

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 18, 2025, 10:00 a.m.

The Senate was called to order by President Ty Masterson.

The roll was called with 40 senators present.

President Masterson introduced guest chaplain, Reverend L. D. Holmes, who delivered the following invocation:

Dear Father, in the Book of Psalms we read, "In Thee O Lord I have taken refuge: Let me never be ashamed. In Thy righteousness deliver me, and rescue me; Incline Thine ear to me and save me. Be Thou to me a rock of habitation, to which I may continually come; Thou hast given commandment to save me, for Thou art my rock and my fortress. Rescue me, O my God, out of the hand of the wicked, out of the grasp of the wrong doer and ruthless man."

Today as we look at the myriad of things facing us, we truly want to find a refuge in You. In just a few moments we will be entering into debate and deliberation. When the votes are recorded, and we look back, help us to have voted and acted in such a way as to not be ashamed. I pray for every discussion which takes place in this chamber to have been sifted through with correct information and wise counsel.

Sharpen our minds, O God, as we look closely at that which will be put before us as legislation. Allow integrity, truth and righteousness to prevail. Give us patience with those who do not see things through our prism of understanding, and remind us, we have all been created in Your wonderful pattern. Might our satisfaction come from knowing that You know our hearts, and why we do what we do.

I pray for the sick and vulnerable in our individual communities. Father, would You bring resources, and those who can facilitate those resources together to relieve the harshness of those living with little hope.

With the difficult weather we are experiencing, I pray Your hand of protection upon each one in this room, as well as their families. I ask this in Jesus' Name, Amen.

The Pledge of Allegiance was led by President Masterson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 272, AN ACT concerning conventions under article V of the constitution of the United States; providing for the appointment and qualifications of delegates; prescribing the duties and responsibilities thereof; authorizing instruction for delegates by the legislature; creating a joint committee of correspondence, by Committee on Federal and State Affairs.

SB 273, AN ACT concerning elections; relating to election dates; requiring that any special election be held on the first Tuesday in March; amending K.S.A. 25-2006 and 25-2019 and K.S.A. 2024 Supp. 10-120, 25-1115 and 25-2502 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 274, AN ACT concerning energy; relating to the state corporation commission; requiring the commission to engage a consulting firm to conduct a technical and legal feasibility study on new nuclear energy generation in this state; making and concerning appropriations for the fiscal year ending June 30, 2026, for the state corporation commission, by Committee on Federal and State Affairs.

SB 275, AN ACT concerning school districts; relating to certain curriculum; requiring the inclusion of a human fetal development presentation as part of the curriculum for any course that addresses human growth, human development or human sexuality, by Committee on Federal and State Affairs.

SB 276, AN ACT concerning health and healthcare; relating to the state fire marshal; requiring the state fire marshal to complete certain annual training in person-centered care and responding to individuals with Alzheimer's disease and intellectual and developmental disabilities; removing the state fire marshal from the adult care home licensure act and the providers of disability services act; amending K.S.A. 39-925, 39-928, 39-929, 39-938, 39-2005, 39-2008 and 39-2012 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **HB 2120**.

Federal and State Affairs: **HB 2018, HB 2106, HB 2206**.

Financial Institutions and Insurance: **HB 2046**.

Judiciary: **HB 2061**.

Public Health and Welfare: **SB 271; HB 2068, HB 2069, HB 2070**.

Utilities: **HB 2040, HB 2109**.

REFERENCE OF SENATE RESOLUTIONS

The following resolution was referred to Committee as indicated:

Federal and State Affairs: **SR 1709**.

REFERENCE OF APPOINTMENTS

The following appointments were referred to Committees as indicated:

Assessment and Taxation: **Thomas Browne**, Chief Hearing Officer, State Board of Tax Appeals; **Kristen Wheeler**, Member, State Board of Tax Appeals.

Public Health and Welfare: **Steven Anderson**, Inspector General, Office of Inspector General; **Donald Hall**, Member, University of Kansas Hospital Authority; **Maureen Mahoney**, Member, University of Kansas Hospital Authority;

Utilities: **Kate Gleeson**, Member, Central Low-Level Radioactive Waste Commission.

MESSAGES FROM THE GOVERNOR**REGARDING SENATE BILL 63**

Right now, the Legislature should be focused on ways to help Kansans cope with rising prices. That is the most important issue for Kansans. That is where my focus is. Infringing on parental rights is not appropriate, nor is it a Kansas value. As I've said before, it is not the job of politicians to stand between a parent and a child who needs medical care of any kind. This legislation will also drive families, businesses, and health care workers out of our state, stifling our economy and exacerbating our workforce shortage issue. It is disappointing that the Legislature continues to push for government interference in Kansans' private medical decisions instead of focusing on issues that improve all Kansans' lives. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 63**.

LAURA KELLY, *Governor* (February 11, 2025)

SB 63, AN ACT concerning children and minors; relating to healthcare of minors; enacting the help not harm act; prohibiting healthcare providers from treating a child whose gender identity is inconsistent with the child's sex; authorizing a civil cause of action against healthcare providers for providing such treatments; restricting use of state funds to promote gender transitioning; prohibiting professional liability insurance from covering damages for healthcare providers that provide gender transition treatment to children; requiring professional discipline against a healthcare provider who performs such treatments; adding violation of the act to the definition of unprofessional conduct for physicians; amending K.S.A. 65-2837 and repealing the existing section.

ACTIONS ON VETO MESSAGE

A motion was made by Senator Gossage that **SB 63** be passed notwithstanding the Governor's veto.

SB 63, AN ACT concerning children and minors; relating to healthcare of minors; enacting the help not harm act; prohibiting healthcare providers from treating a child whose gender identity is inconsistent with the child's sex; authorizing a civil cause of action against healthcare providers for providing such treatments; restricting use of state funds to promote gender transitioning; prohibiting professional liability insurance from covering damages for healthcare providers that provide gender transition treatment to children; requiring professional discipline against a healthcare provider who performs such treatments; adding violation of the act to the definition of unprofessional conduct for physicians; amending K.S.A. 65-2837 and repealing the existing section.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Dietrich, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Holscher, Pettey, Schmidt, Sykes, Ware.

A two-thirds constitutional majority having voted in favor of overriding the

Governor's veto, the motion prevailed and the bill passed.

The call was lifted.

