



MEMORANDUM

To: Interested Parties

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

Date: April 1, 2023

Re: Weekly Report – Week of March 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.

LONG WEEK OF FLOOR WORK CONCLUDES

Lawmakers were on the floor all last week debating, amending and voting on legislation that has been worked on the last several months. Please see a summary of some bills of note that were discussed in the House and Senate, below.

Tax // Budget

SB 252 — Providing for exemptions from property tax and sales tax for certain businesses competing against governmental entities. The Bill was previously amended to only apply to the sale of goods, excluding services. An amendment was successfully added on the Senate Floor which would exclude competition spurred by an election or approved bonding approved by the electorate. The bill passed the Senate [24-16](#).

H Sub for SB 169 — H Sub for SB 169 represents the House position on a comprehensive tax policy package. The bill provides an income tax rate of 5.25% for individuals and decreasing the normal tax for corporations, increasing the income limit for the income tax subtraction modification for social security income, increasing the Kansas standard deduction for individuals and further increasing the standard deduction by a cost-of-living adjustment, discontinuing the food sales tax credit, decreasing the privilege tax normal tax, establishing a 0% state rate for sales and use taxes for food and food ingredients on July 1, 2023, and increasing the extent of property tax exemption for residential property from the statewide school levy.

Two amendments were successfully added. The first would increase the amount of residential property exempt from the statewide uniform 20 mill school finance levy to \$80,000 of appraised value. The second amendment would allow taxpayers to elect the tax year in which contributions to postsecondary education savings accounts are claimed.

H Sub for SB169 passed the House [94-30](#) and will be discussed as a part of the Tax Conference Committee.

[HB 2036](#) — Creating a homestead property tax exemption for retired and disabled veterans. An amendment on the House Floor was brought to prohibit recipients of any exemption under the bill from being eligible for refunds under the Homestead Property Tax Refund Act. The bill passed on House [123-1](#).

[SB 34](#) — Expanding the use of bond proceeds under the Kansas Rural Housing Incentive District Act, to include certain urban communities. The bill has already passed the Senate and was listed for discussion on the House Floor, however, the bill was passed over. The legislation's future remains uncertain.

[SB 42](#) - House Sub. for SB 42, as recommended by the House Committee on Appropriations, contains FY 2023 supplemental funding, FY 2024 funding for most state agencies, and FY 2025 expenditures for certain state agencies. An overview of the Governor's amended budget recommendations for FY 2023 through FY 2024 and the House Committee's adjustments to the Governor's amended recommendations are [here](#). The bill also contains some FY 2025 appropriations for the Kansas Board of Regents and claims against the State.

The House Committee of the Whole added the following amendments to the bill that are not reflected in the linked overview. These include the following:

- Expenditures of grant dollars may be made by a state agency if it is posted on the publicly accessible website.
- Holds all state full time employees (FTEs) at the same level in the 2023 budget approved by the 2022 budget.
- Strike language pertaining to the Local Ad Valorem Tax Reduction Fund from the budget.
- Amend language relating to nonresident deer permits.

K-12 expenditures have been deleted from the bill and added to House Sub. for [SB 113](#).

The bill passed the House with a strong vote of [103-21](#) and will now be negotiated against the Senate's budget which was passed last week.

Health

[HB 2263](#)— Authorizing pharmacy technicians to administer certain vaccines, creating a civil cause of action against a physician and requiring revocation of physician's license who performs a childhood reassignment service. The bill would add pharmacy technicians, at least 18 years of age and under the direct supervision and control of a pharmacist, to the list of those authorized to administer vaccinations after successfully completing a course of study and training. The bill passed the Senate [26-10](#). The House ruled the bill materially changed and referred it back to the Committee on Health & Human Services.

