1, 2023, unless the Legislature reviews and reenacts the provision prior to that date.

Kansas Highway Patrol, Rank; SB 369

SB 369 requires members of the Kansas Highway Patrol (Patrol) appointed to the rank of major be returned to a rank not lower than that held at the time of appointment when the appointment is terminated. This provision will be added to those requiring a member of the Patrol appointed to the rank of superintendent or assistant superintendent be returned to a rank not lower than that held at the time of appointment when the appointment is terminated.

Sheriff Qualifications; Kansas Law Enforcement Training Act—Definition of “Misdemeanor Crime of Domestic Violence”; Unlawful Sexual Relations—Law Enforcement Officer; HB 2523

HB 2523 amends various statutes related to law enforcement officers.

Sheriff Qualifications

The bill amends the statute setting forth the qualifications required of sheriffs. Specifically, the bill narrows language disqualifying a person from holding the office of sheriff if the person has been convicted of a violation of any federal or state laws or city ordinances relating to gambling, liquor, or narcotics, to disqualify only for a misdemeanor related to gambling, liquor, or narcotics within five years immediately preceding election or appointment. [*Note: Any felony committed during the person's lifetime will continue to disqualify the person.*]

The bill removes a specific 320-hour training requirement and clarifies the education, training, and testing required of sheriffs.

The bill also reorganizes continuing standards without substantive change.

Kansas Law Enforcement Training Act

The bill amends the definition of “misdemeanor crime of domestic violence” in the Kansas Law Enforcement Training Act (KLETA) to replace a list of persons with various relationships to the victim (e.g., current or former spouse) who may commit the crime with the phrase “against a person with whom the offender is involved or has been involved in a ‘dating relationship’ or is a ‘family or household member’ as defined in [the domestic battery criminal statute] at the time of the offense.”

The bill also amends the KLETA statute setting forth qualifications for applicants for certification to provide consistency with the education requirement amendments made to the sheriff qualifications statute.

Unlawful Sexual Relations—Law Enforcement Officer

The bill amends the crime of unlawful sexual relations, which prohibits 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 constitutes a severity level 5 person felony.

LOCAL GOVERNMENT

Powers of Certain Redevelopment Authorities; SB 185

SB 185 revises the powers of Johnson and Labette counties pertaining to certain redevelopment districts and authorities.

The bill allows the board of county commissioners in either county that has established a redevelopment district that includes property located within a federal enclave to authorize the installation, maintenance, and operation of utilities to serve the redevelopment district. Utilities include water, sewer, electricity, gas, telecommunications, and rail services.

If a redevelopment authority board has been established by the county to oversee the redevelopment district, the abilities described above may be delegated by the county to the redevelopment authority board. Any franchise for utilities authorized by the bill must be adopted by resolution; may not be exclusively granted to any person, firm, or corporation; and shall be limited in time to no more than 20 years. The bill allows for franchise fees up to 6.0 percent of a customer's gross charges for utility service.

The bill also authorizes a redevelopment authority in either county to incur debt and issue bonds to pay for the costs of developing and improving the utilities and other properties within the redevelopment district. A redevelopment authority may secure debt using property it owns in the district. It is permissible to use lease-purchase agreements to acquire and finance property. The maximum maturity of issued bonds may not exceed 20 years. Debt incurred is solely the responsibility of the redevelopment authority to repay.

Township and County Responsibilities for Traffic-control Devices; Highway Improvement Funds; HB 2511

HB 2511 amends the Uniform Act Regulating Traffic on Highways (Act) as it relates to the powers of local authorities and responsibilities for traffic-control devices and signage. It also amends law regarding a special highway improvement fund.

Responsibility for Traffic-control Devices and Signage

County-township System

In all counties operating under the county-township system, the county will be responsible for maintaining county roads and for placing and maintaining traffic-control devices. The county will also be responsible for:

- Signs related to county culverts and county bridges on township roads; and
- Construction signage related to county projects on township roads.

A township board will be responsible for maintaining the local township roads and for placing and maintaining traffic-control devices on such township roads, except those listed above as being under the control of the board of county commissioners. The bill requires regulatory signs on township roads under the township board's control to be consistent with resolutions of the board of county commissioners of the county where the road is located.

Under prior law, the provisions above applied only to townships located in five specified counties (Douglas, Johnson, Riley, Sedgwick, and Shawnee).

County Unit Road System

In all counties operating under the county unit road system, the bill places the following responsibilities for traffic-control devices and signage:

- Counties are to maintain the county roads and township roads and to place and maintain all traffic-control devices on such roads; and
- Township boards will not be responsible for roads or signage.

General County Rural Highway System

In all counties operating under the general county rural highway system, the bill places responsibilities for traffic-control devices and signage as follows:

- Counties are to maintain the county roads and township roads and place and maintain all traffic devices on such roads in accordance with continuing law; and
- Township boards will not be responsible for roads or signage.

Roads and Bridges

The bill amends a section of law relating to roads and bridges to reference the responsibilities of township boards as outlined in the amendments to the Act in the bill.

Prior law required township boards in all counties not operating under the county road-unit system to be responsible for all township roads and culverts and the board of county commissioners to procure machinery, implements, tools, and materials required for the construction or repair of such roads and culverts.

The bill clarifies that township boards in counties operating under the county-township system (changed from those not operating under the county road unit system) will be responsible for providing such machinery, tools, and materials. The bill also requires the township board to place and maintain all traffic-control devices for township roads.

Special Highway Improvement Fund for Townships

The bill adds “township” to the definition of “municipality” and adds “township board” to the definition of “governing body” to allow a township, as well as a city or county as in continuing law, to transfer funds into a special highway improvement fund. Under continuing law, moneys in such a fund are dedicated for construction or reconstruction of highways, bridges, roads, and streets and for necessary incidental facilities.

Urban Area, Mayors, and Election Commissioners; HB 2597

HB 2597 amends law regarding designation as an urban area; when a mayor is considered a member of a governing body; and the compensation, supervision, personnel, and budgeting policies of election commissioners.

Designation as an Urban Area

The bill designates Sedgwick County as an urban area as permitted by Article 2, Section 17 of the *Kansas Constitution*. The designation allows the Kansas Legislature to pass laws specific to those areas.

The bill also clarifies a provision exempting certain cemeteries from requirements related to cemetery maintenance funds to specify any cemetery owned and operated by a nonprofit corporation located in a county designated as urban on or before March 1, 1968, is exempt.

Mayor as a Member of a Governing Body

Based on the form of government utilized by a city, a mayor is considered a member of a governing body, as follows:

- In commission and commission-manager cities, the mayor is considered part of the city governing body in all matters; and
- In mayor-council, modified mayor-council, and mayor-council-manager cities, the mayor is considered part of the city governing body for the purpose of voting on the passage of charter ordinances;
 - In order to be considered part of the governing body for purposes of voting on any other matter in mayor-council, modified mayor-council, and mayor-council-manager cities, an ordinance needs to be adopted by a two-thirds majority of the council establishing the matters on which a mayor may vote.

Ordinances and charter ordinances relating to a mayor being considered part of the city governing body remain in effect until amended or repealed by such city.

County Election Commissioners

The bill amends law regarding the supervision of election commissioners and their budgetary and personnel policies and procedures.

Compensation

The bill allows a board of county commissioners (Board) to decide the amount and method used to compensate an election commissioner (Commissioner). A Commissioner is allowed to appoint more than one assistant election commissioner and other staff, as necessary, and set the salaries for these positions. (Under prior law, in a county with a population exceeding 200,000, the election commissioner must appoint two assistant election commissioners.) The bill authorizes the Commissioner to hire additional staff as needed to effectively operate the office and conduct elections as required by law. The Commissioner sets the salaries of the additional staff, but is required to comply with the compensation policies and pay plan adopted by the Board.

Supervision

The Commissioner is required to operate under the general supervision of the Secretary of State and comply with the statutes, rules, regulations, standards, and directives relating to registration of voters and conduct of elections.

Personnel and Budgeting Policies

The bill requires actions taken in the administration of the office of the Commissioner be subject to the same personnel, compensation and benefits, purchasing, budgeting, financial, and auditing policies and procedures applicable to all county departments, agencies, and officials.

The bill removes provisions requiring the election commissioner to certify, by each July 15, to the Board an itemized statement showing the amount necessary to pay the expenses of the office, including salaries, and for county commissioners to include that amount in the county budget for the subsequent year.

The bill requires the Commissioner to submit a budget request to the Board each year, specifying the funding necessary to pay salaries of the office's employees, including the Commissioner, and projected costs and expenses of the office for the next budget year. The Board is required to consider the budget request in the same manner as it considers budgets of other county departments and agencies. The bill requires the Board to adopt, as part of the county budget, a budget for the office of the Commissioner in an amount the Board determines is sufficient and adequate for the performance of the Commissioner's duties and conduct of elections as required by law.

Conveyance of Certain Property in Lansing; Department of Corrections; Leavenworth County Fire District No. 1; HB 2608

HB 2608 authorizes and directs the Secretary of Corrections (Secretary), on behalf of the Kansas Department of Corrections and the State of Kansas, to convey by quitclaim deed a 1.09 acre parcel of land in Lansing to Leavenworth County Fire District No. 1. The legal description of the parcel is provided in the bill, but if the Secretary determines the description is incorrect, the Secretary is authorized to convey the property using the correct legal description, with the deed subject to the approval of the Attorney General.

The bill requires the quitclaim deed be in a form approved by the Attorney General.

Procedure for Dissolution of an Airport Authority; HB 2628

HB 2628 allows the City of Pratt (City) to dissolve, *via* adoption of an appropriate ordinance, any airport authority (authority) created and established by the City. If such an airport authority is dissolved, the City will acquire the property of the authority subject to any leases or agreements made by the authority.

The bill requires an ordinance adopted by the City dissolving an authority to provide for the following:

- The provisions of the ordinance are deemed adequate for the payment or retirement of any authority debts or obligations; and
- All property, funds, and assets of the authority are vested in the City.

Upon the effective date of the ordinance, the following occurs:

- Transfer of all of the powers, duties, and functions of the authority to the City;
- Transfer of all balances for all funds or accounts for the authority to the City;
- Transfer of all liabilities of the authority, including the accrued compensation or salaries of officers and employees, to the City; and
- Vesting in the City of all assets of the authority.

If the City dissolves the authority, the bill makes the City the successor in every way to the powers, duties, and functions of the dissolved authority, and the City is considered the continuation of the authority. If dissolution occurs, the City is required to make adequate provisions for the payment or retirement of all authority debts and obligations.

When the term “airport authority” or words of like effect are referred to by a document in regard to any of the powers, duties, and functions transferred to the City, the reference or designation applies to the City as the context requires. Additionally, the City is given legal custody of all records, memoranda, writings, entries, prints, representations, electronic data, or combination of any act, transaction, occurrence, or event.

The bill allows suits, actions, or other proceedings maintained by or against the successor of the authority, or any affected officer, commenced prior to its dissolution to proceed. The bill specifies that any such legal action is not be diminished due to the governmental reorganization under the ordinance adopted by the City.

If the Authority is dissolved, the bill requires the City to offer the opportunity to become officers or employees of the City to any officers and employees of the authority deemed necessary in the performance of the powers, duties, or functions of the City.

OPEN RECORDS

Public Records; Disclosure of Information Regarding Child Fatalities or Near Fatalities; Law Enforcement Recordings; Redaction of Social Security Numbers; Kansas Open Records Act—Exceptions; House Sub. for SB 336

House Sub. for SB 336 amends various law related to public records.

Disclosure of Information Under the Revised Kansas Code for Care of Children

The bill amends the statute in the Revised Kansas Code for Care of Children (also known as the CINC Code) governing access to information concerning a child alleged or adjudicated to be in need of care and child fatalities.

A provision allowing a court to order disclosure of confidential agency records if such records are necessary for the proceedings of the court and are otherwise admissible as evidence is amended to remove the requirement that such records be admissible as evidence.

Provisions requiring disclosure, pursuant to the Kansas Open Records Act (KORA), of records or reports related to a child fatality or near fatality resulting from child abuse or neglect, but allowing for the filing of a motion with a court by the Secretary for Children and Families (Secretary) or any affected individual to prevent disclosure of such records, are amended to require notice of the filing of such motion to all parties requesting the records or report and 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.

The bill adds a provision requiring the Secretary, as allowed by applicable law, to release the following information when child abuse or neglect results in a child fatality and a request is made under KORA, within seven business days of receipt of such request:

- Age and sex of the child;
- Date of the fatality;
- A summary of any previous reports of abuse or neglect received by the Secretary involving the child, along with the findings of such reports; and
- Any service recommended by the Department for Children and Families (DCF) and provided to the child.

The bill adds a similar provision requiring the Secretary, as allowed by applicable law, to release the following information when a child fatality occurs while the child was in the custody of the Secretary and a request is made under KORA, within seven business days of receipt of such request:

- Age and sex of the child;
- Date of the fatality; and
- A summary of the facts surrounding the death of the child.

Disclosure of Law Enforcement Audio or Video 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 (law enforcement recordings).

Under continuing law, the statute allows, in addition to any disclosure authorized under KORA, certain persons to request to listen to or view law enforcement recordings and requires the law enforcement agency to allow such listening or viewing. The bill adds a provision requiring the agency to allow the listening or viewing within 20 days after the request is made.

Under continuing law, an “heir at law” is one of the persons who may make the request. The bill adds the attorney for an heir at law to the list of persons who may make the request. The bill also adds a definition for “heir at law” to include an executor or an administrator of a decedent; the living spouse of a decedent; if there is no living spouse of a decedent, a living adult child of a decedent; or, if there is no living spouse or adult child of a decedent, a living parent of a decedent. [Note: Under prior law, an executor or administrator of a decedent could make a request, so the bill changes only the organization, not the substance, of the law allowing these persons to make a request.]

In the list of requesters, the bill changes “a parent or legal guardian of a person under 18 years of age who is a subject of the recording” to “any parent or legal guardian of a person under 18 years of age who is a subject of the recording.”

The bill clarifies that requests to listen to or view a law enforcement recording are to be made in accordance with procedures adopted by public agencies pursuant to KORA requirements.

Redaction of Social Security Numbers and Notice of Disclosure

The bill amends law related to the disclosure of personal information on public records to require the 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. The provisions of the bill do not apply to documents recorded in the official records of any county recorder of deeds or in the official records of the courts.

The bill also requires an agency to:

- Give notice, as defined in the consumer information protection statutes, to any individual when the agency becomes aware of the unauthorized disclosure of the individual’s personal information. Notice must be given as expeditiously as possible and without unreasonable delay, while also considering the legitimate needs of law

enforcement and any measures necessary to determine the scope of unauthorized disclosure;

- Offer to the affected individual credit monitoring services at no cost for one year;
- Provide all information necessary for the affected individual to enroll in such credit monitoring services; and
- Provide information to the affected individual on how a security freeze could be placed on the individual's consumer report.

Continuation and Elimination of KORA Exceptions

The bill continues in existence the following exceptions to KORA:

- KSA 9-513c, concerning information or reports obtained and prepared by the State Bank Commissioner in the course of licensing or examining a person engaged in money transmission business (the bill also removes an expiration provision in KSA 9-513c);
- KSA 39-709, concerning results of drug screenings administered under the cash assistance program;
- KSA 45-221(a)(26), concerning records of a utility or other public service pertaining to individually identifiable residential customers;
- KSA 45-221(a)(53), concerning records disclosing name or contact information for any person who is licensed to carry concealed handguns, enrolled in or completed any weapons training in order to be licensed, or has made application for such license under the Personal and Family Protection Act;
- KSA 45-221(a)(54), concerning records of a utility related to cybersecurity threats, attacks, or general attempts to attack utility operations;
- KSA 65-6832 and KSA 65-6834, concerning protected health information;
- KSA 75-7c06, concerning records relating to licenses issued pursuant to the PFPA; and
- KSA 75-7c20, concerning security plans adopted to exempt a state or municipal building from law stating the carrying of a concealed handgun shall not be prohibited in any public area of any state or municipal building.

The bill amends three statutes within the Viatical Settlements Act of 2002 that were reviewed and continued in 2013 to remove specific expiration provisions.

The bill removes an exception preventing the 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.

Creation of an Exception to the Kansas Open Records Act; HB 2476

HB 2476 amends the section of the Kansas Open Records Act (KORA) related to the unlawful use of names derived from public records.

The bill creates an additional exception to the general prohibition in KORA against selling, giving, or receiving any list of names and addresses from public records for sales purposes. The new exception applies to lists of names and addresses derived from public records of the Secretary of State related to secured transactions under the Uniform Commercial Code.

PROFESSIONS AND OCCUPATIONS

Vehicle Salesperson License Renewal; SB 294

SB 294 removes a requirement in the Vehicle Dealers and Manufacturers Licensing Act that the holder of a vehicle salesperson license be tested by written examination at license renewal. The bill allows the Director of Vehicles (Director) to require retesting for any salesperson licensee at renewal based on terms and conditions established by the Director.

Professional Counselors Licensure Act; SB 386

SB 386 amends the Professional Counselors Licensure Act. In continuing law, an individual making an application to the Behavioral Sciences Regulatory Board for licensure as a professional counselor is required to, among other things, have earned a graduate degree in counseling. The bill allows licensure for an applicant who earned a graduate degree in a counseling-related field as long as all the remaining qualifications set forth in statute are met. The change is applicable to individuals applying for initial licensure and to individuals applying for licensure who are licensed to practice professional counseling in another jurisdiction.

The bill clarifies that the licensure requirement of 45 graduate semester hours in various areas set forth in statute is counseling coursework.

Cosmetology Senior Status License; SB 398

SB 398 changes the requirements for an individual to qualify for a senior status cosmetologist license by lowering the age and reducing the number of years of practice required. The bill allows the Kansas Board of Cosmetology (Board) to issue a senior status license to any person who has held a license issued by the Board for at least 10 years and is 60 years or older, if the individual is not regularly engaged in the practice of cosmetology in Kansas and has paid a one-time senior status license fee. Prior law allowed a senior status license to be issued to a person 70 years of age or older who has held a license for at least 40 years.

Licensure, Certification, Registration, and Employment Requirements and Defining “Safety Sensitive Positions”; Senate Sub. for Senate Sub. for HB 2386

Senate Sub. for Senate Sub. for HB 2386 amends law related to licensure, certification, or registration (licensure) qualifications; amends qualifications for employment at adult care homes, hospitals, and home health agencies; and adds all employees of the Kansas Commission on Veterans’ Affairs Office (KCVAO) to the definition of “safety sensitive positions” found in law.

Licensure Qualifications

The bill requires any person, board, commission, or similar body (board) that determines the qualifications of individuals for licensure to revise their requirements to list the specific civil and criminal records (record) that could disqualify an applicant from receiving a license, certification, or registration (license). The revision must occur within 180 days after the effective date of the bill.

The board may list only any disqualifying records directly related to protecting the general welfare and the duties and responsibilities for such entities. In no case are non-specific terms, such as “moral turpitude” or “good character,” or any arrests that do not result in a conviction, to be used to disqualify an individual’s application for licensure.

The bill mandates the record cannot not be used to disqualify the individual for licensure for more than five years from the date of conviction unless the conviction is a class A misdemeanor, felony, sexually violent crime, or any conviction for which issuing a license would conflict with federal law, and the individual has not been convicted of any other crime in the five years immediately preceding the application for a license.

The bill allows any individual with a record to petition the board responsible for licensure at any time for an informal, written advisory opinion (opinion) concerning whether the individual’s record would disqualify the individual from obtaining a license. The petition includes details of the record. The board is required to issue the opinion within 120 days of receiving the petition and the opinion is to be non-binding. The board is authorized to charge up to \$50 for the review and issuance of the opinion in response to the petition.

Agencies Exempted from Licensure Provisions

The bill exempts the following entities from the bill’s provisions related to licensure qualifications:

- Kansas Commission on Peace Officers’ Standards and Training;
- Kansas Highway Patrol;
- Board of Accountancy;
- Behavioral Sciences Regulatory Board;
- State Board of Healing Arts;
- State Board of Pharmacy;
- Emergency Medical Services Board;
- Board of Nursing;

- Kansas Real Estate Commission;
- Kansas Insurance Department;
- Office of the Attorney General;
- Any municipality, as defined in KSA 75-6102; and
- Any profession that has an educational requirement for licensure that requires a degree beyond a bachelor’s degree.

The bill requires all boards to adopt and publicly maintain all necessary rules and regulations for the implementation of the bill.

Qualifications for Employment at Adult Care Homes, Hospitals, and Home Health Agencies

Conviction of Crimes Subject to a Complete Prohibition

The bill creates and amends law related to qualifications for employment at adult care homes, hospitals, and home health agencies, and defines terms related to the provisions of the bill.

Continuing law provides that persons convicted of certain crimes as an adult, or adjudicated as a juvenile, may not be employed at an adult care home. The bill expands such classes of persons to include persons who have adverse findings on any state or national registry, which are defined by the Secretary for Aging and Disability Services (Secretary) in rules and regulations. The bill specifies that the provisions of this section of the bill do not apply to persons currently participating in or upon successful completion of a diversion agreement, or who had been employed by an adult care home on or before July 1, 2018, and were continuously employed by the same adult care home.

Continuing law provides that any person convicted of theft may not be employed at listed facilities unless such person was employed at the facility on July 1, 2010, and while such person is continuously employed by the same adult care home. The bill clarifies that the prohibition does not apply to persons who were employed by an adult care home either on or before July 1, 2010. The bill further provides that the prohibition does not apply during or upon successful completion of a diversion agreement.

Conviction of Crimes Subject to a Six-year Prohibition

Continuing law allows an adult care home to employ persons convicted of certain listed crimes if six or more years have elapsed since the applicant satisfied the sentence imposed or was discharged from supervision. The bill clarifies that the sentence must be completed, or the individual be released from supervision. The bill also allows employment of an applicant who has been granted a waiver of the six-year disqualification. The bill removes certain crimes from the list of those having a six-year disqualification.

The bill subjects the following additional crimes to the six-year employment prohibition:

- Interference with custody of a committed person;
- Mistreatment of a confined person;
- Unlawful administration of a substance;
- Violation of a protective order;
- Promoting obscenity or promoting obscenity to minors; or
- Cruelty to animals.

The bill also subjects the following felony convictions to the six-year employment prohibition:

- Unlawful manufacture of a controlled substance;
- Unlawful cultivation or distribution of a controlled substance;
- Unlawful cultivation or distribution of a controlled substance using a communication facility;
- Unlawful obtainment or sale of a prescription-only drug;
- Unlawful distribution of drug precursors or drug paraphernalia;
- Unlawful distribution or possession of a simulated controlled substance;
- Forgery;
- Criminal use of a financial card;
- Violation of the Kansas Medicaid Fraud Control Act;
- Making a false claim, statement, or representation to the Medicaid program;
- Unlawful acts relating to the Medicaid program;
- Obstruction of a Medicaid fraud investigation;
- Identity theft or identity fraud; or

- Social welfare fraud.

The bill provides that the prohibition of employment of persons convicted of the above crimes does not apply to persons employed by an adult care home on or before July 1, 2018, and while such person is continuously employed by the same adult care home, or to any person during or upon successful completion of a diversion agreement.

The bill also provides that any person subject to a six-year prohibition of employment at a facility may apply to the Secretary for a waiver if five or more years have passed since completion of the sentence associated with the disqualifying conviction.

The bill directs the Secretary to adopt rules and regulations establishing the waiver process and criteria to be considered in evaluating any such waiver request.

Release of Records

The bill directs the Kansas Bureau of Investigation (KBI) to release all records of adult and juvenile convictions and adjudications, and records pertaining to the same from other states or countries, concerning persons working in adult care homes. The KBI is authorized to charge the Kansas Department for Aging and Disability Services (KDADS) a reasonable fee for providing these records.

Fingerprinting of Applicants

The bill requires KDADS to require applicants to be fingerprinted and to submit to a state and national criminal history record check. Fingerprints are used to identify persons and to determine whether the applicant has a record of criminal history in Kansas or other jurisdictions.

The bill authorizes KDADS to submit fingerprints to the KBI and the Federal Bureau of Investigation (FBI) for such criminal history checks. KDADS is allowed to use the information obtained from fingerprinting and the criminal history record check to verify the identify of the person and for making an official determination of the qualifications and fitness of the person to work in the adult care home.

Applicants are given 20 days to submit fingerprints through an authorized collection site in order to be eligible for provisional employment, or the applicant’s application will be considered withdrawn.

The bill also requires current or prospective employers of applicants to pay a fee not to exceed \$19 to KDADS for each applicant’s criminal history record check. Such fee is paid at the time of fingerprinting to the authorized collection site.

Criminal History Record Check Dispute and Waiver

If applicants dispute the contents of a criminal history record check, the applicant may file an appeal with the KBI.

The bill allows persons who have been disqualified for employment by reason of their criminal history records, and who have submitted fingerprints, to apply for a waiver with KDADS within 30 days of receipt of notice of employment prohibition.

KDADS is directed to adopt rules and regulations specifying the criteria and procedure for issuing a waiver of the employment prohibition. The Secretary is directed to consider the following criteria in granting a waiver:

- Passage of time;
- Extenuating circumstances;
- Demonstration of rehabilitation; and
- Relevancy of criminal history information to the position for which the applicant is applying.

Any employment prohibition issued remains in effect unless or until a waiver is granted.

Eligibility Determination

The bill requires adult care home operators to request eligibility determinations regarding adult and juvenile convictions and adjudications from KDADS. The bill also requires independent contractors that provide employees to work in adult care homes to provide written certification of the employment eligibility of such employees.

The Secretary is directed to provide a pass or fail determination after review of any criminal history record information in writing within three working days of receipt of such information from the KBI or the FBI.

Provisional Employment

The bill allows adult care home operators to hire applicants on a one-time provisional basis of 60 calendar days, pending the results of the criminal history record check. Provisional employees may be supervised only by employees who completed all training required by federal regulations, rules and regulations of KDADS, and the adult care home’s policies and procedures.

