



KANSAS STATE FIREFIGHTERS ASSOCIATION

MEMORANDUM

To: Interested Parties

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

Date: March 26, 2021

Re: Weekly Update - Week of March 22, 2021

Please see our Weekly Update 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 Katie Whisman (katie@federicoduerst.com).

As always, our office is more than happy to send you any additional information on bills as needed.

Non-Exempt Committees Conclude Business for the Year

Today marks another significant milestone in the Legislative session as all non-exempt Committees have officially concluded their business for the year. With March 31 being the last day for non-exempt bills to pass either chamber, both the House and Senate will be on the Floor next week to debate and advance measures that rise to the list of General Orders.

April 6 – 9 is set aside for Conference Committees to meet and negotiate the fine points of their differing positions on a number of bills. [Here](#) is a list of the bills currently in Conference, which is updated daily. After First Adjournment on April 9, the Legislature will be adjourned until May 3, when Veto Session begins.

KEMA Signed by Governor

Governor Laura Kelly signed [SB40](#) on Wednesday, after receiving it from the Legislative body late last week. While concerned certain provisions of the bill would complicate emergency response efforts, she lauded the effort as a bipartisan compromise to extend the state of disaster emergency and the state’s efforts to respond to the COVID-19 pandemic.

The Kansas Secretary of State published a [special edition](#) of the Kansas Register on Thursday, making the law effective.

Several emergency orders were set to expire on March 31 in conjunction with the expiration of the state of disaster emergency. SB40 extended the current declaration until May 28. As such, the Governor announced plans to re-issue several orders on April 1. *(For additional details, please see the Governor's Press Announcement linked below.)*

Kansas Energy Choice Act Pending Enrollment

The House debated [SB24](#) this week, during which an amendment related to carbon emissions was ruled not germane. On a vote of 93-29, they passed the bill, which had been amended by the House Committee to include propane in the definition of "utility service". The Senate last night had a lengthy debate, ultimately concurring with the changes made by the House and passing the measure on a vote of 30-10.

Business Liability Immunity Advances to House Chamber

An issue of extreme importance to the nursing home community advanced out of House Judiciary and is expected to be debated on the House floor next week. The Committee adopted amendments to [SB283](#) which specify the liability protections are related to the COVID-19 public health emergency and allow them to apply retroactively to March 12, 2020 and through termination of the state of disaster. The bill also offers the same protection to community mental health centers and I/DD providers.

Kansas Fights Addiction Act

In anticipation of Kansas receiving its portion of a \$26 billion settlement between opioid manufacturers and distributors and the units of government that sued them, Kansas Attorney General Derek Schmidt introduced the Kansas Fights Addiction Act to provide a mechanism to distribute funds the state will receive. According to the court settlement, the funds received must be used for drug treatment and abatement. The Act calls for such funds to be made available in the form of grants to cities and counties, as well as not-for-profit private entities that provide services related to substance abuse or addiction.

The House Judiciary Committee adopted an amendment to on [HB2412](#) that will set aside 25% of settlement funds received, which will be distributed to cities and counties who release their claims and contribute to maximizing funds received by Kansas in current and future settlements was agreed upon between stakeholders. The other 75% will remain available as grant funds for treatment providers and opioid abatement programs. The Senate Ways and Means is expected to adopt similar language when they work [SB264](#).

Unemployment Insurance Reform Saga Continues

After several days of Informational Hearings and Committee Action, the Senate Commerce Committee advanced [HB2196](#), which updates employment security law and addresses significant shortcoming in the State's Unemployment Insurance system. A lengthy amendment was presented to the Committee as a product of collaboration between the Governor's Administration, Kansas Chamber and Americans for Prosperity. The Committee adopted many of the recommendations, which created better alignment with federal language and clarified which Cabinet agencies are responsible for various provisions of the act.

In a 5-3 vote, the Committee disagreed with a recommendation to divide CARES Act funding into two accounts, sending \$250 million to a trust fund and directing an additional \$250 million to a reserve fund pending audit finding regarding fraudulent claims. This action was intended to ensure up to \$450 million in federal coronavirus relief funds will be available to businesses through the Employment Security Fund.

Both the Senate and House Committees have invested significant effort into addressing what has become an Achilles Heel for Kansas. They are expected to settle differences in Conference Committee in early April.

