



Date: March 20, 2020
Re: 2020 Legislative Session Update

General Overview

- The COVID-19 pandemic has effectively derailed the 2020 Legislative Session. The Legislature adjourned Thursday, March 19th, two weeks ahead of the scheduled date for First Adjournment, initially set for April 3rd. Forced to condense weeks of work into just a few days, lawmakers worked to pass several pieces of legislation, including an emergency resolution clarifying the Governor's authority during crises; a new 10-year transportation plan, as well as a base budget.
- Early this week the House worked quickly to pass bills in response to meeting the needs of the state during the pandemic and clarifying the authority of the Governor to take certain actions during states of emergency. These included measures granting authority to school districts, in times of crisis, to close for extended periods of time as well as extending unemployment insurance from 16 weeks to 26 weeks, though this has a one-year sunset.
- The Senate, on the other hand, took their time approving the emergency resolution. Some conservative Senators expressed concern that the resolution gives the Governor unnecessary power and thus amended the resolution with the following amendments:
 - Shortening the date of the emergency declaration to May 1, 2020. (The House had extended it to January 2021).
 - Clarifying the Governor cannot seize firearms or ammunition or interfere with or limit the sales of firearms and ammunition.
 - A number of amendments limiting the Governor's power during emergencies and instead giving that oversight to the Legislature (specifically the Legislative Coordinating Council, made up of House and Senate leadership).
- The official adjournment resolution, adopted by the House Thursday evening, includes language that may extend the Legislative break past April 27th, in the event it is not safe for the Legislature to reconvene in six weeks in the interest of public health.
- This report still includes all the legislation we've been watching and believe to be alive for action later in April and early May. We'll also lay out an anticipated schedule for the remainder of the 2020 Session, with the caveat that due to the changing nature of the pandemic and direction from both the state and federal government, that timeline is subject to change. It is most likely there will be little significant health care legislative action.

Big Picture Issues

- In the midst of passing critical legislation (i.e. budget bill, emergency declaration, and an adjournment resolution), the Legislature also disapproved of the Governor's executive reorganization (ERO) of two state agencies.
 - The House disapproved of the reorganization of DCF and KDADS into the Department of Human Services (which would have included those two agencies)

as well as the Juvenile Services wing of the Department of Corrections). The vote of disapproval was 82-35.

- The House also disapproved of the creation of a state energy office, separate from KCC oversight, 72-46.
- In addition to passing a base budget, both chambers passed a new, comprehensive 10-year transportation plan that both sides widely agreed upon. Some highlights of the new rolling plan include:
 - Senate adoption of the House's new name for the plan: The Eisenhower Legacy Plan.
 - Guarantee of \$8 million to be spent in each county on transportation projects (same as under T-Works).
 - \$5 million to be set aside for rail improvements; \$11 million for public transit; and \$5 million for aviation.
 - \$300 million allocated for alternative delivery projects in the first 3 years of the plan. Potential for another \$200 million to be utilized for alternative delivery beginning in 2023.
 - Increase in broadband funding.
 - Provision for driver's ed. (\$200 scholarship for individuals under 30 who enroll in driver's ed and earn less than 200% FPL).
- Again, we are operating under the assumption that the bills we've previously reported on will be alive for action during the wrap-up Session scheduled at this time to begin Monday, April 27th.

Healthcare Issues

Most importantly, it is unlikely any additional health legislation will pass when the Legislature returns in late April, unless they stay for a long number of days. Whether or not any legislation will advance will depend on the nature and scale of the pandemic health crisis.

Budget bill funding for COVID-19

- The budget bill sent to the Governor included emergency funding for responses to the coronavirus. It is unclear how these funds will be spent but they are intended to help provide services.
 - Add \$50.0 million State General Fund, for the coronavirus response,
 - Add \$15.0 million State General Fund, for the coronavirus response, to the Kansas Division of Emergency Management
 - Add language transferring the \$17.5 million allocated for Medicaid expansion to the Coronavirus Prevention Fund of the State Finance Council if Medicaid expansion is not passed into law.
- Other budget provisions include:
 - Proviso included to raise the cap on the Newborn Screening Fund (Senate Bill 364).
 - Proviso included to extend SNAP/TANF benefits (Senate Bills 484 and 485). Also gives DCF flexibility if there are temporary waivers at federal level during the pandemic.

