

## NEWSLETTERS



### KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | MARCH 26, 2021

March 26, 2021

#### WEEKLY OVERVIEW

Legislative committees worked to complete their outstanding agenda items by today's deadline for non-exempt committees to consider bills. This week's legislative agenda included a wide range of subjects, including education, the future of the Docking Office Building, medical marijuana, sports gaming, unemployment insurance, and taxes. The House held a three-hour floor debate covering a resolution sending a notice to the Kansas Congressional delegation to oppose federal voter registration and election bills. The debate forced cancellation of Wednesday's 1:30 House Committee meetings, adding time pressure to complete committee work.

On Monday, the Joint Committee on Building Construction moved forward with recommending the renovation of the Docking State Office Building. The Kansas Department of Health and Environment laboratory would be a separate project and not included in the Docking building renovation.

On Wednesday, Gov. Laura Kelly signed Senate Bill 40 into law, creating the Kansas Emergency Management Act. Even though the Act limits her authority to issue Emergency Orders (EO), Gov. Kelly applauded the bipartisan compromise extending the State of Disaster. The bill extends the current disaster declaration until May 28. Several existing pandemic-related EOs are set to expire on March 31. Under the compromise, the governor can re-issue orders under the new process, with legislative oversight. Republican leaders have pledged to oppose an extension of the statewide mask mandate if Gov. Kelly proposes to reissue it.

On Thursday, for the second time, the House voted 84-38 to kill Gov. Kelly's executive reorganization order that would have created a new Kansas Department of Human Services. The reorganization would have combined the Kansas Department of Children and Families and the Kansas Department of Aging and Disability Services. Also on Thursday, the House passed the Rural Emergency Hospital Act, providing up to \$10 million to open and operate rural hospitals in underserved communities. Hospitals with fewer than 50 beds, open 24 hours daily, and offering emergency services are eligible. Thursday afternoon, the Senate non-concurred in the House measure, forcing the Rural Hospital bill to a conference Committee.

#### SCHOOL ATTENDANCE OPTION

# FOULSTON

ATTORNEYS AT LAW

This week provided a vivid reminder that no issue is ever dead while the Legislature is in session. Last week, after the defeat of Senate Bill 235 (requiring an in-school option by March 25), the House Education Committee amended Senate Bill 63 to require all districts to offer a full-time option to students, but only for the current school year. Unlike SB 235, it does not apply to future emergencies.

House Substitute for Senate Bill 63 would require all Kansas unified school districts to provide a full-time, in-person attendance option for all students enrolled in kindergarten through grade 12 beginning no later than March 31, 2021, for school year 2020-2021. The bill would be in effect upon publication in the Kansas Register. On Monday, House Substitute for House Bill 63 advanced on General Orders after the House debate. Tuesday morning, the House passed the substitute bill 77-46 on final action. On Wednesday, the Senate concurred 28-11 along party lines. The governor is expected to veto measure.

## SENATE COMMITTEES

On Monday and Tuesday, the Senate Utilities Committee heard Senate Bill 279, which would place government regulation on the growing Kansas wind energy industry. Remarkably, wind energy has attracted \$14 billion dollars in investment into the Kansas economy. SB 279 imposes new barriers on locating wind farms based on light, sound, and distance metrics, along with raising potential legal questions on property rights. Wind farm advocates point out that SB 279 would stifle new growth in the industry. Kansas is currently ranked fourth in the nation in wind generated electricity capacity. Opponents of the bill's restrictions reminded the Committee that Republican Govs. Brownback and Colyer, along with Democratic Govs. Sebelius, Parkinson, and Kelly have championed wind energy.

On Monday, the Senate Education Committee heard House Bill 2039, requiring students pass an American civics test to graduate with a high school diploma. The bill was approved by the Senate Education Committee on Thursday.

