

## ACA State Affairs Update: Status of State Legislatures

*Current as of May 14, 2020*

### CALIFORNIA

**Schedule:** On March 17, both the California Assembly and the Senate recessed the legislative session three weeks prior to an already scheduled spring recess, in order to mitigate the spread of COVID-19.

On May 4, the Assembly returned in-person to resume legislative work under strict safety and social distancing rules. In early June, Assembly Appropriations Committee hearings will be held, along with Floor votes, in time to meet a revised house of origin deadline on June 19. The Assembly will then break for summer recess until July 13.

The Senate returned on May 11, with similar safety and social distancing protocols. The Senate will hold Appropriations hearings in mid-June, along with floor votes, in time to meet a revised house of origin deadline of June 26. While both the Assembly and Senate passed resolutions allowing an extension of their spring recess, only the Senate included language to allow for floor sessions and committee meetings to be conducted by teleconference. Members of the Senate are allowed to participate in session remotely, if necessary. The Senate will break for summer recess on July 2, returning July 13.

While both houses will be operating under different timelines, their schedules will be back in sync when they return from summer recess on July 13. The 2020 session is scheduled to end on Aug. 31, 2020, unless otherwise noted.

**Unfinished Business:** Members of the Legislature in both houses have been advised to limit the number of bills they continue to move, prioritizing those that deal directly with COVID-19 and/or pressing issues that cannot wait until 2021. The Legislature must also pass the 2020-2021 budget by June 15. Because of the severe financial impacts of COVID-19 on California's existing budget, an already scheduled revision will be released mid-May that is expected to look very different. Priorities and programs that had a dedicated funding source will be impacted. Information and protocols for the remainder of the 2020 session schedule are very fluid and are continuing to change.

- ➔ **Tabled:** Proposals dealing with reform to California's Safer Consumer Products Program
- ➔ **On schedule:** A package of bills related to California's Childhood Lead Poisoning Prevention Program (CLPP) and lead blood screening requirements
- ➔ **No confirmed status:** Restrictions on single-use packaging, and reforms to the Department of Toxic Substances Control

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## CONNECTICUT

**Schedule:** The Connecticut General Assembly suspended operations on March 12 for a deep cleaning of the Legislative Office Building. The suspension was extended several times, and the session never reconvened. The 2020 legislative session adjourned on its scheduled mandated date of May 6. It is the first session believed to have only passed a single piece of legislation: a bonding package.

**Unfinished Business:** Gov. Ned Lamont and the legislative leadership are discussing bringing back the 187-member General Assembly for a special session in late June. The purpose will be to pass additional legislation to assist with the COVID-19 emergency, adjust the fiscal year 2020 and 2021 budget that have now fallen into significant deficit, and enact committee priority bills and other “must pass” legislation.

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## FLORIDA

**Schedule:** The Florida Legislature ended its session March 19, when it passed the state's \$93 billion budget for 2021, weeks before Gov. Ron DeSantis issued his stay-at-home orders –.

**Unfinished Business:** The incoming president of Florida's Senate is pushing back on recalling lawmakers to the Capitol for a special session to deal with economic consequences of the pandemic, the upcoming elections or other matters. But lawmakers are prepared to return to Tallahassee if needed. Gov. DeSantis has until June 30 to sign and line-item veto parts of the budget. It's unclear whether he would do so without a special session to appropriate matching funds to the federal government's emergency money for Florida, or to adjust the budget to accommodate projected losses due to the coronavirus.

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## ILLINOIS

**Schedule:** The Illinois legislature is still technically in session but has not met in Springfield since mid-March. At this writing, there had been no official date set for the General Assembly's official return to Springfield but it's widely thought legislators will return the last week of May prior to the scheduled adjournment of May 31.

**Unfinished Business:** Lawmakers will reconvene session May 20 through May 22 to begin the process of passing a budget and emergency legislation pertaining to COVID-19. The plan is to return the following week, but no definitive schedule has yet been released. Gov. Jay Pritzker has called on lawmakers to pass a comprehensive plan to support families, small businesses and small towns through grants and loans for businesses, starting and restarting tax credits for small business, and job recovery for industries and businesses left out of the Federal Payroll Protection Program (PPP). The state House and Senate also issued a [Joint Proclamation](#) indicating they will only consider bills related to the budget, COVID-19, economic recovery, infrastructure projects and its funding, hospital assessment programs, laws scheduled to be repealed by June 1, 2021, and the 2020 General Election (mail-in voting).

➔ **On schedule:** “Emergency” legislation pertaining to COVID-19 includes attempts to expand workers' compensation protections, raise unemployment insurance taxes, and other business mandates

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**KENTUCKY**

**Schedule:** The Kentucky General Assembly concluded its business on April 15, about 90 minutes prior to the Constitutionally required midnight deadline. The General Assembly has adjourned until Jan. 5, 2021 unless Gov. Andy Beshear calls a special session. A special session is a possibility given the looming budget problems but not likely, since Kentucky has a Democratic governor and Republican supermajorities in the House and Senate.

