

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairperson Troy Waymaster at 9:00 am on Thursday, April 25, 2024, in room 346-S of the Capitol.

All members were present

Committee staff present:

Amanda Prosser, Legislative Research Department
Chris Waggoner, Office of Revisor of Statutes
Dylan Dear, Legislative Research Department
Jill Wolters, Office of Revisor of Statutes
Susan McClacherty, Kansas Legislative Committee Assistant
David Wiese, Office of Revisor of Statutes
Jessie Pringle, Office of Revisor of Statutes
Brianna Horton, Legislative Research Department
Chardae Caine, Legislative Research Department
Dayton LaMunyon, Legislative Research Department
Edward Penner, Legislative Research Department
James Fisher, Legislative Research Department
Luke Drury, Legislative Research Department
Molly Pratt, Legislative Research Department
Murl Riedel, Legislative Research Department
Shirley Morrow, Legislative Research Department
Steven Wu, Legislative Research Department

Conferees appearing before the Committee:

Adam Proffitt, Director of the Budget

Others in attendance:

No list available

Meeting 1 of 2

Joint Committee of Senate Ways and Means and House Appropriations.

Chairperson Billinger welcomed committee members, staff and guests to the meeting.

Update on Human Services Caseload Estimates

Megan Leopold, Managing Fiscal Analyst, Kansas Legislative Research Department (KLRD), provided an update on the Human Services Caseload estimates that were revised by the Consensus Group on April 17, 2024. The caseload estimates include expenditures for Temporary Assistance to Needy Families cash assistance, the Foster Care Program, KanCare Regular Medical Assistance, and Kansas

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Department for Aging and Disability Services (KDADS) Non-KanCare. The estimate for Fiscal Year (FY) 2024 is an increase of \$30.2 million from all funding sources, and a State General Fund (SGF) increase of \$19.6 million compared to the FY 2024 approved amount. The estimate for FY 2025 is an increase of \$121.7 million from all funding sources and a SGF increase of \$79.0 million from the FY 2025 approved amount. ([Attachment 1](#))

Update on Education Caseload Estimates

Jennifer Light, Fiscal Analyst, KLRD, provided an update on the Spring 2024 Education Consensus Estimates including changes to BASE Aid, Supplemental State Aid, Special Education, and Capital Outlay. The estimates include the impact of **SB 73**. Ms. Light responded to questions from committee members. ([Attachment 2](#))

Update on Consensus Revenue Estimates

Edward Penner, Senior Economist, KLRD, provided an update on the Consensus Revenue Estimates for FY 2024 and FY 2025 as revised by the Consensus Estimating Group on April 19, 2024. The overall estimate for FY 2024 and FY 2025 was increased by a combined \$45.9 million. The estimate for total taxes was decreased by \$39.0 million, and other revenues were increased by \$84.9 million for the two years combined. The state is currently experiencing a low unemployment rate with job openings exceeding the number of unemployed individuals. Kansas faces challenges with labor force participation due to an aging population, resulting in a lower overall labor force participation rate. Mr. Penner responded to questions from committee members. ([Attachment 3](#))

Update on State General Fund (SGF) Profile

Dylan Dear, Assistant Director for Fiscal Affairs, KLRD, provided an update on the SGF profile based on various scenarios. The first profile is the one that was in place when the Legislature recessed in early April. The second profile included **HB 2036** and **HB 2098**. This profile does not include GBA No. 2, with the exception of the Human Services caseload estimates. The third profile is the same profile as number two with the exception that it included tax bill vetoes. Mr. Dear responded to questions from committee members. ([Attachment 4](#)) ([Attachment 5](#))

Update on Governor's Budget Amendments

Adam Proffitt, Director of the Budget, presented the Governor's Budget Amendment (GBA) No. 2 and responded to questions from committee members. ([Attachment 6](#))

Director Proffitt also distributed a Message from the Governor regarding veto of **SB 28**. ([Attachment 7](#))

Senator Billinger thanked the following people for providing lunch: John Penner, Michael White, Eric Sexton, Doug Smith, and J.R. Baron.

Senator Billinger announced the Senate meeting will resume in room 548-S starting at 11:00 a.m. and

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the House of Representatives meeting will resume in room 112-N at 11:00 a.m.

Senator Billinger adjourned the meeting at 10:31 a.m.

Meeting 2 of 2 in 112-N

Chairperson Waymaster opened the meeting at 11:04 a.m.

Discussion and possible action on the omnibus bill

KLRD distributed the Items for Omnibus Considerations document to committee members.