[SB 297](#)- Revising the definition of "abortion" to clarify procedures that are excluded from such definition. The bill would amend the definition uniformly to statutes pertaining to insurance coverage for elective abortions, abortion facility licensure, abortion of a pain-capable unborn child, the Kansas Unborn Child

Protection from Dismemberment Abortion Act, and general abortion statutes addressing viability, restrictions, and prohibitions, and information to be provided. The bill would clarify certain medical procedures and the prescription, dispensing, administration, sale, or use of any method of contraception would not be considered an abortion. The bill passed the Senate [29-11](#).

[SB 314](#)- Prohibiting the secretary of health and environment from requiring COVID-19 vaccination for any child cared for in a child care facility, any student enrolling or enrolled in a school for the first time in Kansas, any child enrolling or enrolled for the first time in a preschool or daycare program operated by a school, and any other such students as may be designated by the Secretary, prior to admission or attendance at school. The bill would define the COVID-19 vaccine as immunization, vaccination, or injection against disease caused by a variant of the novel coronavirus identified as SARS-CoV-2 or disease caused by a variant of the virus. The bill would also make technical amendments and passed the Senate [24-16](#).

[HB 2313](#)- Creating the Born-Alive Infants Protection Act to provide legal protections for infants who are born alive regardless of the intent of the delivery. The bill would require, in the event an abortion or attempted abortion results in a child being born alive, any health care provider present at the time the child is born alive to a) exercise the same degree of professional skill, care, and diligence, to preserve the life and health of the child as a reasonably diligent and conscientious health care provider would render to any other child born alive at the same gestational age; and, b) ensure that the child who is born alive is immediately transported to a hospital. Additionally, the bill would require any health care provider or any employee of a medical care facility who has knowledge of a failure to comply with the reporting requirements to immediately report such failure to an appropriate law enforcement agency. The bill passed the Senate [31-9](#).

[SB 315](#)- Requiring childcare facilities, elementary, secondary and 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 on colleges and universities in Kansas. The bill defines “religious beliefs” to include but not be limited to the following: theistic and non-theistic moral and ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views. The bill passed the Senate [22-18](#).

[HB 2264](#)- Enacting the No Patient Left Alone Act to allow in-person visitation to certain patients at hospitals, adult care homes, and hospice facilities. The bill would require patient care facilities to establish visitation policies and procedures by September 1, 2023 and establish a Patient’s Bill of Rights to protect and promote the rights of each patient in a patient care facility. Facilities would not be able to take action to prevent a patient from receiving in-person visitation from any person designated by the patient though patients may refuse in-person visitation or revoke previously granted visitation from any person at any time. The bill would provide protections for facilities that permits them to require PPE for guests if required to mitigate risk of spreading disease. The bill passed the Senate [31-9](#).

[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. This bill would permit a CRNA to practice as an independent advanced registered nurse to the full extent of the scope of the licensee’s education and qualifications except for the performance of surgery for the purpose of implantation of medication reservoirs for drug delivery devices. They would also be allowed to prescribe, procure, select, order and administer any drug consistent with the licensee’s education and qualifications. The bill would take effect on January 1, 2024 and passed the senate [33-6](#).

SB 194 - Requiring hospital district board members to be qualified electors of the county where the hospital is located or any adjacent county. The Senate Committee of the Whole amended the bill to require a member of a hospital district to own real property within the taxing district of the hospital. The bill also requires a majority of the members of the hospital district board to be residents of the county in which the hospital is located. A motion of [Rep. John Carmichael](#) (D-Wichita) to re-refer the bill to the House Local Government Committee for further consideration was defeated and the bill went on to fail in the House on a vote of [50-73](#).