Continuing law provides that no adult care homes, operators or employees of an adult care home, or an employment agency will be liable for civil damages arising from the decision to employ, refuse to employ, or to discharge from employment any person based on compliance with the above provisions, if such home or employment agency acts in good faith. The bill includes independent contractors in these liability provisions.

Exclusion from Criminal History Record Check

The bill specifies that persons continuously employed by the same adult care home since July 1, 1992, are not subject to a criminal history record check while continuously employed by such adult care home.

Prior law excluded volunteers who work in adult care homes from the criminal history check requirements without exception. The bill specifies that volunteers at adult care homes are not subject to the provisions of the bill unless they perform functions equivalent to those of direct access employees.

The bill also specifies that applicants who have been subject to a criminal history record check within the previous year are not required to submit to a subsequent criminal history record check.

Fees, Deposit

The bill directs the Secretary to establish fees for criminal history record checks through rules and regulations. All fees collected and remitted to KDADS for charges related to criminal history record checks are remitted to the State Treasurer (Treasurer). The Treasurer is directed to deposit the entire amount in the State Treasury to the credit of the State Licensure Fee Fund.

Implementation of Criminal History Checks

The bill allows KDADS to implement the criminal history check provisions in phases for different categories of employers. KDADS is directed to adopt rules and regulations establishing dates and procedures for the implementation of criminal history record checks, and such dates may be staggered to facilitate implementation.

Submission of Fingerprints by Other State Agencies

The bill provides, upon authorization by the Secretary, other state agencies could submit fingerprints for state and national criminal history record checks and review the resulting criminal history and records as part of the screening process for current or prospective employees.

Authorized agencies and providers could access an Internet-based application portal operated and maintained by KDADS for the purposes of processing criminal history record information requests. Agencies are prohibited from sharing criminal history record information or the resulting pass or fail determinations with any other agency. The Secretary may charge an authorized agency \$1 per request.

Employment in Hospitals

The bill subjects applicants for employment in a center, facility, hospital, or a provider of services to the same provisions applied to adult care homes as described above. The bill also provides that the following crimes will result in a prohibition of employment (this is already present in law for adult care home workers):

- Capital murder;
- First degree murder;
- Second degree murder;
- Voluntary manslaughter;
- Assisting suicide;
- Mistreatment of a dependent adult or mistreatment of an elder person;
- Human trafficking;
- Aggravated human trafficking;
- Rape;
- Indecent liberties with a child;
- Aggravated indecent liberties with a child;
- Aggravated criminal sodomy;
- Indecent solicitation of a child;
- Aggravated indecent solicitation of a child;
- Sexual exploitation of a child;
- Sexual battery;
- Aggravated sexual battery;
- Commercial sexual exploitation of a child; and
- Attempt or conspiracy to commit any of the listed crimes, or similar statutes of other states or the federal government.

Prohibition of Operation

Continuing law prohibits a licensee from operating a center, facility, or hospital or providing services if such licensee has been found to be an adult with impairment in need of a guardian, conservator, or both. The bill specifies the prohibition does not apply to licensees who, as a minor, were found to be in need of a guardian or conservator for reasons other than impairment.

Employment by Home Health Agencies

The bill subjects applicants for employment at home health agencies or employment agencies, or as an independent contractor that provides staff to a home health agency to the same provisions applied to applicants in adult care homes and hospitals as described above.

Drug Screening for Safety Sensitive Positions

The bill adds all employees of the KCVAO to the definition of “safety sensitive positions” in law.

The Director of the Division of Personnel Services, Department of Administration, has the authority to establish and implement drug screening programs for safety sensitive positions, including the ability to screen applicants for illegal drug use upon a conditional offer of employment and to screen employees upon reasonable suspicion of illegal drug use. Previously, only employees of the State’s veterans’ homes were subject to a drug screening upon reasonable suspicion of illegal drug use.

“Safety sensitive positions” include:

- All state law enforcement officers authorized to carry firearms;
- All state corrections officers;
- All state parole officers;
- Heads of state agencies who are appointed by the Governor and employees on the Governor’s staff;
- All employees with access to secure facilities of a correctional institution;
- All employees of a juvenile correctional facility;
- All employees within an institution of mental health; and
- All employees with access to a secured biological laboratory in the Office of Laboratory Services, Kansas Department of Health and Environment.

Nurse Licensure Compact; Kansas Nurse Practice Act Amendments; HB 2496

HB 2496 enacts the Nurse Licensure Compact (Compact) and amends the Kansas Nurse Practice Act (Act) to enable the Board of Nursing (Board) to carry out the provisions of 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 the home state of Kansas and in other Compact states physically, electronically, telephonically, or any combination of those.

The bill takes effect from and after July 1, 2019, and upon its publication in the statute book.

Nurse Licensure Compact

The Compact's uniform provisions that are added are outlined below.

Article I: Findings and Declaration of Purpose

The findings outlined in Article I include these: the expanded mobility of nurses and the use of advanced communication technologies as part of the nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation, the current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states, and uniformity of nurse licensure requirements among the states promotes public safety and public health benefits.

The general purposes of the Compact include these: facilitating the states' responsibility to protect the public's health and safety; ensuring and encouraging the cooperation of party states in the areas of nurse licensure and regulation; facilitating the exchange of information among party states in the areas of nurse regulation, investigation, and adverse actions; promoting compliance with the laws governing the practice of nursing in each jurisdiction; investing all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party-state licenses; decreasing redundancies in the consideration and issuance of nurse licenses; and providing opportunities for interstate practice by nurses who meet uniform licensure requirements.

Article II: Definitions

A few of the key definitions applicable to the Compact are:

- "Alternative program" means a nondisciplinary monitoring program approved by a licensing board;
- "Commission" means the Interstate Commission of Nurse Licensure Compact Administrators;
- "Coordinated licensure information system" (system) means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement

activities related to nurse licensure laws administered by a nonprofit organization composed of and controlled by licensing boards;

- “Home state” means the party state that is the nurse’s primary state of residence;
- “Licensing board” means a party state’s regulatory body responsible for issuing nurse licenses;
- “Multi-state license” means a license to practice as an RN or LPN/Vocational Nurse (VN) issued by a home-state licensing board that authorizes the licensed nurse to practice in all party states under a multi-state licensure privilege;
- “Party state” means any state that has adopted the Compact;
- “Remote state” means a party state, other than the home state; and
- “Single-state license” means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multi-state licensure privilege to practice in any other party state.

Article III: General Provisions and Jurisdiction

Recognition of multi-state license. Each party state is required to recognize a multi-state license to practice as an RN or LPN/VN issued by a home state to a resident in that state as authorizing a nurse to practice in the same capacity under a multi-state license privilege in each party state.

Criminal history background checks and fingerprinting. A state is required to implement procedures for considering the criminal history records of applicants for an initial multi-state license or licensure by endorsement. The procedures required include the submission of fingerprints or other biometric-based information by applicants for use in obtaining an applicant’s criminal history record information from the Federal Bureau of Investigation (FBI) and the agency responsible for retaining that state’s criminal records.

Uniform multi-state licensure requirements. For an applicant to obtain or retain a multi-state license in the home state, the following is required of the applicant:

- Has met the home state’s qualifications for licensure or renewal of licensure, and all other applicable state laws;
- Has graduated or is eligible to graduate from a licensing board-approved RN or LPN/VN prelicensure education program, or has graduated from a foreign RN or LPN/VN prelicensure education program that has been approved by the authorized accrediting body in the applicable country and has been verified by an independent credentials

review agency to be comparable to a licensing board-approved prelicensure education program;

- Has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing, and listening;
- Has successfully passed an NCLEX-RN or NCLEX-PN examination or recognized predecessor, as applicable;
- Is eligible for and holds an active unencumbered license;
- Has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the FBI and the Kansas Bureau of Investigation;
- Has not been convicted or found guilty nor has entered into an agreed disposition of a felony offense under applicable state or federal criminal law;
- Has not been convicted or found guilty nor has entered into an agreed disposition of a misdemeanor offense related to the practice of nursing, as determined on a case-by-case basis;
- Is not currently enrolled in an alternative program;
- Is subject to self-disclosure requirements regarding current participation in an alternative program; and
- Has a valid U.S. Social Security number.

Action against a multi-state licensure privilege. In accordance with existing state due process laws, all party states are authorized to take adverse action against a nurse's multi-state licensure privilege, such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice under a multi-state licensure privilege, including cease and desist actions. The Compact outlines notification requirements for such actions.

Compliance with state practice laws. A nurse practicing in a party state is required to comply with the state practice laws of the state in which the client is located at the time the service is provided. The practice of nursing in a party state under a multi-state license subjects the nurse to the jurisdiction of the licensing board, courts, and laws of the party state where the client is located at the time the service is provided.

Single-state license. The Compact permits an individual not residing in a party state to apply for a party state's single-state license provided under the laws of each party state. However, a

single-state license in a party state is not recognized as granting the privilege to practice nursing in another party state. The Compact does not affect the requirements established by a party state for the issuance of a single-state license.

Retention and renewal of home state multi-state license. A nurse holding a home state multi-state license on the effective date of the Compact is allowed to retain and renew the multi-state license issued by the nurse's then-current home state, but the Compact provides for certain exceptions.

Article IV: Applications for Licensure in a Party State

The licensing board in the issuing party state is required to ascertain, through the system, whether an applicant for a multi-state license has ever held or holds a license issued by another state, whether there are any encumbrances or adverse actions taken on any license of multi-state licensure privilege held by the applicant, and whether the applicant is currently participating in an alternative program.

The Compact specifies a nurse may hold a multi-state license, issued by the home state, in only one party state at a time. Additionally, the Compact describes the process for a nurse changing primary state of residence and the effects on the multi-state license. If a nurse changes primary state of residence by moving from a party to a non-party state, the multi-state license issued by the prior home state converts to a single-state license, valid only in the former home state.

Article V: Additional Authorities Invested in Party-State Licensing Boards

In addition to the other powers conferred by state law, the Compact authorizes a licensing body to:

- Take adverse action against a nurse's multi-state licensure privilege to practice within that party state, but only the home state has the power to take adverse action against a nurse's license issued by the home state;
- Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state;
- Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations and take appropriate actions; the licensing board is required to promptly report the conclusions of the investigations to the administrator of the system, who is required to promptly notify the new home state of such actions;
- Issue subpoenas for both hearings and investigations, as outlined in the Compact;
- Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the FBI for criminal background checks, receive the results of the FBI record search, and use the results in making licensure decisions;

- If permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against the nurse; and
- Take adverse action based on the factual findings of the remote state, following its own procedures for taking such adverse action.

Adverse action taken by the home state against a nurse's multi-state license results in the deactivation of the nurse's multi-state licensure privilege to practice in other party states until all encumbrances are removed from the multi-state license.

A home-state licensing board is required to deactivate the multi-state licensure privilege under the multi-state license of any nurse for the duration of the nurse's participation in an alternative program used in lieu of adverse action being taken against the nurse.

Article VI: Coordinated Licensure Information System and Exchange of Information

The Compact requires all party states to participate in a system of all licensed RNs and LPNs/VNs, which includes information on the licensure and disciplinary history of each nurse submitted by party states to assist in the coordination of nurse licensure and enforcement efforts. The Commission, in consultation with the administrator of the system, is required to formulate necessary and proper procedures for the identification, collection, and exchange of information under the Compact.

The Compact requires all licensing boards to promptly report to the system any adverse action, any current significant investigative information, denials of applications citing reasons for such denials, and nurse participation in alternative programs known to the licensing board, regardless of the confidentiality of such participation under state law.

The Compact specifies the restrictions relating to the type of information available for release to party states and non-party states, including provisions allowing party-state licensing boards to designate information that is not to be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state. Provisions for the treatment of personally identifiable information and information subject to expungement is also specified.

The Compact administrator of each party state is required to furnish a uniform data set containing, at a minimum, certain specified data to the Compact administrator of each other party state and is required to provide all investigative documents and information requested by another party state.

Article VII: Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

Under the Compact, the party states create and establish a joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators, which is an instrumentality of the party states. Provisions related to venue, alternative dispute resolution proceedings, and non-waiver of sovereign immunity are specified in the Compact.

The Compact requires one administrator representing each party state to serve on the Commission, and it specifies that the removal, suspension, or filling of any administrator vacancy in the Commission be in accordance with the laws of the party state in which the vacancy exists. The Compact specifies the requirements related to voting, the frequency of Commission meetings, and the procedures for holding meetings, including both open and closed meetings.

The Compact requires the Commission to prescribe bylaws or rules to govern its conduct as may be necessary and appropriate to carry out the purposes and exercise the powers of the Compact and to publish its bylaws and rules in a convenient form on the Commission's website. The Commission is required to maintain its financial records in accordance with the bylaws and to meet and take such actions as are consistent with the provisions of the Compact and bylaws.

Additionally, the Compact establishes the Commission's powers and duties, establishes financing authority and restrictions, and provides for immunity from suit and liability, as specified.

Article VIII: Rulemaking

The Compact authorizes the Commission to exercise rulemaking powers. The Compact establishes the requirements for the adoption of final rules; the notice of proposed rulemaking and the content of such notice; the submission of written data, facts, opinions, and arguments by persons prior to adoption of a rule; the opportunity for a public hearing, notice of said hearing, and provisions for the recording of the public hearing; the adoption of emergency rules; and the revision of previously adopted rules and challenges to the revision.

Article IX: Oversight, Dispute Resolution, and Enforcement

Oversight. The Compact requires each party state to enforce the Compact and take all actions necessary and appropriate to effectuate the Compact's purpose and intent. The Commission is entitled to receive service of process in any proceeding that may affect the powers, responsibilities, or actions of the Commission, and it has standing to intervene in such proceeding for all purposes. Failure to provide service of process in such a proceeding to the Commission renders a judgment or order void as to the Commission, the Compact, or promulgated rules.

Default, technical assistance, and termination. If the Commission determines a party state has defaulted in the performance of its obligations or responsibilities under the Compact or the promulgated rules, the Commission is required to provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default, and any other action to be taken by the Commission, and provide remedial training and specific technical assistance regarding the default.

If a state in default fails to cure the default, the defaulting state's membership in the Compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges, and benefits conferred by the Compact may be terminated on the effective date of the termination. Termination of membership in the Compact is to be imposed only after all other means of securing compliance are exhausted and requires notice of intent to suspend or terminate be given by the Commission to the governor of the defaulting state, the executive officer of the defaulting state's licensing board, and each of the party states.

The Compact provides that a state whose membership has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations extending beyond the effective date of termination. Unless agreed upon in writing between the Commission and the defaulting state, the Commission does not bear any costs related to a state found to be in default or whose membership in the Compact has been terminated.

A defaulting state has the right to appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices. The prevailing party in such litigation is awarded all costs, including reasonable attorney fees.

Dispute resolution. The Compact requires the Commission to promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate. Upon request by a party state, the Commission is required to attempt to resolve disputes related to the Compact that arise among party states and between party and non-party states.

If the Commission is unable to resolve disputes among party states arising under the Compact, the party states may submit the issues in dispute to an arbitration panel composed of individuals appointed by the Compact administrator in each of the affected party states and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute. The decision of the majority of the arbitrators is final and binding.

Enforcement. The Commission, in the reasonable exercise of its discretion, is required to enforce the provisions and rules of the Compact. The Compact specifies the authority of the Commission to initiate and pursue certain legal remedies.

Article X: Effective Date, Withdrawal, and Amendment

The Compact is effective and binding on the earlier of the date of legislative enactment of the Compact into law by no less than 26 states or December 31, 2018. [Note: The Compact has been implemented as of January 19, 2018.] Party states to this Compact that were also parties to the prior nurse licensure compact superseded by this Compact are deemed to have withdrawn from the prior compact.

The Compact provides that a party state may withdraw from the Compact by enacting a statute repealing the same. The party state's withdrawal or termination does not take effect until six months after enactment of the repealing statute, and the party state continues to be required to report adverse actions and significant investigations occurring prior to the effective date of withdrawal or termination.

Party states are allowed to amend the Compact, but such amendment does not become effective and binding upon the party states unless and until such amendment is enacted into the laws of all party states.

Article XI: Construction and Severability

The Compact is liberally construed to effectuate the purposes of the Compact. The provisions of the Compact are severable and, if any provision is found unconstitutional or held invalid, the remainder of the Compact and its applicability is not affected.

Amendments to the Act

Definitions Under the Act

The bill moves the definition of “continuing nursing education” in KSA 2017 Supp. 65-1117 to KSA 2017 Supp. 65-1113 without amending the definition.

Licensure and Notification Requirement

Multi-state licenses under the Compact expire every two years in the same manner as other licenses under the Act. The bill allows any licensed nurse to file a multi-state license application together with the prescribed multi-state license fee at any time the nurse holds an active license.

The bill allows the Board to request any person who holds a multi-state license under the Compact and who engages in the practice of nursing in Kansas to voluntarily provide workforce-related information as reasonably determined by the Board. Refusal to voluntarily provide this information is not a basis for disciplinary action against or restriction of the multi-state license of any such person.

The bill also deletes the language of a subsection that expired on January 1, 2012.

License Fees

The bill increases RN and LPN single-state license fee caps for applications for licenses, biennial license renewals, license reinstatements, and license reinstatements with a temporary permit increase. The bill adds RN and LPN multi-state license fee caps for applications for licenses, biennial license renewals, license reinstatements, and license reinstatements with a temporary permit.

Disciplinary Action

The bill allows the Board to require a licensee (includes RNs, LPNs, advanced practice registered nurses, and registered nurse anesthetists) to attend a specific number of hours of continuing education in addition to any hours the licensee may already be required to attend in lieu of denying, revoking, limiting, or suspending a license or authorization to practice nursing. The bill adds the new ground for which disciplinary action may be taken against a licensee of being convicted, found guilty, or having entered into an agreed disposition of a misdemeanor offense related to the practice of nursing, as determined on a case-by-case basis.

Reporting of Alleged Incidents of Malpractice or Qualifications, Fitness, or Character of a Licensee

A licensee is required to report to the Board any information the licensee may have relating to alleged incidents of malpractice or the qualifications, fitness, or character of a person licensed to practice professional nursing or practical nursing, including any person holding a multi-state license under the Compact.

Information Technology and Operational Staff

The bill provides that information technology and operational staff remain employees of the Board.

PUBLIC SAFETY

Kansas Cybersecurity Act; House Sub. for SB 56

House Sub. for SB 56 creates the Kansas Cybersecurity Act (Act) and amends the membership and the frequency of required meetings for the Information Technology Executive Council (ITEC).

Definitions

The bill defines various terms used throughout the Act, including “cybersecurity,” which means “the body of information technologies, processes, and practices designed to protect networks, computers, programs, and data from attack, damage, or unauthorized access.” 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 (KBOR), or the Adjutant General’s Department.

Chief Information Security Officer (CISO)

The bill establishes the position of Executive Branch Chief Information Security Officer (CISO). The CISO is an unclassified employee appointed by the Governor.

Duties of the CISO

Duties of the CISO include the following:

- Report to the Executive Branch Chief Information Technology Officer (CITO);
- Serve as the State’s CISO;
- Serve as the Executive Branch chief cybersecurity strategist and authority on policies, compliance, procedures, guidance, and technologies impacting Executive Branch cybersecurity programs;
- Ensure Kansas Information Security Office resources assigned or provided to Executive Branch agencies are in compliance with applicable laws, rules, and regulations;
- Coordinate cybersecurity efforts among Executive Branch agencies;
- Provide guidance to Executive Branch agencies when compromise of personal information or computer resources has occurred or is likely to occur as the result of an identified high-risk vulnerability or threat; and

- Perform such other functions and duties as provided by law and as directed by the Executive Branch CITO.

Kansas Information Security Office (KISO)

The bill establishes the Kansas Information Security Office (KISO) within the Office of Information Technology Services to effect the provisions of the Act. For budgeting purposes, the KISO is a separate agency from the Department of Administration.

Under the direction of the CISO, the KISO is to perform the following functions:

- Administer the Act;
- Assist the Executive Branch in developing, implementing, and monitoring strategic and comprehensive information security (IS) risk-management programs;
- Facilitate Executive Branch IS governance, including the consistent application of IS programs, plans, and procedures;
- Create and manage a unified and flexible framework to integrate and normalize requirements resulting from state and federal laws, rules, and regulations using standards adopted by the ITEC;
- Facilitate a metrics, logging, and reporting framework to measure the efficiency and effectiveness of the state IS programs;
- Provide the Executive Branch with strategic risk guidance for information technology (IT) projects, including the evaluation and recommendation of technical controls;
- Assist in the development of Executive Branch agency cybersecurity programs that are in compliance with relevant laws, rules, regulations, and standards adopted by ITEC;
- Coordinate the use of external resources involved in IS programs, including, but not limited to, interviewing and negotiating contracts and fees;
- Liaise with external agencies, such as law enforcement and other advisory bodies, as necessary, to ensure a strong security posture;
- Assist in the development of plans and procedures to manage and recover business-critical services in the event of a cyberattack or other disaster;
- Assist Executive Branch agencies to create a framework for roles and responsibilities relating to information ownership, classification, accountability, and protection;

- Ensure a cybersecurity training program is provided to Executive Branch agencies at no cost;
- Provide cybersecurity threat briefings to ITEC;
- Provide an annual status report of Executive Branch cybersecurity programs to the Joint Committee on Information Technology and the House Committee on Government, Technology and Security; and
- Perform such other functions and duties as provided by law and as directed by the CISO.

Duties of Executive Branch Agency Heads

The Act directs Executive Branch agency heads to do the following:

- Be solely responsible for security of all data and IT resources under such agency's purview, irrespective of the location of the data or resources (locations of data may include agency sites, agency real property, infrastructure in state data centers, third-party locations, and in transit between locations);
- Ensure an agency-wide IS program is in place;
- Designate an IS officer to administer the agency's IS program who reports directly to executive leadership;
- Participate in CISO-sponsored statewide cybersecurity program initiatives and services;
- Implement policies and standards to ensure all the agency's data and IT resources are maintained in compliance with applicable state and federal laws, rules, and regulations;
- Implement appropriate cost-effective safeguards to reduce, eliminate, or recover from identified threats to data and IT resources;
- Include all appropriate cybersecurity requirements in the agency's request for proposal specifications for procuring data and IT systems and services;
- Submit a cybersecurity assessment report to the CISO by October 16 of each even-numbered year, including an executive summary of the findings, that assesses the extent to which the agency's systems and devices specified in the Act are vulnerable to unauthorized access or harm and the extent to which electronically stored information is vulnerable to alteration, damage, erasure, or inappropriate use;

- Ensure the agency conducts annual internal assessments of its security programs. Such assessment results are confidential and are not subject to discovery or release to any person or agency outside of the KISO or CISO until July 1, 2023, unless the provision is reviewed and reenacted by the Legislature prior to that date;
- Prepare a summary of the cybersecurity assessment report, which excludes information that might put data or information resources of the agency or its contractors at risk and submit such report to the House Committee on Government, Technology and Security, or its successor committee, and the Senate Committee on Ways and Means;
- Participate in annual agency leadership training, which serves to ensure understanding of:
 - Information and information systems that support the operations and assets of the agency;
 - Potential impact of common types of cyberattacks and data breaches on the entity's operations and assets, and how such attacks could impact the operations and assets of other governmental entities on the state network;
 - How cyberattacks and data breaches occur;
 - Steps to be undertaken by the executive director or agency head and agency employees to protect their information and information systems; and
 - Annual reporting requirements of the executive director or agency head; and
- Ensure, if an agency owns, licenses, or maintains computerized data that includes personal information, confidential information, or information that is regulated by law regarding its disclosure, it shall, in the event of a breach or suspected breach of system security or an unauthorized exposure of that information, comply with the notification requirements as set by statute and federal law and rules and regulations to the same extent as a person who conducts business in Kansas. The entity head is required to notify the CISO and the Secretary of State (only if the breach involves election data) no later than 48 hours after the discovery of the breach or unauthorized exposure.

Protection of Confidential and Personal Information

The bill allows an executive director or agency head, with input from the CISO, to require employees or contractors whose duties include collection, maintenance, or access to personal information to be fingerprinted and to submit to a state and national criminal history record check at least every five years. The bill allows the information obtained from the background check to be used for purposes of verifying the person in question's identity and fitness to work in a position with access to personal information. Local and state law enforcement shall assist with fingerprinting

and background checks pursuant to the Act, and are allowed to charge a fee as reimbursement for expenses incurred.

Any information collected pursuant to the Act (including system information logs, vulnerability reports, risk assessment reports, system security plans, detailed system design plans, network or system diagrams, and audit reports) is considered confidential by the Executive Branch agency and KISO unless all information has been redacted that specifically identifies a target, vulnerability, or weakness that places the organization at risk. The provisions of this section expire on July 1, 2023, unless reviewed and reenacted by the Legislature.

Cybersecurity Fees

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 KISO, are to be fixed by rules and regulations adopted by the agency and used only for cybersecurity. The bill allows services or transactions with an applied cybersecurity cost recovery fee to indicate the portion of the fee dedicated to cybersecurity on all receipts and transaction records.

Changes to ITEC

The bill amends the membership of ITEC, as follows:

- Removes the Secretary of Administration;
- Adds language to allow each of the two cabinet agency heads to appoint a designee;
- Increases the number of non-cabinet agency heads from one to two, and allows each to appoint a designee;
- Removes the Director of the Budget;
- Removes the Judicial Administrator of the Kansas Supreme Court;
- Modifies the representation of KBOR from the Executive Director to the Chief Executive Officer, or the Officer's designee;
- Removes the Commissioner of Education;
- Reduces the number of representatives of cities from two to one;
- Reduces the number of representatives of counties from two to one;

- Adds a representative from the private sector who has a background and knowledge in technology and cybersecurity and is not an IT or cybersecurity vendor that does business with the State of Kansas;
- Adds one representative appointed by the Kansas Criminal Justice Information System Committee;
- Adds two members of the Senate Committee on Ways and Means, one appointed by the President of the Senate or the member's designee and the other appointed by the Minority Leader of the Senate or the member's designee; and
- Adds two members of the House Committee on Government, Technology and Security, or its successor committee, one appointed by the Speaker of the House of Representatives or the member's designee and the other appointed by the Minority Leader of the House of Representatives or the member's designee.