[\(Attachment 8\)](#)

Megan Leopold, Managing Fiscal Analyst, KLRD, provided the committee members with information about the Board of Nursing request for one-time expenditure increase of \$30,000 for a software vendor upgrade. Representative Williams moved, Representative Sutton seconded, to accept Item A for the Board of Nursing. Motion carried.

Megan Leopold provided the committee members with items for omnibus consideration from the Kansas Endowment for Youth and the Kansas Department of Health and Environment--Division of Health.

Representative Williams moved, Representative Concannon seconded, to adopt Item B for the Kansas Endowment for Youth. Motion carried.

Representative Sutton moved, Representative Estes seconded, to adopt Item A of the Kansas Department of Health and Environment--Division of Health, if the Governor's veto is overridden by the legislature. Motion carried.

Representative Mason moved, Representative Hoffman seconded, to adopt Item B of the Kansas Department of Health and Environment--Division of Health. Motion carried.

Representative Ballard moved, Representative Mason seconded, to adopt Item C of the Kansas Department of Health and Environment--Division of Health.

Representative Ballard moved, Representative Mason seconded, to modify the motion to adopt Item C of the Kansas Department of Health and Environment--Division of Health if manage care organizations do not provide the benefits within their value-added benefits.

Representative Landwehr moved, Representative Tarwater seconded, a substitute motion for the legislature to strongly encourage managed care organizations to include preventative dental care to cover dental exams, x-rays, and cleanings within their value-added benefits with no money associated.

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Division was called. Motion failed from a vote of 9 in favor and 13 against.

Back to the original motion: Representative Ballard moved, Representative Mason seconded, to modify the motion to adopt Item C of the Kansas Department of Health and Environment--Division of Health and require manage care organizations to provide preventative dental care to cover dental exams, x-rays, and cleanings. Division was called. Motion failed from a vote of 10 in favor and 13 against.

Representative Hoffman moved, Representative Mason seconded, to adopt Item G of the Kansas Department of Health and Environment--Division of Health. Motion carried.

Representative Woodard moved, Representative Helgerson seconded, to adopt Item H of the Kansas Department of Health and Environment--Division of Health. Motion carried.

Chairperson Waymaster thanked John Penner, Doug Smith, J.R. Baron, Eric Sexton, and Michael White for providing lunches for committee members and staff.

Chairperson Waymaster recessed the meeting at 11:57 a.m.

Chairperson Waymaster resumed the meeting at 1:37 p.m.

Representative Hoffman moved, Representative Helgerson seconded, to not adopt Item I of the Kansas Department of Health and Environment--Division of Health. Motion carried.

Amanda Prosser, Fiscal Analyst, Kansas Legislative Research Department, provided the committee members with items for omnibus consideration from the Department for Children and Families and Kansas State School for the Blind and Kansas State School for the Deaf.

Representative Concannon moved, Representative Ousley seconded, to accept Item A of the Department of Children and Families. Motion carried.

Representative Hoffman moved, Representative Mason seconded, to accept Item B of the Department of Children and Families. Motion carried.

Dayton LaMunyon presented the omnibus items for consideration for the Kansas Department for Aging and Disability Services (KDADS), State Institutions for Mental Health, and Kansas Lottery.

Representative Mason moved, Representative Ballard seconded, to add \$3.4 million for Item A of the KDADS for the Behavioral Health Training Program. Motion carried.

Representative Mason moved, Representative Ballard seconded, to adopt Item F of KDADS. Motion

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carried.

Representative Mason moved, Representative Ballard seconded, to adopt modified language in support of Item G of KDADS. Motion carried. (Attachment 9)

Representative Hoffman moved, Representative Mason seconded, to adopt Item K of the KDADS. Motion carried.

The Subcommittee on Contract Nursing report was distributed to committee members. [\(Attachment 10\)](#)

Representative Mason informed the committee members that the Subcommittee on Contract Nursing recommendation is to have an interim committee do further exploration on the topic of contract nursing. If the workforce pipeline can start being filled, ultimately the problem will resolve itself.

Committee members were provided a memo on State Employee Recruitment and Retention Bonus Proposal. [\(Attachment 11\)](#)

The committee discussed changes needed within the industry itself to address workforce shortages.

Chairperson Waymaster moved, Representative Helgerson seconded, to appropriate \$9.9 million for Larned State Hospital and \$15.5 million for Osawatomie State Hospital and take the contents of **HB 2277** to raise the bonus cap from \$3,500 to \$10,000 for State Institutions for Mental Health. Motion carried.

