



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | APRIL 21, 2023

VETO SESSION PREVIEW

The House Appropriation and Senate Ways and Means Committees will return on Monday, April 24, for a joint committee meeting. They will receive updates on the Kansas budget and the revised Consensus Revenue Estimating Group (CREG) projected revenue numbers. Monday and Tuesday, the budget committees will also assemble their Omnibus budget proposals. The committees will use the CREG estimates to complete appropriations for the remainder of the current fiscal year ending June 30, 2023, and fiscal year 2024, starting July 1, 2023. Gov. Laura Kelly has signed a wide range of measures, ranging from cybersecurity protections and standards for state agencies to eliminating the current statute of limitations for criminal prosecution of sex crimes against children to a compromise lowering electric utility rates for Kansans. As of this writing, we are watching for line-item vetoes in the budget and the governor's decision on the tax legislation passed by the legislature.

Thursday, April 20, Gov. Kelly vetoed four bills. SB 26 is entitled the "Kansas Child Mutilation Prevention Act," preventing gender-changing surgeries or therapies for children under the age of 18 with potential loss of license for physicians performing those procedures. Overriding SB 26 is unlikely in the House with a vote of only 70-52. The second bill vetoed was SB 180, defining gender under state law as biologically male or female. The Senate vote was 28-10, and the House margin of 83-41 is one vote shy of an override. The third vetoed bill was Senate Sub. 2138, requiring school districts to adopt a policy relative to separate overnight accommodations for students of each biological sex during school-sponsored travel. It passed both chambers with the necessary votes to override the governor's veto. The fourth veto was SB 228, requiring counties to be reimbursed \$100 per day for expenses when an individual in a county jail is awaiting testing for competency or treatment. The bill adds gender to the requirements for managing prisoners. SB 228 passed both chambers with margins needed to override.

OTHER GOVERNOR KELLY VETOES

Gov. Kelly's vetoes ranged from abortion to elections to guns. She vetoed SB 209, eliminating the three-day grace period for mail-in ballots to arrive to be counted and requiring all ballots to be received by 7:00 pm on election day. Neither chamber passed the bill with the necessary two-thirds margin to override.

Gov. Kelly vetoed the "Born Alive Bill," requiring physicians to care for an infant born alive after a failed abortion. The bill passed by large margins in each chamber and will be overridden. HB 2304, creating firearms school safety

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programs, was also vetoed. Under one educational option was a National Rifle Association program. The Senate passed the bill 31-8, and the House margin was only 78-43.

Lastly, the governor vetoed the “Woman’s Right to Know Act” (HB 2264), requiring physicians to notify women considering medicinal abortions that they can be reversed. While HB 2264 did not pass with the necessary two-thirds in either chamber, it could potentially be overridden. The House vote was 80-38, with seven members absent or not voting (probably due to conference committee meetings). If four of the seven vote to override, the House would have the necessary 84 votes. The Senate vote was much closer at 26-11, only one vote shy with three members either absent or not voting. It will be interesting to watch.

HB 2344, addressing licensing, staffing, and safety requirements for child-care facilities, was also vetoed. It was designed to address the shortage of child-care facilities for Kansans wanting to rejoin the workforce. Gov. Kelly cited children’s safety concerns in her veto message. Neither the House nor Senate had the necessary votes to consider an override.

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:

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