



MEMORANDUM

To: Interested Parties

From: John J. Federico, JD
Stephen P. Duerst, JD

Date: March 1, 2024

Re: Weekly Report – Week of February 26, 2024

Please see our Weekly Report on Kansas Legislative activities:

A SPECIAL NOTE ON BILL TRACKERS

Bills are introduced in the Kansas Legislature daily. We update your Bill Tracker every day and the link to your Bill Tracker is now automatically updated. Please ensure you monitor the Bill Tracker to be kept apprised of what legislation has been introduced impacting your organization.

If there are bills that you would like *removed* from or *added* to your bill tracker, please contact Liz Sosa (Liz@FedericoDuerst.com).

As always, our office is more than happy to send you specific language as well.

SHORT WEEK FOR LEGISLATURE; BUSY MARCH AHEAD

After a short break following the “Turnaround” Legislative deadline, lawmakers returned to Topeka on Wednesday.

While many committees were less active than usual, the Budget Committees continued churning through subcommittee reports as they look to put everything together into a comprehensive budget in the coming weeks. The budget bill is the only item that is constitutionally required to pass in the state of Kansas before the Legislature adjourns.

Please check the schedule, below, and your Bill Tracker for updates on legislation of interest.

HOUSE COMMITTEE ADJUSTED AFTER FAILED OVERRIDE OF VETO ON TAX BILL

[Rep. Trevor Jacobs](#) (R-Fort Scott) was removed from the [House Federal & State Affairs Committee](#) after he voted to sustain Democratic Gov. Laura Kelly’s [single-rate tax bill](#).

The bill is largely seen as Republican's number one priority in 2024.

The committee hears some of the most contentious social issues in the Statehouse and is one of the most competitive and prestigious bodies to sit on as a member. Jacobs is largely seen as a conservative member of the Legislature. He will be replaced by [Rep. Tory Blew](#) (R-Great Bend).

The Representative, who has served since 2016, was [one of four other Republicans](#) who voted to sustain the Governor's veto. Jacobs noted that the majority of his district was middle class and would not have benefited from the bill's proposed reforms.

Shortly following the vote, a candidate filed against Jacobs in the primary election.

AUDIT COMMITTEE DELIVERS REPORT ON ANGEL INVESTOR TAX CREDITS & COMPLIANCE

An [audit](#) released on Wednesday to a [Joint Oversight Committee](#) revealed that it could not determine whether the Department of Commerce was complying with procedures put in place to adequately track Angel Investor Tax Credits.

The audit noted that some businesses that qualified for the credit left the state sooner than allowed by law. A [similar audit](#) conducted in 2020 noted that Commerce was not following state law because it was letting qualified businesses leave early. At that time, it recommended new procedures be put in place to better track whether there was compliance.

The audit presented on Wednesday noted they still saw some discrepancies and that the agency did not document its review of businesses well enough or review them in a timely manner.

The Department of Commerce told auditors that they use the Department of Labor's unemployment data and Secretary of State's business listings to determine if a business is still in the state. If a business has left the state, the agency does more investigation before pursuing legal action.

The agency also noted they continue to revise their process to make it more efficient and will work on better documentation.

In the most recent audit report released Wednesday, auditors surveyed 1,073 investors or groups of investors that participated in the angel investor program from 2015 to 2022.

KPERS REFORM PROPOSED

The state's employee pension system could soon see some reform.

[HB 2659](#), introduced by freshman Reps. [Robyn Essex](#) (R-Olathe), [Adam Thomas](#) (R-Olathe) and [Laura Williams](#) (R-Lenexa), would reopen the currently closed Kansas Public employee Retirement System (KPERS) Tier 2 plan to certain teachers who would become members on July 1, 2024. In addition, teachers who are currently Tier 3 members would convert to KPERS Tier 2 members by January 1, 2025.

In addition, the bill would provide that if a current KPERS Tier 3 member would receive a higher benefit with KPERS Tier 3 than with KPERS Tier 2, the member would keep the KPERS Tier 3 benefits.

KPERS Tier 1 and Tier 2 are traditional defined benefit plans that are currently closed to new members, where benefits are calculated using the following benefit formula: Years of Service X Final Average Salary X multiplier = annual retirement benefit. Members of those benefit Tiers contribute 6.0% of salary and employers contribute an amount calculated by the actuary to fund the normal retirement costs and the unfunded actuarial liability, which is currently 11.42% in FY 2025 for State/School Group employers.