Representative Hoffman moved, Representative Sutton seconded, to accept Item A of the Kansas Lottery. Motion carried.

James Fisher, Managing IT Analyst, KLRD, presented the omnibus items for consideration for the Office of Information Technology Services and Statewide Cybersecurity Plan.

Shirley Morrow, Director, KLRD, presented the omnibus items for consideration for the Kansas Department of Corrections.

Representative Owens moved, Representative Landwehr seconded, to fund a regional in-patient juvenile substance use treatment center with the capacity of a minimum of thirty beds to start and staff up to 40 beds for \$2.5 million for Mirror Incorporated in south central Kansas, and \$5 million from the Juvenile Justice Oversight Funds for adult and adolescent in-patient behavioral health services through Via Christi. Motion carried.

Representative Owens moved, Representative Helgerson seconded, to adopt Item H of the Kansas

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Department of Corrections.

Representative Hoffman moved, Representative Turk seconded, a substitute motion to fund FY 2024 of Item H of the Kansas Department of Corrections. Motion carried.

Representative Owens moved, Representative Ballard seconded, to adopt Item I of the Kansas Department of Corrections. Division was called. Motion failed from a vote of 9 in favor and 11 against.

Murl Reidel, Fiscal Analyst, KLRD, presented the items to be discussed at omnibus for the Adjutant General's Department, Emergency Medical Services Board, Kansas Bureau of Investigation, Kansas Department of Transportation, Kansas Highway Patrol, and Office of the Attorney General.

Representative Anderson moved, Representative Turk seconded, to add \$22,217 funding for Item A, Adjutant General's Department for FY 2024 and FY 2025. Motion carried.

Representative Hoffman moved, Representative Carlin seconded, to adopt Item A for the Emergency Medical Services Board. Motion carried.

Representative Tarwater moved, Representative Sutton seconded, to adopt Item A for the Kansas Bureau of Investigation. Motion carried.

Representative Frances moved, Representative Anderson seconded, to provide the Kansas Department of Transportation the authority to expend the money for designated signs addressed in Item A. Motion carried.

Chairperson Waymaster moved, Representative Francis seconded, to accept Item B for the Kansas Department of Transportation to be funded. Motion carried.

The Kansas Department of Transportation provided the City of Augusta Culvert Improvement Project Feasibility Study. ([Attachment 12](#))

Representative Concannon moved, Representative Ballard seconded, to approve Item A for the Office of Attorney General. Motion carried.

Molly Pratt, Fiscal Analyst, KLRD, presented the items to be discussed at omnibus for the Office of the Secretary of State.

Chairperson Waymaster moved, Representative Helderson seconded, to accept Item A for the Office of the Secretary of State. Motion carried.

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Luke Drury, Senior Fiscal Analyst, KLRD, presented the items to be discussed at omnibus for the Kansas Water Office and Kansas Department of Health and Environment--Division of Environment.

Representative Rahjes moved, Representative Carlin seconded, to adopt Item A for the Kansas Water Office. Motion carried.

Chairperson Waymaster moved, Representative Hoffman seconded, to not adopt Item A and adopt Item B for the Kansas Department of Health and Environment--Division of Environment.

Representative Williams moved, Representative Tarwater seconded, a substitute motion, to add \$5.3 million SGF in FY 2025 for Item A, small town drinking water infrastructure, and include the vetoed item for the drinking water situations contaminated with oil in Butler County. Motion carried.

Jennifer Light, Fiscal Analyst, KLRD, presented the items to be discussed at omnibus for the Kansas Department of Education.

Representative Hoffman moved, Representative Helgerson seconded, to approve Item D for the Kansas Department of Education. Motion carried.

Brianna Horton, Fiscal Analyst, KLRD, presented the items to be discussed at omnibus for the Kansas Board of Regents, Fort Hays State University, Kansas State University and University of Kansas.

Representative Mason moved, Representative Ballard seconded, to accept Items C and D for the Kansas Board of Regents.

Representative Williams moved, Representative Landwehr seconded, a substitute motion to add \$2 million and add language that students must commit to remain in Kansas after graduation for a number of years equal to the number of years the student receives a scholarship, and cannot contract nurse for the same number of years as the scholarships received. Motion carried.

Representative Landwehr moved, Representative Concannon seconded, to adopt the proviso in Item D, Kansas Board of Regents. Motion carried.

