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NEWSLETTERS



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June 5, 2020

WEEK IN REVIEW

This week we saw major legislative developments daily.

On Monday, the Legislative Post Audit Committee authorized an audit of the handling of unemployment COVID-19-related claims generated by the Kansas Department of Labor. The Kansas Department of Revenue released the May Kansas revenue numbers, which were almost \$110 million less than May of 2019. In late April, the Consensus Estimating Group slashed the consensus revenue estimates, but the May numbers were higher than the downward April estimate by \$27.8 million. We saw some surprises at the last minute with the August primary filing deadline. Governor Laura Kelly vetoed three bills.

On Tuesday, the House and Senate Judiciary Committees met to work on compromise COVID-related legislation worked on by the governor and legislative leaders.

The Special Session started on Wednesday and lasted through Thursday afternoon. Compromise legislation addressing the COVID-19 concerns noted by the governor and legislators passed both chambers and the Governor promised to sign it.

AUGUST PRIMARY SLATE

The field is now set for the August primary, with the Congressional contests attracting the most attention. In the U.S. Senate race to replace retiring Sen. Pat Roberts, Republican primary voters will have a choice among 11 Republican candidates and Democratic primary voters will have two Democratic candidates. Senate President Susan Wagle withdrew from the race. In the 3rd Congressional District represented by incumbent Democratic Congresswoman Rep. Sharice Davids, the Republican primary will feature five candidates vying to face her in the November election.

All 165 House and Senate seats are up for election. There are six Senators and 32 House seats that have no primary or general election opponents. There are nine members of the Kansas House of Representatives running for seats in the Kansas Senate. Among the last-minute surprises were the retirements of two former House Majority

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Leaders: Don Hineman and Jene Vickery. Rep. J.R. Claeys (R-Salina) filed at the last minute to run for the Senate against Sen. Gary Hardy (R-Salina). The Secretary of State's list of primary election candidates provides more information.

SPECIAL SESSION

Last Friday, the Governor's Office and legislative leaders started exploring potential compromises on the vetoed pandemic-related legislation which lasted into this week. The House and Senate Judiciary Committees met on Tuesday and Wednesday to discuss and review the compromise COVID-related legislation. On Wednesday afternoon and evening, the House of Representatives debated the COVID-19 response bill (House Bill 2016). The Republican majority was able to fend off all amendments including an attempt to add Medicaid expansion. The only amendment added was a technical grammatical change. The bill passed 107-12. While other bills were introduced and a few worked by committees, the only bill debated in either chamber was the pandemic response bill.

On Thursday, the key vote in the Senate was on a motion to call the question by Senate Majority Leader Jim Denning. It effectively prevented debate and amendments. Sen. Denning argued that the Senate Judiciary Committee had held two days of committee hearings on the measure. He argued that the compromise bill was a significant improvement over the bill that passed during the veto session (Senate Substitute for HB 2054) and then was vetoed by the governor. The procedural motion to call the question narrowly passed 19-17, which advanced the bill to final action over the objections of some senators. The Senate passed the bill by a vote of 26-12 and adjourned. The House quickly followed. Gov. Kelly has pledged to sign the bill.

Among the significant changes included in HB 2016 from S. Sub for HB 2054 were:

- CARES Act (federal relief funding for states) expenditures are now approved by the State Finance Council (chaired by the Governor) instead of the Legislative Coordinating Council (composed of legislators).
- The Kansas Emergency Management Act (KEMA) was updated and added ratification of the current state emergency declaration until September 15, 2020, with extension requiring State Finance Council approval. Counties can adopt less stringent restrictions.
- School closures by executive order will require approval by the State Board of Education.
- HB 2016 contains liability immunity for businesses and hospitals in certain cases and an affirmative defense from liability for nursing homes under certain circumstances. Nursing homes and disability providers were removed from the definition in the health immunity section. Community colleges and technical schools were removed from the definition in the business immunity section of the bill. This provides an explanation of the bill provided by the Kansas Legislative Research Department.

Kansas Legislative Insights is a publication developed by the Governmental Relations & Public Policy Law practice group of Foulston Siefkin LLP. It is designed to inform business executives, human resources and governmental relations professionals, and general counsel about current developments occurring in current Kansas legislation. Published regularly during the Kansas legislative session, it focuses on issues involving health care, insurance, public finance, taxation, financial institutions, business & economic development, energy, real estate & construction, environmental, agribusiness, employment, and workers compensation. Bill summaries are by necessity brief, however, for additional information on any issue before the Kansas Legislature, contact Foulston Siefkin's Governmental Relations & Public Policy Law practice group leader, James P. Rankin at 785.233.3600 or jrankin@foulston.com.

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As a partner at Foulston Siefkin, Jim's practice focuses on employee benefits law relating to public, private, governmental, and tax-exempt organizations. A large part of his work involves insurance regulatory and compliance issues in many industries, including healthcare. Jim has been selected by his peers for inclusion in The Best Lawyers in America® and the Missouri & Kansas Super Lawyers® list. He is the firm's representative with State Law Resources, Inc., a national network of independent law firms selected for their expertise in administrative, regulatory, and government relations at the state and federal level.

Gary, a governmental affairs consultant to Foulston Siefkin's Governmental Relations & Public Policy practice group, provides legislative monitoring and lobbying services for Foulston's governmental relations clients. He holds a bachelor of science degree in history and political science from Southwestern College and a master's degree in labor economics from Wichita State University. Throughout his extensive career, Gary has served as CLE Director to the Kansas Bar Association and as Executive Director of the Kansas Optometric Association.

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