



MEMORANDUM

To: Interested Parties

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

Date: February 3, 2023

Re: Weekly Report – Week of January 30, 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.

KANSAS LANDS ANOTEHR MEGA PROJECT USING APEX INCENTIVES

Governor Laura Kelly [announced](#) on Thursday that Wichita-based [Integra Technologies](#) will expand its operations and become one of the largest computer chip companies in the country. The company, which already was a major manufacturer of semiconductors, will add to its operation nearly 2,000 jobs and a million-square-foot facility in Wichita.

Like the recently [announced](#) agreement to bring a Panasonic battery factory to the Kansas City area, the deal involves the use of incentives authorized by the [Attracting Powerful Economic Expansion](#) or APEX program that was created through [legislation](#) last Session. In a contract finalized in executive session on Thursday, lawmakers and the Governor agreed to provide \$304 million in tax incentives over the next 10 years in exchange for an estimated \$1.8 billion investment by Integra. The deal is also contingent upon the company receiving additional incentives from the federal CHIPS Act. Specifically, the incentives include the following:

- 10-year 10% capital investment tax credit
- 8.5% payroll reimbursement for 10 years
- \$25 million for employee training over five years
- \$1 million per year for employee relocation for 10 years
- Sales tax exemption for construction materials and equipment for five years

Additional economic development projects may be announced in the future, according to Deputy Secretary for Business Development [Paul Hughes](#), including a possible project with [EMP Shield](#) in Burlington. No further details were immediately provided.

CREDIT CARD SURCHARGE BILLS BEING FLOATED

Two bills that would allow vendors the option to impose or eliminate fees on purchases with debit or credit cards are moving through the legislative process. On Monday, the [House Committee on Financial Institutions and Pensions](#) heard [HB 2133](#). In testimony, proponents noted that Kansas is one of only four states to still have a prohibition on assessing fees in statute, and that all similar statutes have been vacated by the US Supreme Court in *Expressions Hair Design v. Schneiderman*. Further, proponents noted that if they were able to impose a surcharge, it would help absorb some costs for small business. A similar [bill](#) will be heard on Thursday in the [Senate Financial Institutions and Insurance Committee](#). There has been no word yet on whether either bill will be worked.

ROAD REPAIR TAX FOR ELECTRIC VEHICLES DISCUSSED

The [House Transportation Committee](#) heard a [bill](#) that would impose a road repair tax on electricity used to power electric vehicles (EVs). The bill would require a tax equal to \$.03 per kilowatt-hour for energy used by consumers at public electric charging stations. Proponents argued this bill will keep Kansas ahead of the curve in terms of having a sustainable source of funds to maintain its highways as more consumers choose EVs over traditional combustion engines. Opponents noted that the bill would push a “double tax” on EV owners, who already pay a higher registration fee when the vehicle is purchased, and will discourage the installation of chargers and purchase of vehicles themselves. The bill has not yet been scheduled to be worked.

\$1 BILLION DOLLAR TRANSFER TO RAINY DAY FUND PROPOSED

The [Senate Ways & Means Committee](#) heard a [proposal](#) on Tuesday that would transfer \$1 billion to the state’s rainy day fund, as a time when the state is bringing in record tax receipts and federal funds. The bill is a sharp jump from the \$500 million that was [proposed](#) by the Governor in her budget. Newly elected State Treasurer [Steven Johnson testified in support](#) of the bill and emphasized the timing was right – given competitive interest rates – to make the transfer. The bill is not yet scheduled to be worked.

LAWMAKERS CONSIDER MODIFYING RURAL HOUSING INCENTIVE STATUTES

Senator [Rob Olson](#) is continuing to champion housing incentives as the state grapples with a shortage of dwellings. SB 34 would expand the use and availability of rural housing incentive districts – which was the subject of [legislation](#) signed into law last year – to cities with a population of 60,000 people or more. It also would also allow for incentives to be used on residential, multi-family units on existing lots that have older infrastructure. [SB 37](#) would allow transferability of housing tax credits to another taxpayer. Both bills will be heard on Wednesday in the Senate Financial Institutions and Insurance Committee.