This week, the Senate Commerce Committee deliberated over amendments to Substitute for House Bill 2196, modernizing the unemployment insurance trust fund. The Senate Public Health and Welfare Committee held a hearing on Senate Bill 212, prohibiting the Secretary of Health and Environment from permanently requiring additional immunizations to attend a childcare facility or school.

## HOUSE COMMITTEES

On Monday, the House Federal and State Affairs Committee voted to reconsider previous action on Senate Bill 84 on sports betting. The motion to recommend favorably failed, and the bill remains in committee. The House Federal and State Affairs Committee started working on a medical marijuana bill. The committee started reviewing the more than 20 amendments expected to be offered on the bill. Deliberations by the House Federal and State Affairs Committee will likely be continued into next week.

## WHAT'S NEXT ON THE LEGISLATIVE CALENDAR

The Legislature is but two weeks away from first adjournment. Today is the last day for non-exempt committees to meet. However, several committees will be meeting on Monday and Tuesday to consider exempt bills. The House and Senate will be on the floor debating bills next Monday through Wednesday. March 31 is the last day for non-exempt bills to be considered in either house. There is no session on April 1 and April 2. Conference committees meet April 6-8 with first adjournment on April 9.

## BILL INTRODUCTIONS

## COURT, LAWS, AND REGULATIONS

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ATTORNEYS AT LAW

**Sub. For SB 63** – Would make similar changes to law requiring in-person attendance for K-12 public schools, as reported regarding SB 235 in our Feb. 19 issue. The House Committee of the Whole passed this bill on final action. Yea, 77; Nay, 46. The Senate concurred with amendments in conference. Yea, 28; Nay, 11.

**SB 103** – As amended by the House Committee of the Whole, would make similar changes to the Kansas Power of Attorney Act, as reported in our Feb. 5 issue. The bill was passed by the Senate on final action. Yea, 38; Nay, 0. The House Committee on the Whole recommended this bill be passed, and it was passed as amended. Yea, 122; Nay, 0

**SB 107** – Would amend and revise law relating to fiduciary accounting rules regarding income and principal. The bill was passed by the Senate on final action. Yea, 38; Nay, 0. The House Committee of the Whole passed the bill as amended. Yea, 122; Nay, 0.

**SB 161** – Would define “personal delivery devices” and exempt such devices from motor vehicle regulation and municipal regulation. Referred to the Senate Committee on Commerce, Sen. Robert Olson, Chair. The Committee recommended the bill be passed as amended.

**SB 55** – Would clarify the authority of healing arts schools and clinics to provide healing arts services. Originally referred to the Senate Committee on Education, Sen. Molly Baumgardner, Chair. The bill passed the Senate on the Consent Calendar. Yea, 39; Nay, 0. Then referred to the House Committee on Education, Rep. Steve Huebert, Chair. The bill passed the House on final action. Yea, 122; Nay, 0.

**SB 56** – As amended, would amend law related to notices offering help to victims of human trafficking to require a prominent notice of such help be posted in any place required to post notices. Referred to the House Committee on Judiciary, Rep. Fred Patton, Chair. The Committee has recommended the bill be passed as amended.

**SB 304** – Would remove the sunset provision from the COVID-19 Contact Tracing Privacy Act. The bill would also remove a provision regarding when rules and regulations were to be adopted. Referred to the Senate Committee on Judiciary, Sen. Kellie Warren, Chair.

**SB 305** – Would allow law enforcement agencies to collect captured license plate data and would require the data to be stored immediately and accessed only for a legitimate law enforcement purpose. The bill would prohibit the distribution of license plate data for commercial purposes and would allow law enforcement agencies to exchange data. Captured license plate data would be required to be kept confidential and would not be subject to the Kansas Open Records Act until July 1, 2026. Referred to the Senate Committee on Transportation, Sen. Mike Peterson, Chair.

