

SESSION OF 2025

SUPPLEMENTAL NOTE ON SENATE BILL NO. 161

As Amended by Senate Committee on
Government Efficiency

Brief*

SB 161, as amended, would prohibit state agencies after July 1, 2025, from seeking or implementing any public assistance program waiver or other authorization from the federal government that expands eligibility for any public assistance program or would increase any cost to the State. The bill would also prohibit making certain changes to services for persons with intellectual or developmental disabilities (I/DD) without the express consent or approval of either the Legislature or the Legislative Coordinating Council (LCC).

Public Assistance Program Waivers

The bill would prohibit State agencies, on or after July 1, 2025, from seeking or implementing at minimum a Medicaid State Plan amendment, any State Plan amendment, or any State demonstration or waiver pursuant to Section 1115 or 1915 of the federal Social Security Act, if the public assistance waivers or other authorizations from the federal government would increase any cost to the State without the approval by an Act of the Legislature to expressly consent or approve of the waiver or other approval.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Intellectual or Developmental Disabilities Changes

The bill would prohibit any State agency, on or after July 1, 2025, to seek or implement any change to the funding structures, Day Services, or Targeted Case Management services for persons with I/DD without the approval by an Act of the Legislature to expressly consent or approve of the the change.

Legislative Approval

The bill would require any approval or consent for said waiver or other authorization be an act of the Legislature. Should the Legislature not be in session, the bill would allow the LCC to approve the waiver or other authorization.

Definitions

The bill would define the following terms as follows:

- “Public assistance program” would mean any assistance included in KSA 39-709 for which federal or state moneys or both are expended and currently includes the following programs: Temporary Assistance for Needy Families (TANF), Food Assistance, Child Care Subsidy, and Medical Assistance; and
- “State agency” would mean any State office or officer, department, board, commission, institution, bureau, or any agency, division, or unit within any office, department, board, commission, or other State authority or any person requesting a State appropriation.

Background

The bill was introduced by the Senate Committee on Government Efficiency at the request of Senator Erickson.

Senate Committee on Government Efficiency

In the Senate Committee hearing, **proponent** testimony was provided by representatives of Development Services of Northwest Kansas, Inc., InterHab, and Opportunity Solutions Project. The proponents generally stated the bill was needed to ensure legislative oversight of proposed Executive Branch expansion of public assistance programs and help ensure stakeholder involvement in potential changes.

Written-only proponent testimony was provided by representatives of Big Lakes Development and COF Training Services, Inc.

Opponent testimony was provided by representatives of Alliance for Healthy Kansas, Disability Rights Center of Kansas, KanCare Advocates Network, Kansas Action for Children, and a representative of Harvesters Community Food Network, Kansas Food Bank, and Second Harvest Community Food Bank. The opponents generally stated the bill would impact the ability of agencies to quickly respond to new issues, good or bad, that could arise when the Legislature is not in session. The opponents stated these additional barriers would harm individuals who utilize these programs.

Written-only opponent testimony was provided by representatives of the Community Health Council of Wyandotte County, Department for Children and Families (DCF), Kansas Appleseed, Kansas Breastfeeding Coalition, Kansas Department for Aging and Disability Services (KDADS), Kansas Department of Health and Environment (KDHE), Kansas Hospital Association, Oral Health Kansas, Thrive Allen County, and Thrive Kansas.

No other testimony was provided.

The Senate Committee amended the bill as follows:

- Authorize the LCC to approve a waiver when the Legislature is not in session; and
- Prohibit changes to I/DD funding and services without approval.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, DCF, KDADS, and KDHE state the bill could impact federal funds received by the State should the State become out of compliance with federal requirements.

The agencies estimate the federal share of the Kansas Medicaid program across both KDHE and KDADS is \$3.7 billion for FY 2025, \$3.8 billion for FY 2026, and \$3.9 billion for FY 2027.

Any fiscal effect associated with the bill are not reflected in *The FY 2026 Governor's Budget Report*.

Public assistance; Legislature; Legislative Coordinating Council; public assistance program waiver; eligibility; intellectual or developmental disabilities