

Pre-Veto Session Report: Prepared by Kansas NEA

The following is an update on proposed legislation as of adjournment of regular session of the Kansas Legislature on April 1, 2022. All items listed on this report are subject to change when the legislature returns for Veto Session (aka “wrap up session”) on April 25, 2022.

CCR = Conference Committee Report; this is the grouping of legislation that is agreed upon during conference committee negotiations. As you may recall, conference committees consist of the 3 Representatives and 3 Senators from the associated legislative committee.

BUDGET

- Mega-Budget ([CCR on H Sub for Sub SB 267](#)):
 - Senate Vote: [33-5](#); House Vote: [104-12](#)
 - Though there are a few good things worth noting about this structurally stable and balanced budget:
 - It allocates additional appropriations for the Kansas Teacher Service Scholarship as introduced by Rep. Mari-Lynn Poskin (D-Leawood).
 - It includes a 5% pay increase for state employees who have not otherwise received a larger market adjustment.
 - It expands post-partum maternal care for mothers on KanCare for up to 12 months (current law has been for 60 days post-partum).
 - Ends the “Bank of KDOT” – transfers from the highway fund to cover items that should otherwise be covered by state general fund monies.
 - **Next steps:** It has passed favorably out both chambers, so it now goes to Governor Kelly’s desk. KNEA did not take a position on this version of the bill.

- House K-12 Budget ([CCR on S Sub for Sub for HB 2567](#)):
 - Includes the funding for schools as recommended by Governor Kelly with some changes including \$4 million earmarked for the creation of a “virtual math program” that is defined exactly to match the description of Math Nation and mandates school district participation and fees.
 - Additionally, it contains a total of 19 policy pieces bundled into this bill, including some that never received public hearings, never passed either chamber, or some that was literally written on the fly late at night during the conference committee.
 - In short, this budget is riddled with unfunded mandates and bad policy that stomps all over local control and the constitutional authority of the State Board of Education including, but not limited to: providing Kansas tax dollars for scholarships to out of state students; mandating open enrollment policies for school districts; expanding voucher eligibility; requiring part-time enrollment; establishing third grade literacy programs; making changes to virtual schools; mandating building needs assessments; and more.
 - **Next steps:** The Senate was supposed to run this CCR first on Friday night but chose to pass over it. This will come back up during Veto Session. KNEA opposes this bill and urge

the passage of a clean K-12 budget bill that fully funds Kansas schools without being tied to unnecessary policy – just as Governor Kelly initially proposed in her budget back in January.

EDUCATION POLICY

- Open Enrollment
 - House version started out as [HB 2553](#) but was later bundled into [Sub for HB 2615](#). During Conference Committee, it was added to the K-12 Budget bill, which is contained in [CCR for S Sub for Sub for HB 2567](#).
 - Senate version started out as [SB 455](#); negotiations in Conference Committee added portions of this version to [CCR for S Sub for Sub for HB 2567](#).
 - **Next steps:** Open Enrollment is bundled into the K-12 Budget. No action was taken on the CCR. We will likely see this legislation come up, again, in Veto Session. KNEA opposes Open Enrollment.

- “Parents’ Bill of Rights”
 - House version started out as [Sub for HB 2662](#); Senate version started out as [SB 496](#).
 - The contents of the Senate version were placed within [CCR for SB 58](#) during conference committee. It contains the entirety of SB 496 as originally proposed with the exception that it strikes language specifically mentioning vaccinations. However, it still contains broad language that would be encompassing of vaccinations should a parent choose to challenge them.
 - Senate vote: [23-15](#)
 - House vote: [67-46](#)
 - **Next steps:** It is headed to Governor Kelly’s desk. KNEA opposes the so-called Parents Bill of Rights. We are asking Governor Kelly to veto the bill.

- Transgender Athlete Prohibition
 - The contents of Senate version ([SB 484](#)) were added to [CCR for SB 160](#) in conference committee. No changes were made to the original version and there was not a House equivalent to this bill.
 - Senate vote: [25-13](#)
 - House vote: [74-39](#)
 - **Next steps:** It is headed to Governor Kelly’s desk. KNEA opposes this bill. We are asking Governor Kelly to veto the bill.

- Computer Science Curriculum Mandate
 - The House version ([Sub for HB 2466](#)) was combined with a bill establishing a CTE credential pilot program ([HB 2631](#)) in conference committee.
 - **Next steps:** The bill has not made it out of Conference, yet. It is likely that we will see this during Veto Session. KNEA opposes the underlying bill of the computer science curriculum mandate.

