

NEWSLETTERS



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | MARCH 8, 2024

ELECTION BILL SETS TONE FOR WEEK 9

Monday's Senate floor debate on an election bill set the tone this week. Week nine featured some spirited debates on contentious issues on both the House and Senate floors and in various committees. During Monday's floor debate on SB 365, which would eliminate the three-day grace period for mail-in ballots, a floor amendment requiring paper ballots sparked controversy. Specifically, the amendment offered by Sen. Mark Steffen, R-Hutchinson, required paper ballots be used in all Kansas elections and banned all mechanical and electronic vote-counting equipment. During floor debate, some senators asked what problem the amendment was solving since Kansas has not experienced any irregularities. The amendment, which Senate President Ty Masterson warned would doom the bill, secured passage with a slim majority in a 17-15 floor action vote.

During the floor debate, Sen. Caryn Tyson, R-Parker, also successfully added three amendments to SB 365. One amendment banned remote ballot drop boxes and passed 22-16. The other two amendments passed with 27 votes. One would remove voters from the rolls if they are registered in multiple counties, and the other requires registered voters to cast provisional ballots if their address does not match their voter identification address.

After the Senate debate on Monday, Secretary of State Scott Schwab issued a statement in opposition to the amended bill and asked for common sense to prevail. Schwab noted, "It's unfortunate that elected officials lack trust in the democratic system that brought them into office." In addition, Schwab said, "The Senate took action to further undermine voter confidence and compromised election integrity with the bill as amended."

Tuesday, after a call of the Senate, SB 365 died 18-22 on final action.

ABORTION, GUNS, AND SUICIDE

Wednesday, the House spent nearly three hours on the floor, two of which were devoted to spirited debate on two measures. Sub HB 2676 creates the crime of encouraging suicide and provides criminal penalties for such acts. House members shared two tragic suicide stories involving Kansas youth. In one example, a young man in Lenexa was following a website encouraging suicide with details on how to do it and providing a means. The necessary

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drugs and dosing directions were sent to the young man, plus instructions for posting the death on social media. The other instance involved a teen in crisis calling his ex-girlfriend. One of her girlfriends encouraged him to commit suicide through texting. Rep. Jo Ella Hoyer, D-Lenexa, supported the bill but offered an amendment addressing the most common method of suicide. The amendment would have made leaving an unsecured gun that minors, who have indicated suicidal thoughts, can access as encouraging suicide. The amendment was ruled not germane. Thursday, the bill passed 119-1.

The House also debated HB 2749, relating to reports on abortions performed in this state and requiring the reporting of the reasons for each abortion performed at a medical care facility or by a healthcare provider. The discussion centered around the suggested questions to be asked of a patient seeking an abortion. Several floor amendments on surveying men about reasons for vasectomies and erectile dysfunction were rejected. Thursday, the bill passed 81-39. Proponents argued that requiring twice a year reports to the Kansas Department of Health and Environment would assist the Legislature on decisions serving the best interest of pregnant women. The bill is not veto-proof.

Thursday, the House debated and passed five non-controversial bills. Four of the bills were related to insurance. The fifth measure was HB 2665, increasing the criminal penalties for a driver leaving the scene of a vehicular accident resulting in the death of any person, if the driver knew or should have reasonably known the accident resulted in injury or death.

THANKS TO J.G. SCOTT, KLRD, AND REVISOR OF STATUTES

Two of the often overlooked yet essential legislature resources are the non-partisan Kansas Legislative Research Department (KLRD) and the Revisor of Statutes. The legislative process could not function without the hard work and expertise of these talented men and women. KLRD provides non-partisan objective research and fiscal analysis for the Kansas Legislature. KLRD is composed of analysts who have advanced academic degrees (Master's, J.D., or Ph.D.). The analysts provide legislative committees with impartial, neutral, and unbiased research. The Kansas Office of Revisor of Statutes provides legislative legal expertise to the Kansas Legislature. Revisors are the attorneys responsible for drafting bills and other legislation, staffing legislative committees, publishing the Kansas Statutes Annotated, and offering legal consultation to members of the Kansas Legislature. Often, the general public is not aware of the vital role of research analysts and revisors in the success of each session.

On March 15, KLRD Director J.G. Scott will be retiring after more than 40 years of public service. J.G. started with the Kansas Department of Revenue in 1980. J.G. served as the budget director for the Department of SRS from 1994-2002. He started with the KLRD in 2003, and became the director in 2019. He typifies the professionalism and unbiased approach of both research analysts and revisors. Foulston wishes J.G. the best in retirement and extends our gratitude and appreciation for his years of dedicated service to our state.

