

## NEWSLETTERS



### KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | FEBRUARY 12, 2021

February 12, 2021

#### WEEK FIVE

This week's agenda included budget hearings, education, sports wagering, school choice, telemedicine, and taxes. Also this week, deadlines passed for requesting individual and non-exempt committee bills.

In many ways, the 2021 Session feels like 2020, since the pandemic forced the 2021 Legislature to complete work on numerous measures that passed in either chamber before the 2020 pandemic closing.

In the Senate, typically the Ways and Means Committee divides into subcommittees to review agency budgets. These subcommittees then make recommendations to the Ways and Means Committee. Currently, the Ways and Means subcommittees are hard at work. However, with the 2021 Session, Senate leadership decided to change the process by assigning aspects of the budget to the appropriate Senate Committee to address policy issues in those areas. For example, the Senate Education Committee Chair Molly Baumgardner, R-Louisburg, held two days of hearings on the Kansas State Department of Education budget. Senate Transportation Chair Mike Petersen, R-Wichita, is handling the Kansas Department of Transportation budget. The Senate Assessment and Taxation Committee, chaired by Senator Caryn Tyson, R-Parker, reviewed and made recommendations on the Department of Revenue budget and the Board of Tax Appeals. Hopefully, the revised process will inform more Senators on the budget process and ease the workload burden on Ways and Means.

#### TAX UPDATE

Taxes were the subject of floor debate in the Senate and in the House Taxation Committee. Before the Tuesday tax debate on Senate Bill 22, designed to decouple the Kansas tax calculation from the federal, Gov. Kelly announced a proposed amendment to Senate Bill 22 to provide tax relief to 94% of Kansans. The governor's proposal would have, among other things, imposed sales tax on online sales, and would tax third-party marketplace facilitators. The governor argued that Kansas is one of three states that does not impose sales taxes on marketplace facilitators.

# FOULSTON

## ATTORNEYS AT LAW

Senate Bill 22 would also amend the income tax law relative to standard and itemized deductions, certain retirement income, business income (as it relates to 2017 and 2020 federal tax law amendments), and the business expense deduction. The bill would increase the Kansas standard deduction amounts in tax year 2021 to \$3,600 for individual taxpayers and to \$9,000 for married taxpayers filing jointly. In 2022, the standard deduction would increase to \$4,050 for individual taxpayers and to \$10,125 for couples. Beginning in tax year 2020, the bill would provide individual income taxpayers the option to take itemized deductions on their Kansas return, regardless of whether itemized or the standard deduction is claimed on the federal form.

During the Tuesday Senate floor debate on SB 22, Gov. Kelly's amendment was rejected. Ultimately, SB 22 was amended to provide that victims of identity theft would not be liable for income tax on unemployment compensation fraudulently received by another individual. There was no fiscal note available on the cost of the bill. The bill, as amended, passed the Senate 24-15. It is widely expected to provide the framework for a tax package at the end of the legislative session.

This week, the House Tax Committee held hearings on the House tax decoupling bill proposing to increase the standard deduction. Also, hearings were held on House Bill 2141 and internet sales tax (HB 2173).

On Tuesday, the House Tax Committee conducted a hearing on House Bill 2142 providing for reimbursement of property taxes from county governments for business shutdowns or capacity limitation caused by the county. The proponents included restaurant and hospitality representatives along with the Kansas Chamber of Commerce. It was opposed by the Kansas Association of Counties (KAC). The KAC argued counties could not afford it without making severe budget cuts.

### COMMITTEE ACTION

House and Senate Committees addressed many other high-profile issues beyond tax policy this week. The Senate Federal and State Affairs Committee heard testimony on SB 84, which would make sports wagering lawful. As currently written, SB 84 would transfer an additional \$20,000 to the Problem Gambling and Addictions Grant Fund. This legislation passed one chamber in 2020 before the pandemic closed the legislature.

The House K-12 Education Budget Committee passed House Bill 2119 along party lines. The bill would authorize the transfer of State General Fund money into education savings accounts for students to use for private instruction. Among the amendments added was a prohibition of fund use for nonaccredited private home schooling or homeschool group.

This week, the House Commerce, Labor, and Economic Committee conducted two days of hearings on House Bill 2196, which would update the employment security law. This mega bill addresses modernizing unemployment insurance information technology, fraud issues, and numerous related concerns.