EXPLANATION OF VOTE

Although I prefer to PASS on the Veto Override; with this new, somewhat illogical if you ask me, trend by freshmen to force Final Action votes to Yea or Nay, I'm now compelled (against the dictates of conscious) to weigh-in when I may be "50/50", and where, at some point subsequent, I, or others, may have a genuine neutrality or conflict. Succinctly, 31 affirmative votes have already been cast on the override which only requires 27 to be enacted so my vote does not make a difference in the outcome here anyway. I believe honoring this new procedural habit is both juvenile and even a bit disrespectful. I trust the Senate will return at some point to the comity and civility of our more honorable traditions. Here as a Senator in the Kansas Senate far longer than all of you now, watching upstart shenanigans as newly elected test infant "muscles" is too often an "ordinary" part of this process. Likewise, having served with more Governors than anyone in the Kansas Legislature, I can attest that Governor Laura Kelly exhibits instincts for which measures and policies are in the best interests of Kansas and Kansans with extreme aplomb. Accordingly, having to go one way or another, even in a vote that "won't count," I vote NO so as to sustain a usually competent and insightful Governor's Veto of a measure that, without question, can go both ways.—DAVID HALEY

MESSAGE FROM THE HOUSE

Announcing the House here with transmits a certificate of action by the House of Representatives on **SB 63**, AN ACT concerning children and minors; relating to healthcare of minors; enacting the help not harm act; prohibiting healthcare providers from treating a child whose gender identity is inconsistent with the child's sex; authorizing a civil cause of action against healthcare providers for providing such treatments; restricting use of state funds to promote gender transitioning; prohibiting professional liability insurance from covering damages for healthcare providers that provide gender transition treatment to children; requiring professional discipline against a healthcare provider who performs such treatments; adding violation of the act to the definition of unprofessional conduct for physicians; amending K.S.A. 65-2837 and repealing the existing section.

The veto message from the Governor having been received, a motion was made that notwithstanding the Governor's objection to **SB 63**, the bill be passed. By a vote of 85 Yeas and 34 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

COMMITTEE OF THE WHOLE

On motion of Senator Blasi, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Peck and Senator Erickson in the chair.

On motion of Senator Erickson the following summary report was adopted:

SB 20, SB 24, SB 30, SB 50, SB 53, SB 64, SB 71, SB 77, SB 82, SB 88, SB 98, SB 117, SB 128, SB 138, SB 156 be passed.

SB 44 be passed as amended by Committee of the Whole.

SB 29, SB 45, SB 67, SB 193 be passed by adoption of the committee reports recommending substitute bills.

SB 2, SB 13, SB 18, SB 21, SB 22, SB 23, SB 27, SB 52, SB 58, SB 78, SB 79, SB 85, SB 126, SB 157, SB 161, SB 166, SB 199, SB 222, SB 260 be passed as amended by adoption of the committee reports.

SB 70, SB 87 be passed as amended by adoption of the committee reports and as further amended by Committee of the Whole.

COMMITTEE OF THE WHOLE ACTIONS

SB 2 be amended by the adoption of the committee amendments.

SB 13 be amended by the adoption of the committee amendments.

SB 18 be amended by the adoption of the committee amendments.

SB 20 be passed.

SB 21 be amended by the adoption of the committee amendments.

SB 22 be amended by the adoption of the committee amendments.

SB 23 be amended by the adoption of the committee amendments.

SB 24 be passed.

SB 27 be amended by the adoption of the committee amendments.

SB 29 be amended by the adoption of the committee report on **SB 29** recommending **Sub SB 29**.

A motion by Senator Schmidt to amend **Sub SB 29** failed and the following amendment was rejected; on page 1, by striking all in line 6;

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 9; Nays 31; Present and Passing 0; Absent or Not Voting 0.

Yea: Corson, Faust-Goudeau, Francisco, Haley, Holscher, Pettey, Schmidt, Sykes, Ware.

Nay: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Dietrich, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

SB 30 be passed.

SB 44 be amended by motion of Senator Pettey; on page 3, in line 9, by striking "\$10,000,000" and inserting "\$15,000,000"

SB 45 be amended by the adoption of the committee report on **SB 45** recommending **Sub SB 45**.

SB 50 be passed.

SB 52 be amended by the adoption of the committee amendments.

SB 53 be passed.

SB 58 be amended by the adoption of the committee amendments.

SB 64 be passed.

SB 67 be amended by the adoption of the committee report on **SB 67** recommending **Sub SB 67**.

A motion by Senator Schmidt to amend **Sub SB 67** failed and the following amendment was rejected; on page 1, in line 34, by striking all after "(2)"; by striking all in line 35; in line 36, by striking "(3)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 5; Nays 30; Present and Passing 3; Absent or Not Voting 2.

Yea: Corson, Faust-Goudeau, Francisco, Schmidt, Ware.

Nay: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Dietrich, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Tyson, Warren.

Present and Passing: Haley, Holscher, Pettey.

Absent or Not Voting: Sykes, Titus.

SB 70 be amended by the adoption of the committee amendments, be further amended by motion of Senator Warren; on page 9, in line 3, by striking "commissioner of veterans affairs" and inserting "Kansas office of veterans services"

SB 71 be passed.

SB 77 be passed.

SB 78 be amended by the adoption of the committee amendments.

SB 79 be amended by the adoption of the committee amendments.

A motion by Senator Sykes to further amend **SB 79** failed and the following amendment was rejected; on page 10, in line 21, after "(22)" by inserting "The secretary for children and families shall request a waiver from the United States department of agriculture to include prepared food and dietary supplements in the definition of eligible foods under 7 C.F.R. § 271.2. If such waiver is granted, the secretary shall allow the purchase of prepared food and dietary supplements with food assistance. If no such waiver is granted, the secretary shall request such a waiver annually until such waiver is granted. For the purposes of this paragraph:

(A) "Dietary supplement" means the same as defined in K.S.A. 79-3606(jjj), and amendments thereto; and

(B) "prepared food" means the same as defined in K.S.A. 79-3602, and amendments thereto.

(23)";

On page 1, in the title, in line 2, by striking "a waiver" and inserting "waivers"; in line 4, after "drinks" by inserting "and authorize the purchase of prepared food and dietary supplements"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 11; Nays 28; Present and Passing 0; Absent or Not Voting 1.

Yeas: Clifford, Corson, Dietrich, Faust-Goudeau, Francisco, Haley, Holscher, Pettey, Schmidt, Sykes, Ware.

Nays: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

Absent or Not Voting: Joseph Claeys.

