

# Notes from the 14<sup>th</sup> Kansas Senate District

Issue 4

April 2019



## Kansas Senator Bruce Givens NOTES FROM THE 14TH

I continue to learn a great deal here in Topeka, some seems useless at times. Such as, in case you didn't know, many young men are wearing their pants shorter. They do this to show off their loud socks. No joke. When I was in school, we called these "highwater" pants and they were not acceptable. My old school thought of matching my socks and belt is really out of date.

On April 4<sup>th</sup>, I introduced a bill that would reopen the Woodlands Race Track for horse racing only. The bill would not allow for simulcast dog racing either. Eureka Downs would benefit by receiving 2% of revenue from the Woodlands. I would have introduced this bill earlier, but Senate Federal State Affairs committee has not been scheduled to meet. Most

likely, this will be a bill for next year. At this point, it hasn't been assigned a bill number.

Here are a few of the bills the Senate passed since my last update:

### **DELAYING KPERS MEMBERSHIP**

**ELIGIBILITY** ([SB 210](#)): Senate Bill 210 would delay the Kansas Public Employees Retirement System (KPERs) membership eligibility by two years for employees employed in direct support positions in Community Developmental Disability Organizations. *This bill passed the Senate 39-0.*

### **AMENDING THE KANSAS 911 ACT** ([HB](#)

[2084](#)): House Bill 2084 would revise the Kansas 911 Act and repeal three outdated statutes not included in the Act. *This bill passed the Senate 36-3.*

### **UPDATING STATE CREDIT UNION**

**STATUTES** ([HB 2101](#)): House Bill 2101 would make several amendments and technical updates to the laws governing credit unions and related credit union procedures and designate Article 22 of Chapter 17, *Kansas Statutes Annotated, as the State Credit Union Code*. *This bill passed the Senate 39-0.*

### **AMENDMENTS RELATING TO DRIVING**

**UNDER THE INFLUENCE** ([HB 2104](#)): House Bill 2104 would amend the statute governing tests related to driving under the influence (DUI), effective July 1, 2019, to amend the oral and written notice a law enforcement officer must provide when requesting a person take such a test.

*This bill passed the Senate 39-0.*

**INCREASING REGISTRATION FEES FOR ELECTRIC & HYBRID VEHICLES** ([S Sub HB 2214](#)): Senate Substitute for House Bill 2214 would add vehicle registration fees of \$100 for all-electric vehicles and \$50 for motor vehicles that are conventional electric hybrid and plug-in electric hybrid vehicles. The new fees would be effective on and after January 1, 2020. ***This bill passed the Senate 36-3.***

**AUTHORIZING THE KANSAS STATE FAIR BOARD TO CREATE A NONPROFIT CORPORATION** ([HB 2215](#)): House Bill 2215 would authorize the Kansas State Fair Board to establish a 501(c)(3) nonprofit corporation. The purpose of the nonprofit corporation would be to receive gifts, donations, grants, and other moneys and engage in fundraising projects that benefit the Kansas State Fair. The board of directors of the nonprofit corporation would consist of the members of the executive committee of the Fair Board, the General Manager of the Kansas State Fair, and other directors designated by the Fair Board. ***This bill passed the Senate 38-0.***

**CHANGING THE REQUIREMENTS TO BEGIN PRODUCTION ON DISTINCTIVE LICENSE PLATES** ([HB 2246](#)): House Bill 2246 would amend requirements for distinctive license plate development and for continuing distinctive license plates and would add several new distinctive license plates to be issued on and after January 1, 2020. The bill would add military branch license plates and three license plates for which royalty fees would be paid: proud educator license plates, Alpha Kappa Alpha license plates, and Knights of Columbus license plates. ***This bill passed the Senate 39-0.***

**REQUIRING A DULY ORDAINED MINISTER OF RELIGION TO REPORT CHILD ABUSE** ([SB 218](#)): Senate Bill 218 would amend law related to mandated reports of child abuse.

The bill would add duly ordained ministers of religion to the list of persons required to report suspected child abuse. The bill would specifically state ordained ministers would not be required to violate penitential communication privilege to make such a report. Continuing law requires listed persons to make a report when such person has reason to suspect that a child has been harmed as a result of physical, mental, emotional, or sexual abuse, or neglect. Willful and knowing failure to make a required report is a Class B misdemeanor. ***This bill passed the Senate 39-0.***

**CONTINUING THE 20 MILL STATEWIDE LEVY FOR SCHOOLS** ([SB 235](#)): Senate Bill 235 would continue the 20 mill statewide levy for schools and exempt certain portions of property used for residential purposes from such levy. ***This bill passed the Senate 39-0.***

**AMENDING THE DEFINITION OF SERVICE-CONNECTED IN THE KANSAS POLICE AND FIREMEN'S RETIREMENT SYSTEM** ([HB 2031](#)): House Bill 2031 would revise the definition for "service-connected," as that term is used to determine death and disability benefits in the Kansas Police and Firemen's Retirement System. ***This bill passed the Senate 39-0.***

