

More Bills Become Law

Topeka – As of today, Kansas Governor Sam Brownback has signed a total of 58 bills into law. The bills reviewed and approved by the Governor include:

Senate Bill 9 amends the Kansas Code of Civil Procedure. Most of the amendments are non-substantive, technical changes. The more substantive changes are extending time allowed to file a motion to transfer an appeal to the Supreme Court from 20 to 30 days; increase time to send files adjudicating a juvenile offense to the sentencing court from five working days to seven; clarify the three-day mail rule applies to service by fax and electronic means; and add docket fees and case file number requirements for foreign subpoenas filed in Kansas.

Senate Bill 12 allows an individual debtor in a bankruptcy proceeding to exempt the debtor's right to an Earned Income Tax Credit for one tax year. The limit doesn't limit the availability of the EITC for payment of child support or spousal maintenance.

Senate Bill 15 amends the effective date specified in current law for the risk-based capital instructions promulgated by the National Association of Insurance Commissioners

Senate Bill 24 recodifies domestic relations statutes into a single domestic relations code. It makes no substantive changes in current law.

Senate Bill 38 makes technical amendments to several statutes to clarify language relating to the priority of orders issued under the revised Kansas Code for Care of Children and the revised Kansas Juvenile Justice Code. The law also removes limitations on topics on which a child can address the court in a proceeding.

Senate Bill 80 allows microbreweries to raise the content of micro-brewed beer from eight to ten percent alcohol by weight. It also allows microbreweries to serve domestic beer, free of charge at special events monitored and regulated by the Division of Alcoholic Beverage Control. And it allows county commissioners to issue temporary special event retailer's permits.

Senate Bill 101 excludes any common interest community that does not own any real property held in common for the benefit of that community from the requirements of the Kansas Uniform common Interest Owners Bill of Rights Act.

Senate Bill 112 permits county commissioners to hire a county land surveyor who could be a surveyor for more than one county. The law also modifies record keeping requirements, requirements for replacement of certain monuments and requirements for survey plats.

Senate Bill 122 authorizes the Director of the Kansas Water Office, after consultation with the Kansas Department of Agriculture, the Kansas Department of Health and Environment, the Kansas Department of Wildlife and Parks and the State Conservation Commission, to negotiate and grant easements on state property for construction and maintenance of conservation projects with cooperating landowners for the expected life of the project.

Senate Bill 125 changes the filing deadline from June 10 to June 1 for candidates for national, statewide, county and township offices as well as changes the filing deadline for extension districts from five weeks prior to the election to Tuesday, ten weeks before the election.

Senate Bill 152 amends existing law concerning hunting by allowing persons who have concealed carry license to carry concealed firearms while lawfully hunting and allowing the use of firearms suppression devices while lawfully hunting.

Senate Bill 179 amends certain coverage, definitions, liability, and assessment provisions in the Kansas Life and Health Insurance Guaranty Association Act.

Senate Bill 186 amends current law to allow the Secretary of the Agriculture discretion in suspending a pesticide business license without a hearing until compliance is reached.

Senate Bill 210 establishes a provider tax on entities who provide services to Kansans with developmental disabilities. The proceeds will be used to draw down additional Medicaid federal funds which would be used to increase provider reimbursement rates.

Senate Bill 215 abolishes the Liquefied petroleum Gas Advisory Board on July 1, 2011 and the statute that establishes the Board and provides for the Board's members and their terms of office.

Senate Bill 224 requires the Kansas Corporation Commission to issue a biennial report on electric supply and demand for all electric utilities for Kansas, beginning Feb. 1, 2013. It also allows a regulated natural gas company that collects a gas system reliability surcharge from its customers to request an extension of up to 12 months beyond the current 60-month requirement for a full rate review by the KCC.

Senate Bill 227 prevents the permanent severance of wind and solar rights from a tract of land and establishes daylight marking requirements for anemometer towers.

Senate Bill 229 modifies current law to limit the deposit from certain fee revenue to 10%, up to a maximum of \$100,000 to the State General Fund.

House Bill 2008 makes the penalty for identity theft, identity fraud, and attempt or conspiracy to commit those crimes would be presumptive imprisonment when the person being sentenced has a prior conviction to identity theft, identity fraud or attempt or conspiracy to commit those crimes.

House Bill 2023 brings the state's controlled substances schedule into agreement with the federal schedule.