KPERS Tier 3 is a cash balance plan where a member's lifetime benefit is based on contributions and interest earned throughout the member's career. Members contribute 6.0% of their salary to a notional account that earns a guaranteed 4.0% interest each year and a possible dividend interest credit. Members also have an employer pay credit account that is credited 3.0% to 6.0% of pay each year based on the number of years of service they have. At retirement, the member's account balances are converted to a lifetime annuity.

The KPERS Tier 3 system has received mixed reviews by both educators and other state employees alike. This summer, an [interim committee](#) took [an in-depth look](#) at the pension system as a whole.

The bill will have an informational hearing, which will be preceded by a presentation on a recent audit conducted on the Tier 3 retirement plan in the [House Financial Institutions and Pensions Committee](#).

NEW LAW TO HELP PROTECT TRANSPORTATION EMPLOYEES TO BE HEARD

A [proposal](#) to help public transportation employees will be heard this week in the [House Federal & State Affairs Committee](#).

The bill would create the crime of causing harm to a public transportation employee. Actions constituting such harm could include causing physical contact, throwing objects, and physically striking an employee. The bill also defines and calls for penalties if an individual causes "aggravated causing harm", which may include brandishing a firearm or other weapon, or strangling a transportation employee.

Causing physical contact with a transportation employee would be a class A person misdemeanor and aggravated causing harm would be a severity level 7, person felony.

The bill was introduced on behalf of the Kansas Public Transit Association. It will have a hearing on Wednesday.

BODY CAMERA PROHIBITION BILL HEADS TO SENATE

After there were questions about body cameras potentially being used in inspections by the [Office of the State Fire Marshal](#), a bill was introduced and passed to help balance safety and privacy considerations.

[HB 2777](#), as amended, would prohibit staff of the State Fire Marshal from wearing or operating a body camera or other audio or video recording device during an on-site inspection in a licensed care facility or community-based locations where individuals with intellectual and developmental disabilities (I/DD) receive habilitation services.

The bill was supported by many human services groups, including nursing home and I/DD provider trade association representatives. Generally, these groups noted there is concern for patient privacy and potential facility liability because staff would be knowingly admitting individuals wearing video or audio

recording devices into an area that is subject to the Health Insurance Portability and Accountability Act (HIPAA) for a routine, non-emergency related facility inspection.

The Fire Marshal submitted neutral testimony on the bill.

After being heard in the [House Health Committee](#) on February 14, the Committee amended the bill to include additional facility types within the definition of “patient care facility” and to include community-based locations where I/DD individuals receive habilitation services as a site where body cameras could not be used by the Marshal.

The House Committee of the Whole amended the bill to extend its provisions to all licensed care facilities, including childcare facilities.

The bill passed the House [108-11](#). It will now be heard in the [Senate Public Health & Welfare Committee](#) on March 5.

HOUSING INFORMATIONAL HEARING IDENTIFIES CHALLENGES AND SOLUTIONS

The [House Committee on Financial Institutions & Pensions](#) held an informational hearing on housing issues this past week. Presenters all had experience in their communities creating housing opportunities, and KLRD shared written information on data from Kansas and other states.

Ryan Vincent, Executive Director of the Kansas Housing Resources Corporation presented information related to the [Kansas Statewide Housing Needs Assessment](#) released in December 2021. Specifically, the study relayed the need for: adding or freeing up more middle-income housing; diversifying the housing stock to match local demographic and employee needs; extending housing security by preserving and reinvesting in older units; and increasing reinvestment in older housing stock, including vacant units. Vincent referenced the 2022 Legislature’s investment into moderate income housing development, the establishment of state tax credit programs to develop more affordable and moderate-income housing and creating a Rural Home Loan Guarantee Program to address financing gaps.

Additional presenters showcased successful programs across the state and the Kansas Legislative Research Department submitted memorandums on the following topics:

[Housing initiatives and policies: A survey of Federal and Kansas programs](#)

[A comparison of state housing policy tools](#)

[Update on the Moderate Income Housing Program](#)

[Housing Supply and Awards](#)

[2023 Kansas Housing Resources Corporation Annual Report](#)

OTHER PRESS RELEASES & UPDATES

- [Over 1,000 Early Childhood Providers and Stakeholders Call on Legislature to Support Governor Kelly’s Budget Proposals](#)
- [Governor Kelly Announces Administration Appointments](#)

WEEKLY SCHEDULE: MARCH 4 – MARCH 8, 2024

Schedule subject to change. Daily Session calendars may be found [here](#).