**REVOKING SPOUSAL INHERITANCE RIGHTS UPON DIVORCE** ([HB 2038](#)): House Bill 2038 would create law within the Kansas Probate Code providing for the automatic revocation of certain inheritance rights of a former spouse or former spouse's relatives upon divorce, as follows. ***This bill passed the Senate 38-1.***

**DESIGNATING A PORTION OF US HIGHWAY 75 AS THE JOHN ARMSTRONG MEMORIAL HIGHWAY** ([HB 2070](#)): House Bill 2070 would designate the portion of US-

75 from the junction of US-75 and NW 46th Street in Shawnee County to the junction of US-75 and I-70 as the John Armstrong Memorial Highway and would remove this portion of US-75 from designation as the Purple Heart/Combat Wounded Veterans Highway. The bill also would designate bridge No. 018-011 on US77 in Cowley County as the SGT Kevin A. Gilbertson Memorial Bridge. ***This bill passed the Senate 39-0.***

**ALLOWING CERTAIN LIGHT SCREENING MATERIAL ON MOTOR VEHICLE WINDOWS** ([HB 2087](#)): House Bill 2087 would amend the Uniform Act Regulating Traffic on Highways regarding sun screening devices on motor vehicle windows. The bill would authorize the installation of a clear, colorless, and transparent material on a vehicle's windshields, side wings, side windows, or rear windows if certain conditions are met. ***This bill passed the Senate 39-0.***

**REQUIRING OPERATORS OF A MOTOR VEHICLE TO PROMPTLY DELIVER DRIVER'S LICENSE UPON DEMAND BY OFFICER** ([HB 2125](#)): House Bill 2125 would require the holder of a driver's license who is operating a motor vehicle to promptly deliver, rather than display, the driver's license upon demand of any officer of a court of competent jurisdiction, any peace officer, or any examiner or officer of the Division of Vehicles of the Department of Revenue. The requirement would apply when the driver's license is in the licensee's immediate possession at the time of the demand. ***This bill passed the Senate 39-0.***

**ALLOWING THE KBI TO PARTICIPATE IN THE KANSAS DROP ACT** ([HB 2140](#)): House Bill 2140 would allow agents of the Kansas Bureau of Investigation (KBI) to participate in the Kansas Deferred Retirement Option

Program (DROP) of the Kansas Police and Firemen's Retirement System, which is currently authorized for troopers, examiners, and officers of the Kansas Highway Patrol (KHP). The sunset date for the program would be extended from January 1, 2020, to January 1, 2025. ***This bill passed the Senate 39-0.***

**REQUIRING COMMUNITY COLLEGES TO PUBLISH CERTAIN TAXPAYER AND STUDENT TRANSPARENCY DATA** ([HB 2144](#)): House Bill 2144 would amend law related to community college student fees and enact the Community College Taxpayer Transparency Act. Again, this is a bill full of details. ***This bill passed the Senate 39-0.***

**ALLOWING FOR WIDER VARIETY OF AGRICULTURAL PRODUCTS IN THE PRODUCTION OF WINE** ([HB 2223](#)): House Bill 2223 would revise the Liquor Control Act to allow for producers of certain fermentative products to sell wine made at a farm winery. The farm wine would be required to meet the minimum Kansas content requirements. A vineyard permit would be renamed a producer license, which would be available to producers of grapes, with not less than 100 vines; ripe fruit, or berries, not less than 1,000 pounds; or honey, not less than 100 pounds. ***This bill passed the Senate 39-0.***

**INCREASING PERMIT FEES FOR OVERSIZED VEHICLES** ([S Sub HB 2225](#)): Senate Substitute for House Bill 2225 would increase fees for certain permits authorizing oversize or overweight vehicles to operate on designated routes and would require registration of escort vehicle companies. ***This bill passed the Senate 35-4.***

**ALLOWING ATVS TO CROSS FEDERAL OR STATE HIGHWAYS** ([HB 2248](#)): House Bill 2248 would authorize operation of all-terrain

vehicles (ATVs) and work-site utility vehicles to cross a federal highway or a state highway. The bill also would authorize a person engaged in agricultural purposes to operate an ATV or work-site utility vehicle on a federal highway or state highway outside the corporate limits of any city under certain conditions. ***This bill passed the Senate 39-0.***

**ENACTING THE KANSAS TAXPAYER PROTECTION ACT ([SB 104](#)):** Senate Bill 104 would enact the Kansas Taxpayer Protection Act, enact the Golden Years Homestead Property Tax Freeze Act, allow disabled veteran renters to claim the property tax refunds under the current Homestead Property Tax Refund Act, and allow individual income taxpayers to claim the expense deduction. ***This bill passed the Senate 39-0.***