Representative Estes moved, Representative Carlin seconded, to approve appropriations for the Kansas Education Opportunity Scholarships and Hero's Act Scholarships of the Kansas Board of Regents. Motion carried.

Representative Turk moved, Representative Estes seconded, to approve Item F, Kansas Board of Regents. Motion carried.

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Representative Tarwater moved, Representative Estes seconded, to adopt Item H, Kansas Board of Regents, and add \$2 million SGF. Motion carried.

Representative Williams moved, Representative Hoffman seconded, for income-eligible students attending Heartland Welding Academy in Andover and Wichita Technical Institute be categorized as eligible for the Promise Scholarships Grants or the Comprehensive Grants.

Representative Williams informed committee members that these for-profit, accredited schools do receive students that are eligible for Pell grant monies and schools fill a pipeline for high-skilled need.

Representative Ballard moved, Representative Estes seconded, a substitute motion that Heartland Welding Academy and Wichita Technical Institute be eligible for need-based aid. Representative Ballard withdrew the substitute motion and Representative Estes concurred.

Representative Turk moved, Representative Corbet seconded, a substitute motion for income-eligible students attending the private schools of Wichita Technical Institute, Heartland Welding Academy, and Peasly Tech may apply for Promise Act Scholarships or Comprehensive Grants.

Jill Wolters, First Assistant Revisor, Office of Revisor of Statutes, informed the committee that the students would apply and get in line with everybody else, and the Regents would decide how to divvy up the grants. No additional money is being added. The Regents divides the money by institution or school.

Representative Hoffman called the question. The call to question passed.

Division was called on the vote of the substitute motion.

Motion carried from a vote of 11 in favor and 9 against.

Chairperson Waymaster informed committee members that after the items for omnibus consideration are completed including the Governor Budget Amendments (GBAs), then the committee will discuss provisos.

Representative Concannon moved, Representative Woodard seconded, to adopt Item I for the Kansas Board of Regents. Motion carried.

Representative Hoffman moved, Representative Estes seconded, to establish a new operating account and move \$12 million SGF for FY 2025 to maintain the operation of the Kansas Law Enforcement Training Center. Motion carried.

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Chardae Caine, Fiscal Analyst, KLRD, presented the items to be discussed at omnibus for the Board of Indigents' Defense Services, Kansas Department of Commerce, Office of the State Treasurer, and Board of Tax Appeals.

Representative Concannon moved, Representative Helgerson seconded, to accept Item C for the Kansas Department of Commerce. Motion carried.

Representative Carlin moved, Representative Sutton seconded, to accept Item C for the Office of State Treasurer. Motion carried.

Representative Helgerson moved, Representative Woodard seconded, to accept Item A for the Board of Tax Appeals. Division was called. Motion failed from a vote of 7 in favor and 8 against.

Dylan Dear presented the items to be discussed at omnibus for the Office of the Governor and Other Statewide Adjustments.

Chairperson Waymaster moved, Representative Helgerson, to accept all technical adjustments to Item A for the Other Statewide Adjustments. Motion carried.

Steven Wu, Fiscal Analyst, presented the items to be discussed at omnibus for the Department of Administration, Kansas Public Employees Retirement System, and State Employee Pay.

Representative Hoffman moved, Representative Helgerson seconded, to set up the fund for Item A for the Department of Administration. Motion carried.

Representative Concannon moved, Representative Ballard seconded, to accept Item B for the Department of Administration. Division was called. Motion failed from a vote of 9 in favor and 10 against.

Representative Estes moved, Representative Landwehr seconded, to accept the Kansas Department of Health and Environment--Division of Health, Item F, for 1.0 full-time employee position. Motion failed.

Chairperson Waymaster moved, Representative Hoffman seconded, that an interim committee be appointed to review the market studies for the six Regent institutions and Washburn University and the market study with the Department of Administration. Motion carried.

Representative Francis moved, Representative Tarwater seconded, to add \$9 million for Emporia State University investment account. Motion carried.

Representative Owens moved, Representative Concannon seconded, to add \$250,000 for EmberHope.

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to expand family on-site visitation services. Motion carried. (Attachment 13)

Representative Owens moved, Representative Hoffman seconded, to add language for the Department of Corrections to have reappropriation authority. Motion carried. (Attachment 14)

Representative Mason moved, Representative Ballard seconded, to add \$892,473, including \$500,000 SGF, from Community Development Disability Organization administration related to the 500 additional slots add to the I/DD waiver for FY 2025. Motion carried.

