



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | APRIL 29, 2022

April 29, 2022

VETO SESSION – PART I

The veto session ended shortly after 2 a.m. Friday morning with the Senate adjourning. The House adjourned shortly before midnight. In a potentially unprecedented move, the veto session will resume on May 23 to address any changes to the Congressional redistricting map which may be needed as a result of judicial action. The Kansas Supreme Court will hear the Wyandotte district court case appeal on May 16. Issues other than the map could be considered on or after May 23, including tax measures and medical marijuana.

This week's veto session could be characterized as "hurry up and wait, then wait some more" while conference committee reports were drafted and then debated. Thursday, the approval of high-profile issues paved the way to adjournment with the approval of the omnibus budget bill and the phase-out of the sales tax on food by Jan. 1, 2025. The Senate voted 39-0 on Wednesday on the food sales tax. Earlier this week, House and Senate Democrats made unsuccessful procedural motions to bring Gov. Laura Kelly's proposal, eliminating the food sales bill effective on July 1, out of the House and Senate Tax Committees for floor debate. Among the final measures narrowly passing was a bill restricting government's authority to mandate masks and other public health responses to infection outbreaks. The bill addressed concerns of some members with local mask mandates and vaccine efforts. Sports betting was narrowly approved in the Senate with 21 votes and sent to the governor.

Wednesday afternoon and evening conference committee agreements were key to adjournment. Budget negotiators reached accord on the omnibus budget, including more than 60 line items. Among the notable agreements was paying off more than \$300 million in bonds for various state construction projects. The K-12 education conference committee met three more times on Wednesday to reach an agreement. The education bill combined policy and funding into one bill, which generated floor debate before passing.

This week the Legislature passed a bill putting more than \$1.1 billion into KPERS. The bill passed in the Senate 26-10 and passed in the House 106-10. The House approved HB 2387, delaying bidding of the Medicaid contracts until Jan. 1, 2023, on an 84-38 vote. The bill now goes to the governor's desk. Before first adjournment, 26

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Senators voted for the bill. The bill also contains a provision limiting the governor's authority to close or restrict capacity at Kansas churches during a state of emergency. Conference committees addressed and resolved many issues throughout the week. The transportation conference committee did reach agreement on SB 313, permitting operation of driverless-capable vehicles under certain circumstances.

REAPPORTIONMENT UPDATE

Annually, veto sessions focus on passing the final budget bills, consideration of veto overrides, and attempts to address unresolved major issues. In a reapportionment year, the attention of the Legislature is also on the courts, given the inevitable lawsuits over newly drawn voting districts. On Monday, Wyandotte County District Judge Bill Klapper ruled that the Kansas Legislature violated the state constitution by redrawing the Congressional maps on the basis of politics and race. The judge ordered the Legislature to prepare a remedial plan as soon as possible. Kansas Attorney General Derek Schmidt immediately appealed to the Kansas Supreme Court, seeking to overturn the District Court decision. In addition, Attorney General Schmidt filed a petition with the Kansas Supreme Court seeking approval of the redrawn House and Senate reapportionment maps. The Supreme Court has scheduled oral arguments on the new legislative maps on May 16. Supreme Court approval of the House and Senate legislative maps would allow candidates to file by the June 1 deadline.

VETO OVERRIDES

Tuesday, the Kansas Senate successfully mustered the needed 27 votes to override four gubernatorial vetoes. SB 58, enacting the parental bill of rights, had 27 votes. SB 160, barring males at birth from participating in female K-12 athletic competitions, had 28 votes. SB 199, allowing short-term health insurance policies to extend up to three years, had 27 votes. The Senate also overrode SB 493, prohibiting local governments from taxing or regulating plastic bags and disposable containers, with exactly 27 votes.

Thursday in the House of Representatives, the story was a bit different. The House failed to override the governor's veto on SB 58, parents' bill of rights, voting 72-50, thus sustaining the governor's veto. By a mere three votes (81-41), the House missed overriding the governor's veto of the transgender sports bill, SB 160. The House did override the governor's veto on HB 2448, requiring Kansans on food assistance to be enrolled in a job training program or working part-time. The vote was 86-36. The Senate overrode the veto Wednesday by a 29-11 margin.

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, 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, James P. Rankin at 785.233.3600 or jrankin@foulston.com. Learn more about the authors below:

James (Jim) P. Rankin

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

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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, including Healthcare. Jim has been selected by his peers for inclusion in *The Best Lawyers in America*® and the *Missouri & Kansas Super Lawyers*® 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 Affairs & 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.

Eric L. Sexton, PhD

Contributing Author and Governmental Affairs Consultant
316.371.7553
esexton@foulston.com

Eric, a governmental affairs consultant to Foulston Siefkin's Governmental Affairs & Public Policy practice group, has nearly 30 years' experience providing strategic direction and Government relations services. As Wichita State University's Government relations leader for 18 years, Eric developed lasting relationships at the local, state, and federal Government level around Kansas. Eric holds a doctorate in political science from the University of Kansas and a masters in public administration from Wichita State University, complementing his undergraduate business degree from Wichita State.

C. Edward Watson, II

Contributing Author and Governmental Affairs & 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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