



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | NOVEMBER 1, 2019

OCTOBER OVERVIEW

Special committees continue to meet each month to review policy issues and consider proposals for the 2020 Legislature. October has been extremely busy. The Senate Select Committee on Health Care Access met to address Kansas Medicaid expansion. Senate Majority Leader Jim Denning introduced his Medicaid Expansion proposal which would cover 130,000 Kansans with no new cost to the state budget. It is a complex bill that features a cigarette tax and no increase in rates for Kansans and employers who have health insurance. The Joint Special Committee on Medicaid Expansion hasn't scheduled a meeting yet.

The Special Committee on Financial Institutions and Insurance has been studying the Kansas Supreme Court ruling on the Hilburn case striking down the lid on non-economic damages and banking issues. Other committees have been looking at criminal justice reform, information technology issues, and the licensure of anesthesiologist assistants, to name a few.

FEDERAL AND STATE AFFAIRS

Last week the Special Committee on Federal and State Affairs reviewed and studied the medical marijuana issue. The committee reviewed medical marijuana laws in Missouri, Ohio, and Oklahoma, along with hearing testimony from proponents and opponents. Among the supporters were the Kansas Cannabis Industry Association, American Cannabis Nurses Association, Kansas Silver Haired Legislature, along with more than 20 submissions of written testimony from other advocates. Among the opponents were the law enforcement organizations and addiction professionals. The committee chair wanted to give the interim committee members time to review and study the testimony before deliberations this week.

This week the Special Committee on Federal and State Affairs discussed and recommended introduction of an affirmative defense bill for law abiding citizens with valid medical marijuana prescriptions in other states traveling through Kansas. There was support for using the Ohio law for a starting point for any 2020 legislative committee consideration. Ohio requires a physician recommended use of medical marijuana, and patients must obtain an ID card that allows them to purchase products. Smoking combustible marijuana is prohibited, but vaping an oil cartridge is acceptable. Several Senators expressed reservations and needed more time to study the issue. The

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interim committee recommended the Ohio style law should be a starting point for legislative deliberations next session for considering whether Kansas should legalize medical marijuana.

The Special Committee on Federal and State Affairs also reviewed the Kansas Supreme Court decision on abortion and discussed the related issues. No consensus has emerged on language for a constitutional amendment.

MALPRACTICE INSURANCE

In response to the 2019 legislative changes to the corporate practice of medicine, the Healthcare Stabilization Fund Oversight Committee will be introducing legislation this session to make sure that corporate physicians and surgeons pay into the fund. In addition, there is concern that the July Kansas Supreme Court case striking down the cap on non-economic damages could have a dramatic impact on malpractice insurance rates as well.

REVENUE UPDATE

The September Kansas revenue numbers were up \$43 million above the estimate, or 6.15%. The first quarter Kansas fiscal year numbers were \$47.6 million, or 2.81%, above the estimates. This period covers revenue from July 1, 2019 through September 30, 2019. On November 7, the Census Revenue Estimating Group will meet to update the estimates and then meet again in April. State agencies have already submitted budget requests for next session, but the estimates help the Governor's Office finalize the budget proposals for the 2020 Legislature.

GOVERNOR'S COUNCILS

Gov. Laura Kelly has appointed Governor's Councils to address various issues. The Councils are composed of legislators, administration officials, experts in the fields being studied, and the public. This month, the Governor's Council on Tax Reform met to review the tax policy issues and proposals for the upcoming session.

On October 29, the Governor's Council on Medicaid Expansion met again and reviewed the Michigan experience with expansion, along with the complexities of the waiver process. When the Council meets again in December, it appears they won't endorse a specific bill but rather develop guidelines from lessons learned in other states with Medicaid Expansion.

KSOS FILINGS

The Kansas Secretary of State continues to see a few 2020 primary election candidate filings for Kansas Legislature House and Senate seats. There have still not been any major candidates file for the U.S. Senate seat nor the Congressional delegation. There continues to be a stream of announcements for those preparing to file or withdrawing from consideration.

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.

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PRACTICE AREAS

- Government Affairs & Public Policy Law