SB 131 - Permitting an out-of-state physician to receive a sports waiver to practice medicine in the state on a limited basis during certain sporting events and permitting the state board of healing arts to adopt procedures to allow other licensed and regulated healthcare professionals to be issued a sport waiver. Health care services could be provided only on behalf of team members and coaching staff during sporting events pursuant to a contract with a sports team to provide such services, upon invitation by a national sports governing body to provide medical services at a national sports governing body to provide medical services at a national sports training center in Kansas, or at events or competitions sanctioned by a national sport governing body. The Board would establish a process for sports waivers including the frequency, duration, scope of practice, compliance, and reporting. During debate, [Rep. John Eplee](#) (R-Atchison) successfully amended the bill to include the contents of [HB 2263](#) relating to allowing pharmacy technicians to administer vaccines, and [HB 2264](#) enacting the No Patient Left Alone Act – both as originally worked by the House. The amended bill passed the House [114-9](#). The Senate made a motion to non-concur, and the Bill will be sent to Conference Committee.

SB 180- Establishing the women's bill of rights to provide a meaning of biological sex for purposes of statutory construction. The bill would set intermediate constitutional scrutiny as the standard of judicial review to be applied with regard to laws and rules and regulations that distinguish between the sexes. The bill would require certain entities that collect vital statistics to identify each individual who is part of the collected data set as either male or female at birth. The bill would include that individuals born with a medically verifiable diagnosis of disorder/differences in sex development would receive available federal and state legal protections. The bill passed the House [83-41](#).

HB 2439- Requiring notification to patients that the effects of a medication abortion may be reversible. These notifications would be required to be posted in facilities where medication abortions that use mifepristone are provided and be given by physicians providing such abortions. The bill passed the House [85-39](#).

KPERS // Retirement

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. This bill would delegate the selection of the overall cap to the KPERS Board of Trustees. The Senate passed over the bill on Wednesday but it will retain a place on the calendar for potential consideration yet this session.

SB 291 — Enacting the Kansas public investments and contracts protection act concerning environmental, social and governance (ESG) criteria, prohibiting the state and political subdivisions from giving preferential treatment to or discriminating against companies based on such ESG criteria in procuring or letting contracts, requiring KPERS fiduciaries to act solely in the financial interest of the participants and beneficiaries of the system, restricting state agencies from adopting ESG criteria or requiring any person or business to operate in accordance with such criteria, directing registered investment advisers to

provide ESG criteria notice to clients and providing for enforcement of such act by the attorney general. The bill was successfully amended by the Senate to allow 18 months to withdraw from investments in foreign advisories followed by failed attempt to add an amendment adding a section that requires a notice for consumer protection. The bill passed the Senate [29-11](#) on Tuesday and was sent to the House on Wednesday for further consideration.

HB 2196 — Expanding deferred retirement option program (DROP) membership to all Kansas police and firemen's retirement system members. Under current law, a DROP participant can only include a trooper, examiner, or officer of the KHP or KBI. The bill unanimously passed the Senate and a Conference Committee has been requested by the House.

Property // Appraisal

SB 8 — Reducing penalties for the late filing of and the failure to file personal property renditions and the discovery of escaped personal property, requiring filing only an initial statement with county appraiser for personal property and decreasing the penalties for failing to timely remit withholding income taxes of employees by employers. The bill passed the House [122-2](#) after a receiving an unanimous vote in the Senate.

HB 2232 — Granting the director of property valuation the authority to develop qualifying courses for county appraisers to be registered mass appraisers. This would specifically relate to the administration of assessment and tax laws in Kansas and passed the House [122-2](#). After introduction in the Senate, the bill was referred to the Committee on Assessment & Taxation for further review.

Police // Fire

SB 189 — Authorizing state and local law enforcement agencies to receive files and information about an applicant from other agencies that received an application for employment from the applicant or conducted an employment background investigation on the applicant. The bill would require each applicant who has submitted an application for a law enforcement officer position to execute a written waiver that authorizes disclosure of an applicant's previous employment records to the hiring agency when such applicant has submitted an application for a law enforcement officer position with another state or local law enforcement or government agency. The bill passed the House unanimously, the Senate nonconcurred with amendments, and the House motioned to accede to a Conference Committee.