A motion by Senator Holscher to further amend **SB 79** failed and the following amendment was rejected; on page 22, following line 33, by inserting:

"Sec. 2. K.S.A. 46-137a is hereby amended to read as follows: 46-137a. In addition to the compensation provided for by K.S.A. 46-137b, 46-137e and 75-3212, and amendments thereto, each member of the legislature shall receive the following amounts:

(a) The sum of \$88.66 per calendar day for service at any regular or special session, except as otherwise provided in subsection (e);

(b) subject to subsection (g), the sum of \$109 per calendar day for subsistence allowance for any regular or special session of the legislature, except that if the amounts allowable for the capital city of Kansas under applicable federal law and regulations to employees of the executive branch of the federal government for per diem expenses, while away from home but serving in the United States, are amounts which total greater than \$109, then each member of the legislature shall receive such greater total amount per calendar day for subsistence allowance for any regular or special session of the legislature;

(c) an allowance of \$354.15 for the two-week period which coincides with the biweekly payroll period which includes April 1st and for each of the 19 ensuing two-week periods thereafter, to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, except as otherwise provided in subsection (f);

(d) an allowance for mileage in an amount equal to the rate per mile prescribed under the provisions of K.S.A. 75-3203a, and amendments thereto, multiplied by the number of miles traveled by the usual route in going to and returning from the member's place of residence for any regular or special session of the legislature. Such mileage allowances shall be paid for not to exceed the equivalent of one trip for each full week occurring between convening and adjournment sine die in any regular or special session. The mileage allowance provided under the provisions of this subsection shall not be subject to the restrictions relating to the use of vehicles prescribed by K.S.A. 75-3203 and 75-3203a, and amendments thereto, but shall only be allowed for trips actually made. Compensation and subsistence allowance shall not be allowed under the provisions of subsections (a) and (b) of this section during any period in which the legislature is adjourned for more than two days, Sundays excepted; and

(e) whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 2009, the rate of compensation per calendar day for members of the legislature for service at any regular or special session of the legislature shall be increased on the effective date of any such pay plan increase by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the rate of compensation per calendar day which is authorized by this

section for service at any regular or special session of the legislature for the day upon which such increase is computed.

(f) Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 2009, the allowance provided for each member of the legislature by subsection (c) to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses for each of the two-week periods specified by subsection (c) shall be increased on the effective date of any such pay plan increase by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the allowance provided to defray such expenses for each such two-week period as provided by this section.

(g) The legislative coordinating council shall develop a process for the request, approval and disbursement of reimbursements for subsistence allowances up to the amount allowed by subsection (b). Such reimbursements shall not be approved by the legislative coordinating council for disbursement if such moneys requested for reimbursement are spent on candy and soft drinks. As used in this section, "candy" or "soft drinks" means the same as defined in K.S.A. 79-3602, and amendments thereto.;

Also on page 22, in line 34, before "K.S.A" by inserting "K.S.A. 46-137a and"; also in line 34, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking the first "assistance" and inserting "funds"; in line 5, after the semicolon by inserting "creating a reimbursement process for subsistence allowances for legislators; prohibiting reimbursement of subsistence used for the purchase of candy or soft drinks;"; also in line 5, after "amending" by inserting "K.S.A. 46-137a and"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 8; Nays 29; Present and Passing 1; Absent or Not Voting 2.

Yea: Corson, Faust-Goudeau, Francisco, Holscher, Pettey, Schmidt, Sykes, Ware.

Nay: Alley, Argabright, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Clifford, Dietrich, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

Present and Passing: Haley.

Absent or Not Voting: Billinger, Joseph Claeys.

An amendment was offered to further amend **SB 79** by Senator Schmidt. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane. Senator Schmidt challenged the ruling of the Rules Committee and the ruling was sustained by voice vote.

SB 82 be passed.

SB 85 be amended by the adoption of the committee amendments.

SB 87 be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson; on page 4, in line 4, after the stricken material by inserting "and"; in line 5, by striking all after the second comma; in line 6, by striking all before "an"; in line 8, by striking all after "thereto"; by striking all in lines 9 through 11; in line 12, by striking all before the period;

On page 1, in the title, in line 4, by striking all after the stricken material; in line 5, by striking all before "providing"

A motion by Senator Sykes to further amend **SB 87** failed and the following amendment was rejected; on page 1, following line 10, by inserting:

"New Section 1. (a) On or before July 1, 2026, and every two years thereafter, the legislative post audit committee shall direct the legislative division of post audit to conduct a performance audit of the tax credit for low income students scholarship program. The audit shall include, but not be limited to, the number of eligible students awarded a scholarship under the program, the number of students who applied for the program, the number and amount of tax credits awarded, the amount of contributions received by each scholarship granting organization, the amount of scholarships awarded by each scholarship granting organization and the percentage of contributions received by each scholarship granting organization that were awarded within 36 months of receiving such contributions.

(b) This section shall be a part of and supplemental to the tax credit for low income students scholarship program act.

Sec. 2. K.S.A. 72-4351 is hereby amended to read as follows: 72-4351. The provisions of K.S.A. 72-4351 through 72-4357, and amendments thereto, and section 1, and amendments thereto, shall be known and may be cited as the tax credit for low income students scholarship program act.";

On page 2, in line 15, after "thereto" by inserting "and section 1, and amendments thereto";

On page 4, in line 43, after the first "K.S.A." by inserting "72-4351 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, before "increasing" by inserting "requiring the legislative division of post audit to audit the program biennially"; in line 6, after "K.S.A." by inserting "72-4351 and"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 9; Nays 31; Present and Passing 0; Absent or Not Voting 0.

Yea: Corson, Faust-Goudeau, Francisco, Haley, Holscher, Pettey, Schmidt, Sykes, Ware.

Nays: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Dietrich, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

EXPLANATION OF VOTE

A No vote is a vote to respect the Post Audit Committee process, not a vote against transparency.—CARYN TYSON

Senators Clifford, Klemp and Thompson request the record to show they concur with the "Explanation of Vote" offered by Senator Tyson on **SB 87**.

A motion by Senator Sykes to further amend **SB 87** failed, and the following amendment was rejected; on page 3, following line 20, by inserting:

"Sec. 3. K.S.A. 2024 Supp. 72-4354 is hereby amended to read as follows: 72-4354. (a) To be eligible to participate in the program, a scholarship granting organization shall comply with the following:

(1) The scholarship granting organization shall notify the secretary and the state board of the scholarship granting organization's intent to provide educational scholarships;

(2) upon granting an educational scholarship, the scholarship granting organization shall report such information to the state board;

(3) the scholarship granting organization shall provide verification to the secretary that the scholarship granting organization is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(4) upon receipt of contributions in an aggregate amount or value in excess of \$50,000 during a school year, a scholarship granting organization shall file with the state board either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the scholarship granting organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(5) scholarship granting organizations that provide other nonprofit services in addition to providing educational scholarships shall not commingle contributions made under the program with other contributions made to such organization. A scholarship granting organization under this subsection shall also file with the state board, prior to the commencement of each school year, either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the nonprofit organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(6) each qualified school receiving educational scholarships from the scholarship granting organization shall annually certify to the scholarship granting organization its compliance with the requirements of the program;

(7) at the end of the calendar year, the scholarship granting organization shall have its accounts examined and audited by a certified public accountant. Such audit shall include, but not be limited to, information verifying that the educational scholarships awarded by the scholarship granting organization were distributed to qualified schools with respect to eligible students determined by the state board under K.S.A. 72-4353(c), and amendments thereto, and information specified in this section. Prior to filing a copy of the audit with the state board, such audit shall be duly verified and certified by a certified public accountant; and

(8) if a scholarship granting organization decides to limit the number or type of qualified schools who will receive educational scholarships, the scholarship granting organization shall provide, in writing, the name or names of those qualified schools to any contributor and the state board.

