



**To:** Interested Parties

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

**Date:** April 5, 2022

**Re:** Weekly Update – Week of March 28, 2022

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 and 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 Stephen Duerst ([Stephen@FedericoDuerst.com](mailto:Stephen@FedericoDuerst.com)).

As always, our office is more than happy to send you specific language as well.

**LEGISLATURE HEADS OUT OF TOWN AFTER FIRST ADJOURNMENT; SET TO COME BACK ON APRIL 25**

At roughly 2:30 AM on Saturday, April 2, 2022, the Kansas Legislature broke for “First Adjournment.” Although much was accomplished by the Legislature this Session, including the passage of redistricting maps, a budget, and several pieces of policy important to lawmakers, there are a myriad of key items that are still outstanding which lawmakers would like to consider before the adjourn Sine Die. Further, when lawmakers return to Topeka, they may need to consider overriding any vetoes that the Governor may execute during their short break.

In this edition of the Weekly Report, we have provided a summary of bills of note that have recently passed both Chambers and are on their way to the Governor for her signature, and bills that may be considered when lawmakers return on April 25, 2022. As a reminder, there is no hard deadline by which lawmakers must complete their work.

*\*\*Please note, if you require additional information about a specific measure, we have attempted to link official summaries of each bill. As always, if you have individual questions, do not hesitate to contact our office.*

**Bills Of Note That Have Passed Both Chambers Prior to First Adjournment.**  
**Pending Signature from Governor.**

**BUDGET**

**SB267- State Appropriations for FY22, FY23, & FY24**

With record state revenues and COVID-19 stimulus dollars still being distributed, lawmakers were quick to spend significant monies on a number of programs and projects, as well as make some substantial modifications to recommendations proposed by the Governor. Major highlights of *changes made by the Legislature* include the following (please note, this does not include recommendations made by the Governor and adopted by the body):

Human Services - KDHE	Add \$10.0 million, including \$4.5 million SGF, to raise Medicaid reimbursement rates for ground and air ambulance codes.
Human Services – KDADS	<p>Add \$122.2 million, including \$48.9 million SGF, to provide a 25.0 percent reimbursement rate increase for providers of Home and Community Based Services (HCBS) Intellectual and Developmental Disability (I/DD) waiver services.</p> <p>Add \$65.2 million, including \$26.2 million SGF, to provide for a full rebase of the nursing facility daily Medicaid rate for FY 2023. This amount is the difference between the amount to fully rebase the daily rate and the 3.0 percent increase already included in the Governor’s recommendation for FY 2023.</p> <p>Add \$11.8 million, including \$4.7 million SGF, to provide a 10.0 percent reimbursement rate increase for providers of HCBS Frail Elderly waiver services.</p> <p>Add \$2.5 million, including \$1.5 million SGF, to increase the amount provided to community developmental disability organizations to fulfill their role in assessing individuals for the HCBS I/DD waiver.</p> <p>Add language to allow the agency to establish guidelines for a nursing facility to request a waiver for staffing requirements compatible with federal CMS rules for FY 2023 and investigate similar guidelines for adult care homes for FY 2023.</p>
State Fire Marshal	Add \$1.2 million, from federal ARPA funds, to support volunteer and part-time fire departments across Kansas with no-match grant funding for personal protection equipment (PPE) including structural fire bunker gear and wildland fire fighting gear in FY 2022.
Miscellaneous	Add \$20.0 million from federal ARPA funds for the Moderate Income Housing program

	Add \$20.0 million from the SGF for the Rural Housing Revolving Loan Program
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Additionally, several adjustments were made in the budget to accommodate for legislation passed throughout the 2022 Session that may have a large fiscal note. Those include the following:

- [SB 347](#) – APEX: The Attracting Powerful Economic Expansion Act approved an estimated \$12.6 million in SGF expenditures for FY 2022 and FY 2023
- [SB 421](#) – KPERS Transfers and Layering: The Conference Committee on SB 421 approved the transfer of over \$1 billion from the SGF to the KPERS Trust Fund in FY 2022.
- [Senate Sub for HB 2567](#) – The Legislature moved over \$6.4 billion from the mega budget to a separate education policy piece.

