



Memorandum

To: Mel Hudelson, Executive Director, Kansas Chapter American Academy of Pediatrics
From: Little Government Relations
Date: November 10th, 2022
Re: Legislative and Policy Report

Overview

After a long election night and close race between Governor Laura Kelly and Attorney General Derek Schmidt, Governor Kelly has won re-election by a narrow margin of about 16,000 votes. Other closely watched races included that of Attorney General and the battle between Democrat Chris Mann and former Secretary of State Kris Kobach, as well as several House races in Johnson County and two additional constitutional amendments. More on all of that below.

This report focuses on the General Election outcomes and implications, as well as covers some of the highlights over the last couple of weeks. We'll provide a report in early December detailing leadership elections and committee assignments, as well as an updated look at the 2023 Session.

2022 General Election

Governor's Race

- Governor Laura Kelly has secured re-election with 49% of the vote to Attorney General Schmidt's 48% of the vote. Schmidt may request a recount with such a narrow margin, though it is unlikely provisional, or mail-in ballots would exceed Kelly's roughly 16,000 vote margin.
- Unofficial Results at the Secretary of State's website can be found here: https://ent.sos.ks.gov/kssos_ent.html
- Because the Veteran's Day holiday falls on Friday, mail-in ballots will be accepted and counted through Monday, November 14th.

Other Races & Issues

- Former Secretary of State Kris Kobach defeated Democrat Chris Mann in a relatively close race, 51% to 49%.
- Secretary of State Scott Schwab won re-election 59% to 38% against Democrat Jeanna Repass.
- A controversial amendment that would have given the Legislature the authority to veto agency rules and regulations appears to have failed by an extremely narrow margin of just about 6,000 votes. The narrow outcome likely be challenged.
- Voters approved an amendment that would require sheriffs to be elected and restrict counties from combining their law enforcement agencies. The Sheriff amendment passed with a much larger margin, 62% to 38%.

House Races at a Glance

- The main takeaway from the Kansas House races is that House Republicans barely retained their supermajority, with the party split now being 85 Republicans (as opposed to 86 after the 2020 election) to 40 Democrats (39 after the 2020 election). It takes 84 votes to override a veto.
- There were few surprises overall in the House races, with probably the most change in Johnson County, where both parties won a few and lost a few, and Democrats' net gain of one member in the House.
- With Kelly's re-election and House Republican's continued supermajority, it is likely the 2023 Session will experience much of the contention and disruption that has categorized the last few years on hot button issues, particularly those topics such as vaccinations, public health, and the ongoing battles over public versus private schools.

So, What's Next?

- The next order of business in the House is leadership elections. Current Speaker Ron Ryckman, who held an unprecedented three terms as Speaker, did not seek re-election, nor did Speaker Pro-tem Blaine Finch. There will be an entirely new set of leaders in the House come January 2023. While the majority leader and pro-tem positions are still somewhat up in the air, it is widely anticipated that current Majority Leader Dan Hawkins will be the next Speaker.
- The first week of December, the House will meet in Topeka to elect a new speaker, majority leader, speaker pro-tem, and a few other leadership positions. Later in December, House leaders will finalize committee assignments.

Big Picture

October Revenues

- The State's October tax receipts exceeded estimates by \$73.2 million, marking the 27th consecutive month the State has exceeded estimates. October's tax receipts totaled \$740.1 million, an amount \$77.4 million over collections in October 2021.
- The October 2022 tax receipts spreadsheet can be found here:
https://governor.kansas.gov/wp-content/uploads/2022/11/04_October_Revenue_FY2023_11-01-2022_Final.pdf