Summary of Floor Action

KS House Floor Report – March 25, 2021

HR 6009 by House Appropriations Committee	Disapproving executive reorganization order no. 47 that relates to the newly named Kansas department of human services	To adopt Adopted, 84-38
HB 2150 by House Children and Seniors Committee	Creating a definition of financial exploitation, requiring additional mandatory reporters and increasing investigation days in the abuse, neglect and financial exploitation of certain adults	Final Action Passed, 118-4
SB 37 by Senate Insurance Committee	Updating producer licensing statutes pertaining to appointment, examinations, fees, licensing, renewal dates, continuing education, suspension, revocation and denial of licensure and reinstatement	Final Action Passed, 109-13
SB 58 by Senate Judiciary Committee	Prohibiting the filing of certain liens or claims against real or personal property and providing for criminal penalties	Final Action Passed, 122-0
SB 103 by Senate Judiciary Committee	Amending the Kansas power of attorney act regarding the form of a power of attorney and the duties of third parties relying and acting on a power of attorney	Final Action Passed, 122-0
SB 107 by Senate Judiciary Committee	Enacting the uniform fiduciary income and principal act (UFIPA)	Final Action Passed, 122-0
SB 175 by Senate Public Health and Welfare Committee	Enacting the rural emergency hospital act to provide for the licensure of rural emergency hospitals	Final Action Passed, 119-3
Sub for SB 238 by Senate Public Health and Welfare Committee	Reducing certain requirements for licensure by the behavioral sciences regulatory board, requiring board approval to provide clinical social work supervision and expanding out-of-state temporary permits to practice	Final Action Passed, 121-1
Sub for HB 2066 by	Expanding the military spouse and service member’s expedited licensure law to all applicants	Concur / Nonconcur

House Commerce, Labor and Economic Development Committee	who have established or intend to establish residency in Kansas	Nonconcurrent; appointed Tarwater, Croft and Clayton
SB 38 by Senate Agriculture and Natural Resources Committee	Establishing the Kansas pesticide waste disposal program and permitting up to \$50,000 to be transferred annually from the Kansas agricultural remediation fund to a new Kansas pesticide waste disposal fund	General Orders Recommended favorably for passage; EFA: Passed, 121-1
SB 66 by Senate Commerce Committee	Amending the angel investor tax credit with respect to the definition of qualified securities, tax credit limitations and amounts, investor requirements and extending the date that credits may be allowed	General Orders Recommended favorably for passage; EFA: Passed, 109-12
SB 53 by Senate Ways and Means Committee	Establishing the membership of the Sedgwick county charter commission which, if created, will review and recommend changes regarding the structure of county government	General Orders Passed over
SB 89 by Senate Agriculture and Natural Resources Committee	Exempting the transport of agricultural forage commodities from secured load requirements	General Orders Recommended favorably for passage; EFA: Passed, 122-0
SB 65 by Senate Commerce Committee	Decoupling the KIT and KIR workforce training programs from the high performance incentive fund program	General Orders Recommended favorably for passage; EFA: Passed, 121-1
SB 52 by Senate Ways and Means Committee	Creating the Sedgwick county urban area nuisance abatement act	General Orders Recommended favorably for passage; EFA: Passed, 80-42
SB 160 by Senate Agriculture and Natural Resources Committee	Updating the reference to the guidelines of the American fisheries society in the commercialization of wildlife statute	General Orders Recommended favorably for passage; EFA: Passed, 120-2
SB 90 by Senate Commerce Committee	Amending the Kansas rural housing incentive district act to permit bond funding for vertical residential renovation of older buildings in central business districts	General Orders Recommended favorably for passage; EFA: Passed, 105-17
SB 143 by Senate Agriculture and	Updating definitions and increasing maximum functional unit license and storage fees relating to grain and public warehouse laws	General Orders Recommended favorably for passage; EFA: Passed, 117-5

Natural Resources Committee		
HB 2176 by House Local Government Committee	Clarify the vacation or exclusion of territory from city boundaries or release of easements	General Orders Recommended favorably for passage; EFA: Passed, 120-2
SB 142 by Senate Agriculture and Natural Resources Committee	Requiring coast guard-approved personal flotation devices as prescribed by the secretary of wildlife, parks and tourism in rules and regulations	General Orders Recommended favorably for passage; EFA: Passed, 102-20

