



MEMORANDUM

To: Interested Parties

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

Date: March 4, 2023

Re: Weekly Report – Week of February 27, 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.

SHORT WEEK TO START THE SECOND HALF OF THE LEGISLATIVE SESSION

After taking a short break following “Turnaround,” the Legislature returned to Topeka on Wednesday. While the week’s agenda was relatively light, significant action is anticipated throughout the month of March, including work on the state’s budget. As a reminder, lawmakers have until March 24 to consider bills before being on the floor the week of March 27. Please be sure to check the weekly schedule at the bottom of this report to stay apprised on anticipated committee work.

LIQUOR BILLS DEBATED AND PASSED IN HOUSE

Several liquor bills went across the House floor this week, with one more to be heard next Friday. The following bills cleared the House on Thursday and will now head to the Senate for consideration (all bills were introduced in an exempt committee, allowing them to be worked on past the Turnaround deadline):

- **HB 2058** – HB 2058 would amend provisions of the Kansas Liquor Control Act to require **remittance of gallonage taxes** by holders of a special order shipping license to be submitted to the Secretary of Revenue monthly rather than quarterly as required in current law.

In the [House Federal & State Affairs Committee](#) hearing on the bill, proponent testimony was provided by representatives from the Wine & Spirits Wholesalers Association and the Kansas Department of Revenue, Division of Alcoholic Beverage Control (ABC). The proponents indicated

that the bill would allow the ABC to match reports to identify unlawful shipments of alcohol liquor. They indicated currently, common carriers and fulfillment houses report monthly, while special order shippers report monthly, which results in a delay in matching shipment orders, thereby resulting in a delay in determining which shipments may be from unlicensed entities.

The bill passed the House [112-10](#).

- [HB 2059](#) – HB 2059, as amended, would amend the Kansas Club and Drinking Establishment Act’s provisions related to **common consumption areas** to remove the requirement that a city or county require that the portions of common consumption areas on public streets or roadways be blocked from motorized traffic during events.

The bill would also require each common consumption area to be marked by signs that are conspicuously posted, identifying the boundaries of such area and in a size and manner that provides notice to persons entering or leaving the area.

The House Committee on Federal & State Affairs amended the bill to replace proposed language allowing the use of appropriate signage for marking a common consumption area with language specifying common consumption area signage be in a size and manner that provides notice to patrons of the boundaries.

During the House Committee hearing, [Representative Tory Marie Blew](#) (R-Great Bend) and representatives of the City of Topeka, Kansas League of Municipalities, Kansas Restaurant and Hospitality Association, and the NOTO Arts and Entertainment District provided proponent testimony stating the bill would help cities designate larger and more open areas for events with common consumption area permits and to attract additional patrons. Neutral testimony was provided by a representative of the Division of Alcoholic Beverage Control, Kansas Department of Revenue, who stated the agency has some public safety concerns and would prefer additional language be added concerning liability.

The bill passed the House [116-6](#).

- [HB 2170](#) – HB 2170, as amended, would amend the Kansas Liquor Control Act provisions on the licensing of spirits, wine, and cereal malt beverage (CMB) distributors concerning **samples of products** provided to retailers and to club and drinking establishment licensees.

The bill would allow a sample of up to three liters of distilled spirits, three liters of any brand of wine or three gallons of any brand of beer or CMB to be provided to club and drinking establishment licensees and employees of the establishment.

Continuing law allows samples of all types of alcohol to be provided to distributors, retailers, and their employees.

In the hearing, proponent testimony was provided by representatives of the Kansas Association of Beverage Retailers, Kansas Beer Wholesalers Association, and Kansas Wine & Spirits Wholesalers Association. The proponents indicated the bill would conform Kansas law to Federal Tax and Trade Bureau rules in regards to sampling among industry members. One of the proponents recommended an amendment to the bill, requesting the bill become effective upon

publication in the Kansas Register. Neutral testimony was provided by a representative of the Department of Revenue, Alcoholic Beverage Control Division (ABC), who stated that if the bill is passed into law, ABC would begin the process of revoking the portion of the regulation that conflicts with the new law.

The bill passed the House [115-7](#).