Healthcare Activities & Topics

Election Impact on Healthcare Committees

- Committee assignments will not be finalized until mid-December, but we already know there will be some changes due to election outcomes. Two key House committees—Health and Social Services Budget—will look different. Below are lists of who will **not** be returning to the committees.
- House Social Services Budget (who will not be on committee):
 - Vice Chair Megan Lynn (R)
 - Rep. Cheryl Helmer (R)
 - Additionally, it is likely the committee will have a new chair, with Rep. Carpenter a possible pick for Appropriations chair.
- House Health (who will not be on committee)
 - Rep. John Barker (R)

- Rep. Suzi Carlson (R)
- Rep. Brody Henderson (D)
- Rep. Jim Kelly (R)
- Rep. Megan Lynn (R)
- Rep. Kathy Wolfe Moore (D)
- Again, the makeup of the remaining members may shift as committees are assigned and new elected officials are assigned to committees.
- Two important committees on the Senate side, Senate Health and the Senate Ways & Means Social Services Subcommittee, are unlikely to see any major changes.
- Finally, we anticipate some changes in the House Appropriations committee, including leadership changes in the chair and the retirement of the ranking Democrat representative. Those issues will be resolved in late December.

KanCare Updates

- The KanCare Oversight Committee held its final round of meetings for the year on November 2nd and 3rd and discussed recommendations to the 2023 Legislature, including some of the following:
 - Study KanCare coverage of dentures,
 - Include recommendations from the Interim I/DD Committee,
 - Request state agencies report on programs utilizing state funding for Medicaid for newborns,
 - Update CHIP income eligibility requirements,
 - Reduce required CNA training hours from 90 to 75,
 - Expediting CCBHC timeline to allow five additional CMHCs to transition to CCBHCs by Spring 2023.
 - Codifying Mental Health Intervention Team Program in statute.
 - BSRB legislation to create new temporary license for Bachelor's and Master's level social work applicants that are candidates for accreditation (referenced Minnesota law).
- There were few significant updates from state agencies and MCOs, because the Oversight Committee had met just over a month before.
- KDHE did report it will likely proceed with drafting an 1115 waiver renewal, which also outlines the proposed changes in Medicaid managed care authority and mitigates the impact of federal budget neutrality provisions. Public hearings will then be held in early December and the state will make any necessary revisions to the draft 1115 waiver renewal application. KDHE has determined that it will begin moving away from the umbrella 1115 waiver and instead operate the same Medicaid managed care under different sources of authority, while keeping a small 1115 waiver that includes only those parts of the current KanCare program that can only be implemented under 1115.

988 Coordinating Council Announced

- Governor Kelly recently announced appointments to the 988 Coordinating Council which is tasked with advising KDADS on the implementation of 988. The appointments can be viewed here: <https://governor.kansas.gov/governor-laura-kelly-makes-appointments-for-recently-launched-988-mental-health-lifeline/>

Upcoming Activities

We'll be providing updates monthly and as issues arise during the fall. Interim committee meetings can be viewed live or recorded on both the Legislature's website <http://www.kslegislature.org/li/> and YouTube <https://www.youtube.com/c/KSLegislatureLIVE>

Additionally, interim committees, membership, agendas, and testimony can be found on the Legislature's website, although meeting documents are not always timely. http://www.kslegislature.org/li/b2021_22/committees/non_standing/#Joint

Wednesday, November 16th.

Joint Committee on Child Welfare System Oversight. 9:00 AM.

- Public comment; Mental Health Intervention Team program presentation; Safe Families for Children; Kansas Division of Child Advocate; Foster care contractors; DCF update.

Legislative Coordinating Council. 10:30 AM.

- Legislative matters.

Thursday, November 17th.

Joint Committee on Child Welfare System Oversight. (Pending LCC approval of additional day).

- Presentations on adoption and permanency; State Child Death Review Board; KCSL.

Monday, November 21st.

Special Committee on Workforce Development.

- Presentations; Committee comments and recommendations.

Tuesday, November 22nd.

Legislative Budget Committee. 9:00 AM.

- Update on Consensus Revenue Estimates.

Monday, November 28th.

Special Committee on Mental Health Beds. 9:00 AM.