The budget passed both Chambers and is now headed to the Governor for her signature. The Governor retains the ability to Line-Item Veto any item as she sees fit.

Passed House: 104-12. Passed Senate 33-5.

#### TAXATION

#### [HB2239- Income Taxation bundle, including certain exemptions and amendments to tax law](#)

HB2239 contained a number of tax policy and cleanup measures. Provisions of note include the following:

- *Revenue Neutral Rate Changes*
  - The bill would allow taxpayers owning property within a taxing subdivision, or their duly authorized representatives, to file complaints with the Board of Tax Appeals showing that a taxing subdivision did not comply with the notice and hearing and budget adoption provisions of the revenue neutral rate law. If the Board of Tax Appeals finds the taxing subdivision did not comply with the revenue neutral rate requirements, it would be directed to order refunds of property taxes paid or a reduction of taxes levied for taxes collected or levied in excess of the amount generated by the revenue neutral rate.
  - The bill would require the revenue neutral notice to include the percentage by which the proposed property tax rate exceeds the revenue neutral rate. Additionally, it would require the vote approving a resolution or ordinance to exceed the revenue neutral rate to be a roll call vote.
  - The bill would provide that school districts would be deemed to have not exceeded their revenue neutral rate in the event the revenue in excess of the prior year amount was solely attributable to increased revenue from the 20 mill statewide school finance levy.
- *Residential Property Tax Exemptions*
  - The bill would increase the amount of the residential exemption from the 20 mill uniform statewide school finance property tax levy from \$20,000 of valuation to \$40,000 of valuation beginning in tax year 2022 and provide for the amount to be increased in future tax years according to the average percentage change in statewide residential real property for the preceding 10 tax years.
- *Zoo & Agritourism Land Classification*
  - The bill would provide that land utilized by zoos holding a Class C exhibitor license issued by the U.S. Department of Agriculture and land devoted to the production of plants, animals or horticultural products that is incidentally used for agritourism activity, which would be defined by the bill, would be classified as land devoted to agricultural use for purposes of property taxation.

- *Disaster Related Property Tax Abatements*
  - The bill would broaden the authority of county commissions to abate property taxes for all buildings and agricultural improvements listed as real property. County commissions would have the option to abate taxes in situations where such property has been damaged in a gubernatorial-declared disaster and restoration costs would equal or exceed 50 percent of pre-damage market value.
- *Telecommunications Equipment Inventory and Work-in-Progress*
  - The bill would define telecommunications machinery and equipment to include machinery and equipment placed in inventory or work-in-progress for purposes of the telecommunications machinery and equipment property tax exemption.
- *Homestead Property Tax Refund Claims / Golden Years Tax Program*
  - The bill would provide for refund claims to be paid to claimants for the amount by which the claimant's residential property tax exceeds the amount of the claimant's property tax in the claimant's base year.
  - Claimants would be required to be at least 65 years old or a disabled veteran, reside in a homestead with an appraised value of \$350,000 or less for the entire year, and have a household income of \$50,000 or less. The \$50,000 amount would be annually adjusted by the cost of living adjustment. Surviving spouses of eligible claimants would continue to be eligible unless they remarry. The \$350,000 limitation would only apply to the claimant's base year.
- *Countywide Retail Sales Tax Ballot Proposition Language*
  - The bill would require the ballot proposition for any countywide sales tax to include information indicating whether the revenue from the sales tax would be subject to the statutory apportionment formula, whether the county would retain the entirety of the revenue pursuant to statute, or whether an interlocal agreement is entered into specifying the retention of the amount of revenue by the county.