House Bill 2027 amends the Rules and Regulations Filing Act by simplifying the definition of "rule and regulation," "rule," and "regulation." It also expands the definition of "person" to include individuals and companies or other legal or commercial entities. Further, the law gives precedential value to orders issued in some instances when an

adjudication against a person who was not a party to the original adjudication. The law also allows statements of policy to be treated as binding within the agency when directed to agency personnel concerning their duties or the internal management or organization of the agency.

House Bill 2028 creates a new section in the Kansas Uniform Trust Code to give trustee of a trust an insurable interest in the life of an individual insured under a life insurance policy owned by the trustee acting in a fiduciary capacity or that designates the trust itself as the owner under certain circumstances. Pursuant to the law, the trustee has an insurable interest if, when the policy is issued, the insured is either a settlor of the trust or an individual in whom a settlor of the trust has, or would have had, if living at the time the policy was issued, an insurable interest. Additionally, to have an insurable interest, the law requires the life insurance proceeds be primarily for the benefit of one or more trust beneficiaries who have either an insurable interest in the life of the insured, or a substantial interest engendered by love and affection in the continuation of the life of the insured, and who are related within a third degree, either by blood or law, or are the insured's stepchildren or the children of the insured's stepchild, either by blood or law.

House Bill 2030 extends for five years exceptions to the Kansas Open Records Act that are set to expire July 1, 2011. The law also clarifies that only documents and records kept or prepared by county riverfront authorities for contract negotiations or civil proceedings to which the individual authorities are a party would be exempt from open records requests.

House Bill 2056 amends a provision in the Banking Code that outlines how the Bank Commissioner determines the amounts to assess banks and trust companies for examination and administrative expenses. (The assessments fund a portion of the activities of the Office.) The law also requires the Bank Commissioner to use the December 31 report submitted to the Federal Deposit Insurance

Corporation, rather than the March 31 report as required by current law, as the basis for both determining assessments of the trust departments of banks and granting inactive status to a trust department that reports zero assets on its call report.

House Bill 2060 adds a new provision that, under certain defined conditions, would supersede the current statutory listing of priorities that control the final disposition of a military decedent's remains. The provision applies to all active duty military personnel

and would give priority to the federal DD Form 93 in controlling the disposition of the decedent's remains for periods when members of the U.S. armed forces, reserve forces, or national guard are on active duty.

House Bill 2074 amends a rate filing provision for certain lines of property and casualty insurance in the Insurance Code to exempt trade secrets and copyrighted material in an insurance filing or any supporting documentation for the filing from disclosure in open record requests.

House Bill 2082 allows limited maintenance on gas piping systems to be performed by hospital maintenance personnel if the gas piping system was installed already. Currently, maintenance can only be performed by individuals licensed as a plumber according to state law and professionally certified as a medical gas installer. This new law applies only to existing systems.

House Bill 2118 allows magistrates to impose costs up to \$15 per week for court services supervision of a person's compliance with conditions of release and any costs in addition to the \$15 per week associated with supervision and conditions for compliance. The law also authorizes magistrates to require that a person charged with a felony submit to an alcohol abuse examination and evaluation, and undergo treatment, if necessary, as a condition of release. Magistrates already have this authority with respect to drug abuse. As a condition of sentencing, courts can impose the full amount of costs in addition to the \$15 per week already allowed, including costs for evaluation and treatment. The law also gives courts the authority to impose the full amount of unpaid costs associated with the conditions of release of an appearance bond when a person has been found guilty of a crime.

House Bill 2122 makes several changes to the Kansas Qualified Agricultural Ethyl Alcohol Producer Incentive Fund. It extends the sunset date for the Incentive Fund from July 1, 2011, to July 1, 2018; sets the maximum incentive rate for producers at \$0.035 per gallon; and on June 30 of each fiscal year, transfers any unencumbered balance in the Incentive Fund to the Motor Vehicle Fuel Tax Refund Fund.

House Bill 2124 removes a limitation placed on professional corporations in current law and instead permits a professional corporation to be in partnership with one or more corporations or individuals and be registered with the State Board of Accountancy.

Under the current law, a professional corporation in partnership with one or more corporations or individuals cannot be registered with the Board as a partnership unless it was registered prior to January 1, 2007.

House Bill 2125 makes revisions to the Kansas professional Regulated Sports Acts and to the powers of the Athletic Commission.

House Bill 2132 authorizes “Families of the Fallen” license plates.

House Bill 2192 allows drivers of motorcycles or bicycle to proceed through a red light if it has failed to change green within a reasonable amount of time because the signal has malfunctioned or failed to detect the cycle.

House Bill 2339 reconciles all changes made to the Kansas Criminal Code since the passage of 2010 HB 2668. It makes no substantive changes to Kansas statutes.

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