



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | MARCH 19, 2021

March 19, 2021

WEEK IN REVIEW

This week, legislative committees concentrated on hearing and working on bills from the other chamber. We saw the House kill a Senate bill for the first time this session, and we saw the first major appropriations bill pass 24-13 in the Senate. Gov. Kelly criticized the use of federal COVID funding, rather than Kansas tax dollars, to cover as much as \$568 million in public education in the two-year budget.

With Executive Orders expiring at the end of the month, the House and Senate Conference Committee reached an agreement on SB 40 on Monday. SB 40 updates the Kansas Emergency Management Act and limits the powers of the governor. After two weeks of discussion between House and Senate leaders, with input from Gov. Kelly, the Legislature approved the conference committee report on the Kansas Emergency Management Act in both chambers on Tuesday. The Act limits the governor's authority to issue Emergency Orders. This legislation requires the Legislative Coordinating Council to approve gubernatorial action designed to reduce the impact of state emergencies, makes clear that school districts will manage their own emergency responses, and allows county commissions to amend or reject any emergency orders. The bill adds the Senate Vice President to the Legislative Coordinating Council, assuring an even number of members from each chamber. The Conference Committee Report passed the House 118-5 and the Senate 31-8.

Next week is the last opportunity for non-exempt bills from the other chamber to be considered in non-exempt committees.

COMMITTEE ACTION

The Senate Commerce Committee spent three days on Substitute for House Bill 2196 on modernizing the Kansas Employment Security Law and unemployment insurance. The Senate Commerce Committee will "work" (i.e., discuss, debate, and vote on) the bill next week.

On Wednesday, the Senate Federal and State Affairs Committee started bundling various liquor bills. The Senate Judiciary Committee passed House Bill 2126, providing for immunity from civil liability for COVID-19 claims for adult care homes, community mental health centers, crisis intervention centers, community service providers, and

FOULSTON

ATTORNEYS AT LAW

community developmental disability organizations. Gov. Kelly vetoed the protection for nursing homes last session.

On Thursday evening, the House Appropriations Committee finished their mega budget bill. It is a Substitute for HB 2397.

On Thursday, the House Federal and State Affairs Committee heard Senate Bill 84 on sports gaming. Kansas casinos are supporting the measure to legalize and regulate online and casino sports gambling. Lobbyists representing state lottery retailers and greyhound racing tracks asked to be included in the bill.

Next Tuesday, the House Federal and State Affairs Committee is hearing House Bill 2184, creating the Kansas Medical Marijuana Regulation Act.

HOUSE AND SENATE FLOOR DEBATE

On Tuesday, the House of Representatives rejected Senate Bill 235. It required school districts to provide for a full-time, in-person attendance option by March 26. The roll call vote was 55 yeas and 69 nays. Republicans, concerned about a loss of local control, joined Democrats to reject this largely symbolic measure. Senate Bill 235 had no penalties for the few remaining school districts that are remote learning only.

On Wednesday, Senate Bill 208, banning transgender girls and women from sports, generated several hours of heated floor debate. SB 208, as amended, would create the Fairness in Women's Sports Act and require interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by public educational institutions to be designated based on biological sex. The bill passed 24-10.

On Thursday, the House passed (75-47) requirements for public school districts to offer firearms safety and education classes for K-12 students. If school districts decide to offer the classes, the State Board of Education would basically approve guidelines from the Eddie Eagle program offered by the National Rifle Association for grades K-5. Older students would have the option of hunter education programs. The House also rejected a bill that would have handed the State Fire Marshall's Office expanded law enforcement authority when dealing with fires.

HOUSE COVID-19 SOCIAL DISTANCING UPDATE

On Thursday, the Kansas House of Representatives reopened the east gallery of the chamber to the public. Since January, 40 House members have been seated in the east gallery as a social distancing precaution. With more of the 125 House members receiving the vaccine, this precaution was viewed as no longer necessary. It will allow observers to once again follow House deliberations from the gallery, rather than virtually.

BILL INTRODUCTIONS

EDUCATION

HB 2287 – As recommended by the House Committee on Commerce, Labor, and Economic Development, would provide for certain scholarships as first reported on Feb. 12, 2021. The bill passed on Final Action; Yea: 115; Nay: 9, and has now been referred to the Senate Committee on Education, Sen. Molly Baumgardner, Chair. A hearing is scheduled for this matter on March 23, 2021.

SB 208 – As amended by the Senate Committee of the Whole, would require female student athletic teams in public schools to only include students whose biological gender is female. This bill passed on emergency final action; Yea: 24, Nay: 10.

TAXATION

HB 2219 – As recommended by the House Committee on Commerce, Labor, and Economic Development, would establish a tax credit for certain employers that employ individuals with developmental disabilities. The bill passed on Final Action; Yea: 123; Nay: 1, and now has been referred to the Senate Committee on Commerce, Sen. Robert

Olson, Chair.

HB 2316 – Would eliminate the prohibition on surcharges for certain financial institutions when payments are made with debit or credit cards. Referred to the House Committee on Taxation, Rep. Adam Smith, Chair. The Committee recommended this bill be passed.

HB 2437 – Would create an income tax credit for family caregivers of disabled veterans. This bill was referred to the House Committee on Taxation, Rep. Adam Smith, Chair.

COURT, LAWS, AND REGULATIONS

Sub. For HB 2089 – Would create law relating to firearm safety educational courses within public school districts. This bill was passed on final action; Yea: 75, Nay: 47.

HB 2236 – As amended by the House Committee of the Whole, would make similar changes to valuation methods concerning certain real property in rural counties as reported on Feb. 12, 2021. This bill was passed on final action; Yea: 122, Nay: 0.

