



February 2, 2020
2020 Legislative Session Update

Overview

Informational briefings are coming to an end. Hearings on bills begin in earnest this week. The Governor's budget gets the first scrutiny in committees beginning this week as well.

Big Picture Issues

The third week of the Session concludes with lawmakers having spent the vast majority of the week focused on two issues: Medicaid Expansion and abortion. Week Four promises to be just as busy, and interesting, with scheduled hearings on various tax and health bills, and the Senate Public Health Committee is expected to take final action on the Medicaid Expansion compromise bill. Additionally, expect the House to work extra late at least one night next week as they'll likely take up the abortion constitutional amendment that the Senate passed late Wednesday evening.

Abortion: Late Wednesday night the Senate voted to pass a constitutional amendment that would overturn the state Supreme Court's 2019 ruling protecting a woman's right to an abortion. The Senate voted 28-12 to pass the amendment, which would grant the Legislature the right to regulate abortion in Kansas if Kansas voters approve the measure on the ballot later this year. The Senate voted to put the amendment on the primary ballot in August, rather than the general ballot in November. Expect another late night sometime next week as the House takes up the amendment. There could be some effort by moderates to amend the measure by moving it to the general election instead, but it's unclear if the votes will be there or not. It is unclear if the amendment has the votes to pass the House.

Taxes/Economic Development: The Governor's Council on Tax Reform this week released their interim report, which can be found here: <https://governor.kansas.gov/governors-council-on-tax-reform-report/>. Next week there are several hearings on various property tax bills in the Senate committee and income tax bill in the House committee. We could begin to see action on a number of bills they've heard over the past couple of weeks. The Department of Commerce is scheduled to provide their annual report on STAR bonds before the Joint House and Senate Commerce committee and a friendly STAR bonds renewal bill has appeared in the House. Both committees will also be briefed on Senate Bill 294, the Utah property tax model before holding a hearing the following day on legislation modeled after Utah's plan, which many municipalities and local government entities are likely to oppose.

Energy: Governor Kelly this week announced her plan to submit her second executive reorganization order (ERO) of the Session—this time to make the state Energy Office its own separate entity, without Kansas Corporation Committee oversight. The new Energy Office will have expanded programs, including energy planning, policy development, and stakeholder outreach. The Governor believes the reorganization is the first key step toward developing a statewide energy plan, which a majority of states already have in place. We'll likely see her ERO

submitted to the Legislature in the next week or two, since EROs must be sent to the Legislature within the first 30 days of Session.

Current Health Care Issues

There is some activity in addition to the on-going Medicaid expansion hearings currently taking place in the Senate Public Health and Welfare Committee. The Committee is scheduled to debate and potentially amend the bill this coming week.

Medicaid Expansion: The Senate Public Health Committee wrapped up five days of expansion hearings on Thursday, having spent two days listening to proponents, one day to neutral testimony, and the final two days listening to opponents. Nothing too surprising came out of the hearings—largely the same arguments we’ve heard over the interim—but we expect the bill will look differently when, and if, it gets out of committee next week. Following the opponents (including the Kansas Policy Institute, Opportunity Solutions Project, Americans for Prosperity, Kansas Chamber, and Northeast Johnson County Conservatives), the committee’s discussion mainly focused on work requirements and Medicaid fraud. Committee discussion was often tense, and we expect the bill will not come out of committee clean, but rather with some type of amendment(s). Additionally, Congressmen Roger Marshall and Ron Estes have weighed in to voice their opposition to Medicaid Expansion. All the testimony from the hearing can be found here: <https://www.dropbox.com/sh/b8sx5r83oovmeu6/AAAdkHp3ZEOzHeDW6oKNYhM-a?dl=0>

Governor Sends ERO to Legislature

- Governor Kelly’s ERO for the Kansas Department of Human Services (KDHS) can be found here: http://www.kslegislature.org/li/m/pdf/ero_44.pdf.
- The ERO will consolidate the structure and functions of the Department for Children and Seniors, the Department on Aging and Disability Services, and the juvenile services function from the Department of Corrections. The new KDHS will have a targeted focus on three areas: prevention, enhancing service access, and strong connections with our communities and our community partners.
- The new agency’s vision is to “strengthen families and support individuals by providing high-touch services that have a positive impact on the lives of Kansans. This will be achieved with a comprehensive approach to prevention, easy access to services, and collaboration with communities across the state.”
- The House Budget Committee has been briefed and future hearings are scheduled.

