

# FOULSTON

ATTORNEYS AT LAW

NEWSLETTERS



## KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | FEBRUARY 9, 2024

### WEEK 5

This week, illness of some House members delayed the Kansas House Republican leadership plan to override Governor Laura Kelly's veto of the flat tax. Thus, the House leadership has scheduled the veto override vote for next Monday.

Tuesday, the Kansas Supreme Court issued an order ending the court's jurisdiction over school funding in the *Gannon v. Kansas* lawsuit. Gov. Kelly has signed the first bill of the session: SB 15 reinstates and changes an expired tax credit designed to encourage the employment of disabled Kansans. This week, committees and subcommittees continued to work on state agency budgets.

Week 5 saw a wide range of issues discussed by the Legislature. Tuesday, the House Transportation Committee approved a bill banning cellphone use in construction areas and school zones. Artificial intelligence (AI) misuse in election campaigns was the subject of a hearing in the Senate. A bill prohibiting foreign ownership of Kansas farmland generated a broad range of opposition. Wednesday, the House Health and Human Services Committee heard HB 2622, prohibiting smoking on the gaming floor of a lottery gaming facility or racetrack gaming facility.

### FOREIGN LAND OWNERSHIP

Wednesday, the Senate Federal and State Affairs Committee heard SB 446, prohibiting foreign land ownership for acquisitions of farmland. The bill establishes a State Land Council to authorize exceptions. Attorney General Kris Kobach testified in favor of the bill and noted that 22 states have addressed the issue. He noted concerns regarding a Chinese company, Cnano Technology, moving into Johnson County. A KBI official testified there were ongoing investigations underway but they could not be disclosed. He also shared that since Oklahoma legalized marijuana, Oklahoma narcotics officials are investigating Mexican cartels potentially purchasing land for growing farms. The Kansas Farm Bureau delivered strong opposition testimony, claiming that the language of the bill violated individual property rights. The other diverse opponents included the Kansas Bankers Association, Kansas Livestock Association, Kansas Association of Realtors, El Centro, the Kansas Chamber of Commerce, American Civil Liberties Union, and Loud Light.

### ELECTIONS AND AI

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This week, the House Elections Committee approved a proposal to require independent candidates running for statewide office to collect signatures from 2% of the total votes cast for governor in the last general election. Under current law, independent candidates only need 5,000 signatures of registered voters. Under the provisions of the bill, independent candidates must collect more than 20,000 valid signatures.

Last week, the House Elections Committee addressed the use of AI in election campaigns. Thursday, the Senate Federal and State Affairs heard SB 375, prohibiting use of generative AI to create false representations of candidates in election campaign media or of state officials. Clay Barker, representing the Secretary of State's Office, spoke in favor of the bill, noting examples of AI-generated telephone calls from candidates telling voters not to vote. Senators provided some potential examples of AI misuse. The House Elections Committee discussed increasing the financial penalties set forth in the bill. One senator advocated for a stronger approach which would bar a convicted PAC or entity from participating in the next election cycle. The Kansas County Clerks and Election Officers Association requested to be defined as public officials. The concern was misusing their likeness or voice to tell voters the election was canceled or moved to another day.

## NEXT WEEK

Next week, the Senate Assessment and Taxation Committee will hear SB 453, excluding Social Security payments from household income and expanding eligibility related to increased property tax homestead property tax refund claims. The Senate Financial Institutions and Insurance Committee will hear updates to the Uniform Commercial Credit Code (UCCC). There is not a bill number yet. The Senate Public Health and Welfare Committee will hear SB 390 and 391. SB 390 would establish the Conscientious Right to Refuse to Act to prohibit discrimination against individuals refusing medical care and creating a civil cause of action based on such discrimination. The bill also repeals the Secretary of KDHE's authority to quarantine individuals. SB 391 enacts the Constitutional Right to Health Freedom Act to regulate the activities of the Secretary of Health and Environment related to public health functions. It repeals statutes relating to quarantining individuals.