Sub. For SB 267 – As amended by the Senate Committee of the Whole, would make appropriations for fiscal years 2021 through 2024 for various state agencies. This bill was passed on final action; Yea: 24; Nay: 13.

INSURANCE

SB 37 – As amended by the Senate Committee of the Whole, would make similar changes to insurance licensure requirements as reported on Feb. 26, 2021. This bill was passed by emergency final action; Yea: 31, Nay: 6.

HEALTHCARE

SB 77 – As amended by the Senate Committee of the Whole, would make changes to the licensure requirements of audiology and speech pathology as reported on Feb. 18, 2021. This bill was passed on final action; Yea: 119, Nay: 3.

SB 295 – Would make similar changes to COVID-19 vaccination plans as reported on March 12, 2021. Referred to the Senate Committee on Public Health and Welfare, Sen. Richard Hilderbrand, Chair. The Committee recommended the bill be passed.

SB 175 – As amended by the Senate Committee of the Whole, would make similar changes to rural emergency hospitals as first reported on Feb. 26, 2021. The bill passed on Final Action; Yea: 39; Nay: 0, and is now referred to the House Committee on Health and Human Services. Rep. Brenda Landwehr, Chair. The House Committee has recommended the bill be passed.

HB 2436 – Would amend laws relating to medical assistance eligibility and expansion. This bill was referred to the House Committee on Federal and State Affairs, Rep. John Barker, Chair.

SB 170 – Would amend existing laws to remove the July 1, 2021, sunset date for the Advisory Committee on Trauma and of the Kansas Department of Health and Environment and regional trauma councils, regarding the ability to conduct closed session meetings when reviewing trauma cases and any records or findings that are privileged. Referred to the Senate Committee on Public Health and Welfare, Sen. Richard Hildebrand, Chair. The bill passed on Final Action; Yea: 39; Nay:0 and was referred to the House Committee on Health and Human Services, Rep. Brenda Landwehr, Chair. The bill passed on Emergency Final Action; Yea:98, Nay:23.

Sub for SB 238 – Would amend laws to establish certification and funding processes for certified community behavioral health clinics and prescribe the powers, duties, and functions of the Kansas Department for Aging and Disability Services and the Kansas Department of Health and Environment with regard to CCBHCs. The bill would also authorize a licensed out-of-state physician with a telemedicine waiver issued by the State Board of Healing

FOULSTON

ATTORNEYS AT LAW

Arts to practice telemedicine in Kansas. The bill would also amend the disciplinary authority of the Behavioral Sciences Regulatory Board and modify licensure and temporary permit requirements of professional counselors, social workers, marriage and family therapists, addiction counselors, psychologists, and master's level psychologists. Referred to the Senate Committee on Public Health and Welfare, Sen. Richard Hilderbrand, Chair. The Substitute bill passed on Emergency Final Action; Yea:38, Nay: 1, and was referred to the House Committee on Health and Human Services, Rep. Brenda Landwehr, Chair. The Committee recommended the bill be passed as amended.

EMPLOYMENT

HB 2434 – Would, among other things, require certain employers to register and use the federal e-verify program for employment purposes. Referred to the House Committee on Federal and State Affairs. Rep. John Barker, chair.

BANKING AND FINANCE

SB 178 – As amended by the Senate Committee of the Whole, would make similar changes to certain financial institutions as reported on Feb. 26, 2021. This bill was passed on final action; Yea: 121, Nay: 1.

TRANSPORTATION

Sub. For SB 99 – Would amend law regarding vehicle dealer license requirements and display shows. The bill passed on Consent Calendar; Yea: 36; Nay: 1, and the bill was referred to the House Committee on Transportation, Rep. Richard Proehl, Chair. The Committee has reported the substitute bill be passed.

HB 2007 – Would amend laws concerning the regulation of the Kansas Corporation Commission of Motor Carriers and updating and eliminating certain procedures for obtaining certificates of convenience and necessity and certificates of public service. Referred to the House Committee on Transportation, Rep. Richard Proehl, Chair. The bill passed on Final Action; Yea: 122; Nay: 0, and was referred to the Senate Committee on Transportation, Sen. Mike Peterson, Chair. The Committee recommended the bill be passed as amended.

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 healthcare, 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. Learn more about the authors below:

James (Jim) P. Rankin

Co-Editor and Governmental Relations & Public Policy Law Team Leader
785.806.3600
jrankin@foulston.com | [View Bio](#)

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,

FOULSTON

ATTORNEYS AT LAW

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 L. Robbins

Co-Editor and Governmental Affairs Consultant
785.640.2651
garyrobbinsconsulting@gmail.com

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.

C. Edward Watson, II

Contributing Author and Governmental Relations & Public Policy Law Partner
316.291.9589
cewatson@foulston.com | View Bio

As a partner at Foulston Siefkin, Eddie represents clients in matters before state regulatory commissions, courts, and local governmental bodies. He has built and maintained relationships with key individuals – including lobbyists, elected and appointed officials, and staff members – that prove valuable in advancing clients' interests and issues. Drawing on his experience as a regional governmental affairs attorney for AT&T in Chicago, he helps clients navigate the maze of federal policies and agencies, advises on how processes work in Washington, and provides introductions to those who can help them accomplish their goals.

This update has been prepared by Foulston Siefkin LLP for informational purposes only. It is not a legal opinion; it does not provide legal advice for any purpose; and it neither creates nor constitutes evidence of an attorney-client relationship.

PRACTICE AREAS

- Government Affairs & Public Policy Law