(b) No scholarship granting organization shall provide an educational scholarship with respect to any eligible student to attend any qualified school with paid staff or paid board members, or relatives thereof, in common with the scholarship granting organization.

(c) The scholarship granting organization shall disburse not less than 90% of contributions received pursuant to the program in the form of educational scholarships within 36 months of receipt of such contributions. If such contributions have not been disbursed within the applicable 36-month time period, then the scholarship granting organization shall not accept new contributions until 90% of the received contributions have been disbursed in the form of educational scholarships. Any income earned from contributions must be disbursed in the form of educational scholarships.

(d) A scholarship granting organization may continue to provide an educational scholarship with respect to a student who was an eligible student in the year immediately preceding the current school year.

(e) A scholarship granting organization shall direct payments of educational scholarships to the qualified school attended by the eligible student or in which the eligible student is enrolled. Payment may be made by check made payable to both the parent and the qualified school or to only the qualified school. If an eligible student transfers to a new qualified school during a school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the new qualified school based on the eligible student's attendance. If the eligible student transfers to a public school and enrolls in such public school after September 20 of the current school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the public school based on the eligible student's attendance. The prorated amount to the public school shall be considered a donation and shall be paid to the school district of such public school in accordance with K.S.A. 72-1142, and amendments thereto.

(f) Each qualified school shall provide a link to the state department of education's webpage where the reports prepared pursuant to K.S.A. 72-5170, and amendments thereto, and K.S.A. 2024 Supp. 72-5178, and amendments thereto, for such school are published. The link shall be prominently displayed on the school's accountability reports webpage.

(g) By June 1 of each year, a scholarship granting organization shall submit a report to the state board for the educational scholarships provided in the immediately preceding 12 months. Such report shall be in a form and manner as prescribed by the state board, approved and signed by a certified public accountant, and shall contain the following information:

(1) The name and address of the scholarship granting organization;
(2) the name and address of each eligible student with respect to whom an educational scholarship was awarded by the scholarship granting organization;
(3) the total number and total dollar amount of contributions received during the 12-month reporting period; ~~and~~

(4) the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period and the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period with respect to eligible students who qualified under K.S.A. 72-4352(d), and amendments thereto;

(5) the number of eligible students awarded an educational scholarship who had previously received a scholarship under this program and the number of eligible students awarded an educational scholarship for the first time; and

(6) evidence verifying that 90% of the contributions received were awarded within the applicable 36-month time period as required by this section.

(h) No scholarship granting organization shall:

(1) Provide an educational scholarship with respect to an eligible student that is established by funding from any contributions made by any relative of such eligible student; or

(2) accept a contribution from any source with the express or implied condition that such contribution be directed toward an educational scholarship for a particular eligible student.

Sec. 4. K.S.A. 72-4355 is hereby amended to read as follows: 72-4355. On or before the first day of ~~the each~~ legislative session ~~in 2015, and each year thereafter~~, the state board shall prepare and submit a report to the legislature on the program. Annual reports shall include:

(a) Information reported to the state board under ~~subsection (f)~~ of K.S.A. 72-4354~~(g)~~, and amendments thereto, and a summary of such information;

(b) the number of students who apply to the program;

(c) the number of students who apply and are determined to be eligible students; and

(d) the number of at-risk students who received a scholarship from a scholarship granting organization.;

On page 4, in line 43, after "72-4353" by inserting "and 72-4355"; also in line 43, after "72-4352" by inserting ", 72-4354";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, before "increasing" by inserting "adding certain reporting requirements for scholarship granting organizations and the state board of education;"; in line 6, after "72-4353" by inserting "and 72-4355"; in line 7, after "72-4352" by inserting ", 72-4354"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 9; Nays 31; Present and Passing 0; Absent or Not Voting 0.

Yea: Corson, Faust-Goudeau, Francisco, Haley, Holscher, Pettey, Schmidt, Sykes, Ware.

Nay: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Dietrich, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

Motions by Senators Pettey and Sykes to further amend **SB 87** failed.

A motion on **SB 87** by Senator Schmidt to strike the enacting clause was rejected.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 9; Nays 31; Present and Passing 0; Absent or Not Voting 0.

Yea: Corson, Faust-Goudeau, Francisco, Haley, Holscher, Pettey, Schmidt, Sykes, Ware.

Nay: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Dietrich, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

SB 88 be passed.

SB 98 be passed.

SB 117 be passed.

SB 126 be amended by the adoption of the committee amendments.

SB 128 be passed.

SB 138 be passed.

SB 156 be passed.

SB 157 be amended by the adoption of the committee amendments.

A motion by Senator Schmidt to further amend **SB 157** failed and the following amendment was rejected; on page 2, in line 33, by striking "180 days" and inserting "one day"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 1; Nays 37; Present and Passing 2; Absent or Not Voting 0.

Yeas: Schmidt.

Nays: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Peck, Petersen, Pettey, Rose, Ryckman, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

Present and Passing: Faust-Goudeau, Owens.

Motions by Senator Schmidt to further amend **SB 157** were rejected.

An amendment was offered by Senator Schmidt to further amend **SB 157**. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

SB 161 be amended by the adoption of the committee amendments.

A motion by Senator Pettey to further amend **SB 161** failed and the following amendment was rejected; on page 1, following line 10, by inserting:

"New Section 1. (a) Sections 1 through 11, and amendments thereto, shall be known and may be cited as the healthcare access for working Kansans (HAWK) act.

(b) The legislature expressly consents to expand eligibility for receipt of benefits under the Kansas program of medical assistance, as required by K.S.A. 39-709(e)(2), and amendments thereto, and section 12, and amendments thereto, by the passage and enactment of the act, subject to all requirements and limitations established in the act.

(c) The secretary of health and environment shall adopt rules and regulations as necessary to implement and administer the act.

(d) As used in sections 1 through 11, and amendments thereto, unless otherwise specified:

(1) "138% of the federal poverty level," or words of like effect, includes a 5% income disregard permitted under the federal patient protection and affordable care act.

