

2021 Special Session Comes to an End

The 2021 Special Session concluded Thursday night. Gov. Andy Beshear called the Kentucky General Assembly into Special Session to address the rapidly spreading Covid-19 Delta variant and included economic development incentive legislation as well. The General Assembly passed four pieces of legislation as well a joint resolution which carries the weight of law.

Highlights of Bills and Resolutions passed:

Senate Bill 1:

- Would eliminate the state's mask mandate in K-12 schools and specifies when districts could close to in-person learning.
- Declares the regulations requiring masks in schools and daycare centers null and void.
- Individual school boards would be free to decide their own policies about masking in schools.
- Makes it easier for retired teachers to return to the classroom to help out with staff shortages.
- Includes measures that a school district could use to temporarily assign students at the school, grade, classroom, or student group level to remote instruction due to significant absences of students or staff related to COVID-19 until December 31, 2021.
- Remote instruction would be allowed up to 20 days per district.
- Calendar flexibility for meeting only the 1062 hours of instruction.
- Some quarantining flexibility through the Test and Stay Program.

Senate Bill 2:

- Any mask mandates would fall to local governments and businesses
- Specific visitors that are allowed inside nursing homes
- Media outreach strategy to inform public dangers of Covid-19 and encourage vaccination

Senate Bill 3:

- Allows the Executive Cabinet to access \$69 million from Federal American Rescue Plan Act to fight issues arising from the pandemic.

Senate Bill 5:

- Transfers \$1.9 billion from the state’s “rainy day” fund to the Cabinet for Economic Development to use in recruiting companies to KY. Companies would be eligible for the incentives only if they invest at least \$2 billion in Kentucky

House Joint Resolution 1 extends emergency orders enacted earlier this year by Gov. Beshear. HJR1 highlights include:

- Extends liability protection to organizations/businesses, acting in good faith, from pandemic-related litigation.
- Waives licensing requirement for out-of-state medical professionals.
- Protects against price gouging.
- Extends time frame by which medical professionals must complete continuing education requirements.
- Continues eligibility for use of Federal resources during emergencies.

HJR1 does not:

- Give the Governor the ability to close businesses, churches, and schools.
- Allow the Governor the authority to enact vaccine mandates.

Late Thursday night, the Governor vetoed SB 1 and SB 2 only to be overridden by the General Assembly. Therefore, SB1, SB2, SB3, SB5 and HJR1 all now are Kentucky law.

The General Assembly will be back in January to address any new issues and reexamine laws and resolutions passed this week along with several hundred other pieces of legislation that will be filed, including the State Biennial Budget.

We will continue to keep you posted on new developments and should you have questions and/or need additional information, please do not hesitate to call upon your Capital Link team. Thank you for your business and the trust you’ve placed with our firm.

Sincerely,

John Cooper
Amy Carman
Greg Coker
Richie Sanders
Russ Woodward