

NEWSLETTERS



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | MARCH 3, 2025

WEEK 7 – ROLLING INTO THE SECOND HALF OF THE LEGISLATIVE SESSION

PROPOSAL TO ELECT SUPREME COURT JUSTICES ADVANCES

The Senate Committee on Federal and State Affairs has advanced Senate Concurrent Resolution 1611 (SCR 1611), a constitutional amendment that would replace Kansas' merit-based system for appointing Supreme Court justices with direct elections.

Key Changes and Debate

Kansas currently uses a merit-based system in which a Supreme Court Nominating Commission selects three candidates for vacancies on the Supreme Court. The governor appoints one, and justices face retention votes. The current merit-based selection process for Kansas Supreme Court justices was established through a 1958 constitutional amendment in response to the "triple play" political scandal. The system ensures justices are chosen based on qualifications, rather than political influence. SCR 1611 would eliminate this system, allowing direct voter election to six-year terms. Elections would be staggered, with three justices selected in 2028, two in 2030, and two in 2032.

Supporters, led by Senate President Ty Masterson (R-Andover), argue elections will make justices accountable to voters and reduce the influence of unelected attorneys. "Right now, we have a process controlled by an elite group behind closed doors," Sen. Masterson said.

Opponents, including the Kansas Bar Association, Wichita Bar Association, and civil rights groups, warn the change would politicize the judiciary, introduce special-interest money into campaigns, and erode judicial independence. Attorney Fred Logan, representing the Kansas Bar Association, argued that the current system ensures justices are chosen for legal expertise rather than political connections.

Amendments Before Passage

A key point of debate was on an amendment to schedule the first election during the November 2026 general election ballot rather than the August 2026 primary.

- Sen. Marci Francisco (D-Lawrence), offered the amendment for the November date, citing higher voter turnout.
- Sen. Mike Thompson (R-Shawnee), the committee chair, argued for keeping the August date as it would avoid being overshadowed by the gubernatorial race. The amendment failed and Sen. Thompson's argument prevailed.

Next Steps

The resolution now moves to the full Senate, requiring a two-thirds majority in both chambers before it can be placed on the 2026 ballot. If it secures a two-thirds majority in both chambers, Kansas voters will decide in August 2026 whether to maintain the current merit-based system or shift to electing justices — potentially reshaping the state's Supreme Court for decades.

WATER COMMITTEE WADES INTO FLUORIDE

The House Water Committee held an informational meeting on Feb. 27 to discuss fluoridation in public water systems. Supporters and opponents presented arguments on the practice's benefits and risks.

Representatives from the Kansas Dental Association, Oral Health Kansas, and Abilene dentist Dr. Beatrice Brittan provided testimony in support of adding fluoride because of its emphasized role in:

- Preventing cavities and tooth decay.
- Providing topical protection when consumed.
- Aiding the development of children's permanent teeth.

Fluoride occurs naturally in water. Public Water Systems (PWS) adjust levels to the recommended 0.7 parts per million — roughly a teaspoon in a swimming pool.

Opponents argued that since water already contains fluoride, additional amounts may provide no further benefits and could be harmful. They cited scientific studies warning of potential health risks.

Kansas law does not currently require fluoridation. K.S.A. 65-171m provides:

"No primary drinking water standard or rule and regulation may require the addition of fluorides to public water supplies."

Most Kansas communities monitor fluoride levels annually, while groundwater supplies undergo testing every three years. Of the state's over 850 Community Water Systems and 30 Non-Transient, Non-Community Systems (NTNCS) — which include self-supplied schools and industries — only 53 PWS actively fluoridate their water supply.

The discussion extends beyond Kansas. In Utah, a bill would mandate fluoridation in public water systems, overriding local decisions. The measure awaits the governor's action.

The Kansas House Water Committee took no action.

