



MEMORANDUM

To: Interested Parties

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

Date: February 24, 2023

Re: Weekly Report – Week of February 20, 2023

Please see our Weekly Report on Kansas Legislative activities:

A SPECIAL NOTE ON FINDING BILL LANGUAGE & BILL TRACKERS

If you need to find specific language of a bill, type the number in the box under “Bill number:” on the right-hand side of [this](#) webpage. Once you find the bill listed, click that specific bill. You will find the PDF logo under the “Documents” label - click the logo...this will lead you to the text of the bill.

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.

LAWMAKERS HEAD HOME AS “TURNAROUND” HITS THE LEGISLATIVE CALENDAR

Members of the Kansas House and Senate headed home late Thursday night after a long week of hearing and working bills and two full days of floor debate.

Friday officially marks the “Turnaround” period in the Kansas Legislature. Bills that did not pass the floor of the House or Senate, and were not exempted from Legislative deadlines by House and Senate leadership, or were not introduced in exempt committees (budget, tax and federal & state affairs) will not advance for the remainder of the Session.

Lawmakers will return Wednesday and will begin reviewing, possibly amending, and eventually deciding the fate of bills that come to them from the opposite chamber. Further, budget negotiations will begin to heat up as lawmakers look to pass a budget bill – the one constitutionally mandated piece of Legislation they must address before leaving town.

LEGISLATION OF NOTE THAT PASSED THE HOUSE OR SENATE FLOOR

A voluminous number of bills were considered by the full House or Senate this week. The following are a few major bills of note that were considered:

SB208 - Restricting the number of remote ballot boxes that may be used in each county and requiring certain monitoring conditions for such use. SB 208, as amended, creates law to prohibit the use of

remote ballot boxes for the return of advance voting ballots. The bill defines a “remote ballot box” as any form of a locked ballot box designated by the county election officer as available for use for depositing advance voting ballots. The Senate Committee of the Whole removed the bill’s provisions that would have restricted the use of remote ballot boxes for the return of advance voting ballots and inserted provisions to prohibit the use of such ballot boxes in the state. The bill passed the [Senate 21-19](#).

[SB34](#) - Expanding the use and availability of rural housing incentive districts. SB 34 expands the Kansas Rural Housing Incentive District Act to allow for certain housing projects in cities with a population of 60,000 or more. Cities establishing a Rural Housing Incentive District (RHID) would not be able to, within the district: designate more than 100 units as for-sale units in one year; designate more than 100 units as for-rent units in one year; designate more than 50 units associated with a single project as for-sale units within one year; or designate more than 50 units associated with a single project as for-rent units within one year. For-sale units not sold within six months after the certificate of occupancy is granted would be eligible to be redesignated as for-rent units. The bill passed the Senate [30-6](#).

[SB33](#) - Exempting all social security benefits from Kansas income tax.

SB 33, as amended, makes changes to income taxes. After significant amendments by the Senate the bill now provides for a cost-of-living adjustment for the standard deduction amounts, expands the exemption of Social Security benefits, creates an exemption for retirement plan income, makes changes to the Homestead Property Tax Refund Program, and creates subtraction modifications related to net operating losses and certain federal tax credit disallowances. The bill passed the Senate [36-3](#).

[SB169](#) - Providing an income tax rate of 4.75% for individuals. SB 169 provides, beginning in tax year 2024, for a single individual income tax rate of 4.75 percent to be applied to all Kansas taxable income in excess of \$10,450 for married individuals filing joint returns and \$5,225 for all other individuals. Kansas taxable income less than those amounts would not be taxed.

