

Weekly Legislative Report -----Kansas Legislature 2021

January 18-22, 2021

Legislators were scheduled to return to Topeka for the second week of the legislative session on Tuesday after the Martin Luther King Jr. holiday. However, Governor Laura Kelly announced Monday evening that all state offices were closed on Tuesday and Wednesday due to “credible threats” to state capitols across the country leading up to President Biden’s inauguration. While the Statehouse was not officially closed to legislators, they were strongly advised to stay out of the building. Committee chairs were asked to reschedule hearings if they can or to conduct as much business as possible remotely if they can’t. This resulted in most hearings postponed and very little lawmakers in the Statehouse until Thursday.

If things felt rushed last week, this week’s closure made things much worse. Legislators are rushing to get bills introduced and hearings scheduled before looming deadlines and in fear of a COVID-19 outbreak causing a complete shutdown of the legislative session.

Significant Dates and Events

Monday, February 1st

Last day for member or members to REQUEST bill drafts from Revisor's office.

Monday, February 8th

Last day for non-exempt Committees to REQUEST bill drafts from the Revisor's office.

NOTE: This is the last day requests for introduction can be on nonexempt committee agendas.

Wednesday, February 10th

Last day for Individuals to INTRODUCE bills in originating chamber. NOTE: Bills must be submitted to chamber staff during daily session for Introduction.

COVID Emergency Extension to Governor

After the Senate’s approval of [Senate Bill 14](#) last week, it was the House’s turn to consider the extension of the governor’s state of emergency declaration. The House Judiciary Committee was one of the few committees that still met on Tuesday to hear this bill before it moved to the full floor on Thursday. The House passed the measure 119-3, and SB 14 is now headed to the governor’s desk.

As reported last week, SB 14 is an extension of House Bill 2016 that passed during the 2020 Special Session. In addition to extending the emergency



declaration from January 26 to March 31 of this year, it also includes several liability protections for healthcare workers and businesses in response to the COVID-19 pandemic. The intent is to buy the legislature a little time to consider more long-term changes to the Kansas Emergency Management Act.

Value Them Both Constitutional Amendment

Both the House Federal and State Affairs and Senate Judiciary Committees held full hearings on the Value Them Both constitutional amendment late last week. The bill would affirm that there is no Kansas constitutional right to an abortion and reserves to the people of Kansas, through their elected state legislators, the right to pass laws to regulate abortion.

The House spent three hours debating [House Concurrent Resolution 5003](#) on Friday morning, ultimately passing the measure 86-38. A constitutional amendment requires a two-thirds majority vote of each chamber before appearing on a statewide ballot.

The Legislature considered the proposal during the 2020 session, but it stalled after the House failed to get the two-thirds majority vote for adoption. The Value Them Both amendment is at the top of both House and Senate leadership's priority lists this year, now that both chambers have supermajority numbers.

Property Tax and Federal Decoupling

The House Taxation Committee was scheduled to hear [Senate Bill 13](#) on Wednesday but postponed the hearing to next Tuesday after the Statehouse shutdown this week. The bill is one of several bills vetoed by Governor Kelly last year and is also at the top of leadership's agenda. The proposal repeals the current property tax lid and requires "Truth in Taxation" notice and public hearings prior to a local governing body exceeding their property tax revenue from the previous year. It passed the Senate last week 34-1.

The Senate Assessment and Taxation Committee heard [Senate Bill 22](#) on Thursday, which is essentially the Kansas Chamber's decoupling bill from last year with a few new provisions added. SB 22 would decouple Kansas from a number of federal corporate tax policies following the 2017 Tax Cuts and Jobs Act and would allow state itemization of tax returns regardless of whether or not taxpayers itemize on their federal returns. Americans for Prosperity, the Kansas Bankers Association, the Kansas REALTORS Association, and the National Federation of Businesses testified in favor of the bill. Chairwoman Caryn Tyson (R-Parker) intends to work SB 22 in committee next week.



Economic Recovery Loan Deposit Program

The Senate Financial Institutions Committee held a hearing on [Senate Bill 15](#) on Thursday, which would enact the Kansas Economic Recovery Loan Deposit Program. The proposal would repurpose \$60 million of idle state funds toward low-interest loans to businesses affected by COVID-19.

Newly appointed Kansas State Treasurer and former Lieutenant Governor Lynn Rogers offered neutral testimony as his office will be administering the new loan program. The idea was introduced by the Kansas Bankers Association and supported by a number of business organizations.

State Budget Review

It was a light week for budget committees in both chambers. The Senate Ways and Means Committee reviewed audits reported from Legislative Post Audit (LPA), and the House Appropriations Committee held a hearing on capping abandoned oil and gas wells.

The LPA sends its reports to different committees after they're published, and the budget committees are usually at the top of that list. House Appropriations will likely have a day reviewing audit reports next week.

The well plugging bill hearing was essentially a do-over from last year. This new language is nearly identical to what the committee heard and passed last year. Due to the abrupt adjournment of the 2020 session, there will likely be a number of bills like this. Proposed legislation has a two-year life span in the legislative process, and the legislature is on a new cycle for 2021-2022.