“ROFR” BILL EMERGES IN KANSAS

Like several other legislatures across the country, Kansas lawmakers will soon hear a bill regarding transmission lines and the right of first refusal (ROFR). [SB 68](#) would provide incumbent electric transmission owners a right of first refusal for the construction, upgrading, ownership, and maintenance of certain electric transmission lines. Incumbent owners would be required to provide written notice of their intent to construct, own, or upgrade such lines to the regional transmission organization. If there are two or more incumbent transmission owners, the right of first refusal would be determined by mutual agreement between them. Although a hearing has yet to be held, the debate typically pits incumbent

utility companies against ratepayer advocacy groups. The bill will be heard and possibly worked all next week in the [Senate Utilities Committee](#).

OTHER PRESS RELEASES & UPDATES

- [Governor Kelly Announces Integra Technologies to Invest \\$1.8B, Create Nearly 2,000 Jobs with Wichita Semiconductor Plant](#)
- [Governor Kelly Announces January Total Tax Collections Exceed Estimate by \\$56.2 Million](#)
- [Governor Kelly Announces 9-8-8 Suicide and Crisis Lifeline Has Helped Nearly 27% More Callers in First 6 Months](#)
- [Governor Kelly Announces Staff Changes](#)
- [Governor Kelly Announces Program to Provide \\$1,000 per Student to Qualifying Families to Promote Learning Recovery](#)
- [Governor Kelly Announces \\$4 Million Planning Grant to Advance Statewide Early Childhood System](#)

WEEKLY SCHEDULE: WEEK OF FEBRUARY 6 – FEBRUARY 10

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

FEBRUARY 6, 2023			
Time	Committee	Room	Notes
8:30 PM	S Agriculture	144-S	Bill Intros; Hearing: Department of Wildlife
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 Financial Inst. & Pensions	582-N	Bill Intros; Hearings; HB2102- Repurchase of KPERs Obligation Bonds, HB2197- Revising transfer statute of First Time Homebuyer Act
9:00 AM	H Local Government	281-N	Bill Intros; Hearing: HB2092- Reapportioning Topeka related to Washburn KBOR
9:00 AM	H Leg. Modernization	218-N	Executive Session Hearing: KHP/Capitol Security
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	Bill Intros; Budget Hearing & Action: Board of Accountancy, Gov. Ethics commission, Real Estate Board
10:30 AM	S Commerce	546-S	N/A
10:30 AM	S Fed & State	144-S	Bill Intros; Budget Hearings: KS Lottery, KS Gaming & Racing Commission
10:30 AM	S Judiciary	346-S	N/A
10:30 AM	S Ways & Means	548-S	N/A
10:30 AM	SWAM Sub- Human Services	548-S	Budget Hearing: State Hospitals for Mental Health, State Hospitals for I/DD
11:00 AM	HOUSE FLOOR		