### ADDITIONAL FLOOR DEBATE

On Wednesday, the House of Representatives debated and approved 11 bills covering a wide range of topics, with little controversy. On Thursday, the Senate approved, 23-14, a scholarship bill for low-income Kansas students who attend private schools and have their tuition paid for by donors. The donors could receive a 70% state income tax deduction of their contributions. Senate approval came after three hours of spirited debate. Most of the debate centered on the tax credits and potential impact on the state's tax receipts.

### BILL INTRODUCTIONS

#### TAXATION

# FOULSTON

ATTORNEYS AT LAW

**SB 21** – As recommended by the Senate Committee on Assessment and Taxation, would amend existing income tax law relative to fraudulent unemployment benefits, itemized deductions, business income related to 2017 and 2020 federal legislation, and business expense deductions. The bill was passed on Consent Calendar; Yea: 39, Nay: 0. See also HB 2266. The bill is now referred to the House Committee on Taxation, Rep. Adam Smith, Chair. The bill passed.

**SB 148** – Would amend community improvement districting to exclude and exempt grocery stores. Referred to the Senate Committee on Assessment and Taxation, Sen. Caryn Tyson, Chair.

**SB 149** – Would provide partial property tax reimbursement for property owners that maintain a business on the property which was forced to shut down or was subject to a capacity limitation by the county. Referred to the Senate Committee on Assessment and Taxation, Sen. Caryn Tyson, Chair.

**HB 2237** - Would amend existing law to provide that eligibility to participate in the Student Loan Repayment Program. Also, the income tax credit is extended from 2021 to 2023 for persons who reside in counties that have been designated rural opportunity zones. Referred to the House Committee on Financial Institutions and Rural Development, Rep. Jim Kelly, Chair. The Committee will hear the bill on Tuesday, Feb. 15 at 9:00 am.

**HB 2239** – Would provide for an extension of the net operating loss carryforward period for certain Kansas entities. Referred to the House Committee on Taxation, Rep. Adam Smith, Chair.

**SB 66** – As recommended by the Senate Committee on Commerce, would amend the Kansas Angel Investor Tax Credit Act with respect to the definition of qualified securities, tax credit limits and amounts, and investor requirements; would also extend the Act through the 2026 tax year. This bill has been withdrawn from the Consent Calendar and placed on General Orders.

**SB 171** – Would provide an adjusted sales tax rate for food and food ingredients. Referred to the Senate Committee on Assessment and Taxation, Sen. Caryn Tyson, Chair.

**HB 2265** – Would provide for a state sales tax exemption for required textbooks at a postsecondary educational institution and authorize a local sales tax on such textbooks. Referred to the House Committee on Taxation, Rep. Adam Smith, Chair.

**HB 2070** – As recommended by the House Committee on Taxation, would permit private, not-for-profit postsecondary educational institutions in Kansas to collect a surcharge on credit card payments. The Committee has recommended the bill be passed.

**SB 22** – Would make multiple changes to income tax law including, but not limited to: providing income tax modifications for business interest, capital contributions, FDIC premiums, business meals, and payment protection program loans and expenses; expanding the expense deduction availability to income tax taxpayers and calculating the deduction amount; allowing an individual to itemize deductions in Kansas despite not itemizing on their federal return; exempting from income compensation attributable to unemployment insurance ID fraud; and increasing the net operating loss for corporations. The bill passed on emergency final action as amended; Yea: 24, Nay: 15. It has now been referred to the House Committee on Taxation, Rep. Adam Smith, Chair.

**SB 202** – Would enact the COVID-19 Taxpayer and Small Business Owner Relief Act which includes, among other things, refundable tax credits for certain retail storefront and small business property taxes and establishes a payment plan for certain extraordinary increases in property taxes. Referred to the Senate Committee on Assessment and Taxation, Sen. Caryn Tyson, Chair.

**HB 2315** – Would provide for a tax credit for contributions to technical colleges. Referred to the House Committee on Taxation, Rep. Adam Smith, Chair.

# FOULSTON

ATTORNEYS AT LAW

**HB 2317** – Would provide for a tax credit for expenditures toward qualified alternative-fuel fueling stations. Referred to the House Committee on Taxation, Rep. Adam Smith, Chair.

## **COURTS, LAWS, AND REGULATIONS**

**SB 56** – Would amend laws related to the posting of notices offering help to victims of human trafficking in certain places and businesses. Referred to the Senate Committee on Judiciary, Sen. Kellie Warren, Chair. The Committee recommended the bill be passed and placed on the Consent Calendar.

