Memorandum

Date: May 8, 2020  
Re: Wrap Up Session Legislative Update

Wrap-Up Session Issues
On May 6th the Legislative Coordinating Council agreed the Legislature would not meet before the ceremonial last day, May 21st. Senate President Susan Wagle and Senate Majority Leader Jim Denning both wanted the Legislature to return early and work on legislation. The majority decided to meet only on the last day. This action limits the possibility of any additional legislative action for the regular 2020 session.

On Thursday May 7th Senate Leadership announced that several Senate Committees will meet prior to the May 21st deadline. They announced the need to pursue legislation addressing business liability issues related to COVID-19 and potential limits on gubernatorial authority. They specifically authorized four committees to meet prior to the May 21st date: Judiciary, Commerce, Tax, and Financial Institutions and Insurance.

Potential Health Care Issues
There should not be much action in the Senate Committees on health care issues, other than the efforts to assert some legislative oversight over federal relief funds. Scope of practice issues are out there for discussion as well, following the Governor and the Board of Healing Arts waiving of numerous nursing licensure and scope of practice issues during the crisis. It’s unlikely there will be action on these topics.

We’ll monitor when committee meetings begin next week and keep you all in the loop and prepared to engage if necessary. In the absence of anything significant happening in any committees, we will anticipate an uneventful wrap up day on May 21st.

Several Things to Keep in Mind
- On the 21st, the Legislature will meet for only one day and any action would have to pass through the entire legislative process in one day. If Senate committees do any work, legislation would have to be placed in bills to which the House would only have to concur with the Senate. No matter what work is done, it’s a complex and difficult procedural process that is not done easily or quickly.
- The House does not appear to have any plans to have any committee meetings or take action on any legislation.
- It is unclear if there will be a quorum of both the House and Senate due to the COVID-19 pandemic.
- There are only eight days for the committees to meet; the week of May 11-15 or May 18-20.
- It is unclear if the Senate plans are to secure passage of legislation or demonstrate they are taking some action on some policy issues that will not be able to pass through the entire process.
Many of these issues will likely be addressed during what promises to be an active interim period before the 2021 session reconvenes. Of course, there are good odds we may have a special legislative session as well and there are no limits on issues that can see action.

Issues That Could be Addressed

• Tax issues:
  o Tax relief legislation similar to bills passed during the last two sessions that the Governor vetoed, i.e. itemized deductions to match federal tax law changes, etc.
  o Property tax relief including items such as SB 294 (repeal of the tax lid and add public hearing procedures), property tax delays, forgiveness, deferment of payments, any number of possibilities to relieve property tax burdens due to the pandemic.
  o Online sales tax, internet services, and currently not taxed but in use on an unprecedented scale during the pandemic.

• Business and employer issues.
  o Protective liability for businesses from COVID-based claims by employees and customers.

• Health care issues.
  o Liability protection for COVID-related.
  o Scope of practice and other professional practices and licensing issues to expand the delivery of health care services. (This topic is less likely to receive any action because the health committee is not meeting.)

• Financial Institutions and Insurance issues.
  o Financial institution privilege tax relief and expanded credit union field of membership.
  o Issues related to credit availability, lending, relief, and agricultural economic issues.

• COVID response and clarification of State authority issues.
  o These issues are fueled by some legislative interest in creating a legislative role in some features of the COVID response.
  o There are no plans to convene the Senate Ways and Means budget committee to address these issues, but some of these provisions could be included in tax legislation because tax legislation can sometimes include funding.
  o Add some legislative control over the distribution and uses of federal emergency funding. Federal funds, for decades, have been under the control of the Governor with only rare or no restrictions. The delivery of $1.250 billion in CARES Act federal assistance has prompted some in House and Senate leadership to want control over those funds.
  o Senate President has promised to amend statutes to restrain the Governor’s emergency authority.
Some issues related to contact tracing and other COVID response that may be perceived as “intrusive” to personal liberties may generate discussion.

In conclusion, some of these committee meetings will occur prior to the May 21st final day. There may be some issues that advance from committee to the Senate floor. It is our opinion, however, that any action to advance legislation in the Senate, much less in the House, is unlikely to be successful. While the wrap up session day of May 21st may be more lengthy than normal, the underlying sentiment seems to be one that will leave the work, burden, and responsibility of a response in the hands of the Governor.

**Upcoming Activities**

- The legislative schedule of hearings can be found in the House and Senate calendars on the Legislature’s website at: [http://www.kslegislature.org/li/b2019_20/chamber/calendars/](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/](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](https://www.youtube.com/channel/UC_0NO-Pb96CFABvxDwXAq8A)