

Employment Security Law—Access to Information; Kansas Sentencing Commission—Data Sharing; Law Enforcement Training Act—Definition of “Conviction”; Requests for Law Enforcement Assistance—Department of Corrections; Fee Funds—Notification of Transfer; HB 2054

HB 2054 amends provisions in the Employment Security Law (Law) regarding access to information, law related to the Kansas Sentencing Commission, law related to law enforcement, and law regarding fee funds.

Employment Security Law

The bill amends a provision in the Law regarding information obtained by the Secretary of Labor pursuant to administration of the Law to allow disclosure of such information to public officials or the agents or contractors of a public official in the performance of their official duties. A provision prohibiting further disclosure of information disclosed under the Law is amended to permit further disclosure for use in the performance of a party’s official duties. Those persons subject to penalties for violating the disclosure provisions are broadened from “the secretary or any officer or employee of the secretary” to “any individual.”

The bill defines “performance of official duties” to include the administration or enforcement of law or the execution of the official responsibilities of a federal, state, or local official; collection of debts owed to courts; enforcement of child support on behalf of a state or local official; or research related to the law administered by the public official. The definition specifies it does not include solicitation of contributions or expenditures to or on behalf of a candidate for public or political office or a political party.

Kansas Sentencing Commission

The bill amends law related to the Kansas Sentencing Commission (Commission) to require the Commission to gather data and information from state agencies to carry out its duties and functions. It also requires state agencies to provide data or information requested by the Commission for the above purpose, unless otherwise prohibited by law. “State agency” is defined for purposes of this provision.

[*Note:* The bill removes a reference to the Juvenile Justice Authority (Authority), which was abolished by 2013 Executive Reorganization Order (ERO) No. 42. The Authority’s duties were transferred by the ERO to the Kansas Department of Corrections.]

Law Enforcement Training Act Definitions

The bill amends the definition of “conviction,” as used in the section of the Kansas Law Enforcement Training Act setting forth the requirements for applicants for certification under the Act, to include any deferred judgment agreement entered into for a misdemeanor crime of domestic violence, or any such agreement entered into on or after July 1, 1995, for a felony. The bill also adds to this definition any diversion or deferred judgment agreement entered into for a misdemeanor offense that the Kansas Commission on Peace Officers’ Standards and Training

(CPOST) determines reflects on the honesty, trustworthiness, integrity, or competence of the applicant as defined by rules and regulations by CPOST. Under continuing law, the definition includes judgments by military court martial or state or federal courts, whether or not expunged; any diversion agreement for a misdemeanor crime of domestic violence; or any diversion agreement entered into on or after July 1, 1995, for a felony.

Requests for Law Enforcement Assistance

The bill amends law regarding requests for law enforcement assistance from other jurisdictions. Specifically, the bill adds a department of corrections in another jurisdiction to the list of agencies from whom assistance may be requested and adds the Secretary of Corrections (Secretary), or the Secretary's designee, to those persons who may request such assistance.

Fee Funds

The bill amends a statute pertaining to the revenues placed in the State General Fund (SGF) to specify that certain funds, identified in section 1(b), and any other fund in which fees are deposited for licensing, regulating, or certifying a person, profession, commodity, or product, must be used for the purposes set forth in statute and for no other government purpose.

The bill defines "fee agency" as state agencies specified in KSA 2016 Supp. 75-3717(f) and any other state agency that collects fees for licensing, regulating, or certifying a person, profession, commodity, or product.

Under the bill, a fee agency is required to provide notice if moneys received pursuant to statutory provisions for a specific purpose by such agency are proposed to be transferred to the SGF or any other special revenue fund to be expended for general government services and purposes in the Governor's Budget Report or any introduced House or Senate bill. The fee agency must notify, within 30 days of such proposed transfer, the person or entity that paid such moneys to the fee agency within the preceding 24-month period. The notice may be sent electronically if the fee agency has an electronic address on record for the person or business entity. If no electronic address is available, the fee agency must send written notice by first class mail. However, if the agency receives fees from a tax, fee, charge, or levy paid to the Commissioner of Insurance, the agency must post the required notification on the agency's website, rather than send notice *via* electronic or first class mail.

The bill states the provisions of the statute will not apply to the 10.0 percent credited to the SGF to reimburse the SGF for accounting, auditing, budgeting, legal, payroll, personnel, purchasing, and other governmental services.

Beginning January 8, 2018, the bill requires the Director of the Budget to prepare a report listing the unencumbered balance of each fund included in the bill on June 30 of the previous fiscal year and January 1 of the current fiscal year. The bill requires this report be delivered to the Secretary of the Senate and the Chief Clerk of the House of Representatives on or before the first day of the regular legislative session each year.