



Ad Astra Review

A WEEKLY UPDATE FROM THE SPEAKER'S OFFICE

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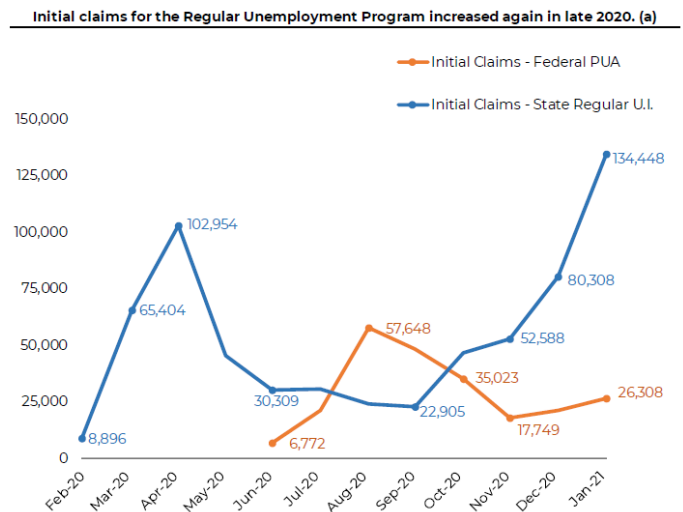
Audit unveils serious problems in Department of Labor

On Wednesday, the Legislative Post Audit Committee reviewed [the findings](#) from an independent audit of how the Kansas Department of Labor (KDOL) has handled unemployment claims during COVID-19. The [audit](#) was initially requested by the committee to investigate a myriad of issues taking place at KDOL, mainly around Kansans being unable to access the unemployment system and receive benefits.

KDOL's Payout of Fraudulent Claims

Key findings from the audit reveal serious fraud:

- Of the unemployment benefits KDOL paid out in 2020, about \$600 million (24% of claims) could have been fraudulent.
- Kansans could owe taxes on benefits they never filed or received because of fraudulent claims, if not reported to or stopped by KDOL.
- The state's unemployment trust fund balance has declined 75% in one year, from \$1 billion in January 2020 to \$247 million in January 2021.
- Kansas employers, including schools and not-for-profits, could be financially responsible for fraudulent claims filed.



(a) Monthly totals for initial claims only. This figure does not include continuing claims filed by claimants already receiving benefits.

Source: 2020 and 2021 KDOL Weekly Claims Reports (Unaudited).

The fraud portion of the audit encompasses data from 2020 and does not yet include an analysis of 2021. However, based on the spike of initial claims at the beginning of 2021 (see graph), the \$600 million estimate of paid fraudulent claims is expected to be higher once Legislative Post Audit has reviewed the 2021 data.

KDOL's Lack of Responsiveness on Legitimate Claims

Earlier this year, legislators were instructed to relay information to KDOL about Kansans having trouble accessing unemployment benefits. Legislators were initially told their constituents would be called within a few business days, but that timeline evolved to 5-7 business days, and has now jumped to over two weeks. This issue has been looming since the beginning of the pandemic with many Kansans unable to get through to anyone at the KDOL.

With the audit findings, a lack of identifiable improvements over the past year, the possibility that Kansas employers could be held financially responsible for KDOL's pay-out of fraudulent claims,

many have expressed concern about the ability of the Governor's administration to adequately address the problems. In response, the House is working on [House Bill 2196](#), which is aimed at driving immediate and long-term solutions at KDOL so that it can provide relief, as intended, to all Kansans who are struggling to receive their benefits. It is unconscionable that KDOL has been able to pay-out so many fraudulent claims while at the same time failing to pay-out claims to Kansans with legitimate claims.



House and Senate Republicans partner with Attorney General on plan to restore regulatory oversight

On Tuesday, House and Senate Leadership joined with Attorney General Derek Schmidt to announce introduction of a Constitutional amendment on regulatory oversight. The amendment would restore oversight to the rules and regulations process in Kansas, putting the elected representatives of the people back in charge of that process rather than unelected bureaucrats.

“Our government was built on the premise of three separate, but equal branches,” said Speaker of the House Ron Ryckman (R-Olathe). “But, in recent years, a fourth branch of government has continued to grow unchecked. That is the unchecked power of unelected agencies to make binding rules and regulations outside the law.”

In the 1980s, Kansas – like many states - put a law in place to keep these rule-making powers in check. That law allowed for legislative oversight when state agencies imposed new rules and regulations on our citizens. But, shortly thereafter, Kansas courts struck that law down, leaving the people of Kansas without adequate oversight of the rule-making and regulatory process that has such a direct impact on their families, their farms and their businesses. This type of oversight survives in other states that adopted the oversight authority in their constitutions, rather than in statute.

“That’s what this proposal seeks to do,” said Majority Leader Dan Hawkins (R-Wichita). “This amendment would give Kansans the ability to vote on whether they want to restore oversight authority of the rule-making and regulatory process through our state constitution.”

“Since 1984, thousands of new rules and regulations have been imposed on Kansans through this unchecked power,” said Speaker Pro Tem Blaine Finch (R-Ottawa). “While many of those rules may be fair and necessary, others may need more oversight to ensure our state government is not placing an unfair and undue burden on our families and our livelihoods. It’s time to restore oversight as Kansans had intended.”

The amendment, [HCR 5014](#), has been referred to the House Judiciary Committee for vetting.