(2) "Act" means the healthcare access for working Kansans (HAWK) act.

New Sec. 2. (a) The secretary of health and environment shall submit to the United States centers for medicare and medicaid services any state plan amendment, waiver request or other approval request necessary to implement the act. At least 10 calendar days prior to submission of any such approval request to the United States centers for medicare and medicaid services, the secretary of health and environment shall submit such approval request application to the state finance council.

(b) For purposes of eligibility determinations under the Kansas program of medical assistance on and after January 1, 2026, medical assistance shall be granted to any adult under 65 years of age who is not pregnant and whose income meets the limitation established in subsection (c), as permitted under the provisions of 42 U.S.C. § 1396a, as it exists on the effective date of the act, and subject to a 90% federal medical assistance percentage and all requirements and limitations established in the act.

(c) The secretary of health and environment shall submit to the United States centers for medicare and medicaid services any approval request necessary to provide medical assistance eligibility to individuals described in subsection (b) whose modified adjusted gross income does not exceed 138% of the federal poverty level.

New Sec. 3. (a) The secretary of health and environment shall require each applicant for coverage under the act to provide employment verification at the time of initial application or renewal application. Such verification shall be a prerequisite for coverage under the act.

(b) "Employment verification" means documentation demonstrating employment during the preceding 12 months that meets the eligibility requirements of the act. "Employment verification" includes, but is not limited to:

- (1) Federal form W-2 wage and tax statement;
- (2) a pay stub demonstrating gross income;
- (3) employment records;
- (4) federal form 1099 demonstrating payments for contract labor;
- (5) compliance with the requirements of K.S.A. 39-709(b), and amendments thereto; and

(6) any other documentation as determined by the secretary of health and environment.

(c) The following individuals shall be exempt from the requirements of this subsection:

(1) A full-time student enrolled in a postsecondary educational institution or technical college, as defined by K.S.A. 74-3201b, and amendments thereto, for each year the student is enrolled in such educational setting;

(2) a parent or guardian of a dependent child under 18 years of age or a parent or guardian of an incapacitated adult;

(3) an individual who is mentally or physically unfit for employment, as defined by the secretary of health and environment, or has a pending application for supplemental security income or social security disability insurance;

(4) an individual who has a permanent partial disability, as such term is used in K.S.A. 44-510e, and amendments thereto;

(5) an individual who is engaged in volunteer work for at least 20 hours per week at a nonprofit organization, as such term is defined in K.S.A. 17-1779, and amendments thereto;

(6) an individual experiencing homelessness, as such term is defined in 42 U.S.C. § 11302, as in effect on the effective date of this act;

(7) an individual who served in the active military, naval, air or space service and was discharged or released from such military service under conditions other than dishonorable;

(8) an individual who is not more than 22 years of age and in the custody of the secretary of children and families on the date that the individual reached 18 years of

age; and

(9) any individual who the secretary determines is experiencing hardship.

New Sec. 4. (a) Except to the extent prohibited by 42 U.S.C. § 1396u-2(a)(2), as it exists on the effective date of this act, the secretary of health and environment shall administer medical assistance benefits using a managed care delivery system using organizations subject to assessment of the privilege fee under K.S.A. 40-3213, and amendments thereto. If the United States centers for medicare and medicaid services determines that the assessment of a privilege fee provided in K.S.A. 40-3213, and amendments thereto, is unlawful or otherwise invalid, then the secretary of health and environment shall administer state medicaid services using a managed care delivery system.

(b) In awarding a contract for an entity to administer state medicaid services using a managed care delivery system, the secretary of health and environment shall:

(1) Not provide favorable or unfavorable treatment in awarding a contract based on an entity's for-profit or not-for-profit tax status;

(2) give preference in awarding a contract to an entity that provides health insurance coverage plans on the health benefit exchange in Kansas established under the federal patient protection and affordable care act; and

(3) require that any entity administering state medicaid services provide tiered benefit plans with enhanced benefits for covered individuals who demonstrate healthy behaviors, as determined by the secretary of health and environment, to be implemented on or before July 1, 2027.

New Sec. 5. If the federal medical assistance percentage for coverage of medical assistance participants described in section 1902(a)(10)(A)(i)(VIII) of the federal social security act, 42 U.S.C. § 1396a, as it exists on the effective date of this act, becomes lower than 90%, then the secretary of health and environment shall terminate coverage under the act over a 12-month period, beginning on the first day that the federal medical assistance percentage becomes lower than 90%. No individual shall be newly enrolled for coverage under the act after such date.

New Sec. 6. (a) Section 5, and amendments thereto, shall be nonseverable from the remainder of the act. If the provisions of section 5, and amendments thereto, are not approved by the United States centers for medicare and medicaid services, then the act shall be null and void and shall have no force and effect.

(b) A denial of federal approval or federal financial participation that applies to any provision of the act not enumerated in subsection (a) shall not prohibit the secretary of health and environment from implementing any other provision of the act.

New Sec. 7. (a) On or before January 10, 2027, and on or before the first day of the regular session of the legislature each year thereafter, the secretary of health and environment shall prepare and deliver a report to the legislature that summarizes the cost savings achieved by the state from the movement of covered individuals from the KanCare program to coverage under the act, including, but not limited to, the MediKan program, the medically needy spend-down program and the breast and cervical cancer program.

(b) State cost savings shall be determined by calculating the cost of providing services to covered individuals in the KanCare program less the cost of services provided to covered individuals under the act.

(c) If the secretary of health and environment implements other initiatives using

cost savings achieved through the implementation of the act, the secretary shall include such initiatives as part of the report required in subsection (a).

New Sec. 8. (a) The secretary of corrections and the secretary of health and environment shall coordinate with a county sheriff or such sheriff's deputy who requests assistance in facilitating medicaid coverage for any individual committed to a county jail or correctional facility during any time period that such individual is eligible for coverage under state or federal law.

(b) If an individual is enrolled in medicaid when such individual is committed to a county jail or correctional facility, such medicaid status shall not be suspended or terminated based on such individual's incarceration for a minimum of 30 days. After 30 days, medicaid coverage may be suspended, but not terminated, up to the maximum amount of time permitted by state and federal law.

(c) The secretary of health and environment shall coordinate with a county sheriff or such sheriff's deputy and the department of corrections to assist any individual who is committed to a county jail or correctional facility in applying for medicaid coverage prior to such individual's release from custody if such individual is likely to meet the requirements for medicaid coverage to allow adequate time for medicaid coverage to begin promptly upon release.

(d) The secretary of health and environment shall adopt any rules and regulations and supporting policies and procedures as necessary to implement and administer this section prior to January 1, 2026.