1:30 PM	S Education	144-S	Bill Intros; Hearings: SB48- Appointments to Technical Ed. Authority, SB84- HSE students included in performance-based payments
1:30 PM	S Utilities	548-S	Bill Intros; Hearing (Proponents): SB68- Incumbent Electric Transmission ROFR; Possible Action
1:30 PM	H Ag. Budget	118-N	Budget Action: Department of Agriculture
1:30 PM	H Child Welfare	152-S	Bill Intros; Hearings: HB2240- Court Clerk to give notice of treatment program, HB2153- AG Training for human trafficking; Possible Action
1:30 PM	H Commerce	346-S	Bill Intros; Hearing: HB2173-Approve use of federally approved refrigerants; Possible Action
1:30 PM	H Corrections & JJ	546-S	Bill Intros; Hearing: HB2214- Renaming Larned Facility; Action: HB2114- Renaming Corrections Committee to honor Russ Jennings
1:30 PM	H Education	218-N	Bill Intros; hearing: HB2163- Due process for termination of a teacher contract; Possible Action
1:30 PM	H Health & Human Ser.	112-N	Bill Intros; Hearings: HB2259- Mental health meds on Medicaid, HB2260- KU Med loan agreements, HB2263- Pharmacy Techs to administer vaccines
1:30 PM	H Higher Ed. Budget	281-N	Bill Intros; Budget Action: Behavioral Science Regulatory Board, Board of Healing Arts
1:30 PM	H Transportation	582-N	Bill Intros; Action: HB2019- Independent Contractor Transportation, HB2020- Unchanging employment status due to vehicle safety
2:30 PM	SENATE FLOOR		
2:30 PM	SWAM Sub- Human Services	548-S	Agency Overview: Department of Children & Families (DCF)
3:30 PM	H Agriculture	112-N	N/A
3:30 PM	H General Gov. Budget	281-N	Bill Intros; Budget Hearings: SOS, Administrative Hearings
3:30 PM	H Judiciary	582-N	Bill Intros; Hearing: HB2215- Crime of utilizing a drug-masking product; Briefing: Supported Decision Making
3:30 PM	H K-12 Budget	546-S	Bill Intros; Briefing: School of the Blind; Hearing: HB2218-Sunflower Education Equity Act (ESAs)
3:30 PM	H Social Services Budget	152-S	Bill Intros; Budget hearings: Board of Pharmacy, Healthcare Stabilization, KDHE (Health)
3:30 PM	H Tax	346-S	Bill Intros; Hearings; Hb2137- Reimbursement of printing notice, HB2201- Info. on appraised value notice; Action: HB2026: Tax Warrants
3:30 PM	H Transportation Budget	118-N	N/A
3:30 PM	H Insurance	218-N	Bill Intros; Hearings; HB2094- Fiscal Soundness for Medicare Provider, HB2093- Payments to

			certain group-funded insurance pools; Possible Action
FEBRUARY 7, 2023			
Time	Committee	Room	Notes
8:30 PM	S Agriculture	144-S	Budget Hearing: KDHE (Environment)
8:30 AM	S Public Health & Welfare	142-S	Budget hearing: KS Guardianship Program; Budget Action: Vet Affairs Office, Guardian Program
8:30 AM	S Transportation	546-S	Budget Hearing & Action: Kansas Department of Transportation
9:00 AM	H Appropriations	112-N	Budget Action: CURB, EMS Board, Fire Marshal, KS Lottery, Dep. Of Revenue, BOTA
9:00 AM	H Fed & State	346-S	Bill Intros; Final Action
9:00 AM	H Water	218-N	Briefing: Kansas Municipal Utilities
9:00 AM	H Utilities & Telecom	582-N	Hearings: HB2227- Solar power purchase agreements with renewable suppliers, HB2228- increasing capacity of net metered generation
9:00 AM	H Veterans	281-N	Hearings: HB2209- Workers Comp for Nat. Guard Members, HB2210- Confirmation Requirement, HB2211- Office of Homeland Security
9:30 AM	S Tax	548-S	Bill Intros; Hearings: SB52- Increasing SSI exemption, SB33- Exempting SSI income from income tax, SB81-Federal Work Opportunity Tax Credit
9:30 AM	S Financial Inst. & Insurance	546-S	Hearings: SB85- Travel Insurance Act, SB44- FI Information Security Act, SB51- Bank Commissioner approval to check criminal records
9:30 AM	S Local Government	142-S	Possible Action
10:30 AM	S Commerce	546-S	Briefing: PraiseFood- Farm Economy
10:30 AM	S Fed & State	144-S	Bill Intros; Hearing: SB59- Designating MLK Jr. Day at the Capitol
10:30 AM	S Judiciary	346-S	Hearing: SB72- Exception to hearsay rule to allow admissions to a translator; Confirmation Hearing: Tony Mattivi- KBI Director
10:30 AM	S Ways & Means	548-S	Budget Action: Board of Pharmacy, Office of the Governor
11:00 AM	HOUSE FLOOR		
12:00 PM	SWAM Sub- Executive	548-S	Budget Hearing & Action: AG, Insurance Department, SOS
12:00 PM	SWAM Sub- Human Services	144-S	Budget Action: State Mental Health Hospitals, State Hospitals for Intellectual Disabilities
1:30 PM	S Education	144-S	Hearing: SB83- Providing additional eligibility under the Tax Credit for Low Income Students Scholarship Program; Possible Action