**SB 58** – Would amend existing law related to liens or claims against real or personal property and require that courts include specific language in orders setting aside liens and claims. Referred to the Senate Committee on Judiciary, Sen. Kellie Warren, Chair. A hearing has been set for this matter on Feb. 3, 2021.

**SB 68** – Would amend existing law to establish a fee of \$10 for firefighter license plates to be collected by County Treasurer and placed in the Firefighters Training Fund. The funds would be used to provide financial support for honoring and training Kansas firefighters or any general use that supports Kansas firefighters. Referred to Senate Committee on Transportation, Sen. Mike Peterson, Chair. The Committee heard the bill on Wednesday, Feb. 3, and recommended the bill be passed on Senate Consent Calendar.

**SB 141** – Would enact the Kansas Uniform Directed Trustee Act and amend certain provisions of the Kansas uniform trust code relating to powers over a trust held in a non-fiduciary capacity. Referred to the Senate Committee on Judiciary, Sen. Kellie Warren, Chair.

**SB 150** – Would define and prohibit certain legal advertisement practices as unlawful and deceptive trade practices and prescribe civil and criminal penalties for such practices. Referred to the Senate Committee on Judiciary, Sen. Kellie Warren, Chair.

**SB 151** – Would prescribe procedures and limitations for attorney contingency fee arrangements. Referred to the Senate Committee on Judiciary, Sen. Kellie Warren, Chair.

**SB 152** – Would provide for joint liability for costs and sanctions for third-party funded litigation and certain costs in relation to issuing nonparty subpoenas; would amend discovery procedures to provide disclosures relating to such third-party funding arrangements. Referred to the Senate Committee on Judiciary, Sen. Kellie Warren, Chair.

**HB 2252** – Would prescribe and define fulfillment house licensure and fulfillment house licensure requirements regarding shipping of alcoholic liquors. Referred to the House Committee on Federal and State Affairs, Rep. John Barker, Chair.

**SB 161** – Would define and regulate personal delivery devices and exempt such devices from motor vehicle registration. Referred to the Senate Committee on Commerce, Sen. Robert Olsen, Chair.

**SB 162** – Would provide for an emergency expansion of the employment security board of review. Referred to the Senate Committee on Commerce, Sen. Robert Olsen, Chair.

**SB 176** – Would create a statewide home inspector registry and prescribe registration requirements. Referred to the Senate Committee on Commerce, Sen. Robert Olsen, Chair.

**SB 189** – Would require the use of the fourth edition of the AMA medical guide to determine impairment when awarding workers compensation benefits. Referred to the Senate Committee on Commerce, Sen. Robert Olsen, Chair.

**HB 2298** – Would change requirements for service of process on nonresident drivers and certain business entities for causes of action growing out of a vehicular accident or collision. Referred to the Committee on Commerce, Labor, and Economic Development, Rep. Sean Tarwater, Chair.

# FOULSTON

## ATTORNEYS AT LAW

**SB 216** – Would extend and expand eligibility relating to rural opportunity zones. Referred to the Senate Committee on Assessment and Taxation, Sen. Caryn Tyson, Chair. See also Senate Bill No. 217.

**HB 2096** – Would amend the Kansas Open Records Act to authorize various employees, including employees of the Department of Corrections, local correctional or detention officers, Judicial Branch employees, Administrative Hearing Officers, and other employees specified in the bill to have identifying information restricted from public access on public websites that identify home address or home ownership of the aforementioned persons. Referred to the House Committee on Judiciary, Rep. Fred Patton, Chair. On Feb. 8 the Committee Report recommended passage by the Judiciary Committee.

**HB 2305** – Would permit cities, counties, and local governments to set minimum wage above federal or state levels. Referred to the House Committee on Commerce, Labor, and Economic Development, Rep. Sean Tarwater, Chair.

**HB 2298** – Would change requirements for service of process on nonresident drivers and certain business entities for causes of action growing out of a vehicular accident or collision. Referred to the Committee on Commerce, Labor, and Economic Development, Rep. Sean Tarwater, Chair.

### BANKING AND FINANCE

**HB 2236** – Would permit financial institutions to conduct appraisals without completing the sales comparison approach to value for certain residential real property located in rural counties. Referred to the House Committee on Financial Institutions, Rep. Jim Kelly, Chair.

**HB 2248** – Would increase state financial assistance to local health departments under specified circumstances. Referred to the House Committee on Appropriations, Rep. Troy Waymaster, Chair.