On the House side, House Federal and State Affairs Committee will hear HB 2653, providing for child support orders for unborn children from the date of conception. The House Energy, Utilities and Telecommunications Committee will hear HB 2591, exempting the state corporation commission from the Open Meetings Act and prohibiting ex parte communications in all commission proceedings. The House Commerce, Labor and Economic Development Committee will be taking final action on HB 2570, updating the unemployment statutes. The House Health and Human Services Committee will hear HB 2749, requiring medical care facilities and providers to report the reason for each abortion performed at such facility or by such provider to the Secretary of Health and Environment.

## BILL INTRODUCTIONS

### COURTS, LAWS, AND REGULATIONS

**SB 437: EDUCATION.** This bill, introduced by the Senate Committee on Education, would establish the Kansas Education Enrichment Program that would authorize educational awards to certain elementary and secondary students for qualifying expenses for educational goods and services and would require the state treasurer to administer the program and establish the Kansas Education Enrichment Program Fund, making certain appropriations for the fiscal year ending on June 30, 2025. This bill has been referred to the Senate Committee on Education chaired by Sen. Molly Baumgardner.

**SB 440: JUDICIARY.** This bill, introduced by the Senate Committee on Judiciary, would revoke the authority to suspend a person's driving privileges or driver's license due to nonpayment of fines or court costs from traffic citations and would also apply the provisions of this bill retroactively. This bill has been referred to the Senate

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Committee on Judiciary chaired by Sen. Kellie Warren.

**SB 441: JUDICIARY.** This bill, introduced by the Senate Committee on Judiciary, would enact the Fairness In Condemnation Act and would amend the Eminent Domain Procedure Act requiring the plaintiff condemning authority to provide the property owner written notice and an opportunity for good-faith negotiations prior to filing the condemnation proceeding. This bill has been referred to the Senate Committee on Judiciary chaired by Sen. Kellie Warren.

**SB 444: JUDICIARY.** This bill, introduced by the Senate Committee on Judiciary, relates to the board of trustees for the county law library and provides that the attorney members of such board in all counties, except Johnson, Sedgwick, and Douglas counties, be appointed by the chief judge of the judicial district, and would allow the board to authorize the chief judge to use certain fees for the purpose of facilitating and enhancing functions of the district court. This bill has been referred to the Senate Committee on Judiciary chaired by Sen. Kellie Warren.

**SB 463: JUDICIAL.** This bill, introduced by the Senate Committee on Judiciary, would change the membership of the Judicial Council from four resident lawyers without regard to congressional district to one resident lawyer from each congressional district, exempting members of the Judicial Council admitted prior to July 1, 2024. This bill has been referred to the Senate Committee on Judiciary chaired by Sen. Kellie Warren.

**SB 464: COMMERCE/DISADVANTAGE BUSINESSES.** This bill, introduced by Sen. Oletha Faust-Goudeau (D-Wichita), would create the Kansas Small, Minority, Woman, Disadvantaged and Service-Disabled Veteran Business Enterprise Development Act, which would provide for the development of such business enterprises through a program to facilitate and increase participation by such business enterprises in providing goods and services to state agencies and post-secondary institutions. The bill would also establish the Office of Minority and Women Business Development within the Department of Commerce to develop such program. This bill has been referred to the Senate Committee on Commerce chaired by Sen. Renee Erickson.

**SB 467: ECONOMIC DEVELOPMENT.** This bill, introduced by the Senate Committee on Commerce, relates to tourism and would increase the membership of the Council on Travel and Tourism appointed by the governor and would update the House Committee assignment required for House Members from the House Committee on Agriculture and Natural Resources to the House Committee on Commerce, Labor and Economic Development and would reduce the required allocation of funds from the Department of Commerce's matching grant program for the promotion of tourism to public and nonprofit entities and remove the restriction on the percentage of such funds granted to a single entity. This bill has been referred to the Senate Committee on Commerce chaired by Sen. Renee Erickson.