The bill clarifies that members cannot appoint an individual to represent them on ITEC unless such individual is specified as a designee pursuant to the bill. The bill also requires ITEC to meet quarterly on call of the Executive Branch CITO, or as provided by continuing law.

Kansas Amusement Ride Act; House Sub. for SB 307

House Sub. for SB 307 amends the Kansas Amusement Ride Act.

Definitions

"Limited-use amusement ride" means an amusement ride that is owned and operated by a nonprofit, community-based organization and is operated for less than 20 days a year, at only one location each year.

"Registered agritourism activity" has the same meaning as it does in the Agritourism Promotion Act (KSA 2017 Supp. 32-1430 *et seq.*).

"Amusement ride" specifically excludes:

- Antique amusement rides;
- Limited-use amusement rides;
- Registered agritourism activities;
- Any ride commonly known as a hayrack ride, in which patrons sit in a wagon or cart that is then pulled by horses or a tractor or other motor vehicle;

- Any ride commonly known as a barrel train, which has a series of handmade cars fashioned from barrels that are connected and pulled by a tractor or other motor vehicle; and
- Amusement rides owned by an individual and operated solely within a single county for strictly private use.

The definition of “amusement ride” is amended to remove language including all rides and devices in American Society for Testing and Materials (ASTM) International F24 Committee Standards.

“Antique amusement ride” means an amusement ride, as defined in continuing law, manufactured prior to January 1, 1930.

“Water slide” means a slide that is at least 35 feet in height and uses water to propel the patron through the ride. The bill requires an attendant to be stationed at each water slide 15 or more feet in height.

[Note: Water slides under 30 feet in height will not be subject to the requirements of the Amusement Ride Act. However, all slides 15 feet or more in height will still be required to have an attendant stationed at the slide while in operation.]

The definition of “qualified inspector,” as it relates to acceptable training requirements, is changed from Level II National Association of Amusement Ride Safety Officials (NAARSO) certification to Level I NAARSO certification. References to the Pennsylvania Department of Agriculture general qualified inspector status are also removed from the definition. The definition specifies any inspector of inflatable devices that are rented on a regular basis and erected at temporary locations must provide evidence of:

- Five years of experience working with inflatable devices; and
- Qualified training from a third party, such as advanced inflatable safety operations certification from the Safe Inflatable Operators Training Organization, or other similar qualification from another nationally recognized institution.

The definition of “serious injury” includes injury or illness that requires immediate admission and overnight hospitalization and observation by a licensed physician. Previously, the definition included injuries or illnesses requiring immediate medical treatment.

Antique Amusement Rides, Limited-use Amusement Rides, and Registered Agritourism Activities

Permits

The bill provides that an antique amusement ride, limited-use amusement ride, or registered agritourism activity could not be operated in Kansas without a valid permit issued by the Department of Labor (Department). The owner of such a ride will be required to apply to the Department for

a permit in such form and manner as prescribed by the Secretary of Labor (Secretary). The bill requires the application to include:

- The name of the owner and operator of the ride;
- The location of the ride or the location where the ride is stored when not in use;
- A valid certificate of inspection; and
- Proof of insurance.

Once an application is approved, the permit fee received, and a permit issued for the antique amusement ride, limited-use amusement ride, or registered agritourism activity, the permit will be valid for one year from the date of issuance.

Permit Fees

The bill requires applicants for operating permits for antique amusement rides, limited-use amusement rides, or registered agritourism activities to pay permit fees according to the following schedule:

- At a permanent location:
 - \$75 for rides designed for patrons less than 42 inches tall; and
 - \$100 for rides designed for patrons more than 42 inches tall;
- At a temporary location, \$30; and
- Owned or operated by a municipality or nonprofit entity at a permanent or temporary location, \$10.

Permit fees will be returned to applicants if their applications are denied by the Department. Permit fees collected by the Secretary will be credited to the Amusement Ride Safety Fund.

Registration

The bill requires each antique amusement ride, limited-use amusement ride, or registered agritourism activity to be registered with the Department prior to operation. Registration will be in such form and manner as prescribed by the Secretary and will require payment of a registration fee of \$50.

The registration fee will be an annual fee paid by the owner, regardless of the number of rides owned by such owner. Registration fees collected by the Secretary will be credited to the Amusement Ride Safety Fund.

Insurance Requirements

The owner or operator of any antique amusement ride, limited-use amusement ride, or registered agritourism activity is required to provide for coverage of at least \$750,000 per occurrence with a \$1,000,000 annual aggregate. Continuing law states owners and operators of amusement rides are required to provide for coverage of at least \$1,000,000 per occurrence with a \$2,000,000 annual aggregate, or self-insure or participate in a public entity self-insurance pool, if the owner is the State or any subdivision of the State; the bill clarifies this requirement.

General Provisions

Inflatables

The bill states no inflatable device rented on a regular basis and erected at a temporary location may be operated in the state unless the operator had been trained by a person who has attained a basic inflatable safety operations certification from the Safe Inflatable Operators Training Organization.

Permit Applications, Amusement Rides

The bill specifies permit applications for amusement rides manufactured before July 1, 2018, must include certification that the ride qualifies as service proven, as that term is used in applicable ASTM International F24 Committee Standards.

For rides manufactured on and after July 1, 2018, the bill requires permit applications to include certification that the ride meets applicable ASTM International F24 Committee Standards pertaining to ride maintenance and operation.

The bill also includes antique amusement rides, limited-use amusement rides, and registered agritourism activities in provisions of the Kansas Amusement Ride Act not otherwise modified by the bill.

Serious Injury

The bill specifies, upon notification of serious injury, the Department must acknowledge receipt of the notice and determine whether an investigation is necessary.

Amusement Rides; SB 310

SB 310 makes amendments to the Kansas Amusement Ride Act (Act).

[*Note:* Language identical to the provisions of SB 310, except for the effective date and a reference to antique amusement rides added for consistency, was passed by both chambers in House Sub. for SB 307. Both SB 310 and House Sub. for SB 307 were approved by the Governor on May 8, 2018. Provisions of SB 310 became effective on May 17, 2018 (*Kansas Register* publication), and provisions of SB 307 become effective July 1, 2018.]

Definitions

“Limited-use amusement ride” means an amusement ride that is owned and operated by a nonprofit, community-based organization, is operated for less than either 20 days or 160 hours per year, and is operated at only one location each year.

“Registered agritourism activity” has the same meaning as it does in the Agritourism Promotion Act (KSA 2017 Supp. 32-1430 *et seq.*).

“Amusement ride” specifically excludes:

- Antique amusement rides;
- Limited-use amusement rides;
- Registered agritourism activities;
- Any ride commonly known as a hayrack ride, in which patrons sit in a wagon or cart that is then pulled by horses or a tractor or other motor vehicle;
- Any ride commonly known as a barrel train, which has a series of handmade cars fashioned from barrels that are connected and pulled by a tractor or other motor vehicle; and
- Amusement rides owned by an individual and operated solely within a single county for strictly private use.

The definition of “amusement ride” is amended to remove language including all rides and devices in American Society for Testing and Materials (ASTM) International F24 Committee Standards.

“Antique amusement ride” means an amusement ride manufactured prior to January 1, 1930.

“Water slide” means a slide that is at least 35 feet in height and uses water to propel the patron through the ride.

The definition of “qualified inspector,” as it relates to acceptable training requirements, is changed from Level II National Association of Amusement Ride Safety Officials (NAARSO) certification to Level I NAARSO certification. References to the Pennsylvania Department of Agriculture general qualified inspector status is also removed from the definition. The definition specifies that any

inspector of inflatable devices that are rented on a regular basis and erected at temporary locations shall be required to provide evidence of:

- Five years of experience working with inflatable devices; and
- Qualified training from a third party, such as advanced inflatable safety operations certification from the Safe Inflatable Operators Training Organization, or other similar qualification from another nationally recognized institution.

“Serious injury” includes injury or illness that requires immediate admission and overnight hospitalization and observation by a licensed physician.

Antique Amusement Rides, Limited-use Amusement Rides, Registered Agritourism Activities

Permits

The bill provides that an antique amusement ride, limited-use amusement ride, or registered agritourism activity shall not be operated in Kansas without a valid permit issued by the Department of Labor (Department). The owner of such a ride shall apply to the Department for a permit in such form and manner as prescribed by the Secretary of Labor (Secretary). The application shall include:

- The name of the owner and operator of the ride;
- The location of the ride or the location where the ride is stored when not in use;
- A valid certificate of inspection; and
- Proof of insurance.

Once an application is approved, the permit fee is received, and a permit is issued for the antique amusement ride, limited-use amusement ride, or registered agritourism activity, the permit shall be valid for one year from the date of issuance.

Permit Fees

Applicants for operating permits for antique amusement rides, limited-use amusement rides, and registered agritourism activities shall pay a permit fee of \$50.

Permit fees shall be returned to applicants if their applications are denied by the Department. Permit fees collected by the Secretary will be credited to the Amusement Ride Safety Fund.

Registration

The bill requires each antique amusement ride, limited-use amusement ride, or registered agritourism activity to be registered with the Department prior to operation. Registration shall be in such form and manner as prescribed by the Secretary and requires payment of a registration fee of \$50.

The registration fee shall be an annual fee paid by the owner, regardless of the number of rides owned by such owner. Registration fees collected by the Secretary will be credited to the Amusement Ride Safety Fund.

Insurance Requirements

The owner or operator of any antique amusement ride, limited-use amusement ride, or registered agritourism activity shall be required to provide for coverage of at least \$750,000 per occurrence with a \$1,000,000 annual aggregate. Continuing law states owners and operators of amusement rides are required to provide for coverage of at least \$1,000,000 per occurrence with a \$2,000,000 annual aggregate, or self-insure or participate in a public entity self-insurance pool, if the owner is the State or any subdivision of the State.

General Provisions

Inflatables

The bill states no inflatable device rented on a regular basis and erected at a temporary location can be operated in the state 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 other 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 that is 15 feet or more in height.

Permit Applications, Amusement Rides

The bill specifies that permit applications for amusement rides manufactured before July 1, 2018, must include certification that the ride qualifies as service proven, as that term is used in applicable ASTM International F24 Committee Standards.

For rides manufactured on and 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.

The bill includes antique amusement rides, limited-use amusement rides, and registered agritourism activities in provisions of the Act not otherwise modified by the bill.

Serious Injury

The bill specifies, upon notification of serious injury, the Department must acknowledge receipt of the notice and determine whether an investigation is necessary.

State Interoperability Advisory Committee; Sub. for HB 2556

Sub. for HB 2556 establishes the State Interoperability Advisory Committee (Committee) in statute. Previously, a State Interoperability Executive Committee existed by executive order.

The Committee provides input to the Adjutant General's Department (TAG) for the development and deployment of centralized interoperable communications planning and implementation capacity for Kansas. Specifically, the bill directs the Committee to make recommendations to TAG related to:

- Increasing communications and interagency coordination regarding informing the public of public safety risks and operations;
- Statewide contracts for public safety communications equipment, software, and consulting services;
- Revisions to the State Communications Interoperability Plan;
- Assessment of institutions and organizations that benefit from services provided;
- Development, release, and review of requests for proposals and awarding contracts for public safety communications technology public-private partnerships; and
- Other opportunities to improve public safety communications as the Committee deems appropriate.

The bill also requires the Committee to assist with the development of policies and procedures that increase communications and interagency coordination for the purpose of enhancing public safety interoperable communications.

The Committee does not have the authority to:

- Require certification of public safety agencies or employees;
- Require training or establish mandatory training standards beyond what is necessary for the operation, care, and security of interoperable communications systems and plans developed by the Committee; or
- Limit local purchasing options for equipment compatible with the interoperability plan.

Organization and Membership

The Committee is overseen by the State Emergency Management Director (Director), who appoints a Statewide Interoperability Coordinator (Coordinator) to administer the Committee's business, serve as the Committee's chairperson, and act on the Committee's behalf. The chairperson appoints the vice-chairperson of the Committee.

Members of the Committee include:

- The Director (defined in the bill as the Adjutant General for the State of Kansas, or the Adjutant General's designee);
- The Coordinator;
- The Secretary of Transportation, or the Secretary's designee;
- The Superintendent of the Highway Patrol, or the Superintendent's designee;
- The Executive Branch Chief Information Security Officer, or the Officer's designee;
- A tribal representative appointed by the Governor;
- The 911 Coordinating Council Administrator, or the Administrator's designee;
- The Chief Executive Officer of the Board of Regents, or the Chief Executive Officer's designee; and
- One member appointed by each of the following associations:
 - Kansas Association of Public Safety Communications Officials;
 - Kansas Sheriffs' Association;
 - Emergency Medical Services Board;
 - Kansas Association of Chiefs of Police;
 - Kansas State Association of Fire Chiefs;
 - Mid-America Regional Council;
 - League of Kansas Municipalities;
 - Kansas Association of Counties; and
 - Kansas Emergency Management Association.

Executive branch members serve until succeeded; each non-executive branch member serves a three-year term beginning on August 1, 2018, and is eligible to serve more than one term. Members may be removed for cause by a majority vote of the Committee, or by their appointing or designating authority. Vacancies are filled in the same manner as provided for the original member.

The Committee is required to meet at least once per quarter of the calendar year, with the first meeting to take place prior to September 1, 2018. All actions of the Committee require a majority vote by members present when there is a quorum (majority of voting members).

Executive Subcommittee

The bill establishes an executive subcommittee that assists in the administration of the Committee's business when the full Committee is not meeting, and is allowed to conduct any Committee business delegated to it by the full Committee. The subcommittee includes the Director, Coordinator, Secretary of Transportation or the Secretary's designee, and Superintendent of the Highway Patrol or the Superintendent's designee.

Working Groups

The bill also allows the chairperson to appoint and convene working groups to address specific interoperability and communications requirements, research topics, and make recommendations. The chairperson is authorized to add subject matter experts to the working groups on an *ad hoc* basis. Each working group will meet at least once every quarter of the calendar year on the call of the Director, Coordinator, or working group chairperson.

Working groups will make recommendations to the Committee related to:

- Improving interagency communications, training, and exercise coordination;
- Improving effective receipt of information from, and communicating information to, the public;
- Improving logistics coordination during on-site events;
- Evaluating communication and communication protection technologies and recommending procurement standards;
- Identifying and promoting anti-intrusion technologies for communications from individuals to public safety agencies;
- Identifying methods to protect sensitive public safety operations from placement on social media sites that deliberately or inadvertently place public safety workers at risk;
- Identifying and collecting relevant public safety communications systems and equipment performance metrics; and
- Other responsibilities as assigned by the chairperson.

The Office of the Director will provide staff support for the Committee and working groups.

RETIREMENT

Repeal Obsolete Statutes Pertaining to Sudan Divestment; HB 2444

HB 2444 repeals language that had prohibited the Kansas Public Employees Retirement System (KPERS) from investing in companies with operations in Sudan and related reporting requirements to the Legislature. The bill also repeals the associated indemnification for the KPERS Board of Trustees and its employees, research firms, and investment managers.

STATE FINANCES

State Budget—Omnibus Appropriations; House Sub. for SB 109

House Sub. for SB 109 includes 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. An overview of the Governor's amended budget recommendations for FY 2018 and FY 2019 and the Conference Committee's adjustments to the Governor's amended recommendations are reflected below.

FY 2018

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). The amount is an all funds decrease of \$118,118 and an SGF decrease of \$8.3 million below the Governor's recommendation in FY 2018. The 2018 Session claims bill was also included in the bill. Adjustments to the Governor's recommendations include:

- Adding \$31.1 million, including \$40.5 million from the SGF, to fund the spring human services consensus caseload estimate;
- Deleting \$6.3 million, including \$5.5 million from the SGF, to adopt the spring 2018 education consensus estimates;
- Adding \$3.0 million, all from the SGF, for the Medicaid regular medical program for the teaching hospitals associated with the Wichita Center for Graduate Medical Education program;
- Adding \$1.0 million, all from the SGF, for the tiny-k Program within the Kansas Department of Health and Environment (KDHE);
- Adding \$1.4 million, all from the SGF, for information technology modernization;
- Adding \$2.0 million, all from the Motor Vehicle Operating Fund, and transferring \$2.0 million from the State Highway Fund to the Motor Vehicle Operating Fund in FY 2018 for expenditures related to the implementation of and production costs for digital license plate conversion and distribution beginning August 2018;
- Adding \$1.0 million, all from the Problem Gambling and Addictions Grant Fund, for additional substance abuse treatment services; and
- Adding language to require the Kansas Department for Aging and Disability Services to implement a change to the Medicaid Home and Community Based Services Traumatic Brain Injury (TBI) waiver to allow coverage for individuals with documented

brain injury acquired from a cause not already covered under the waiver, eliminate the requirement that individuals on the waiver must be at least 16 years old, and allow expenditures within existing resources to provide coverage for new individuals on the waiver.

FY 2019

In FY 2019, the bill includes expenditures of \$16.8 billion, including \$7.0 billion from the SGF. The amount is a decrease of \$84.0 million, including \$59.3 million from the SGF, below the Governor's recommendation for FY 2019. The bill also reduces SGF revenue by \$99.9 million for FY 2019. The bill includes the following adjustments:

- Adding \$68.6 million, including \$76.9 million from the SGF, to fund the human services consensus caseload estimate for FY 2019;
- Adding \$15.0 million, all from the SGF, to restore approximately 64.0 percent of the 4.0 percent remaining FY 2017 allotment to the Board of Regents and to state universities. The 2017 Legislature had previously reviewed the allotment and restored approximately \$6.7 million of the original \$30.7 million for FY 2019;
- Deleting \$114.1 million, including \$99.2 million from the SGF, to delete portions of the Governor's recommendation for FY 2019. This includes the Governor's proposed *Gannon V* remedy (\$113.0 million, including \$99.2 million from the SGF); \$1.0 million, all from Temporary Assistance for Needy Families, for Parents as Teachers; \$105,000, all from the SGF, for career and technical education (CTE) credentialing exams; and the lapse of the \$50,000 appropriation for the CTE incentive;
- Adding \$82.0 million, all from the SGF, for Kansas Public Employees Retirement System (KPERs)-School, but instead adding language to transfer \$82.0 million from the SGF to the KPERs Trust Fund;
- Adding \$7.0 million, including \$8.4 million from the SGF, to adopt the spring 2018 education consensus estimates;
- Deleting \$57.3 million, all from special revenue funds, and adding \$57.3 million, all from the SGF, to reduce the State Highway Fund transfers to the Department of Education;
- Adding \$5.2 million, all from the Children's Initiatives Fund, for early childhood programs for FY 2019. This includes the Pre-K Pilot (\$4.2 million) and Parents as Teachers (\$1.0 million);
- Adding language to transfer up to \$56.0 million from the SGF to the KPERs Trust Fund in FY 2019 and FY 2020. The amount to be transferred in FY 2019 is the amount that revenue receipts during FY 2018 exceed FY 2018 Consensus Revenue Estimates. The amount to be transferred in FY 2020 is the amount that revenue receipts during FY 2019 exceed FY 2019 Consensus Revenue Estimates;

- Adding \$1.4 million, including \$146,726 from the SGF, for disaster relief;
- Adding \$2.0 million, all from the Motor Vehicle Operating Fund, and adding language to transfer \$2.0 million from the State Highway Fund to the Motor Vehicle Operating Fund for FY 2019 for expenditures related to the implementation of and production costs for digital license plate conversion and distribution;
- Adding \$2.7 million, all from the SGF, for information technology modernization;
- Adding \$823,748, including \$179,532 from the SGF, for health facilities surveys contractors for FY 2019;
- Adding \$1.0 million, all from the SGF, for the tiny-k Program within KDHE;
- Adding \$115,000, including \$85,000 from the SGF, for 2018 Senate Sub. for HB 2600 (enacted), which contains provisions creating the Palliative Care and Quality of Life Advisory Council and the State Palliative Care Consumer and Professional Information and Education Program within KDHE;
- Adding \$22.1 million, including \$10.0 million from the SGF, for an increase in nursing facility reimbursement rates;
- Adding \$1.0 million, all from the Problem Gambling and Addictions Grant Fund, for additional substance abuse treatment services;
- Adding language to continue the Mental Health Task Force authorized by 2017 Senate Sub. for HB 2002 to meet during the 2018 Legislative Interim to study various mental health topics, including the creation of a strategic plan addressing the recommendations of the 2017 Mental Health Task Force and recommending the number and location of additional psychiatric beds. Two new members will be added to the task force: one individual appointed by the Kansas Association for the Medically Underserved and one individual appointed by the Kansas Hospital Association;
- Adding language requiring the agency to implement a change to the Medicaid Home and Community Based Services TBI waiver to remove requirements concerning age of individuals on the waiver and traumatic onset requirement and allow expenditures within existing resources to provide coverage for new individuals on the waiver;
- 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;
- Adding language to transfer \$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; and

- Adding \$27.7 million, including \$14.9 million from the SGF, to provide salary adjustments equivalent to two steps on the Statewide Pay Matrix for employees who did not receive a salary adjustment as part of the 2017 Salary Initiatives, one step for employees who received approximately one step on the statewide pay matrix in FY 2018, two steps for uniformed corrections officers, two steps for non-judge employees within the Kansas Judicial Branch, and a 2.0 percent salary adjustment for judges and justices. This adjustment excludes Kansas state legislators, the Board of Regents and Regents institutions, Kansas Highway Patrol officers, employees of the Kansas Bureau of Investigation included in the Recruitment and Retention Plan, and teachers and licensed personnel and employees and the Kansas State School for the Deaf and the Kansas State School for the Blind.

Following is a summary table that reflects all changes to both SGF receipts and SGF expenditures from various enacted bills.

STATE GENERAL FUND RECEIPTS, EXPENDITURES, AND BALANCES			
House Sub. for SB 109 Conference Profile			
(Dollars in Millions)			
	Actual FY 2017	Rec. FY 2018	Rec. FY 2019
Beginning Balance	\$ 37.1	\$ 108.5	\$ 447.5
Receipts (November 2017 Consensus)	6,149.5	6,912.1	7,100.1
Governor's Revenue Adjustments	0.0	1.2	(0.8)
Pooled Money Investment Board Transfer	198.4	118.8	0.0
Legislative Receipt Adjustments	0.0	(1.2)	(100.4)
Adjusted Receipts	6,347.9	7,030.9	6,998.9
Total Available	\$ 6,385.0	\$ 7,139.4	\$ 7,446.4
Less Expenditures	6,276.5	6,691.9	6,993.9
<i>Sub. for SB 423 – Education Bill</i>	0.0	0.0	77.7
Ending Balance	\$ 108.5	\$ 447.5	\$ 374.9
Ending Balance as a % of Expenditures	1.7 %	6.7 %	5.4 %

Transfer of Motor Carrier License Fees Funds; SB 276

SB 276 increases the statutory limit on unencumbered balances in the Motor Carrier License Fees Fund from \$700,000 to \$2.8 million. Amounts exceeding the limit are transferred to the State Highway Fund on July 30 and January 30 of each fiscal year.

STATE GOVERNMENT

Transfer Responsibility and Procurement of Audits from Legislative Division of Post Audit to Audited Agencies; 911 Coordinating Council Audit; SB 260

SB 260 transfers responsibility for procuring independent audits from the Legislative Division of Post Audit (LPA) to the audited agencies, requires a one-time audit of the 911 Coordinating Council, and prohibits state agencies from contracting with the same vendor to plan and build certain information technology projects. [Note: Provisions enacted in 2018 HB 2438 reconcile the effective date of provisions pertaining to the creation of the 911 Coordinating Council Audit included in SB 260.]

Audits

The bill transfers responsibility for four audits previously administered by LPA: the Statewide Single Audit, a financial audit of the Kansas Lottery, a security audit of the Kansas Lottery, and a financial audit of the Kansas Public Employees Retirement System (KPERs). Previously, LPA was responsible for administering the audit contracts, but the agencies maintained responsibility for the costs. Agencies were billed by LPA, which collected the funds and paid the contracted auditing firms for their services.

Statewide Single Audit

The bill transfers responsibility for procuring and administering the Statewide Single Audit from LPA to the Department of Administration (DoA). The Statewide Single Audit includes four statutorily required audits:

- An annual audit of the State's consolidated annual financial report;
- An annual audit of the State's compliance with federal requirements (known as the federal single audit);
- A biennial examination of financial management practices at the State Treasurer's Office; and
- A biennial examination of financial management practices at the Pooled Money Investment Board.

In addition, the audit includes two audits that are not statutorily required: annual financial audits of the Department of Transportation and audits of two state revolving loan funds administered by the Department of Health and Environment.

The bill creates the Department of Administration Contract Audit Committee to select a firm to conduct the audit. This committee consists of persons appointed by the following individuals:

the Secretary of Administration, the Director of Accounts and Reports, the Post Auditor, the State Treasurer, and the Director of the Budget.

The bill allows the DoA to charge state agencies for audit expenses that are above regular DoA operating costs. Moneys received from agencies are deposited into the Department of Administration Audit Services Fund, which is created by the bill.

Kansas Lottery Financial and Security Audits

The bill creates the Kansas Lottery Audit Contract Committee to select a firm to conduct the required audits. This committee consists of persons appointed by the following individuals: the Executive Director of the Kansas Lottery, the Chairperson of the Kansas Lottery Commission, and the Post Auditor.

KPERS Financial Audit

The bill requires the KPERS Board of Trustees to select a firm to perform the audit. In addition, the bill requires LPA to conduct a performance audit of KPERS at least once every three years.

911 Coordinating Council Audit

The bill requires a one-time audit of the budget and expenditures of the 911 Coordinating Council (Council) to be conducted by LPA on or before December 31, 2018. LPA is required to examine the following:

- Annual expenses and financial needs, including personnel;
- Total annual operating expenses included in the 2.5 percent cap on expenditures;
- Current and project contractual expenses;
- Expenditures and distribution of moneys from the 911 State Grant Fund; and
- Whether the moneys expended by the Council are being used pursuant to the Kansas 911 Act.