KS Senate Floor Report – March 25, 2021

HB 2007 by Richard Proehl, R-7th	Updating motor carrier laws and the regulation of motor carriers by the state corporation commission	Final Action Passed, 40-0
HB 2026 by Joint Committee on Corrections and Juvenile Justice Oversight	Creating a drug abuse treatment program for people on diversion and allowing county and district attorneys to enter into agreements with chief judges and community corrections for supervision	Final Action Passed, 40-0
HB 2071 by Megan Lynn, R-49th	Increasing the criminal penalties for stalking a minor	Final Action Passed, 40-0
HB 2126 by House Judiciary Committee	Providing immunity from civil liability for COVID-19 claims for adult care facilities	Final Action Passed, 30-7
HB 2155 by House Agriculture Committee	Providing for department of health and environment response operations for water and soil pollutant release, discharge or escape	Final Action Passed, 36-4
Sub for HB 2166 by House Transportation Committee	Providing for the Braden's hope for childhood cancer, proud educator and alpha kappa alpha distinctive license plates and providing distinctive license plates for current and veteran members of the United States army, navy, marine corps, air force, coast guard and space force and modifying the requirements to begin production on distinctive license plates	Final Action Passed, 31-5
HB 2243 by House Insurance and Pensions Committee	Adjusting the frequency of the KPERS actuarial experience study	Final Action Passed, 40-0

<p>S Sub for HB 2252 by Senate Federal and State Affairs Committee</p>	<p>Authorizing the issuance of fulfillment house licenses, drinking establishment licenses to manufacturers under certain conditions and the transfer and receipt of bulk alcoholic liquor and cereal malt beverage for certain purposes, requiring electronic submission of gallonage taxes by special order shipping licensees and eliminating the Kansas grown product requirements for farm wineries and microbreweries and the Kansas residency requirement for all licensees</p>	<p>Final Action Passed, 30-8</p>
<p>HB 2298 by House Commerce, Labor and Economic Development Committee</p>	<p>Changing requirements for service of process on nonresident drivers and clarifying service of process on certain business entities</p>	<p>Final Action Passed, 37-3</p>
<p>SB 175 by Senate Public Health and Welfare Committee</p>	<p>Enacting the rural emergency hospital act to provide for the licensure of rural emergency hospitals</p>	<p>Concur / Nonconcur Nonconcurred; appointed Hilderbrand, Gossage and Pettey</p>
<p>Sub for SB 238 by Senate Public Health and Welfare Committee</p>	<p>Reducing certain requirements for licensure by the behavioral sciences regulatory board, requiring board approval to provide clinical social work supervision and expanding out-of-state temporary permits to practice</p>	<p>Concur / Nonconcur Nonconcurred; appointed Hilderbrand, Gossage and Pettey</p>
<p>SB 24 by Senate Utilities Committee</p>	<p>Prohibiting municipalities from imposing restrictions on customer's use of energy based upon source of energy</p>	<p>Concur / Nonconcur Concurred, 30-10</p>
<p>SB 77 by Senate Public Health and Welfare Committee</p>	<p>Enacting the audiology and speech-language pathology interstate compact</p>	<p>Concur / Nonconcur Concurred, 38-2</p>
<p>S Sub for HB 2104 by Senate Assessment and Taxation Committee</p>	<p>Concerning property taxation, authorizing continuation of the 20 mill statewide property tax levy for schools and the exemption of a portion of residential property from such levy, extending certain budget due date for schools, changing time to request full and complete opinion from the state board tax appeals, requiring the state board of tax appeals to serve orders and notices by electronic means if requested by the party, prohibiting valuation increases of certain property in appeals, requiring appraisal directives to require compliance with uniform standards of professional</p>	<p>General Orders Amended by Sen. Tyson; recommended favorably for passage; EFA: Passed, 39-0</p>

	appraisal practice, providing for notice and opportunity to be heard prior to removal from county appraiser eligibility list, providing notification when person no longer holds office of county appraiser, placing the burden of proof on the county appraiser in certain valuation and classification appeal hearings before the district court, extending the time a state board of tax appeals member may continue to serve after such member's term expires and authorizing appointment of a member pro tempore under certain conditions	
HB 2145 by House Energy, Utilities and Telecommunications Committee	Exempting the retail sale of electricity by public utilities for electric vehicle charging stations from the jurisdiction of the state corporation commission	General Orders Recommended favorably for passage; EFA: Passed, 38-2
HB 2070 by House Taxation Committee	Allowing certain private not-for-profit postsecondary educational institutions to recoup credit card fees by permitting a surcharge for credit card transactions in the same manner as municipal universities, community colleges, technical colleges and vocational educational schools	General Orders Recommended favorably for passage; EFA: Passed, 39-1
HB 2254 by House Health and Human Services Committee	Removing the monetary cap on irrevocable prearranged funeral agreements	General Orders Recommended favorably for passage; EFA: Passed, 38-2
S Sub for HB 2072 by Senate Financial Institutions and Insurance Committee	Providing for the Kansas corporation commission to authorize the securitization of certain public utility generating facilities, qualified extraordinary costs and issuance of securitized utility tariff bonds	General Orders Recommended favorably for passage; EFA: Passed, 33-7
HB 2112 by Sean E. Tarwater, R-27th	Permitting online advertisement and sales of abandoned property by self-storage rental unit operators; providing for the designation by occupants of an alternate contact and limiting claims for loss or damage of stored property to the property value limit provided in the rental agreement	General Orders Recommended favorably for passage; EFA: Passed, 39-1
SB 158 by	Prohibiting the towing of vehicles outside the state of Kansas without prior consent, requiring an interstate search of registered owners and	General Orders