- Kansas Promise Scholarship Act ([SB 340](#)):
 - Senate vote: [39-0](#)
 - **Next steps:** This bill was added to the K-12 budget bill ([CCR for S Sub for Sub for HB 2567](#)). It was amended in Conference Committee to expand the scholarship to out of state residents; this means students in Nebraska, Colorado, Oklahoma, and Missouri would have the opportunity to receive a scholarship that is completely funded by Kansas taxpayer dollars. KNEA previously has not taken a position on this bill, but with the changes made in Conference Committee, we oppose it.

- Kansas Teacher Service Scholarship
 - The bill introduced by Rep. Mari-Lynn Poskin with bipartisan support to double appropriations for the Kansas Teacher Service Scholarship ([HB 2626](#)) had a hearing and then was added to the full budget ([H Sub for Sub SB 267](#)). It remained in the mega-budget that passed before the legislature adjourned. ([CCR on H Sub for Sub SB 267](#))
 - **Next steps:** The budget bill passed both chambers and is now headed to Governor Kelly's desk. KNEA supports this.

- Career & Technical Education Credential ([HB 2631](#)):
 - This bill was added to Sub for HB 2466 while in Conference Committee. However, a CCR has not made it out of committee.
 - **Next steps:** It awaits further action during veto session. KNEA does not have a position on this bill.

- Academic "Transparency"
 - Senate versions: [SB 363](#) and [SB 393](#) never made it out of committee
 - House version is contained within the House's version of Parents Bill of Rights ([Sub for HB 2662](#)). It made it out of committee, but no further action was taken.
 - **Next steps:** The portion related to the Transparency Portal was offered by the House during the K-12 Budget conference committee. However, the Senate rejected it. Currently, this language does not currently exist in any CCR. It seems that the Legislature is not going to specifically spell out the portal in any legislation, but from debate on both

chamber floors and within the conference committee, it's clear that the intention is for school districts to require teachers to publish all classroom materials. KNEA opposes this.

- Merit Pay
 - Provisions related to merit pay that were contained within [HB 2690](#) remain in the House K-12 Budget committee. There was not a merit pay equivalent introduced in the Senate.
 - **Next steps:** The language from this bill does not currently exist in any CCR and was not the subject of any discussions during the last week of session. We do not anticipate further action. KNEA opposed this bill.

- Vouchers
 - House version: What started out as [HB 2550](#), the bill establishing a major voucher program under the guise of “educational savings accounts,” was bundled into [Sub for HB 2615](#) just before turnaround in late February. It was then stripped out of that bill in committee.
 - Senate version: [SB 475](#), creating the hope scholarship program to provide educational savings accounts for students. No action has been taken on this bill in the Senate.
 - **Next steps:** At this point, there is not a bill out of committee that contains the language related to this voucher program. There were no discussions about this program in any of the conference committees during the last week of session. That does not mean, though, that we couldn't see it pop up when they return for veto session. KNEA opposes efforts to divert public funds to private schools.

- Vision Screenings ([SB 62](#))
 - This is a carryover bill from the 2021 Session that establishes the Kansas children's vision health and school ready commission to make recommendations on when to have vision screenings in school. It is now [CCR for SB 62](#) as it was bundled with [SB 185](#) (a non-controversial bill related to the Commission for the Deaf and Hard of Hearing). KNEA did not take a position on this bill.
 - Senate vote: [34-5](#)
 - House vote: [121-3](#)
 - **Next steps:** This is now headed to Governor Kelly's desk.

- Liability Protections for Work-Based Programs ([H Sub for SB 91](#))
 - This is another carryover bill from the 2021 Session. It provides liability protection for businesses, municipalities, and educational institutions that participate in high school work-based learning programs. The conference committee negotiated a few technical

changes. [CCR for H Sub SB 91](#) then passed both chambers. KNEA did not take a position on the bill.