**SB 65** – As amended, would among other things, decouple participation in the Kansas Industrial Training (KIT) program from the Kansas Industrial Retraining (KIR) program as a method to qualify for the High Performance Incentive Program (HPIP) tax credit. The Senate passed the bill Feb. 18. Yea, 38; Nay, 0. Then referred to the House Committee on Commerce, Labor and Economic Development, Sen. Sean Tarwater, Chair. The bill passed the House on emergency final action. Yea, 121; Nay, 1.

**SB 106** – As amended, would among other things, enact the Revised Uniform Law on Notarial Acts (RULONA) and repeal the Uniform Law on Notarial Acts (ULONA). Referred to the Senate Committee on Judiciary, Sen. Kellie Warren, Chair. The bill passed the Senate as amended on final action. Yea, 39; Nay, 0. The bill was referred to the House Committee on Judiciary, Rep. Fred Patton, Chair. The Committee recommended the bill be passed as amended.

**SB 120** – As amended, would establish the Joint Committee on Child Welfare System Oversight. The bill, as amended, passed the Senate March 2. Yea, 37; Nay, 2. Then referred to the House Committee on Children and Seniors, Rep. Susan Concannon, Chair. The Committee recommended the bill be passed as amended. See also

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ATTORNEYS AT LAW

the House companion measure HB 2115.

**SB 146** – Would amend laws relating to driving under the influence of alcohol or drugs to provide that the state highway patrol has oversight of state certification of ignition interlock manufacturers and their service providers. Referred to Senate Committee on Transportation, Sen. Mike Peterson, Chair. The Committee recommended the bill be passed on Consent Calendar. On March 23, the bill was withdrawn from Consent Calendar and placed on General Orders.

**SB 181** – As amended, would create the Elevator Safety Act. Referred to the Senate Committee on Federal and State Affairs, Sen. Larry Alley, Chair. The Committee recommended the bill be passed as amended.

**HB 2025** – As amended, would create legal limitations on the authority of the Kansas Department of Wildlife, Parks, and Tourism to conduct surveillance on private property. Referred to the House Committee on Federal and State Affairs, Rep. John Barker, Chair. The Committee has recommended the bill as amended be passed.

**HB 2176** – As amended, would amend law regarding the vacation of streets. Referred to the House Committee on Local Government, Rep. Kent Thompson, Chair. The bill, as amended, passed the House on final action vote. Yea, 120; Nay, 2.

**HB 2203** – As amended, would among other things, establish the Asbestos Remediation Fund (Fund). The bill passed the House March 1 on final action. Yea, 122; Nay, 2. Then referred to the Senate Committee on Agriculture and Natural Resources, Sen. Dan Kerschen, Chair. The Committee recommended the bill be passed as amended.

**HB 2366** – As recommended, would create law in the Kansas Code of Criminal Procedure regarding jailhouse witness testimony. Referred to the House Committee on Judiciary, Rep. Fred Patton, Chair. The Committee has recommended the bill be passed.

**HB 2237** – As amended, would extend the sunset on the Rural Opportunity Zone (ROZ) student loan repayment program from July 1, 2021, to July 1, 2026. The bill would also extend the sunset on the income tax credit and reporting requirements for the Secretary of Commerce from Jan. 1, 2022, to Jan. 1, 2027. The bill, as amended, passed the House on final action Feb. 24. Yea, 107; Nay, 16. Referred to the Senate Committee on Assessment and Taxation, Sen. Caryn Tyson, Chair. The Committee has recommended the bill be passed as amended.

**HB 2329** – Would amend laws to increase the maximum penalties (from \$25,000 to \$200,000) that the KCC may impose for pipeline safety violations. Referred to House Committee on Energy, Utilities, and Telecommunications, Rep. Joe Seiwert, Chair. The bill, as amended, passed the House. Yea, 121; Nay, 1. Then referred to the Senate Committee on Utilities, Sen. Mike Thompson, Chair.

**HB 2451** – Would replace the annual escrow payment, paid by non-participating tobacco manufacturers (i.e., those manufacturers not part of the 1998 Master (tobacco company) Settlement Agreement), with an equity fee that would instead go to the state and be deposited to the Kansas Endowment for Youth (KEY) Fund. Referred to the House Committee on Judiciary, Rep. Fred Patton, Chair.