CALENDAR OF ACTIVITY MARCH 3-7

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ATTORNEYS AT LAW

Monday, March 3

- House Financial Institutions and Pensions Committee
 - Informational hearing on HB 2089: Enacting the Consumer Inflation Reduction and Tax Fairness Act and exempting the portion of a credit card transaction constituting a tax or gratuity from assessment of the fee charged by the card issuer.
 - Final action on HB 2152: Authorizing financial institutions to secure governmental unit deposits in excess of the amount insured or guaranteed by the FDIC by utilizing a public moneys pooled method of securities, prohibiting investment advisers that execute bids for the investment of public moneys from managing moneys directly from such bid, allowing municipal bond proceeds and governmental unit deposits to be invested at a rate agreed upon by the governmental unit and the financial institution, establishing certain public moneys investment rates, requiring certification from a governmental unit that deposits in the municipal investment pool fund were first offered to a financial institution in the preceding year and allowing financial institutions to file complaints upon the failure to comply with such certification.
- House Legislative Modernization Committee
 - Hearing on SB 77: Requiring state agencies to provide notice of revocation of administrative rules and regulations to the public and removing abolished and inactive state agencies from the agency review requirement.
- House Commerce, Labor, and Economic Development Committee
 - Hearing on HB 2290: Enacting the Kansas Land and Military Installation Protection Act to prohibit foreign principals from countries of concern from acquiring any interest in certain real property in this state.
- House Education Committee
 - Informational hearing: Kansas Education Systems Accreditation (KESA) 2.0, Dr. Frank Harwood, Deputy Director of Fiscal and Administrative Services, Kansas State Department of Education.
- House Health and Human Services Committee
 - Hearing on Sub for SB 193: Exempting law enforcement agencies who do not provide emergency opioid antagonists pursuant to the statewide protocol from the requirement to procure a physician medical director.
- House General Government Committee
 - Hearing on HB 2393: Authorizing the Supreme Court to impose a charge to fund the costs of non-judicial personnel through June 30, 2030.
- House Judiciary Committee
 - Hearing on SB 71: Increasing the criminal penalties for buying sexual relations, removing provisions regarding city ordinances prohibiting buying sexual relations, requiring certain offenders to complete an educational or treatment program regarding commercial sexual exploitation and requiring the attorney general to approve such programs in consultation with the office of judicial administration.
- House Taxation Committee
 - Hearing on SB 51: Providing a sales tax exemption for the construction or remodeling of a qualified data center in Kansas and the purchase of data center equipment, eligible data center costs and certain labor costs to qualified firms that commit to a minimum investment of at least \$250,000,000 and meet new Kansas jobs and other requirements.
- Senate Assessment and Taxation Committee
 - Hearing on SB 277: Exempting certain qualified tips from state income tax.
 - Hearing on SB 195: Establishing the property tax task force that shall study the property tax system in Kansas and develop recommendations and suggest improvements to law.
 - Hearing on SB 179: Establishing a child income tax credit.
- Senate Federal and State Affairs

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- Final action on SB 254: Prohibiting aliens who are unlawfully present in the United States from receiving any state or local public benefit in accordance with applicable federal law.
- Senate Judiciary Committee
 - Hearing on HB 2134: Amending the Kansas Open Records Act regarding charges for records in the state executive branch and other public agencies other than the state legislative and judicial branches, prohibiting charges for electronic copies of records, and for determining whether a record exists and limiting charges for employee time required to make records available.
 - Hearing on HB 2166: Continuing in existence certain exceptions to the disclosure of public records under the Open Records Act.

Tuesday, March 4

- House Appropriations Committee
 - Informational briefing: Department of Commerce, Kansas Housing Resources Corporation
- House Water Committee
 - Presentation on: Water conservation, Kansas Farm Bureau, Kent Askern, and members.
- House Commerce, Labor, and Economic Development Committee
 - Hearing on HB 2308: Enacting the Aviation and Innovative Manufacturing in Kansas Act to attract businesses establishing a headquarters or engaged in aircraft assembly, electric or hydrogen-powered motor vehicle production, and other specified industries to Kansas by offering companies meeting certain employment and investment requirements an investment tax credit, retention of a percentage of total payroll tax, reimbursement of eligible employee training and education expenses, and a sales tax exemption for construction costs.
- House Education Committee
 - Hearing on SB 76: Requiring employees of school districts and postsecondary educational institutions to use the name and pronouns consistent with a student's biological sex and birth certificate and authorizing a cause of action for violations therefore.
- House Transportation Committee
 - Presentation on: American Road and Transportation Builders Association (ARTBA) Carolyn Simons, Senior Director State Funding Policy for ARTBA.
- House Judiciary Committee
 - Hearing on SB 222: Prohibiting deference to a state agency's interpretation of a statute, rule or regulation or document by a state court or an officer hearing an administrative action.
- House Taxation Committee
 - Hearing on HB 2396: Authorizing the use of a protest petition to limit funding of a taxing jurisdiction by property tax revenues exceeding a certain amount, establishing the Acknowledging Stewardship of Tax Revenue and Appropriations (ASTRA) Fund; authorizing certain transfers from the state general fund to qualifying cities and counties and eliminating the revenue neutral rate requirements by taxing subdivisions and the Taxpayer Notification Costs Fund.
 - Final action on SB 35: Discontinuing the state property tax levies for the Kansas Educational Building Fund and the State Institutions Building Fund and providing for financing therefore from the state general fund.
- Senate Assessment and Taxation Committee
 - Hearing on SB 226: Allowing an itemized deduction for certain losses from wagering transactions for individuals for income tax purposes.