Upcoming Activities

- SB 312: imposes civil fine for operating childcare facility w/out a license.
 - Hearing on Tuesday, 2/4.
- HB 2459 and SB 249 Limits utilization review conducted by health plans under certain circumstances involving the treatment of mental illness or SUD. Companion bill from Senators Holland and Baumgardner to establish criteria for insurance providers to be required to support inpatient services when high risk of suicide

- House Insurance will be hearing HB 2459.
- HB 2412: Updating Advanced Practice Registered Nurses bill, introduced during the 2020 legislative session, is receiving greater attention and likely will receive another hearing within the next few weeks. You will recall the bill advanced from Committee to the House floor during 2019 but did not get debated. The bill has strong support.

Legislation of Interest

The current key bills are referenced in the summary above.

Bills that have been published and the bill history can be found on the Legislature’s official website: http://www.kslegislature.org/li/b2019_20/measures/bills/

Finally, all bills introduced in the 2019 session remain alive for consideration during 2020. As bills may be pulled up from 2019 for hearings or action, we will add them to the list.

Several new bills of interest have been introduced and some will see action within the next few weeks.

Other New Bills and Issues

- SB 349: Requires creation of state oral health plan; increases Medicaid dental reimbursement rates to 60% the state health plan; requires adult dental benefit for Medicaid.
- HB 2511—prohibits use of state resources to enforce any federal directive or act that would regulate firearms. (Unlikely to receive a hearing).
- SB 350: re: Healthcare Stabilization Fund & increasing minimum coverage requirements—will be a test of the application of the non-economic damages cap to medical malpractice.

Consumer healthcare information

- Two new bills will be heard this week that elevate the issue of consumer healthcare information. The Senate Financial Institutions and Insurance Committee will hold hearings on two bills Wednesday January 29th.
- SB 281: Enacts the healthcare price disclosure act.
 - Healthcare professionals and facilities will provide direct pay prices for most common services.
- SB 282: Enacts the patient’s right-to-know act; relates to the disclosure of charge estimates and insurance coverage descriptions for healthcare services.
 - Patients may request an estimate of the charge for services. Requested at the time of scheduling procedure or test, including greater detail for surgical procedures, and other services such as therapies. Requires health plans doing business in Kansas after 2022 to make informational available upon request.
- The bills remain in Committee.

HB 2483: Prohibits certain licensed individuals from using conversion therapy on minors.

- No hearing scheduled. Bill remains in House Health and Human Services Committee.

Upcoming Activities

The legislative schedule of hearings is updated regularly throughout the week can be found in the House and Senate calendars on the Legislature website at:

http://www.kslegislature.org/li/b2019_20/chamber/calendars/

Additionally, all hearings are now available on-line live and archived by the end of each day.

You can find those hearings on the Legislature website at: [http://sg001-](http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/)

[harmony.sliq.net/00287/Harmony/en/View/Calendar/](http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/)

Monday, February 3.

House Children and Seniors. 1:30 PM. Room 346S.

- State of the Health of Kansas by Dr. Lee Norman, Secretary of Health and Environment.

Tuesday, February 4.

Senate Health. 1:30 PM. Room 118N.

- SB 312 – Imposing a civil fine for operating a child care facility without a license.

Wednesday, February 5.

Senate Health. 1:30 PM. Room 118N.

- SB 252 Medicaid Expansion—debate and action.

House Insurance. 3:30 PM. Room 212N.

- HB2459 — Limiting utilization review conducted by health plans under certain circumstances involving the treatment of mental illness or substance abuse disorder.

Thursday, February 6.

Senate Health. 1:30 PM. Room 118N.

- SB 252 Medicaid Expansion—debate and action.

House Children and Seniors. 1:30 PM. Room 346S.

- Kansas Children's Cabinet by Melissa Rooker, Executive Director