Time	Committee	Room	Notes
MONDAY, MARCH 4, 2024			
8:30 PM	S Agriculture	144-S	N/A
8:30 AM	S Public Health & Welfare	142-S	N/A
8:30 AM	S Transportation	546-S	N/A
9:00 AM	H Appropriations	112-N	Budget Report: KU Med, University of Kansas, Pittsburg State, FHSU, Emporia State; Possible Action
9:00 AM	H Fed & State	346-S	N/A
9:00 AM	H Financial Inst. & Pensions	582-N	Hearing: HB2739- Enacting the Countries of Concern Divestment and Procurement Protection Act
9:00 AM	H Legislative Modernization	218-N	N/A
9:00 AM	H Local Government	281-N	N/A
9:30 AM	S Tax	548-S	N/A
9:30 AM	S Financial Inst.	546-S	N/A
9:30 AM	S Transparency & Ethics	142-S	N/A
10:30 AM	S Commerce	546-S	N/A
10:30 AM	S Fed & State	144-S	Bill Intros; Possible Action
10:30 AM	S Judiciary	346-S	N/A
10:30 AM	S Ways & Means	548-S	N/A
11:00 AM	HOUSE FLOOR		
1:30 PM	Joint Education	212-N	Briefing: SB532- Establishing a Blueprint for Literacy Program
1:30 PM	S Utilities	548-S	N/A
1:30 PM	H Ag. Budget	118-N	N/A
1:30 PM	H Commerce	346-S	Hearing: HB2766- Creating the Kansas Land and Military Installation Protection Act
1:30 PM	H Corrections & JJ	546-S	N/A
1:30 PM	H Education	218-N	TBA
1:30 PM	H Health & Human Ser.	112-N	N/A
1:30 PM	H Higher Ed. Budget	281-N	N/A
1:30 PM	H Transportation	582-N	N/A
1:30 PM	H. Child Welfare	152-S	N/A
2:30 PM	SENATE FLOOR		
3:30 PM	H Agriculture	112-N	N/A
3:30 PM	H Gen Gov Budget	281-N	N/A
3:30 PM	H Judiciary	582-N	Possible Action

3:30 PM	H K-12 Budget	546-S	Hearing: SB387- Continued Enrollment under Open Enrollment Application
3:30 PM	H Social Services Budget	152-S	N/A
3:30 PM	H Tax	346-S	N/A
3:30 PM	H Transportation Budget	118-N	N/A
3:30 PM	H Insurance	218-N	Hearing & Action: SB228, SB229, SB240, SB356, SB398- Technical Changes to Insurance Provisions
TUESDAY, MARCH 5, 2024			
8:30 PM	S Agriculture	144-S	Hearing: HB2477- Increasing Reimbursement from Kansas Agricultural Remediation Fund
8:30 AM	S Public Health & Welfare	142-S	N/A
8:30 AM	S Transportation	546-S	Hearing: HB2501- Designating State Railroad & Locomotive
9:00 AM	H Appropriations	112-N	Budget Report: K-State; Briefings: Personnel Systems, Gov's FY24/25 budget, 2026 World Cup, NE KS Eco Devo, Law Enforcement Training Center
9:00 AM	H Fed & State	346-S	N/A
9:00 AM	H Utilities & Telecom	582-N	N/A
9:00 AM	H Veterans	281-N	Hearings: SB292- Judge Oversight of Military Disability Benefits, SB431- Capitol Memorial Honoring Emil Kapaun
9:00 AM	H Water	152-S	N/A
9:30 AM	S Tax	548-S	Bill Intros; Confirmation Hearings: BOTA; Hearing: SB498- Pregnancy Centers Charitable Status; Possible Action
9:30 AM	S Financial Inst. & Insurance	546-S	Hearing: SB505- Increasing KPERs Retirement Benefit Multipliers for KDOC employees; Briefing: Banking Code Revisions
9:30 AM	S Local Government	142-S	Hearings: HB2661- Filling County Vacancies, HB2587- Drainage District KOMA
10:30 AM	S Commerce	546-S	N/A
10:30 AM	S Fed & State	144-S	Bill Intros; Hearing: SB511- Permitting Sales by Microbreweries to Retailers; Possible Action
10:30 AM	S Judiciary	346-S	Hearings: HB2698- Juvenile Custody, HB2490- Juvenile Case Extension Limit, HB2522- ID Program for Released Inmates
10:30 AM	S Ways & Means	548-S	Bill Intros; Hearing & Action: SB514- Supplemental Appropriations for FY24 & 25
11:00 AM	HOUSE FLOOR		
1:30 PM	S Education	144-S	Hearing: SB479- Transferring Teachers from KPERs 3 to KPERs2
1:30 PM	S Utilities	548-S	Hearing: HB2588- Revising Capacity Limitations for Net Metering
1:30 PM	H Ag. Budget	118-N	N/A