**Sub. For HB 2252** – As amended by the House Committee on Federal and State Affairs, would make similar changes to law relating to fulfillment house licensure as SB 252 reported on in our Feb. 19 issue. The Senate Committee on Federal and State Affairs has recommended the bill be passed as amended. This bill was passed by the House on final action. Yea, 122; Nay: 2. Ultimately, the substitute measure, as amended, passed on Senate final action. Yea, 30; Nay, 8.

**HB 2397** – Would make similar changes to appropriations for various state agencies as first reported in our Feb. 19 issue. Referred to the House Committee on Appropriations, Rep. Troy Waymaster, Chair. The Committee has recommended the substitute bill be passed.

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ATTORNEYS AT LAW

**HB 2064** – Would amend law relating to the Kansas Deferred Retirement Option Program (DROP) by permitting members to extend previously elected periods of less than five years. Referred to the House Committee on Insurance and Pensions, Rep. Steven Johnson, Chair. The bill passed the House on emergency final action. Yea, 125; Nay, 0. Then referred to the Senate Committee on Financial Institutions and Insurance, Sen. Jeff Longbine, Chair. The Committee has recommended the bill be passed as amended.

**HB 2122** – Would enact the Supported-Decision Making Agreements Act, which would provide for statutory limitations and protections for adults who enter into agreements with other adults for decision-making assistance. Referred to the House Committee on Judiciary, Rep. Fred Patton, Chair. The Committee has recommended the bill be passed.

**HB 2137** – Would make similar changes to alcohol laws as SB 254, reported on in our Feb. 19 issue. Then referred to the Senate Committee on Federal and State Affairs, Sen. Larry Alley, Chair. The bill passed the Senate March 24 on final action vote. Yea, 31; Nay, 8.

**Sub. For HB 2138** – Would, among other things, make similar changes to the sales restrictions of alcohol and liquor as SB 256 reported in our Feb. 19 issue. The bill, as amended, passed the House on final action. Yea, 120; Nay, 4. Then referred to the Senate Committee on Federal and State Affairs, Sen. Larry Alley, Chair, recommended the substitute bill be passed.

**HB 2150** – Would amend laws relating to abuse and financial exploitation of dependent persons. The bill was passed as amended by the Committee of the Whole. Yea, 118; Nay, 4. The bill has been referred to the Senate Committee on Public Health and Welfare, Sen. Richard Hilderbrand, Chair.

**HB 2187** – Would make similar changes to law relating to first-time homebuyers as reported on in our Feb. 5 issue. The bill passed on House final action. Yea: 119; Nay: 3. The bill has been referred to the Senate Committee on Financial Institutions and Insurance, Sen. Jeff Longbine, Chair. The Senate Committee has recommended this bill be passed as amended.

**HB 2406** – Would amend laws relating to alcohol and liquor by changing the Sunday start time for sales from 12 noon to 9 a.m. Originally referred to the House Committee on Federal and State Affairs, Rep. John Barker, Chair. The bill as amended passed the House on final action. Yea, 80; Nay, 42. The bill has now been referred to the Senate Committee on Federal and State Affairs, Sen. Larry Alley, Chair.

**HB 2441** – Would require payment by governmental entities commandeering or restricting property use during certain emergencies. Referred to the House Committee on Taxation, Rep. Adam Smith, Chair.

**HB 2442** – Would provide for liability protections for certain businesses from certain injuries relating to high school work-based learning programs, provided that the schools are responsible for the damages. Referred to the House Committee on Commerce, Labor and Economic Development, Rep. Sean Tarwater, Chair.

**HB 2443** – Would create an employment preference for persons with certain disabilities for state government positions. Referred to the House Committee on Commerce, Labor and Economic Development, Rep. Sean Tarwater, Chair.

