



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | NOVEMBER 18, 2021

November 18, 2021

SPECIAL SESSION STARTS ON MONDAY

On Mon., Nov. 22, Kansas will have the 24th Special Session of the Legislature in our history to address protections for employees refusing to comply with federal vaccine requirements. It is the first time in Kansas history that the legislature forced the governor to call a special session, with petitions signed by 86 House members and 29 Senate members. All are Republicans except for one Democrat. An earlier petition effort failed after Republican leaders expressed concern about the cost of a special session and agreed to appoint an interim committee to address the issues.

On Nov. 12, the Special Committee on Government Overreach and the Impact of COVID-19 Mandates recommended three bills for consideration next week. Among the issues addressed are carving out exemptions for those who oppose the mandates for medical or religious reasons and providing unemployment compensation for those who lose their jobs due to the refusal to be vaccinated. The Kansas business community has expressed concerns about the potential impact on the unemployment compensation system.

The last special session was held for two days in 2020 to address the pandemic. The first special session was in 1874 to address a grasshopper plague killing crops.

KANSAS REVENUE PICTURE

October marked the 15th consecutive month of state revenues exceeding the estimates, according to the Kansas Department of Revenue. October numbers exceeded the estimates by \$103 million, or 18.6%. Secretary of Revenue Mark Burghart noted: "The difficult steps taken early on in the COVID-19 pandemic have helped the state's economy not only rebound quicker than expected but has also moved the state towards a sustainable and healthy economic future."

On Nov. 10, the Consensus Revenue Estimating Group (CREG) met to project the revenue used by the governor and the legislature to set the state budget for the remainder of the current fiscal year and the fiscal year 2023 starting July 1, 2021. The CREG is comprised of staff from the Department of Revenue, Division of Budget, Legislative Research Department, and economists from the University of Kansas, Kansas State University, and

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Wichita State University. The CREG predicted the current fiscal year would see a \$1.3 billion increase in tax revenues over the 2020 estimate and an additional \$178 million in tax revenue for fiscal year 2023 starting July 1. Practically speaking, the CREG estimates are the baseline or starting point for the governor and legislature in assembling the budget.

During the 2022 session, there will be no shortage of ideas for tax-cutting and spending measures in an election year. Both leading candidates for governor have expressed support for eliminating or reducing the sales tax on food.

INTERIM COMMITTEES

Interim Committees are finalizing their recommendations for the 2022 Legislature. The Liquor Modernization Committee completed its work with recommendations to introduce bills on expanding liquor sales at the state fair, farm wineries, alcoholic candy, and urban wineries.

On Nov. 15, the Joint Committee on Administrative Rules and Regulations discussed new workers compensation regulations by the Department of Labor Division of Worker Compensation. Business interests expressed their opposition to the regs, which they argued lacked statutory authority. Republican legislators expressed their opposition, and several mentioned that the Legislature needs veto authority over administrative rules and regulations. The Joint Committee regularly reviews state agency rules, with the ability to express concerns and introduce corrective legislation if needed.

The Joint Committee on Child Welfare System Oversight expressed frustration with Gov. Laura Kelly's Oct. 4 Executive Order creating a Division of the Child Advocate. It is separate from the state's existing child support and protection programs. Last session, the Legislature considered a similar bill, but it did not pass. The failed measure would have required the Attorney General to appoint the advocate subject to Senate approval.

JENNINGS SUCCESSOR SELECTED

Last night, precinct committee officials from the six counties comprising House District 122 selected Finney County GOP Chair William Clifford to succeed the late Rep. Russ Jennings, R-Lakin. Dr. Clifford is an ophthalmologist practicing in Garden City. The selection will allow him to be sworn into office on Nov. 22 in time for the Special Legislative Session.

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:

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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.

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PRACTICE AREAS

- Governmental Affairs & Public Policy Law