

# Journal of the Senate

TWENTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 9, 2026, 2:30 p.m.

The Senate was called to order by Vice President Tim Shallenburger.  
The roll was called with 38 senators present.  
Senators Blew and Petersen were excused.  
Invocation by guest chaplain, Doug Henkle:

Father God, thank You for the privilege it is to come before Your throne of grace, wisdom, and peace this day. When almost any proposal in this legislature will find strong advocacy and fierce opposition, we need a visitation from You.

Grant, dear God, that every member of this senate will somehow be made aware of the reality of You in their heart. Let there be nothing in the heart and mind of any senator which will prevent hearing those whose position is contrary. Remove all hindrances which would cause Your servants, here, to ignore the voice of Your Holy Spirit, speaking the wisdom of God to their consciences. May every person who works in this beautiful building feel Your presence in some undeniable, unforgettable way. Make Yourself known to us in sovereign wisdom and power.

As turnaround approaches in the next couple of weeks, and the discussion and debate are finalized in this chamber and sent across the rotunda, when everything that can be said has been, the time for decision will come. I ask that You, God of all wisdom, give each senator Your wisdom and peace.

Many outside this chamber have made loud noises, but they are free from this awesome responsibility. They can criticize and complain, but they don't have to decide. In the quietness of each senator's heart, as the pros and cons of each bill are presented, reassure them that You are willing to lead them through the tangled web of confusing and contradictory alternatives to a righteous judgment.

I pray for President Masterson, Vice President Shallenburger, Majority Leader Blasi and Minority Leader Sykes. Bless them with Your insight and Your grace and peace as they lead the Kansas Senate.

In Jesus' Mighty Name, Amen!

The Pledge of Allegiance was led by Vice President Shallenburger.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 499**, AN ACT concerning consumer protection; enacting the Kansas age-appropriate design code act; requiring businesses to assess and mitigate risks of compulsive use of digital products in minors; mandating privacy settings for minors to

be set at the highest level by default; detailing the right of each consumer to access and control such consumer's own personal data; authorizing the attorney general to enforce compliance and adopt necessary rules and regulations; creating a private right of action for violations; enacting the Kansas stopping digital likeness abuse by nonconsensual digital replicas act; creating a private right of action for the unauthorized digital replication and distribution of individuals' digital likenesses; enacting the Kansas saving human connection act; prohibiting deceptive practices and ensuring transparency in chatbot interactions; imposing liability on chatbot providers for injuries caused by such providers' products; creating a private right of action for violations; granting the attorney general authority to enforce compliance of this act and adopt necessary rules and regulations, by Committee on Federal and State Affairs.

**SB 500**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; creating the Kansas public employees retirement system cost-of-living adjustment commission; prescribing the powers and duties of the commission; establishing procedures of the legislature for the review and consideration of cost-of-living adjustments by the commission, by Committee on Ways and Means.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 498**.

Commerce: **SB 495**.

Education: **SB 496**.

Federal and State Affairs: **SB 497**.

#### MESSAGES FROM THE GOVERNOR

Enclosed herewith is Executive Directive No. 26-603 (February 9, 2026)

#### COMMUNICATIONS FROM STATE OFFICERS

Notice of intent to dispose of an elementary school, Garnett, USD 365

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Thompson the Senate nonconcurrent in the House amendments to **SB 254** and requested a conference committee be appointed.

Under the authority of the President, the Vice President appointed Senators Thompson, Blew and Faust Goudeau as a conference committee on the part of the Senate.

#### REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 304**, **SB 361** be passed.

Also, **SB 339** be amended on page 1, in line 8, before "For" by inserting "(a)"; in line 10, after "recess" by inserting "and a minimum of 60 minutes of moderate physical activity"; in line 11, by striking all after "through"; by striking all in line 12; in line 13, by striking the first "recess" and inserting "eight and a minimum of 30 minutes of moderate physical activity within the school day for all students in grades nine through 12. Such physical activity may occur during recess, physical education class or other organized activity"; following line 14, by inserting:

"(b) Physical activity shall not be limited or withheld for disciplinary reasons unless such student is an immediate threat to self or others.

(c) As used in this section, "moderate physical activity" means low-to-medium impact physical exertion designed to increase a student's heart rate to rise to at least 75% of the student's maximum heart rate. "Moderate physical activity" includes, but is not limited to, running, calisthenics and aerobic exercise. "Moderate physical activity" does not include time during which a student is permitted to use an electronic device or walking to and from class.

New Sec. 2. (a) Beginning in school year 2026-2027, the state board of education shall establish a Kansas state fitness test that is aligned with the presidential physical fitness test to assess the overall fitness of students in grades one through 12. The state board shall update the test as often as required to maintain alignment with the presidential physical fitness test. The state board shall provide an award for students who meet or exceed the state's 50<sup>th</sup> percentile and an award for students who meet or exceed the state's 85<sup>th</sup> percentile on one or more test events.