**HB 2660: BUSINESS ENTITIES.** This bill, introduced by the House Committee on Elections, would authorize a change of registered office address by a current occupant under the Business Entity Standard Treatment Act and would change the information required in an amendment to the articles of incorporation of a cooperative. The bill would also modify the requirement for business entity reports, eliminate references to a certificate of fact, and modify the filing requirements for registration of foreign covered entities and limited partnerships. This bill has been referred to the House Committee on Judiciary chaired by Rep. Susan Humphries.

**HB 2663: REAL ESTATE TRANSACTIONS.** This bill, introduced by the House Committee on Insurance, relates to title insurance and allows title insurance agents to submit escrow, settlement, and closing funds through certain real-time or instant payment systems. This bill has been referred to the House Committee on Insurance chaired by Rep. William Sutton.

**HB 2693: PROBATE.** This bill, introduced by the House Committee on Judiciary, enacts the Uniform Partition of Heirs Property Act, which would prescribe procedures and requirements for the partition of certain real property. This bill has been referred to the House Committee on Judiciary chaired by Rep. Susan Humphries.

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**HB 2704: ECONOMIC DEVELOPMENT.** This bill, introduced by Rep. Laura Williams (R-Johnson County) and others, would create the No-Impact Home-Based Business Fairness Act, which would limit the regulatory authority a city or county has over businesses which are defined as no-impact home-based businesses. The bill has been referred to the House Committee on Local Government chaired by Rep. Emil Bergquist.

## TAXATION

**SB 435: TAXATION.** This bill, introduced by the Senate Committee on Federal and State Affairs, would provide for an exemption for period products, diapers, and incontinence products. This bill has been referred to the Senate Committee on Assessment and Taxation chaired by Sen. Caryn Tyson.

**SB 436: TAXATION.** This bill, introduced by the Senate Committee on Assessment and Taxation, would establish a child tax credit. This bill has been referred to the Senate Committee on Assessment and Taxation chaired by Sen. Caryn Tyson.

**SB 452: TAXATION.** This bill, introduced by the Senate Committee on Assessment and Taxation, relates to the Homestead Property Tax Refund Act, would exclude certain school district bond and interest levies from increased property tax homestead refund claim amounts. This bill has been referred to the Senate Committee on Assessment and Taxation chaired by Sen. Caryn Tyson.

**SB 453: TAXATION.** This bill, introduced by the Senate Committee on Assessment and Taxation, relates to the Homestead Property Tax Refund Act, and would exclude Social Security payments from household income, and would expand the eligibility related to increased property tax homestead property tax refund claims. This bill has been referred to the Senate Committee on Assessment and Taxation chaired by Sen. Caryn Tyson.

**SB 454: TAXATION.** This bill, introduced by the Senate Committee on Assessment and Taxation, concerns sales tax and would provide a sales tax exemption of property and services by nonprofit organizations distributing food pursuant to a food distribution program on a charitable basis. This bill has been referred to the Senate Committee on Assessment and Taxation chaired by Sen. Caryn Tyson.

**SB 468: TAXATION.** This bill, introduced by the Senate Committee on Assessment and Taxation, relates to the tax levy rates for property tax and would prohibit cities and counties that grant or approve certain property tax exemptions or tax increment financing from exceeding their revenue-neutral rates. This bill has been referred to the Senate Committee on Assessment and Taxation chaired by Sen. Caryn Tyson.

**HB 2683: TAXATION.** This bill, introduced by the House Committee on Taxation, relates to certifications and taxation for the purposes of property tax and would modify the deadlines for mailing tax statements to taxpayers and certification levies to the director of property valuation to earlier than current deadlines and would provide for the county clerk's use of the previous year's budget when taxing subdivision fails to timely file its budget. The bill has been referred to the House Committee on Taxation chaired by Rep. Adam Smith.