1:30 PM	S Utilities	548-S	Bill Intros; Hearing (Proponents & Neutral): SB68- Incumbent Electric Transmission ROFR; Possible Action
1:30 PM	H Ag. Budget	118-N	Budget Hearing & Action: Water Office
1:30 PM	H Welfare Reform	152-S	Hearing: HB2140- Increasing age of able-bodied adults to complete employment training
1:30 PM	H Commerce	346-S	Hearing: HB2234- Increasing cost threshold for State construction projects; Possible Action
1:30 PM	H Corrections & JJ	546-S	Action: HB2113- Prohibiting denial of expungement due to inability to pay
1:30 PM	H Education	218-N	Hearing: Hb2132- Expanding Kansas Scholarship Act
1:30 PM	H Health & Human Ser.	112-N	Hearing: HB2264- No Patient Left Alone Act
1:30 PM	H Higher Ed. Budget	281-N	N/A
1:30 PM	H Transportation	582-N	Hearing: HB2148- Increasing title fees on vehicles as modernization surcharge
2:30 PM	SENATE FLOOR		
3:30 PM	H Agriculture	112-N	Briefing: K-State Sorghum Improvement Center
3:30 PM	H Judiciary	582-N	Hearings: HB2185- Alt. Service under the Protection from Abuse Act, HB2216- Removing mandatory jail for driving on suspended licenses
3:30 PM	H K-12 Budget	546-S	Briefing: K-12 Ed. Budget; Possible Action
3:30 PM	H Social Services Budget	152-S	Budget Hearing (cont): KDHE (Health)
3:30 PM	H Tax	346-S	Bill Intros; Hearings: HB2176 & HB2205- Both Bills create public library districts requested in Udall and Arkansas City
3:30 PM	H Transportation Budget	118-N	Budget Hearings: BIDS, KBI
3:30 PM	H Elections	218-N	Hearings: HB2086- Election Procedures, HB2087- Selection of Presidential Electors, HB2190- Eliminating prosecutorial duty of SOS; Possible Action
3:30 PM	H Gen Gov. Budget	281-N	Budget Hearing: KPERS, Pooled Money Investment Board; Budget Action: AG, SOS, Insurance Department
FEBRUARY 8, 2023			
Time	Committee	Room	Notes
8:30 PM	S Agriculture	144-S	Budget Hearing: Kansas Water Office
8:30 AM	S Public Health & Welfare	142-S	Hearing: SB103- Updating KS Dental Practices Act; Briefing: Senior Care Taskforce Report
8:30 AM	S Transportation	546-S	N/A
9:00 AM	H. Approps	112-N	Budget Action: Board of Nursing, Board of Pharmacy; Hearing: HB2191- Permit 501(c)3 for Dolly Parton Imagination Library; Possible Action
9:00 AM	H Fed & State	346-S	Bill Intros; Hearing: HCR5005- Convention of States

