



Memorandum

Date: March 5, 2021

Re: Turnaround Legislative & Policy Update

Overview

We have arrived at the mid-point of the Session, having escaped thus far any major disruption due to COVID. Most lawmakers will have received the second dose of the vaccination by the end of the week. At this point, any non-exempt bills that have not passed their chamber of origin are considered dead for this Session, but still in play for the 2022 Session. There will be a few select bills that legislative leadership will keep alive for the second half of the Session. Other than that, most bills that have not received hearings yet will not see action this Session.

This report will be brief. As you will see, this is a condensed report detailing just the highlights of what happened this week in both chambers. Next week, we will resume with our regular reports that include all of the issues and bills still in play after the halfway point.

Big Picture

Floor Action this Week: Both chambers were busy this week debating a variety of issues, some small and quick while others were more time-consuming. The Senate took up sports wagering, several tax bills, and the Back-to-School Act, which requires schools to provide a full-time, in-person attendance option by March 26th, before adjourning Wednesday evening. The House worked through Thursday, taking action on a lengthy list of mostly uncontroversial bills, but also getting bogged down in debate on a gun bill as well as a comprehensive unemployment bill and the major property tax reform legislation. Both chambers passed their version of a bill that would make changes to the Kansas Emergency Management Act (KEMA) and specify the power and authority of the executive branch as well as local governments to act during emergencies.

KEMA: The House and Senate versions of the KEMA bill have some substantial differences. The Senate version, SB 273, is a major change and more restrictive of the Governor than the House version, HB 2416. The Senate version also creates a new category of emergency under KEMA, specifying a “public health disaster” emergency. The Senate version sets up a joint committee on emergency management to review executive orders instead of the State Finance Council (SFC) made up of House and Senate leadership and the Governor, currently has that authority. The House bill retains the SFC role. The Senate creates the new committee that is more diverse than the SFC. Both bills provide a new role for the Attorney General to review and evaluate all gubernatorial disaster decisions.

More on what SB 273 seeks to do here: <https://kansasreflector.com/2021/03/02/governor-pledges-to-veto-any-disaster-management-bill-jeopardizing-kansas-pandemic-response/>

We expect the Judiciary Conference Committee will meet next week to work out the major differences in the bills, including: the length of a Governor’s emergency declaration; how local

governing bodies can go about issuing orders, and who has the authority to review executive orders. As a reminder, the current emergency declaration the state is operating under that governs things like federal funding, eased restrictions on telehealth, etc., expires at the end of this month.

What Happens Next? The Legislature will take a short break and resume committee work next Wednesday, March 10th. It will be a short week with each chamber beginning work on familiar bills forwarded to them from the other side. Many of the big issues remain unresolved for the second half of the Session: the major income tax cut bill, sports wagering, and KEMA, as well as the state's budget. Budget committees will begin assembling their budgets next week and will likely begin conferencing on the budget the week of March 15th.

Health-Related Legislation Up for Debate This Week

There were few major health bills up for debate this week's floor action. House Leadership is still likely wary of a Medicaid Expansion amendment that would be germane to many of the health policy issues that have been worked in committee thus far. Senate Democrats attempted a Medicaid Expansion amendment on one health bill on Wednesday and the amendment was defeated 12-23. Significant issues remain for action after the turnaround break including telemedicine, scope of practice, and other issues not addressed this week.

Senate health-related bills that saw movement this week:

Licensure Issues

- SB 175—Enacting the rural emergency hospital act to provide for the licensure of rural emergency hospitals.
 - Allows a better license designation to be paid without bed requirements.
 - Passed 39-0.
- SB 238—Establishing certification for certified community behavioral health clinics (CCBHCs); authorizing telemedicine waivers for out-of-state healthcare providers; reducing supervision requirements for licensure by the BSRB, and expanding out-of-state temporary permits to practice behavioral sciences professions.
 - Includes the BSRB licensure components in the original bill.
 - Senate amended the bill to change the implementation date for the CCBHCs from July 2022 to January 2022.
 - SB 238 passed the Senate 38-1.

Children's Issues

- SB 120—Establishing the Joint Committee on Child Welfare System Oversight.
 - Passed 37-2. Headed to the House now.

House health-related bills that saw movement this week:

Licensure Issues

- Substitute for HB 2066—Expanding the military spouse and service member’s expedited licensure law to all applicants who have established or intend to establish residency in Kansas.
 - Amended on the House floor to address some concerns by different state boards. The amendment defines scope of practice; permits licensing bodies to exercise discretion (“shall” was changed to “may”) in granting probationary credentials and permits licensing bodies to exercise discretion in granting temporary credentials to non-military service members or spouses.
 - Passed 103-21.
 - Summary of the bill as amended here:
http://www.kslegislature.org/li/b2021_22/measures/documents/supp_note_hb2066_02_0000.pdf
- HB 2208—Reducing certain requirements for licensure by the BSRB and expanding out-of-state temporary permits to practice behavioral sciences professions.
 - Includes the same telemedicine language for out-of-state providers as SB 238.
 - Passed 124-0.

Other Policy Issues

- HB 2259—Permitting the use of expedited partner therapy to treat a sexually transmitted disease.
 - Passed 75-49.
- HB 2058—Conceal carry reciprocity.
 - Amended to create a provisional conceal carry license for 18-20 year-olds (language from HB 2059). The amendment passed 87-35.
 - Passed 85-38.

New Bills Introduced

- HB 2428: Increasing rates of tax of cigarettes and tobacco products, establishing the cigarette and tobacco products cessation fund and providing for adjusted sales tax rate for food and food ingredients.
- Enacting the Kansas Fights Addiction Act.
 - Companion bills HB 2412 & SB 264.
 - Brought by the Attorney General and it establishes a grant program for the purpose of preventing, reducing, treating, and mitigating the effects of SUD and addiction.
 - Attempt to establish process to manage opioid settlement agreements, after Kansas received the first instalment in January 2021.

Health-related Bills that have been blessed so far

- SB 199: Short-term, limited-duration health plans.
- SB 212: Prohibiting KDHE Secretary from permanently requiring additional immunizations to attend a childcare facility or school.

- SB 213: Prohibiting an employer from taking any adverse employment action against an employee because of the employee's vaccination status.

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/b2021_22/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 YouTube at Kansas Legislature and audio only on the

Legislature website at: <http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/>

Wednesday, March 11th.

House Appropriations and Senate Ways & Means.

- Both committees begin hearings on the budget.