The auditor conducting the audit is required to compute the anticipated costs of the audit, subject to review and approval by the Contract Audit Committee. Once approved, LPA will be reimbursed from the 911 State Grant Fund.

The bill requires the audit report to be submitted to the Council; the House Committee on Energy, Utilities and Telecommunications; and the Senate Committee on Utilities.

Information Technology Contracting Requirements

The bill prohibits state agencies from contracting with a vendor on an information technology project if that vendor prepared or assisted with:

- The preparation of the program statement;
- The project planning documents; or
- Any other project plans prepared prior to approval of the project by the Chief Information Technology Officer (CITO) of the relevant branch of government.

Information technology projects with estimated cumulative costs of less than \$5.0 million are exempted from the provisions of the bill. Additionally, the provisions of the bill could be waived with written permission from the CITO.

State Agency Duties—Docket Fees, Marriage Licenses, Regulation of Scrap Metal, Crime Victims Compensation Board, and Appointment of an Appraiser; SB 261

SB 261 amends provisions concerning state agency duties regarding docket fees, marriage licenses, the regulation of scrap metal, the Crime Victims Compensation Board, and transfer of the duty to appoint an appraiser.

Docket Fees

The bill amends the statute governing disposition of docket fees to extend from June 30, 2019, until June 30, 2021, the period during which the State Treasurer shall deposit and credit the first \$3.1 million to the Electronic Filing and Management Fund (Fund). Beginning with the fiscal year ending June 30, 2022, the bill increases from \$1.0 million to \$1.5 million the amount the State Treasurer is directed to deposit and credit to the Fund in subsequent years.

Marriage Licenses

The bill replaces the requirement that the judge or clerk of a district court record the marriage on the court's marriage record and forward the license, marriage certificate, names of the parties, and name and address of the officiant to the Secretary of Health and Environment (Secretary) with a requirement that the judge or clerk submit the information from the license to the vital statistics integrated information system maintained by the Secretary, or by other means as designated by the Secretary and the Judicial Administrator. The bill removes a requirement that the judge or clerk notify the Secretary if no marriage license has been issued during a month.

Scrap Metal Theft Reduction Act

The bill delays or makes unenforceable certain provisions of the Scrap Metal Theft Reduction Act (Act) until January 1, 2020. The following provisions are delayed by the bill:

- A requirement the Attorney General establish a central database for the Act and certain actions required of scrap metal dealers related to registering for the database;
- The ability for the Attorney General, upon a finding that a scrap metal dealer has violated any provision of the Act, to impose a civil penalty not less than \$100 nor more than \$5,000;
- The requirements that a scrap metal dealer obtain a copy of an identification card of a seller of scrap metal and a photograph of the item or items being sold; and
- A prohibition on certain actions related to the purchasing and disposing of scrap metal.

(These provisions previously had been delayed until January 1, 2019.)

The bill requires the Attorney General to report to the President of the Senate, Speaker of the House of Representatives, and standing judiciary committees on or before February 1, 2019, on the progress achieved in establishing the required database.

Crime Victims Compensation Board

The bill amends law governing awards from the Crime Victims Compensation Board. Specifically, the bill amends the definition of “collateral source” 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 definition is also amended to include “damages awarded in a tort action” received by or readily available to the victim or claimant.

Transfer of the Duty to Appoint an Appraiser

The bill amends law requiring an appraisal prior to the State purchasing or disposing of any real property. The bill transfers the duty to appoint a disinterested appraiser from the Judicial Administrator to the Director of Property Valuation, the head of the Department of Revenue’s Division of Property Valuation. Similarly, if the county assessment value of the real property is more than \$200,000, the bill allows the Director of Property Valuation, rather than the Judicial Administrator, to appoint three disinterested appraisers.

Construction of a Statue Honoring Dwight D. Eisenhower; SB 262

SB 262 authorizes the Capitol Preservation Committee to approve plans to place a permanent statue of Dwight D. Eisenhower on the Kansas Capitol grounds.

The bill also authorizes the Department of Administration to receive moneys from grants, gifts, contributions, or bequests to finance the construction of the statue and its pedestal. All funds received shall be remitted to the Dwight D. Eisenhower Statue Fund, which is created by the bill

and used solely for the purpose of creating and constructing the statue and its pedestal or other purposes specifically indicated in the bequest. No public funds shall be used to construct the statue or pedestal.

Energy Audits; Monumental Building Surcharge; Department of Administration Contracts; Senate Sub. for HB 2129

Senate Sub. for HB 2129 permits the Secretary of Administration (Secretary) to approve a new lease or renew or extend an existing lease without an energy audit being performed if the Secretary determines an energy audit is not economically feasible. The Secretary must inform the Joint Committee on State Building Construction in writing of any such determination when it is made.

The bill also exempts the Legislative Division of Post Audit from paying the Monumental Building Surcharge assessed by the Department of Administration for maintenance of the Capitol Complex.

The bill further removes the requirement that state agency contracts or leases extending for a period longer than one year be filed with the Director of Accounts and Reports. The bill removes the requirement that contracts subject to approval by the Attorney General be countersigned by the Director of Accounts and Reports. Finally, the bill removes the requirement that orders or requisitions for contractual services be made on a prescribed form unless a purchase order is required for each contracted payment.

Rules and Regulations Filing Act; State Rules and Regulations Board; Joint Committee on Administrative Rules and Regulations; HB 2280

HB 2280 revises the Rules and Regulations Filing Act pertaining to economic impact statements, new authority granted to the Director of the Budget (Director) to review and approve proposed rules and regulations, the composition of the State Rules and Regulations Board (State Board), the composition and powers of the Joint Committee on Administrative Rules and Regulations (Joint Committee), and an evaluation that will be conducted by the Legislative Division of Post Audit regarding the implementation of the new provisions contained in the bill.

Economic Impact Statements

The bill revises the contents of the economic impact statement that accompanies a state agency's proposed rule and regulation or, if applicable, the proposed amendment to a current rule and regulation. Previously, an economic impact statement was required to include a description of:

- The proposed rule and regulation;
- The extent to which the proposed rule and regulation is required by federal law;
- The cost, including the government agencies and other persons who will bear the expense; and

- The less intrusive or less costly methods to achieve the same end and the reasons for rejecting those methods.

The bill deletes references to the descriptions of cost and alternative means and requires instead an economic impact statement to include quantified cost-benefit analyses that will be performed by the state agency and the Director. If a state agency's proposed rule and regulation chose to address a policy issue differently than what an agency of a neighboring state or the federal government adopted, the state agency will be required to include an explanation as to why the Kansas policy differs.

The economic impact statement will include an analysis that addresses the following factors:

- The extent to which the rule and regulation will enhance or restrict business activities and growth;
- The economic effect on the Kansas economy, including specific businesses, business sectors, public utility ratepayers, individuals, and local units of government;
- The businesses that will be affected directly;
- The benefits compared to the cost;
- Measures taken by the agency to minimize the cost and impact on businesses and economic development within the state, local units of government, and individuals;
- An estimate of the total annual implementation and compliance costs, which will be expressed as a single dollar amount, that will be expected to be absorbed by businesses, local units of government, or members of the public, and which will include an agency determination of whether these costs will exceed \$3.0 million over a two-year period; and
- An estimate of the total implementation and compliance costs, which will be expressed as a single dollar amount, that will be expected to be absorbed by businesses, local units of government, and individuals.

In addition, the bill requires state agencies to consult and solicit information from businesses, business associations, local governmental units, state agencies or institutions, and members of the public who may be affected by the proposed rules and regulations or who may provide relevant information.

Approval Process by the Director of the Budget

Prior to an agency submitting a proposed rule and regulation to the Secretary of Administration (Secretary) and the Attorney General, as required by law, the agency will send the proposed rule and regulation to the Director, who will conduct an independent analysis, using the factors specified

above, to determine whether the costs incurred by non-state government entities will be \$3.0 million or less over a two-year period. The Director will approve the proposed rule and regulation for submission to the Secretary and Attorney General if it is determined the impact will be less than or equal to \$3.0 million. If the impact exceeds \$3.0 million, the Director may either disapprove the proposed rule and regulation or approve it, provided the agency conducted a public hearing prior to submitting the proposed rule and regulation and found the costs have been accurately determined and will be necessary for achieving legislative intent.

Starting with the 2019 Legislative Session, the Director will submit an annual report to the Legislature and the Joint Committee that will include the text of each rule and regulation reviewed, the final economic impact statement, and a summary of the analysis supporting the Director's decision. If the Legislature is in session, the Director will submit a separate report to the Legislature and the Joint Committee regarding the Director's decision involving a proposed rule and regulation determined to cost more than \$3.0 million over a two-year period.

Composition of the State Rules and Regulations Board

The bill amends statutes governing the appointment of members to the State Board. The bill adds a member of the minority party to the membership of the State Board, along with the chairperson of the Senate Committee on Ways and Means (in even-numbered years) or the chairperson of the House Committee on Appropriations (in odd-numbered years). Under the provisions of the bill, the new minority party member of the State Board will be either the ranking minority member of the Joint Committee or a member of the Joint Committee appointed by the minority leader of the same legislative chamber as the Joint Committee chairperson.

Composition and Powers of the Joint Committee on Administrative Rules and Regulations

A ranking minority member will be designated for the Joint Committee by the minority leader of the Senate or House, as will be applicable, so that the chairperson and the ranking minority member will be from the same chamber. Following each of its meetings where comments, recommendations, and concerns are expressed while reviewing proposed rules and regulations, the Joint Committee will issue a report to the Legislature. The report will be made available to each agency that had proposed rules and regulations. If it will be impractical to finalize a report in time for an agency's public hearing on the proposed rules and regulations, a preliminary report will be made available to the agency. In that case, the preliminary report will be made part of the final report, and it will be made available to each agency.

Evaluation

In 2021, the Legislative Post Audit Committee will direct the Legislative Division of Post Audit to conduct an audit that studies:

- The accuracy of economic impact statements submitted by state agencies for the preceding seven years;
- The impact the Director's review has had on the accuracy of economic impact statements; and

- Whether the \$3.0 million threshold is the appropriate level to trigger an additional public hearing.

Kansas 911 Act; HB 2435

HB 2435 amends the Kansas 911 Act. The bill changes the frequency the Legislative Division of Post Audit is required to conduct an audit of the state 911 system from every three years to every five years. The next audit will be due on or before December 31, 2018. The change in timing will synchronize the legislative review requirement and the performance auditing requirement.

National Day of the Cowboy; HB 2437

HB 2437 amends law concerning observance of the National Day of the Cowboy by stating the fourth Saturday in July shall be designated as the National Day of the Cowboy.

Previous law required state officials to issue proclamations inviting people of the state to observe the National Day of the Cowboy, directed the U.S. flag be displayed on all state buildings, and authorized display of the National Day of the Cowboy flag on the grounds of the State Capitol Building on the last Friday of July. The bill specifies such proclamations and flag displays shall occur on the Friday immediately preceding the National Day of the Cowboy.

One-time Audit of the 911 Coordinating Council; HB 2438

HB 2438 creates a one-time audit of the budget and expenditures of the 911 Coordinating Council (Council) to be conducted by the Legislative Division of Post Audit (LPA) on or before December 31, 2018. [Note: The audit provisions of this bill are identical to those of 2018 SB 260 except for the effective date of publication in the *Kansas Register*.]

LPA is required to examine the following:

- Annual expenses and financial needs, including personnel;
- Total annual operating expenses included in the 2.5 percent cap on expenditures;
- Current and projected contractual expenses;
- Expenditures and distribution of moneys from the 911 State Grant Fund; and
- Whether the moneys expended by the Council are being used pursuant to the Kansas 911 Act.

The Post Auditor conducting the audit is required to compute the anticipated costs of the audit, subject to review and approval by the Contract Audit Committee. Once approved, LPA is reimbursed from the 911 State Grant Fund.

The bill requires the audit report to be submitted to the Council; the House Committee on Energy, Utilities and Telecommunications; and the Senate Committee on Utilities.

Repealer. The bill repeals KSA 12-5377 (the statute whose provisions are amended as described above), as amended by 2018 SB 260.

Tribal Regalia and Objects of Cultural Significance; HB 2498

HB 2498 prohibits state agencies and municipalities from prohibiting individuals from wearing tribal regalia or objects of cultural significance at public events.

The bill defines the following terms:

- “Municipality” means any county, township, city, school district, or other political or taxing subdivision of the state, or any agency, authority, institution, or other instrumentality thereof;
- “Public event” means an event held or sponsored by a state agency or municipality, including, but not limited to, an award ceremony, a graduation ceremony, or a meeting of a governing body; and
- “State agency” means the State of Kansas and any department or branch of state government, or any agency, authority, institution, or other instrumentality thereof.

The bill requires the Secretary of State to send a copy of the bill to each tribal government on the four reservations in Kansas on the effective date of the bill.

The bill states the Kansas Legislature declares the purpose of the bill is to help further the State’s recognition of the distinct and unique cultural heritage of Native Americans and the State’s commitment to preserving Native Americans’ cultural integrity.

Health Occupations Credentialing Fee Fund; HB 2501

HB 2501 creates in the State Treasury the Health Occupations Credentialing Fee Fund (Fee Fund) to be administered by the Secretary for Aging and Disability Services. Fees collected under provisions of the Adult Care Home Licensure Act, Dietitians Licensing Act, Operator Registration Act, and the act regulating speech-language pathologists and audiologists are to be deposited into the Fee Fund instead of the State General Fund. [Note: Health Occupations Credentialing within the Kansas Department for Aging and Disability Services’ Survey, Certification, and Credentialing Commission collects these fees for the credentialing of certified nurse aides, certified medication aides,

home health aides, registered adult care home operators, licensed adult care home administrators, licensed dietitians, licensed audiologists, and licensed speech-language pathologists.]

State Symbols; HB 2650

HB 2650 designates the official state rock as Greenhorn limestone, the official state mineral as galena, the official state gemstone as jelinite amber, and the official state fish as the channel catfish.

TAXATION

Deposit of Revenue in State Fair Capital Improvements Fund; SB 415

SB 415 diverts a portion of state sales tax collections by the Kansas State Fair (Fair) and retailers on the fairgrounds from the State General Fund (SGF) to the State Fair Capital Improvements Fund (SFCIF), effective July 1, 2018. Previously, 83.846 percent of such collections was allocated to the SGF and 16.154 percent to the State Highway Fund (SHF). The SFCIF will not receive the SHF's relative portion of the Fair-related collections. The diversion provisions expire if the Fair is to be located outside the city limits of Hutchinson.

The bill also repeals a statutory transfer from the SGF to the SFCIF. That transfer had been set at not more than \$100,000 per year for FY 2018 and FY 2019 and not more than \$300,000 per year in subsequent years.

Appraisal Management Company Registration Act; SB 419

SB 419 makes several changes to the Kansas Appraisal Management Company Registration Act.

The bill prohibits individuals with appraisal credentials who have been refused, denied, suspended, revoked, surrendered, or non-renewed in lieu of a pending disciplinary proceeding in any jurisdiction from owning an interest in an appraisal management company. Prior law had allowed such persons to own up to 10.0 percent of such companies.

The bill authorizes the Kansas Real Estate Appraisal Board (Board) to transmit information and any disciplinary action taken on appraisal management companies to the National Registry of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

The bill clarifies the Board has the authority to collect and remit national registry fees for certain appraisal management companies operating in Kansas that are otherwise exempt from state-specific registration requirements (as authorized in KSA 2017 Supp. 58-4705).

Finally, the bill removes an initial 30-day window that appraisal management companies had under prior law to remove appraisers from their panels without written notification.

Taxation; Savings Accounts; HB 2067

HB 2067 amends Kansas law related to savings accounts established for designated beneficiaries to pay for qualified disability expenses pursuant to sections 529 and 529A of the Internal Revenue Code of 1986.

The bill allows the proceeds from such an account established pursuant to section 529A to be transferred upon the death of a designated beneficiary to such beneficiary's estate or an account for another eligible individual specified by the designated beneficiary. The bill also disallows the State, or any agency or instrumentality thereof, from seeking the proceeds from such an account, except when such action is otherwise required by the federal Social Security Act. Previous law allowed the Kansas Medicaid plan to seek such proceeds following the death of a beneficiary for benefits provided to the beneficiary.

The bill also extends a subtraction modification for purposes of Kansas individual income taxes to contributions made to a qualified savings account established pursuant to section 529A. Continuing law allows for such modifications for contributions to savings accounts established pursuant to section 529. The cumulative amount of the subtraction modification remains at \$3,000 (or \$6,000 for a married couple filing a joint return) per year for each designated beneficiary.

Finally, the bill eliminates a requirement that expenditures made from a savings account established pursuant to section 529 must be used at an institution of postsecondary education in order for a taxpayer making contributions to such an account to be able to claim the subtraction modification.

Motor Vehicle Rebate Sales Tax Exclusion; HB 2111

HB 2111 excludes the amount of any cash rebate granted by a manufacturer to a purchaser or lessee of a new motor vehicle from the sales price of the motor vehicle for purposes of calculating the sales tax liability on the purchase of the motor vehicle. Previous law included the value of a rebate for purposes of calculating sales tax liability. The bill requires the rebate to be paid directly to the retailer as a result of the original sale.

This exclusion takes effect July 1, 2018, and sunsets June 30, 2021.

Native American Veterans' Income Tax Refund; Sub. for HB 2147

Sub. for HB 2147 creates a process by which certain Native American military veterans may apply for a refund of state personal income taxes improperly withheld from such veteran's federal military income in the amount of income taxes paid plus interest.

Findings and Declarations

The bill states the following findings and declarations:

- Native Americans have a long history of serving their country through active duty in the armed forces of the United States during periods of both war and peace and have made great sacrifices in fulfilling such duty;
- Native American veterans domiciled on their tribal lands during their periods of active military service may have been exempt from paying state income taxes on their

military income, but may have had state income taxes improperly withheld from their military income; and

- Native American veterans are now barred by the statute of limitations from claiming refunds of state income taxes that may have been improperly withheld from their military income and, even if not barred by the statute of limitations, the passage of time extending to decades will make it difficult for many Native American veterans to meet strict standards of proof that such veterans are entitled to a refund of improperly withheld state income taxes.

Refund

The bill provides that on and after October 1, 2018, any Native American veteran domiciled within the boundaries of tribal lands in Kansas during the period of active military duty from tax years 1977 through 2001, and who had Kansas personal income taxes withheld from the veteran's federal military income, may apply to receive a refund of such income tax. The refund is equal to the amount of the tax actually paid by the veteran, plus interest accrued during the period from the original due date of the return through September 30, 2018. No application for refund is allowed after June 30, 2020.

Eligible Applicants Other Than Veteran

When a person eligible to receive a refund under this bill is deceased, the bill allows an application to be made on behalf of the estate of the deceased by a surviving spouse or by any heir-at-law.

Fund

The Native American Veterans' Income Tax Fund (Fund) is created by the Director of Taxation (Director) within the Kansas Department of Revenue. The Fund comprises moneys collected under the Kansas Income Tax Act in an amount determined by the Director as necessary to meet refund requirements provided by the bill. Any additional moneys required for the Fund are transferred from the State General Fund and reported to the State Treasurer.

Report

On or before February 1, 2019, and February 1, 2020, the Secretary of Revenue is required to report to the House Committee on Veterans and Military, the House Committee on Appropriations, and the Senate Committee on Ways and Means how the provisions of the bill are being administered, including the number of claimants receiving refunds and moneys expended.

"Native American" Defined

A Native American eligible to receive refunds under this bill is defined as a member of the Prairie Band Potawatomi Nation of Kansas, the Iowa Tribe of Kansas and Nebraska, the Kickapoo Tribe in Kansas, or the Sac and Fox Nation of Missouri in Kansas and Nebraska.

“Tribal Lands” Defined

Persons eligible to receive refunds under this bill are defined as those domiciled within the following boundaries:

- Iowa Tribe of Kansas and Nebraska. Land as established by the treaty between the United States and the Tribe dated May 17, 1854, that is within the boundaries of the State of Kansas and does not include any land affected by the treaty between the United States and the Sauk and Foxes Tribes. No lands that have been or may be taken into trust by the United States may be included;
- Kickapoo Tribe in Kansas. Land granted in the treaty between the United States and the Tribe dated June 28, 1862;
- Sac and Fox Nation of Missouri in Kansas and Nebraska. Land granted in the treaty between the United States and the Tribe dated March 6, 1861, and ratified on February 6, 1863; or
- Prairie Band Potawatomi Nation. Land granted in Article 4 of the treaty with the Nation ratified on July 22, 1846, as modified by the treaties with the Nation ratified on April 15, 1862, and July 25, 1868.

Rules and Regulations

The Secretary of Revenue has the authority to adopt rules and regulations as necessary to administer the provisions of the bill.

Taxation of Beer Sold by Cereal Malt Beverage Licensees; HB 2502

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 to be subject to state and local sales taxes instead of the state liquor enforcement tax. Pursuant to legislation enacted in 2017, starting on April 1, 2019, CMB licensees will be allowed to sell beer containing no more than 6.0 percent alcohol by volume.

CMB licensees are under the oversight of the Director of Alcoholic Beverage Control (Director) [the Division of Alcoholic Beverage Control is within the Department of Revenue]. The Director is permitted to impose a fine, not exceeding \$1,000, for each violation of the Kansas Cereal Malt Beverage Act. Moneys collected from fines will be deposited in the State General Fund.

The bill clarifies the Director will conduct the market impact study, required by continuing law to be submitted to the Legislature following the tenth anniversary of the effective date of the 2017 legislation, using information available to the Director.

TELECOMMUNICATIONS

Broadband Expansion Planning Task Force; Senate Sub. for HB 2701

Senate Sub. for HB 2701 establishes the Statewide Broadband Expansion Planning Task Force (Task Force).

Mission

The mission of the Task Force is to:

- Work collaboratively to develop an approach that includes, but is not limited to, the development of criteria for the creation of a statewide map for defining and evaluating the broadband needs of Kansas citizens, business, industries, institutions, and organizations;
- Identify and document risks, issues, and constraints associated with a statewide broadband expansion project and to develop any corresponding risk mitigation strategies where appropriate;
- Consider any recent actions by the Federal Communications Commission (FCC) relating to broadband services including, but not limited to:
 - The 2018 Broadband Deployment Report;
 - Recommendations of the Broadband Deployment Advisory Committee; and
 - Any actions to implement broadband initiatives using the Connect America Fund Phase II, the Mobility Fund II, or the Remote Areas Fund;
- Identify opportunities and potential funding sources to:
 - Expand broadband infrastructure and increase statewide access to broadband services;
 - Remove barriers that may hinder deployment of broadband infrastructure or access to broadband services; and
 - Consider options for the deployment of new advanced communication technologies;
- Develop criteria for prioritizing the expansion of broadband services across Kansas;

- Review current law and regulations concerning access to the public right-of-way for public utilities and make corresponding recommendations for any changes necessary to encourage broadband deployment; and
- Propose future activities and documentation required to complete the statewide broadband expansion plan, including an upgradeable, functional map of the state of available broadband service, as well as including which technologies should be deployed and the methods to finance broadband expansion.

The bill also requires the Task Force to submit an initial report to the House Committee on Energy, Utilities and Telecommunications and the Senate Committee on Utilities regarding its initial work and progress prior to January 15, 2019. Unless all work is completed and reported in the initial report, the Task Force is required to submit a final report outlining its recommendations to the Legislature prior to January 15, 2020.

Task Force Composition

The Task Force is composed of 17 voting members. The membership is as follows:

- The chairperson, vice-chairperson, and ranking minority member of the House Standing Committee on Energy, Utilities and Telecommunications;
- The chairperson, vice-chairperson, and ranking minority member of the Senate Standing Committee on Utilities;
- One member appointed by the Kansas Association of Counties;
- One member appointed by the Kansas League of Municipalities;
- One member appointed by the Kansas Rural Independent Telephone Coalition;
- One member from the Kansas Cable Telecommunications Association;
- One member appointed by the Cellular Telecommunications Industry Association representing a wireless carrier;
- One member representing an electing carrier;
- One member representing an incumbent local exchange carrier that is price-cap regulated and a recipient of Kansas Universal Service Fund moneys and serves a rural service area;
- One member appointed by the Kansas Electric Cooperatives;
- One member appointed by the State Independent Telephone Association;

- One member appointed by the Kansas Municipal Utilities; and
- One member appointed by the Kansas Independent Fiber Association.

In addition, the bill requires the Task Force to include the following five non-voting ex officio members:

- The Secretary of Transportation, or the Secretary's designee;
- The Commissioner of Education, or the Commissioner's designee;
- The chairperson of the State Corporation Commission, or the chairperson's designee;
- One member appointed by the Kansas Hospital Association; and
- One member at-large, appointed by the Governor.

All members must be appointed no later than 45 days from the effective date of the bill and membership must represent the 4 congressional districts in Kansas. In addition, the bill requires members to reside or work in Kansas. Any vacancy on the Task Force will be filled by appointment in the same manner as the original appointment.

Legislative members of the Task Force attending authorized meetings will be paid amounts provided in continuing law. Non-legislative members may be reimbursed by their appointing authority.

Committee Structure and Meetings

The bill stipulates one of the legislative members appointed by the Speaker of the House of Representatives and one member appointed by the President of the Senate serve as co-chairpersons of the Task Force. The Task Force may meet in an open meeting at any time upon call of either co-chairperson. A majority of the voting members of the Task Force constitutes a quorum. Any action taken by the Task Force must be by motion adopted by a majority of voting member present with a quorum.

Staff

The bill requires staff from the Division of Legislative Administrative Services, the Kansas Legislative Research Department, and the Office of Revisor of Statutes to provide assistance as requested by the Task Force.

Sunset

The Statewide Broadband Expansion Task Force sunsets on June 30, 2020.