Passed House: 103-10. Passed Senate: 39-0

#### HEALTHCARE

##### [HB2279- Expanding scope of Advanced Practice Registered Nurse \(APRN\)](#)

After significant debate all Session, one of the longest running "turf wars" in the Legislature may be coming to a close. HB2279 would expand the scope of practice for advance practice registered nurses. Among other things, the bill would allow APRNs the ability to prescribe drugs. It would also require APRNs to maintain malpractice insurance and require natation certification for initial licensure.

Passed Senate: 30-7. The House concurred with amendments in conference 80-34.

##### [SB200- Expanding Pharmacists Scope of Practice](#)

Of note, SB200 would allow pharmacists to provide point-of-care testing for and treatment of certain health conditions. The bill would authorize pharmacists to prescribe and administer a variety of essential, low-risk medications that do not require a new diagnosis, are minor and self-limiting, have a low-risk test to identify the condition (flu, strep throat) or present an immediate danger and require quick treatment. The bill was amended to would limit therapy to influenza, strep throat, and urinary tract infections.

Passed House: 112-2. Passed Senate: 37-3

**SB286 - Extending emergency provisions for COVID-19 and crime of interference with hospital**

The contents of SB286 were heavily debated in a contentious four-day Conference Committee Hearing. The House position was to advance SB286 with extension for liability and other protections for both business and health providers in the State. The House also included language regarding the crime of assault on a hospital worker. SB286 was passed out of Conference with some minor amendments to the original language. Despite missing the March 31 deadline to renew the protections provided in the Bill, the Conference Committee inserted language to ensure that the provisions would apply retroactively and extend to January 20, 2023.

Passed House: 64-51. Passed Senate: 24-16

**SB453- Requiring adult care home certified aides to take certain training courses**

To combat the increasing healthcare worker shortage in adult care homes, SB453 was passed. The bill would amend law concerning the required completion of 40 hours of training in basic resident care skills for unlicensed employees working in adult care homes, who provide direct, individual care to residents and who have not completed or are participating in a course of education and training relating to resident care and treatment approved by KDADS. Regarding the training for unlicensed employees, the bill would clarify the 40 hours of training would be a part of an approved certified nurse aide (CNA) training course required by the state for unlicensed employees working in an adult care home.

Passed House: 116-0. Passed Senate: 40-0.

**SB199- Providing for Short Term Limited Duration Health Plans**

This bill is similar to a [measure](#) that was passed and vetoed by the Governor last Session. Generally, the bill would amend this definition to update the term to “short-term limited duration” and would specify a policy period of less than 12 months and a policy that offers renewal or extension periods up to a maximum policy period of 36 months in total duration.

Passed House: 73-49. Passed Senate 28-11.

**LOCAL GOVERNMENT / REDISTRICTING**

**SB493- Prohibiting Municipalities from banning plastic and other containers in retail settings**

SB493 would prohibit municipalities from adopting or enforcing ordinances that regulates “auxiliary containers” such as bags, cups, or bottles that are made out of a variety of materials, including plastics. Generally, proponents argued this would help them do business in the state without having to worry about a patchwork of regulations. Opponents argued that the measure was an attack on local control and the cited the negative effects of pollution caused by plastic bags. The House Committee included specific protections for plastic straws, the Senate Concurred.

Passed House: 74-48. Passed Senate: 26-12

**Sub. SB563- Redistricting Maps for Kansas Legislative House & Senate Districts and State Board of Ed.**

After an extremely controversial debate and vote on Congressional redistricting maps, the proposal for House and Senate Legislative districts and the State Board of Education seats was less contentious. Given current population trends, rural Kansas continues to lose seats, while the Kansas City, Lawrence, Riley County (Manhattan, KS) and the Wichita metropolitan areas continue to increase population. As a reminder, all 125 members in the House of Representatives are up for election this year.

Passed House: 83-40. Passed Senate: 29-11.

**SB161- Permitting operation of Personal Package Delivery Devices**

SB 161 would create new provisions to regulate “personal delivery devices” that have increasingly been used by companies such as FedEx and Amazon. The devices must operate lawfully in the right-of-way, as defined in the bill. Amendments were made in the House committee to increase the weight of the devices, reduce liability coverage from \$1 million to \$500,000 per device, and would require local units of government to provide a public hearing before enacting ordinances or resolutions to restrict the devices.