**HB 2444** – Would make similar changes to the Kansas Lottery Act and sports wagering as Sub. for SB 84 reported on in our March 5 issue. Referred to the House Committee on Federal and State Affairs, Rep. John Barker, Chair.

**HB 2445** – Would define and create a property tax exemption for health clubs. Referred to the House Committee on Taxation, Rep. Adam Smith, Chair.

**HB 2449** – Would affect the governor's power and the power of certain state officials relating to disaster emergency circumstances and would among other things, prohibit stay-at-home orders and curfews; requirement of vaccinations; and protect freedom of worship and operation of private businesses. Referred to the House

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ATTORNEYS AT LAW

Committee on Federal and State Affairs, Rep. John Barker, Chair.

**HB 2417** – As recommended by the House Committee on Federal and State Affairs, would amend the Club and Drinking Establishment Act and law concerning the retail sale of alcoholic liquor as it relates to removable, sealable containers of beer and cereal malt beverage (CMB). Referred to the Committee on Federal and State Affairs, Rep. John Barker, Chair. The Committee has favorably reported the bill as amended.

**HB 2450** – Would authorize the Kansas lottery to offer sports wagering with an existing contract provider; issue a request for proposal for an interactive sports wagering platform provider; and report to the legislature. Referred to the Committee on Federal and State Affairs, Rep. John Barker, Chair. The Committee has favorably reported the bill as amended.

## TAXATION

**HB 2272** – Would, among other things, require counties receiving property tax payments under protest to place certain contested portions into escrow until the dispute is resolved. Referred to the House Committee on Taxation, Rep. Adam Smith, Chair. The Committee recommended the bill be passed.

**SB 50** – As amended, would require the collection and remittance of certain taxes by marketplace facilitators. The bill, as amended, passed the Senate on final action. Yea, 35; Nay, 3. Referred to the House Committee on Taxation, Rep. Adam Smith, Chair.

**SB 66** – As amended, would revise certain tax credits pertaining to angel investors and home renovations for disabled family members. The bill, as amended, passed the Senate on final action. Yea, 26; Nay, 12. Originally referred to the House Committee on Commerce, Labor, and Economic Development, Rep. Sean Tarwater, Chair. Ultimately, this bill passed the House on emergency final action. Yea, 109; Nay, 12.

**SB 302** – Would authorize counties to impose an earnings tax on its residents. Referred to the Senate Committee on Assessment and Taxation, Sen. Caryn Tyson, Chair.

**Sub. For HB 2104** – As amended, would reauthorize the statewide school finance levy and amend law related to the list of eligible county appraisers, appraisal standards, Board of Tax Appeals (BOTA) administration, property valuation appeals, judicial review of property tax disputes, BOTA membership, and school district budget certification. The bill, as amended, passed the House on final action. Yea, 114; Nay, 8. Then referred to the Senate Committee on Assessment and Taxation, Sen. Caryn Tyson, Chair. The Committee has recommended the substitute bill be passed. The bill as amended by the Senate Committee of the Whole passed on emergency final action. Yea, 39; Nay, 0.

**HB 2446** – Would make several changes to tax law, such as, imposing a tax on digital property and services, providing a nexus for certain online retailers, increasing the Kansas standard deduction, and creating an exemption for unemployment compensation attributable to identity fraud. Referred to the House Committee on Taxation, Rep. Adam Smith, Chair.

**HB 2440** – Would create a property tax exemption for homestead property of certain veterans. Referred to the House Committee on Taxation, Rep. Adam Smith, Chair.

## HEALTHCARE

**SB 154** – As amended, would among other things, direct the Secretary for Aging and Disability Services to increase the reimbursement rates for providers of services under the Medicaid Home and Community Based Services waiver for individuals with an intellectual or developmental disability. Referred to the Senate Committee on Ways and Means, Sen. Rick Billinger, Chair. The Committee has recommended the bill be passed as amended.