TRANSPORTATION AND MOTOR VEHICLES

SGT Gregg Steimel and PFC Richard Conrardy Memorial Highway; SB 256

SB 256 designates a portion of US-50 in Ford County, from the east city limits of Dodge City to 118 Road (near the city of Wright), as the SGT Gregg Steimel and PFC Richard Conrardy Memorial Highway. The bill removes that portion of US-50 (approximately six miles) from designation as the Turkey Wheat Trail Highway.

According to testimony, Sergeant Steimel and Private Conrardy, both from Wright, were killed in combat in July 1970 in Vietnam. For their actions, Sergeant Steimel was posthumously awarded the Distinguished Service Cross, a Bronze Star, and a National Defense Service Medal, and Private Conrardy was posthumously awarded a Silver Star.

The bill requires the Secretary of Transportation (Secretary) to place highway signs along the highway right-of-way at proper intervals to indicate the designation of the SGT Gregg Steimel and PFC Richard Conrardy Memorial Highway once the Secretary has received reimbursement for the cost of placing such signs, plus an additional 50.0 percent for future maintenance or replacement. The Secretary may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

Regulating Traffic—Passing Waste Collection Vehicles, Length and Weight Limits, Improper Passing of a School Bus, Golf Cart Operation; Sub. for SB 272

Sub. for SB 272 amends the Uniform Act Regulating Traffic on Highways (Uniform Act) regarding passing of waste collection vehicles, length and weight limits for certain vehicles, the fine for improper passing of a school bus, and operation of golf carts on city streets.

Move Over for Waste Collection Vehicles

The bill adds a new section to the Uniform Act that requires drivers of motor vehicles to take certain actions when approaching a stationary waste collection vehicle obviously and actually engaged in waste collection and displaying hazard warning signal lamps as required by KSA 8-1722. [Note: KSA 8-1722 requires every vehicle designed and used for collection of waste to be equipped with simultaneously flashing amber lights and to use those lights when collecting or transporting waste and traveling at 15 miles per hour or less.]

The bill requires a driver of a motor vehicle approaching a stationary waste collection vehicle to proceed with due caution and take one of two actions:

- Move into a lane not adjacent to that of the stationary waste collection vehicle, if the highway consists of at least two lanes in the same direction of travel as the driver's motor vehicle and road, weather, and traffic conditions permit; or

- Reduce the speed of the vehicle and maintain a safe speed for the road, weather, and traffic conditions.

[*Note:* These actions are the same as those required in KSA 2017 Supp. 8-1531 when the driver of a motor vehicle approaches an authorized road construction vehicle.]

The bill defines “waste collection vehicle” as a vehicle specifically designed, equipped, and used exclusively for garbage, refuse, recycling, or solid waste collection or disposal operations.

The bill requires a law enforcement officer to issue a warning citation prior to July 1, 2019, for the unlawful passing of a waste collection vehicle and establishes a fine of \$45 for such violation.

The bill specifies the section added shall not operate to relieve the driver of a waste collection vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Fine for Improper Passing of a School Bus

The bill increases the fine for improper passing of a school bus for any subsequent violation within five years to \$750 for a second violation and to \$1,000 for a third or subsequent violation. The fine in continuing law for improper passing of a school bus is \$315.

Length and Weight Limits

The bill adds specified exemptions to limits on vehicle weights and lengths for certain vehicles.

Vehicle Weight

The bill authorizes the operation of an emergency vehicle at a gross weight not exceeding 86,000 pounds and subject to maximum weights on axles of 24,000 pounds on a single steering axle, 33,500 pounds on a single drive axle, 62,000 pounds on a tandem axle, and 52,000 pounds on a tandem rear drive steering axle. The bill defines “emergency vehicle” for this purpose as a vehicle designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations.

Vehicle Length

The bill adds an exemption from limits on the lengths of vehicles and vehicle combinations operated on Kansas public roads to allow a towaway trailer transporter combination not exceeding 82 feet in length. The bill defines a “towaway trailer transporter combination” as a trailer transporter towing unit and 2 trailers or semitrailers with a total weight not exceeding 26,000 pounds; the bill requires the trailers carry no property and constitute inventory property of a trailer manufacturer, distributor, or dealer. The bill defines a “trailer transporting towing unit” as a power unit not used to carry property when operating in this combination.

Golf Carts Operated at Night

The bill authorizes operation of a golf cart on any public street or highway between sunset and sunrise if the golf cart is equipped with lights as required by law for motorcycles and with a properly mounted slow-moving vehicle emblem as required by KSA 8-1717. [Note: Requirements for lights on motorcycles, in KSA 8-1801 *et seq.*, include head lamps of a certain intensity and tail lamps. A slow-moving vehicle emblem is defined in KSA 8-1717; it must be mounted on the rear of the vehicle, in or near the center, between two and ten feet above the ground.]

Continuing law prohibits operation of golf carts on any interstate, federal, or state highway; on any public highway or street within a city unless authorized by that city; and on any street or highway with a posted speed limit exceeding 30 miles per hour.

Trooper and Law Enforcement Officer Memorial Highways; SB 375

SB 375 designates portions of highways in Kansas as memorial highways in honor of Kansas Highway Patrol (KHP) officers and a Johnson County deputy sheriff who died in the line of duty, amends several designations, and adds law to state a commemorative sign shall include certain information about rank or title.

The additions and changes to designations are as follows:

- Master Trooper Larry L. Huff Memorial Highway, K-15 from the southern city limits of Clay Center south to K-82; this portion is removed from the Eisenhower Memorial Highway;
- Trooper Conroy G. O'Brien Memorial Highway, US-50 from K-61 southwest of Hutchinson to the northwestern city limits of Sylvia; this portion is removed from the Turkey Wheat Trail Highway;
- Trooper Jimmie Jacobs Memorial Highway, US-54 from the western city limits of Meade west to the eastern city limits of Plains; this portion is removed from designation as The Yellow Brick Road;
- Trooper Ferdinand "Bud" Pribbenow Memorial Highway, K-96 from its western junction with I-235 northwest to the eastern city limits of Mount Hope; this portion is removed from the State Fair Freeway;
- Master Trooper Dean A. Goodheart Memorial Highway, US-83 from I-70 north to US-24; this portion is removed from the Veterans of Foreign Wars Memorial Highway;
- Trooper John McMurray Memorial Highway, K-18 from I-70 northeast to the western city limits of Manhattan; this portion is removed from the 75th Division of the United States Army Highway;

- Trooper Maurice R. Plummer Memorial Highway, US-24 from US-59 north to Williamstown, then southeast to US-40 north of Lawrence;
- Lieutenant Bernard C. Hill Memorial Highway, US-59 from US-56 north to the southern city limits of Lawrence;
- Trooper James D. Thornton Memorial Highway, US-81 from US-166 north to the Sedgwick County line; and
- Master Deputy Brandon Collins Memorial Highway, US-69 in Johnson County from 167th Street to 215th Street.

The bill also changes the designation on US-75 from the northern border of Woodson County south to the northern city limits of Yates Center from the Eldon K Miller Memorial Highway to the Sergeant Eldon K Miller Memorial Highway.

The bill requires the Secretary of Transportation (Secretary) to place signs along the highway rights-of-way to indicate the designations. The bill exempts the designations for KHP officers from requirements the Secretary receive sufficient moneys from gifts and donations to reimburse the Secretary for the cost of placing such signs plus 50.0 percent before such signs are placed.

Rank or title on signs. The bill adds to law a requirement that any sign that commemoratively designates a highway, bridge, interchange, or trail in honor of an individual shall include, if applicable, the individual's rank if a current or former member of law enforcement, the U.S. military, or the National Guard or the individual's title if a current or former holder of an elected office or member of an elected body.

Joint Legislative Transportation Vision Task Force; House Sub. for SB 391

House Sub. for SB 391 establishes the Joint Legislative Transportation Vision Task Force (Task Force). Its provisions expire June 30, 2019.

Membership

The Task Force includes certain persons by virtue of office and appointees of certain officials.

The Task Force will include these legislative officials:

- The chairperson and ranking minority member of the House Committee on Transportation;
- The chairperson of the House Committee on Transportation and Public Safety Budget;

- The chairperson of the House Committee on Appropriations, or the chairperson's designee from the House Committee on Appropriations;
- The chairperson and ranking minority member of the Senate Committee on Transportation;
- The chairperson of the Senate Committee on Ways and Means Subcommittee on Transportation; and
- The chairperson of the Senate Committee on Ways and Means, or the chairperson's designee from the Senate Committee on Ways and Means.

The following officials will appoint Task Force members, as listed below:

- Speaker of the House of Representatives (House):
 - One member of the House;
 - Four Kansas residents;
- President of the Senate:
 - One member of the Senate;
 - Four Kansas residents;
- Minority Leader of the House:
 - One member of the House;
 - Two Kansas residents;
- Minority Leader of the Senate:
 - One member of the Senate;
 - Two Kansas residents;

These entities each will appoint members, as listed below:

- Kansas Economic Lifelines will appoint three Kansas residents;

- The League of Kansas Municipalities will appoint two city representatives, one from a city with a population exceeding 25,000 and one from a city with a population less than or equal to 25,000; and
- The Kansas Association of Counties will appoint two county commissioners, one from a county with a population exceeding 40,000 and one from a county with a population less than or equal to 40,000.

In addition, the following ex officio members will be non-voting members of the Task Force:

- Secretary of Transportation, or the Secretary's designee;
- Secretary of Revenue, or the Secretary's designee;
- Secretary of Agriculture, or the Secretary's designee; and
- Chief Executive Officer of the Kansas Turnpike Authority, or the Officer's designee.

The bill requires appointed members who are not legislators to be affiliated with one of the stakeholder organizations listed below, except for two members appointed by the Speaker of the House and two members appointed by the President of the Senate. Not more than two members may be appointed from each of those organizations:

- The Kansas Contractors Association;
- The Heavy Constructors Association;
- The Kansas Aggregate Producers' Association;
- The Kansas Ready Mix Association;
- The Greater Kansas City Building and Construction Trades Council;
- The American Council of Engineering Companies of Kansas;
- The Kansas Public Transit Association;
- A class I railroad company;
- A short line railroad company;
- The Kansas Motor Carriers Association;

- The Portland Cement Association;
- The Petroleum Marketers and Convenience Store Association of Kansas;
- The Kansas Asphalt Pavement Association;
- The International Association of Sheet Metal, Air, Rail and Transportation Workers;
- A Kansas aerospace company;
- The Kansas Grain and Feed Association;
- The Kansas Economic Development Alliance; or
- The AFL-CIO.

The bill requires members of the Task Force be appointed no later than 45 days from the effective date of the bill (upon publication in the Kansas Register). The bill requires all members to be residents of Kansas. The bill also requires at least two members from all six Kansas Department of Transportation (KDOT) districts.

Co-chairpersons, Meetings, and Quorum

The Speaker of the House will select a representative and the President of the Senate will select a senator to serve as co-chairpersons of the Task Force.

The bill authorizes the Task Force to meet in an open meeting at any time upon the call of either co-chairperson of the Task Force.

A majority of the voting members of the Task Force will constitute a quorum. Any action by the Task Force will be by motion adopted by a majority of voting members present when there is a quorum.

Filing of Vacancies; Designees

The bill requires any vacancy on the Task Force be filled by appointment in the manner prescribed for the original appointment.

Any member appointed to the Task Force or a subcommittee who is a member of the House or Senate may designate another member of the respective chamber to attend any or all meetings of the Task Force or a subcommittee as the member's designee.

Subcommittees

The bill authorizes the co-chairpersons to establish any subcommittees as the co-chairpersons deem necessary and for those subcommittees to meet on dates and locations approved by the Task Force co-chairpersons.

Duties of the Task Force

The bill states the Task Force has the following mission:

- Evaluate the progress of the 2010 Transportation Works for Kansas program to date;
- Evaluate the current system condition of the state transportation system, including roads and bridges;
- Solicit local input on uncompleted and future projects; the bill requires the co-chairpersons to schedule and organize open meetings for this purpose to be held at least eight times, including one in each KDOT district and in the Wichita and Kansas City metropolitan areas;
- Evaluate current uses of State Highway Fund dollars, including fund transfers for other purposes outside of infrastructure improvements;
- Evaluate current transportation funding in Kansas to determine whether it is sufficient to not only maintain the transportation system in its current state, but also to ensure it serves the future transportation needs of Kansas residents;
- Identify additional necessary transportation projects, especially projects with a direct effect on the economic health of Kansas and its residents;
- Make recommendations regarding the needs of the transportation system over the next ten years and beyond; and
- Make recommendations on the future structure of the State Highway Fund as it relates to maintaining the state infrastructure system.

Reports to the Legislature

The bill requires the Task Force to make and submit reports to the Legislature by January 31, 2019, concerning all such work and recommendations of the Task Force.

Support Services and Compensation

The bill requires staff of the Office of Revisor of Statutes, Kansas Legislative Research Department, and Division of Legislative Administrative Services to provide assistance as may be requested by the Task Force.

KDOT will be required, upon request by the Task Force, to provide data and information relating to the transportation system in Kansas that is not otherwise prohibited or restricted from disclosure by state or federal law.

Subject to approval by the Legislative Coordinating Council, legislative Task Force members will be paid as specified in KSA 75-3223(e).

License Plates—Special Olympics, Choose Life, City of Wichita, Various Military Operations; HB 2599

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.

Special Olympics License Plate

The bill authorizes a Special Olympics license plate to be issued to the owner or lessee of a passenger vehicle or truck registered for a gross weight of 20,000 pounds or less. The bill allows any owner or lessee to apply for the new plate after paying annual vehicle registration fees and a logo use royalty fee of between \$25 and \$100 to the organization Special Olympics Kansas. Royalties will be deposited into the Special Olympics Kansas Royalty Fund, which the bill creates. Payments from the Special Olympics Kansas Royalty Fund will be made monthly to the appropriate designee of Special Olympics Kansas. Special Olympics Kansas will pay initial costs and work with the Director of Vehicles (Director), Department of Revenue, to design the plate.

Choose Life License Plate

The bill authorizes a Choose Life license plate to be issued to the owner or lessee of a passenger vehicle or truck registered for a gross weight of 20,000 pounds or less, a motorcycle, or a travel trailer. No logo use royalty fee is associated with this license plate. Provisions requiring a sponsoring organization to pay a nonrefundable amount to defray Division of Vehicles (Division) costs to develop a new license plate do not apply, but the Division will delay the manufacturing and issuance of this license plate until the Division has received at least 1,000 orders for such plate.

City of Wichita License Plate

The bill authorizes a City of Wichita license plate to be issued to the owner or lessee of a passenger vehicle or truck registered for a gross weight of 20,000 pounds or less. The bill allows any owner or lessee to apply for the new plate after paying annual vehicle registration fees and a

logo use royalty fee of between \$25 and \$100 to the City of Wichita. The bill specifies any royalty payment received shall be used to support physical assets identified by the Wichita Parks Foundation (Foundation) and for license plate administrative costs incurred by the Foundation. Royalties will be deposited into the City of Wichita Royalty Fund, which the bill creates. Payments from the City of Wichita Royalty Fund will be made monthly to the appropriate designee of the City of Wichita. The City of Wichita will pay initial costs and work with the Director to design the plate. The City of Wichita will also be responsible for establishing a toll-free number applicants can call for information concerning the application process or the status of an application.

License Plates for Veterans of Specified Military Operations

The bill authorizes separate license plates for veterans of the following conflicts and military operations:

- The Korean War;
- Operation Desert Storm;
- Operation Iraqi Freedom; and
- Operation Enduring Freedom.

[*Note:* Continuing law provides additional license plates related to military service, *e.g.*, Vietnam War veteran in KSA 2017 Supp. 8-1,163.]

For each of those four license plates, the bill authorizes one license plate to be issued to the owner or lessee of a passenger vehicle, a truck registered for a gross weight of 20,000 pounds or less, or a motorcycle if the owner or lessee submits satisfactory proof to the Director, in accordance with rules and regulations adopted by the Secretary of Revenue, that the person is a veteran of the military action for which the veteran is requesting a license plate. The bill also specifies application and registration requirements. No registration or distinctive plate issued under the bill will be transferable to any other person. In the event of the death of any person issued a distinctive license plate under the bill, the surviving spouse, or other family member if there is no surviving spouse, will be entitled to possess, but not display on a vehicle, the distinctive license plate.

The bill exempts these license plates from requirements for payment of a distinctive license plate fee by the veteran requesting the plate; the number of requests required before issuance; and payments to cover costs of the design, manufacture, and issuance of such plates.

Driver's Licenses—Motorcycle License, Online Renewal, and Renewal of Commercial Driver's License; HB 2606

HB 2606 amends law related to testing for a Class M (motorcycle) driver's license, online driver's license renewal, and the length of time a commercial driver's license is valid.

Class M Driver's License Testing

The bill exempts applicants for Class M driver's licenses who have completed motorcycle safety training in accordance with the Motorcycle Safety Foundation (MSF) instruction from completing further written and driving testing by the Division of Vehicles (Division). The bill requires an applicant seeking exemption from the written and driving tests to provide a copy of the MSF completion form to the Division prior to receiving a Class M license. The bill clarifies the driving examination required for licensure shall be administered by the Division, the U.S. Department of Defense, or as part of a curriculum recognized by the MSF.

Vision Tests for Online Driver's License Renewal

The bill specifies vision test requirements for qualifying applicants for electronic online driver's license renewal. A requirement in continuing law that a driver's license examiner administer an eyesight exam prior to renewal of a driver's license will be waived under the conditions listed below:

- The electronic online renewal applicant must be at least 21 years old but less than 50 years old;
- The applicant must certify under penalty of law the applicant's vision meets requirements in continuing law (20/40 or better in at least one eye as tested by the driver's license examiner, 20/60 or better in at least one eye if the applicant submits a vision report from an ophthalmologist or optometrist);
- The applicant must certify under penalty of law the applicant has undergone an examination by a licensed ophthalmologist or a licensed optometrist within the previous year;
- The applicant must authorize the exchange of vision and medical information between the Division and the applicant's ophthalmologist or optometrist; and
- The ophthalmologist or optometrist will have four business days to confirm or deny the vision and medical information of the applicant. The Division will be required to accept the vision and medical information provided for processing the renewal application if the Division does not receive a response from the applicant's ophthalmologist or optometrist within the specified time frame.

The bill states the provisions allowing waiver of vision examination expire July 1, 2022, and the bill requires the Division to report to the House and Senate Committees on Transportation by February 1, 2022, regarding the online renewal process and its effects to safety on the state's roads and highways.

The bill requires, rather than authorizes as in previous law, the Secretary of Revenue to adopt and administer rules and regulations regarding electronic online renewal of a driver's license and specify those rules and regulations shall include, but not be limited to, requirements that an electronic

online renewal applicant has previously provided documentation of identity, lawful presence, and residence to the Division for electronic scanning.

Commercial Driver's License Renewal

The bill extends from four years to five years the period of time an original commercial driver's license (CDL) issued on and after July 1, 2018, will be valid. The bill extends from four years to five years the period of time before expiration of a CDL. The bill also makes conforming amendments to law.

UNIFORM LAWS

Uniform Arbitration Act; Mediation or Arbitration of Trust Instruments; HB 2571

HB 2571 repeals the Uniform Arbitration Act (UAA) and replaces it with the Uniform Arbitration Act of 2000 (or Revised Uniform Arbitration Act [RUAA]). The bill also enacts law relating to arbitration or mediation of trust instruments in the Uniform Trust Code.

Uniform Arbitration Act

[*Note:* Some provisions of the RUAA are substantially similar to those of the UAA, although they may have been restructured. Such provisions are noted throughout this summary, and headings containing only provisions that are substantially similar to those currently in the UAA are denoted with a “**”.]

Definitions

The RUAA defines “arbitration organization,” “arbitrator,” “court,” “knowledge,” “person,” and “record.” (The UAA defines only “court.”)

Notice

The RUAA outlines notice requirements, including taking action reasonably necessary to inform another person in ordinary course, regardless of the other person acquiring knowledge, actual notice, and receipt of notice.

Applicability

The RUAA applies only to arbitration agreements made on or after July 1, 2018. It does not apply to actions or proceedings commenced or rights accrued before that date. The UAA continues to govern arbitration agreements made before that date unless all parties to the agreement or proceeding agree in the record that the RUAA should apply.

Waiver

A party may waive or the parties may vary the effect of the requirements of the RUAA, except with regard to applicability, motions to enforce an arbitration agreement, immunity, pre-award ruling, various court rulings and procedures, uniformity, and electronic signature compliance.

Additionally, before a controversy arises subject to an arbitration agreement, a party may not waive or agree to vary the effect of the requirements of provisions regarding judicial relief, enforceability, provisional remedies, subpoenas, depositions, court jurisdiction, or appeal; agree to unreasonably restrict the right to notice of the initiation of a proceeding or disclosure of facts by a

neutral arbitrator; or waive the right to representation by a lawyer, except for employers and labor organizations in a labor arbitration.

*Judicial Relief and Notice***

The RUAA requires application for judicial relief be made by motion and heard in the manner provided by law or rule of court. Notice of an initial motion is to be served in the manner for service of summons in a civil action (unless a civil action involving the arbitration agreement is pending), and subsequent motions are to be served in the manner provided for serving motions in pending cases. (The UAA contains a substantially similar provision.)

Agreement and Enforceability

The RUAA provides that an agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties is valid, enforceable, and irrevocable, except upon a ground that exists in law or equity for the revocation of a contract. (The UAA contains a substantially similar provision.)

A court decides whether an agreement exists or a controversy is subject to an agreement, an arbitrator decides whether a condition precedent has been fulfilled and whether a contract containing a valid agreement is enforceable, and an arbitration proceeding may continue pending final resolution by a court of a challenge to the existence of or whether a controversy is subject to an agreement.

*Motion to Enforce Arbitration Agreement***

The RUAA provides that a person may file a motion showing an arbitration agreement and alleging that another person refuses to arbitrate under the agreement. If the refusing party does not appear or does not oppose the motion, the court is required to order arbitration. If the refusing party opposes the motion, the court is required to summarily decide the issue and order arbitration unless it finds no enforceable arbitration agreement.

A person may file a motion alleging an arbitration has been initiated or threatened without an arbitration agreement. A court is required to summarily decide this issue and order the parties to arbitrate if it finds there is an enforceable agreement. A court may not order arbitration if it finds there is no enforceable agreement.

The court is not allowed to refuse to order arbitration because the claim lacks merit or grounds for the claim have not been established.

The above motions must be made in the court in which a proceeding involving a claim referable to arbitration under an alleged arbitration agreement is pending, if such exists. Otherwise, the motion may be made in any court allowable under the venue provisions of the RUAA.

If a party moves the court to order arbitration, the court is required to stay any judicial proceeding involving a claim alleged to be subject to the arbitration until the court decides the motion.

If the court orders arbitration, the court is required to stay a judicial proceeding involving a claim subject to the arbitration. If the claim is severable, the court may limit the stay to that claim. (The UAA contains substantially similar provisions.)

Provisional Remedies

Before an arbitrator is appointed and is authorized and able to act, the court, upon motion by a party and good cause shown, may enter an order for provisional remedies as it is under a civil action. After appointment of an arbitrator, the arbitrator is allowed to issue orders for provisional remedies as it is under a civil action, and a party is allowed to move the court for a provisional remedy only if urgent and the arbitrator cannot act timely, or the arbitrator cannot provide an adequate remedy. Right to arbitration may not be waived by a party making a motion for provisional remedies.

Initiation of Arbitration

The RUAA specifies the notice required to initiate an arbitration proceeding. Appearance at the arbitration hearing waives any objection to lack of or insufficiency of notice unless an objection is raised before the beginning of the hearing.

Consolidation of Arbitration Proceedings

Unless the agreement prohibits consolidation, a court is allowed to consolidate separate arbitration proceedings (or specific claims within separate proceedings), upon motion of a party, if:

- The agreements or proceedings are between the same persons or one of them is a party to a separate agreement or proceeding with a third person;
- The claims subject to the agreements arise in substantial part from the same transaction or transactions;
- The existence of a common issue of law or fact creates the possibility of conflicting decisions; and
- Prejudice from a failure to consolidate is not outweighed by the risk of undue delay or prejudice to the rights of or hardship to parties opposing consolidation.

Appointment of Arbitrator

The RUAA requires the agreed method of appointment of an arbitrator to be followed, unless it fails. If there is no agreement, the agreed method fails, or the appointed arbitrator fails, the court, upon motion of a party, appoints the arbitrator, and such arbitrator has the powers of an arbitrator designated in the agreement or appointed pursuant to the agreed method. (The UAA contains a substantially similar provision.)

An individual with an interest in the arbitration outcome or a relationship with a party may not serve as a neutral arbitrator.

Disclosures by Arbitrator

The RUAA requires an individual requested to serve as an arbitrator to disclose any known facts that a reasonable person would consider likely to affect impartiality, including financial or personal interest in the arbitration outcome or existing or past relationships with certain persons involved in the arbitration. An arbitrator has a continuing obligation to disclose such facts, and the RUAA includes procedures for objection and vacating of awards based on the existence of or failure to disclose such facts.

*Majority Required***

Where there are multiple arbitrators, the RUAA requires all arbitrators to conduct the arbitration hearing and a majority to exercise the powers of an arbitrator. (The UAA contains substantially similar provisions.)

Immunity

The RUAA provides the same immunity for an arbitration organization as that of a judge of a Kansas court acting in a judicial capacity. Such immunity is not lost due to an arbitrator's failure to make disclosures required under the RUAA.

An arbitrator or arbitration organization is not competent to testify and may not be required to produce records in a judicial, administrative, or similar proceeding to the same extent as a Kansas judge, except as necessary to determine the claim of an arbitrator or arbitration organization against a party to the arbitration proceeding, or on a hearing to vacate an award based on arbitrator misconduct, corruption, or fraud, if a *prima facie* ground exists.

An arbitrator, arbitration organization, or representative of such organization is entitled to attorney fees and other reasonable expenses of litigation in a civil action against them, arising from their services, if a person seeks to compel testimony or production of records from them and the court determines they are immune or not competent to testify under the above provisions.