(b) Each school district shall annually administer the Kansas state fitness test to each student enrolled in grades one through 12. This requirement shall not apply to any student who is a child with a disability, as defined in K.S.A. 72-3404, and amendments thereto, or has a medical exemption as determined by a licensed physician.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, by striking "at least 30 minutes" and inserting "a certain amount"; also in line 2, after "recess" by inserting "and moderate physical activity"; in line 3, by striking "in grades kindergarten through five" and inserting "; prohibiting limiting or withholding physical activity for disciplinary reasons; requiring the establishment and administration of a Kansas state fitness test"; also in line 3, by striking "such" and inserting "the required recess"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 435** be passed.

The Committee on **Judiciary** recommends **SB 373** be amended on page 1, in line 14, by striking "30" and inserting "60"; in line 15, by striking the comma and inserting "or"; also in line 15, by striking "or"; in line 16, by striking "subpoena"; in line 20, by striking "30" and inserting "60"; also in line 20, after the comma by inserting "if no warrant or court order is issued,"; in line 22, by striking "30" and inserting "60"; in line 32, by striking "or" and inserting a comma; also in line 32, after the second "department" by inserting "or the Kansas bureau of investigation"; in line 33, after "(2)" by inserting ""Law enforcement equipment" means any camera. "Law enforcement equipment" does not include any nonvideo equipment or automatic license plate readers that destroy all data within 90 days unless specific data is retained as part of an open investigation.

(3)";

And the bill be passed as amended.

Also, **HB 2329**, As Amended by House Committee of the Whole, be amended on page 15, in line 9, by striking "or"; in line 12, after "adjudications" by inserting "; or

(iv) committed while such offender was awaiting adjudication for a prior felony offense or on probation or conditional release for a prior felony adjudication";

On page 16, in line 21, by striking "2024" and inserting "2025";

On page 19, following line 14, by inserting:

"Sec. 6. K.S.A. 2025 Supp. 65-536 is hereby amended to read as follows: 65-536. (a) A juvenile crisis intervention center is a facility that provides short-term observation, assessment, treatment and case planning, and referral for any juvenile who is experiencing a behavioral health crisis and is likely to cause harm to self or others. Such centers shall:

(1) Address or ensure access to the broad range of services to meet the needs of a juvenile admitted to the center, including, but not limited to, medical, psychiatric, psychological, social, educational and substance abuse-related services;

(2) not include construction features designed to physically restrict the movements and activities of juveniles, but shall have a design, structure, interior and exterior environment, and furnishings to promote a safe, comfortable and therapeutic environment for juveniles admitted to the center;

(3) implement written policies and procedures that include the use of a combination of supervision, inspection and accountability to promote safe and orderly operations; and

(4) implement written policies and procedures for staff monitoring of all center entrances and exits.

(b) A juvenile crisis intervention center shall provide treatment to juveniles admitted to such center, as appropriate while admitted.

(c) A juvenile crisis intervention center may be on the same premises as that of another licensed facility. If the juvenile crisis intervention center is on the same premises as that of another licensed facility, the living unit of the juvenile crisis intervention center shall be maintained in a separate, self-contained unit. No juvenile crisis intervention center shall be in a city or county jail or a juvenile detention facility.

(d) (1) A juvenile may be admitted to a juvenile crisis intervention center when:

(A) The head of such center determines such juvenile is in need of treatment and likely to cause harm to self or others;

(B) a qualified mental health professional from a community mental health center has given written authorization for such juvenile to be admitted to a juvenile crisis intervention center; and

(C) no other more appropriate treatment services are available and accessible to the juvenile at the time of admission.

(2) A juvenile may be admitted to a juvenile crisis intervention center for not more than 30 days. A parent with legal custody or legal guardian of a juvenile placed in a juvenile crisis intervention center may remove such juvenile from the center at any time. If the removal may cause the juvenile to become a child in need of care pursuant to K.S.A. 38-2202(d), and amendments thereto, the head of a juvenile crisis intervention center may report such concerns to the department for children and families or law enforcement or may request the county or district attorney to initiate proceedings pursuant to the revised Kansas code for care of children. If the head of a juvenile crisis intervention center determines the most appropriate action is to request the county or district attorney to initiate proceedings pursuant to the revised Kansas code for care of children, the head of such center shall make such request and shall keep such juvenile in the center for an additional 24-hour period to initiate the appropriate proceedings.

(3) When a juvenile is released from a juvenile crisis intervention center, the managed care organization, if the juvenile is a medicaid recipient, and the community mental health center serving the area where the juvenile is being discharged shall be

involved with discharge planning. Within seven days prior to the discharge of a juvenile, the head of the juvenile crisis intervention center shall give written notice of the date and time of the discharge to the patient, the managed care organization, if the juvenile is a medicaid recipient, and the community mental health center serving the area where the juvenile is being discharged, and the patient's parent, custodian or legal guardian.

