



***KHA's Capitol Comments***  
**April 27, 2023**

**The Legislature Passes Added Protections for Health Care Workers**

Today, the Kansas House and Senate took up the conference committee report on [Senate Bill 174](#). The legislation increases the penalties of assault and battery of a health care worker, decriminalizes fentanyl testing strips, increases penalties of manufacturing and distribution of fentanyl test strips and gives the Attorney General the ability to prosecute theft that occurs between two counties. The motion to pass the conference committee report passed the House on a vote of [113-9](#) and passed the Senate on a vote of 31-7. The bill now goes to the governor.

**Legislature Returns and Takes Up Veto Overrides**

Yesterday, the Kansas Legislature returned to Topeka for Veto/Omnibus session. The following were voted by both chambers to override the veto of the following bills:

[House Bill 2313](#) creates the Born-Alive Protection Act to provide legal protections for infants who are born alive regardless of the intent of delivery. The motion passed in the House on a vote of [87-37](#) and the Senate on a vote of [31-9](#).

[Senate Bill 228](#) requires the secretary of the Kansas Department for Aging and Disability Services to reimburse counties for certain costs when a person is in county jail awaiting examination, evaluation or treatment for competency; modernizes statutes concerning county jails; removes the requirement that every county shall have a jail; modifies procedures used when district courts commit prisoners to jail in another county and when counties contract with city jails to keep prisoners; and requires a medical examination before certain United States prisoners or city prisoners are taken into the custody of a county jail. The motion passed the Senate on a vote of [31-9](#) and the House on a vote of [87-37](#).

[House Bill 2138](#) requires school districts to provide separate accommodations for students of each biological sex on overnight school district-sponsored trips; and provides for administrative review of resolutions to permanently close a school building of a school district. The motion passed in the House on a vote of [85-39](#) and Senate [30-9](#).

[House Bill 2094](#) requires work registrants ages 50-59 to complete an employment and training program to receive food assistance; establishes periods of ineligibility for childcare subsidy based on cooperation with child support services; and requires the secretary to conduct reviews of cooperation with child support. Motion passed the House on a vote of [84-39](#), and the Senate on a vote of [28-12](#).

[House Bill 2264](#) amends the Woman's-Right-to-Know Act to add notification requirements about the reversal of abortions. Amends the definition of abortion to clarify that certain medical procedures and methods of contraception would not be considered an abortion. The motion passed the House on a vote of [84-40](#) and the Senate on [29-11](#).

[House Bill 2325](#) amends the definition of "healthcare provider" for purposes of the Healthcare Provider Insurance Availability Act to include maternity centers and not include facilities where elective abortions are performed. The motion passed the House on a vote of [84-40](#) and failed in the Senate on a vote of [25-15](#) so the veto was sustained.

[House Bill 2350](#) creates the crime of human smuggling and aggravated human smuggling and provides penalties therefore. The motion passed the House on a vote of [85-39](#) and the Senate on a vote of [30-9](#).

[Senate Bill 180](#) establishes the Women's Bill of Rights to provide a meaning of biological sex for purposes of statutory construction. The motion passed the Senate on a vote of [28-12](#) and the House on a vote of [84-40](#).

The House saw motions to override the following bills:

[House Bill 2236](#) establishes parents' right to direct the education, upbringing and moral or religious training of their children including the right to object to harmful and inappropriate educational materials. The motion to override failed in the House on a vote of [78-45](#).

[House Bill 2304](#) relates to firearms; standardizes firearm safety education training programs in school districts. The motion to override failed on a vote of [83-41](#). The veto is sustained.

[Senate Substitute for House Bill 2344](#) establishes child care licensing requirements relating to license capacity and staff-to-child ratios; eliminates certain license fees and training requirements; creates a process for daycare facility licensees to apply for a temporary waiver of certain statutory requirements; and authorizes the secretary to develop and operate pilot programs to increase childcare facility availability or capacity. The motion to override failed on a vote of [81-42](#). The veto is sustained.

[House Bill 2184](#), the appropriations bills for fiscal years 2023, 2024 and 2025 for state agencies.