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ATTORNEYS AT LAW

**SB 295** – Would allow a board of county commissioners acting as a county board of health to adopt a resolution prescribing the county’s plan for distribution or administration of COVID-19 vaccines. Referred to the Senate Committee on Public Health and Welfare, Sen. Richard Hilderbrand, Chair. The Committee recommended the bill be passed.

**Sub. For HB 2208** – Would make similar changes to rural emergency hospitals as SB 175, first reported on in our Feb. 26 issue. The bill, as amended, passed the House on Final Action. Yea, 124; Nay, 0. Then referred to the Senate Committee on Public Health and Welfare, Rep. Richard Hilderbrand, Chair, and the Senate Committee report recommends the substitute bill be passed.

**SB 303** – Would prohibit county hospitals and county retirement homes from restricting visitations to its residents or patients and permit its residents or patients to waive state, city, or federal restrictions on visitation rights. Referred to the Senate Committee on Public Health and Welfare, Sen. Richard Hilderbrand, Chair. A hearing has been set for this matter on March 29, 2021.

**HB 2234** – Would, among other things, clarify the oversight medical directors of emergency medical services must provide. Originally referred to the House Committee on Health and Human Services, Rep. Brenda Landwehr, Chair. Ultimately, the bill passed the House on final action. Yea, 123; Nay, 1. The bill was referred to the Senate Committee on Public Health and Welfare, Sen. Richard Hilderbrand, Chair, and that Committee recommended the bill be passed as amended.

## AGRICULTURE

**SB 38** – As amended, would establish the Kansas Pesticide Waste Disposal Program (to be administered by the Secretary of Agriculture) for the collection and disposal of pesticide waste in the state. Originally referred to the Senate Committee on Agriculture and Natural Resources, Sen. Dan Kerschen, Chair, passed the Senate Feb. 4 on emergency final action. Yea, 35; Nay, 2. Referred to the House Committee on Agriculture, Rep. Ken Rahjes, Chair. Ultimately, the bill as amended passed the House on emergency final action. Yea, 121; Nay, 1.

**SB 89** – As amended, would revise law on securing loads on vehicles to create an exemption for trucks, trailers, or semitrailers when hauling agricultural forage commodities intrastate from the place of production to a market or place of storage, or from a place of storage to a place of use. The bill passed the Senate March 1. Yea, 39; Nay, 0. Then referred to the House Committee on Agriculture, Rep. Ken Rahjes, Chair. Ultimately, the bill passed the House on emergency final action. Yea, 122; Nay, 0.

**SB 142** – As amended, would require an operator of any vessel to require every person on such vessel age 12 or younger to wear a U.S. Coast Guard-approved personal flotation device while aboard or being towed by such a vessel, unless such person is below deck or in an enclosed cabin. The bill passed the Senate on final action March 2. Yea, 36; Nay, 3. Then referred to the House Committee on Agriculture, Rep. Ken Rahjes, Chair. Ultimately, the bill as amended passed the House on emergency final action. Yea, 102; Nay, 20.

**SB 143** – As amended, would among other things, update and rearrange definitions regarding grain and grain warehouses. This bill, as amended, passed the Senate on final action. Yea, 30; Nay, 9. Then referred to the House Committee on Agriculture, Rep. Ken Rahjes, Chair. Ultimately, the bill, as amended, passed the House on emergency final action. Yea, 117; Nay, 5.

**SB 160** – As amended, would update the reference in current law to the guidelines of the American Fisheries Society. The Senate Committee placed the bill on the Consent Calendar. The bill was referred to the House Committee on Agriculture, Rep. Ken Rahjes, Chair, which filed its report recommending the bill, as amended, be passed. The bill, as amended, passed on House emergency final action. Yea, 120; Nay, 2.

## INSURANCE

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ATTORNEYS AT LAW

**HB 2134** – As amended, would codify the National Association of Insurance Commissioners (NAIC) Credit for Reinsurance Model Regulation (Model Regulation) into statute and amend the Kansas credit for reinsurance statute. The bill, as amended, passed the House on emergency final action. Yea, 123; Nay, 0. Then referred to the Committee on Financial Institutions and Insurance, Sen. Jeff Longbine, Chair. The Senate Committee has recommended the bill be passed as amended.