9:00 AM	H Financial Inst. & Pensions	582-N	Hearings: HB2103- Eliminating 15% alt investment for KPERS, HB2025- COLA adjustment for KPERS; Possible Action
9:00 AM	H Local Government	281-N	Hearing: HB2150- Repealing zoning authority for cities in 3-mile radius of city boundaries
9:00 AM	H Leg. Modernization	218-N	N/A
9:30 AM	S Tax	548-S	Bill Intros; Hearing: SB126- Income tax credit for residential wind/solar energy expenditures; Possible Action
9:30 AM	S Financial Inst. & Insurance	546-S	Hearing: SB34- Expanding use of Rural Housing Incentive Districts, SB37- Expanding transferability of Housing Investor Tax Credit
9:30 AM	S Transparency & Ethics	142-S	Budget Hearing & Action: Office of Bank Commissioner, Department of Credit Unions
10:30 AM	S Commerce	546-S	Budget Hearing & Action: Department of Commerce
10:30 AM	S Fed & State	144-S	Bill Intros; Hearing: SB116- Firearm Safety Programs in School Districts
10:30 AM	S Judiciary	346-S	Hearing: SB115- Revising list of persons given notice by a public agency adoption; Possible Action
10:30 AM	S Ways & Means	548-S	Bill Intros; Budget Action: Board of Healing Arts, State Hospitals for Mental Health, State I/DD Hospitals
11:00 AM	HOUSE FLOOR		
12:00 PM	SWAM Sub- Public Safety	548-S	Budget Hearing & Action: KBI, KHP
1:30 PM	S Education	144-S	Briefing: Jobs for America's Graduates- Kansas; Possible Action
1:30 PM	S Utilities	548-S	Bill Intros; Hearing (Opponents): SB68- Incumbent Electric Transmission ROFR; Possible Action
1:30 PM	H Ag. Budget	118-N	Budget Hearing: Wildlife & Parks Budget
1:30 PM	H Child Welfare	152-S	Briefing: Adoptions; Possible Action
1:30 PM	H Commerce	346-S	N/A
1:30 PM	H Corrections & JJ	546-S	Action: HB2021- Evidence-Based program account funds to be used on certain juvenile offenders
1:30 PM	H Education	218-N	Hearing: HB2236- Parents Right in Childs Education
1:30 PM	H Health & Human Ser.	112-N	Hearing: HB2049- Length of nurse aide courses for unlicensed employees at adult care homes
1:30 PM	H Higher Ed. Budget	281-N	N/A
1:30 PM	H Transportation	582-N	Possible Action
2:30 PM	SENATE FLOOR		
3:00 PM	SWAM Sub- Human Services	548-S	Budget Hearing: DCF
3:30 PM	H Agriculture	112-N	Briefing: Kansas State Fair