- Senate vote: [37-2](#)
 - House vote: [116-0](#)
 - **Next steps:** The bill now heads to Governor Kelly's desk.
- Driver's Ed Programs to DMV ([SB 215](#))
 - This is another carryover bill from the 2021 Session. It transfers authority for postsecondary driver's education programs and driver training schools from the board of regents to the department of revenue. In Conference Committee it was combined with [HB 2596](#) (pertaining to school districts contracting with transportation network companies like Uber). The bundled piece then became [CCR for SB 215](#). The bill passed both chambers unanimously. KNEA did not take a position on either bill.
 - **Next steps:** This bill now heads to Governor Kelly's desk.
- Changes to Federal Impact Aid
 - This is a bill that was requested by the Governor's Military Advisor and adjusts federal impact aid in the school finance formula. KNEA did not take a position on this bill.
 - This bill started as [SB 341](#). The contents of that bill were added to a House bill ([S Sub for HB 2567](#)) and passed the Senate. It was then bundled with the massive K-12 budget bill ([CCR on S Sub for Sub for HB 2567](#)).
 - **Next steps:** A vote wasn't taken on the CCR before leaving for break. We anticipate this will show up in veto session, possibly as a standalone bill, again.
- Critical Race Theory Prohibition
 - [SB 515](#): Never had a hearing; never made it out of committee.
- Gun Safety Training Standards
 - [SB 522](#): Passed out of committee, but no further action has been taken. KNEA opposed this bill.

CONSTITUTIONAL AMENDMENTS

- [SCR 1620](#): Supermajority for new or increased state taxes
 - Senate Vote: [25-14](#)

- **Next steps:** It failed to receive a 2/3 majority vote, so it does not advance.
- [SCR 1621](#): Changes to the selection process of Supreme Court Justices with Senate confirmation
 - Senate Vote: [26-13](#)
 - **Next steps:** It failed to receive a 2/3 majority vote, so it does not advance.
- [HCR 5022](#): A constitutional amendment to require that a sheriff be elected in each county for a term of four years.
 - House Vote: [97-24](#)
 - Senate Vote: [36-2](#)
 - **Next steps:** The resolution received 2/3 majority vote in both chambers, so it advances to the 2022 Primary Election ballot in August.
- [HCR 5014](#): A constitutional amendment that creates a new section concerning legislative oversight of administrative rules and regulations. This is legislative overreach onto the Executive Branch.
 - House Vote: [85-39](#)
 - Senate Vote: [27-12](#)
 - **Next steps:** The resolution received 2/3 majority vote in both chambers, so it advances to the 2022 General Election Ballot in November.

PUBLIC HEALTH CHANGES

Next steps: Conference Committees related to these public health issues met several times, but never came to agreement on anything. As of adjournment, the bills covered in the previous version of this report (below in italics) are stalled. We anticipate them coming out in veto session.

Despite a recent poll indicating that 90% of Kansas voters support current childhood immunization requirements for children to attend school and believe the authority to set those policies should remain with the Kansas Department of Health and Environment, the hyper-partisan supermajority in the Kansas Senate took it upon themselves this week to make it more difficult for any governing body AND the Secretary of Health and Environment to control the spread of infectious and communicable diseases. With these changes, we have no doubt that we will begin seeing an increase of preventable contagious diseases pop up within our schools making the learning and teaching environments more dangerous.

- *Stripping KDHE Authority ([SB 489](#)): The bill removes the authority of the Secretary of Health and Environment to issue health orders in response to infectious and contagious diseases. The bill specifies that the Secretary of Health and Environment no longer has the authority to require local health officers to perform duties related to prevention of the spread of infectious, contagious, or communicable diseases. It also repealed statute pertaining to the Secretary's authority to quarantine.*
 - Senate Vote: [24-15](#)
 - **Next steps:** This bill now goes to the House. However, since there is a related bill contained within a House bill, it is possible this language could be added to that bill in Conference Committee.

- *Prohibition of public health mitigations ([SB 541](#)): This bill includes a host of restrictions on local government in terms of reducing the spread of disease in our communities. Additionally, it makes it harder to mitigate the spread of disease in our schools and puts children – and those in contact with these children, such as our teachers – at risk.*
 - *Senate Vote: [24-14](#)*
 - ***Next steps:** This bill now goes to the House. However, since there is a related bill contained within a House bill, it is possible this language could be added to that bill in Conference Committee.*
- *Ivermectin and expansion of childhood immunization exemptions ([S Sub for HB 2280](#)): This is the bill from earlier this session that was traded for votes on the Congressional Redistricting Map. It's Sen. Steffen's get-out-of-jail-free card as it permits the off-label prescription of Ivermectin to treat COVID-19. [Steffen is currently under investigation for writing off-label prescriptions for Ivermectin](#). It also includes language that essentially creates a philosophical objection exemption for all childhood immunizations required to attend childcare facilities and schools. The portion of the bill pertaining to immunization exemptions never had a hearing in either the Senate or the House. Yet, it was added to the bill.*
 - *Senate Vote: [21-16](#)*
 - ***Next steps:** Because this was placed within a House Bill, it will now go back to the House where they will have the opportunity to agree to the changes or send it to a conference committee.*

ELECTIONS

- [CCR for HB 2056](#) includes changes to election laws negotiated within conference committee. The CCR passed the Senate [21-17](#), but it did not get a vote in the House.
 - The Conference Committee removed the changes to when advance ballots are accepted, but it still includes a number of limitations on ballot drop boxes. KNEA continues oppose any effort that restricts access to voting.
 - **Next steps:** It will need to go to the House for a vote during Veto Session.