[SB248](#) - Providing a sales tax exemption for healthy food and repealing the state rate reduction for sales of certain food and food ingredients. SB 248 originally called for local and state sales tax on “healthy foods”, as defined in the statute, to be reduced effective January 1, 2024. “Healthy food” would be defined to include fruits and vegetables, including fresh, canned, jarred, frozen, and dried; meat, poultry, and fish; eggs; milk, including whole, fat-reduced, nonfat, evaporated, dry, soy, and almond; cheese; yogurt; tofu; infant formula; infant cereal; infant food fruits, vegetables, and meats; juice; whole wheat or whole grain bread; corn or flour tortillas; pasta; brown rice, bulgur, oatmeal, and whole grain barley; breakfast cereals; beans and nuts; and peanut butter.

The Senate Committee of the Whole amended the bill to replace a sales tax exemption for “healthy food” with a sales tax exemption for all food and food ingredients beginning January 1, 2024. The bill passed the Senate [22-17](#).

[SB6](#) - Restricting the authority of the secretary of health and environment and local health officers to prevent the introduction and spread of infectious or contagious diseases; repealing the authority of the secretary to quarantine individuals and impose associated penalties. SB 6 restricts the duties and authority of the Secretary of Health and Environment and local health officers regarding infectious and contagious diseases. The bill amends statutes relating to tuberculosis, remove the reporting requirement for teachers and school administrators regarding knowledge or suspicion of an infectious or contagious disease, remove the requirement for enforcement of isolation and quarantine orders by law enforcement

officers, provide employment protection for employees who isolate or quarantine, and address orders for school closure during a disaster. The bill passed the Senate [22-18](#).

[HB2292](#) - Enacting the Kansas apprenticeship tax credit act to encourage development of apprenticeship programs in Kansas by providing income tax credits for participating businesses that employ apprentices. HB 2292, as amended, creates the Kansas Apprenticeship Act, which would establish a tax credit and grant incentive programs for apprenticeships. The bill would allow an eligible employer to claim the apprenticeship tax credit which could be as high as \$2,500 to \$2,7500 per apprenticeship, per taxable year. The apprentice must be engaged in a registered apprenticeship agreement. The bill would also allow for a tax credit to be claimed for an apprentice who is enrolled in a secondary or postsecondary career and technical education program. Further, the bill would also create the Kansas Nonprofit Apprenticeship Grant Program which would allow health care employers that employ an apprentice to apply for grants. The House Committee of the Whole amended the bill to insert the provisions providing for the Educator Program and the Educator Program Fund, which are similar to the programs described above, but are geared towards paraprofessionals that wish to become teachers. The bill passed the House [115-7](#).

[HB2326](#) - Extending the sunset date on the scrap metal theft reduction act and clarifying that catalytic converters are covered by the act. HB 2326, as amended, extends the sunset date on the Scrap Metal Theft Reduction Act from July 1, 2023, to July 1, 2028, and would specify “regulated scrap metal” under the Act includes catalytic converters, as defined by the bill. The House passed the bill [120-1](#).

[HB2238](#) - Creating the fairness in women's sports act to require that female student athletic teams only include members who are biologically female. HB 2238 would create the Fairness in Women’s Sports Act (Act) and require interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by public educational entities or any school or private postsecondary educational institution whose students or teams compete against a public educational entity to be expressly designated based on biological sex. The bill passed the House [82-40](#).

[HB2387](#) - Providing funding for STAR bond districts to replace lost food sales tax revenue, authorizing renovation and construction costs for historic theaters as eligible STAR bond project costs, and extending the deadline for the STAR bond report to certain legislative committees. HB 2387, as amended, amends law related to Sales Tax and Revenue (STAR) bonds. The bill would provide for state revenue to replace lost sales tax proceeds attributable to reductions in the state sales tax rate on food, expand eligible uses of STAR bonds to historic theaters and major amusement parks, extend the deadline for the submission of the annual STAR bonds report, and increase the amount of project costs that may be financed in certain rural redevelopment projects without the issuance of special obligation bonds. The bill passed the House [72-49](#).

BLESSED BILLS MOVE FORWARD

The following bills were not introduced in an exempt committee and did not pass either the House or Senate floor, but will continue to remain alive for the remainder of the Session as they were blessed by House and Senate leadership:

[SB 20](#): Requiring child care facilities, elementary, secondary, postsecondary educational institutions and employers to grant exemptions from vaccine requirements without inquiring into the sincerity of the request and repealing the meningitis vaccine requirement to live in student housing.