**SB 178** – Would permit banks and trust companies to undertake certain charter conversions. Referred to the Senate Committee on Financial Institutions and Insurance, Sen. Jeff Longbine, Chair. A hearing has been scheduled for this matter on Feb. 17, 2021.

### INSURANCE

**HB 2241** – Would require health insurance plans to provide certain minimum insurance coverage relating to diagnostic examinations for breast cancer. Referred to the House Committee on Insurance and Pensions, Rep. Steven Johnson, Chair.

**SB 199** – Would define and provide for short-term, limited-duration health plans. Referred to the Senate Committee on Financial Institutions and Insurance, Sen. Jeff Longbine, Chair.

**HB 2324** – Would establish a \$100 maximum out-of-pocket cost-share per month per covered person for prescription insulin. Referred to the House Committee on Insurance and Pensions, Rep. Steven Johnson, Chair.

**HB 2325** – Would enact the End Surprise Medical Bills Act which would, among other things, prohibit certain balance billing practices by health insurers. Referred to the Committee on Insurance and Pensions, Rep. Steven Johnson, Chair.

**HB 2342** – Would require certain health insurance policies to cover certain prescription contraceptives. Referred to the Committee on Insurance and Pensions, Rep. Steven Johnson, Chair.

### HEALTHCARE

**HB 2250** – Would make multiple and significant revisions to the universal newborn screening program. Referred to the House Committee on Appropriations, Rep. Troy Waymaster, Chair.



# FOULSTON

ATTORNEYS AT LAW

**SB 168** – Would update certain provisions of the Prescription Monitoring Program Act relating to program data, storage and access, increasing the membership of the advisory committee and providing for setup and annual maintenance fees for program data integration. See also HB 2253. Referred to the Senate Committee on Public Health and Welfare, Sen. Richard Hilderbrand, Chair.

**SB 174** – Would update scope of practice requirements for advanced practice registered nurses without a supervising physician and update licensure requirements. See also HB 2256. Referred to the Senate Committee on Public Health and Welfare, Sen. Richard Hilderbrand, Chair.

**SB 175** – Would create and define rural emergency hospitals as a rural healthcare licensure category and prescribe licensure requirements. See also HB 2261. Referred to the Senate Committee on Public Health and Welfare, Sen. Richard Hilderbrand, Chair.

**HB 2257** – Would enact the Protect Physician Integrity from Political Interference Act which would permit physicians to decide, based on their medical judgment, whether to provide patients with certain information. Referred to the House Committee on Health and Human Services, Rep. Brenda Landwehr, Chair.

**HB 2258** – Would require pharmacies to make contraceptives available to its customers. Referred to the House Committee on Health and Human Services, Rep. Brenda Landwehr, Chair.

**HB 2259** – Would permit healthcare providers to use expedited partner therapy to treat a partner of a patient clinically diagnosed with a sexually transmitted disease without a physical examination of such partner. Referred to the House Committee on Health and Human Services, Rep. Brenda Landwehr, Chair.

**HB 2260** – Would define and prohibit disparate treatment by pharmacy benefits managers towards certain pharmacies and pharmaceutical services providers. Referred to the House Committee on Health and Human Services, Rep. Brenda Landwehr, Chair.

**HB 2160** – As amended by the House Committee on Health and Human Services, would establish certification, oversight, and funding for certified community behavioral health clinics. This bill was recommended to be passed by the House Committee on Health and Human Services, Rep. Brenda Landwehr, Chair.

**HB 2234** – Would, among other things, amend existing law concerning emergency medical services and defining medical oversight and requiring certain provisions related thereto. Referred to the House Committee on Health and Human Services, Rep. Brenda Landwehr, Chair.

**HB 2279** – Would enact the Physical Therapy Licensure Compact providing for interstate practice authority for physical therapists in other compact states and would authorize criminal history record checks for physical therapists. Referred to the House Committee on Health and Human Services, Rep. Brenda Landwehr, Chair.

**HB 2280** – Would update laws relating to the powers, duties, and functions of the state board of pharmacy. Referred to the House Committee on Health and Human Services, Rep. Brenda Landwehr, Chair.

**SB 200** – Would expand pharmacists' scope of practice to include point-of-care testing for certain health conditions. Referred to the Senate Committee on Public Health and Welfare, Sen. Richard Hilderbrand, Chair.

**SB 211** – Would permit physicians to have their patients sign a liability waiver for off-label uses of prescription drugs. Referred to the Senate Committee on Public Health and Welfare, Sen. Richard Hilderbrand, Chair.