SB 228 — Requiring the Secretary for Aging and Disability Services (KDADS) to reimburse counties for certain costs when a person is in a county jail awaiting examination, evaluation or treatment for competency, modernizing statutes concerning county jails, removing the requirement that every county shall have a jail, modifying procedures used when district courts commit prisoners to jail in another county and when counties contract with city jails to keep prisoners and requiring a medical examination before certain United States prisoners or city prisoners are taken into custody of a county jail. The bill would require, whenever a person is in the custody of a county jail awaiting examination, evaluation or treatment, KDADS would reimburse such county for costs related to the custody at the rate of \$100 per day. The bill passed the House [122-1](#) and the House acceded to the Senate's position to nonconcur with amendments.

SB 174 — Creating the crime of interference with the conduct of a healthcare facility, increasing the criminal penalties for battery of a healthcare provider, adding the placing of controlled substances into pills into the definition of manufacture, increasing the criminal penalties for manufacturing fentanyl, creating a special sentencing rule to make sentences for distributing fentanyl presumptive imprisonment,

excluding materials used to detect the presence of fentanyl, ketamine or gamma hydroxybutyric acid from the definition of drug paraphernalia, adding domestic battery and violation of a protection order to the crimes that a person can have the intent to commit when committing burglary or aggravated burglary, increasing criminal penalties for the crime of interference with law enforcement when the violation involves fleeing from a law enforcement officer and 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. The bill passed the House [84-40](#).

HB 2024 — Expanding legal surrender of an infant to include newborn safety devices. The bill would authorize a parent or other person having lawful custody of an infant who is not more than 60 days old and who has not suffered great bodily harm as determined by a person licensed to practice medicine or surgery, an advanced practice registered nurse, or licensed physician assistant to surrender physical custody to a newborn safety device, as defined, installed at a police station, sheriff's office, law enforcement center, fire station, city or county health department, hospital, ambulatory surgical center, or recuperation center. The relinquishing parent that follows the above procedure would be immune from civil or criminal liability for surrendering an infant. The bill passed the Senate [35-5](#).

Alcohol // Tobacco

HB 2269 — 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. This would bring Kansas into compliance as required by federal law. The Bill passed the Senate [28-11](#).

HB 2059 — 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. This Bill passed in the Senate [35-5](#). The House added an amendment interesting the language of SB269, allowing for alcoholic beverages to be used in charitable contributions and raffle prizes.

SB 116 — House Substitute for SB 116 by Committee on Federal and State Affairs regulates samples of spirits distributors, wine distributors and cereal malt beverage distributors. It also requires monthly remittance of gallonage taxes regarding special order shipping of wine. Further, it permits, rather than requires, that roads be blocked if adequate signage is used for common consumption areas and allowing businesses to sell cereal malt beverages by the drink on Sunday without requiring that 30% of the gross receipts be from food sales. The Bill passed in the house [102-21](#).

Energy // Environment // Utilities

SB 49 — SB 49, as amended, would require the installation of a light-mitigating technology system in new and existing wind energy conversion systems upon approval from the Federal Aviation Administration. The bill would also establish requirements for the vendors of lighting systems and allow any county to enter into certain agreements with a developer, owner, or operator of wind turbines. The bill passed in the House [118-6](#).

HB 2279 — HB 2279, as amended, would add sections to the Kansas Groundwater Management District Act to require groundwater management districts to submit annual reports to the Legislature and conservation and stabilization action plans to the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. The bill would be part of and supplemental to the Kansas Groundwater Management Act. The bill passed in the Senate [35-5](#).

[HB 2225](#) — HB 2225, as amended, would amend law authorizing a Kansas Corporation Commission regulated utility to recover costs associated with the transmission of electric power through a transmission delivery charge and require public utilities to evaluate the regional rate competitiveness and impact to economic development in rate proceedings. The bill passed [37-2](#).