**Sub. For SB 78** – As recommended, would among other things, amend several provisions in the Insurance Code and would codify the National Association of Insurance Commissioners (NAIC) Credit for Reinsurance Model Regulation (Model Regulation) into statute. The bill passed the Senate. Yea, 39; Nay, 0. Then referred to the House Committee on Insurance and Pensions, Rep. Steven Johnson, Chair. The Committee has recommended the substitute bill be passed.

**HB 2136** – As amended, would among other things, amend several provisions by the Insurance Code pertaining to service contracts, surplus lines insurance, the Standard Nonforfeiture Law for Individual Deferred Annuities, the Utilization Review Organization Act and oversight of utilization review organizations, and risk retention groups. The bill would also liberalize certain requirements in the Professional Employer Organization (PEO) Registration Act. As amended, the bill passed the House on Feb. 25. Yea, 124; Nay, 0. Then referred to the Senate Committee on Financial Institutions and Insurance, Sen. Jeff Longbine, Chair, and the Senate Committee has recommended the bill be passed as amended.

**SB 290** – Would amend coverage requirements specified in the Health Care Provider Insurance Availability Act (HCPIAA) for all new and renewal professional liability insurance policies for defined health care providers. Beginning January 1, 2022, the bill would increase the required minimum professional liability insurance coverage (termed “basic coverage”) maintained by a defined healthcare provider from \$200,000 per claim and \$600,000 per year aggregate to \$500,000 per claim and \$1,500,000 per year aggregate. Referred to the Senate Committee on Financial Institutions and Insurance, Sen. Jeff Longbine, Chair. The Committee report recommends the bill be passed.

**HB 2072** – Would amend the effective date specified in the Insurance Code for the risk-based capital (RBC) instructions promulgated by the National Association of Insurance Commissioners (NAIC) for property and casualty companies and for life insurance companies. The bill was referred to the House Committee on Insurance and Pensions, Rep. Steven Johnson, Chair, and passed the House Committee on final action. Yea, 123; Nay, 0. Then referred to the Senate Committee on Financial Institutions and Insurance, Sen. Jeff Longbine, Chair. The Senate Committee recommended a substitute bill be passed. The substitute bill passed on emergency final action. Yea, 33; Nay, 7.

## REAL ESTATE

**SB 90** – As amended, would allow vertical renovations of certain buildings for residential purposes to be a permitted use of bond proceeds and amend definitions under the Kansas Rural Housing Incentive District Act. On March 3, the bill, as amended, passed the Senate. Yea, 33; Nay, 6. Then referred to the House Committee on Commerce, Labor and Economic Development, Rep. Sean Tarwater, Chair. Ultimately, the bill passed the House on emergency final action. Yea, 150; Nay, 17.

## TRANSPORTATION

**HB 2165** – As amended, would alter the definition of an antique vehicle for purposes of vehicle registration. An antique vehicle is defined as a vehicle, including an antique military vehicle, that is more than 35 years old. The bill would add that the age of the vehicle would be determined regardless of the age or type of the components or equipment installed on the vehicle. As amended, the bill passed the House on emergency final action. Yea, 114; Nay, 9. Then referred to the Senate Committee on Transportation, Sen. Mike Petersen, Chair, where that



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Committee has recommended the bill be passed as amended.

**Sub. For HB 2166** – As amended, would add several types of license plates, would add reporting requirements for organizations sponsoring distinctive license plates, and would amend requirements for distinctive license plate development and continuing distinctive license plates. On March 2, the House passed the bill, as amended. Yea, 124; Nay, 0. Then referred to the Senate Committee on Transportation, Sen. Mike Petersen, Chair. The substitute bill was passed, as amended, on final action. Yea, 31; Nay, 5.