## EMPLOYMENT

**SB 163** – Would amend employment security law relating to disqualification for benefits, disqualification beginning dates, recovery from illness or injury, and part-time employment for education institutions. Referred to the Senate Committee on Commerce, Sen. Robert Olsen, Chair.

# FOULSTON

ATTORNEYS AT LAW

**SB 164** – Would amend workers compensations laws relating to maximum liability limits. Referred to the Senate Committee on Commerce, Sen. Robert Olsen, Chair.

**SB 177** – Would make multiple and significant revisions to employment security law including, among other things, creation of the unemployment compensation modernization and improvement council, development of a new unemployment insurance information technology system, provision of tax information to claimants, publication of trust fund data, the maximum benefit period, the charging of employer accounts for benefits paid, and employer contribution rate determination and schedules. Referred to the Senate Committee on Commerce, Sen. Robert Olsen, Chair.

**SB 203** – Would allow injured employees to designate their healthcare provider and require the employer to pay for the services of such healthcare provider with regard to workers' compensation. See also HB 2312. Referred to the Senate Committee on Commerce, Sen. Robert Olsen, Chair.

**SB 213** – Would prohibit employers from taking certain adverse actions based upon an employee's vaccination status and prescribes penalties for violations. Referred to the Committee on Commerce, Sen. Robert Olsen, Chair.

**HB 2307** – Would expand the definition of compensable personal injury in workers compensation law to include mental injuries suffered from physical injury, emotional shock, or after a series of work-related events. Referred to the House Committee on Commerce, Labor, and Economic Development, Rep. Sean Tarwater, Chair.

**HB 2311** – Would extend workers compensation permanent disability benefits for the lifetime of the injured worker. Referred to the House Committee on Commerce, Labor and Economic Development, Rep. Sean Tarwater, Chair.

**HB 2354** – Would provide public employees and professional employees certain rights with respect to withholding of public employee organization and professional employee organization dues. Referred to the House Committee on Commerce, Labor and Economic Development, Rep. Sean Tarwater, Chair.

## EDUCATION

**SB 61** – Would clarify the credit rules for low-income student scholarship programs by expanding student eligibility for such programs. Referred to the Senate Committee on Education, Sen. Molly Baumgardner, Chair. The bill passed the Senate on Emergency Final Action. The House received and introduced the bill on Friday, Feb. 12.

**SB 173** – Would require school districts to make certain transfers to at-risk education funds, authorized certain expenditures for such funds, extend high-density at-risk student weighting, and provide eligibility requirements for students to receive at-risk programs and services. See also HB 2269. Referred to the Senate Committee on Education, Sen. Molly Baumgardner, Chair.

**HB 2068** – Would expand the tax credit for low income student's scholarship programs and expand student eligibility to such programs. Referred to the Committee on K-12 Education Budget, Rep. Kristey Williams, Chair. The Committee on K-12 Education Budget recommended this bill be passed.

**HB 2264** – Would permit compensation for the use of a student athlete's name, image, likeness rights, or athletic reputation at postsecondary educational institutions; would prohibit certain conduct by postsecondary educational institutions and athletic institutions relating to student athletes. Referred to the House Committee on Judiciary, Rep. Fred Patton, Chair.

**HB 2286** – Would create the Campus Intellectual Diversity Act, which would require each public postsecondary educational institution in the state to establish an office of public policy events for certain enumerated purposes. Referred to the House Committee on Appropriations, Rep. Troy Waymaster, Chair.

**HB 2287** – Would provide scholarships to students who attend postsecondary educational programs that correspond with certain high-need career fields. Referred to the House Committee on Commerce, Labor, and

# FOULSTON

## ATTORNEYS AT LAW

Economic Development, Rep. Sean Tarwater, Chair.

**HB 2255** – Would require colleges and universities, among other institutions, to provide emergency contraception information to certain victims of sexual assault. Referred to the House Committee on Health and Human Services, Rep. Brenda Landwehr, Chair.

### ELECTIONS

**SB 165** – Would amend existing law to remove the qualification that the appointed County Election Commissioner in counties with populations that exceed 130,000 must have been a qualified elector and resident of the county for a least two years prior to the appointment. Referred to Senate Committee on Federal and State Affairs, Sen. Larry Alley, Chair.