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- Hearing on SB 259: Providing that future personal and corporate income tax rate decreases be contingent on exceeding tax receipt revenues.
- Senate Financial Institutions and Insurance Committee
 - Hearing on HB 2333: Renaming the Kansas Insurance Department as the Kansas Department of Insurance, the office of the securities commissioner of Kansas as the Department of Insurance, securities division, the securities commissioner as the Department of Insurance assistant commissioner, securities division and eliminating the requirement that the Senate confirm Department of Insurance assistant commissioner, securities division appointees.
 - Hearing on HB 2128: Authorizing the commissioner of insurance to select and announce the version of certain instructions, calculations and documents in effect for the upcoming calendar year and cause such announcement to be published in the Kansas Register, allowing certain life insurers to follow health financial reports and adopting certain provisions from the National Association of Insurance Commissioners Holding Company System Regulatory Act relating to group capital calculations and liquidity stress testing.
- Senate Local Government, Transparency, and Ethics Committee
 - Hearing on HB 2116: Requiring that certain contractual provisions be incorporated in all contracts for certain cities and counties, including the provisions of form DA-146a, with certain exceptions.
 - Hearing on HB 2099: Permitting periodic inspections by a city or county for code violations of private residential rental housing where the property owner is receiving governmental rental subsidies.
- Senate Judiciary Committee
 - Hearing on HB 2183: Including any photograph, film, video picture, digital or computer-generated image or picture that has been created, altered, or modified by artificial intelligence or any digital means in the definition of a visual depiction for certain criminal offenses.
 - Hearing on HB 2242: Authorizing the governor to accept requests of concurrent jurisdiction from the federal government in certain circumstances.
- Senate Commerce Committee
 - Hearing on HB 2117: Modifying certain business filing and fee requirements for business trusts, foreign corporations and limited partnerships; authorizing professional corporations or limited liability companies formed or organized to render a professional service to participate in transactions under the Business Entity Transactions Act; and making certain information provided by registered agents a public record.

Wednesday, March 5

- House Appropriations Committee
 - Hearing on SB 14: Providing for continuous state budgets until amended, lapsed or eliminated by the legislature, temporary reallocations and establishing conditions and limitations.
- House Financial Institutions and Pensions Committee
 - Presentation on: Department of Insurance Vicki Schmidt, Insurance Commissioner.
- House Commerce, Labor, and Economic Development Committee
 - Hearing on SB 199: Defining the fireworks sales season for seasonal retailers of consumer fireworks and providing for year-round sales by permanent retailers of consumer fireworks, requiring registration with the state fire marshal by such seasonal and permanent retailers, prohibiting internet sales of consumer fireworks, creating the license categories of distributor of display fireworks, distributor of pyrotechnic articles and unlimited distributor and limiting lawful sale of fireworks that are labeled "For Professional Use Only" to certain license categories.
 - Hearing on HB 2392: Facilitating nursing workforce development by setting maximum education levels for instructors at nursing schools as a requirement for state approval.
- House Transportation Committee