Elections

[SB 209](#) - SB 209, as amended, would change the deadline for all advance voting ballots to be received by the county election officer from the third day following the date of the election to 7:00 p.m. on the date of the election. The deadline change would apply to advance voting ballots received by mail or in the office of the county election officer, the satellite election office, any polling place, or a county-maintained election drop box. The House passed out SB 209, as amended, [76-48](#).

[SB 221](#) — SB 221, as amended, would amend procedures for write-in candidates for certain elected offices. Current law requires a write-in candidate for the office of President, Vice President, Governor, Lieutenant Governor, or any other statewide elected office to submit an affidavit of write-in candidacy to the Secretary of State by 12:00 noon on the second Monday preceding the general election for such office.

Chiefly, the bill would change the deadline applicable to these offices to 12:00 noon on the fourth Monday preceding the general election for such office. The bill would expand the provision to require an affidavit for write-in candidacy to be filed with the Secretary for an individual wishing to run as a write-in candidate for the State House of Representatives, State Senate, or the State Board of Education. The bill would require the write-in candidacy affidavit to be submitted not later than 12:00 noon on the fourth Monday preceding the election at which the write-in candidate seeks nomination or election. The House passed out SB 221, as amended, [119-5](#).

Local Government // Commerce

[HB 2082](#) — HB 2082 would authorize counties to create a Code Inspection and Enforcement Fund, a Municipalities Fight Addiction Fund, and expand the existing County Equipment Reserve Fund to include purchases of technology and technology services. On March 28, the bill passed the Senate on a vote of [38-2](#). The bill will now be presented to the Governor.

[SB 301](#) — SB 301, as amended, would require elected and appointed officers of a governmental subdivision to file annual statements of substantial interest with the office where declarations of candidacy are required to be filed. Current law requires such officeholders to file statements only in a year in which their substantial interests change. Upon receipt of a statement of substantial interest, the receiving office would be required to submit a copy of such statement to the Secretary of State. The bill would exempt elected or appointed officers of townships or school districts from the annual filing requirements, but would require those elected officials to file an annual statement of substantial interest if any change occurred in the individual's substantial interests during the preceding calendar year.

The Senate Committee of the Whole amended the bill to specify that elected officers of townships or school districts would be required to file a statement of substantial interest between April 15 and April 30 if any change occurred in their substantial interests during the preceding calendar year.

On March 29, the bill passed the Senate on a vote of [40-0](#).

[HB 2002](#) — HB 2002, as amended, would amend law related to the revenue neutral rate hearing notice, require property valuation notices to include additional information, permit the use of fee simple appraisals performed by Kansas Certified Residential Real Property Appraisers in certain valuation appeals, permit payment under protest appeals by taxpayers having already appealed their property valuation pursuant to an equalization appeal, and codify agricultural land adverse influences for property valuation purposes.3/29 Passed the Senate, as amended

The Senate Committee of the Whole amended the bill to insert the provision permitting payment under protest appeals by taxpayers who have previously appealed their valuation pursuant to the equalization appeal procedure.

After passing the House, the bill passed the Senate this week [34-6](#).

[HB 2446](#) — HB 2446, as amended, would prohibit municipalities from adopting or enforcing an ordinance, resolution, or regulation that restricts, taxes, imposes a fee upon, prohibits, or regulates the use of auxiliary containers.

The bill would define “auxiliary container” as a straw, bag, cup, package, container, bottle, device, or other packaging, without limitation. Such auxiliary containers could be made out of cloth, paper, plastic, foamed plastic, expanded plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or any similarly coated or laminated material.

The bill would define a “municipality” as any city, county, or unified government.

Municipalities would be expressly allowed to operate composting, recycling, and solid waste disposal programs and regulate the use of containers on property owned or maintained by a municipality. The bill would also expressly exempt the following activities from the prohibition:

- Passing or enforcing a general sales and use tax
- Restricting use of glass containers on property owned or maintained by the municipality for reasons of public safety
- Prohibiting littering
- Setting reasonable standards for the regulation of alcohol possession.