- 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/
- Again, we assume the following bills may see action during the Veto Session beginning on April 27th.

Public Health

- SB 252: Compromise Medicaid Expansion:
 - SB 252 is not exempt, was not approved for action in the second half of the session, and is dead, although the issue is not, but may see action during Veto Session.
- HB 2631: Prohibiting disparate treatment by PBMs of certain pharmacies and pharmaceutical services providers.
 - Bill was blessed but unlikely to see action during the Veto Session.
- HB 2563: Tobacco 21/Flavor Ban.
 - The bill was amended to follow federal guidelines, essentially allowing for the menthol exemption to be put in statute.
 - Exempt and alive for Veto Session.
- HB 2582: Creating the behavioral health intervention weighting as part of the Kansas school equity and enhancement act.
 - New school finance formula to fund school positions and pay community mental health centers.
 - Includes funding of \$12.5 million.
 - Discussion to continue at Omnibus.
- HB 2673: Conferring original jurisdiction to the Supreme Court to hear certain actions related to healthcare provider insurance availability act, healthcare stabilization fund and claims for noneconomic loss in medical malpractice liability actions.
 - Potential action during Veto Session.

Scope for practice/regulatory

- HB 2412: APRN scope of practice.
 - Allows independent practice, prescription writing authority, but regulated by Board of Nursing not the Board of Healing Arts.
 - Exempt and still alive.
- HB 2603: Amending BSRB professional licensing requirements.
 - Makes supervision standards for all licensed professions equal to social workers, 3,000 and 150 hours.
 - Bill was blessed and still alive.
- HB 2630: Updating certain provisions of the Kansas dental practice act.
 - Bill was blessed and still alive.

Rural Hospitals & Health

- HB 2677: Establishing a primary health center and enacting the primary health center pilot program act contingent upon state acceptance into a demonstration program under CMS.
 - Bill was blessed and awaits action.
- HB 2522: Establishing the rural hospital innovation grant program.
 - Grants can be used for market studies of community healthcare needs, new technology and infrastructure including telemedicine delivery methods, and additional medical personnel.
 - House Appropriations passed the bill as amended Thursday, 3/12.
 - Clarifying amendments including amendment allowing for counties to enter into MOUs and other necessary agreements with private stakeholders and other eligible counties.
- SB 381: Authorizing medical student and residency loan assistance to encourage the practice of OBGYNs in medically underserved areas of the state.
 - Passed Senate 25-15.

Children's Issues

- HB 2187: Establishing the office of the child advocate.
 - Bill was blessed and is still alive.
- SB 484: Authorizing DCF Secretary to request a waiver from certain limitations under the food assistance program.
 - Contained in a proviso within the budget.
- SB 485: Providing additional option to fulfill work participation requirements under the cash assistance program.
 - Would allow additional option to fulfill work participation requirements under the cash assistance program. Would allow a single parent of a child who is between 3 and 12 months to fulfill work requirements by engaging in in-home parenting skills training.
 - Contained in a proviso within the budget.

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's 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-harmony.sliq.net/00287/Harmony/en/View/Calendar/>
- Link to House and Senate live video: https://www.youtube.com/channel/UC_0NO-Pb96CFABvxDwXAq8A

The Veto Session is currently scheduled to begin on April 27th, though this is subject to change if the Legislative Coordinating Council (LCC), made up of House and Senate Leadership, deem it necessary to meet later. We do expect the Joint Budget Committee to receive an update on the Consensus Revenue Estimate sometime during the week of April 20th. Other than that, there will be little activity over the next six weeks.