(e) (1) Upon admission to a juvenile crisis intervention center, and if the juvenile is a medicaid recipient, the managed care organization shall approve services as recommended by the head of the juvenile crisis intervention center. Within 14 days after admission, the head of the juvenile crisis intervention center shall develop a plan of treatment for the juvenile in collaboration with the managed care organization.

(2) Nothing in this subsection shall prohibit the department of health and environment from administering or reimbursing state medicaid services to any juvenile admitted to a juvenile crisis intervention center pursuant to a waiver granted under section 1915(c) of the federal social security act, provided that such services are not administered through a managed care delivery system.

(3) Nothing in this subsection shall prohibit the department of health and environment from reimbursing any state medicaid services that qualify for reimbursement and that are provided to a juvenile admitted to a juvenile crisis intervention center.

(4) Nothing in this subsection shall impair or otherwise affect the validity of any contract in existence on July 1, 2018, between a managed care organization and the department of health and environment to provide state medicaid services.

(5) On or before January 1, 2019, the secretary of health and environment shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement this subsection.

(f) The secretary for children and families, in consultation with the attorney general, shall promulgate rules and regulations to implement the provisions of this section on or before January 1, 2019.

(g) The secretary for children and families shall annually report information on outcomes of juveniles admitted into juvenile crisis intervention centers to the J. Russell (Russ) Jennings joint committee on corrections and juvenile justice oversight, the corrections and juvenile justice committee of the house of representatives and the judiciary committee of the senate. Such report shall include:

(1) The number of admissions, releases and the lengths of stay for juveniles admitted to juvenile crisis intervention centers;

(2) services provided to juveniles admitted;

(3) needs of juveniles admitted determined by evidence-based assessment; and

(4) success and recidivism rates, including information on the reduction of involvement of the child welfare system and juvenile justice system with the juvenile.

(h) The secretary of corrections may enter into memorandums of agreement with other cabinet agencies to provide funding, not to exceed \$2,000,000 annually, from the evidence-based programs account of the state general fund or other available appropriations for juvenile crisis intervention services provided by a licensed juvenile crisis intervention center or other residential facility licensed by the Kansas department for children and families or the Kansas department for aging and disability services that has a program purpose of behavioral health crisis intervention for juveniles.

(i) For the purposes of this section:

(1) "Behavioral health crisis" means behavioral and conduct issues that impact the safety or health of a juvenile, members of the juvenile's household or family or members of the community, including, but not limited to, non-life threatening mental health and substance abuse concerns;

(2) "head of a juvenile crisis intervention center" means the administrative director of a juvenile crisis intervention center or such person's designee;

(3) "juvenile" means a person who is less than 18 years of age;

(4) "likely to cause harm to self or others" means that a juvenile, by reason of the juvenile's behavioral health condition, mental disorder or mental condition is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage;

(5) "treatment" means any service intended to promote the mental health of the patient and rendered by a qualified professional, licensed or certified by the state to provide such service as an independent practitioner or under the supervision of such practitioner; and

(6) "qualified mental health professional" means a physician or psychologist who is employed by a participating mental health center or who is providing services as a physician or psychologist under a contract with a participating mental health center, a licensed masters level psychologist, a licensed clinical psychotherapist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, a licensed professional counselor, a licensed clinical professional counselor, a licensed specialist social worker or a licensed master social worker or a registered nurse who has a specialty in psychiatric nursing, who is employed by a participating mental health center and who is acting under the direction of a physician or psychologist who is employed by, or under contract with, a participating mental health center.

(j) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.";

On page 22, in line 41, by striking "2024" and inserting "2025";

On page 23, in line 9, by striking "2024" and inserting "2025";

On page 27, in line 35, after "juvenile" by inserting ":

(i)";

Also on page 27, in line 36, after "offense" by inserting "; or

(ii) has been presented to a juvenile intake and assessment system for the second time within one year";

Also on page 27, also in line 36, by striking all after the period and inserting:

"(C) When the detention risk assessment tool is overridden pursuant to subparagraph (B).";

On page 28, in line 15, by striking "2024" and inserting "2025"; also in line 15, after "38-2391" by inserting ", 65-536";

And by renumbering sections accordingly;

On page 1, in the title, in line 8, after the semicolon, by inserting "authorizing the secretary of corrections to enter into a memorandum of understanding to provide funding from the evidence-based programs account to residential facilities with behavioral health crisis intervention services for juveniles;"; in line 14, by striking "2024" and inserting "2025"; also in line 14, after "38-2391" by inserting ", 65-536";

and the bill be passed as amended.

The **Select Committee on Veterans Affairs** recommends **SB 434** be amended on page 1, in line 14, by striking "honorably"; in line 15, after "service" by inserting "under an honorable discharge"; also in line 15, by striking "armed forces" and inserting "uniformed services"; and the bill be passed as amended.

On motion of Senator Blasi, the Senate adjourned until 2:30 p.m., Tuesday, February 10, 2026.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

