

SESSION OF 2019

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2031

As Amended by Senate Committee on Financial
Institutions and Insurance

Brief*

HB 2031, as amended, would revise the definition for “service-connected,” as that term is used to determine death and disability benefits in the Kansas Police and Firemen’s Retirement System (KP&F). Under current law, service-connected causes for death and disability benefits include heart disease, lung or respiratory disease, and cancer. The bill would add bloodborne pathogens.

With regard to bloodborne pathogens, the bill would include any disease that is present in human blood and is designated as infectious or contagious by the Secretary of Health and Environment through rules and regulations.

With regard to cancer, the bill would state such cancer could include, but not be limited to, cancer of the brain, skin, digestive system, hematological system, or genitourinary system.

The bill would require clear and precise evidence to be shown to the Kansas Public Employees Retirement System (KPERS or Retirement System) demonstrating the bloodborne pathogen was caused by an act of duty as a policeman or fireman. [Note: Under continuing law, this provision applies to disease of the lung or respiratory tract or cancer.]

The bill would be in effect upon publication in the *Kansas Register*.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The bill was introduced by the Joint Committee on Pensions, Investments and Benefits. [Note: In its report to the 2019 Legislature, the Joint Committee recommended legislation be introduced redefining the term “service-connected,” as that term is used in the death and disability provisions of KP&F. The Joint Committee found, based upon recent studies, the term should reflect specific types of cancers and include bloodborne illnesses.]

In the House Committee on Financial Institutions and Pensions hearing, representatives of the Kansas Association of Chiefs of Police, Kansas Sheriffs’ Association, and Kansas Peace Officers Association and the Kansas State Council of Fire Fighters and a retired fire captain of the Olathe Fire Department provided proponent testimony. The proponents generally stated firefighters and law enforcement officers are at a higher risk for certain cancers and for exposure to bloodborne pathogens. Written-only proponent testimony was provided by representatives of the City of Manhattan, Kansas Emergency Medical Services Association, Kansas State Firefighters Association, Kansas State Lodge Fraternal Order of Police, and Kansas State Troopers Association and by a retired firefighter from the Lenexa Fire Department.

A representative of KPERS provided neutral testimony on the bill, stating for most KP&F members, there is no difference between service-connected and nonservice-connected benefits. For disabilities, a member receives 50.0 percent of the member’s final average salary each year until the member is eligible for retirement.

No opponent testimony was provided.

The House Committee amended the bill to remove language related to baseline and other testing requirements and specify the definition of bloodborne pathogen.

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No opponent testimony was provided.

The Senate Committee amended the bill to change the effective date to upon publication in the *Kansas Register*.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KPERS estimates the bill would have a negligible actuarial impact to the Retirement System. While the bill would require the agency to update certain publications and documents, KPERS anticipates any costs associated with the changes would be handled within existing resources.