The bill passed the House [72-51](#) and will now be referred to the Senate Commerce Committee.

[SB 309](#) — SB 309, as amended, would create the Fixing Instant Revenue Shock for Taxpayers Fund and the Local Extraordinary Needs Fund (Needs Fund) and abolish the Local Ad Valorem Tax Reduction Fund.

The Fund would be administered by the State Treasurer and would be used solely to reimburse cities, counties, and other local taxing districts for loss of compensating use and sales tax due to the enactment of legislation. The bill would require a transfer of \$220.0 million from the State General Fund (SGF) to the Fund on July 1, 2023.

The bill would require the State Director of Taxation, Department of Revenue, to be responsible for certifying to the State Treasurer the impact of any legislation on sales and compensating use tax receipts. The State Treasurer would reimburse the local taxing entities for the amount certified. A copy of all such certifications would be provided to the Directors of the Budget and Legislative Research. The State Treasurer would recapture any such transfers from local taxing entities not compliant with KSA 79-2988, the property tax revenue neutral rate.

The bill would also create the Needs Fund and would require a transfer of \$50.0 million from the SGF to the Needs Fund. The bill would require all expenditures from the Needs Fund to be for the purpose of providing grants to cities and counties for capital expenditure projects approved by the Joint Committee on Local Extraordinary Needs Grants that would be established by the bill.

The Joint Committee would be comprised of ten members, five appointed by the President of the Senate and five appointed by the Speaker of the House. The bill would require the State Treasurer to forward grant applications received from the local taxing districts to the Joint Committee, provided the entity is compliant with KSA 79-2988, the property tax revenue neutral rate. The Joint Committee would consider such grant applications and could approve the grants, provided no single approval exceeds \$2.0 million.

The bill would also abolish the Local Ad Valorem Tax Reduction Fund and any and all references to this fund in the Kansas Statutes Annotated.

The bill FAILED to pass the full Senate by a vote of [17-23](#).

HB 2125 — HB 2125, as amended, would amend law related to tattooing, cosmetic tattooing, and body piercing and exempt adult care homes and long-term care units of a medical care facilities from statutes governing barbering and cosmetology. The bill would authorize the Kansas State Board of Cosmetology (Board) to create and issue charitable event permits and demonstration permits, require the Board's administrative proceedings to be conducted in accordance with the Kansas Administrative Procedure Act and be reviewable in accordance with the Kansas Judicial Review Act, allow the Board to issue cease and desist orders to persons who are not license holders, and shorten the time period certain case history cards must be retained by licensees.

After passing the House, the bill passed the Senate this week [38-1](#). Conference Committees will now meet to discuss differences between the two chambers.

OTHER PRESS RELEASES & UPDATES

- [Women's Bill of Rights Passes the Kansas House of Representatives](#)
- [Kansas House Republicans Pass Comprehensive and Sustainable Tax Bill](#)
- [Kansas House Republicans Pass Bill Protecting State Investments and Government Contracts from Politically Driven Agendas](#)
- [Governor Kelly Seeks Applicants to Fill District Magistrate Judge Position in the 18th Judicial District](#)
- [Governor Laura Kelly Signs Four Bipartisan Bills](#)
- [Governor Kelly Announces Administration Appointments](#)

WEEKLY SCHEDULE: WEEK OF APRIL 3 - 7

Schedule subject to change.

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

The House and Senate will be on the floor sporadically throughout the week. Primarily, they will convene Conference Committees – the meeting of the top three leaders of a particular committee in the House and in the Senate – and negotiate differences the two committees had on bills. Conference Committees also have the ability to bundle various pieces of legislation into one bill and, in some instances, add language. Thursday, March 6, will mark the First Adjournment of the Kansas Legislature.