- Referred to Committee on Public Health and Welfare 1/11/23.

SB 23: Eliminating the statutory 15% alternative investment limit for the KPERS fund and requiring the KPERS board to establish an alternative investment percentage limit.

- Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance.

SB 62: Enacting the protect vulnerable adults from financial exploitation act, requiring reporting of instances of suspected financial exploitation under certain circumstances and providing civil and administrative immunity to individuals who make such reports.

- Hearing: Wednesday, February 15, 2023, Senate Committee on Financial Institutions and Insurance.

SB 63: Expanding the scope of uses of campaign contributions to include family caregiving services.

- Committee Report recommending bill be passed as amended by Committee on Transparency and Ethics.

SB 68: Providing incumbent electric transmission owners a right of first refusal for the construction of certain electric transmission lines.

- Committee Report recommending bill be passed as amended by Committee on Utilities.

SB 74: Providing for joint liability for costs and sanctions in third-party funded litigation, requiring certain discovery disclosures and requiring payment of certain costs for nonparty subpoenas.

- Hearing: Thursday, February 2, 2023, Senate Committee on Judiciary.

SB 103: Updating certain provisions of the Kansas dental practices act relating to dentist information requested by patients, in-person practice requirements in dental office using licensee's name, unprofessional conduct and patient complaints.

- Hearing: Wednesday, February 8, 2023, Senate Committee on Public Health and Welfare.

SB 104: Allowing a surcharge when purchases are made with a credit or debit card.

- Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance.

SB 112: Authorizing registered nurse anesthetists to engage in independent practice and prescribe drugs and prohibiting registered nurse anesthetists from performing or prescribing drugs to induce an abortion.

- Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare.

SB 114: Creating definitions for "advanced recycling" and related terms and separating advanced recycling from the current solid waste management system.

- Committee Report recommending bill be passed as amended by Committee on Commerce.

SB 139: Expanding newborn screening services and increasing transfer from the medical assistance fee fund to the Kansas newborn screening fund.

- Referred to Committee on Public Health and Welfare on 2/3/2023.

SB 163: Creating the Dwayne Peaslee technical training center district act to authorize the establishment of the Dwayne Peaslee technical training center district in Douglas County.

- Committee Report recommending bill be passed by Committee on Local Government.

SB 166: Requiring public disclosure of an application for a transmission line siting permit under the jurisdiction of the state corporation commission.

- Committee Report recommending bill be passed as amended by Committee on Utilities.

SB 193: Enacting the reduce armed violence act to increase the criminal penalties for certain violations of criminal possession of a weapon by a convicted felon that involve firearms.

- Committee Report recommending bill be passed by Committee on Judiciary.

SB 204: Replacing the definition of "charitable beneficiaries" with "qualified charities" in the technology-enabled fiduciary financial institutions act.

- Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance.

SB 234: Prohibiting governmental entities from sharing or transmitting social care information into a closed loop referral system.

- Referred to Committee on Public Health and Welfare on 2/13/2023.

SB 238: Increasing criminal penalties on drug-related crimes when the drug is fentanyl and creating special sentencing rules for mandatory imprisonment and additional terms of imprisonment for drug-related crimes when the drug is fentanyl or is attractive to minors because of its appearance or packaging.

- Committee Report recommending bill be passed as amended by Committee on Judiciary.

SB 244: Authorizing the attorney general to prosecute any crime that is part of an alleged course of criminal conduct that occurred in two or more counties.

- Referred to Committee on Judiciary on 2/13/2023.

HB 2030: Authorizing nonpublic school students to participate in activities regulated by the Kansas state high school activities association and allowing nonpublic school students who enroll part time in a public school to participate in nonpublic school activities.

