



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | APRIL 27, 2018

DOWN TO THE WIRE

Kansas legislators have painted themselves into a bit of a time corner from which escape will not be easy. By setting an early date for *sine die* (final) adjournment on May 4, they have left very few days for the House and Senate to complete action on a long list of important, and in some cases, absolutely essential legislation. It will not be a surprise if the session slides to a finish in the 11th hour, just as it did on first adjournment earlier this month.

Still to be resolved as of this afternoon (Friday) are the state budget bills for the remainder of this fiscal year (FY 2018, which ends on June 30) and for all of FY 2019. The Senate has already passed its budget bill, but the House just started floor debate on its budget (Sub for HB 2365) today. That debate is expected to last several hours since this is the first time the entire House membership has been afforded the opportunity to discuss, and possibly amend, literally dozens of budget issues. How many hours the House budget battle consumes may well determine whether the Legislature will have to work through the weekend. Once the House finally finishes its deliberations, there will need to be a House/Senate conference committee to resolve differences in the two budget bills.

Other key items still requiring action before next Thursday include a tax bill that would alter or reduce state income tax provisions to take advantage of the recent changes in federal income tax laws. There appears to be more enthusiasm for this legislation in the Senate than in the House. Supporters say the windfall is taxpayers' money, and it should be returned to them in the form of lower rates or increased deductions. Others believe it is not prudent to take action until the state knows for sure how much of a windfall there is, and whether this additional revenue should be held in abeyance until the Supreme Court rules on the recently passed school finance bill.

School finance is yet another issue where legislative action is absolutely necessary to fix an \$80-million mistake in the bill signed by Governor Colyer last week. Correcting this error gives opponents of the new law a chance to reopen the debate of how much additional state money should be spent on K-12 education.

At the request of Attorney General Derrick Schmidt, this week the Kansas Supreme Court granted the parties in the school finance case some additional time to prepare their written briefs on the new law, but kept in place the mid-May dates for oral arguments before the Court. The Court has already set a June 30 deadline for rendering a

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decision on the constitutionality of the new law.

Among the dozens of issues to be resolved before adjournment next Thursday are bills relating to telemedicine, firearms reciprocity with other states, and increased funding for the Department for Children and Families (DCF). And, there are always those controversial issues that spring up at the last moment, such as “slots at the tracks,” in the hope that the Legislature will approve such bills in its rush to beat the adjournment deadline.

BILL SUMMARIES

Listed below are selected bills which Governor Colyer has signed in the past week. Additional information on the bills can be accessed by clicking on the bill number.

AGRIBUSINESS

SB 263 - Creates the Alternative Crop Research Act allowing the Kansas Department of Agriculture (KDA), in conjunction with Kansas institutions of higher learning, to research and cultivate industrial hemp as an alternative crop. Allows KDA to set up multiple-county pilot programs. Establishes a licensing fee fund. Grants KDA authority to promulgate rules and regulations by Dec. 31, 2018, to carry out the provisions of the Act. Requires individuals in the test programs to be licensed and such license must be carried at all times. Eliminates any possible references to industrial hemp as marijuana or a cannabinoid. A program for growing and selling industrial hemp must be forwarded by the KDA to the Legislature by Jan. 12, 2019. (***Signed by the Governor and became effective upon publication in the Kansas Register***)

BUSINESS AND ECONOMIC DEVELOPMENT

HB 2701 – Establishes a 22-member (17 voting) Statewide Broadband Expansion Task Force composed of legislators and representatives of various statewide organizations and associations with interest in greater broadband availability throughout the rural areas of Kansas. The Task Force would sunset on June 30, 2020. (***Signed by the Governor and becomes effective upon publication in the Kansas Register***)

HEALTH CARE

Senate Sub for HB 2600 – Would amend the Nuclear Energy Development and Radiation Control Act, and provide for the study *and* investigation of maternal deaths by the Secretary of Health and Environment (KDHE Secretary). First, the bill would increase license charges for noncontiguous sites holding radioactive material. Second, the bill would provide for the study and investigation of maternal deaths by the KDHE Secretary, and provide access to records related to maternal deaths. The bill contains the contents of HB 2600, as amended by the Senate Committee on Public Health and Welfare, and the contents of HB 2573, as amended by the House Committee on Health and Human Services states that maternal deaths in the United States are increasing, and an estimated half of these deaths could be prevented. Potential causes should be the subject of a statewide study. Also contains the provisions of HB 2031, which creates the Palliative Care and Quality of Life Interdisciplinary Council (Council) and the State Palliative Care Consumer and Professional Information and Education Program (Program) within the Kansas Department of Health and Environment (KDHE). The Council would be responsible for developing recommendations and advising KDHE on matters related to evaluation of palliative care initiatives in the state and effectiveness of the Program. The Program’s purpose would be to maximize the effectiveness of palliative care initiatives in the state by ensuring comprehensive and accurate information and education about palliative care is available to the public, health care providers, and health care facilities. The bill would also define “palliative care.” (***Signed by the Governor and becomes effective on July 1, 2018***)

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

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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 health care, 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.

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