- [HB 2124](#) – HB 2124 would amend the Kansas Cereal Malt Beverage Act’s provisions concerning on-premises sales of cereal malt beverage (CMB) on Sunday to **remove the 30 percent food sales requirement for Sunday sales**. In continuing law, Sunday sales must have been authorized by the county or city where the licensee is located. Additionally, there is no food sales requirement for other days of the week. The bill would also make technical changes to ensure consistency in statutory phrasing.

In the House Committee hearing, Representative Blew and a representative of the Kansas Beer Wholesalers Association provided proponent testimony, stating the bill would help businesses with only a CMB license to sell such products by-the-drink on Sundays in counties with a food sales requirement.

The bill passed the House [97-25](#).

In addition to those bills mentioned above, [HB 253](#) is slated to be heard in the [Senate Federal & State Affairs Committee](#) next Friday. The bill would allow for the delivery of liquor and cereal malt beverages from licensed retailers, clubs, drinking establishments, restaurants, and third-party delivery services. The bill was requested for introduction by representatives from Wal-Mart.

LEGISLATION AIMED AT REGULATING THE HOMELESS HEARD

The newly formed [House Committee on Welfare Reform](#) heard a [bill](#) on Thursday that would clamp down on homeless people gathering or sleeping on public property. The proposal, dubbed the Safe Cities Act, would make it unlawful to use state or local government-owned lands for unauthorized sleeping, camping or long-term shelters, unless it is authorized by law or municipal ordinance. Violations would be an unclassified nonperson misdemeanor with a fine not to exceed \$1, and any second or subsequent violation would be a class C nonperson misdemeanor. Local units of government that do not comply with the law could be subject to civil action by the Attorney General. The hearing garnered tremendous attention in the Capitol. No word yet on whether the bill will be worked.

CHILD ADVOCATE BILLS CONTINUE TO BE DRAFTED & DISCUSSED

A bill establishing the Office of the Child Advocate will be heard on Monday in the [Committee on Child Welfare and Foster Care](#). The proposed legislation, sponsored by Chair [Susan Concannon](#) (R-Beloit), is one of several proposals dealing with the same issue. Last week, the Senate passed a [bill](#) that would also establish the Office of the Child Advocate and would make it an independent state agency. These various ideas continue to make progress in the legislative process, despite Governor Laura Kelly’s [Executive Order](#), signed in October of 2021, that established the [Division of the Child Advocate](#) within the Office of Public Advocates. Generally, all proposals have called for a created position that allows for complaints made on behalf of children in the child welfare system to be made to these offices and acted upon accordingly.

HOUSE FLOOR REPORT – MARCH 2, 2023

HB 2176 by Bill Rhiley, R-80th	Creating the Arkansas city area public library district act, requiring an election for the creation of such district and authorizing unified school district No. 470 to levy a tax on behalf of the library district	Final Action Passed, 110-12
HB 2290 by House Appropriations Committee	Authorizing the affiliation of northwest Kansas technical college and north central Kansas technical college with Fort Hays state university	Final Action Passed, 121-1
SB 39 by Senate Federal and State Affairs Committee	Directing the capitol preservation committee to develop and approve plans for a mural honoring the 1st Kansas (Colored) Voluntary Infantry regiment	Final Action Passed, 122-0
HB 2269 by House Federal and State Affairs Committee	Amending the Kansas cigarette and tobacco products act to raise the minimum age to 21 years old for the sale, purchase or possession of cigarettes, electronic cigarettes or tobacco products	General Orders Recommended favorably for passage; EFA: Passed, 68-53
HB 2058 by House Federal and State Affairs Committee	Requiring monthly remittance of gallonage taxes on wine to the secretary of revenue by the holder of a special order shipping license	General Orders Recommended favorably for passage; EFA: Passed, 112-10
HB 2059 by House Federal and State Affairs Committee	Amending the alcoholic liquor or cereal malt beverage common consumption area law to permit rather than require the city ordinance or county resolution creating such area to block public streets or roadways from motorized traffic and to allow the boundaries to be designated by signage	General Orders Recommended favorably for passage; EFA: Passed, 116-6
HB 2170 by House Federal and State Affairs Committee	Providing sampling rules for alcoholic liquor and cereal malt beverages for spirits distributors, wine distributors and beer distributors in regard to the amount of products used for samples for distributors, retailers and club and drinking establishment licensees	General Orders Recommended favorably for passage; EFA: Passed, 115-7
HB 2124 by House Commerce, Labor and Economic Development Committee	Allowing businesses to sell cereal malt beverage by the drink on Sundays without requiring that 30% of such businesses gross receipts be derived from the sale of food	General Orders Recommended favorably for passage; EFA: Passed, 97-25