**INCREASING PENALTIES FOR THE ABUSE OF A CHILD AND INVOLUNTARY MANSLAUGHTER ([SB 108](#)):** Senate Bill 108 would amend the penalties for the crimes of involuntary manslaughter and abuse of a child and a mitigating factor for sentencing when a victim is an aggressor or participant in the criminal conduct associated with a crime of conviction. ***This bill passed the Senate 39-0.***

**SCRAP METAL THEFT REDUCTION ACT ([Sub SB 219](#)):** Substitute for Senate Bill 219 modifies the Scrap Metal Theft Reduction Act (Act). The bill would establish the Scrap Metal Data Repository Fund (Fund) in the State Treasury, to be administered by the Director of the Kansas Bureau of Investigation (KBI). I cannot go into all the details of this bill – long and important changes. ***This bill passed the Senate 35-4.***

**ESTABLISHING A COMMERCIAL INDUSTRIAL HEMP PROGRAM ([S Sub HB 2167](#)):** Senate Substitute for House Bill 2167 would require the Kansas Department of Agriculture (KDA), in consultation with the Governor and Attorney General, to submit a plan to the U.S. Department of Agriculture (USDA) regarding how the KDA will monitor and regulate the commercial production of industrial hemp within the state, in accordance with federal law.

In addition, the bill would establish the Commercial Industrial Hemp Program, make changes to the Industrial Hemp Research Program, create the Industrial Hemp Regulatory Commission, create the Hemp Processor License, establish prohibitions on specific products, establish sentencing guidelines, and establish waste disposal requirements. ***This bill passed the Senate 39-0.***

**KANSAS UNDERGROUND UTILITY DAMAGE PREVENTION ACT ([HB 2178](#)):** House Bill 2178 modifies law concerning the duty of an operator to mark the tolerance zone (the area not less than 24 inches of the outside dimensions in all horizontal directions) around an underground facility within the Kansas Underground Utility Damage Prevention Act (KUUDPA). Once again, this is a bill with a lot of details, but in short it does not endanger Kansans and protects our electric companies including rural electric companies. ***This bill passed the Senate 38-1.***

**CREATING A CRIME VICTIMS COMPENSATION DIVISION ([HB 2290](#)):** House Bill 2290 would create and amend law concerning the Office of the Attorney General and amend law concerning payment of claims and defense expenses pursuant to the Kansas

Tort Claims Act. ***This bill passed the Senate 39-0.***

**HB 2167**, known as the Deer Bill, was shelved this year and the number 2167 was used for another bill.

## **CONSIDERATION OF APPOINTMENTS**

*Department of Revenue, Secretary – Mark Burghart* ***The Senate confirmed the nomination on a vote of 38-1.***

*Department of Transportation, Secretary – Julie Lorenz.* ***The Senate confirmed the nomination on a vote of 38-1.***

## **REGARDING MEDICAID EXPANSION**

Senator Gene Suellentrop (R-Wichita) sent a letter to the Legislative Coordinating Council requesting a 2019 interim special committee to study Medicaid expansion under the Affordable Care Act (commonly referred to as Obamacare). The scope of the study is to review current and future waivers that become available to states by the Centers for Medicare and Medicaid Services. It would also study fiscal impacts to the state budget and list terms and conditions under the law.

The interim will look at often sought initiatives by Republican states, such as work requirements and potential drug testing. This appears to be the only action of the Senate on this topic.

## **HARD FACTS**

- In Kansas, Obamacare enrollment fell from 98,238 to 89,993 an 8.4% drop ([KCUR](#)).

- Governor Laura Kelly's veto of Senate Bill 22 will block Kansas taxpayers and businesses from receiving about \$500 million in tax relief over three years ([KCUR](#)).



Representative Larry Hibbard and myself at a Legislative Coffee in Yates Center. We enjoyed meeting and talking with our constituents while there.

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***What happened when the dog went to the flea circus?***

***He stole the show!***





The Eureka High School wrestling team is being recognized on the House Floor by Larry Hibbard

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Representative Will Carpenter and Senator Givens at the Legislative Coffee in El Dorado on March 30.

Confirmation hearings, in addition to those mentioned earlier, have been going on in the Capitol with the following expected to be confirmed:

**Mike Beam as Secretary of Agriculture.** Mike has worked in Agriculture for many years, living on a farm for 40 years including working in The Kansas Livestock Agency.

**Brad Loveless as Secretary of Kansas Wildlife, Parks and Tourism.** Previously Brad worked at Westar in the Environmental Division. While there he developed a working relationship with the U.S. Fish and Wildlife Service and Kansas Health and Environment as well as learning many things about Kansas outdoors.

**Jeffrey Wagaman as Securities Commissioner.** Mr. Wagaman has over 30 years of public service in Kansas State Agencies. Most recently he worked under the KS Attorney General as the Executive Director of Crime Victims Compensation Division and prior to that he served 6 years in the State Treasurers office.

**Laura Howard was confirmed as Secretary of Department of Children and Families**

**David Toland was confirmed as Secretary of Commerce.**

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*Why are frogs always happy? They eat what bugs them.*