Passed House: 75-47. Passed Senate: 22-17.

**HB2717- Prohibiting any municipality from preventing the enforcement of federal immigration laws**

HB2717 would disallow municipalities from restricting law enforcement cooperation with federal authorities. It would further prohibit the use of municipal identification cards from being used to satisfy state proof of identity requirements, including for voter identification. The bill was championed by Attorney General Derek Schmidt in response to actions by the Unified Government of Wyandotte County.

Passed House: 84-38. Passed Senate: 29-10.

**Other Bills That Have Passed Both Chambers Prior to First Adjournment.**  
**Pending Signature from Governor.**

**HEALTHCARE**

**H Sub. SB28-** Enacting the Pharmacy Benefits Manager Licensure Act

**HB2386-** Reimbursement under the Dental Benefits Plan

**HB2110-** Coverage for PANS & PANDAS under the State Health Care Benefits Program

**LOCAL GOVERNMENT / REDISTRICTING**

**SB434-** Exemptions in KORA for License Plate Data Readers

**HB2299-** Law enforcement operations and programs

**HB2005-** Water Boiler Exemptions and Enacting the Elevator Safety Act

**HB2481-** Authorizing KP&F participating service credit purchase for nonfederal government employees

**MISCELLANEOUS**

**S Sub. HB2448-** Amending Food Assistance Policy, requiring able bodied adults to complete training

**HB2490-** Enacting ABLE Savings Account Program

**HB2703-** Amending Kansas Employment Security Law, amending the MyReemployment Program and enacting the Kansas Targeted Employment Act

**HB2568-** Amending the Kansas Mortgage Business Act

**SB58-** Establishing Parents Bill of Rights information sharing in Kansas Public Schools

**SB91-** Liability Protections for businesses participating in school/work-based learning programs

## Bills Which Have Passed One Chamber Prior to First Adjournment

### BUDGET

[SB421](#)- Transferring \$1,125,000,000 from the state general fund to the KPERS

SB 421 would transfer \$1.125 billion from the State General Fund (SGF) directly to the Kansas Public Employees Retirement System (KPERS) Trust Fund through split between FY22 and FY23. Of note:

- \$253.9 million SGF would pay off outstanding accounts receivable for KPERS-School employer contributions withheld in FY17 and FY19 (layering payments) while the remaining \$871.1 million SGF would be applied to the KPERS-School unfunded actuarial liability.
- The Conference Committee slightly altered the installment payments and authorized the State Finance Council to stop future scheduled transfers.

The House adopted the Conference Committee Report on a vote of 106-10, Senate did not hold a vote to adopt the CCR prior to First Adjournment.

[Sen. Sub HB2567](#)- Fiscal Appropriations for the State Education Budget for FY22, FY23, & FY24

As mentioned above, Senate Sub. for Sub. for HB2567 is an education policy bill that contains all dollars to fund K-12 education throughout the state of Kansas. Traditionally, funding for K-12 education is included in the Mega Budget bill. By tying policy and dollars together, lawmakers feel they have more say in appropriating dollars to public education, especially now that they have been ordered by the courts to provide “adequate” funding. A brief of the 80+ page bill can be found in the linked summary.

The Conference Committee came to an agreement on the CCR, but the report was not considered on the House or Senate Floor and must be considered in the April Session.