OTHER PRESS RELEASES & UPDATES

- [Governor Kelly Announces February Total Tax Collections Exceed Estimates by Nearly \\$37 Million](#)
- [Governor Kelly Announces Nearly \\$5 Million for Nine Short Line Rail Projects](#)

- [Governor Kelly Announces Funding to Support Survivors of Domestic Violence and Sexual Assault](#)
- [Governor Kelly Announces Administration Appointments](#)
- [Governor Kelly Announces Toolkit for Kansas Communities to Prevent Domestic Violence](#)
- [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](#)

WEEKLY SCHEDULE: WEEK OF MARCH 6 – 10

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

MARCH 6, 2023			
Time	Committee	Room	Notes
8:30 PM	S Agriculture	144-S	N/A
8:30 AM	S Public Health & Welfare	142-S	Hearing: HB2033- Changing Criteria for Juvenile Crisis Intervention Centers
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 Financial Inst. & Pensions	582-N	Hearings: SB44- KS Financial Institutions Information Security Act, HB2247- Cosigner for Children in State custody
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	N/A
9:30 AM	S Financial Inst. & Insurance	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	N/A
10:30 AM	S Judiciary	346-S	Hearings: SB258- Americans with Disabilities Act, SB244- AG powers multi-county crimes, SB265- Violation of repeat Protective order
10:30 AM	S Ways & Means	548-S	Bill Intros, Hearings: HB2184- Judicial Council Fund; Action: SB172- KPERS Death Benefit, SB203- Campus Restoration Act
11:00 AM	HOUSE FLOOR		
1:30 PM	S Education	144-S	Hearing: HB2238- Fairness in Women's Sports Act
1:30 PM	S Utilities	548-S	N/A
1:30 PM	H Ag. Budget	118-N	N/A
1:30 PM	H Child Welfare	152-S	Hearing: HB2443- Establishing the Office of the Child Advocate

1:30 PM	H Commerce	346-S	Possible Action
1:30 PM	H Corrections & JJ	546-S	N/A
1:30 PM	H Education	218-N	Hearing: SB66- Enacting the interstate teacher mobility compact
1:30 PM	H Health & Human Ser.	112-N	SB180- Women's Bill of Rights Bill
1:30 PM	H Higher Ed. Budget	281-N	Budget Action: Higher Ed. Budget
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	Action: SB83- Eligibility under the tax credit for low-income student scholarship program
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	Hearings: SB14, SB15, SB17, SB18, SB19, SB26, SB27- All relating to technical fixes of insurance policy
MARCH 7, 2023			
Time	Committee	Room	Notes
8:30 PM	S Agriculture	144-S	Briefings: Sustainable Agriculture Research and Education; Kansas Healthy Food Initiative
8:30 AM	S Public Health & Welfare	142-S	Briefing: SEK CMHCs; Hearing- HB2125 Charitable Event Permits and Demonstration Permits for Body Art Services
8:30 AM	S Transportation	546-S	Hearing: SB271- Limiting Train Length to 8,500 feet and Minimum Storage of Rolling Stock
9:00 AM	H Appropriations	112-N	Bill Intros; Budget Action: KDOC, OITS
9:00 AM	H Fed & State	346-S	Bill Intros; Hearings: HB2438- EMS Teaching Certificate, HB2412- Fees on concealed-carry; Action: HB2422- Boiler Safety Inspection
9:00 AM	H Water	218-N	Briefing: Quivira Water Status
9:00 AM	H Utilities & Telecom	582-N	Briefing: Mid-Stream Pipelines, Black Hills Energy Overview
9:00 AM	H Veterans	281-N	N/A
9:30 AM	S Tax	548-S	N/A
9:30 AM	S Financial Inst. & Insurance	546-S	Hearings: HB2089- Solicitors Reporting, HB2090- Commissioner Fees, HB2094- Health Certificates of Authority, HB2097-Prima Facie against Brokers
9:30 AM	S Local Government	142-S	Hearings: HB2082- County Code Inspections and Enforcement Funds, HB2323- Transfer of Fire District Property Annexed by a City
10:30 AM	S Commerce	546-S	N/A