**SB 166** – Would amend existing law to expand the time (from 20 days to 40 days before an election) that the County Election Officer may transmit an advanced voting ballot to an applicant. Referred to Senate Committee on Federal and State Affairs, Sen. Larry Alley, Chair.

### AGRICULTURE

**HB 2102** – Would amend existing law to clarify the Kansas Egg Law regarding the standards for defining and grading reclassified eggs. Referred to the House Committee on Agriculture, Rep. Ken Rahjes, Chair. The Committee heard the bill on Thursday, Jan. 28. The bill passed on Emergency Action; Yea: 123, Nay 2. On Feb. 10, the bill was received and introduced in the Senate.

**HB 2103** – A parallel bill to SB 38 and would establish the Kansas Pesticide Waste Disposal Program within the Kansas Department of Agriculture to administer the pesticide waste disposal grant supported by federal funds and would create the Kansas Pesticide Waste Disposal Fund, which would receive annually a transfer of not more than \$50,000 from the Kansas Agricultural Remediation Fund. Referred to the House Committee on Agriculture, Rep. Ken Rahjes, Chair. The Committee heard the bill on Thursday, Jan. 21 and recommended the bill for passage. The Senate Committee on Agriculture and Natural Resources, Sen. Dan Kerschen, Chair heard the parallel bill, SB 38, on Jan. 26. The Committee recommended passage, as amended. The bill passed the Senate on Thursday, Feb. 4 on Emergency Action as amended. The House received and introduced SB 38 on Friday, Feb. 5.

**HB 2172** – Would amend existing law relating to the Department of Agriculture's division of water resources modifying multi-year flex accounts, base average usage calculations and fees, and permitting alternative base average usage calculations and prorated terms. Referred to the House Committee on Water, Rep. Ron Highland, Chair. The Committee heard this bill on Feb. 9 and recommended it for passage on Feb. 10.

**HB 2244** – Would amend existing law to transfer the duties and responsibilities for registration and regulation of industrial hemp processors that are currently assigned to the Kansas Department of Agriculture (KDA) to the State Fire Marshal and to require the Fire Marshal to create and maintain a registry of all Kansas hemp producers where the annual registration fees would be deposited in the Fire Marshal Fee Fund. Referred to the House Committee on Agriculture, Rep. Ken Rahjes, Chair. The Committee heard the bill on Thursday, Feb. 11 and will hear the bill again on Tuesday, Feb. 16 at 3:30 PM.

**HB 2282** – An act to create the Kansas Agriculture Loan Guarantee Program to allow the state treasure to enter into agreements with eligible application to guarantee agricultural loans up to 80% loan of the value of the loan and to create a committee to review and approve applications for agricultural loans guarantees. Referred to House Committee on Financial Institutions and Rural Development, Rep. Jim Kelly, Chair. The Committee will hear the bill on Tuesday, Feb. 17, 2021 at 9:00 am.

**HB 2309** – A bill to create the Agriculture Equipment Right-to-Repair Act, which would require manufacturers of electronics-enabled equipment used in agriculture and animal husbandry to make available on fair and reasonable



# FOULSTON

## ATTORNEYS AT LAW

terms, the documentation, parts, and tools used to diagnose, maintain, and repair such equipment. Referred to the House Committee on Agriculture, Rep. Ken Rahjes, Chair.

**HB 2310** – Would amend existing law to create the Kansas Healthy Soils Fund and the Kansas Healthy Soils Initiative for the purposes of promoting healthy soils and watershed practices and to define such practices. Referred to the House Committee on Agriculture, Rep. Ken Rahjes, Chair.

**HB 2335** – A bill to create the Kansas Cotton Commission and requiring the newly created Commission to, among other things, levy an assessment of not more than 10 cents per bale upon cotton marketed through Kansas commercial channels and operate a cotton pest monitoring program. Referred to the House Committee on Agriculture, Rep. Ken Rahjes, Chair.

**SB 40** – Would amend existing law and other statutory provisions to clarify the powers and duties that exist within the current relationship between the State Conservation Commission, the Kansas Department of Agriculture, and the division within the Kansas Department of Agriculture that manages conversation, and to specify, among other things, the types of surveys, investigations, and research that the conservation districts have the power to conduct. Referred to the Senate Committee on Agriculture and Natural Resources, Sen. Dan Kerschen, Chair. The Committee heard the bill on Jan. 27. On Jan. 28, the Committee recommended the bill be passed, as amended. The amendment added language clarifying that local conservation districts cannot unilaterally act regarding water quality project in place of the Kansas Department of Health and Environment. The Committee passed the bill on final action as amended. Received by the House and assigned to the House Committee on Agriculture, Rep. Ken Rahjes, Chair.