1:30 PM	H. Welfare Reform	152-S	Hearing: HB2723- Appropriations for KDADS Homelessness Grant
1:30 PM	H Commerce	346-S	Hearing: SB333- Removing Expiration of State Use Law Committee; Action: SB467- Revising Tourism Council
1:30 PM	H Corrections & JJ	546-S	Hearing: SB414- Increasing Penalties for Fentanyl-related Crimes, SB190- Requiring Waiver of Extradition Prior to Release
1:30 PM	H Education	218-N	N/A
1:30 PM	H Health & Human Ser.	112-N	Hearing: SB433- Clarifying Practice Privileges of Institutional License Holders, SB352- John Springer Patient Bill of Rights
1:30 PM	H Higher Ed. Budget	281-N	Action: HB2460- Prohibiting Postsecondary Institutions from Acting based on DEI
1:30 PM	H Transportation	582-N	Hearings: SB399- Salvage Dealer Reports, SB410- Renaming a Portion of US-69 Ken Brock Memorial Highway
2:30 PM	SENATE FLOOR		
3:30 PM	H Agriculture	112-N	N/A
3:30 PM	H Judiciary	582-N	TBA
3:30 PM	H K-12 Budget	546-S	Possible Action (SB387- Open Enrollment)
3:30 PM	H Social Services Budget	152-S	N/A
3:30 PM	H Tax	346-S	N/A
3:30 PM	H Transportation Budget	118-N	N/A
3:30 PM	H Elections	218-N	TBA
WEDNESDAY, MARCH 6, 2024			
8:30 PM	S Agriculture	144-S	Hearing: HB2525- Water Program Management Fund
8:30 AM	S Public Health & Welfare	142-S	N/A
8:30 AM	S Transportation	546-S	Hearing: HB2507- Renaming Highway, HB2682- Permitting Rules for Federal Motor Carriers Compliance Policy
9:00 AM	H. Approps	112-N	Bill Intros; Briefings: Medicaid (Telehealth, Community Support Waiver, Unwinding); Agency Update: Wildlife & Parks
9:00 AM	H Fed & State	346-S	N/A
9:00 AM	H Financial Inst. & Pensions	582-N	Briefing: Review of KPERS3; Bill Briefing: HB2659- Transferring Teachers from KPERS3 to KPERS2
9:00 AM	H Legislative Modernization	218-N	N/A
9:00 AM	H Local Government	281-N	Hearing: SB362- Repealing Expiration of Sedgwick County Urban Nuisance Abatement Act; Possible Action

