

## **What is next?**

Most of my phone calls and emails are now focused on what happens next with the Governor, the Legislature, and you. Many feel the Governor has exceeded her rightful powers and are demanding the legislature do something. The stay at home order is the one factor that unifies the messages I am hearing. Many are questioning what actions I have taken personally and what actions legislative leadership has taken to rectify the situation. I share in your frustration.

Mistakes have been made. The first was when legislative leadership came to us and said we have a deal with the Governor to give her authority to declare an emergency through May 1. The votes in both chambers were virtually unanimous, a vote that I now regret. That agreement was broken when she filed suit in the Kansas Supreme Court over her extension of the stay at home order for churches and funerals. I believe she overstepped her Constitutional authority and the Attorney General advised the Governor before she took the action that it was unconstitutional. The Court clearly stated that the legislature cannot hand over its authority to anyone without statute (law) changes.

The question of what's next remains. We know that the Legislative Coordinating Council (LCC) cannot stop any executive order the Governor may make. We also know that unless the legislature meets as a body, as stated in the Kansas Constitution, we cannot rule remotely. The big question now is, what emergency powers does the Governor have after May 1? I have asked leadership this question and their response is they do not know. The Governor is not sharing her plans, if she has any.

### **Possible scenarios:**

**No. 1--**The Governor may go back to the original law that allows her to declare an emergency for 15 days and ask the Finance Council to approve another 30 days. In this scenario, she could have emergency powers until June 15 (May 2 – May 16 and May 17 – June 15) for a total of 45 days.

**No. 2--**The Governor could honor the agreement and declare the emergency over on May 1.

**No. 3--**The legislature could be called back by the LCC any time before May 21, which is Sini Die, the last day the legislature can officially meet in 2020. Then the legislature could pass a bill that would curtail emergency powers.

**No. 4--**The legislature could wait and return on, Sini Die, as planned and officially end the 2020 session without any legislative action.

**No. 5--**The legislature could return for Sini Die as planned to end the session; however, for the legislature to meet after that date can happen by one of only two ways. First, the Governor can call a special session. Secondly, two thirds of the legislature can petition for a special session.

**No. 6--**If the Governor should call the legislature back, the legislature could borrow a tactic used by a former Speaker, Ray Merrick, and tell the Governor that only one topic will be discussed.

That topic could be emergency budget adjustments. If any other topic is raised, leadership could adjourn immediately. Nothing says the legislature must do as the Governor dictates.

Examining scenario number 3 above is interesting and deserves more discussion. The legislature could meet and pass a bill to curtail emergency powers. The bill may or may not pass both chambers. Based on voting records, there is no assurance that it will pass. For arguments sake, it passes and goes to the Governor for signature. She will likely veto the measure and it is very unlikely the veto can be overridden with two thirds required majority.

Also, of concern are recent statements by Democrat leadership that Medicaid expansion will be the first order of business if the legislature returns. Do we really want Medicaid expansion passed during a period when the revenues for the state are in decline, to further burden the state with more spending? We have a budget, which passed this session that allows 1.2 Billion more spending than last year. This was a bill that only sixteen of us in the House voted against. Spending cuts will have to be made. A recession is certainly a real possibility soon.

“Elections have consequences.” We have heard that expression many times and now it is appropriate to remind us all of what has happened. A friendly count reveals that both the House and the Senate no longer have a conservative majority, let alone a two thirds majority. The last few cycles of elections have changed the makeup of both chambers. We are a purple state with the very real possibility of becoming blue with the next election.

### **What can be done?**

Leadership should resist any temptation to return to complete the session. The Governor’s power will continue to be monitored by the Attorney General and possibly more lawsuits to keep the situation in compliance with the Constitution. Budget constraints and the cost to the state of defending her lawsuits will eventually be a hindrance for her future actions without legislative approval. At some point the Governor will run out of money.

All voters in every precinct must become educated as to who represents them presently at every level of government. The voters should question the candidates as to what principles they hold, and if incumbents, their voting records should be exposed. I would further suggest that every candidate be asked by their political party to make written remarks on their party’s platform to either agree with or make suggestions for changes and those responses be made public. Lastly, all voters must register and then vote.

What each of us can do right now is what I have been doing. Write the House and Senate leadership, and the Governor with your questions, suggestions, and displeasure, if warranted. Their contact information is as follows:

**Governor Kelly:** The phone number is 785-368-8500. There is no email address for the Governor; however, at the official website you can leave messages. That web address is: [https://governor.kansas.gov/serving-kansans/constituent\\_services](https://governor.kansas.gov/serving-kansans/constituent_services)

**House Leadership:**

Speaker Ron Ryckman: [ron.ryckman@house.ks.gov](mailto:ron.ryckman@house.ks.gov).

Speaker Pro Tem Blaine Finch: [blaine.finch@house.ks.gov](mailto:blaine.finch@house.ks.gov)

Majority Leader Dan Hawkins: [dan.hawkins@house.ks.gov](mailto:dan.hawkins@house.ks.gov)

**Senate Leadership:**

President Susan Wagle: [susan.wagle@senate.ks.gov](mailto:susan.wagle@senate.ks.gov)

Vice President Jeff Longbine: [jeff.longbine@senate.ks.gov](mailto:jeff.longbine@senate.ks.gov)

Majority Leader Jim Denning: [jim.denning@senate.ks.gov](mailto:jim.denning@senate.ks.gov)

We are living in difficult times. We must keep cool heads and plan for our future, not just for the present. Our future will be determined in the next election by voting for those who will represent our beliefs and principles. I am also at peace knowing that God is in charge and pray that His will be done.

God Bless each and every one.

Ron