Memorandum

Date: May 9, 2021
Re: End of Session Legislative and Policy Update

Overview
The 2021 legislative session concluded late Friday evening and lawmakers managed to resolve a variety of issues in a relatively short amount of time. A few issues were unresolved to be studied and revisited over the interim and next Session. In a few weeks, we’ll report any veto overrides and housekeeping items (i.e., election of a new Senate Majority Leader) that take place during the single-day Sine Die Session on May 26th.

There was a limited amount of action in the healthcare field at the conclusion of the 2021 session, but a couple of issues were noteworthy.

Big Picture
The Legislature resolved two major items late Friday, the state budget and K-12 education policy and funding, both measures passing each chamber with minimal debate. At the beginning of the week, lawmakers got off to a quick start by immediately taking up a handful of the Governor’s vetoes and overriding almost all of them, including the major income tax cut bill, SB 50. Senate Republicans failed to garner the votes necessary to override the Governor’s veto of SB 55—the transgender sports ban bill—by one vote.

With veto overrides addressed early in the week, lawmakers then turned their attention to wrapping up a handful of items: COVID-19 relief and property tax rebates for businesses impacted by shutdowns and capacity limitations; funding the state budget; and funding for K-12 and without the most controversial non-public school additions. The House debated for nearly five hours a plan to legalize medical marijuana and ultimately passed the plan 79-42, though the Senate did not take up the issue this Session. More on some of the highlights this week:


Again, while most of these issues are resolved for the Session, Sine Die in a few weeks will likely be interesting, when the Legislature returns for one day to override vetoes. The Senate will also elect a new Majority Leader.

Current Healthcare Issues
Other than some vetoes at the beginning of the wrap-up session, and a few additions to the final Omnibus budget bill, there was minimal action on healthcare related issues.
Bills that have been published and the bill history can be found on the Legislature’s official website: [http://www.kslegislature.org/li/b2021_22/measures/bills/](http://www.kslegislature.org/li/b2021_22/measures/bills/)

Vetoes & Overrides

The Governor vetoed a significant number of bills and eighteen parts of the state budget. In all matters, a legislative override of a veto requires a 2/3 majority in both chambers, 27 affirmative in the Senate and 84 affirmative in the House.

- **SB 55** (contains original SB 208) requires gender confirmation for transgender athletes who wish to participate in female sporting events. Amended to remove physical examination and relies on KSHSAA policy.
  - *The Governor vetoed SB 55. The bill passed the Senate 26-11 and the House 76-43. A legislative override of the veto requires 27 affirmative in the Senate and 84 affirmative in the House.*
  - *The Senate failed to override the veto 26-14.*

- **HB 2089**: Bill passed out of committee without a hearing that will allow (not mandate) USDs to provide gun training in schools utilizing a (mandated) National Rifle Association education program.
  - *The Governor vetoed the bill. The Senate passed the bill 31-7 and the House passed the bill 79-44. A legislative override of the veto requires 27 affirmative in the Senate and 84 affirmative in the House.*
  - *The House failed in a last minute effort to override on HB 2089.*

- **HB 2058**: Reciprocity for out of state conceal carry permit holders. Also authorizes the AG to issue an alternative license to carry a concealed handgun to qualified applicants during a declared state of disaster emergency.
  - Amended to create a provisional conceal carry license for 18-20 year-olds.
  - Amended in Senate Fed & State to insert SB 190: Creating the Kansas protection of firearm rights act to restore the right to possess a firearm upon expungement of certain convictions.
  - *The Governor vetoed the bill. The Senate passed the bill 30-8 and the House passed the bill 80-43. A legislative override of the veto requires 27 affirmative in the Senate and 84 affirmative in the House.*
  - *Both the Senate and House overrode the veto, 84-39 and 31-8.*

- **Budget Bill Issue.** One of the eighteen provisions of the State budget bill (HB 2007) the Governor vetoed includes the provision that removed the Governor’s authority to make final determinations regarding the distribution of the federal COVID relief funds. Currently, the Governor’s established SPARK committee manages compliance and the distribution of federal relief with State Finance Council oversight. The budget proviso would have removed those processes and placed all funding distribution in the hands of the Legislative Coordinating Council that includes only legislative membership.
  - *The House overrode this line-item veto, but the Senate did not vote to override. The new budget bill includes language that the SPARK Task Force Executive*
Committee and State Finance Council (Legislative leadership chaired by the Governor) will oversee the allocation of federal funds.

