



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | JANUARY 18, 2019

2019 SESSION OPENS

The 2019 Kansas Legislature opened this week with inaugural activities and the swearing-in of state officers, the House of Representatives, and five new state Senators. On Wednesday evening, Governor Laura Kelly gave her first State of the State address stressing the need to address education, expand Medicaid, fix our foster care system, eliminate no-bid contracts, and balance the budget.

By tradition, and often necessity, the first week of the Legislature starts slowly while committees get organized. This year, there was a notable exception. On Tuesday, the Senate Assessment and Taxation Committee had an informational hearing on Senate Bill 13. SB 13 would allow Kansans to itemize on their 2018 state tax returns. This measure is driven by a desire to return some of the anticipated “wind-fall” from the 2017 federal tax cut to Kansas. On Thursday, January 17, the Senate Assessment and Taxation Committee had a formal hearing on Senate Bill 13, but did not take final action.

GOVERNOR'S BUDGET

On Thursday, the Joint House Appropriations Committee and Senate Ways and Means Committee got their first look at the Governor's budget during a briefing from Larry Campbell, Director, Division of Budget. As promised, the Governor has included Republicans in her Cabinet and key administration positions. Governor Kelly's decision to retain Campbell from Governor Colyer's administration may result in continuity that will benefit the appropriations process. As a state representative, Larry Campbell (R-Olathe) served two terms in the Kansas House of Representatives from 1997-2004 and 2012-2018. He has extensive experience serving on the House Appropriations Committee and is well respected by both sides of the aisle. His background and Governor Kelly's experience on the Senate Ways and Means Committee could smooth the budget process.

SENATE UPDATE

As reported in our December issue, there are four new faces in the Kansas Senate due to Sen. Steve Fitzgerald's retirement and the 2018 election. The successors to Governor Laura Kelly (Sen. Vic Miller) and Insurance Commissioner Vicki Schmidt (Sen. Eric Rucker) address an ongoing concern within legal circles relative to no licensed attorneys serving in the Kansas Senate. The 2019 Senate Judiciary Committee will now have two licensed

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attorneys, with Sen. Rucker serving as the Vice Chair and Sen. Vic Miller as the Ranking Minority member. In addition, several Senate Committees had a 30% turnover in membership after the reorganization.

U.S. SENATOR PAT ROBERTS' RETIREMENT

On January 4, Sen. Pat Roberts announced his retirement from the United States Senate at the end of his term. State Treasurer Jacob LaTurner was the first candidate to formally announce his intention to enter the race. Other politicians are exploring a possible run for the U.S. Senate seat.

REVENUE UPDATE

With a large ending balance and a new administration, there will be more bills introduced relative to funding various programs and new initiatives. The Department of Revenue reported that the December tax only revenues were \$17 million, which is 2.78% above the estimate but down more than \$11 million from December of 2017. At the six-month mark, the 2019 state budget revenue is \$19.7 million or .59% above the estimate but still 6.7% better than last December.

BILL INTRODUCTIONS

There were 39 pre-filed bills introduced on the first day of the session, covering a wide range of issues. The following is a sample:

SB 9 – Authorizes certain transfers from the state general fund to the Kansas Public Employees Retirement fund. Referred to the Committee of Weights and Measures, Sen. Carolyn McGinn, Chair.

SB 11 – Relates to the practice of dental therapy, the practice of dental hygiene, and licensure of dental therapists. Referred to the Senate Committee on Health and Welfare, Sen. Gene Sullentrop, Chair.

HB 2012, 2013, 2014, 2016 – All measures sponsored by Rep. John Carmichael of Wichita are intended to improve the Kansas Workers Compensation program for the benefit of claimants. Referred to the House Committee on Commerce, Labor and Economic Development, Rep. Sean Tarwater, Chair.

HB 2024 – An act concerning consumer protection; relating to the Kansas No-Call Act; restricting the use of automatic dialing-announcing devices, and the use of false information in a telephone caller identification system. Referred to the House Committee on Energy, Utilities and Telecommunications, Rep. Joe Seiwert, Chair.

HB 2020 – Relates to the Kansas Supreme Court Nominating Commission and Judicial District Nominating Commissions; selection of chairpersons and members. The bill also deals with attorney licensure. This measure is also sponsored by Rep. John Carmichael and is referred to the Committee on Judiciary, Rep. Fred Patton, Chair.

HB 2021 – Concerns term limits for the statewide offices of Treasurer and Insurance Commissioner. The measure sponsored by Rep. Ken Corbet of Topeka would prohibit any person holding either such state office from serving more than two successive terms. Referred to the House Committee on Elections, Rep. William Sutton, Chair.

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 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

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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, a governmental affairs consultant to Foulston Siefkin's Governmental Relations & 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.

This update has been prepared by Foulston Siefkin LLP for informational purposes only. It is not a legal opinion; it does not provide legal advice for any purpose; and it neither creates nor constitutes evidence of an attorney-client relationship.

PRACTICE AREAS

- Governmental Affairs & Public Policy Law