**SB 160** – Would amend existing law regarding the prohibitions against the commercialization of wildlife to update a statutory reference to the guidelines of the American Fisheries Society. Referred to Senate Committee on Agriculture and Natural Resources, Sen. Dan Kerschen, Chair.

### UTILITIES

**HB 2145** – Would amend existing law to exempt electricity purchased through a retail electric supplier for the sole purpose of provision of electric vehicle charging service to end users from the regulation of the Kansas Corporation Commission. It is a companion bill to SB 133. This bill is assigned to the Committee on Energy, Utilities, and Telecommunications, Rep. Joe Seiwert, Chair. The Committee heard this bill on Feb. 2 and 4 respectively. On Feb. 10, the Committee recommended the bill for passage.

**HB 2290** – An act that would require the Secretary of Health and Environment to assess a carbon content charge against each distributor based upon the carbon content of each unit of fuel sold by the distributor. Under the act, a distributor is any person that: (a) imports or causes to be imported fuel for use, distribution or sale within the state; or (b) produces, refines, manufactures, or compounds fuel within the state for use, distribution, or sale. The act also creates the Carbon Dividend Fund Program. Referred to House Committee on Energy, Utilities, and Telecommunications, Rep. Joe Seiwert, Chair.

**HB 2291** – Would amend existing law to extend the Net Metering and Easy Connection Act's application to electric cooperatives and municipal utilities, to prohibit utilities from assessing discriminatory rates and charges to customer-generators and to require certain compensation for energy generated by net metered facilities. Referred to House Committee on Energy, Utilities and Telecommunications, Rep. Joe Seiwert, Chair.

**HB 2320** – A bill to create the Commercial Property Assessed Clean Energy, or C-PACE Act, relating to the financing for energy efficiency, water efficiency, water quality, air quality, health, and renewable energy improvements for certain qualifying properties, providing for assessment contracts between C-PACE lenders and setting forth or defining property owners rights under the Act, as well as the duties and responsibilities of mortgage lenders, including the reporting requirements for C-PACE lenders. Referred to the House Committee on Financial

# FOULSTON

## ATTORNEYS AT LAW

Institutions and Rural Development, Rep. Jim Kelly, Chair.

**HB 2321** – A bill concerning the construction of urban electric transmission lines in cities with populations of over 300,000 and requiring that the electric utility take certain actions to provide at least six-month notice to the city prior to beginning site preparation plans or acquiring an interest in land through exercising the right of eminent domain. Referred to House Committee on Energy, Utilities, and Telecommunications, Rep. Joe Seiwert, Chair.

**HB 2329** – Would amend existing law to increase the maximum penalties (from \$25,000 to \$200,000) that the KCC may impose for pipeline safety violations. Referred to House Committee on Energy, Utilities, and Telecommunications, Rep. Joe Seiwert, Chair.

**HB 2330** – Would amend existing law to authorize certain sales of electricity pursuant to power purchase agreement, exempt such sales from the Retail Electric Suppliers Act, and exempt certain renewable energy suppliers from public utility regulation. Referred to House Committee on Energy, Utilities, and Telecommunications, Rep. Joe Seiwert, Chair.

**SB 167** – Would amend existing law to include motor vehicles operated by an electric or natural gas utility as vehicles that do not require authorization by the Board of County Commissioners to be designated as authorized emergency vehicles. Referred to Senate Committee on Transportation, Sen. Mike Peterson, Chair.

**SB 172** – Would amend existing law to create a crime for trespassing on and doing critical damage to a critical infrastructure facility, a newly defined statutory term. The bill simultaneously eliminates the crime of tampering with a pipeline. Referred to the Senate Committee on Utilities, Sen. Mike Thompson, Chair. The Committee has set the bill for hearing on Tuesday, Feb. 16 at 1:30 PM.

### TRANSPORTATION

**HB 2245** – A bill to allow the division of vehicles to collect emergency contact information, and to allow individuals to list emergency contact information on applications for driver's license, instruction permits and non-driver's identification cards and to permit law enforcement agencies to use such information in emergency situations. Referred to the House Committee on Transportation, Rep. Richard Proehl, Chair.

**HB 2246** – Would amend existing law to exclude the cost of repairing, replacing, or reinstalling inflatable safety restraints as a cost of repairs concerning salvage vehicles. Referred to the House Committee on Transportation, Rep. Richard Proehl, Chair.