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- Hearing on SB 98: Providing for the Route 66 Association of Kansas distinctive license plate.
- Informational briefing: Oversized and overweight loads, KDOT.
- Senate Transportation Committee
 - Hearing on HB 2030: Excluding dealers and manufacturers of trailers from certain provisions of the Vehicle Dealers and Manufacturers Licensing Act.
 - Hearing on HB 2222: Requiring ignition interlock device manufacturers to pay fees to the state for the administration of the ignition interlock program.
- Senate Assessment and Taxation Committee
 - Hearing on a bill concerning income tax decreases by sunseting HPIP, PEAK, low-income housing, and other programs. * Bill not yet introduced. *
- Senate Local Government, Transparency, and Ethics Committee
 - Hearing on HB 2160: Enacting the Municipal Employee Whistleblower Act to provide statutory protections for municipal employees who report or disclose unlawful or dangerous conduct.
- Senate Committee on Federal and State Affairs
 - Hearing on HB 2020: Requiring a quarterly report from the director of the division of vehicles listing the names and addresses of certain noncitizens who have been issued a driver's license during such month.
- Senate Judiciary Committee
 - Hearing on HB 2371: Amending the Kansas Revised Limited Liability Company Act, the Business Entity Transactions Act and the Business Entity Standard Treatment Act.
- Senate Utilities Committee
 - Hearing on HB 2109: Authorizing public utilities and law enforcement agencies to enter into utility pole attachment agreements for the installation of law enforcement equipment on structures located in the public right-of-way and exempting public utilities from liability relating thereto.

Thursday, March 6

- House Appropriations Committee
 - Informational briefing: Water Task Force.
- House Energy, Utilities, and Telecommunications Committee
 - Presentation on: Overview of Citizens' Utility Ratepayer Board (CURB) with updates at KCC.
- House Water Committee
 - Presentation on: PolyFluoroalkyl, (PFAS), Kansas Department of Health and Environment.
- House Agriculture and Natural Resources Budget Committee
 - Presentation on: Kansas reservoir water supply.
- House Commerce, Labor, and Economic Development Committee
 - Hearing on SB 166: Enacting the Fostering Competitive Career Opportunities Act to remove postsecondary degree requirements from state employment considerations.
- House Education and Senate Education Committees
 - Recognition of Kansas master teachers.
- House Health and Human Services Committee
 - Hearing on SB 175: Updating the definition of athletic trainer and providing an exemption for those licensed in another state, District of Columbia, territory, or foreign country to practice in Kansas.

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- House Agriculture Committee
 - Hearing on SB 89: Authorizing the animal health commissioner to adopt rules and regulations to administer the Poultry Disease Control Act and to establish an annual participation fee for participation in the National Poultry Improvement Plan, a certification fee for persons performing testing and diagnostic services and a testing fee per visit to each location participating in the plan.
 - Discussion & action on HB 2012: Providing an income tax credit for the sale and distribution of ethanol blends for motor vehicle fuels.
- House Taxation Committee
 - Hearing on SB 51: Providing a sales tax exemption for the construction or remodeling of a qualified data center in Kansas and the purchase of data center equipment, eligible data center costs and certain labor costs to qualified firms that commit to a minimum investment of at least \$250,000,000 and meet new Kansas jobs and other requirements.
- House Elections Committee
 - Hearing on SB 105: Requiring the governor to appoint a person to fill vacancies in the offices of United States senator, state treasurer, and commissioner of insurance from a list of names approved by the legislature.
- Senate Assessment and Taxation Committee
 - Hearing on SB 280: Requiring the approval by a majority of electors voting at an election in order for the governing body of any taxing entity to increase its total amount of property tax to be levied by more than the annual rate of inflation.
- Senate Financial Institutions and Insurance Committee
 - Hearing on HB 2087: Authorizing certain non-admitted insurers to transact certain business in Kansas and requiring the commissioner of insurance to maintain a list of eligible non-admitted insurers.
- Senate Government Efficiency Committee
 - Hearing on SB 256: Enacting the Back to Work Act to require all full-time state employees to perform such employees' duties in their assigned office, facility, or field location, provide for certain exceptions by agency heads and require certain reports regarding such exceptions.
- Senate Federal and State Affairs Committee
 - Hearing on SB 178: Requiring certain law enforcement agencies to apply for and enter into agreements with United States immigration and customs enforcement for the enforcement of federal immigration laws.