### TAXATION

[Sen. Sub. HB2597](#)- Tax Bill related to Property Taxation, SSI Benefits, NOL, Federal Allowances, Child Care Service Credits, Sales Tax Remittances, Sales Tax on Utilities, and Local Sales Tax

Sen. Sub. for HB2597 was another tax bill that contained several income and sales tax credits. Of note, the bill contains the following provisions:

- *Standard Deduction.* The bill would provide, beginning in tax year 2023, for the standard deduction amounts to be annually increased by the cost of living adjustment
- *Social Security Benefits Income Taxation*
  - The bill would expand the income tax exemption for certain Social Security benefits
- *Retirement Plan Income Taxation*
  - The bill would create, beginning in tax year 2023, a subtraction modification exempting up to \$2,000 (\$4,000 for married filers filing jointly) of retirement plan income.
- *Carried Back Net Operating Loss Carry Forwards*
  - The bill would create a subtraction modification allowing taxpayers who carried back federal net operating losses in tax years 2018 through 2020 to subtract such amounts from their income for purposes of determining Kansas adjusted gross income.
- *Child Day Care Services Credit*
  - The bill would allow any income or privilege taxpayer to claim the child day care services credit and would permit taxpayers to claim 50 percent of expenditures paid to an organization providing child care to the taxpayer’s employees beginning in tax year 2022. The bill would also raise the amount of the annual credit for employers establishing and operating a facility, either independently or in conjunction with other employers, in

Kansas providing child care for the children of their employees from 30.0 percent to 50.0 percent of expenses paid in the establishment and operation of such a facility in all years following the year of establishment of the facility.

- *Sales Tax on Utilities*
  - The bill would expand, beginning July 1, 2023, the state sales and use tax rate of zero percent currently applied to residential and agricultural sales of gas, electricity, heat, propane gas, liquified petroleum gas, coal, wood, and other fuel sources for the production of heat or lighting to all such sales. Additionally, such sales would be added to the list of items expressly subject to sales taxes imposed by cities and counties.
- *COVID-19 Retail Storefront Property Tax Relief Act*
  - The bill would enact the COVID-19 Retail Storefront Property Tax Relief Act (Act) to provide for claims for refunds to be paid for tax years 2020 and 2021 for certain claimants that were operationally shut down or restricted at their retail storefront by a COVID-19-related order or action imposed by the State, a local unit of government, or a local health officer.
  - The refund would be equal to 33.0 percent of the sum of the COVID-19 ordered shutdown days gross rebate amount and the COVID-19 ordered restricted operations days gross rebate amount, as those terms are defined by the bill. Refunds would be limited to \$5,000 per tax year per retail storefront. The Act would provide for refunds to be paid out of the American Rescue Plan-State Fiscal Relief-Federal Fund.

The Conference Committee came to an agreement on the CCR, but the report was not considered by either Chamber.

#### **HEALTHCARE**

##### **HB2387- Revising Executive Powers under KEMA, and Limiting Authority Related to MCO Contracts**

HB2387 contains language which would forbid the State from entering into any new contract with managed care organizations for the administration and provision of benefits under the medical assistance program. Also included was the Senate position to limit the Governor's authority to limit religious services due to emergency actions under KEMA.

The Conference Committee came to an agreement on the CCR and it was adopted in the Senate 26-12. It now needs to be considered by the House.

#### **LOCAL GOVERNMENT / REDISTRICTING**

##### **Sen. Sub. HB2056- Changing the time period for advance voting ballots & regulation of ballot boxes**

Senate Sub. for HB 2056 would limit county election offices to one remote ballot box for every 30,000 registered voters in the county; require remote ballot boxes to be monitored or under constant video surveillance; and prohibit remote ballot boxes from being open and accessible for the deposit of advance voting ballots when the county election office is closed.

The Conference Committee saw the House Position attempt to reel back limitations on ballot boxes due to concern over the impact the rule may have on rural voters.

The Senate adopted the Conference Committee Report on a vote of 21-17, House did not hold a vote to adopt the CCR prior to First Adjournment.

**Sen. Sub. HB2138- Comprehensive Election Reform Bill**

Senate Sub. for HB 2138 would amend and create law pertaining to elections and voting, including voter registration, election audits, distinctive watermarks on paper ballots, electronic or electromechanical voting systems, electronic poll books, an affidavit system for transferring ballots, duties of the Secretary of State, electronic poll book fraud, exemptions from election crimes for poll workers, and providing electronic election results.