Authority of Arbitrator; Procedure; Hearing

The arbitrator may conduct arbitration as the arbitrator considers appropriate for a fair and expeditious disposition, and the arbitrator's authority includes the power to hold conferences with the parties before the hearing and determine the admissibility, relevance, materiality, and weight of any evidence.

The arbitrator may decide a request for summary disposition upon agreement of all parties, or upon request of one party, if all parties have notice and a reasonable opportunity to respond.

The RUAA sets forth requirements for hearing, including notice, objection and waiver of objection, postponement, decision, timeliness, and rights of parties at the hearing. (The UAA contains substantially similar provisions.)

If an arbitrator ceases or is unable to act during a proceeding, the RUAA requires a replacement be appointed to continue the proceeding and resolve the controversy.

*Attorney Representation***

A party to an arbitration proceeding may be represented by a lawyer. (The UAA contains a substantially similar provision.)

Subpoenas; Depositions; Testimony; Discovery

The arbitrator may issue subpoenas for witnesses, records, and other evidence and may administer oaths. A subpoena is served as in a civil action and is enforced in the same manner by the court, upon motion. (The UAA contains a substantially similar provision.)

The arbitrator may permit deposition of a witness for use as evidence at the hearing, under conditions determined by the arbitrator. (The UAA contains a substantially similar provision.)

The arbitrator may permit discovery as appropriate, taking into account the needs of the parties and other affected persons and the desirability of making the proceeding fair, expeditious, and cost effective. If discovery is permitted, the arbitrator may order a party to comply with discovery-related orders, issue subpoenas, and take action against a noncomplying party to the extent a court may do so in a civil action.

The arbitrator may issue a protective order to prevent disclosure of certain protected information to the extent a court may do so in a civil action.

Laws compelling testimony and providing for witness fees in civil actions apply to the proceeding. (The UAA contains a substantially similar provision.)

The court may enforce subpoenas or discovery orders upon conditions determined by the court to make the proceeding fair, expeditious, and cost effective. Subpoenas and discovery orders issued by an arbitrator in another state are required to be served and enforced in the manner they are served and enforced in a civil action in Kansas.

Pre-award Ruling

If an arbitrator makes a pre-award ruling in favor of a party, that party may request the ruling be incorporated into the award. A prevailing party may move the court for an expedited order to confirm the award, and the court is required to summarily decide the motion. The court is required to confirm the award unless the court vacates, modifies, or corrects the award.

Record and Timing of Award

The arbitrator is required to make a signed or otherwise authenticated record of an award and provide notice of the award (including a copy) to each party. The arbitrator is required to make an award within the time specified by the agreement or, if not specified, within the time ordered by the court. The time for award may be extended, within or after the time specified or ordered, by the court or by the parties in a record. (The UAA contains substantially similar provisions.)

An objection that an award was not timely made is waived unless the party gave notice of the objection before receiving notice of the award.

Modification or Correction of Award by Arbitrator

An arbitrator may modify or correct an award, upon motion by a party within 20 days of receiving notice of the award, on the grounds of miscalculation or mistake or of imperfection in a matter of form not affecting the merits, because the arbitrator has not made a final and definite award upon a submitted claim, or to clarify an award. Notice of objection to such motion must be given within ten days of receiving notice of the motion. If a motion to the court is pending for confirmation, vacation, or modification or correction of an award, the court may submit the claim to the arbitrator to consider whether to modify or correct the award for the same reasons as those listed above. A modified or corrected award is subject to the same requirements and court proceedings as other awards. (With the exception of the provisions allowing modification or correction when an arbitrator has not made a final and definite award, the UAA contains substantially similar provisions.)

Punitive Damages; Exemplary Relief; Fees; Remedies

An arbitrator is allowed to award punitive damages or other exemplary relief if such award is authorized in a civil action and the evidence justifies the award. If such damages or relief are awarded, the arbitrator is required to state such damages or relief separately and specify in the award the facts justifying and law allowing such award.

An arbitrator may award reasonable attorney fees and other reasonable expenses of arbitration if authorized in a civil action or agreed to by the parties. (The UAA specifically excludes attorney fees from the “other expenses” that may be included in an award.)

Other than the above remedies, an arbitrator is allowed to order such remedies as the arbitrator considers just and appropriate.

The fact such remedy could not or would not be granted by the court cannot be grounds for refusing to confirm an award or for vacating an award. (The UAA contains a substantially similar provision.)

The arbitrator’s expenses and fees, together with other expenses, are required to be paid as provided in the award. (The UAA contains a substantially similar provision.)

*Confirming Order***

After receiving notice of an award, a party may move the court to confirm the award. The court is required to issue a confirming order unless the award is modified, corrected, or vacated. (The UAA contains a substantially similar provision.)

Motion to Vacate

A court is required to vacate an award, upon motion by a party, if:

- The award was procured by corruption, fraud, or other undue means;
- There was evident partiality by a neutral arbitrator, corruption by an arbitrator, or misconduct by an arbitrator;
- An arbitrator refused to postpone the hearing upon sufficient cause, consider material evidence, or otherwise conducted the hearing to substantially prejudice the rights of a party;
- The arbitrator exceeded the arbitrator's powers;
- There was no agreement to arbitrate and an objection was raised before the arbitration hearing; or
- The arbitration was conducted without proper notice of initiation and the rights of a party were substantially prejudiced.

A motion to vacate must be filed within 90 days after receiving notice of the award unless the movant alleges corruption, fraud, or undue means, in which case the motion must be filed within 90 days after the ground is known or would have been known by exercise of reasonable care.

Upon vacating an award on grounds other than no agreement, the court may order a rehearing. If the grounds are corruption, fraud, or undue means or partiality, corruption or misconduct by the arbitrator, a rehearing must be conducted before a new arbitrator. If the award is vacated on any other grounds listed, the rehearing must be before the same arbitrator or successor. The rehearing decision is required to be issued within the same time limits as provided for an award.

If the court denies a motion to vacate, shall confirm the award unless a motion to modify or correct the award is pending.

(The UAA contains substantially similar provisions, except for the grounds based on conducting arbitration without proper notice of initiation of arbitration.)

*Modification or Correction by Court ***

A court shall modify or correct an award, upon motion made within 90 days after the movant receives notice of the award, if:

- There was evident mathematical miscalculation or evident mistake in the description of a person, thing, or property;
- An award was made on a claim not submitted and the award may be corrected without affecting the merits of the decision on the submitted claims; or
- The award is imperfect in form not affecting the merits of the decision on the claim.

If such motion is granted, the court must modify or correct and then confirm the award. Otherwise, unless a motion to vacate is pending, the court must confirm the award.

A motion to modify or correct may be joined with a motion to vacate.

(The UAA contains substantially similar provisions.)

Entry of Judgment; Costs; Fees

The court is required to enter a judgment in conformity with its order confirming, vacating without directing a rehearing, or modifying or correcting an award, and such judgment may be recorded, docketed, and enforced as a judgment in a civil action.

The court may allow reasonable costs of the motion and proceedings, and, upon application by a prevailing party to a contested motion for order confirming an award, motion to vacate, or motion to modify or correct an award, may add reasonable attorney fees and other reasonable expenses of litigation.

(The UAA contains substantially similar provisions, except it did not specifically permit attorney fees.)

*Jurisdiction***

A Kansas court having jurisdiction over the controversy and parties may enforce an arbitration agreement, and an agreement providing for arbitration in Kansas confers exclusive jurisdiction on the court to enter judgment on an award under the RUAA. (The UAA contains a substantially similar provision.)

*Venue***

A motion for judicial relief must be made in the court of the county in which the arbitration agreement specifies the arbitration hearing is to be held or the county in which the hearing was held.

Otherwise, the motion may be made in the court of the county in which an adverse party resides or has a place of business; if none, the motion may be made in the court of any Kansas county. Subsequent motions must be made in the court hearing the initial motion unless the court directs otherwise. (The UAA contains a substantially similar provision.)

*Appeal***

An appeal is in the same form as from an order or judgment in a civil action, and may be taken from a final judgment or from an order:

- Denying a motion to compel arbitration;
- Granting a motion to stay arbitration;
- Confirming or denying confirmation of an award;
- Modifying or correcting an award; or
- Vacating an award without directing a rehearing.

(The UAA contains a substantially similar provision.)

*Uniformity***

The RUAA directs that consideration be given to the uniformity of law between enacting states in applying and construing the act. (The UAA contains a similar provision.)

Electronic Signatures

The RUAA states its provisions conform to the requirements of the Electronic Signatures in Global and National Commerce Act.

Applicability to Other Statutory Sections

The Overhead Power Line Accident Prevention Act and a statute regarding assistive devices for major life activities are amended to update references from the UAA to the RUAA.

Arbitration or Mediation of Trust Instruments

The bill provides a trust instrument requiring the mediation or arbitration of disputes involving beneficiaries, fiduciaries, or persons granted non-fiduciary powers under the trust be enforceable. An exception to this enforceability applies when the dispute is related to the validity of the trust, unless all interested persons consent to arbitration or mediation of the dispute.

UTILITIES

Gas Safety and Reliability Surcharge; SB 279

SB 279 amends the Gas Safety Reliability Policy Act (Act). Specifically, the bill makes changes related to definitions used throughout the Act, cost recovery for infrastructure expenses, and gas safety reliability surcharges (GSRS).

Definitions

The bill makes changes to the following definitions:

- “Appropriate pretax revenues” is changed to mean the revenues necessary to produce net operating income equal to the natural gas public utility’s weighted cost of capital last approved by the Kansas Corporation Commission (KCC) multiplied by the net original cost of eligible infrastructure system investments, including recognition of accumulated deferred income taxes and accumulated depreciation associated with eligible infrastructure system investments that are included in a currently effective GSRS;
- References to “replacements” are changed to “investments,” such as in the definition of “eligible infrastructure investments,” which means natural gas public utility plant projects that do not increase revenues directly connecting the infrastructure investments to new customers, are in service and used and required to be used, and were not included in the natural gas public utility’s rate base in its most recent general rate case;
- “Meters” are added to the list of pipeline system components that may be installed under the definition of “natural gas utility plant projects”; such projects include infrastructure installed to replace, upgrade, or modernize obsolete facilities, including, but not limited to, installation to comply with state or federal safety requirements replacing existing facilities;
- “Natural gas utility projects” is clarified to state that projects extending the useful life or enhancing the integrity of pipeline system components include, but are not limited to, projects undertaken to comply with state or federal safety requirements; and
- System security costs, including allocated corporate costs incurred by a natural gas public utility and investments made in accordance with the utility’s safety and risk management programs, are added to the definition of “natural gas utility projects.”

The bill adds the following definitions:

- “Obsolete facility” means a facility composed of materials that are no longer produced or supported by the manufacturer, that shows signs of physical deterioration, or does

not meet current safety codes or industry standards. The definition also includes the cost-effective replacement of other facilities that are not considered obsolete when the replacement of such is done in conjunction with the replacement of an obsolete facility; and

- “System security” means capital expenditures to protect a utility’s capital assets, including both physical assets and cyber assets, such as networks, computers, servers, operating systems, storage, programs, and data, from attack, damage, or unauthorized use and access.

Cost Recovery and GSRS

The bill allows natural gas public utilities to recover costs for eligible infrastructure system investments; previous law allowed recovery for eligible infrastructure system replacements. The bill also changes the amount of a GSRS that may be approved by the KCC to an amount that results in GSRS revenues exceeding 20.0 percent of the utility’s base revenue as determined in the most recent general rate proceeding; previous law allowed GSRS revenues to exceed no more than 10.0 percent of a utility’s base revenue level. In determining a utility’s pretax revenue, the KCC considers factors involving eligible infrastructure system investments rather than eligible infrastructure system replacements.

The bill raises the cap on the GSRS monthly charge from \$0.40 to \$0.80 per residential customer over the base rates in effect for the initial filing and each filing thereafter. KCC approval of the GSRS is not binding on any KCC decision in determining rates to be applied to eligible infrastructure system investments or regulatory assets during a subsequent general rate proceeding reviewing the reasonableness and prudence of such costs. If a natural gas public utility is disallowed to recover costs associated with eligible infrastructure system investments previously included in a GSRS, the utility is able to offset its GSRS in the future as necessary. Nothing in the bill is to be construed as limiting the authority of the KCC to review and consider the costs of infrastructure system investments or regulatory assets during any general rate proceeding of any natural gas public utility.

Effective Date

The bill becomes effective on and after January 1, 2019.

Retail Electric Suppliers, Municipal Energy Agencies, and Electric Cooperatives; Sub. for SB 323

Sub. for SB 323 amends law related to Kansas municipal energy agencies (MEAs), the oversight of electric cooperatives by the Kansas Corporation Commission (KCC), and retail electric suppliers.

Kansas Municipal Energy Agencies

Under continuing law, any MEA is authorized to operate as a public utility without obtaining a certificate of public convenience (certificate requirements described in KSA 2017 Supp. 66-131). The bill requires a MEA to file for a certificate for transmission rights for any electric facilities used to

transmit electricity constructed in the certificated territory of a retail electric supplier. In determining convenience and necessity, the KCC applies provisions and requirements set forth in KSA 66-1,170 *et seq.* to a MEA to the same extent it does to a retail electric supplier.

A MEA is allowed to elect to be exempt from the jurisdiction, regulation, supervision, and control of the KCC by having an election of its voting members, not more often than once every two years, by complying with the following:

- An election may be called by the governing body of the MEA or shall be called not less than 180 days after receipt of a valid petition signed by not less than 10.0 percent of the MEA members;
- The proposition for deregulation shall be presented to a meeting of the members, the notice of which shall set forth the proposition for deregulation and the time and place of the meeting. Notice to the members shall be written and delivered not less than 21 days nor more than 45 days before the date of the meeting;
- If the MEA mails information to its members regarding the proposition for deregulation, other than the notice of the election, the MEA shall include any information in opposition to the proposition that is submitted by petition signed by not less than 1.0 percent of MEA members. All expenses incidental to mailing the additional information shall be paid by the signatories to the petition; and
- If the proposition is approved by the affirmative vote of not less than a majority of the members voting, the MEA shall notify the KCC in writing of the results within ten days after the date of the election.

Voting on the proposition shall be in accordance with the governing documents of the MEA. MEAs exempt from KCC jurisdiction may elect to terminate their exemptions by following the same process.

Even if a MEA elects to be exempt from the KCC's jurisdiction, the KCC shall still investigate all rates, joint rates, tolls, charges and exactions, classifications, and schedules of charges or rates (rates) of such MEA if there is filed with the KCC, not more than one year after a change in such MEA's rates, a petition signed by not less than 20.0 percent of the MEA's voting members. The bill requires that if, after investigation, the KCC finds such rates are unjust, unreasonable, unjustly discriminatory, or unduly preferential, the KCC has the power to fix and order substituted rates as are just and reasonable. The complained of rates remain in effect subject to change or refund pending the KCC's investigation and final order. If a MEA is exempt, not less than ten days' notice of time and place of any meeting of the voting members at which rate changes or charges are to be discussed and voted on shall be given to all members of the MEA and the meeting shall be open to all members. Violations of this process are subject to civil penalties and enforcement in the same manner as set forth in the Kansas Open Meetings Act.

Any exempt MEA is required to maintain a schedule of rates and charges at the MEA headquarters and make copies available for the general public during regular business hours, and failure to comply with these requirements shall subject the MEA to a civil penalty of not more than \$500.

Additionally, a MEA that has elected to be exempt is required to include a provision in its notice to members, either before or after a rate change, of the member's right to request the KCC to review the rate change.

These provisions shall not be construed to affect the single certificated retail service territory of any retail electric supplier or the authority of the KCC, as otherwise provided by law over a MEA with regard to service territory; certain charges, fees, or tariffs for transmission services; sales of power for resale, other than sales to its own members; and wire stringing, transmission line siting, and the extension of electric facilities used to transmit electricity.

KCC Oversight of Electric Cooperatives

The bill allows the KCC's oversight role of electric cooperatives to be limited as it relates to charges or fees for transmission services that are recovered through an open access transmission tariff of a regional transmission organization and that has its rates approved by the Federal Energy Regulatory Commission.

Nothing in the bill shall be construed to affect the authority of the KCC pursuant to KSA 66-144 (application for relief from interstate rates or regulations).

Retail Electric Suppliers

When a city proposes to annex land located within the certified territory of a retail electric supplier, the city is required to provide notice to the retail electric supplier no less than 30 days prior to the city making a selection for a franchise agreement.

When a city is making a franchise agreement selection, it is required by continuing law to consider certain factors. The bill adds the following two factors for a city to consider:

- Proposals from any retail electric supplier holding a certificate in the annexed area; and
- Whether the selection is in the public interest as it relates to all the factors considered by the city.

The city is required to produce a record of its deliberations and findings upon each factor and the basis for its selection. The record shall be available as a public record within ten days after the city makes a selection.

Under continuing law, within 30 days after a city makes its selection, any supplier aggrieved may file an appeal in the district court of the county in which the annexed area is located. The bill requires the appeal determine whether the city met the requirements set forth in previously enacted law and the new requirements set forth in the bill, and whether the city's selection is based upon substantial, competent evidence. The appeal shall be docketed as a new civil action and the docket fee collected. The district is allowed to take additional evidence on the factors set forth in continuing

law and in the bill. The review of the city's selection shall be limited to the record produced and supplemented by any additional evidence received by the court.

Under continuing law, if an appeal is filed in the district court, the retail electric supplier providing service at the time of annexation shall continue to provide service. The bill inserts language to state the service shall be provided at the retail electric supplier's ordinary rates until such time as the appeal has been concluded and service rights terminated. Also under continuing law, if the service rights of a supplier are terminated, the KCC is required to certify such annexed area as a single certified territory to the supplier holding a franchise for or then providing retail electric service in the city immediately prior to the annexation. If the new retail electric supplier does not affect the assumption of electric service to the annexed area at the termination of a retail electric service provider's service rights, then the originally certified supplier has the right to continue service to the annexed area until such supplier does assume service to the annexed area, subject to time lines set forth in continuing law.

Under continuing law, whenever the service rights of a retail electric supplier are terminated, fair and reasonable compensation shall be paid to such retail electric supplier by the supplier subsequently authorized to provide electric service. The bill adds to such compensation an amount equal to 8.5 percent of the gross revenues of total retail sales attributable to new customers in the territory in which service rights have been terminated for a period of ten years following the date of termination of service rights of the retail electric supplier. The payments shall be made in annual installments to the retail electric supplier whose service rights are terminated. Gross revenues shall be determined based on the rates charged and billed at the time each annual payment is made. Such retail electric supplier is required to have the right to review, audit, or cause to be audited the subsequent supplier's financial records with respect to retail electric service in the territory in which service rights have been terminated to determine the amount payable. A retail electric supplier shall be entitled to compensation if a franchise agreement between a city and a retail electric supplier was agreed to but was terminated within ten years after such agreement was effectuated by the parties.

WATER

Groundwater Management Districts; SB 194

SB 194 permits groundwater management district (GMD) boards to increase the maximum water withdrawal charge from \$1.00 for each acre-foot to \$2.00 for each acre-foot. This charge will continue to be used to finance the operations of the GMD.

In addition, the bill eliminates authority for the boards of GMDs to assess a greater annual water withdrawal charge if more than 50.0 percent of the authorized place of use of the water is outside the district. (This provision had been subject to the maximum charge for groundwater withdrawal.)

Multi-year Flex Account Application Deadline; HB 2691

HB 2691 changes the deadline to file an application for a multi-year flex account (MYFA) with the Chief Engineer from on or before October 1 to on or before December 31 of the first year of the MYFA term for which the application is being made.

WORKERS COMPENSATION

Certain Death and Related Benefits Allowed by the Workers Compensation Act; Senate Sub. for HB 2184

Senate Sub. for HB 2184 increases certain death and related benefits allowed by the Workers Compensation Act (Act).

When an employee dies at the workplace, the Act allows for an initial payment to be shared between the surviving spouse and the dependent children. The spouse receives 50.0 percent, and the children, if applicable, receive 50.0 percent. The bill increases the initial payment from \$40,000 to \$60,000. After the initial payment, the Act generally allows for those dependents to receive weekly payments, subject to minimum and maximum amounts that are specified by law. Under the Act, a wholly dependent child may receive subsequent weekly benefits until the age of 18 or age of 23, provided the child is either incapable of earning wages or enrolled as a full-time student in a college or vocational institution. The bill clarifies that benefits for a dependent child 18 years old continue until May 30 of the child's senior year of high school or until the child turns 19, whichever happens earlier. If a deceased employee leaves behind a spouse, dependent children, or both, then no other dependents or heirs may receive benefits under the Act.

The remainder of the bill revises certain minimum and maximum benefits payable for other individuals. Pursuant to the Act, other individuals who were wholly dependent upon a deceased employee's earnings are eligible for a benefit. The bill increases the maximum benefit from \$18,500 to \$100,000. In situations where a deceased employee leaves behind persons who were partially dependent, the minimum benefit increases from \$2,500 to \$25,000, and the maximum benefit increases from \$18,500 to \$100,000.

The Act allows legal heirs to receive a lump-sum payment of \$25,000, but they are exempt from receiving that benefit if there is a life insurance policy that was procured by an employer worth not less than \$18,500 and with beneficiaries designated by the deceased employee. The bill increases the lump-sum benefit to heirs from \$25,000 to \$100,000. However, if the employer procured a life insurance policy in an amount not less than \$50,000, then the benefit paid to the heirs is reduced by the amount of the life insurance, up to \$100,000.

The maximum amount paid by the employer for burial expenses increases from \$5,000 to \$10,000. When a court-appointed conservator is necessary, the maximum costs paid by an employer increase from \$1,000 to \$2,500.

APPROPRIATIONS BILLS

House Sub. for SB 61 makes changes to school finance law. The bill clarifies the consideration of Local Option Budget (LOB) funds in determining adequacy, revises the Base Aid for Student Excellence (BASE) for school years 2018-2019 through 2022-2023, amends LOB authority, changes the definition of Local Foundation Aid, and revises the terms of the mental health pilot program provided by 2018 Sub. for SB 423. The bill amends the BASE for five years beginning in school year 2018-2019. [Note: See the full summary for House Sub. for SB 61 in the Education Section.]

House Sub. for SB 109 includes 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 and various claims against the State in FY 2018. The approved FY 2018 budget in House Sub. for SB 109 totals expenditures of \$16.3 billion, including \$6.7 billion from the State General Fund (SGF). This amount is an all funds decrease of \$118,118 and a SGF decrease of \$8.3 million below the Governor's recommendation. For FY 2019, the budget totals expenditures of \$16.8 billion, including \$7.0 billion from the SGF. This amount is a decrease of \$84.0 million, including \$59.3 million from the SGF, below the Governor's recommendation. The bill also reduces SGF revenue by \$99.9 million.

Sub. for SB 423 makes appropriations to the Kansas State Department of Education for FY 2019. The bill appropriates \$26.0 million, all from the SGF, for increased State Foundation Aid payments. The bill also appropriates \$32.4 million for increased Special Education Services Aid payments and \$6.0 million for increased Supplemental State Aid (LOB State Aid) payments, all from the SGF. [Note: See the full summary for Sub. for SB 423 in the Education Section.]

TECHNICAL BILLS

SB 217 This bill updates several statutory references in accordance with 2012 Executive Reorganization Order No. 41 (ERO 41) and enacted 2016 SB 449, which updated statutes transferred under ERO 41.

Among amendments, the bill replaces the term “mentally retarded and other handicapped persons” in statutes with “individuals with intellectual or other disabilities” in accordance with continuing law and updates statutory references related to the Kansas Department for Aging and Disability Services and the Kansas Department for Children and Families in accordance with ERO 41. The bill also amends language to clarify the annual report of the Kansas Health Care Stabilization Fund Board of Governors will be submitted to the Health Care Stabilization Fund Oversight Committee and requires the reporting of the fund balance at the end of the fiscal year.

SB 461 This bill reconciles amendments to statutes that were amended more than once during the current and prior legislative sessions. For such statutes, the bill repeals one version and amends the continuing version with non-contradictory amendments from the repealed version to create a single version of the statute containing all amendments.

BILL VETOED BY THE GOVERNOR (LINE ITEM)

House Sub. for SB 109

Includes 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 as well as various claims against the State. The bill contains the following line item vetoes.

Highway Patrol

(Line item) **Claim** – Section 9 would have required the highway patrol to pay \$11,833.60 to an individual for the repayment of cash funds alleged to have been improperly seized and turned over to a federal agency in 1995.

Department of Insurance

(Line item) **Insurance Department Service Regulation Fund** – Section 43(b) would have reduced the transfer from the Insurance Department Service Regulation Fund to the State General Fund by \$8.0 million for FY 2019.

Board of Indigents' Defense Services

(Line item) **Legal Services for Prisoners, Inc. Health Insurance** – Sections 44(a) and 45(a) would have added \$25,000 from the State General Fund in FY 2018 and FY 2019 for Legal Services for Prisoners, Inc., which is a non-profit corporation that provides legal assistance to indigent inmates of Kansas correctional institutions.

Department of Commerce

(Line item) **Global Trade Services** – Section 58(e) would have provided funding of \$125,000 for the Global Trade Services program in FY 2018.

(Line item) **Kansas International Trade Show Assistance** – Section 59(a) would have provided funding of \$50,000 in FY 2018 and \$127,000 for FY 2019 to fund the Kansas International Trade Show Assistance Program.

(Line item) **Innovation Growth Program** – Section 59(a) would have provided funding of \$65,643 for the Innovation Growth Program for FY 2019.

Department of Health and Environment

(Line item) **PRTF 60-Day Admission Policy** – Sections 67(i) and 68(i) would have implemented a policy to require at least a 60-day admission for individuals requiring inpatient psychiatric beds at community hospitals and residential treatment facilities.