Healthcare Bills Signed

- Senate Sub. for HB 2208: Certified community behavioral health clinics creation; enacting the rural emergency hospital act to provide for the licensure of rural emergency hospitals; telemedicine waivers for out-of-state healthcare providers; reducing certain requirements for licensure by the behavioral sciences regulatory board and expanding out-of-state temporary permits to practice behavioral sciences professions.
  - Governor signed.

- HB 2066: Expanding the military spouse and servicemember’s expedited licensure law to all applicants intending to establish residency in Kansas. Is not mandatory but permissive for regulatory bodies.
  - Governor signed.

Other Topics Addressed this Week

- Conference Committee Report on HB 2079 (includes SB 264): Enacting the Kansas Fights Addiction Act to address opioid settlement funds.
  - 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.
  - House Judiciary worked the bill and amended it to create two separate funds: the Kansas Fights Addiction Fund and Municipalities Fight Addiction Fund. 75% of settlement funds will go to the Kansas Fights Addiction Fund and 25% will go to the Municipalities fund for local mitigation efforts.
  - Passed the House 78-42 and the Senate 39-0 and on the way to the Governor.

- Medical marijuana. HB 2184: Medical Marijuana. Passed the House 79-42. Senate did not address but available for action during the 2022 session.
  - Several amendments were made on the House floor, including adding lupus as a qualified medical condition, allowing counties to opt out of allowing the cultivation, selling, or dispensing of medical marijuana, and creating a three-year cycle of review by the Marijuana Advisory Committee to be able to add or strike measures from the list of qualified medical conditions, among others.
  - The Senate did not act on the bill but it will be available for a hearing in 2022.
• SB 29 (Formerly SB 199) Short-term limited duration health plans.
  o Passed the Senate 29-11 and the House 68-51. A veto is expected and unlikely to be overridden based on the number of votes in the House.

• Prohibition on Vaccine Passports and Contact Tracing.
  o Two provisos were added to the budget that would restrict government entities from issuing vaccine passports. It also imposes restrictions on contact tracing as it relates to COVID-19. It is likely the Governor will line item these two provisions.
  o Language regarding the restriction on vaccination passports can be found on pages 36-37 of the conference committee report brief: http://www.kslegislature.org/li/b2021_22/measures/documents/ccr_2021_sb159_h_2272

Child Welfare/Child Safety

• The following four bills were bundled together in conference into HB 2158 and advanced prior to First Adjournment:
  o **HB 2448**: Permitting the Secretary for DCF to license certain family foster homes where a former foster care youth with juvenile adjudications resides.
  o This is a narrower version of HB 2149, which was stricken from the calendar after passing out of committee. This version just addresses children who have been in foster care, who have previous juvenile adjudication and have achieved permanency with a family wanting to continue fostering. Unlike HB 2149, this bill does not address caregivers who wish to have an exception for a prohibited offense.
  o Senate Public Health and House Children & Seniors Conference, at the request of the Senate, added a time frame of 6 months post adjudication before a new child could enter that home. The committee also agreed that DCF would report on this issue to the Joint Committee on Child Welfare System Oversight.
  o **HB 2115**: Establishing the Joint Committee on Child Welfare System Oversight.
  o The House committee amended the bill to add two members to the joint committee and modify the time frame during which the joint committee is required to meet.
  o **HB 2116**: Exempting the caregiver of a child in state out-of-home placement from the childcare assistance 20-hour-per-week work requirement.
  o **HB 2088**: Adrian’s Law (requiring visual observation by DCF or law enforcement of alleged abuse victim.
  o **HB 2158 passed the Senate 39-0 and the House 121-0 and is on its way to the Governor.**

Foster Care

• SB 51: Requiring KSDE and DCF to publish a Kansas foster care children academic report care.
  o Bundled into the compromise education bill HB 2134.