

NEWSLETTERS



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | MAY 31, 2019

SUPREME COURT UPDATE

Since the Veto Session adjourned, the Executive and Judicial branches of state government have been the center of attention. On May 9, the Kansas Supreme Court heard arguments on the Gannon Case addressing the adequacy of school funding by the Kansas Legislature. The Legislature passed a \$92 million increase in state aid to public schools this year and comparable funding through 2023 to adequately finance schools and address inflation. The State Solicitor argued that Kansas was in substantial compliance with the court order and the court should close the lawsuit. The plaintiffs argued that state aid to public schools is not adequately financed and disputed the calculations used by the Legislature. While they praised the Legislature and Governor for the increased funding, they claimed that the Legislature is \$270 million behind in catching up with inflation in this year's school finance bill.

On May 10, the Kansas Supreme Court ruled that Gov. Kelly could not rescind the nomination of Labette County Judge Jeff Jack to the Kansas Court of Appeals. On May 14, the Senate had a short meeting and rejected 38-0 the nomination of Judge Jack. The Senatorial step was required to end the nomination process for Jack. The Senate formally read in Gov. Kelly's nomination of Sarah Warner, a Lawrence private practice lawyer, to serve on the Court of Appeals. Senate Judiciary Committee Chair Rick Wilborn immediately announced that his committee would have a confirmation hearing on Tuesday, May 28, to consider Gov. Kelly's nomination of Warner. Meanwhile, some legislators are encouraging the Commission on Judicial Conduct to investigate Judge Jack's non-judicial statements and activities.

GOVERNOR'S VETOES

Gov. Kelly signed the final bills of the session into law with two notable exceptions. On May 17, she vetoed House Bill 2033, which was the scaled-down tax-cut package. In her veto message, Gov. Kelly claimed it would create a \$1 billion deficit within three years. On May 20, Gov. Kelly signed the budget bill (House Substitute for Senate Bill 25) into law but line-item vetoed \$54 million in State General Fund expenditures. Gov. Kelly wanted to assure a cushion for the 7.5% ending balance for the state budget required by state law. The largest line-item vetoed was \$51 million for an extra payment to KPERs. Other budget items vetoed were \$705,000 from the Medical Program

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Fee Fund, \$2 million from the Department of Aging and Disabilities Services, and \$2 million from the Department of Education.

SINE DIE ADJOURNMENT

On Tuesday, May 28, 2019, the Senate Judiciary Committee held a confirmation hearing on Gov. Kelly's nomination of Sarah Warner to serve on the Kansas Court of Appeals. The Senate Judiciary Committee voted to send Warner's nomination to the Senate floor for confirmation.

The following day, May 29, the Senate voted to confirm Warner's nomination to the Kansas Court of Appeals. The major focus of the Republican leadership in the House and Senate was an effort to override Gov. Kelly's veto of the tax bill and the line items vetoed in the budget. Overriding a Governor's veto during the *Sine Die* Adjournment session is tricky due to the absence of some members for either work or family obligations. The Senate voted 27-11 to override the Governor's line-item vetoes in the budget bill (House Substitute for Senate Bill 25). The House also overrode the Governor 86-30, with nine members absent or not voting.

The Senate also voted 27-11 to override the Governor's veto of the tax bill (HB 2033). However, the House failed to reach the 84 votes (two-thirds) needed to override. The vote was 78-39.

Both Houses passed resolutions supporting the emergency declarations for the flooding in Kansas. Senate President Susan Wagle announced formation of a Senate Select Committee on Healthcare Access. The Senators appointed to the 13-member committee will be announced later.

The 2019 Legislative Session ended *Sine Die*.

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 jrankin@foulston.com.

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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

- Government Affairs & Public Policy Law