**HB 2684: TAXATION.** This bill, introduced by the House Committee on Taxation, relates to income taxation and would authorize cities to propose an earnings tax for ballot question and provide revenue to be pledged for infrastructure purposes. The bill has been referred to the House Committee on Taxation chaired by Rep. Adam Smith.

**HB 2685: TAXATION.** This bill, introduced by the House Committee on Taxation, relates to sales tax exemptions and would provide for an exemption for registered charitable organizations. The bill has been referred to the House Committee on Taxation chaired by Rep. Adam Smith.

**HB 2687: TAXATION.** This bill, introduced by the House Committee on Taxation, would establish a child tax credit. This bill has been referred to the House Committee on Taxation chaired by Rep. Adam Smith.

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**HB 2694: TAXATION.** This bill, introduced by the House Committee on Taxation, concerns income taxation and provides for an increased amount of credit for individuals of certain ages for the selective assistance for effective senior relief credit and settling the maximum amount of credit. This bill has been referred to the House Committee on Taxation chaired by Rep. Adam Smith.

**HB 2701: TAXATION.** This bill, introduced by the House Committee on Education, relates to income tax credits and would increase the school and classroom supplies tax credit amount to \$500 and provide for an annual adjustment to such credit based on the cost of inflation. The bill would also allow additional school employees to claim such credit. This bill has been referred to the House Committee on Taxation chaired by Rep. Adam Smith.

## UTILITIES

**SB 443: PUBLIC UTILITIES/EMINENT DOMAIN.** This bill, introduced by the Senate Committee on Judiciary, relates to the Eminent Domain Procedure Act and would require that landowners whose land is taken by eminent domain for electric transmission lines be compensated at not less than 150% of fair market value. This is a mirror bill to HB 2691. This bill has been referred to the Senate Committee on Utilities chaired by Sen. Michael Fagg.

**SB 455: PUBLIC UTILITIES.** This bill, introduced by the Senate Committee on Utilities, relates to the Kansas Corporation Commission, and would authorize electric public utilities to retain certain electric-generating facilities in the utility's rate base. This bill has been referred to the Senate Committee on Utilities chaired by Sen. Michael Fagg.

**SB 456: PUBLIC UTILITIES.** This bill, introduced by the Senate Committee on Utilities, relates to the Kansas Corporation Commission, and would: (a) extend the timelines for the Commission to make a determination regarding rate-making treatment for electric generating or transmission facilities; (b) establish a rebuttable presumption that a fossil-fuel-fired electric generating unit shall not be retired; (c) prohibit the Commission from authorizing the retirement of such electric-generating units unless the utility overcomes the rebuttable presumption with sufficient evidence; and (d) require the Commission to report annually on requests to retire such units. This bill has been referred to the Senate Committee on Utilities chaired by Sen. Michael Fagg. This bill has been set for hearing on Thursday, Feb. 15.

**SB 457: PUBLIC UTILITIES/EMINENT DOMAIN.** This bill, introduced by the Senate Committee on Utilities, concerns eminent domain proceedings, and would prohibit public utilities from exercising eminent domain for the siting or placement of solar facilities. This bill has been referred to the Senate Committee on Utilities chaired by Sen. Michael Fagg.

**SB 471: RENEWABLE ENERGY.** This bill, introduced by the Senate Committee on Federal and State Affairs, relates to motor vehicles and would prohibit any state agency, city, or county from regulating or restricting the use or sale of motor vehicles based on the energy source used, and would allow the state agency, city, or county to establish motor vehicle purchase policies for such state agency, city, or county. This bill has been referred to the Senate Committee on Federal and State Affairs chaired by Sen. Mike Thompson.

**HB 2678: WATER.** This bill, introduced by the House Committee on Water, relates to the Kansas Water Banking Act, and would extend the period for how long a groundwater right can be deposited in the water bank and would require that water withdrawn from an account be authorized by the water bank on or before Dec. 1 of the calendar year in which the withdrawn water is to be used. This bill has been referred to the House Committee on Water chaired by Rep. Jim Minnix.

