



## **Memorandum**

Date: March 4, 2022

Re: Legislative and Policy Report

### **Overview**

Week eight after the Turnaround break was short and saw little activity in either chamber, though many committees met to hear and work bills. There is much work to be done before March 18<sup>th</sup>, the last official day for committees to meet and work bills. Conference committees will meet the week of March 21<sup>st</sup>, and then both chambers will debate bills on the floor the week of March 28<sup>th</sup> before concluding by April 1<sup>st</sup> for First Adjournment.

### **Big Picture Issues**

With just two weeks left for committees to meet, there is no shortage of issues yet to be solved, including the following issues:

- The State Budget. The two budget committees are set to begin assembling their budgets within the next week, in advance of budget conference committee likely to begin the week of March 21<sup>st</sup>.
- State Food Sales Tax Exemption. There are still about eight bills in play when it comes to this topic, ranging from an immediate reduction to a 0% state rate, to a gradual, 3-year reduction in the state sales tax on food. Only one bill, SB 339, has passed out of committee, though the House Tax Committee is expected to advance its own version.
- Tax Policy, including property and income tax changes, including potentially increasing the standard deduction and allowing the carryforward of net operating losses. Regarding property taxes, there are a couple of bills making changes to last year's SB 13 which requires notice and public hearing requirements for a local government to exceed the revenue neutral rate. There are also a variety of bills aimed at property tax relief, including expanding the "SAFESR" program which provides property tax relief to seniors, as well as providing a homestead property tax refund to certain persons based on the increase in property tax over the base year property tax amount. In short, there is much tax policy yet to be decided upon.
- Debate prohibiting changes to Medicaid, medical marijuana, healthcare including vaccines and public health issues has yet to happen.
- Redistricting. While the congressional maps are now sitting in the courts, the Legislature is gearing up for debate on the state legislative district maps, which are expected to be released in the coming weeks.

### **Economic Development**

The large economic development package passed earlier in the session known as APEX should be resolved within the next two weeks. Resolution regarding whether Kansas is selected will have significant impact. If selected, over \$1.0 billion in revenue is removed from other tax

reduction and spending consideration. If Kansas is not selected, the legislative interest in both spending and tax cutting will intensify making the conclusion of the session more complex.

### February Tax Receipts

- February's tax collections continued to exceed estimates and totaled \$502.5 million, \$18.7 million above estimates. This is 10.2% above February 2021 collections. With each month's revenues continuing to exceed estimates, Governor Kelly continues urging the Legislature to pass a bill eliminating the state sales tax on food.

### More Constitutional Amendments

- The list of potential constitutional amendments to be placed on the 2022 ballots continues to grow. In addition to the anti-abortion amendment on the August ballot, there are a handful of other amendments that could be added to either the primary or general ballots. It is unlikely any advance:
  - HCR 5022 would propose a constitutional amendment requiring that a sheriff be elected in each county (with the exception of Riley County).
  - HCR 5014 would propose a constitutional amendment that provides for legislative oversight of rules and regulations adopted by executive branch agencies and officials.
  - SCR 1620 would require a supermajority for passage of certain bills for new or increased state taxes.
  - SCR 1621 would provide for Senate confirmation of State Supreme Court Justices and abolish the Supreme Court Nominating Commission.
  - SCR 1622 would provide for the direct partisan election of State Supreme Court Justices and abolish the Supreme Court Nominating Commission.

### Current Healthcare Issues

Both health committees were largely uneventful this week, and there was no movement on any of the major healthcare issues at this point, from APRNs to vaccines to prohibiting changes to Medicaid. Additionally, the Senate Public Health Committee held its confirmation hearing for Acting KDHE Secretary Janet Stanek and ultimately forwarded her confirmation, without recommendation, to the full Senate. While the Governor's appointees for various offices have received unfavorable recommendations in individual committees, the full Senate has, for the most part, ultimately approved the confirmations.

Next week, there will be significant conversation on two issues: 988 and the authority of local health officers, school districts, and local governments to respond to public health emergencies. The NSPL 988 bill (HB 2281) has a hearing in House Energy and Utilities on Thursday, March 10<sup>th</sup>. Senate Bill 541 would limit local authority to respond to public health emergencies and provide judicial relief through tax relief for businesses, has a hearing in Senate Judiciary on Monday. Another related bill, SB 489, removes certain regulatory authority concerning infectious or contagious diseases from the KDHE Secretary. SB 489 would also remove local health officers' authority to order any law enforcement officials to assist in the execution or enforcement of orders and would remove local health officers' current authority to prohibit public gatherings when necessary for the control of infectious disease. The bill will be heard in Senate Health on Tuesday, March 8<sup>th</sup>.