Representative Hoffman moved, Representative Carlin seconded, to extend the amount of cost-share for conservation districts through the State Water Plan Fund for FY 2025. Motion carried. (Attachment 15)

Representative Landwehr moved, Representative Hoffman seconded, to accept a proviso for KDADS for the mental health intervention program that was vetoed by the Governor, with the following changes: (1) process for private schools in the amount for \$1.5 million, (2) provide \$13 million, which was the amount funded last year and include the GBR that the Governor had of \$3 million to add more school buildings to the project, and (3) the funding works between the schools and the mental health providers in a 65/35 split. Motion carried.

Representative Landwehr moved, Representative Estes seconded, for the Department of Administration budget for the State Health Employee Plan to study affordability for a mammogram program of the members cost share across the whole program, taking into account Flexible Spending Accounts, Health Savings Accounts, and other options members have to increase affordability and require the State Health Employee Plan to get Health Care Commission approval, and included in the report any remarks from dissenting HCC members to be included and provided to the legislature by January 15, 2025. Motion carried.

Representative Landwehr moved, Representative Estes seconded, to allow the Secretary of KDADS to support their day services providers and waive the requirement of the rules and regulations related to licensing of disability services in certain circumstances which include a definition of day service providers and included language by the Goodwill's Industry. (Attachment 16) Division was called. Motion carried from a vote of 12 in favor and 6 against.

Representative Landwehr moved, Chairperson Waymaster seconded, to accept \$5 million APRA funds for 200-unit apartments to house Wichita State University students because of the large influx in the Innovative Campus, with construction estimated to be \$70 million. Motion failed.

Representative Landwehr moved, Representative Francis seconded, NIAR bonding authority for up to \$20 million for advanced manufacturing to meet the incoming bids of a project. Motion failed.

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Representative Landwehr moved, Representative Estes seconded, to provide \$3.5 million for indigent program providers across the state, and \$2.5 million for Valley Hope in Atchison and require 10 percent of Medicaid beds be added, and if requirement is not followed through, then Valley Hope is responsible for paying money back to the state. Division was called. Motion carried from a vote of 9 in favor and 8 against. (Attachment 17)

Representative Tarwater moved, Representative Curtis seconded, to add \$2 million and include enforcement language for historical horse racing machines, with the tax that it creates first going to enforcement and the remainder be divided between the the Kansas Horse Breeding Development Fund and the Horse Fair Racing Benefit Fund. Motion carried. (Attachment 18)

Representative Rahjes moved, Representative Carlin seconded, to have bonding authority in the amount of \$34 million with a 15 percent industry funding match, and \$1.75 million SGF for debt service for the Kansas State University Dairy. Motion carried.

Representative Turk moved, Representative Estes seconded, to purchase new firearms for the Air and Army National Guard shooting teams. Motion carried. (Attachment 19)

Representative Sutton moved, Representative Francis seconded, to hold off on the 340B drug pricing program until litigation has completed. Division was called. Motion carried from a vote of 12 in favor and 8 against. (Attachment 20)

Representative Tarwater moved, Representative Williams seconded, to use SGF for funding the Kansas City FullCircle Program, an after school drug treatment program for opioid addiction. Motion carried.

Representative Tarwater moved, Representative Turk seconded, the Department of Transportation create the position of Director of Unmanned Aircraft Systems (UAS), to lead efforts on developing guidance on related UAS law s and regulations, and the director work with the state educational institutions to develop guidance and technical specifications for state level or other government agencies to use in the procurement of drones, component software maintenance, or any other related services, and study and evaluate UAS for the purposes of determining applicable uses for UAS programs directed by a Kansas state level or other government agency, and promote companies coming to Kansas, and demonstrate law enforcement agency drones, develop requirements for the drones that would be sold to law enforcement officers. and transfer up to \$100,000 if the department decides to do the UAS program. Motion carried.

Representative Francis moved, Representative Anderson seconded, to add \$7.4 million SGF for direct reimbursement to Kansas County Treasurers for providing services on behalf of the Department of Revenue. Motion failed. (Attachment 21)

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Representative Helgerson informed the committee that he and Representative Carpenter serve on a committee that is working on the new Wichita hospital. There has been some discussion about an expansion, from 50 beds to 100 beds. Representative Helgerson was under the impression that the Governor was going to put a GBA in for that second phase, the reason was it would cost approximately \$30 million now rather than around \$70 to \$80 million in a few years.

Representative Ballard informed the committee that MCOs cover \$500 per year for dental services.

Chairperson Waymaster adjourned the meeting at 6:42 p.m.