The Senate adopted the Conference Committee Report on a vote of 28-8, House did not hold a vote to adopt the CCR prior to First Adjournment.

**Sen. Sub. HB2252- Limiting Executive Authority related to Elections**

In Conference, the Senate moved to insert the language of [HB418](#) into HB2252. The language would require the Legislative Coordinating Council to approve all actions from the Governor or Secretary of State regarding election integrity. The House pushed back on Senate's attempts to further limit Executive authority, but agreed to the motion related to elections.

The Senate adopted the Conference Committee Report on a vote of 27-12, House did not hold a vote to adopt the CCR prior to First Adjournment.

**HCR5022- Constitutional amendment requiring that a sheriff be elected in each County**

As it is a Constitutional Amendment, HCR5022 would require a two-thirds majority in each Chamber, and would be placed on a ballot for voter consideration. The Conference Committee debated which upcoming election the provision would be considered. The Conference Committee determined that the Constitutional question will be placed on the November 2022 General Election ballot.

The Senate adopted the Conference Committee Report on a vote of 39-1, House did not hold a vote to adopt the CCR prior to First Adjournment.

**MISCELLANEOUS**

**House Sub. SB84- Authorizing sports wagering under the Kansas Expanded Lottery Act.**

The legislature is poised to finally come to an agreement on legalizing sports wagering and expanding gaming throughout the state of Kansas. The bill contains provisions that would allow for mobile wagering to take place. It would also allow for in-person wagering at the casinos or at sporting facilities that have entered into a marketing agreement with a lottery gaming facility manager. The bill would also allow wagering on historical horse races via Historical Horse Racing Machines (HHRs) at licensed parimutuel facilities.

The House adopted the Conference Committee Report on a vote of 63-49, Senate did not hold a vote to adopt the CCR prior to First Adjournment.

**Sub SB261- Prohibiting the use of identifiable meat terms on the labels of meat analogs**

The Conference Committee reached an agreement to the satisfaction of both interested parties. The Bill was amended to require that any analog "fake" meat substitute product would be clearly labeled to signify that the product is not made of animal products.

The House adopted the Conference Committee Report on a vote of 113-0, Senate did not hold a vote to adopt the CCR prior to First Adjournment.

### **Bills Remaining in Conference Committee**

The Following Bills were referred to a Conference Committee but were not advanced to Floor action due to the Conference Committee failing to either meet or agree to terms on differences in House and Senate positions. All Bills in conference are subject for consideration in the Veto Session.

[Sub. HB2466](#)- Establishing the promoting advancement in computing knowledge Act

The Conference Committee met on April 1, 2022 but were unable to reach an agreement. The Committee made a motion to agree to disagree and appoint new members to the Conference Committee. The new members did not meet to procedurally agree to the conditions of the Conference Committee.

[HB2106](#)- Extending the dates when corporate tax returns are required to be filed

[HB2237](#)- Extending the eligible time period for the ROZ loan repayment program and income tax credit.

[SB12](#)- Requiring the Kansas DCF to implement performance-based contracts.

[H Sub SB19](#)- Implementing the 988-suicide prevention and mental health crisis hotline in Kansas

[Sen. Sub. HB2280](#)- Off-label use of medications to prevent and treat COVID-19 infections

[HB2510](#)- Updating certain investment limitation requirements to provide increased options for Kansas domiciled life insurance companies investing in equity interests and preferred stock.

### **UPCOMING MEETINGS – APRIL 2022**

*Please note that meetings, meeting dates and meeting times are tentative and subject to change.*

<b>DATE</b>	<b>MEETING</b>
April 20, 2022	KanCare Oversight Committee
April 21, 2022	Omnibus Budget Review
April 22, 2022	Omnibus Budget Review
April 25, 2022	Legislature Convenes for Veto Session

### **PRESS RELEASES & OTHER UPDATES**

- [Council on Foreign Relations Gains Member of Governor Laura Kelly's Cabinet](#)
- [Governor Laura Kelly Announces Transition to COVID-19 Endemic Response](#)