- Hearing: Tuesday, January 24, 2023- House Committee on K-12 Budget

HB 2040: Revising the Kansas school equity and enhancement act to provide per-student education funding based on student enrollment in the current school year.

- Committee Report recommending bill be passed by Committee on Education.

HB 2048: Providing additional student eligibility under the tax credit for low-income students' scholarship program and increasing the amount of the tax credit for contributions made pursuant to such program.

- Hearing: Wednesday, January 25, 2023, House Committee on K-12 Education Budget.

HB 2083: Creating the Kansas vacant property act to prohibit municipalities from imposing any fees or registration requirements on the basis that property is unoccupied.

- Committee Report recommending bill be passed as amended by Committee on Local Government.

HB 2105: Enacting the Kansas earned wage access services act, establishing requirements, duties and prohibitions for persons engaged in earned wage access services and providing for the administration of such act by the office of the state bank commissioner.

- Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Pensions

HB 2139: Creating the crime of abuse of a sports official and providing criminal penalties therefor.

- Committee Report recommending bill be passed by Committee on Education

HB 2140: Increasing the age range of able-bodied adults without dependents required to complete an employment and training program to receive food assistance.

- Committee Report recommending bill be passed as amended by Committee on Welfare Reform.

HB 2144: Authorizing modification of a noncharitable irrevocable trust to provide that the rule against perpetuities is inapplicable, providing that the Kansas uniform statutory rule against perpetuities is inapplicable to trusts under certain circumstances and modifying the definition of resident trust in the Kansas income tax act.

- Committee Report recommending bill be passed by Committee on Judiciary

HB 2194: Enacting the Representative Gail Finney memorial foster care bill of rights.

- Committee Report recommending bill be passed by Committee on Child Welfare and Foster Care.

HB 2218: Establishing the Sunflower education equity act to provide education savings accounts for qualified students in Kansas.

- Committee Report recommending bill be passed as amended by Committee on K-12 Education Budget.

HB 2225: Limiting cost recovery for certain electric public utilities' transmission-related costs.

- Committee Report recommending bill be passed by Committee on Energy, Utilities and Telecommunications.

HB 2259: Providing that certain mental health medications be available without prior authorization to treat Medicaid recipients and abolishing the mental health medication advisory committee.

- Committee Report recommending bill be passed as amended by Committee on Health and Human Services.

HB 2261: Authorizing boards of education of school districts to compensate board members for the duties and obligations of board members.

- Committee Report recommending bill be passed by Committee on K-12 Education Budget.

HB 2271: Authorizing any nonresident student whose parent or guardian is employed by a school district to enroll in and attend such school district.

- Committee Report recommending bill be passed as amended by Committee on K-12 Education Budget.

HB 2275: Increasing the maximum amount of yearly income tax credits available for purchases under the disability employment act from qualified vendors, continuing in existence such credits beyond tax year 2023 of eligible purchases available for such credit and further defining qualifying vendors and employees eligible for the credit.

- Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development.

HB 2299: Directing the secretary for children and families to consider foster parents as prospective adoptive parents under certain circumstances.

- Committee Report recommending bill be passed as amended by Committee on Child Welfare and Foster Care.

HB 2312: Exempting certain political party committee treasurers from liability for certain violations under the campaign finance act.

- Hearing: Tuesday, February 21, 2023, House Committee on Elections

HB 2331: Designating Lehigh Portland state park.

- Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources

HB 2344: Expanding the membership of the council on travel and tourism, updating the committee assignment required for members appointed from the house of representatives and modifying the department of commerce's grant program for tourism promotion by reducing the allocation of grants for public entities and removing the limitation on grant amounts to any single entity.

- Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Commerce, Labor and Economic Development.

HB 2361: Limiting when the court is required to give preference to a relative for the custody for adoption of a child in need of care.

- Hearing: Wednesday, February 15, 2023, Committee on Child Welfare and Foster Care.