### Committee Activity this Past Week

- There was very little activity in either Health committee this week, and no activity in House Children and Seniors. Further, no health-related bills were debated in either chamber.
- Next week will see some significant hearings, noted as well as SB 501 which would create more work requirement barriers for individuals applying for SNAP benefits.

### KAAP Related Items

- Senate Health this week heard SB 460 CARE Providers, the companion bill to HB 2632. The bill was well-received by the committee and action on SB 460 is expected next week in committee. Additionally, HB 2632 was referred back to the full House and may be debated at any time.
- This week there was no movement on HB 2463 that extends current agreements and restricts changes to Medicaid.
- Senate Health this week heard SB 155 which would expand newborn screening services and increase transfers from the medical assistance fee fund to the Kansas newborn screening fund.
- SB 501: Imposing work requirements and training to receive food assistance, requiring state agencies to conduct cross-checks to verify public assistance recipient eligibility and to receive public assistance.
- As noted below, several upcoming hearings on public health issues, transgender discrimination, and schools.

### Upcoming meeting

Joint Committee on Child Welfare System Oversight hearing on Friday March 10<sup>th</sup>,

- Preliminary agenda:  
[http://kslegislature.org/li/b2021\\_22/committees/ctte\\_jt\\_child\\_welfare\\_ovst\\_1/documents/agenda/weekly/20220313.pdf](http://kslegislature.org/li/b2021_22/committees/ctte_jt_child_welfare_ovst_1/documents/agenda/weekly/20220313.pdf)

### **Legislation of Interest**

With this report, bills that are no longer eligible for action after February 23<sup>rd</sup> have been removed from the bill list. Only bills that are exempt (originating or being referred to an exempt committee) can see action after turnaround. Exempt committees are the funding committees, the tax committees, and the committees on federal and state affairs.

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/)

### Regulatory/Administrative

SB 200: Expanding the pharmacist's scope of practice to include point-of-care testing for and treatment of certain health conditions.

- Bill from 2021 session. Passed out of Senate and awaiting action in House.

SB 381 Allowing for the prescribing and dispensing of medications for off-label use to prevent and treat COVID-19 infections.

- Senate Health.
- Combined with SB 389 (personal vaccine exemption), passed to full Senate then returned to Committee without action.

Senate Sub for HB 2279 (formerly SB 454). Amending the advanced practice registered nurse authorized scope of practice to permit the prescribing of controlled substances without a supervising physician.

- Modeled after SB 174 from 2021 session, adds component of national certification, but does allow practice of medicine, prescribing authority all without collaborative practice agreement.
- Passed Senate Public Health and Welfare Committee, awaiting action in Senate.

### Public Health

SB 398. Requiring childcare facilities and schools to grant religious exemptions from vaccination requirements without inquiring into the sincerity of the religious beliefs.

- Senate Health.
- Combined with SB 381 (off-label prescribing and immunity), passed to full Senate then returned to Committee without action.

SB 406. Creating the back the blue act to authorize the issuance of protective orders to prohibit the acquisition and possession of firearms in order to reduce law enforcement officer deaths

- Senate Federal and State Affairs.
- Exempt, no hearing scheduled.

SB 466. Prohibiting certain acts by places of public accommodations based upon a person's vaccination status or possession of an immunity passport and prohibiting governing bodies of any city or county, public officials of any city or county and local health officers from requiring that a person wear a face mask based on an epidemic or other public health reason.

- Senate Judiciary Committee. Hearing attempted on 2/21.
- Exempt

SB 489: Removing certain regulatory authority concerning infectious or contagious diseases from the secretary of health and environment.

- Hearing in Senate Health 3/8.

SB 541: Limiting local response to public health emergency restrictions, allowing judicial review of grievances, and expands personal immunization exemption for public schools.

- Senate Judiciary hearing 3/7.

HB 2714: Prohibiting discrimination based on COVID-19 vaccination status under the Kansas act against discrimination.

- House Federal and State Affairs. Exempt and no hearing.

### Funding/Insurance

SB 155: Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund.

- The bill from 2021, hearing in Senate Health on March 3<sup>rd</sup>.

SB 399. Adding maternity centers to the definition of healthcare provider for purposes of the healthcare insurance provider availability act.