Senate Transportation Committee	lienholders prior to sale of nonrepairable vehicles and vehicles less than 10 years old and requiring publication in the newspaper seven days prior to sale of vehicles and property at auction	Recommended favorably for passage; EFA: Passed, 40-0
HB 2175 by House Local Government Committee	Creating the Dwayne Peaslee technical training center district	General Orders Passed over
SB 145 by Senate Ways and Means Committee	Authorizing the Kansas department of wildlife, parks and tourism to purchase land in Kingman county	General Orders Recommended favorably for passage; EFA: Passed, 33-7
SB 58 by Senate Judiciary Committee	Prohibiting the filing of certain liens or claims against real or personal property and providing for criminal penalties	Concur / Nonconcur Nonconcurrent; appointed Warren, Wilborn and Haley
SB 103 by Senate Judiciary Committee	Amending the Kansas power of attorney act regarding the form of a power of attorney and the duties of third parties relying and acting on a power of attorney	Concur / Nonconcur Nonconcurrent; appointed Warren, Wilborn and Haley
SB 107 by Senate Judiciary Committee	Enacting the uniform fiduciary income and principal act (UFIPA)	Concur / Nonconcur Nonconcurrent; appointed Warren, Wilborn and Haley

Other Updates & Press Releases

- [Governor Laura Kelly Signs Emergency Response Bill, Will Re-Issue Executive Orders to Protect COVID-19 Recovery](#)
- [Governor Laura Kelly Announces Relaunch of Reemployment Services and Eligibility Assessment Program](#)
- [Governor Laura Kelly Announces \\$57 Million in Grant Awards Supported Over 3,000 Kansas Small Businesses](#)

Weekly Schedule: March 29 – 31

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

The **House and Senate** will be on the Floor all day Monday, Tuesday, and Wednesday of next week. There will be NO SESSION Thursday and Friday. We will send General Orders for each day as we receive them. Exempt committees remain on Call of the Chair through next Wednesday. Non-exempt committees listed below have been granted special permission to meet next week.

<u>MONDAY 3/29</u>			
8:00 AM	H Fed & State	346-S	Action: HB2184- Kansas Medical Marijuana Regulation Act
8:30 AM	S Public Health & Welfare	142-S	Confirmation: Medicaid Inspector General & KU Hospital Authority; Hearing: SB303- Prohibiting local gov from blocking visits to adult care; Possible Action
9:30 AM	S Financial Inst. & Insurance	546-S	Hearing SB288- Enacting Technology-Enabled Trust Bank Act
9:30 AM	S Tax	548-S	Confirmation Hearing: Kristen Wheeler- BOTA Member; Possible Action
10:30 AM	S Fed & State	144-S	Hearing: Sub. HB2089- Firearm Safety Education in Schools, SB262-Authorizing Sedgwick Co. to allow e-gaming machines at racetrack facility; Possible Action
10:30 AM	S Judiciary	346-S	Confirmation: Rebecca Dickinson Crimes Victims Board; Final Action on Bills previously Heard
10:30 AM	S Ways & Means	548-S	Confirmation: Suchitra Padmanabhan- KS Development Finance Authority; Possible Action on Bills Previously Heard

<u>TUESDAY 3/30</u>			
8:00 AM	H Fed & State	346-S	Action: HB2184- Kansas Medical Marijuana Regulation Act
8:30 AM	S Transportation	546-S	Action: HB2245- Permitting Division of Vehicles to collect emergency contact information, SB305- Automated Plate Reader Provisions
9:30 AM	S Financial Inst. & Insurance	546-S	Hearing Continued: SB288- Enacting Technology-Enabled Trust Bank Act; Possible Action
10:30 AM	S Fed & State	144-S	Confirmation: Brandon Jones- Kansas Racing & Gaming Commission; Possible Action