BILL INTRODUCTIONS

SENATE BILLS

Campaign Finance & Elections

SB 279: Governmental Ethics/Campaign Finance Act and Governmental Ethics Law. This bill, sponsored by the Committee on Federal and State Affairs chaired by Sen. Mike Thompson (R-Shawnee), would establish the enforcement authority of the governmental ethics; would limit when advisory opinions may be issued; would establish expiration dates for commission subpoenas; would modify campaign finance reporting requirements; would limit when attributions are required in internet communications; and would eliminate the bar on elected office candidacy for failure to pay fines imposed by the Commission on Governmental Ethics. This bill has been referred to the Committee on Federal and State Affairs.

Education

SB 281: State Treasurer/Tax-Advantaged Savings Programs. This bill, sponsored by the Committee on Ways and Means chaired by Sen. Rick Billinger (R-Goodland), would establish the Kansas Postsecondary Education Savings Account and Kansas ABLE Savings Account Grant Incentive Program; would authorize transfers from the state general fund for such program; would eliminate the Low-income Family Postsecondary Savings Accounts Incentive Program; and would establish the Kansas Postsecondary Education Savings Account and ABLE Savings Account Grant Incentive Trust Fund. This bill has been referred to the Committee on Government Efficiency chaired by Sen. Renee Erickson (R-Wichita).

Taxation

SB 280: Property Tax/Levies. This bill, sponsored by the Committee on Assessment and Taxation chaired by Sen. Caryn Tyson (R-Parker), would require elector approval for any taxing entity to increase its total amount of property tax to be levied by more than the annual rate of inflation. This bill has been referred to the Committee on Assessment and Taxation and is scheduled for hearing on Thursday, March 6 at 9:30 a.m.

HOUSE BILLS

Budget

HB 2393: Courts/Court Fees and Costs. This bill, sponsored by Committee on Appropriations chaired by Rep. Troy Waymaster (R-Bunker Hill), would authorize the Supreme Court to impose a charge to fund the costs of non-judicial personnel through June 30, 2030. This bill has been referred to the Committee on General Government Budget chaired by Rep. Barb Wasinger (R-Hays) and will be heard Monday, March 3 at 3:30 p.m.

Employment

HB 2392: Nursing Workforce Development/Nursing Schools. This bill, sponsored by Committee on Appropriations chaired by Rep. Troy Waymaster (R-Bunker Hill), would set maximum education levels for instructors at nursing schools as a requirement for state approval. This bill has been referred to Committee on Commerce, Labor and Economic Development and will be heard Wednesday, March 5 at 1:30 p.m.

Miscellaneous

HB 2391: Firearms. This bill, sponsored by the Committee on Federal and State Affairs Rep. Tom Kessler (R-Wichita), would prohibit the carrying of concealed handguns in the state capitol; providing exceptions. This bill has been referred to Committee on Federal and State Affairs.

Taxation

HB 2394: Property Tax/Valuation of Residential Real Property etc. This bill, sponsored by the Committee on Taxation chaired by Rep. Adam Smith (R-Weskan), would establish the tax use value. This bill has been referred to the Committee on Taxation. This bill was referred to the Committee on Taxation.

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HB 2396: Property Tax/Property Tax Revenues of Taxing Jurisdictions. This bill, sponsored by the Committee on Taxation chaired by Rep. Adam Smith (R-Weskan), would authorize the use of a protest petition to limit funding of a taxing jurisdiction by property tax revenues above a certain amount; would establish the Acknowledging Stewardship of Tax Revenue and Appropriations (ASTRA) Fund and authorizing certain transfers from the state general fund to qualifying cities and counties; and would eliminate the revenue-neutral rate requirements by taxing subdivisions and the Taxpayer Notification Costs Fund. This bill has been referred to the Committee on Taxation and will be heard Tuesday, March 4 at 3:30 p.m.

BILL TRACKING HISTORY

A history of the bills we are tracking as of March 3, 2025, can be found here.

Kansas Legislative Insights is a publication developed by the government affairs & public policy law practice group of Foulston Siefkin LLP. It is designed to inform business executives, human resources and government 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, and employment. Bill summaries are by necessity brief, however, for additional information on any issue before the Kansas Legislature, contact Foulston Siefkin's government 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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