HB 2388: Requiring that licensing bodies provide verified electronic credentials to credential holders, including military servicemembers and others receiving Kansas credentials based on their credentials from other jurisdictions, and use centralized electronic credential data management systems with instantaneous credential verification and an auditable record.

- Committee Report recommending bill be passed as amended by Committee on Commerce, Labor and Economic Development.

HB 2391: Amending the act establishing the governmental ethics commission, relating to campaign finance, establishing a five-year statute of limitations for bringing actions before the commission, limiting the commission’s subpoena power, allowing respondents to transfer a hearing before the commission to a hearing officer under the office of administrative hearings and making other changes.

- Committee Report recommending bill be passed as amended by Committee on Elections.

HB 2400: Enacting the Kansas adult learner grant act to facilitate workforce development by providing grants and workforce retention incentive payments to adults who pursue baccalaureate degrees from eligible postsecondary educational institutions in certain fields of study.

- Committee Report recommending bill be passed as amended by Committee on Commerce, Labor and Economic Development.

OTHER PRESS RELEASES & UPDATES

- [House Republicans Issue Statement on Passing Fairness in Women’s Sports Act](#)
- [Governor Kelly Cashes in on Sports Bet Winnings at Hollywood Casino in Kansas City](#)
- [Governor Kelly Announces Qualifying Families Can Now Apply for \\$1000 per Student for Learning Recovery](#)
- [Governor Kelly Announces Appointments to Early Childhood Transition Task Force](#)
- [Governor Kelly Announces EMP Shield Plans to Build \\$1.9 Billion, 1,200-Job Computer Chip Manufacturing Facility in Coffey County](#)
- [Governor Laura Kelly Announces Administration Appointments](#)
- [Governor Kelly, Rep. Davids, FHWA Administrator Break Ground on 69Express](#)
- [Governor Kelly Announces \\$11 Million for 66 Airport Improvement Projects](#)
- [Governor Kelly Announces Nearly \\$20 Million for Services that Keep Families Together, Reduce Number of Kids in Foster Care](#)

WEEKLY SCHEDULE: WEEK OF FEBRUARY 22 – MARCH 3

Schedule subject to change.

The Legislature will not be in Session Monday or Tuesday of next week.

The most up-to-date Daily Session calendars may be found [here](#).

MARCH 1, 2023			
Time	Committee	Room	Notes
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. Approps	112-N	N/A
9:00 AM	H Fed & State	346-S	N/A

9:00 AM	H Water	152-S	N/A
9:00 AM	H Financial Inst. & Pensions	582-N	N/A
9:00 AM	H Local Government	281-N	N/A
9:00 AM	H Leg. Modernization	218-N	N/A
9:30 AM	S Tax	548-S	Hearings; SB147- Adoption Tax Credit, SB164- Childcare Facility Tax Credit, SB129- Doorstep Inc. Tax Exemption; Possible Action
9:30 AM	S Financial Inst. & Insurance	546-S	Hearings: HB2093- End payments to group-funded insurance pools, HB2096- Payment times of Premium taxes, HB2100- Risk Based Capital
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; Briefing: Impact of Marijuana Legalization
10:30 AM	S Judiciary	346-S	N/A
10:30 AM	S Ways & Means	548-S	Bill Intros; Budget Action: KPERS, State Treasurer, BOTA; Hearing; SB153- Supplemental Appropriations, SB155- Approps for FY24-26
11:00 AM	HOUSE FLOOR		
1:30 PM	S Education	144-S	Budget Action: School for Blind, School for Deaf
1:30 PM	S Utilities	548-S	Briefing: Addressing Robocall Issues
1:30 PM	H Ag. Budget	118-N	N/A
1:30 PM	H Child Welfare	152-S	Briefing: Child Care Efforts in Kansas
1:30 PM	H Commerce	346-S	Hearing: HB2414- Expanding the university engineering initiative act; Briefing: Startup Innovation Efforts
1:30 PM	H Corrections & JJ	546-S	N/A
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	Budget Hearing: Emporia State University
1:30 PM	H Transportation	582-N	N/A
2:30 PM	SENATE FLOOR		
3:30 PM	H Agriculture	112-N	N/A
3:30 PM	H General Gov. Budget	281-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	Bill Intros; Hearings: HB2062- Discontinuing Excise Tax on Vehicles, HB2306- Sales Tax Exemption for Suicide Prevention HQ; Possible Action
3:30 PM	H Transportation Budget	118-N	N/A
3:30 PM	H Insurance	218-N	Hearing; SB25- Decreasing Premium Tax on Surplus Lines Insurance
MARCH 2, 2023			