New Sec. 9. On or before February 15, 2027, and on or before February 15 of each year thereafter, the secretary of health and environment shall present a report to the house of representatives standing committee on appropriations and the senate standing committee on ways and means that summarizes the costs of the act and the cost savings and additional revenues generated during the preceding fiscal year.

New Sec. 10. (a) There is hereby established the rural health advisory committee.

(b) The rural health advisory committee shall consist of 15 members appointed by the governor. The membership shall be comprised of individuals with a variety of backgrounds including medicine, education, farming, finance, business and individuals representing community interests in rural Kansas.

(c) The governor shall designate one of the appointed members to be chairperson of the committee. The members of the advisory committee shall select a vice chairperson from the membership of the advisory committee.

(d) Upon first appointment, five of the members shall serve for a term of one year, five of the members shall be appointed for a term of two years and five of the members shall be appointed for term of three years, as designated by the governor. The member designated as chairperson shall serve for a term of three years. Subsequent appointees shall serve terms of three years.

(e) (1) The advisory committee may meet at any time and at any place within the state on the call of the chairperson. The advisory committee shall meet regularly, but shall meet at least once every calendar quarter.

(2) A quorum of the advisory committee shall be eight voting members. All actions of the advisory committee shall be adopted by a majority of those voting members present when there is a quorum.

(f) The advisory committee shall:

(1) Advise the governor and other state agencies on rural health issues;

- (2) recommend and evaluate mechanisms to encourage greater cooperation between rural communities and rural health providers;
- (3) recommend and evaluate approaches to rural health issues that are sensitive to the needs of local communities;
- (4) develop methods to identify individuals who are underserved by the Kansas rural healthcare system; and
- (5) beginning in 2026, provide an annual report to the governor containing the advice, recommendations and conclusions of the advisory committee.

(g) The secretary of health and environment shall facilitate the work of the committee by providing access to meeting space and other necessary staff and office support. The secretary of health and environment may adopt any rules and regulations and supporting policies and procedures that are necessary to support the work of the advisory committee.

New Sec. 11. The healthcare access for working Kansans (HAWK) act shall not provide coverage for abortion services, except in cases where coverage is mandated by federal law and federal financial participation is available.";

And by renumbering sections accordingly;

Also, on page 1, following line 34, by inserting:

"Sec. 13. K.S.A. 39-7,160 is hereby amended to read as follows: 39-7,160. (a) There is hereby established the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight. The joint committee shall review the number of individuals who are transferred from state or private institutions and long-term care facilities to the home and community based services and the associated cost savings and other outcomes of the money-follows-the-person program. The joint committee shall review the funding targets recommended by the interim report submitted for the 2007 legislature by the joint committee on legislative budget and use them as guidelines for future funding planning and policy making. The joint committee shall have oversight of savings resulting from the transfer of individuals from state or private institutions to home and community based services. As used in K.S.A. 39-7,159 through 39-7,162, and amendments thereto, "savings" means the difference between the average cost of providing services for individuals in an institutional setting and the cost of providing services in a home and community based setting. The joint committee shall study and determine the effectiveness of the program and cost-analysis of the state institutions or long-term care facilities based on the success of the transfer of individuals to home and community based services. The joint committee shall consider the issues of whether sufficient funding is provided for enhancement of wages and benefits of direct individual care workers and their staff training and whether adequate progress is being made to transfer individuals from the institutions and to move them from the waiver waiting lists to receive home and community based services. The joint committee shall review and ensure that any proceeds resulting from the successful transfer be applied to the system of provision of services for long-term care and home and community based services. The joint committee shall monitor and study the implementation and operations of the home and community based service programs, the children's health insurance program, the program for the all-inclusive care of the elderly and the state medicaid programs including, but not limited to, access to and quality of services provided and any financial information and budgetary issues. Any state agency shall provide data and information on KanCare programs, including, but not limited to,

pay for performance measures, quality measures and enrollment and disenrollment in specific plans, KanCare provider network data and appeals and grievances made to the KanCare ombudsman, to the joint committee, as requested.

(b) The joint committee shall consist of 11 members of the legislature appointed as follows: (1) Two members of the house committee on health and human services appointed by the speaker of the house of representatives; (2) one member of the house committee on health and human services appointed by the minority leader of the house of representatives; (3) two members of the senate committee on public health and welfare appointed by the president of the senate; (4) one member of the senate committee on public health and welfare appointed by the minority leader of the senate; (5) two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the house committee on appropriations; (6) one member of the house of representatives appointed by the minority leader of the house of representatives; and (7) two members of the senate appointed by the president of the senate, one of whom shall be a member of the senate committee on ways and means.

(c) Members shall be appointed for terms coinciding with the legislative terms for which such members are elected or appointed. All members appointed to fill vacancies in the membership of the joint committee and all members appointed to succeed members appointed to membership on the joint committee shall be appointed in the manner provided for the original appointment of the member succeeded.

(d) (1) The members originally appointed as members of the joint committee shall meet upon the call of the member appointed by the speaker of the house of representatives, who shall be the first chairperson, within 30 days of the effective date of this act. The vice-chairperson of the joint committee shall be appointed by the president of the senate. Chairperson and vice-chairperson shall alternate annually between the members appointed by the speaker of the house of representatives and the president of the senate. The ranking minority member shall be from the same chamber as the chairperson. ~~On and after the effective date of this act Except as provided in paragraph (2),~~ the joint committee shall meet at least once in January and once in April when the legislature is in regular session and at least once for two consecutive days during each of the third and fourth calendar quarters, on the call of the chairperson, but not to exceed six meetings in a calendar year, except additional meetings may be held on call of the chairperson when urgent circumstances exist which require such meetings. Six members of the joint committee shall constitute a quorum.

(2) ~~During calendar year 2026 and calendar year 2027, the joint committee shall meet for one additional day per meeting pursuant to paragraph (1) in order to monitor the implementation of the healthcare access for working Kansans act and to review the following topics relating to such implementation:~~

- ~~(A) Payment integrity and eligibility audits;~~
- ~~(B) outcomes related to section 3, and amendments thereto;~~
- ~~(C) health outcomes for individuals covered under the act;~~
- ~~(D) budget projections and actual expenditures related to implementation of the act; and~~
- ~~(E) expenses incurred by hospitals arising from charity care and services provided to patients who are unwilling or unable to pay for such services.~~

(e) (1) At the beginning of each regular session of the legislature, the committee

shall submit to the president of the senate, the speaker of the house of representatives, the house committee on health and human services and the senate committee on public health and welfare a written report on numbers of individuals transferred from the state or private institutions to the home and community based services including the average daily census in the state institutions and long-term care facilities, savings resulting from the transfer certified by the secretary for aging and disability services in a quarterly report filed in accordance with K.S.A. 39-7,162, and amendments thereto, and the current balance in the home and community based services savings fund of the Kansas department for aging and disability services.