**Unfinished Business:** The uncertainty about the budget led to the passage of an unusual one-year budget. Even numbered years are budget sessions and the budgets are biennial budgets. The fiscal 2021 budget is based on the pessimistic forecast developed last year, but most experts believe this forecast is now optimistic. The expectation is that the fiscal 2022 budget will be crafted by the 2021 General Assembly in January. Crafting a new budget will be challenging given the lack of revenue and the lack of appetite for increases in taxes.

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**MAINE**

**Schedule:** The Maine Legislature fully adjourned, one month prior to the its scheduled adjournment due to the coronavirus pandemic. The Legislature can be called back into special session by Gov. Janet Mills or by each of the party caucuses. Because this is a campaign year, it's expected that the Legislature would not come back into session in the fall unless absolutely necessary, and then only briefly, if at all. A return during the mid- to late summer is more likely, if safe to do so, and then mostly likely for about a week.

**Unfinished Business:** If the Legislature comes back for a special session, the Gov. Mills has indicated that it should be focused on necessary issues. There was approximately a month left to go in the session, so a special session that lasts about a week will leave many issues unresolved, and dead.

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## MASSACHUSETTS

**Schedule:** The Massachusetts legislature remains in the midst of its 2019-2020 session and, according to the Massachusetts Constitution, must conduct at least an “informal session” every three days, not including Sundays. As a result of COVID-19, the House and Senate continue to meet in their respective chambers, but only for routine matters and only with a handful of legislators present. Additional bills have been passed, but most have been with unanimous support during the informal sessions to address emergency COVID-19-related measures. In recent weeks, however, more pressing and perhaps controversial matters needed tending — i.e., state borrowing authorizations which require a recorded vote of all legislators —and as a result, the House passed special rules to allow remote voting. The Senate is likely to do the same.

This year, the formal session is scheduled to conclude on July 31. However, because the legislative calendar has been upended as a result of COVID-19, there is a strong likelihood that the legislature will return to business in the fall. Normally, because it is an election year, the rationale for adjourning formal sessions in July is so that legislators can focus on campaigning. But with the realities facing the House and Senate, the “new normal” will likely see an extension of formal sessions past July 31, 2020.

Legislative committees continue to review bills and hearings have been conducted remotely. Most bills have been granted “extensions” to allow a committee additional time to review the merits of a bill, notwithstanding a missed deadline.

**Unfinished Business:** For the remainder of the session, the Legislature will need to find a way to pass the fiscal year 2021 budget. Besides parliamentary challenges to voting on such an important bill, the fiscal realities of plummeting revenues is becoming apparent. It has been reported that April revenues are down more than \$2 billion —a staggering figure considering total state revenues for the upcoming year are approximately \$29 billion. Despite the fact that a new budget should be passed by July 1, it is likely that the Legislature will delay action and pass what is commonly known as a 1/12<sup>th</sup> budget: this is a budget that allows state accounts to be level funded for one month into the new fiscal year.

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## MARYLAND

**Schedule:** The Maryland General Assembly adjourned *Sine Die* three weeks early on March 18, 2020. The General Assembly would have normally adjourned on April 6, 2020 for a full 90-day session. At the time, the presiding officers of the General Assembly announced that the legislature would reconvene for a special session during the third week of May 2020. However, on April 20, they issued a joint statement that the expected May special session would be postponed. The presiding officers will continue to evaluate the need and timing for a future special session; until then, committees in both chambers will continue to meet remotely, as needed.

Without a special session, the next session of the Maryland General Assembly will commence on Jan. 13, 2021.

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## MICHIGAN

**Schedule:** The Michigan Legislature is fulltime and did not experience any official, extended adjournment period. For approximately two months, a limited session schedule was implemented but the legislature has continued to operate throughout the pandemic. While committee meetings are still few and far between at this writing, it appears that they are returning to the regular schedule of work Tuesday through Thursday.

**Unfinished Business:** The biggest piece of unfinished business is the state budget, which will be the future focus of the legislature. Major budget shortfalls are probable, and the state will likely have to cut about \$3 billion in the current fiscal year with only five months of the year remaining. The goal for next fiscal year's budget is July 1, which will also be a difficult budget to craft. Other than the budget, the Legislature is focused on responding to the COVID-19 crises. There are many questions around the Gov. Gretchen Whitmer's executive authority and the Stay-at-Home executive orders.

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## MINNESOTA

**Schedule:** The Minnesota Legislature is in session, but must adjourn by May 18, per the state constitution. Committee work has been largely conducted through Zoom and streamed online. Witnesses have been able to participate, although some committees request comments be provided in writing in lieu of testimony. The majority of committees will wrap their work by the end of this week. The largest outstanding issue yet to be agreed on is the bonding, or capital improvements, bill. The House and Senate are coming together on agreements on other areas of state government in a mixture of COVID-19 and non-COVID-19 related matters that will be coming up for final passage in the last remaining days of the session.