10:30 AM	S Fed & State	144-S	Bill Intros; Hearing: SB224- Requiring KPERS to Divest from Entities Engaged in ESG
10:30 AM	S Judiciary	346-S	Hearings: HB2027- Distribution of Assets to a Suspect, HB2010- Jury instructions Defendant Mental State; Possible Action
10:30 AM	S Ways & Means	548-S	Bill Intros; Final Action: SB153- Supplemental Appropriations; SB155- Appropriations; Possible Further Action
11:00 AM	HOUSE FLOOR		
1:30 PM	S Education	144-S	Hearings: HB2080- Virtual State Assessments, HB2322- Definition of "Children with Disabilities"
1:30 PM	S Utilities	548-S	Briefing: Plan to Address Robocall Problem
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	Briefing: Impacts of APEX on the Budget; Possible Action
1:30 PM	H Corrections & JJ	546-S	Briefing: PEAR Therapeutics; Hearing: SB73- Domestic Battery in cases of burglary
1:30 PM	H Education	218-N	Briefing: Graduation Rates
1:30 PM	H Health & Human Ser.	112-N	Briefing: Community Health Centers in SEK; Hearing: HB2429- Alternatives to Abortion Program
1:30 PM	H Higher Ed. Budget	281-N	N/A
1:30 PM	H Transportation	582-N	N/A
2:30 PM	SENATE FLOOR		
3:30 PM	H Agriculture	112-N	Briefing: Agricultural Rural Leaders
3:30 PM	H Judiciary	582-N	Hearing: SB189- Authorizing sharing of employee background information between Agencies
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; HB2318- Decreasing sales tax to 6.15%, HB2411- Penalties for remittance of income tax withholding; Possible Action
3:30 PM	H Transportation Budget	118-N	N/A
3:30 PM	H Elections	218-N	Hearing: SB208- Restricting Remote Ballot Boxes
3:30 PM	H Gen Gov. Budget	281-N	N/A
MARCH 8, 2023			
Time	Committee	Room	Notes
8:30 PM	S Agriculture	144-S	Briefing: LPA Report on Groundwater Management Districts
8:30 AM	S Public Health & Welfare	142-S	Hearing: HB2262- Embalmer Apprenticeships Prior to Mortuary Science School Enrollment
8:30 AM	S Transportation	546-S	Hearing: HB2014- Designating the Robert Lessen Memorial Highway

9:00 AM	H. Approps	112-N	Bill Intros; Hearings; HB2273- Approps Bill FY24-26, HB2274- Supplemental Approps; Budget Action: KDADS, DCF
9:00 AM	H Fed & State	346-S	Bill Intros; Hearing: SB116- School Firearm Safety Programs
9:00 AM	H Financial Inst. & Pensions	582-N	Hearing: HB2436- Enacting the Kansas public investments and contracts protection act (ESG)
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	Bill Intros; Briefing: Tax and Budget by KLRD; Possible Action
9:30 AM	S Financial Inst. & Insurance	546-S	HB 2098- Adding Entities to the Definition of "Person", HB2285- Updating Statutory References, HB2198- Expanding KP&F to Include KDWP Officers
9:30 AM	S Transparency & Ethics	142-S	
10:30 AM	S Commerce	546-S	Hearing: SB282- Establishing Childcare Licensing requirements
10:30 AM	S Fed & State	144-S	Bill Intros; Hearing: SB224- KS Protection of pensions and businesses against ideological interference act (ESG); Possible Action
10:30 AM	S Judiciary	346-S	Hearing: HB2021- Monies, Data Collection and Case Length for Certain Juvenile Offenders; Possible Action
10:30 AM	S Ways & Means	548-S	Bill Intros: Final Action- SB 153 Supplemental Appropriations, SB 155- Appropriations
11:00 AM	HOUSE FLOOR		
1:30 PM	S Education	144-S	Hearing: HB2138- Providing Additional State Aid for Students who Obtain CTE Credentials
1:30 PM	S Utilities	548-S	Briefing: Investigation of Kansas Utility Rates
1:30 PM	H Ag. Budget	118-N	N/A
1:30 PM	H Child Welfare	152-S	Briefing: Foster Care and Mental Health
1:30 PM	H Commerce	346-S	Possible Action
1:30 PM	H Corrections & JJ	546-S	Hearings: SB174- Penalties for fleeing from law enforcement, SB228- Removing req. for every County to have a jail
1:30 PM	H Education	218-N	Briefing: Farm to School Program
1:30 PM	H Health & Human Ser.	112-N	Hearing: HB2313- Enacting the Born-alive Infants Protection Act
1:30 PM	H Higher Ed. Budget	281-N	N/A
1:30 PM	H Transportation	582-N	Hearings: SB229 & SB132- Distinctive Plate Bills
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	Hearing: SB243- Settlement agreements involving a minor