(2) Such report submitted under this subsection shall also include, but not be limited to, the following information on the KanCare program:

(A) Quality of care and health outcomes of individuals receiving state medicaid services under the KanCare program, as compared to the provision of state medicaid services prior to January 1, 2013;

(B) integration and coordination of ~~health care~~ healthcare procedures for individuals receiving state medicaid services under the KanCare program;

(C) availability of information to the public about the provision of state medicaid services under the KanCare program, including, but not limited to, accessibility to health services, expenditures for health services, extent of consumer satisfaction with health services provided and grievance procedures, including quantitative case data and summaries of case resolution by the KanCare ombudsman;

(D) provisions for community outreach and efforts to promote the public understanding of the KanCare program;

(E) comparison of the actual medicaid costs expended in providing state medicaid services under the KanCare program after January 1, 2013, to the actual costs expended under the provision of state medicaid services prior to January 1, 2013, including the manner in which such cost expenditures are calculated;

(F) comparison of the estimated costs expended in a managed care system of providing state medicaid services under the KanCare program after January 1, 2013, to the actual costs expended under the KanCare program of providing state medicaid services after January 1, 2013;

(G) comparison of caseload information for individuals receiving state medicaid services prior to January 1, 2013, to the caseload information for individuals receiving state medicaid services under the KanCare program after January 1, 2013; and

(H) all written testimony provided to the joint committee regarding the impact of the provision of state medicaid services under the KanCare program upon residents of adult care homes.

(3) The joint committee shall consider the external quality review reports and quality assessment and performance improvement program plans of each managed care organization providing state medicaid services under the KanCare program in the development of the report submitted under this subsection.

(4) The report submitted under this subsection shall be published on the official website of the legislative research department.

(f) Members of the committee shall have access to any medical assistance report and caseload data generated by the Kansas department of health and environment division of health care finance. Members of the committee shall have access to any report submitted by the Kansas department of health and environment division of health

care finance to the centers for medicare and medicaid services of the United States department of health and human services.

(g) Members of the committee shall be paid compensation, travel expenses and subsistence expenses or allowance as provided in K.S.A. 75-3212, and amendments thereto, for attendance at any meeting of the joint committee or any subcommittee meeting authorized by the committee.

(h) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee.

(i) The joint committee may make recommendations and introduce legislation as it deems necessary in performing its functions.

Sec. 14. K.S.A. 40-3213 is hereby amended to read as follows: 40-3213. (a) Every health maintenance organization and medicare provider organization subject to this act shall pay to the commissioner the following fees:

- (1) For filing an application for a certificate of authority, \$150;
- (2) for filing each annual report, \$50; and
- (3) for filing an amendment to the certificate of authority, \$10.

(b) Every health maintenance organization subject to this act shall pay annually to the commissioner at the time such organization files its annual report, a privilege fee in an amount equal to ~~the following percentages~~ 5.77% of the total of all premiums, subscription charges or any other term that may be used to describe the charges made by such organization to enrollees: ~~3.31% during the reporting period beginning January 1, 2015, and ending December 31, 2017; and 5.77% on and after January 1, 2018.~~ In such computations all such organizations shall be entitled to deduct therefrom any premiums or subscription charges returned on account of cancellations and dividends returned to enrollees. If the commissioner shall determine at any time that the application of the privilege fee, or a change in the rate of the privilege fee, would cause a denial of, reduction in or elimination of federal financial assistance to the state or to any health maintenance organization subject to this act, the commissioner is hereby authorized to terminate the operation of such privilege fee or the change in such privilege fee.

(c) For the purpose of insuring the collection of the privilege fee provided for by subsection (b), every health maintenance organization subject to this act and required by subsection (b) to pay such privilege fee shall at the time it files its annual report, as required by K.S.A. 40-3220, and amendments thereto, make a return, generated by or at the direction of its chief officer or principal managing director, under penalty of K.S.A. 21-5824, and amendments thereto, to the commissioner, stating the amount of all premiums, assessments and charges received by the health maintenance organization, whether in cash or notes, during the year ending on the last day of the preceding calendar year. Upon the receipt of such returns the commissioner of insurance shall verify such returns and reconcile the fees pursuant to subsection (f) upon such organization on the basis and at the rate provided in this section.

(d) Premiums or other charges received by an insurance company from the operation of a health maintenance organization subject to this act shall not be subject to any fee or tax imposed under the provisions of K.S.A. 40-252, and amendments thereto.

(e) Fees charged under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon

receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the medical assistance fee fund created by K.S.A. 40-3236, and amendments thereto.

(f) ~~(1) On and after January 1, 2018,~~ In addition to any other filing or return required by this section, each health maintenance organization shall submit a report to the commissioner on or before March 31 and September 30 of each year containing an estimate of the total amount of all premiums, subscription charges or any other term that may be used to describe the charges made by such organization to enrollees that the organization expects to collect during the current calendar year. Upon filing each March 31 report, the organization shall submit payment equal to $\frac{1}{2}$ of the privilege fee that would be assessed by the commissioner for the current calendar year based upon the organization's reported estimate. Upon filing each September 30 report, the organization shall submit payment equal to the balance of the privilege fee that would be assessed by the commissioner for the current calendar year based upon the organization's reported estimates.

(2) Any amount of privilege fees actually owed by a health maintenance organization during any calendar year in excess of estimated privilege fees paid shall be assessed by the commissioner and shall be due and payable upon issuance of such assessment.

(3) Any amount of estimated privilege fees paid by a health maintenance organization during any calendar year in excess of privilege fees actually owed shall be reconciled when the commissioner assesses privilege fees in the ensuing calendar year. The commissioner shall credit such excess amount against future privilege fee assessments. Any such excess amount paid by a health maintenance organization that is no longer doing business in Kansas and that no longer has a duty to pay the privilege fee shall be refunded by the commissioner from funds appropriated by the legislature for such purpose.

Sec. 15. K.S.A. 39-7,160 and 40-3213 are hereby repealed.";

And by renumbering sections accordingly;

Also on page 1, in line 36, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 8, after "session" by inserting "; expanding medical assistance eligibility; enacting the healthcare access for working Kansans (HAWK) act; directing the department of health and environment to study certain medicaid expansion topics; adding meeting days to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight to monitor implementation of expanded medical assistance eligibility; amending K.S.A. 39-7,160 and 40-3213 and repealing the existing sections"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 12; Nays 28; Present and Passing 0; Absent or Not Voting 0.