- Sect. 15 (b) Behavioral Science Regulatory Board, diversity equity and inclusion training requirements. The motion failed on a vote of [82-42](#). The veto is sustained.
- Sect. 39 (e) Youth Suicide Prevention Hotline from tobacco settlements. The motion passed on a vote of [85-39](#).
- Sect. 42 (a) Pregnancy Crisis Center funding. The motion passed on a vote of [86-38](#).
- Sect. 115 (a) Kansas Comprehensive Grant Program. The motion failed. The veto was sustained on a vote of [76-48](#).
- Sec. 115 (h) Kansas Board of Regents, Diversity, Equity and Inclusion. The motion failed. The veto was sustained on a vote of [79-45](#).
- Sec. 138 (f) deals with hunting licenses. The motion passed on a vote of [84-40](#).
- Sec. 143 deals with transparency in grants from the state. The motion passed on a vote of [84-40](#).

**These veto overrides now go to the Senate for a final vote.**

On the Senate side, the chamber took up motions on the following veto overrides:

[Senate Bill 8](#), Taxation; relates to property taxation; reduces penalties for the late filing of or the failure to file statements listing property for assessment and the discovery of escaped property; reporting changes after initial statement; extends reimbursement from the taxpayer notification costs fund for printing and postage costs for county clerks for calendar year 2024; modifies and prescribes the contents of the revenue neutral rate public hearing notice; provides two prior years' values on the annual valuation notice; allows for filing of an appraisal by a certified residential real property appraiser for appeal purposes; discontinues the prohibition of paying taxes under protest after a valuation notice appeal; accounts for adverse influences in the valuation of agricultural land; includes properties used for registered agritourism activities as land devoted to agricultural use for purposes of classification; provides a property tax exemption for certain business property operated in competition with property owned or operated by a governmental entity; relates to income taxation; decreases the penalties for failing to timely remit withholding income taxes of employees by employers; provides a subtraction modification to permit the carryforward of certain net operating losses for individuals; provides a subtraction modification for the federal work opportunity tax credit and the employee retention credit disallowances; increases the tax credit amount for adoption expenses and makes the credit refundable; increases the maximum yearly amount of income tax credits available for purchases under the Disability Employment Act from qualified vendors and continues in existence such credits beyond tax year 2023; defines qualifying vendors and eligible employees; clarifies the determination of taxable income of an electing pass-through entity and provides for the passing through of tax credits to electing pass-through entity owners for the purposes of the Salt Parity Act; excludes social security payments from household income and expands eligibility for seniors and disabled veterans related to increased property tax homestead refund claims; relates to income, privilege and premium tax credits; establishes a tax credit for contributions to eligible charitable organizations operating

pregnancy centers or residential maternity facilities; relates to sales taxation; provides for a sales tax exemption for sales of property and services used in the provision of communications services; excludes manufacturers' coupons from the sales or selling price.

[Substitute for Senate Bill 169](#) provides an income tax rate of 5.15 percent for individuals and decreases the normal tax for corporations, increases the income limit for the income tax subtraction modification for social security income, increases the standard deduction by a cost-of-living adjustment, discontinues the food sales tax credit, decreases the privilege tax normal tax, establishes a 0 percent state rate for sales and use taxes for food and food ingredients on Jan. 1, 2024, and increases the extent of property tax exemption for residential property from the statewide school levy. The motion failed. The veto was sustained by a vote of [26-14](#).

[Senate Bill 26](#) creates a civil cause of action against a physician who performs childhood gender reassignment service and requires revocation of a physician's license who performs childhood gender reassignment service. The motion did not prevail on a vote of [26-14](#). The veto is sustained.

[Senate Bill 209](#) requires all advance voting ballots to be returned by 7 p.m. on election day. The motion failed on a vote of [25-15](#). The veto is sustained.

The Senate also saw a motion to concur on the conference committee report regarding [House Bill 2021](#). The legislation requires the secretary of corrections to provide assessments and certain services for juveniles in detention; changes the criteria used to refer and admit juveniles to juvenile crisis intervention centers; defines a behavioral health crisis; requires agencies to collaborate when providing services to juvenile offenders and children in need of care. The motion was approved. The bill passed on a vote of [22-16](#).