3:30 PM	H General Gov. Budget	281-N	Budget Hearing: Gov. Ethics Commission, Office of the Governor; Budget Action: Office of Administrative Hearings
3:30 PM	H Judiciary	582-N	Hearing: HB2121- Speedy trial times during the PHE; Possible Action
3:30 PM	H K-12 Budget	546-S	Briefing: School Funding Basics; Possible Action
3:30 PM	H Social Services Budget	152-S	Budget Hearing: Parsons State Hospital, KNI
3:30 PM	H Tax	346-S	Bill Intros; Briefing: Uniform Tax Policy
3:30 PM	H Transportation Budget	118-N	Budget Action: BIDS, KBI
3:30 PM	H Insurance	218-N	Possible Action
FEBRUARY 9, 2023			
Time	Committee	Room	Notes
7:30 PM	SWAM Sub- Higher Ed.	548-S	Budget Hearing & Action: State Library
8:30 PM	S Agriculture	144-S	Budget Action: KDHE Environment, Water Office
8:30 AM	S Public Health & Welfare	142-S	Action: SB103- Updating the Kansas Dental Practices At; Briefing: Aging in Kansas (AAA)
8:30 AM	S Transportation	546-S	Budget Action: KDOT
9:00 AM	H Appropriations	112-N	Bill Intros; Budget hearings: AG, Insurance Dep., SOS; Committee Briefings: I/DD Modernization, State Employee Board
9:00 AM	H Fed & State	346-S	Bill Intros; Hearing: HB2269- Increasing the Age to purchase tobacco to 21+; Possible Action
9:00 AM	H Water	218-N	TBA
9:00 AM	H Utilities & Telecom	582-N	Hearings: HB2156- Authorizing KCC special rates, HB2225- Limiting recovery cost for transmission costs, HB2226- Notice for Whitelining
9:00 AM	H Veterans	281-N	Action: HB2209- Workers Comp for Nat. Guard Members, HB2210- Confirmation Requirement, HB2211- Office of Homeland Security
9:30 AM	S Tax	548-S	Bill Intros; Hearing SB128- Ad Astra Tax Credit; Possible Action
9:30 AM	S Financial Inst. & Insurance	546-S	Hearing: SB104- Surcharge on credit card purchases
9:30 AM	S Local Government	142-S	Possible Action
10:30 AM	S Commerce	546-S	Budget Action: Department of Commerce; Possible Action
10:30 AM	S Fed & State	144-S	Bill Intros; Hearing: SB92- Convention of States
10:30 AM	S Judiciary	346-S	N/A
10:30 AM	SWAM Sub- Gen Gov	548-S	Budget Hearing & Action: Judicial Branch
11:00 AM	HOUSE FLOOR		
12:00 PM	SWAM Sub- Human Services	548-S	Budget Hearing: KDHE Health, Healthcare Stabilization Fund Board
1:30 PM	S Education	144-S	Hearing: SB66- Enacting the Interstate Teacher Mobility Compact; Possible Action
1:30 PM	S Utilities	548-S	Discussion & Possible Action: SB68- Incumbent Electric Transmission ROFR; Possible Action

1:30 PM	H Ag. Budget	118-N	Budget Action: Wildlife and Parks Budget
1:30 PM	H Welfare Reform	152-S	TBA
1:30 PM	H Commerce	346-S	TBA
1:30 PM	H Corrections & JJ	546-S	TBA
1:30 PM	H Education	218-N	Hearing: HB2138- Creating the career technical education credential and transition incentive for employment success act
1:30 PM	H Health & Human Ser.	112-N	Hearing: HB2050- Updating Income Eligibility for State Children's Health Insurance Plan
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	N/A
3:30 PM	H Judiciary	582-N	Hearing: HB2246- Charlies Law (Nursing Home Discharge); Possible Action
3:30 PM	H K-12 Budget	546-S	N/A
3:30 PM	H Social Services Budget	152-S	Budget hearings: KDHE Health
3:30 PM	H Tax	346-S	Bill Intros; Hearings: HB2134- Sales Tax Deduction for salvaged vehicle, HB2136- Income Tax Subtraction for Eminent Domain
3:30 PM	H Transportation Budget	118-N	Budget Hearings: KCPOST, KS Sentencing Commission
3:30 PM	H Elections	218-N	Bill Intros; Possible Action
3:30 PM	H Gen Gov. Budget	281-N	Budget Hearing: Board of Barbering; Budget Action: KPERS, Pooled Money Investment Board
FEBRUARY 10, 2023			
Time	Committee	Room	Notes
8:30 AM	SWAM Sub- Human Services	548-S	Budget Hearing: KDHE Health, Healthcare Stabilization Fund Board
9:00 AM	House Appropriations	112-N	Budget Action: KBI, BIDS; Possible Action
10:30 AM	S Ways & Means	548-S	Bill Intros; Budget Action: AG, Insurance, SOS, KBI, KHP, Gov Ethics; Possible Action
1:30 PM	S Utilities	548-S	Discussion & Possible Action: SB68- Incumbent Electric Transmission ROFR; Possible Action
3:30 PM	H Gen. Gov Budget	281-N	Budget Hearing and Action: Office of Governor, Office of State Treasurer