House addresses impact of court backlog

In March 2020, the COVID-19 pandemic began to affect operations of Kansas courts. To ensure every Kansan would receive their day in court and their right to a fair trial, the Legislature passed

Senate Bill 102 last session. SB 102, which expires on March 31, gives courts the authority to temporarily extend deadlines. For the courts to work down the backlog, while addressing new business coming in and addressing the issue of identifying enough jurors for those cases awaiting jury trial, the need to address the speedy trial deadline is apparent.

[House Bill 2078](#) addresses Kansas law on speedy trials by giving the courts additional time to make it through the backlog. It's important to know this legislation does not negate our 6th Amendment rights, which ensures defendants a public trial without unnecessary delay under the U.S. Constitution. In addition to allowing for extended deadlines, the bill also addresses prioritization of cases for trials based on factors such as relative prejudice to the defendant, the defendant's assertion of the right to speedy trial, and availability of witnesses.

Without passage of this or similar legislation, the state's courts would have 180 days or less to try these cases. If not tried in that timeframe, criminal cases could be dismissed with prejudice. The bill passed the House 107-17, and awaits consideration by the Senate.

Legislation passed by the Kansas House this week

[HB 2052](#) Authorizing legislative assistants and committee assistants to accept gifts of not to exceed \$150 in value each legislative session from certain legislators. The bill was requested by Rep. Bergquist. The bill passed [119-5](#).

[HB 2078](#) Suspending statutory speedy trial rights until May 1, 2024, in all criminal cases filed prior to the effective date of this act and eliminating such rights in any criminal case filed on or after the effective date of this act. This bill was requested by Rep. Patton on behalf of the Kansas County and District Attorneys Association. The bill passed [117-7](#).

[HB 2093](#) Increasing criminal penalties for fleeing or attempting to elude a police officer when operating a stolen vehicle and making fleeing or attempting to elude a police officer evidence of intent to commit theft of a vehicle. The bill was requested by Rep. Patton on behalf of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association. The bill passed [124-0](#).

[HB 2101](#) Extending transfers from the expanded lottery act revenues fund to the university engineering initiative. The bill was requested by the Kansas Society of Professional Engineers. The bill passed [112-12](#).

[HB 2136](#) Updating certain statutes relating to the regulation of the business of insurance; granting the commissioner of insurance certain investigative powers. The bill was requested by the Kansas Insurance Department. The bill passed [124-0](#).

[HB 2175](#) Creating the Dwayne Peaslee technical training center district. The bill was requested by Rep. Amyx. The bill passed [122-2](#).

[HB 2191](#) Increasing criminal penalties for the crimes of riot and incitement to riot when the crime occurs in a correctional facility. The bill was requested by Rep. Jennings on behalf of the Pawnee County Attorney. The bill passed [123-0](#).

[HB 2192](#) Authorizing court services officers and community corrections officers to provide a certification of identification to offenders for use to obtain a new driver's license. The bill was requested by Rep. Jennings. The bill passed [124-0](#).

[HB 2237](#) Extending the eligible time period for the rural opportunity zone loan repayment program and income tax credit. The bill was requested by Rep. Kelly. The bill passed [107-16](#).

[HB 2243](#) Adjusting the frequency of the KPERS actuarial experience study. The bill was requested by Rep. Steven Johnson. The bill passed [123-1](#).

[HB 2244](#) Establishing requirements for the effective disposal of industrial hemp and requiring industrial hemp processors to register with the state fire marshal. The bill was requested by Rep. Rahjes on behalf of the Kansas Department of Agriculture. The bill passed [97-27](#).

[HB 2254](#) Increasing the monetary cap on irrevocable prearranged funeral agreements to \$10,000. The bill was requested by Rep. Eplee on behalf of the Kansas Funeral Directors Association. The bill passed [123-0](#).

[HB 2262](#) Eliminating the requirement to provide a permit to cremate in certain circumstances and authorizing electronic permits to cremate. The bill was requested by Rep. Eplee on behalf of the Kansas Funeral Directors Association. The bill passed [122-1](#).

[HB 2277](#) Clarifying the definition of possession in the Kansas criminal code. The bill was requested by the Kansas County and District Attorneys Association. The bill passed [116-8](#).

[SB 27](#) Amending the Kansas storage tank act to extend the sunsets of certain funds and to increase certain liability and reimbursement amounts. The bill was requested by Fuel True to the Senate Federal and State Affairs Committee. The bill passed [123-0](#).

[SB 29](#) Updating the version of risk-based capital instructions in effect. The bill was requested by the Kansas Insurance Department. The bill passed [124-0](#).

[SB 39](#) Changing Kansas department of agriculture division of animal health license, permit, and registration renewal deadlines and allowing the animal health commissioner to recover the actual cost of official calfhood vaccination tags. The bill was requested by the Kansas Department of Agriculture to the Senate Agriculture and Natural Resources Committee. The bill passed [117-7](#).

[SB 40](#) Updating provisions related to the Kansas department of agriculture division of conservation. The bill was requested by the Kansas Department of Agriculture to the Senate Agriculture and Natural Resources Committee. The bill passed [123-1](#).

UPCOMING DATES & DEADLINES

Friday, March 5	Turnaround – Last day to consider non-exempt bills in house of origin
Friday, March 26	Last day for non-exempt committees to meet
Wednesday, March 31	Last day to consider non-exempt bills in either chamber
Friday, April 9	First Adjournment
Monday, May 3	Veto Session begins

“THE OPPORTUNIST THINKS OF ME AND TODAY. THE STATESMAN THINKS OF US AND TOMORROW.”

-DWIGHT D. EISENHOWER