**Unfinished Business:** A special session is likely to be called on June 12, in order to complete key legislative priorities not addressed during the regular session.

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## NEW HAMPSHIRE

**Schedule:** On March 13, New Hampshire Gov. Chris Sununu issued Executive Order 2020-04, declaring a state of emergency due to COVID-19, and the state legislature suspended all activities. Both the Speaker of the House and the President of the Senate have said it is their intent to finish the legislative session. Unfortunately, there is no agreement on how to accomplish their goal.

Currently, the leadership of the House and Senate are discussing logistics of returning to session. The House has 400 members, more than 200 of which are over the age of 65, and it is extremely challenging to bring everyone back in a safe manner while respecting the CDC guidelines of social distancing. The Senate is a much different body with only 24 members.

The legislature may return in some fashion in June to complete the session.

**Unfinished Business:** The only bills considered when the legislature resumes will be budget related due to COVID-19. All other bills will be dead.

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## **NEW YORK**

**Schedule:** The New York Senate and Assembly recessed immediately after final passage of the FY 2020-21 Budget on April 2, and have not returned to Albany for any formal legislative business.

**Unfinished Business:** The Legislature will return for business sometime this year, but June primaries loom so it may be early Fall before that happens. There is no announced schedule for the balance of the year, nor is it clear at this point as to what would be considered priority legislative business beyond COVID-related matters.

The state is facing a massive projected deficit exceeding \$13 billion related to the pandemic. This will be extremely difficult to address absent unrestricted financial assistance to states in an upcoming federal aid package. The Legislature delegated enormous power to the governor and the Budget Division to devise financial savings plans should this aid not materialize.

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## **OREGON**

**Schedule:** Oregon's 2020 legislative session adjourned on March 5 without completing much of the agenda, due to a lack of quorum. Republican lawmakers had left the state to avoid a vote on cap and trade, and the legislature was already due to adjourn by March 8. The legislature is not due to reconvene, outside of a special session, until January 2021.

**Unfinished Business:** A special session in early June is expected. The details of that session are still being settled and are dependent on the revenue forecast that will be released on May 20. The session will likely be COVID-19 focused, but the parameters of any special session have not been set yet. Gov. Kate Brown has already ordered state agencies to cut 8.5% of budgets. Budget impacts will likely be top priority for any special session. Notably, Oregon's budget is primarily funded through income taxes and since there is no sales tax, it is anticipated that the budget will be hard-hit. The governor predicted as much as a \$3 billion reduction.

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## RHODE ISLAND

**Schedule:** The last formal session of the Rhode Island General Assembly was March 12, the same week that Gov. Gina Raimondo declared a state of emergency due to COVID-19. Since that time, legislative leaders in both chambers have cancelled subsequent sessions one week at a time.

Typically, the General Assembly meets from January through June. Although a specific date has not been given, the General Assembly will return before the end of June.

**Unfinished Business:** The 2021 fiscal year begins July 1 in Rhode Island, and the General Assembly is statutorily required to pass a state budget to fund the government by that date. It is not required to hear non-budget bills that were introduced previously in the session, and indications are that the budget process will be the singular focus when legislators return.

Legislators are just beginning to receive remote briefings about the current picture of the state budget. The abbreviated budget process will be complicated by the sudden drop in state revenues and increases in enrollment in state services. It is possible the state will not have the full picture of how much federal aid Rhode Island will receive and how that aid can be used by July 1. In that case, legislators could return in the fall for a special session to pass a supplemental budget. This scenario is complicated by the need for legislators to campaign for the September primary and November general elections.

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## VERMONT

**Schedule:** The Vermont Legislature remains in session with limited committee hearings and House and Senate floor sessions. At this writing, the legislature is expected to remain in session until mid-June in order to adopt a “bridge” budget to ensure short-term government functions and then “recess.” In mid-August, the legislature will reconvene for approximately three weeks in order to adopt a final budget once the revenue forecast and any additional federal aid funds are clearer.

**Unfinished Business:** COVID-19-related matters will remain a priority; however the Senate wants to clear its backlog of non-COVID bills that have been on the calendar since emergency orders were issued. It is expected that bills that are key priorities and/or unanimously passed out of committee or are otherwise non-controversial will move along.

- ➔ **No confirmed status:** PFAS in consumer products, and extended producer responsibility (EPR) for packaging

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## WASHINGTON

**Schedule:** The Washington Legislature adjourned on March 12, a few days prior to the pandemic shutdown and it is scheduled to reconvene in January 2021.

**Unfinished Business:** There will likely be a special session before January to deal with the state budget. A preliminary revenue estimate indicated a loss of \$7 billion through the end of 2023. A special session will likely occur in June or July, but no schedule has been announced, to date. The special session will be limited to budget issues and COVID-19 response/healthcare.

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