BUDGET UPDATE AND REVENUE DEFICITS CONTINUE

Thursday morning, the Senate Ways and Means Committee completed their budget proposal. The committee inserted a budget proviso adding \$16 million and directing Gov. Kelly to send the National Guard to the Texas border to fight drug and human trafficking. The House Appropriations Committee met twice on Thursday to complete the House budget and deferred some items to the veto session. Next week, we will be able to see more details on the price tags. One potentially troubling development this week is the release of the February tax collections. The February numbers were \$33 million, or 6%, below the estimates. February marks the fifth consecutive month where tax collections were below the estimates. In April, the Consensus Revenue Estimating Group will update and revise the estimates. Legislative budget proposals and revenue collections will impact the available funds for tax cuts.

WEEK ENDS WITH GUN RIGHTS AND BANNING GENDER CARE FOR MINORS

Thursday morning, the House Federal and State Affairs Committee heard HB 2803, creating the Kansas Gun Rights Preservation Act to prohibit the commandeering of state resources to enforce federal gun control against law-abiding citizens. It was based on a law from Missouri. Law enforcement agencies spoke against portions of the bill.

Thursday afternoon, the House Health and Human Services Committee Chair Rep. Brenda Landwehr used the legislative maneuver of a "gut and go" by inserting HB 2791 (banning gender care for children), into SB 233, already passed by the Senate. This advances the bill to House floor debate and, if passed, the bill would return to the Senate for a possible concurrence vote. The bill explicitly bans healthcare professionals from administering surgical interventions or puberty blockers as treatments for minors experiencing gender dysphoria. It would also ban state employees from promoting or assisting with social transitioning. Another provision would ban rallies supporting transgender people from the Statehouse grounds. Transgender advocates expressed frustration with this development.

NEXT WEEK

House and Senate committees will continue to consider a wide range of issues from the other House. The House Federal and State Affairs Committee will be hearing HB 2823, creating an expedited process for the eviction of unauthorized persons occupying a rental dwelling unit and amending the Residential Landlord Tenant Act to require rental agreements to include a list of all persons who will occupy the rental dwelling unit.

Next Tuesday, the Senate Assessment and Taxation Committee will have a hearing on SB 53. It is simplifying income tax rates for individuals, increasing the standard deduction and the Kansas personal exemption, increasing the income limit for an income tax subtraction modification for social security income, increasing the extent of property tax exemption for residential property from the statewide school levy, decreasing the privilege tax normal tax rate, and establishing a 0% state rate for sales and use taxes for sales of food and food ingredients on July 1, 2024.

The Senate Education Committee will be taking final action on SB 532. It establishes a blueprint for literacy to create a literacy advisory committee, appoint a director of literacy education, require the State Board of Regents and the State Board of Education to collaborate on a literacy micro-credential and professional development, authorize the State Board of Regents to recommend diagnostic and formative literacy assessments, authorize university presidents and deans of education oversight over postsecondary literacy courses, and require a plan to establish centers of excellence in reading.

BILL INTRODUCTIONS

COURTS, LAWS, AND REGULATIONS

SB 533: HOUSING. This bill, introduced by the Senate Committee on Federal and State Affairs, relates to the denial of housing (or other actions against tenants or prospective tenants) on the basis of past evictions or on being in arrears on rent and would prohibit the reporting of such by consumer reporting agencies or the use of such information by landlords for adverse action against tenants of such information after three (3) years from the date of such evictions or rental arrears, and would require consumer reporting agencies to provide an opportunity to individuals to explain any record of evictions or rental arrears. The bill would also provide that court records of an eviction action be sealed for certain time periods and provide that violations of the provisions of the Act constitute unconscionable acts or practices under the provisions of the Consumer Protection Act. This bill has been referred

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to the Senate Committee on Federal and State Affairs chaired by Sen. Mike Thompson.

HB 2818: LEGISLATURE. This bill, introduced by the House Committee on Federal and State Affairs, relates to legislation pertaining to occupational regulation and would provide for a review process and evaluation criteria for the Legislature when it considers bills that propose new or additional occupational regulation and would require regulatory entities (at the direction of the joint committee on rules and regulations) to provide a report to the Legislature to inform the Legislature's consideration of such proposals. This bill has been referred to the House Committee on Commerce, Labor and Economic Development chaired by Rep. Sean Tarwater. A hearing on this bill has been scheduled for Tuesday, March 12.

BILL TRACKING HISTORY

A history of the bills we are tracking as of March 8, 2024, can be found [here](#).

Kansas Legislative Insights is a publication developed by the Governmental Affairs & 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 and periodically when the Legislature is not in 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 Affairs & Public Policy Law practice group leader, C. Edward Watson, II, at 316.291.9589 or cewatson@foulston.com. Learn more about the authors below:

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