(Line item) **KanCare Funding** – Section 68(a) would have lapsed any amounts appropriated for the Department of Health and Environment–Division of Health Care for the fiscal year ending June 30, 2019, by section 95(a) of chapter 104 of the 2017 Session Laws of Kansas and this act from the State General Fund in the other medical assistance account if any new eligibility requirements or limitations are imposed by any state agency to receive state Medicaid services under the Kansas Medical Assistance Program.

Department for Children and Families

(Line item) **Jobs for America's Graduates–Kansas (JAG-K)** – Section 74(e) would have placed an expenditure limitation of \$5.8 million from the federal Temporary Assistance to Families funding source for the JAG-K Program for FY 2019.

Highway Patrol

(Line item) **Troop B Building** – Sections 100(b), 100(c) and 100(d) would have provided an option to purchase the currently leased Troop B Headquarters in Shawnee County.

SUBJECT INDEX

Abortion

Kansas Telemedicine Act; Senate Sub. for HB 2028	81
--	----

Administrative Rules and Regulations

Alternative Crop Research Act; SB 263	1
Captive Insurance Act; Regulation of Captive Insurance Companies; SB 410	103
Child Care Criminal Background and Fingerprinting Fund; Additional Prohibited Crimes; HB 2639	47
Civil Asset Forfeiture; Kansas Asset Seizure and Forfeiture Repository; HB 2459	121
Compensation for Wrongful Conviction and Imprisonment; Contact with Jurors in Civil Cases; HB 2579	129
Driver's Licenses—Motorcycle License, Online Renewal, and Renewal of Commercial Driver's License; HB 2606	212
Elections—Eligibility for Candidacy; Vote Audits; Canvass Date; Voting Machines; Signature if Voter Has Disability; HB 2539	62
Electronic Monitoring in Adult Care Homes; HB 2232	86
Juvenile Crisis Intervention Centers; Amendments to Revised Kansas Code for Care of Children; House Sub. for SB 179	23
Kansas Cybersecurity Act; House Sub. for SB 56	166
Kansas Emergency Planning and Community Right-to-Know Act; HB 2577	7
Kansas Telemedicine Act; Senate Sub. for HB 2028	81
Licensure, Certification, Registration, and Employment Requirements and Defining “Safety Sensitive Positions”; Senate Sub. for Senate Sub. for HB 2386	148
Microbreweries Production; Alcoholic Candy; Domestic Beer in Refillable Containers; Hours of Sale for Alcohol; Self-service Beer from Automated Devices; HB 2470	17
Native American Veterans' Income Tax Refund; Sub. for HB 2147	197
Noxious Weed Act; HB 2583	8
Nurse Licensure Compact; Kansas Nurse Practice Act Amendments; HB 2496	157
Privatization or Outsourcing of Security Operations; SB 328	36
Rules and Regulations Filing Act; State Rules and Regulations Board; Joint Committee on Administrative Rules and Regulations; HB 2280	190

Adult Care Homes

Electronic Monitoring in Adult Care Homes; HB 2232	86
--	----

Aging

Electronic Monitoring in Adult Care Homes; HB 2232	86
Health Occupations Credentialing Fee Fund; HB 2501	194
Mandatory Reporters; SB 311	80
State Long-Term Care Ombudsman Program; HB 2590	93

Agriculture and Natural Resources

Alternative Crop Research Act; SB 263	1
Amusement Rides; SB 310	174
Chicken Facilities—Permitting Requirements; SB 405	4
Controlled Shooting Areas; HB 2558	7
Deposit of Revenue in State Fair Capital Improvements Fund; SB 415	196
Egg Repackaging; Sub. for SB 414	4
Groundwater Management Districts; SB 194	229
Kansas Amusement Ride Act; House Sub. for SB 307	171
Kansas Emergency Planning and Community Right-to-Know Act; HB 2577	7
Multi-year Flex Account Application Deadline; HB 2691	229
Noxious Weed Act; HB 2583	8
Pesticide Business License; HB 2619	16
Pet Animal Act; HB 2477	5
State Parks—Additional Designations; SB 331	3
State Symbols; HB 2650	195

Alcohol and Drugs

Alcoholic Beverage Control Modernization Fee; HB 2362	17
Counterfeit Currency; Assault and Battery of a Law Enforcement Officer; Mistreatment of a Dependent Adult or Elder Person; THC Possession; Escape from Custody; Expanded SB 123 Program Eligibility; HB 2458	44
Driving Under the Influence; House Sub. for SB 374	38
Involuntary Manslaughter—DUI; Aggravated Battery—DUI; HB 2439	43
Microbreweries Production; Alcoholic Candy; Domestic Beer in Refillable Containers; Hours of Sale for Alcohol; Self-service Beer from Automated Devices; HB 2470	17
Taxation of Beer Sold by Cereal Malt Beverage Licensees; HB 2502	199
Treatment Facility Deemed Status License Renewal; HB 2106	86
Uniform Controlled Substances Act; Definition of Marijuana; SB 282	17

Arts

Construction of a Statue Honoring Dwight D. Eisenhower; SB 262	189
--	-----

Boards, Commissions, and Committees

Alternative Crop Research Act; SB 263	1
Broadband Expansion Planning Task Force; Senate Sub. for HB 2701	200
Expulsion of Credit Union Members; Terms of Service for Members of the Credit Union Council; SB 275	68
Joint Legislative Transportation Vision Task Force; House Sub. for SB 391	206
Juvenile Justice; Detention Hearings; Dispositional Hearings; Tolling of Probation Term and Case Length Limits; Oversight Committee Duties; HB 2454	36
Kansas Cybersecurity Act; House Sub. for SB 56	166
Legislative Task Force on Dyslexia; Sub. for HB 2602	56
Licensure, Certification, Registration, and Employment Requirements and Defining “Safety Sensitive Positions”; Senate Sub. for Senate Sub. for HB 2386	148

Noxious Weed Act; HB 2583.....	8
Nuclear Energy Development and Radiation Control Act; Maternal Deaths; Palliative Care; Senate Sub. for HB 2600	95
One-time Audit of the 911 Coordinating Council; HB 2438	193
Powers of Certain Redevelopment Authorities; SB 185.....	138
Procedure for Dissolution of an Airport Authority; HB 2628	142
Rules and Regulations Filing Act; State Rules and Regulations Board; Joint Committee on Administrative Rules and Regulations; HB 2280	190
State Interoperability Advisory Committee; Sub. for HB 2556	178
State Parks—Additional Designations; SB 331	3

Bonds

Powers of Certain Redevelopment Authorities; SB 185.....	138
<i>Supersedeas</i> Bonds; SB 199.....	117

Business, Commerce, and Labor

Amusement Rides; SB 310.....	174
Anti-Israel Boycott; HB 2482.....	67
Appraisal Management Company Registration Act; SB 419.....	196
Automated Sales Suppression Devices; HB 2488.....	45
Broadband Expansion Planning Task Force; Senate Sub. for HB 2701	200
Captive Insurance Act; Regulation of Captive Insurance Companies; SB 410.....	103
Certain Death and Related Benefits Allowed by the Workers Compensation Act; Senate Sub. for HB 2184	230
Chicken Facilities—Permitting Requirements; SB 405	4
Creation of an Exception to the Kansas Open Records Act; HB 2476	147
Expanding the Definition of Lobbying to Include the Executive and Judicial Branches; SB 394	59
Fair Credit Reporting Act; Security Freeze; Prohibition on Fees; HB 2580	74
Gas Safety and Reliability Surcharge; SB 279	224
Kansas Amusement Ride Act; House Sub. for SB 307	171
Lottery Ticket and Instant Bingo Vending Machines; Extending the Sunset of the Kansas Lottery; Changes to State Debt Setoff Program; Sub. for HB 2194.....	75
Microbreweries Production; Alcoholic Candy; Domestic Beer in Refillable Containers; Hours of Sale for Alcohol; Self-service Beer from Automated Devices; HB 2470	17
Pesticide Business License; HB 2619	16
Regulating Traffic—Passing Waste Collection Vehicles, Length and Weight Limits, Improper Passing of a School Bus, Golf Cart Operation; Sub. for SB 272	203
State Banking Code; Savings and Loan Associations and Savings Banks; Mutual Banks; Kansas Money Transmitter Act; SB 335	69
<i>Supersedeas</i> Bonds; SB 199.....	117
Taxation of Beer Sold by Cereal Malt Beverage Licensees; HB 2502	199
Vehicle Dealer Facilities, Performance Criteria, and Recall Repairs; SB 324	21

Children and Youth

Adoption Protection Act; Amendments to Kansas Adoption and Relinquishment Act; SB 284	28
Child Care Criminal Background and Fingerprinting Fund; Additional Prohibited Crimes; HB 2639	47
Civil Immunity for Entry into Vehicle to Remove a Vulnerable Person or Domestic Animal; HB 2516	127
Juvenile Crisis Intervention Centers; Amendments to Revised Kansas Code for Care of Children; House Sub. for SB 179	23
Juvenile Justice; Detention Hearings; Dispositional Hearings; Tolling of Probation Term and Case Length Limits; Oversight Committee Duties; HB 2454	36
Legislative Task Force on Dyslexia; Sub. for HB 2602	56
Licensure Requirements for Child Care Facilities; SB 428	34
Lottery Ticket and Instant Bingo Vending Machines; Extending the Sunset of the Kansas Lottery; Changes to State Debt Setoff Program; Sub. for HB 2194	75
Protection from Stalking, Sexual Assault, or Human Trafficking Act; SB 281	119
Public Records; Disclosure of Information Regarding Child Fatalities or Near Fatalities; Law Enforcement Recordings; Redaction of Social Security Numbers; Kansas Open Records Act—Exceptions; House Sub. for SB 336	144

Civil Matters

Adoption Protection Act; Amendments to Kansas Adoption and Relinquishment Act; SB 284	28
Asbestos Trust Claims Transparency Act; HB 2457	120
Civil Asset Forfeiture; Kansas Asset Seizure and Forfeiture Repository; HB 2459	121
Civil Immunity for Entry into Vehicle to Remove a Vulnerable Person or Domestic Animal; HB 2516	127
Compensation for Wrongful Conviction and Imprisonment; Contact with Jurors in Civil Cases; HB 2579	129
Protection from Abuse Act; Protection from Stalking or Sexual Assault Act; Transfer of Wireless Telephone Number; HB 2524	128
Records Related to Law Enforcement Officers—Disclosure of Files Related to Previous Employment; Central Registry Records; SB 180	134
State Agency Duties—Docket Fees, Marriage Licenses, Regulation of Scrap Metal, Crime Victims Compensation Board, and Appointment of an Appraiser; SB 261	188
State Long-Term Care Ombudsman Program; HB 2590	93
Taxation; Savings Accounts; HB 2067	196
Uniform Arbitration Act; Mediation or Arbitration of Trust Instruments; HB 2571	215

Civil Penalties

Captive Insurance Act; Regulation of Captive Insurance Companies; SB 410	103
Retail Electric Suppliers, Municipal Energy Agencies, and Electric Cooperatives; Sub. for SB 323	225
Social Media Attribution Requirements; New Penalties for Late Filing of Certain Reports; Publishing Precinct Level Election Results for Certain Races; HB 2642	64
Taxation of Beer Sold by Cereal Malt Beverage Licensees; HB 2502	199

Civil Rights

Compensation for Wrongful Conviction and Imprisonment; Contact with Jurors in Civil Cases; HB 2579	129
--	-----

Compacts

Nurse Licensure Compact; Kansas Nurse Practice Act Amendments; HB 2496.....	157
---	-----

Consumer Affairs

Automated Sales Suppression Devices; HB 2488.....	45
Broadband Expansion Planning Task Force; Senate Sub. for HB 2701	200
Driver's Licenses—Motorcycle License, Online Renewal, and Renewal of Commercial Driver's License; HB 2606	212
Egg Repackaging; Sub. for SB 414	4
Electronic Delivery for Certain Health Insurance-related Documents; Coverage for Amino Acid-based Elemental Formula; SB 348	101
Electronic Monitoring in Adult Care Homes; HB 2232	86
Expulsion of Credit Union Members; Terms of Service for Members of the Credit Union Council; SB 275	68
Fair Credit Reporting Act; Security Freeze; Prohibition on Fees; HB 2580	74
Gas Safety and Reliability Surcharge; SB 279	224
Kansas Cybersecurity Act; House Sub. for SB 56	166
Kansas Pharmacy Patients Fair Practices Act; SB 351	102
Lottery Ticket and Instant Bingo Vending Machines; Extending the Sunset of the Kansas Lottery; Changes to State Debt Setoff Program; Sub. for HB 2194.....	75
Microbreweries Production; Alcoholic Candy; Domestic Beer in Refillable Containers; Hours of Sale for Alcohol; Self-service Beer from Automated Devices; HB 2470	17
Pesticide Business License; HB 2619	16
Public Records; Disclosure of Information Regarding Child Fatalities or Near Fatalities; Law Enforcement Recordings; Redaction of Social Security Numbers; Kansas Open Records Act—Exceptions; House Sub. for SB 336.....	144
State Banking Code; Savings and Loan Associations and Savings Banks; Mutual Banks; Kansas Money Transmitter Act; SB 335	69
Uniform Arbitration Act; Mediation or Arbitration of Trust Instruments; HB 2571	215

Corrections and Juvenile Justice

Automated Sales Suppression Devices; HB 2488.....	45
Civil Asset Forfeiture; Kansas Asset Seizure and Forfeiture Repository; HB 2459	121
Compensation for Wrongful Conviction and Imprisonment; Contact with Jurors in Civil Cases; HB 2579	129
Conveyance of Certain Property in Lansing; Department of Corrections; Leavenworth County Fire District No. 1; HB 2608	142
Counterfeit Currency; Assault and Battery of a Law Enforcement Officer; Mistreatment of a Dependent Adult or Elder Person; THC Possession; Escape from Custody; Expanded SB 123 Program Eligibility; HB 2458	44
Criminal History—Comparable Offenses; HB 2567	46

Criminal Use of Weapons; HB 2145	42
Giving a False Alarm; HB 2581	46
Involuntary Manslaughter—DUI; Aggravated Battery—DUI; HB 2439	43
Juvenile Crisis Intervention Centers; Amendments to Revised Kansas Code for Care of Children; House Sub. for SB 179	23
Juvenile Justice; Detention Hearings; Dispositional Hearings; Tolling of Probation Term and Case Length Limits; Oversight Committee Duties; HB 2454	36
Privatization or Outsourcing of Security Operations; SB 328	36
Public Records; Disclosure of Information Regarding Child Fatalities or Near Fatalities; Law Enforcement Recordings; Redaction of Social Security Numbers; Kansas Open Records Act—Exceptions; House Sub. for SB 336	144
Records Related to Law Enforcement Officers—Disclosure of Files Related to Previous Employment; Central Registry Records; SB 180	134
Sheriff Qualifications; Kansas Law Enforcement Training Act—Definition of “Misdemeanor Crime of Domestic Violence”; Unlawful Sexual Relations—Law Enforcement Officer; HB 2523	136

Courts

Adoption Protection Act; Amendments to Kansas Adoption and Relinquishment Act; SB 284	28
Asbestos Trust Claims Transparency Act; HB 2457	120
Civil Asset Forfeiture; Kansas Asset Seizure and Forfeiture Repository; HB 2459	121
Civil Immunity for Entry into Vehicle to Remove a Vulnerable Person or Domestic Animal; HB 2516	127
Commitment for Evaluation and Treatment; Competency to Stand Trial; HB 2549	129
Compensation for Wrongful Conviction and Imprisonment; Contact with Jurors in Civil Cases; HB 2579	129
Criminal History—Comparable Offenses; HB 2567	46
Driving Under the Influence; House Sub. for SB 374	38
Involuntary Manslaughter—DUI; Aggravated Battery—DUI; HB 2439	43
Juvenile Crisis Intervention Centers; Amendments to Revised Kansas Code for Care of Children; House Sub. for SB 179	23
Juvenile Justice; Detention Hearings; Dispositional Hearings; Tolling of Probation Term and Case Length Limits; Oversight Committee Duties; HB 2454	36
Organ Transplants—Nondiscrimination in Access for Individuals with Disabilities; HB 2343	90
Protection from Abuse Act; Protection from Stalking or Sexual Assault Act; Transfer of Wireless Telephone Number; HB 2524	128
Protection from Stalking, Sexual Assault, or Human Trafficking Act; SB 281	119
Public Records; Disclosure of Information Regarding Child Fatalities or Near Fatalities; Law Enforcement Recordings; Redaction of Social Security Numbers; Kansas Open Records Act—Exceptions; House Sub. for SB 336	144
Records Related to Law Enforcement Officers—Disclosure of Files Related to Previous Employment; Central Registry Records; SB 180	134
Saturday Process Service; SB 288	120
<i>Supersedeas</i> Bonds; SB 199	117
Uniform Arbitration Act; Mediation or Arbitration of Trust Instruments; HB 2571	215

Crimes and Criminal Matters

Adoption Protection Act; Amendments to Kansas Adoption and Relinquishment Act; SB 284	28
Alternative Crop Research Act; SB 263	1
Automated Sales Suppression Devices; HB 2488	45
Child Care Criminal Background and Fingerprinting Fund; Additional Prohibited Crimes; HB 2639	47
Civil Asset Forfeiture; Kansas Asset Seizure and Forfeiture Repository; HB 2459	121
Commitment for Evaluation and Treatment; Competency to Stand Trial; HB 2549	129
Compensation for Wrongful Conviction and Imprisonment; Contact with Jurors in Civil Cases; HB 2579	129
Counterfeit Currency; Assault and Battery of a Law Enforcement Officer; Mistreatment of a Dependent Adult or Elder Person; THC Possession; Escape from Custody; Expanded SB 123 Program Eligibility; HB 2458	44
Criminal History—Comparable Offenses; HB 2567	46
Criminal Use of Weapons; HB 2145	42
Driving Under the Influence; House Sub. for SB 374	38
Electronic Monitoring in Adult Care Homes; HB 2232	86
Giving a False Alarm; HB 2581	46
Involuntary Manslaughter—DUI; Aggravated Battery—DUI; HB 2439	43
Noxious Weed Act; HB 2583	8
Protection from Stalking, Sexual Assault, or Human Trafficking Act; SB 281	119
Public Records; Disclosure of Information Regarding Child Fatalities or Near Fatalities; Law Enforcement Recordings; Redaction of Social Security Numbers; Kansas Open Records Act—Exceptions; House Sub. for SB 336	144
Saturday Process Service; SB 288	120
Sheriff Qualifications; Kansas Law Enforcement Training Act—Definition of “Misdemeanor Crime of Domestic Violence”; Unlawful Sexual Relations—Law Enforcement Officer; HB 2523	136
Stay During <i>Habeas Corpus</i> Proceedings, Juror Contact, and Grand Jury Procedures; HB 2479	125
Uniform Controlled Substances Act; Definition of Marijuana; SB 282	17

Disability Rights

Elections—Eligibility for Candidacy; Vote Audits; Canvass Date; Voting Machines; Signature if Voter Has Disability; HB 2539	62
Fair Credit Reporting Act; Security Freeze; Prohibition on Fees; HB 2580	74
Legislative Task Force on Dyslexia; Sub. for HB 2602	56
Mandatory Reporters; SB 311	80
Organ Transplants—Nondiscrimination in Access for Individuals with Disabilities; HB 2343	90
Taxation; Savings Accounts; HB 2067	196

Disaster Relief

Claims Handling Operations—Catastrophic Events; HB 2469	115
State Interoperability Advisory Committee; Sub. for HB 2556	178

Economic Development

Broadband Expansion Planning Task Force; Senate Sub. for HB 2701	200
Chicken Facilities—Permitting Requirements; SB 405	4
Powers of Certain Redevelopment Authorities; SB 185.....	138

Education

K-12 School Finance; Amendments to the Kansas School Equity and Enhancement Act; Sub. for SB 423	49
K-12 School Finance; Kansas School Equity and Enhancements Act Amendments; House Sub. for SB 61	48
Kansas National Guard Assistance Act; HB 2541.....	55
Legislative Task Force on Dyslexia; Sub. for HB 2602	56
Postsecondary Fees and Budgeting; HB 2542.....	56
State Budget—Omnibus Appropriations; House Sub. for SB 109	182

Elections and Ethics

Elections—Eligibility for Candidacy; Vote Audits; Canvass Date; Voting Machines; Signature if Voter Has Disability; HB 2539.....	62
Expanding the Definition of Lobbying to Include the Executive and Judicial Branches; SB 394	59
Public Records; Disclosure of Information Regarding Child Fatalities or Near Fatalities; Law Enforcement Recordings; Redaction of Social Security Numbers; Kansas Open Records Act—Exceptions; House Sub. for SB 336.....	144
Social Media Attribution Requirements; New Penalties for Late Filing of Certain Reports; Publishing Precinct Level Election Results for Certain Races; HB 2642	64
Urban Area, Mayors, and Election Commissioners; HB 2597	140

Employers and Employees

Certain Death and Related Benefits Allowed by the Workers Compensation Act; Senate Sub. for HB 2184	230
Electronic Delivery for Certain Health Insurance-related Documents; Coverage for Amino Acid-based Elemental Formula; SB 348	101
Kansas Highway Patrol, Rank; SB 369.....	136
Privatization or Outsourcing of Security Operations; SB 328	36
Records Related to Law Enforcement Officers—Disclosure of Files Related to Previous Employment; Central Registry Records; SB 180	134
State Budget—Omnibus Appropriations; House Sub. for SB 109	182
Urban Area, Mayors, and Election Commissioners; HB 2597	140

Energy

Retail Electric Suppliers, Municipal Energy Agencies, and Electric Cooperatives; Sub. for SB 323.....	225
---	-----

Environment

Chicken Facilities—Permitting Requirements; SB 405	4
Kansas Emergency Planning and Community Right-to-Know Act; HB 2577	7
Noxious Weed Act; HB 2583	8
Nuclear Energy Development and Radiation Control Act; Maternal Deaths; Palliative Care; Senate Sub. for HB 2600	95

Federal and State Affairs

Adoption Protection Act; Amendments to Kansas Adoption and Relinquishment Act; SB 284	28
Alcoholic Beverage Control Modernization Fee; HB 2362	17
Amusement Rides; SB 310	174
Anti-Israel Boycott; HB 2482	67
Captive Insurance Act; Regulation of Captive Insurance Companies; SB 410	103
Criminal Use of Weapons; HB 2145	42
Kansas Amusement Ride Act; House Sub. for SB 307	171
Kansas Telemedicine Act; Senate Sub. for HB 2028	81
Licensure, Certification, Registration, and Employment Requirements and Defining “Safety Sensitive Positions”; Senate Sub. for Senate Sub. for HB 2386	148
Lottery Ticket and Instant Bingo Vending Machines; Extending the Sunset of the Kansas Lottery; Changes to State Debt Setoff Program; Sub. for HB 2194	75
Microbreweries Production; Alcoholic Candy; Domestic Beer in Refillable Containers; Hours of Sale for Alcohol; Self-service Beer from Automated Devices; HB 2470	17
National Day of the Cowboy; HB 2437	193
Native American Veterans’ Income Tax Refund; Sub. for HB 2147	197
Transfer Responsibility and Procurement of Audits from Legislative Division of Post Audit to Audited Agencies; 911 Coordinating Council Audit; SB 260	186
Tribal Regalia and Objects of Cultural Significance; HB 2498	194
Uniform Controlled Substances Act; Definition of Marijuana; SB 282	17

Fees

Alcoholic Beverage Control Modernization Fee; HB 2362	17
Alternative Crop Research Act; SB 263	1
Amusement Rides; SB 310	174
Kansas Amusement Ride Act; House Sub. for SB 307	171
Kansas Cybersecurity Act; House Sub. for SB 56	166
Kansas Emergency Planning and Community Right-to-Know Act; HB 2577	7
Nuclear Energy Development and Radiation Control Act; Maternal Deaths; Palliative Care; Senate Sub. for HB 2600	95
Pet Animal Act; HB 2477	5
Postsecondary Fees and Budgeting; HB 2542	56

Financial Institutions

Amendments to the State Banking Code; SB 283	68
--	----

Expulsion of Credit Union Members; Terms of Service for Members of the Credit Union Council; SB 275	68
Fair Credit Reporting Act; Security Freeze; Prohibition on Fees; HB 2580	74
State Banking Code; Savings and Loan Associations and Savings Banks; Mutual Banks; Kansas Money Transmitter Act; SB 335	69

Fingerprinting

Alternative Crop Research Act; SB 263	1
Child Care Criminal Background and Fingerprinting Fund; Additional Prohibited Crimes; HB 2639	47
Licensure, Certification, Registration, and Employment Requirements and Defining “Safety Sensitive Positions”; Senate Sub. for Senate Sub. for HB 2386	148
Nurse Licensure Compact; Kansas Nurse Practice Act Amendments; HB 2496	157

Gaming

Lottery Ticket and Instant Bingo Vending Machines; Extending the Sunset of the Kansas Lottery; Changes to State Debt Setoff Program; Sub. for HB 2194	75
---	----

Health

Commitment for Evaluation and Treatment; Competency to Stand Trial; HB 2549	129
Cosmetology Senior Status License; SB 398	148
Electronic Delivery for Certain Health Insurance-related Documents; Coverage for Amino Acid-based Elemental Formula; SB 348	101
Electronic Monitoring in Adult Care Homes; HB 2232	86
Health Occupations Credentialing Fee Fund; HB 2501	194
Juvenile Crisis Intervention Centers; Amendments to Revised Kansas Code for Care of Children; House Sub. for SB 179	23
K-12 School Finance; Amendments to the Kansas School Equity and Enhancement Act; Sub. for SB 423	49
K-12 School Finance; Kansas School Equity and Enhancements Act Amendments; House Sub. for SB 61	48
Kansas Pharmacy Patients Fair Practices Act; SB 351	102
Kansas Telemedicine Act; Senate Sub. for HB 2028	81
Mandatory Reporters; SB 311	80
Nuclear Energy Development and Radiation Control Act; Maternal Deaths; Palliative Care; Senate Sub. for HB 2600	95
Nurse Licensure Compact; Kansas Nurse Practice Act Amendments; HB 2496	157
Organ Transplants—Nondiscrimination in Access for Individuals with Disabilities; HB 2343	90
Recognizing Pornography as a Public Health Hazard; SR 1762	80
Revised Uniform Anatomical Gift Act Amendments; Designation on Driver’s License or Identification Card; Healthcare Provider Liability Exemption; HB 2472	92
State Budget—Omnibus Appropriations; House Sub. for SB 109	182
State Long-Term Care Ombudsman Program; HB 2590	93
Treatment Facility Deemed Status License Renewal; HB 2106	86