Yea: Argabright, Billinger, Corson, Dietrich, Faust-Goudeau, Francisco, Haley, Holscher, Pettey, Schmidt, Sykes, Ware.

Nay: Alley, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

SB 166 be amended by the adoption of the committee amendments.

SB 193 be amended by the adoption of the committee report on **SB 193** recommending **Sub SB 193**.

SB 199 be amended by the adoption of the committee amendments.

SB 222 be amended by the adoption of the committee amendments.

CHANGE OF REFERENCE

An objection having been made to **SB 89**, **SB 137** appearing on the Consent Calendar, the President directed the bills be removed and placed on the calendar under the heading of **General Orders**.

The President withdrew **SB 75**, **SB 99** from the Calendar under the heading of **General Orders**, and referred the bills to the Committee on **Ways and Means**.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 184** be amended on page 3, in line 15, by striking "Except as otherwise"; by striking all in lines 16 through 22; in line 23, by striking all before the period and inserting "The director of the division of environment, upon a finding that a person has violated a provision of subsection (a), may impose on such person an administrative penalty in an amount not to exceed \$500 for every violation.

(c) In assessing an administrative penalty under this section, the director of the division of environment shall consider, when applicable, the following factors:

(1) The extent to which the violation presents a hazard to human health;

(2) the extent to which the violation has or may have an adverse effect on the environment;

(3) the amount of the reasonable costs incurred by the state in detection and investigation of the violation; and

(4) the economic savings realized by the person in not complying with the provision for which a violation is charged";

Also on page 3, in line 43, before "Careful" by inserting "The department shall not seek out contaminated drycleaning facility sites because of the existence of the fund or the other provisions of this act. The moneys are made available for use as sites are discovered in the normal course of business of the agency. Nothing in this subsection shall be interpreted to prevent the agency from sharing information or advertising the fund, responding to complaints or related information that the agency may obtain that indicates a problem with water quality or other human health concerns related to drycleaning facilities.

(d)";

And by redesignating subsections accordingly;

On page 4, in line 43, by striking ", whether or not such corrective action is" and inserting "as";

On page 8, in line 26, after "taxes" by inserting "assessed pursuant to this act"; also in line 26, by striking "assessed"; in line 27, by striking all before the comma;

On page 10, in line 13, after "fee" by inserting "assessed pursuant to this act"; also in line 13, by striking "assessed"; in line 14, by striking all before the comma; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 197** be amended by substituting with a

new bill to be designated as "Substitute for SENATE BILL NO. 197," as follows:

"Substitute for SENATE BILL NO. 197

By Committee on Commerce

"AN ACT concerning the STAR bonds financing act; relating to STAR bond project district requirements; authorizing redevelopment of certain mall facilities as eligible STAR bond projects; requiring all businesses located in a STAR bond project district to provide visitor data to the secretary of commerce on a quarterly basis instead of an annual basis; requiring the secretary to make certain information concerning STAR bond projects publicly available on the website of the department of commerce; prohibiting state general fund moneys from being pledged for the repayment of any special obligation bond issued by a city or county to finance a STAR bond project; prohibiting a city or county from using eminent domain to acquire real property for a STAR bond project; extending the expiration date of the STAR bonds financing act to July 1, 2028; amending K.S.A. 12-17,160, 12-17,166, 12-17,172 and 12-17,179 and K.S.A. 2024 Supp. 12-17,162 and 12-17,169 and repealing the existing sections.";

And the substitute bill be passed.

Also, **SCR 1606** be adopted.

Committee on **Education** recommends **SB 47** be amended on page 2, in line 24, after "Each" by inserting "regularly scheduled"; in line 25, after "virtually" by inserting "or for the purpose of a budget hearing or revenue neutral rate hearing"; in line 27, after "at" by inserting "such";

And the bill be passed as amended.

Also, **SB 114** be amended on page 1, in line 23, by striking "(3)" and inserting "(b)"; in line 25, before "(A)" by inserting "(1)";

On page 2, in line 4, after "district" by inserting "; or

(2) (A) Is enrolled in and attending the Kansas academy of mathematics and science as defined in K.S.A. 72-3903, and amendments thereto;

(B) complies with the requirements of K.S.A. 72-6262, and amendments thereto, prior to participation in any such activity;

(C) meets any applicable age and eligibility requirements set forth by the activities association referred to in K.S.A. 72-7114, and amendments thereto, that are not otherwise in conflict with this section;

(D) pays any fees required by the school district for participation in such activity if such fees are generally imposed upon all other students who participate in such activity; and

(E) seeks participation at the appropriate school of the school district that corresponds to where the postsecondary educational institution designated by the state board of regents for the Kansas academy of mathematics and science program";

Also on page 2, in line 19, by striking "(d)" and inserting "(e)"; in line 29, by striking "(b)" and inserting "(c)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

And the bill be passed as amended.

Committee on **Judiciary** recommends **SB 54** be amended by substituting with a new bill to be designated as "Substitute for SENATE BILL NO. 54," as follows:

"Substitute for SENATE BILL NO. 54

By Committee on Judiciary

"AN ACT concerning the code of civil procedure; relating to litigation funding by third parties; limiting discovery and disclosure of third-party litigation funding agreements; requiring reporting of such agreements to the court and requiring the judicial council to study third-party litigation funding agreements; requiring the clerk of the supreme court to develop a form for reports; exempting such reports from the open records act; amending K.S.A. 2024 Supp. 60-226 and repealing the existing section.";

And the substitute bill be passed.

Also, **SB 204** be amended on page 1, in line 11, by striking all after the period; by striking all in lines 12 and 13; in line 20, after "(4)" by inserting "Nothing in this subsection shall prohibit disclosure of warrant information, subpoenas or other case information to law enforcement for the purposes of executing a warrant or serving a subpoena.

(5)";

And the bill be passed as amended.

Committee on **Judiciary** recommends **SB 237** be amended on page 1, in line 27, after "parent" by inserting "accumulates a child support arrearage and"; in line 31, after "shall" by inserting ", upon the occurrence of a distributable event as defined by the terms of the qualified plan,"; in line 32, by striking all after "to"; in line 33, by striking all before "until" and inserting "pay the arrearage with a one-time lump-sum distribution";

On page 2, in line 3, by striking all after "(A)"; by striking all in line 4; in line 5, by striking all before the semicolon and inserting "Not require a plan to make any distributions that are not otherwise authorized by the terms of the plan;

(B) be subject to early withdrawal penalties and taxable income as a distribution"; On page 3, in line 10, by striking "retiremant" and inserting "retirement"; and the bill be passed as amended.

On motion of Senator Blasi, the Senate adjourned until 10:00 a.m., Wednesday, February 19, 2025.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