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: HB2421- Grant County Tax Authority, HB2434- Diverting revenue from HHR to special funds; Possible Action
3:30 PM	H Transportation Budget	118-N	N/A
3:30 PM	H Insurance	218-N	Hearings: SB24- Defining large Employer, SB28- Group-funded insurance pools, SB119- Removing outdated language
MARCH 9, 2023			
Time	Committee	Room	Notes
8:30 PM	S Agriculture	144-S	Briefing: Kansas Geology Survey
8:30 AM	S Public Health & Welfare	142-S	Hearing: HB2390- Establishing the Kansas overdose fatality review board
8:30 AM	S Transportation	546-S	Hearings: Hb2020- Employment Status of Driver due to safety features, HB2149- Personalized Distinctive Plates
9:00 AM	H Appropriations	112-N	Bill Intros; Budget Action: Postsecondary Education, KSDE (K-12 Budget); Possible Action
9:00 AM	H Fed & State	346-S	Bill Intros; Hearing: SB3- Designating Silvisaurus condrayi as the official state land fossil
9:00 AM	H Water	218-N	Briefing: Abandoned Wells; Hearing: SB205- Authorizing Water Bank participation in flex accounts
9:00 AM	H Utilities & Telecom	582-N	Briefing: Advanced Nuclear Energy; Hearing: SB144- Exempting Satellite service from video competition act
9:00 AM	H Veterans	281-N	N/A
9:30 AM	S Tax	548-S	Bill Intros; Hearings: SB58- Disabled Veterans Sales tax Exemption, SB101- AAA Sales Tax Exemption; Possible Action
9:30 AM	S Financial Inst. & Insurance	546-S	Hearing: HB2284- Adding COBRA to definition of Municipality, HB2196- Expanding DROP membership to KP&F
9:30 AM	S Local Government	142-S	N/A
10:30 AM	S Commerce	546-S	Hearing: HB2292- Kansas apprenticeship tax credit act, HB2173- Federally Approved refrigerants; Possible Action
10:30 AM	S Fed & State	144-S	Bill Intros; Hearing (Cont.): SB224- KS Protection of pensions & businesses against ideological interference act (ESG); Possible Action
10:30 AM	S Judiciary	346-S	Hearings: HB2069- Post release Supervision fees, HB2070- Expanding drug abuse treatment program participation; Possible Action
10:30 AM	S Ways & Means	548-S	Bill Intros; Action: SB153- Supplemental Approps for FY23-24 SB155- Appropriations for FY24-26

11:00 AM	HOUSE FLOOR		
1:30 PM	S Education	144-S	Hearing: HB2236- Parents Right to Education Act
1:30 PM	S Utilities	548-S	Briefing: Kansas Utility Rates
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	TBA; Possible Action
1:30 PM	H Corrections & JJ	546-S	Hearing: SB217- Expanding Stalking to include tracking with electronic device
1:30 PM	H Education	218-N	Roundtable Briefing: School Board Members
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	Briefing: KC Area Transportation Authority, KS Department of Transportation Transit Mode
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	Hearings: SB221- Affidavit for write in candidate, SB209- Advance Ballots due by 7 PM on Election Day; Possible Action
3:30 PM	H Gen Gov. Budget	281-N	N/A
MARCH 10, 2023			
Time	Committee	Room	Notes
9:30 AM	S Taxation	548-S	Bill Intros; Hearing: SB263- Requiring director of property valuation appraiser directives to be established in rules; Possible Action
10:30 AM	S Fed & State	144-S	Bill Intros; Hearings; SB133- Charitable donor restrictions, SB253- Liquor home delivery