- Senate Financial Institutions and Insurance.
- Passed Senate.

SB 501: Imposing work requirements and training to receive food assistance, requiring state agencies to conduct cross-checks to verify public assistance recipient eligibility and to receive public assistance.

- Senate Health hearing 3/10.

HB 2463: Prohibits changes to KanCare Medicaid and requires the extension of the current program.

- House Health, after several efforts, passed to full House with one year extension of KanCare contracts, mandatory legislative oversight of any changes to Medicaid.
- Blessed for action after turnaround.

#### Other Health Related

HB 2665. Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.

- House Federal and State Affairs.

HCR 5024: Governor's Medicaid expansion plan.

HCR 5024: Governor's recreational marijuana bill.

HCR 5026: Governor's medical marijuana bill.

#### Children/Youth

HB 2515. Creating a mechanism to seek relief from the Kansas offender registration act requirements for drug offenders and allowing expungement of offenses when such relief is granted.

- House Corrections and Juvenile Justice Committee.
- Passed Committee and passed the House.

HB 2632. Requiring a forensic medical evaluation of an alleged victim of child abuse or neglect as part of an investigation, creating a program in the department of health and environment to provide training and payment and defining child abuse review and evaluation providers, networks and examinations and child abuse medical resource centers.

- House Children and Seniors, hearing 2/16, passed committee, on House floor awaiting action.
- Blessed for action after turnaround.

HB 2700: Require DCF to review certain needs and attachments of a child before giving consent for an adoption and the court to determine such review occurred.

- Hearing in House Children and Seniors.

- Blessed for action after turnaround.

SB 460. Requiring a forensic medical evaluation of an alleged victim of child abuse or neglect as part of an investigation, creating a program in the department of health and environment to provide training and payment and defining child abuse review and evaluation providers, networks and examinations and child abuse medical resource centers.

- Senate Health, hearing on 3/2.

SB 484: Transgender discrimination in women’s sports to require biological designation of birth certificate to determine athletic participation.

- Senate Education Committee, hearing on Monday 3/7

### **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://kslegislature.org/li/b2021\\_22/chamber/calendars/](http://kslegislature.org/li/b2021_22/chamber/calendars/)

Additionally, all hearings are now available online 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/>

*Monday, March 7<sup>th</sup>.*

Senate Judiciary. 10:30 AM.

- Hearing on SB 541: Limiting local response to public health emergency restrictions, allowing judicial review of grievances, and expands personal immunization exemption for public schools.
  - [http://kslegislature.org/li/b2021\\_22/measure/sb541/](http://kslegislature.org/li/b2021_22/measure/sb541/)

Senate Fed & State Affairs. 10:30 AM.

- Hearing on SB 522: Standardizing firearm safety education programs in school districts.

Senate Education. 1:30 PM.

- Hearing on SB 484: Transgender discrimination in women’s sports to require biological designation of birth certificate to determine athletic participation.

*Tuesday, March 8<sup>th</sup>.*

Senate Health. 8:30 AM.

- Hearing on SB 489—Removing certain regulatory authority concerning infectious or contagious diseases from the KDHE Secretary.
- Final action on bills.

House Tax. 3:30 PM.

- Hearing on HB 2721: Sales tax exemption for sales of over-the-counter drugs.

*Wednesday, March 9<sup>th</sup>.*

Senate Health. 8:30 AM.

- Final action on bills.

House Appropriations. 9:00 AM.

- Budget presentation on KDADS and DCF budget recommendations.

Children & Seniors. 1:30 PM.

- Presentation on Oral Health Impact on Children & Senior Citizens.

*Thursday, March 10<sup>th</sup>.*

Senate Health. 8:30 AM.

- Hearing on SB 501: Imposing work requirements and training to receive food assistance, requiring state agencies to conduct cross-checks to verify public assistance recipient eligibility and to receive public assistance.

House Energy, Utilities & Telecommunications. 9:00 AM.

- Hearing on fee portion only of HB 2281 NSPL.

*Friday, March 11<sup>th</sup>.*

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

- Preliminary agenda:

[http://kslegislature.org/li/b2021\\_22/committees/ctte\\_jt\\_child\\_welfare\\_ovst\\_1/documents/agenda/weekly/20220313.pdf](http://kslegislature.org/li/b2021_22/committees/ctte_jt_child_welfare_ovst_1/documents/agenda/weekly/20220313.pdf)