**SB 36** – Would amend existing law concerning salvage vehicles to allow employees of salvage vehicle pools to perform vehicle identification number inspection and allow salvage vehicle pools and dealers to apply for ownership documents. Referred to the Senate Committee on Transportation, Sen. Mike Peterson, chair. A hearing was held on Jan. 25. On Feb. 9, the bill passed on Emergency Final Action. The bill was received and introduced in the House on Wednesday, Feb. 10, and referred to the House Committee on Transportation, Rep. Richard Proehl, Chair.

**SB 69** – Would authorize the creation of a distinctive license plate for a passenger vehicle or truck registered for a gross weight of 20,000 pounds or less. Honoring the Love, Chloe Foundation. Referred to Senate Committee on Transportation, Sen. Mike Peterson, Chair. The Committee heard the bill on Wednesday, Feb. 3, and recommended the bill be passed on Senate Consent Calendar.

**SB 146** – Would amend existing law relating to driving under the influence of alcohol or drugs to provide that the state highway patrol has oversight of state certification of ignition interlock manufacturers and their service providers. Referred to Senate Committee on Transportation, Sen. Mike Peterson, Chair.

# FOULSTON

ATTORNEYS AT LAW

Kansas Legislative Insights is a publication developed by the Governmental Relations & Public Policy Law practice group of Foulston Siefkin LLP. It is designed to inform business executives, human resources and governmental relations professionals, and general counsel about current developments occurring in current Kansas legislation. Published regularly during the Kansas legislative session, it focuses on issues involving healthcare, insurance, public finance, taxation, financial institutions, business & economic development, energy, real estate & construction, environmental, agribusiness, employment, and workers compensation. Bill summaries are by necessity brief, however, for additional information on any issue before the Kansas Legislature, contact Foulston Siefkin's Governmental Relations & Public Policy Law practice group leader, James P. Rankin at 785.233.3600 or [jrankin@foulston.com](mailto:jrankin@foulston.com). Learn more about the authors below:

## **James (Jim) P. Rankin**

Co-Editor and Governmental Relations & Public Policy Law Team Leader  
785.233.3600  
[jrankin@foulston.com](mailto:jrankin@foulston.com) | [View Bio](#)

As a partner at Foulston Siefkin, Jim's practice focuses on employee benefits law relating to public, private, governmental, and tax-exempt organizations. A large part of his work involves insurance regulatory and compliance issues in many industries, including healthcare. Jim has been selected by his peers for inclusion in *The Best Lawyers in America*® and the *Missouri & Kansas Super Lawyers*® list. He is the firm's representative with State Law Resources, Inc., a national network of independent law firms selected for their expertise in administrative, regulatory, and government relations at the state and federal level.

## **Gary L. Robbins**

Co-Editor and Governmental Affairs Consultant  
785.640.2651  
[garyrobbinsconsulting@gmail.com](mailto:garyrobbinsconsulting@gmail.com)

Gary, a governmental affairs consultant to Foulston Siefkin's Governmental Relations & Public Policy practice group, provides legislative monitoring and lobbying services for Foulston's governmental relations clients. He holds a bachelor of science degree in history and political science from Southwestern College and a master's degree in labor economics from Wichita State University. Throughout his extensive career, Gary has served as CLE Director to the Kansas Bar Association and as Executive Director of the Kansas Optometric Association.

## **C. Edward Watson, II**

Contributing Author and Governmental Relations & Public Policy Law Partner  
316.291.9589  
[cewatson@foulston.com](mailto:cewatson@foulston.com) | [View Bio](#)

As a partner at Foulston Siefkin, Eddie represents clients in matters before state regulatory commissions, courts, and local governmental bodies. He has built and maintained relationships with key individuals – including lobbyists, elected and appointed officials, and staff members – that prove valuable in advancing clients' interests and issues. Drawing on his experience as a regional governmental affairs attorney for AT&T in Chicago, he helps clients navigate the maze of federal policies and agencies, advises on how processes work in Washington, and provides introductions to those who can help them accomplish their goals.

---

# FOULSTON

ATTORNEYS AT LAW

*This update has been prepared by Foulston Siefkin LLP for informational purposes only. It is not a legal opinion; it does not provide legal advice for any purpose; and it neither creates nor constitutes evidence of an attorney-client relationship.*

## PRACTICE AREAS

---

- Government Affairs & Public Policy Law