Review of Economic Development Incentive Programs

Lawmakers received an overview this week of the Kansas Department of Commerce's incentive programs by Secretary David Toland. He also gave Legislators an update on the challenges they've faced from COVID-19, how the Department responded, and recommendations moving forward.

Secretary Toland presented to the Senate Commerce Committee on Thursday a comprehensive review of each program's purpose, metrics, return on investment, and current projects enrolled. Programs reviewed were: Promoting Employment Across Kansas (PEAK), High Performance Incentives Program (HPIP), Rural Opportunity Zones, Job Creation Fund, Kansas Industrial Training and



Retraining, Community Development Block Grants, Community Service Tax Credit, Sales Tax Revenue (STAR) Bonds, and the Angel Investor Tax Credit.

Kansas Department of Health and Environment Report on Vaccines

A joint hearing of the House Health and Human Services and Senate Public Health and Welfare Committees was held on Tuesday. Kansas Department of Health and Environment (KDHE) Secretary Dr. Lee Norman answered dozens of questions from legislators for a full hour. Part two of the joint hearing is scheduled for next Tuesday.

Lawmakers did not hide their frustration with the administration's vaccine distribution plan and the lack of communication from KDHE to healthcare providers, legislators, and constituents. Most questions dealt with vaccine prioritization of inmates over seniors, inconsistent information from local health departments, lack of sufficient vaccines allocated to Kansas, and confusion around which, when and when long term care facilities can get the vaccine.

		buildings or improvements destroyed or substantially destroyed by natural disaster		Scheduled Hearing in Taxation: Thursday, 1/21, 9:30 AM, Rm 548-S	
SB 32	Senate Education Committee	Authorizing school districts to pay the tuition for a student's dual or concurrent enrollment in a postsecondary educational institution and requiring a tuition waiver for foster children who are dually or concurrently enrolled	In Senate Education	01/20/2021 - Senate Scheduled Hearing in Education: Wednesday, 1/27, 1:30 PM, Rm 144-S	
SB 34	Senate Federal and State Affairs Committee	Sunsetting administrative rules and regulations five years after adoption unless extended by the legislature	In Senate Federal and State Affairs	01/21/2021 - Senate Scheduled Hearing in Federal and State Affairs: Tuesday, 1/26, 10:30 AM, Rm 144-S	

SB 43	Senate Education Committee	Creating the Kansas promise scholarship act to provide postsecondary educational scholarships for certain two-year associate degree programs, career and technical education certificates and other stand alone-programs	In Senate Education	01/22/2021 - Senate Scheduled Hearing in Education: Monday, 1/25, 1:30 PM, Rm 144-S	
SB 44	Senate Education Committee	Expanding the low-income family postsecondary savings accounts incentive program to include military servicemembers and veterans and allowing contributions by charitable organizations	In Senate Ways and Means	01/22/2021 - Senate Referred to Ways and Means	
HB 2003	Jim Kelly, R-11th	Providing for county treasurers to establish a payment plan for the payment of delinquent or	In House Taxation	01/12/2021 - House	

		nondelinquent taxes		Referred to Taxation	
HB 2023	Ron Highland, R-51st	Changing to an eight-year simple average when determining values of agricultural land for purposes of property taxation	In House Taxation	01/12/2021 - House Referred to Taxation	
HB 2045	Stephen Owens, R-74th	Revising the Kansas angel investor tax credit act with respect to the definition of qualified securities, tax credit limitations and amounts, investor requirements and extending the date that credits may be allowed	In House Commerce, Labor and Economic Development	01/20/2021 - House Scheduled Discussion & Action in Commerce, Labor and Economic Development: Thursday, 1/28, 1:30 PM, Rm 346-S	
HB 2048	House Federal and State Affairs Committee	Extending certain provisions of the governmental response to the COVID-19 pandemic in Kansas and providing certain relief related to health,	On General Orders in House	01/19/2021 - House	

		welfare, property and economic security during this public health emergency		Committee Report recommending bill be passed as amended by Judiciary	
HB 2058	House Federal and State Affairs Committee	Allowing reciprocity to recognize out-of-state licenses to carry a concealed handgun	In House Federal and State Affairs	01/21/2021 - House Scheduled Hearing in Federal and State Affairs: Wednesday, 1/27, 9:00 AM, Rm 346-S	
HB 2063	Joint Committee on Pensions, Investments and Benefits	Providing certain KP&F tier II spousal and children's benefits for death resulting from a service-connected disability	In House Insurance and Pensions	01/20/2021 - House Scheduled Hearing in Insurance and Pensions: Monday, 1/25, 3:30 PM, Rm 218-N	
HB 2085	House Education Committee	Creating the students' right to know act to provide information on postsecondary education options	In House Education	01/22/2021 - House Referred to Education	
HB 2101	House Appropriations Committee	Extending transfers from the expanded lottery act revenues fund to the university engineering initiative	In House Appropriations	01/21/2021 - House Referred to Appropriations	