**HB 2167** – As amended, would revise law as to the placement of license plates on certain trucks. The amended bill passed the House Feb. 10 on emergency final action. Yea, 125; Nay, 0. Then referred to the Senate Committee on Transportation, Sen. Mike Petersen, Chair. The Committee has recommended the bill be passed as amended.

## UTILITIES

**SB 24** – Would create the Kansas Choice Energy Act which prohibits a municipality from implementing or imposing any law that would limit an end-user's use of a public utility based upon the source of energy to be delivered to such customer. Referred to the Senate Committee on Utilities, Sen. Mike Thompson, Chair. The Senate Committee passed the bill, as amended, on emergency final action. Yea, 27; Nay, 10. Then referred to the House Committee on Energy, Utilities and Telecommunications, Rep. Joe Seiwert, Chair. The bill passed, as amended, by the House Committee on final action. Yea, 93; Nay: 29. On March 25 the Senate concurred with amendments. Yea, 30; Nay, 10.

**HB 2321** – A bill concerning the construction of urban electric transmission lines in cities with populations of over 300,000 and requiring that the electric utility take certain actions to provide at least six (6) month notice to the city prior to beginning site preparation plans or acquiring an interest in land through exercising the right of eminent domain. Referred to House Committee on Energy, Utilities and Telecommunications, Rep. Joe Seiwert, Chair. The bill passed the House as amended on March 2. Yea, 122; Nay, 2. The referred to Senate Committee on Utilities, Sen. Mike Thompson, Chair, and placed on the Consent Calendar. The Senate committee passed the bill on March 23. Yea, 40; Nay, 0.

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Kansas Legislative Insights is a publication developed by the Governmental Relations & 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, 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 Relations & Public Policy Law practice group leader, James P. Rankin at 785.233.3600 or [jrankin@foulston.com](mailto:jrankin@foulston.com). Learn more about the authors below:

### **James (Jim) P. Rankin**

Co-Editor and Governmental Relations & Public Policy Law Team Leader  
785.806.3600  
[jrankin@foulston.com](mailto:jrankin@foulston.com) | [View Bio](#)

As a partner at Foulston Siefkin, Jim's practice focuses on employee benefits law relating to public, private, governmental, and tax-exempt organizations. A large part of his work involves insurance regulatory and compliance issues in many industries,

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including healthcare. Jim has been selected by his peers for inclusion in *The Best Lawyers in America*<sup>®</sup> and the *Missouri & Kansas Super Lawyers*<sup>®</sup> list. He is the firm's representative with State Law Resources, Inc., a national network of independent law firms selected for their expertise in administrative, regulatory, and government relations at the state and federal level.

## **Gary L. Robbins**

Co-Editor and Governmental Affairs Consultant  
785.640.2651  
garyrobbinsconsulting@gmail.com

Gary, a governmental affairs consultant to Foulston Siefkin's Governmental Relations & Public Policy practice group, provides legislative monitoring and lobbying services for Foulston's governmental relations clients. He holds a bachelor of science degree in history and political science from Southwestern College and a master's degree in labor economics from Wichita State University. Throughout his extensive career, Gary has served as CLE Director to the Kansas Bar Association and as Executive Director of the Kansas Optometric Association.

## **C. Edward Watson, II**

Contributing Author and Governmental Relations & Public Policy Law Partner  
316.291.9589  
cewatson@foulston.com | View Bio

As a partner at Foulston Siefkin, Eddie represents clients in matters before state regulatory commissions, courts, and local governmental bodies. He has built and maintained relationships with key individuals – including lobbyists, elected and appointed officials, and staff members – that prove valuable in advancing clients' interests and issues. Drawing on his experience as a regional governmental affairs attorney for AT&T in Chicago, he helps clients navigate the maze of federal policies and agencies, advises on how processes work in Washington, and provides introductions to those who can help them accomplish their goals.

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## PRACTICE AREAS

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- Governmental Affairs & Public Policy Law