Time	Committee	Room	Notes
8:30 PM	S Agriculture	144-S	N/A
8:30 AM	S Public Health & Welfare	142-S	TBA
8:30 AM	S Transportation	546-S	Briefing: Divers License Training
9:00 AM	H Appropriations	112-N	Bill Intros; Budget Action: State Hospitals, Judicial Branch, KDOL, Real Estate Boards, KCC, State Fair
9:00 AM	H Fed & State	346-S	Bill Intros; Hearing: HB2422- Eliminating qualifications for Boiler Safety Inspectors; Possible Action
9:00 AM	H Water	218-N	Briefing: Tuttle Creek Reservoir
9:00 AM	H Utilities & Telecom	582-N	Briefing: Kansas Gas Service, Update on Evergy Rates
9:00 AM	H Veterans	281-N	N/A
9:30 AM	S Tax	548-S	Bill Intros; Hearings; SB247- Tax Exemption Community Theaters, SB227- Sales Tax from ticket sales, SB127- Dickinson Co. Authority
9:30 AM	S Financial Inst. & Insurance	546-S	Hearing: SB256- Providing additional interest credit for KPERS 3 members
9:30 AM	S Local Government	142-S	N/A
10:30 AM	S Commerce	546-S	Hearing; HB2042- Towing by self-storage operators, HB2234- Changing cost threshold for RFP process
10:30 AM	S Fed & State	144-S	Bill Intros; Briefing: Impact of Marijuana Legalization
10:30 AM	S Judiciary	346-S	N/A
10:30 AM	S Ways & Means	548-S	Bill Intros; Budget Action: Post-Secondary Education, KDADS; Possible Action
11:00 AM	HOUSE FLOOR		
1:30 PM	S Education	144-S	Briefing: ClassLink; Budget Action: Department of Education
1:30 PM	S Utilities	548-S	N/A
1:30 PM	H Ag. Budget	118-N	N/A
1:30 PM	H Welfare Reform	152-S	Hearing: HB2430- Funds for Agencies related to unhoused persons
1:30 PM	H Commerce	346-S	TBA
1:30 PM	H Corrections & JJ	546-S	Briefing: Marijuana Decriminalization
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	Briefing: Finance Development Authority, Community & Technical Colleges
1:30 PM	H Transportation	582-N	Hearings: SB106- Prohibiting sale of counterfeit air bags, SB143- Allowing Ground Effect Lighting for vehicles
2:30 PM	SENATE FLOOR		

3:30 PM	H Agriculture	112-N	N/A
3:30 PM	H Judiciary	582-N	Briefing: Youth Tobacco Penalties & Prevention
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	Bill Intros; Hearings: Hb2317- Permitting E-Notices, HB2307- Tax Exemption for State memorials, HB2416- Tax Exemption for AAA
3:30 PM	H Transportation Budget	118-N	Budget Action: KDOC, KDOT,
3:30 PM	H Elections	218-N	Briefing: LPA Election Security
3:30 PM	H Gen Gov. Budget	281-N	N/A
MARCH 3, 2023			
Time	Committee	Room	Notes
9:00 AM	S Ways & Means	548-S	Bill Intros; Budget Action: School for Blind & Deaf, Department of Ed., DCF
12:00 PM	JCARR	582-N	Rules & Regulations Hearings: Department of Education, Board of Pharmacy