Uniform Controlled Substances Act; Definition of Marijuana; SB 282.....	17
---	----

Insurance

Captive Insurance Act; Regulation of Captive Insurance Companies; SB 410.....	103
Certain Death and Related Benefits Allowed by the Workers Compensation Act; Senate Sub. for HB 2184	230
Claims Handling Operations—Catastrophic Events; HB 2469	115
Electronic Delivery for Certain Health Insurance-related Documents; Coverage for Amino Acid-based Elemental Formula; SB 348	101
Kansas Pharmacy Patients Fair Practices Act; SB 351	102
Kansas Telemedicine Act; Senate Sub. for HB 2028	81
Risk-based Capital Instructions; SB 267.....	101

Judiciary

Adoption Protection Act; Amendments to Kansas Adoption and Relinquishment Act; SB 284	28
Asbestos Trust Claims Transparency Act; HB 2457	120
Civil Asset Forfeiture; Kansas Asset Seizure and Forfeiture Repository; HB 2459	121
Civil Immunity for Entry into Vehicle to Remove a Vulnerable Person or Domestic Animal; HB 2516	127
Commitment for Evaluation and Treatment; Competency to Stand Trial; HB 2549	129
Compensation for Wrongful Conviction and Imprisonment; Contact with Jurors in Civil Cases; HB 2579	129
Criminal History—Comparable Offenses; HB 2567	46
Driving Under the Influence; House Sub. for SB 374.....	38
Expanding the Definition of Lobbying to Include the Executive and Judicial Branches; SB 394	59
Fair Credit Reporting Act; Security Freeze; Prohibition on Fees; HB 2580	74
Involuntary Manslaughter—DUI; Aggravated Battery—DUI; HB 2439	43
Juvenile Crisis Intervention Centers; Amendments to Revised Kansas Code for Care of Children; House Sub. for SB 179	23
Juvenile Justice; Detention Hearings; Dispositional Hearings; Tolling of Probation Term and Case Length Limits; Oversight Committee Duties; HB 2454	36
Kansas Sexually Violent Predator Act Amendments; SB 266.....	117
Protection from Abuse Act; Protection from Stalking or Sexual Assault Act; Transfer of Wireless Telephone Number; HB 2524	128
Protection from Stalking, Sexual Assault, or Human Trafficking Act; SB 281	119
Public Records; Disclosure of Information Regarding Child Fatalities or Near Fatalities; Law Enforcement Recordings; Redaction of Social Security Numbers; Kansas Open Records Act—Exceptions; House Sub. for SB 336.....	144
Records Related to Law Enforcement Officers—Disclosure of Files Related to Previous Employment; Central Registry Records; SB 180	134
Saturday Process Service; SB 288.....	120
Sheriff Qualifications; Kansas Law Enforcement Training Act—Definition of “Misdemeanor Crime of Domestic Violence”; Unlawful Sexual Relations—Law Enforcement Officer; HB 2523	136

State Agency Duties—Docket Fees, Marriage Licenses, Regulation of Scrap Metal, Crime Victims Compensation Board, and Appointment of an Appraiser; SB 261	188
Stay During <i>Habeas Corpus</i> Proceedings, Juror Contact, and Grand Jury Procedures; HB 2479	125
<i>Supersedeas</i> Bonds; SB 199	117
Uniform Arbitration Act; Mediation or Arbitration of Trust Instruments; HB 2571	215

Law Enforcement

Child Care Criminal Background and Fingerprinting Fund; Additional Prohibited Crimes; HB 2639	47
Civil Asset Forfeiture; Kansas Asset Seizure and Forfeiture Repository; HB 2459	121
Counterfeit Currency; Assault and Battery of a Law Enforcement Officer; Mistreatment of a Dependent Adult or Elder Person; THC Possession; Escape from Custody; Expanded SB 123 Program Eligibility; HB 2458	44
Driving Under the Influence; House Sub. for SB 374	38
Giving a False Alarm; HB 2581	46
Involuntary Manslaughter—DUI; Aggravated Battery—DUI; HB 2439	43
Juvenile Crisis Intervention Centers; Amendments to Revised Kansas Code for Care of Children; House Sub. for SB 179	23
Kansas Highway Patrol, Rank; SB 369	136
Public Records; Disclosure of Information Regarding Child Fatalities or Near Fatalities; Law Enforcement Recordings; Redaction of Social Security Numbers; Kansas Open Records Act—Exceptions; House Sub. for SB 336	144
Records Related to Law Enforcement Officers—Disclosure of Files Related to Previous Employment; Central Registry Records; SB 180	134
Sheriff Qualifications; Kansas Law Enforcement Training Act—Definition of “Misdemeanor Crime of Domestic Violence”; Unlawful Sexual Relations—Law Enforcement Officer; HB 2523	136
Trooper and Law Enforcement Officer Memorial Highways; SB 375	205

Legislature

Alternative Crop Research Act; SB 263	1
Broadband Expansion Planning Task Force; Senate Sub. for HB 2701	200
Electronic Delivery for Certain Health Insurance-related Documents; Coverage for Amino Acid-based Elemental Formula; SB 348	101
Joint Legislative Transportation Vision Task Force; House Sub. for SB 391	206
Kansas 911 Act; HB 2435	193
Kansas Cybersecurity Act; House Sub. for SB 56	166
Legislative Task Force on Dyslexia; Sub. for HB 2602	56
Noxious Weed Act; HB 2583	8
Nuclear Energy Development and Radiation Control Act; Maternal Deaths; Palliative Care; Senate Sub. for HB 2600	95
Privatization or Outsourcing of Security Operations; SB 328	36
Rules and Regulations Filing Act; State Rules and Regulations Board; Joint Committee on Administrative Rules and Regulations; HB 2280	190

Social Media Attribution Requirements; New Penalties for Late Filing of Certain Reports; Publishing Precinct Level Election Results for Certain Races; HB 2642	64
State Parks—Additional Designations; SB 331	3

Licenses, Permits, and Registrations

Alcoholic Beverage Control Modernization Fee; HB 2362	17
Alternative Crop Research Act; SB 263	1
Amusement Rides; SB 310	174
Criminal Use of Weapons; HB 2145	42
Kansas Amusement Ride Act; House Sub. for SB 307	171
Licensure Requirements for Child Care Facilities; SB 428	34
Microbreweries Production; Alcoholic Candy; Domestic Beer in Refillable Containers; Hours of Sale for Alcohol; Self-service Beer from Automated Devices; HB 2470	17
Nurse Licensure Compact; Kansas Nurse Practice Act Amendments; HB 2496	157
Pet Animal Act; HB 2477	5
Professional Counselors Licensure Act; SB 386	148
Vehicle Salesperson License Renewal; SB 294	148

Local Government

Claims Handling Operations—Catastrophic Events; HB 2469	115
Conveyance of Certain Property in Lansing; Department of Corrections; Leavenworth County Fire District No. 1; HB 2608	142
Elections—Eligibility for Candidacy; Vote Audits; Canvass Date; Voting Machines; Signature if Voter Has Disability; HB 2539	62
Giving a False Alarm; HB 2581	46
Juvenile Crisis Intervention Centers; Amendments to Revised Kansas Code for Care of Children; House Sub. for SB 179	23
K-12 School Finance; Kansas School Equity and Enhancements Act Amendments; House Sub. for SB 61	48
Noxious Weed Act; HB 2583	8
Powers of Certain Redevelopment Authorities; SB 185	138
Procedure for Dissolution of an Airport Authority; HB 2628	142
Records Related to Law Enforcement Officers—Disclosure of Files Related to Previous Employment; Central Registry Records; SB 180	134
Regulating Traffic—Passing Waste Collection Vehicles, Length and Weight Limits, Improper Passing of a School Bus, Golf Cart Operation; Sub. for SB 272	203
Retail Electric Suppliers, Municipal Energy Agencies, and Electric Cooperatives; Sub. for SB 323	225
Sheriff Qualifications; Kansas Law Enforcement Training Act—Definition of “Misdemeanor Crime of Domestic Violence”; Unlawful Sexual Relations—Law Enforcement Officer; HB 2523	136
Social Media Attribution Requirements; New Penalties for Late Filing of Certain Reports; Publishing Precinct Level Election Results for Certain Races; HB 2642	64
State Interoperability Advisory Committee; Sub. for HB 2556	178
State Parks—Additional Designations; SB 331	3

Taxation of Beer Sold by Cereal Malt Beverage Licensees; HB 2502	199
Township and County Responsibilities for Traffic-control Devices; Highway Improvement Funds; HB 2511	138
Tribal Regalia and Objects of Cultural Significance; HB 2498	194
Urban Area, Mayors, and Election Commissioners; HB 2597	140

Native Americans

Native American Veterans' Income Tax Refund; Sub. for HB 2147	197
Tribal Regalia and Objects of Cultural Significance; HB 2498	194

Open Meetings

Nuclear Energy Development and Radiation Control Act; Maternal Deaths; Palliative Care; Senate Sub. for HB 2600	95
--	----

Open Records

Adoption Protection Act; Amendments to Kansas Adoption and Relinquishment Act; SB 284	28
Captive Insurance Act; Regulation of Captive Insurance Companies; SB 410	103
Civil Asset Forfeiture; Kansas Asset Seizure and Forfeiture Repository; HB 2459	121
Creation of an Exception to the Kansas Open Records Act; HB 2476	147
Kansas Cybersecurity Act; House Sub. for SB 56	166
Kansas Telemedicine Act; Senate Sub. for HB 2028	81
Nuclear Energy Development and Radiation Control Act; Maternal Deaths; Palliative Care; Senate Sub. for HB 2600	95
Public Records; Disclosure of Information Regarding Child Fatalities or Near Fatalities; Law Enforcement Recordings; Redaction of Social Security Numbers; Kansas Open Records Act—Exceptions; House Sub. for SB 336	144
Records Related to Law Enforcement Officers—Disclosure of Files Related to Previous Employment; Central Registry Records; SB 180	134
State Long-Term Care Ombudsman Program; HB 2590	93

Postsecondary Education

Kansas National Guard Assistance Act; HB 2541	55
Postsecondary Fees and Budgeting; HB 2542	56
State Budget—Omnibus Appropriations; House Sub. for SB 109	182

Professions and Occupations

Amusement Rides; SB 310	174
Cosmetology Senior Status License; SB 398	148
Health Occupations Credentialing Fee Fund; HB 2501	194
Kansas Amusement Ride Act; House Sub. for SB 307	171
Licensure, Certification, Registration, and Employment Requirements and Defining “Safety Sensitive Positions”; Senate Sub. for Senate Sub. for HB 2386	148

Nuclear Energy Development and Radiation Control Act; Maternal Deaths; Palliative Care; Senate Sub. for HB 2600	95
Nurse Licensure Compact; Kansas Nurse Practice Act Amendments; HB 2496.....	157
Professional Counselors Licensure Act; SB 386.....	148
Vehicle Salesperson License Renewal; SB 294	148

Public Safety

Amusement Rides; SB 310.....	174
Child Care Criminal Background and Fingerprinting Fund; Additional Prohibited Crimes; HB 2639.....	47
Civil Immunity for Entry into Vehicle to Remove a Vulnerable Person or Domestic Animal; HB 2516	127
Conveyance of Certain Property in Lansing; Department of Corrections; Leavenworth County Fire District No. 1; HB 2608	142
Electronic Monitoring in Adult Care Homes; HB 2232	86
Gas Safety and Reliability Surcharge; SB 279	224
Giving a False Alarm; HB 2581.....	46
Kansas 911 Act; HB 2435	193
Kansas Amusement Ride Act; House Sub. for SB 307	171
Kansas Cybersecurity Act; House Sub. for SB 56	166
Kansas Highway Patrol, Rank; SB 369.....	136
Licensure, Certification, Registration, and Employment Requirements and Defining “Safety Sensitive Positions”; Senate Sub. for Senate Sub. for HB 2386	148
Mandatory Reporters; SB 311.....	80
Nuclear Energy Development and Radiation Control Act; Maternal Deaths; Palliative Care; Senate Sub. for HB 2600	95
One-time Audit of the 911 Coordinating Council; HB 2438	193
Public Records; Disclosure of Information Regarding Child Fatalities or Near Fatalities; Law Enforcement Recordings; Redaction of Social Security Numbers; Kansas Open Records Act—Exceptions; House Sub. for SB 336.....	144
Records Related to Law Enforcement Officers—Disclosure of Files Related to Previous Employment; Central Registry Records; SB 180	134
Regulating Traffic—Passing Waste Collection Vehicles, Length and Weight Limits, Improper Passing of a School Bus, Golf Cart Operation; Sub. for SB 272	203
State Interoperability Advisory Committee; Sub. for HB 2556	178

Real Estate

Conveyance of Certain Property in Lansing; Department of Corrections; Leavenworth County Fire District No. 1; HB 2608	142
Energy Audits; Monumental Building Surcharge; Department of Administration Contracts; Senate Sub. for HB 2129.....	190
State Agency Duties—Docket Fees, Marriage Licenses, Regulation of Scrap Metal, Crime Victims Compensation Board, and Appointment of an Appraiser; SB 261	188

Retirement

Repeal Obsolete Statutes Pertaining to Sudan Divestment; HB 2444	181
State Budget—Omnibus Appropriations; House Sub. for SB 109	182

Security

Kansas Cybersecurity Act; House Sub. for SB 56	166
Privatization or Outsourcing of Security Operations; SB 328	36
State Interoperability Advisory Committee; Sub. for HB 2556	178

Social Services

Adoption Protection Act; Amendments to Kansas Adoption and Relinquishment Act; SB 284	28
Mandatory Reporters; SB 311	80
Public Records; Disclosure of Information Regarding Child Fatalities or Near Fatalities; Law Enforcement Recordings; Redaction of Social Security Numbers Kansas Open Records Act—Exceptions; House Sub. for SB 336	144
State Long-Term Care Ombudsman Program; HB 2590	93

State Finances

Energy Audits; Monumental Building Surcharge; Department of Administration Contracts; Senate Sub. for HB 2129	190
State Budget—Omnibus Appropriations; House Sub. for SB 109	182
Transfer of Motor Carrier License Fees Funds; SB 276	185

State Government

Amendments to the State Banking Code; SB 283	68
Anti-Israel Boycott; HB 2482	67
Child Care Criminal Background and Fingerprinting Fund; Additional Prohibited Crimes; HB 2639	47
Construction of a Statue Honoring Dwight D. Eisenhower; SB 262	189
Conveyance of Certain Property in Lansing; Department of Corrections; Leavenworth County Fire District No. 1; HB 2608	142
Elections—Eligibility for Candidacy; Vote Audits; Canvass Date; Voting Machines; Signature if Voter Has Disability; HB 2539	62
Energy Audits; Monumental Building Surcharge; Department of Administration Contracts; Senate Sub. for HB 2129	190
Expanding the Definition of Lobbying to Include the Executive and Judicial Branches; SB 394	59
Giving a False Alarm; HB 2581	46
Health Occupations Credentialing Fee Fund; HB 2501	194
K-12 School Finance; Amendments to the Kansas School Equity and Enhancement Act; Sub. for SB 423	49
K-12 School Finance; Kansas School Equity and Enhancements Act Amendments; House Sub. for SB 61	48

Kansas 911 Act; HB 2435	193
Kansas Cybersecurity Act; House Sub. for SB 56	166
License Plates—Special Olympics, Choose Life, City of Wichita, Various Military Operations; HB 2599	211
Licensure, Certification, Registration, and Employment Requirements and Defining “Safety Sensitive Positions”; Senate Sub. for Senate Sub. for HB 2386	148
Multi-year Flex Account Application Deadline; HB 2691	229
National Day of the Cowboy; HB 2437	193
Nuclear Energy Development and Radiation Control Act; Maternal Deaths; Palliative Care; Senate Sub. for HB 2600	95
One-time Audit of the 911 Coordinating Council; HB 2438	193
Pesticide Business License; HB 2619	16
Pet Animal Act; HB 2477	5
Public Records; Disclosure of Information Regarding Child Fatalities or Near Fatalities; Law Enforcement Recordings; Redaction of Social Security Numbers; Kansas Open Records Act—Exceptions; House Sub. for SB 336	144
Records Related to Law Enforcement Officers—Disclosure of Files Related to Previous Employment; Central Registry Records; SB 180	134
Repeal Obsolete Statutes Pertaining to Sudan Divestment; HB 2444	181
Rules and Regulations Filing Act; State Rules and Regulations Board; Joint Committee on Administrative Rules and Regulations; HB 2280	190
Social Media Attribution Requirements; New Penalties for Late Filing of Certain Reports; Publishing Precinct Level Election Results for Certain Races; HB 2642	64
State Agency Duties—Docket Fees, Marriage Licenses, Regulation of Scrap Metal, Crime Victims Compensation Board, and Appointment of an Appraiser; SB 261	188
State Budget—Omnibus Appropriations; House Sub. for SB 109	182
State Interoperability Advisory Committee; Sub. for HB 2556	178
State Long-Term Care Ombudsman Program; HB 2590	93
State Symbols; HB 2650	195
Taxation of Beer Sold by Cereal Malt Beverage Licensees; HB 2502	199
Taxation; Savings Accounts; HB 2067	196
Transfer Responsibility and Procurement of Audits from Legislative Division of Post Audit to Audited Agencies; 911 Coordinating Council Audit; SB 260	186
Treatment Facility Deemed Status License Renewal; HB 2106	86
Tribal Regalia and Objects of Cultural Significance; HB 2498	194
Trooper and Law Enforcement Officer Memorial Highways; SB 375	205
Urban Area, Mayors, and Election Commissioners; HB 2597	140

Taxation

Appraisal Management Company Registration Act; SB 419	196
Automated Sales Suppression Devices; HB 2488	45
Captive Insurance Act; Regulation of Captive Insurance Companies; SB 410	103
Deposit of Revenue in State Fair Capital Improvements Fund; SB 415	196
K-12 School Finance; Amendments to the Kansas School Equity and Enhancement Act; Sub. for SB 423	49

K-12 School Finance; Kansas School Equity and Enhancements Act Amendments; House Sub. for SB 61	48
Motor Vehicle Rebate Sales Tax Exclusion; HB 2111	197
Native American Veterans' Income Tax Refund; Sub. for HB 2147	197
Noxious Weed Act; HB 2583.....	8
State Parks—Additional Designations; SB 331	3
Taxation of Beer Sold by Cereal Malt Beverage Licensees; HB 2502	199
Taxation; Savings Accounts; HB 2067	196

Telecommunications

Broadband Expansion Planning Task Force; Senate Sub. for HB 2701	200
Kansas Cybersecurity Act; House Sub. for SB 56	166
Protection from Abuse Act; Protection from Stalking or Sexual Assault Act; Transfer of Wireless Telephone Number; HB 2524	128
State Interoperability Advisory Committee; Sub. for HB 2556	178

Tort Claims

Asbestos Trust Claims Transparency Act; HB 2457	120
Compensation for Wrongful Conviction and Imprisonment; Contact with Jurors in Civil Cases; HB 2579	129

Transportation and Motor Vehicles

Civil Asset Forfeiture; Kansas Asset Seizure and Forfeiture Repository; HB 2459	121
Civil Immunity for Entry into Vehicle to Remove a Vulnerable Person or Domestic Animal; HB 2516	127
Driver's Licenses—Motorcycle License, Online Renewal, and Renewal of Commercial Driver's License; HB 2606	212
Driving Under the Influence; House Sub. for SB 374.....	38
Involuntary Manslaughter—DUI; Aggravated Battery—DUI; HB 2439	43
Joint Legislative Transportation Vision Task Force; House Sub. for SB 391	206
License Plates—Special Olympics, Choose Life, City of Wichita, Various Military Operations; HB 2599	211
Motor Vehicle Rebate Sales Tax Exclusion; HB 2111	197
Regulating Traffic—Passing Waste Collection Vehicles, Length and Weight Limits, Improper Passing of a School Bus, Golf Cart Operation; Sub. for SB 272	203
Revised Uniform Anatomical Gift Act Amendments; Designation on Driver's License or Identification Card; Healthcare Provider Liability Exemption; HB 2472	92
SGT Gregg Steimel and PFC Richard Conrardy Memorial Highway; SB 256.....	203
Township and County Responsibilities for Traffic-control Devices; Highway Improvement Funds; HB 2511	138
Transfer of Motor Carrier License Fees Funds; SB 276	185
Trooper and Law Enforcement Officer Memorial Highways; SB 375.....	205
Vehicle Dealer Facilities, Performance Criteria, and Recall Repairs; SB 324	21
Vehicle Salesperson License Renewal; SB 294	148

Uniform Laws

Nurse Licensure Compact; Kansas Nurse Practice Act Amendments; HB 2496.....	157
Uniform Arbitration Act; Mediation or Arbitration of Trust Instruments; HB 2571	215

Utilities

Broadband Expansion Planning Task Force; Senate Sub. for HB 2701	200
Gas Safety and Reliability Surcharge; SB 279	224
Powers of Certain Redevelopment Authorities; SB 185.....	138
Retail Electric Suppliers, Municipal Energy Agencies, and Electric Cooperatives; Sub. for SB 323.....	225

Veterans and Military

Kansas National Guard Assistance Act; HB 2541.....	55
License Plates—Special Olympics, Choose Life, City of Wichita, Various Military Operations; HB 2599	211
Native American Veterans' Income Tax Refund; Sub. for HB 2147	197
SGT Gregg Steimel and PFC Richard Conrardy Memorial Highway; SB 256.....	203

Water

Chicken Facilities—Permitting Requirements; SB 405	4
Groundwater Management Districts; SB 194.....	229
Multi-year Flex Account Application Deadline; HB 2691	229
State Budget—Omnibus Appropriations; House Sub. for SB 109	182

Wildlife, Parks and Tourism

Controlled Shooting Areas; HB 2558	7
State Parks—Additional Designations; SB 331	3
State Symbols; HB 2650	195

Workers Compensation

Certain Death and Related Benefits Allowed by the Workers Compensation Act; Senate Sub. for HB 2184	230
--	-----

NUMERICAL INDEX OF BILLS AND RESOLUTIONS

House Bills and Resolutions

<u>Bill</u>	<u>Page</u>	<u>Bill</u>	<u>Page</u>
Senate Sub. for HB 2028.....	81	HB 2501.....	194
HB 2067.....	196	HB 2502.....	199
HB 2106.....	86	HB 2511.....	138
HB 2111.....	197	HB 2516.....	127
Senate Sub. for HB 2129.....	190	HB 2523.....	136
HB 2145.....	42	HB 2524.....	128
Sub. for HB 2147.....	197	HB 2539.....	62
Senate Sub. for HB 2184.....	230	HB 2541.....	55
Sub. for HB 2194.....	75	HB 2542.....	56
HB 2232.....	86	HB 2549.....	129
HB 2280.....	190	Sub. for HB 2556.....	178
HB 2343.....	90	HB 2558.....	7
HB 2362.....	17	HB 2567.....	46
Senate Sub. for		HB 2571.....	215
Senate Sub. for HB 2386.....	148	HB 2577.....	7
HB 2435.....	193	HB 2579.....	129
HB 2437.....	193	HB 2580.....	74
HB 2438.....	186, 193	HB 2581.....	46
HB 2439.....	43	HB 2583.....	8
HB 2444.....	181	HB 2590.....	93
HB 2454.....	36	HB 2597.....	140
HB 2457.....	120	HB 2599.....	211
HB 2458.....	44	Senate Sub. for HB 2600.....	95, 184
HB 2459.....	121	Sub. for HB 2602.....	56
HB 2469.....	115	HB 2606.....	212
HB 2470.....	17	HB 2608.....	142
HB 2472.....	92	HB 2619.....	16
HB 2476.....	147	HB 2628.....	142
HB 2477.....	5	HB 2639.....	47
HB 2479.....	125	HB 2642.....	64
HB 2482.....	67	HB 2650.....	195
HB 2488.....	45	HB 2691.....	229
HB 2496.....	157	Senate Sub. for HB 2701.....	200
HB 2498.....	194		

Senate Bills and Resolutions

<u>Bill</u>	<u>Page</u>	<u>Bill</u>	<u>Page</u>
House Sub. for SB 56.....	166	SB 310.....	174
House Sub. for SB 61.....	48, 50, 231	SB 311.....	80
House Sub. for SB 109.....	182, 231, 233	Sub. for SB 323.....	225
House Sub. for SB 179.....	23	SB 324.....	21
SB 180.....	134	SB 328.....	36
SB 185.....	138	SB 331.....	3
SB 194.....	229	SB 335.....	69
SB 199.....	117	House Sub. for SB 336.....	144
SB 217.....	232	SB 348.....	101
SB 256.....	203	SB 351.....	102
SB 260.....	186, 193	SB 369.....	136
SB 261.....	188	SB 374.....	38
SB 262.....	189	SB 375.....	205
SB 263.....	1	SB 386.....	148
SB 266.....	117	House Sub. for SB 391.....	206
SB 267.....	101	SB 394.....	59
Sub. for SB 272.....	203	SB 398.....	148
SB 275.....	68	SB 405.....	4
SB 276.....	185	SB 410.....	103
SB 279.....	224	Sub. for SB 414.....	4
SB 281.....	119	SB 415.....	196
SB 282.....	17	SB 419.....	196
SB 283.....	68	Sub. for SB 423.....	48, 49, 185, 231
SB 284.....	28	SB 428.....	34
SB 288.....	120	SB 461.....	232
SB 294.....	148	SR 1762.....	80
House Sub. for SB 307.....	171, 174		