9:30 AM	S Tax	548-S	Hearings: SB515- Tax Exemption, SB509- Education Opportunity Tax Credit, SB507- Single Factor Apportionment; Possible Action
9:30 AM	S Financial Inst. & Insurance	546-S	Hearings: HB2562- Protect Vulnerable Adults from Financial Exploitation Act, HB2577- KPERS Liquidation Authority
9:30 AM	S Transparency & Ethics	142-S	Briefing: Office of the State Bank Commissioner
10:30 AM	S Commerce	546-S	N/A
10:30 AM	S Fed & State	144-S	Bill Intros; Possible Action
10:30 AM	S Judiciary	346-S	Hearing: HB2549- Notice of Adoption, HB2675- Uniform Nonparent Visitation Act
10:30 AM	S Ways & Means	548-S	Bill Intros; Action: SB514- Supplemental Appropriations for FY24 & FY25
11:00 AM	HOUSE FLOOR		
1:30 PM	S Education	144-S	Hearings: HB2645- Nursing Service Scholarship Expansion, HB2646- Broadening Kansas Hero's Scholarship Program
1:30 PM	S Utilities	548-S	TBA
1:30 PM	H Ag. Budget	118-N	N/A
1:30 PM	H Commerce	346-S	Hearing: HB2785- Transferring Certain Child Care Programs to Office of Early Childhood
1:30 PM	H Corrections & JJ	546-S	Hearing: SB419- Crime of Fentanyl around Child, SB318- Review of all Video Evidence in Municipal Courts
1:30 PM	H Education	218-N	N/A
1:30 PM	H Health & Human Ser.	112-N	N/A
1:30 PM	H Higher Ed. Budget	281-N	Action on Bills Previously Heard
1:30 PM	H Transportation	582-N	Hearing: SB359- Distinctive Plates (Chiefs, SKC, Zoo, Royals, Current)
1:30 PM	H Child Welfare	152-S	Briefing: KBI Child Victims Unit
2:30 PM	SENATE FLOOR		
3:30 PM	H Agriculture	112-N	Hearing: HB2800- Increasing Cap for Conservation Districts
3:30 PM	H General Gov. Budget	281-N	N/A
3:30 PM	H Judiciary	582-N	TBA
3:30 PM	H K-12 Budget	546-S	N/A
3:30 PM	H Social Services Budget	152-S	N/A
3:30 PM	H Tax	346-S	N/A
3:30 PM	H Transportation Budget	118-N	N/A
3:30 PM	H Insurance	218-N	N/A
THURSDAY, MARCH 7, 2024			
8:30 PM	S Agriculture	144-S	Hearing: HB2607- Revising the Kansas Pesticide Law

8:30 AM	S Public Health & Welfare	142-S	N/A
8:30 AM	S Transportation	546-S	Hearing: HB2499- Distracted Driving; Possible Action
9:00 AM	H Appropriations	112-N	Bill Intros; Action on Bills Previously Heard
9:00 AM	H Fed & State	346-S	N/A
9:00 AM	H Water	152-S	N/A
9:00 AM	H Utilities & Telecom	582-N	N/A
9:00 AM	H Veterans	281-N	Action on Bills Previously Heard
9:30 AM	S Tax	548-S	Bill Intros; Possible Action
9:30 AM	S Financial Inst. & Insurance	546-S	Briefing: Proposed Changes to Insurance Policy
9:30 AM	S Local Government	142-S	N/A
10:30 AM	S Commerce	546-S	N/A
10:30 AM	S Fed & State	144-S	Bill Intros; Hearing: SB523- Eligibility for gun licensure; Possible Action
10:30 AM	S Judiciary	346-S	Hearings: HB2557- Expanding Definition of Peer Support Counseling, HB2583- Increasing Penalties for Harming Police Animals
10:30 AM	S Ways & Means	548-S	Bill Intros; Action: SB514- Supplemental Appropriations for FY24 & FY25
11:00 AM	HOUSE FLOOR		
1:30 PM	S Education	144-S	Hearing: SB532- Blueprint for Literacy Program
1:30 PM	S Utilities	548-S	Action: HB2588- Capacity Limitation for Net Metering
1:30 PM	H Ag. Budget	118-N	N/A
1:30 PM	H Welfare Reform	152-S	TBA
1:30 PM	H Commerce	346-S	Action on Bills Previously Heard
1:30 PM	H Corrections & JJ	546-S	Hearing: SB420- Crime of Breach of Privacy for Recording Devices, SB473- Authority for Notices to Appear
1:30 PM	H Education	218-N	N/A
1:30 PM	H Health & Human Ser.	112-N	N/A
1:30 PM	H Higher Ed. Budget	281-N	N/A
1:30 PM	H Transportation	582-N	Hearing: SB142- Caution when Passing a Stationary Vehicle
2:30 PM	SENATE FLOOR		
3:30 PM	H Agriculture	112-N	N/A
3:30 PM	H Judiciary	582-N	N/A
3:30 PM	H K-12 Budget	546-S	N/A
3:30 PM	H Social Services Budget	152-S	N/A
3:30 PM	H Tax	346-S	N/A
3:30 PM	H Transportation Budget	118-N	N/A

3:30 PM	H Elections	218-N	TBA
FRIDAY, MARCH 8, 2024			
9:00 AM	House Appropriations	112-N	Bill Intros; Action on Bills Previously Heard