**HB 2691: PUBLIC UTILITIES/EMINENT DOMAIN.** This bill, introduced by the House Committee on Judiciary, relates to the Eminent Domain Procedure Act and would require landowners whose land is taken in eminent domain for electric transmission lines to be compensated at no less than 150% of fair market value. This is a mirror

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bill to SB 443. This bill has been referred to the House Committee on Energy, Utilities and Telecommunications chaired by Leo Delperdang.

**HB 2695: WATER.** This bill, introduced by the House Committee on Water, relates to groundwater management districts and would allow a majority of eligible voters in a groundwater management district or an area for a proposed extension or reduction of a district to petition the chief engineer to extend or reduce the territory in a groundwater management district. This bill has been referred to the House Committee on Water chaired by Rep. Jim Minnix.

**HB 2696: WATER.** This bill, introduced by the House Committee on Water, relates to the Water Appropriations Act and would allow a groundwater management district the opportunity to provide written comment rather than a recommendation to the chief engineer for a proposed water conservation area and management plan. This bill has been referred to the House Committee on Water chaired by Rep. Jim Minnix. This bill has been set for hearing on Tuesday, Feb. 13.

**HB 2697: WATER.** This bill, introduced by the House Committee on Water, relates to groundwater management districts and would allow a groundwater management district board to provide relevant information rather than advice and assistance regarding groundwater management and other appropriate matters of concern to a groundwater management district. This bill has been referred to the House Committee on Water chaired by Rep. Jim Minnix. This bill has been set for hearing on Tuesday, Feb. 13.

## HEALTHCARE AND INSURANCE

**SB 433: HEALTHCARE.** This bill, introduced by the Senate Committee on Public Health and Welfare, relates to institutional licenses and would clarify the practice privileges for those who: (a) are graduates of an accredited medical school or osteopathic medical school; (b) have completed at least two years of postgraduate training; and (c) who are employed by an institution as provided for in the Act. This bill has been referred to the Senate Committee on Public Health and Welfare chaired by Sen. Beverly Gossage.

**SB 449: HEALTHCARE.** This bill, introduced by the Senate Committee on Judiciary, relates to liability protections for emergency care by healthcare providers and would expand the definition of "healthcare provider" to include individuals trained in cardiopulmonary resuscitation, automated external defibrillator, or emergency cardiovascular care. This bill has been referred to the Senate Committee on Public Health and Welfare chaired by Sen. Beverly Gossage.

**HB 2670: HEALTHCARE.** This bill, introduced by the House Committee on Health and Human Services, relates to non-opioid alternatives for pain treatment and would require the Department of Health and Environment to develop and publish educational information regarding the use of nonopioids. This bill has been referred to the House Committee on Health and Human Services chaired by Rep. Brenda Landwehr.

**HB 2686: HEALTHCARE.** This bill, introduced by Rep. Vic Miller (D-Topeka), concerns health professions and practices and would require prescribers to discuss with patients risks and alternatives to certain addictive controlled substances before prescribing such substances. This bill has been referred to the House Committee on Health and Human Services chaired by Rep. Brenda Landwehr.

**HB 2712: INSURANCE.** This bill, introduced by the House Committee on Insurance, relates to dental health insurance contracts and would prohibit such contracts from limiting the fee a dentist may charge for a non-covered service, disallowing an otherwise covered service, or preventing a dentist from billing and collecting for a service that is a dental necessity. This bill has been referred to the House Committee on Insurance chaired by Rep. William Sutton.

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**HB 2713: HEALTHCARE.** This bill, introduced by the House Committee on Insurance, creates the Ensuring Transparency in Prior Authorization Act, and would impose certain requirements and limitations on the use of prior authorization. This bill has been referred to the House Interstate Cooperation Committee chaired by Rep. Daniel Hawkins.

## BILL TRACKING HISTORY

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

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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](mailto:cewatson@foulston.com). Learn more about the authors below:

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