



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | MAY 2, 2023

Last Friday, the Kansas Legislature adjourned *sine die*. The Latin term means legislators will not convene until next January. Typically, the Legislature has met in late May for *sine die* adjournment and for consideration of vetoes. This year's tactical step means the Legislature has completed its work for the session unless the governor calls a special session. It also allows candidates seeking re-election to solicit campaign contributions.

Before adjourning, the Legislature is constitutionally required to pass a budget. This session K-12 budget negotiations were completed during the veto session. SB 113 expands the private school tax credit to 75%, with unaccredited private schools eligible for the program if working toward accreditation. This increases student eligibility for the program to 250% of the federal poverty level. The bill also allows private and homeschool students to participate in school activities ranging from debate to sports, governed by the Kansas High School Activities Association. The bill did not include the controversial voucher program.

Last Monday and Tuesday, the House Appropriations Committee and the Senate Ways and Means Committee assembled their respective Omnibus budget proposals. The compromise Omnibus budget was approved by both chambers.

Last week, the Legislature successfully overrode eight of Governor Laura Kelly's record 19 vetoes. Two narrow failures in the Senate to override SB 169, addressing major tax relief (mega tax bill with flat tax) created the most drama, with several senators switching their votes.

Below, we have noted the eight bills that were successfully overridden by the Legislature with the necessary two-thirds veto (27 in the Senate and 84 in the House). Some bills did not pass with enough votes to merit a veto-override attempt.

HB 2313 (Born-alive Infants Protection Act) – Senate overrode 31-9 and the House 87-37.

SB 180 (Establishing the Women's Bill of Rights to provide a meaning of biological sex for purposes of statutory construction) – House prevailed 84-40 and the Senate 28-12.

SB 228 (Requiring the Secretary for Aging and Disability Services to reimburse counties for certain costs when a person is in a county jail awaiting examination, evaluation) – The Senate overrode 31-9 and the House overrode 87-37.

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HB 2264 (Requiring notification to patients that the effects of a medication abortion may be reversible and revising the definition of "abortion" to clarify procedures) – House voted 84-40 and the Senate voted 29-11 to override.

HB 2238 (Creating the Fairness in Women's Sports Act to require that female student athletic teams include only members who are biologically female) – The House vote was 84-40 to override and the Senate was 28-12.

Senate Substitute for HB 2138 by Committee on Education (Requiring school districts to provide separate accommodations for students of each biological sex on overnight school district sponsored trips, requiring contracts for exclusive broadcasts of state high school activities association activities to permit certain local broadcasts and providing for administrative review of resolutions to permanently close a school building of a school district) – The House prevailed 85-39 and the Senate 30-9.

HB 2350 (Creating the crimes of human smuggling and aggravated human smuggling and providing penalties) – The House prevailed 85-39 and Senate 30-9.

HB 2184 (Making and concerning appropriations for fiscal years 2023, 2024, 2025, 2026, 2027 and 2028 for various state agencies) – The Legislature was able to override several line items in the budget.

HB 2094 (Requiring work registrants ages 50-59 to complete an employment and training program to receive food assistance, establishing periods of ineligibility for child-care subsidy) – The House voted 84-40 to override and the Senate followed 28-12.

UNSUCCESSFUL VETO ATTEMPTS

Among the failed veto attempts were SB 209, eliminating the three-day grace period for election ballots to arrive, and a bill barring clinics offering elective abortions from liability coverage. The House failed by three votes to override the governor's veto on expanding access to child care by relaxing safety standards for child care. The House was one vote short of overriding the line-item veto requiring the state school board establish standardized firearm safety education through the NRA Eddie Eagle Gunsafe program. The Senate was one vote short of overriding the veto of the bill on gender-affirming care and revoking the license of a physician who performs gender reassignment services for a child. The Parents Bill of Rights was six votes shy of an override in the House.

WHERE IS KANSAS AFTER THE VETO SESSION?

Effective July 1, 2023, Kansas will have a \$17.1 billion budget. With the narrow failure to override the governor's veto of the mega tax bill, Kansas is projected to have a \$2.6 billion record ending balance for the upcoming fiscal year. Kansas will also have a record \$1.7 billion rainy-day fund to address emergency situations. Tax relief will be among the top issues to be debated in the next session.

This session spent a significant amount of time on social issues and those unresolved will reappear next session. The Legislature fully funded the Gannon school decision and didn't include the controversial enhanced funding for private schools. Election security issues will remain on the agenda.

Having successfully passed a number of targeted tax-reduction proposals, broad-based tax relief will be among the top issues to be debated in the next session.

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

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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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PRACTICE AREAS

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