TAXES

No proposal related to eliminating or reducing the state sales tax rate on food were considered by either Chamber before the Legislature adjourned. A few conference committee reports made it out of Committee, including one that has a compromise for reducing the state sales tax rate on food. We will be watching these closely when the return for veto session.

- An assortment of property tax, income tax, and sales tax provisions were bundled into [CCR for S Sub for HB 2239](#) (this includes much of what was contained in [SB 282](#)). Senate vote: [39-0](#); House vote: [103-10](#).
 - A few changes worth noting include:
 - Enactment of the teacher classroom supplies tax credit, a non-refundable credit of up to \$250.
 - Expansion of property tax exemption for the statewide school finance levy increased from \$20,000 to \$40,000.

- Tax abatement for disaster-destroyed property.
 - Provisions similar to the “Golden Years Homestead Property Tax Refund,” but not actually called that.
 - **Next steps:** This goes to Governor Kelly’s desk.
- [CCR for S Sub for HB 2597](#) includes a number of proposals related to income and sales taxes. None of which are good. The CCR came out of the conference committee, but never made it to either chamber floor for a vote.
 - **Next steps:** We anticipate a vote on this during Veto Session.
- [CCR for HB 2106](#) contains a plan to phase out the state sales tax rate on food, with it being fully eliminated by January 1, 2025. This plan was being called a compromise or a good starting point, but ultimately the state budget surplus would allow for this to happen right away. The plan made it out of Conference Committee and was supposed to go to the Senate for a vote. However, at the last minute they pulled it from the list.
 - **Next steps:** We anticipate this coming up during Veto Session.

SOCIAL SAFETY NETS

- A bill that makes it more difficult for Kansans ages 18 to 49 without children or without the custody of children to receive food assistance ([S Sub for HB 2448](#)) passed the Senate on a vote of [27-12](#). This bill contains the contents of [Senate Bill 501](#), a bill requested for introduction by a Florida-based conservative lobbying organization. They were the only proponent while there were nearly a dozen opponents. This bill went to Conference and a few minor changes were negotiated. [CCR for S Sub for HB 2448](#) then passed both chambers.
 - Senate vote: [28-11](#)
 - House vote: [70-46](#)
- **Next steps:** The bill now goes to Governor Kelly’s desk.

REDISTRICTING

- [CCR for Sub for SB 563](#) contains the redistricting maps for the Kansas Senate ([known as Liberty 3](#)), the Kansas House of Representatives ([known as Free State 3F](#)), and the Kansas State Board of Education ([known as Apple 7](#)). KNEA has been watching these maps closely but did not take a formal position on any of them.
 - Senate vote: [29-11](#)
 - House vote: [83-40](#)
 - **Next steps:** The bill now goes to Governor Kelly’s desk.

KPERS

- [CCR for SB 421](#) transfers \$1.125 billion from the State General Fund to KPERS. This is broken into two transfers. One is for \$253.9 million, which pays off early the layering payments established after Governor Brownback skipped several KPERS payments. This early payoff was proposed by Governor Kelly in her original budget proposal; it will ultimately save the state \$172.4 million of state general fund dollars. The other portion of the bill is \$871.1 million that would be applied to

the KPERS-School unfunded actuarial liability. This extra payment was initially proposed as \$1 billion by Derek Schmidt, who is Governor Kelly's challenger in the upcoming election. Although on the surface this seems like it would be good thing, there is uncertainty as to what it does structurally to the budget and it is questioned whether this is just an attempt to load up KPERS to use, once again, as a credit card should there be a Schmidt administration.

- House vote: [106-10](#)
- **Next steps:** The Senate did not take a vote on this CCR before adjourning. We anticipate final action will be taken during the veto session. KNEA supported Governor Kelly's proposal to pay off the layered payments early. We did not take a position on the additional portion of the bill.