

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 3, 2021, 10:00 a.m.

The Senate was called to order by President Ty Masterson.
The roll was called with 39 senators present.
Invocation by Reverend Cecil T. Washington:

“Getting Past The Hump!”
Nehemiah 8:1-12

Heavenly Father, we’re in the middle. We’re in the middle of fulfilling our labors. Some call it turn-around week. And when we take a narrower view, we’re even in the middle of the week. Some call it hump day. And Lord, we look for things to go more smoothly as we move beyond the hump.

The pandemic has been a hump for us; with a lot of sickness; a lot of deaths; a lot of confusion and a lot of yet unanswered questions. But even COVID is a hurdle that You’re taking us over.

In Nehemiah 8, after reading from Your Word, the people were encouraged. Trusting in You meant things were going to get better. In verse 10, the governor, Nehemiah was inspired by You to tell the people that it was a good day. Because it was a day dedicated to You, it was a good day to move forward. You told them to start looking out for those not able to provide for themselves and that the joy of the Lord would be their strength. So Lord, in the same way that You encouraged them, help us to realize that this day, hump day, is a good day; a good day for us!

Help us to put smiles on our faces and move forward. Blessing You, blessing each other and blessing Your people. I thank You for hearing this prayer. In Jesus' Name, Amen!

The Pledge of Allegiance was led by President Masterson.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2203**.

Assessment and Taxation: **SB 286**.

Federal and State Affairs: **HB 2137, HB 2212, HB 2252**.

Judiciary: **SB 284; HB 2128, HB 2264, HB 2275, HB 2292, HB 2298, HB 2374, HB 2387**.

Local Government: **HB 2238**.

Public Health and Welfare: **HB 2259**.

Transparency and Ethics: **HB 2162, HB 2297, HB 2391.**

Transportation: **SB 285; Sub HB 2166; HB 2201, HB 2247.**

Utilities: **HB 2145, HB 2321, HB 2367.**

Ways and Means: **HB 2214, HB 2270.**

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 23, AN ACT concerning property taxation; relating to buildings and improvements destroyed or substantially destroyed by natural disaster; amending K.S.A. 79-1613 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Corson.

The bill passed.

SB 63, AN ACT concerning education; providing ACT college entrance exams and workkeys assessments to nonpublic school students; notification thereof; report to the legislature; amending K.S.A. 2020 Supp. 72-5179 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

SB 78, AN ACT concerning insurance; relating to the regulation of the business thereof; granting the commissioner the power to subpoena witnesses and order depositions when conducting certain investigations; updating certain definitions relating to service contracts and surplus lines insurance; interest rate calculations relating to nonforfeiture law for individual deferred annuities; application requirements for certification of utilization review organizations; requirements for out-of-state risk retention groups to do business in state; applications for registration of professional employer organizations; repealing the automobile club services act; amending K.S.A. 40-22a04, 40-22a06 and 40-4103 and K.S.A. 2020 Supp. 40-201a, 40-246i, 40-4,104, 40-22a05 and 44-1704 and repealing the existing sections; also repealing K.S.A. 40-2405, 40-2501, 40-2502, 40-2503, 40-2504, 40-2505, 40-2506, 40-2507, 40-2508, 40-2509, 40-2510, 40-2511, 40-2512 and 40-2513, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson,

Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

SB 90, AN ACT concerning the Kansas rural housing incentive district act; amending the definition of "city"; permitting the use of bond proceeds for vertical renovations of certain buildings for residential purposes; amending K.S.A. 12-5249 and K.S.A. 2020 Supp. 12-5242 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Baumgardner, Gossage, Hilderbrand, Steffen, Straub, Tyson.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. President: I remain committed to standing up for taxpayers and against corporate handouts. Economic development programs, such as the STAR Bonds program, are problematic for many reasons. These kinds of targeted subsidy programs have a corrupting effect on democratic institutions, incentivizing unproductive behaviors by politicians and businesses and eroding public faith that the system is fair. However well-intentioned some government assistance may be, the fact remains that the practice of states picking winners and losers benefits a favored few and leaves everyone else to pay the price. Too often, the winners are special interests who lobby for tax breaks while the losers are everyday citizens and small businesses who are forced to pick up the tab.—MARK STEFFEN

Senator Straub requests the record to show she concurs with the "Explanation of Vote" offered by Senator Steffen on **SB 90**.

SB 91, AN ACT concerning economic development; relating to the high performance incentive fund; providing for the transferability of tax credits; amending K.S.A. 79-32,160a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Baumgardner, Gossage, Peck, Steffen, Straub.

The bill passed.

EXPLANATION OF VOTE

Mr. President: I remain committed to standing up for taxpayers and against corporate handouts. Economic development programs, such as the STAR Bonds program, are problematic for many reasons. These kinds of targeted subsidy programs have a corrupting effect on democratic institutions, incentivizing unproductive behaviors by

politicians and businesses and eroding public faith that the system is fair. However well-intentioned some government assistance may be, the fact remains that the practice of states picking winners and losers benefits a favored few and leaves everyone else to pay the price. Too often, the winners are special interests who lobby for tax breaks while the losers are everyday citizens and small businesses who are forced to pick up the tab.—MARK STEFFEN

Senator Straub requests the record to show she concurs with the "Explanation of Vote" offered by Senator Steffen on **SB 91**.

SB 101, AN ACT concerning electric-assisted bicycles; relating to the regulation and approved use thereof; providing for use of certain sizes of motors; amending K.S.A. 8-1437, 8-1439a, 8-1489 and 8-1592b and K.S.A. 2020 Supp. 8-126, 8-128, 8-1402a, 8-1438, 8-1498, 8-2401 and 32-701 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Hilderbrand, Thompson, Tyson.

The bill passed, as amended.

SB 102, AN ACT concerning the Kansas sexually violent predator act; relating to notice of release of a person who may be a sexually violent predator to the attorney general and multidisciplinary team; time; detention during proceedings; amending K.S.A. 2020 Supp. 59-29a02, 59-29a03 and 59-29a05 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

SB 104, AN ACT concerning children and minors; relating to the revised Kansas code for care of children; requiring court orders to remain in a present or future placement; amending K.S.A. 2020 Supp. 38-2260 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 9; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Haley, Hawk, Holland, Pettey, Pittman, Sykes, Ware.
Present and Passing: Francisco, Holscher.

The bill passed.

EXPLANATION OF VOTE

Mr. President: I have grave concerns about this piece of legislation. I believe this bill needs more work to ensure we are addressing the needs of these children. It is concerning that the Department of Children and Families opposes this bill in its current form. I think we need to hear from law enforcement to hear their perspective on the nuances of these cases of some of our most vulnerable children. And I think there should be more discussion about requirements for these secure facilities. Bottom line, we have more work to do on this bill, and that's why I'm voting no.—DINAH SYKES

Senators Corson, Haley, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **SB 104**.

Mr. President: I stand against **SB 104**. Institutionalizing people should always be left to a last resort position and should never be the first thought re-action; Since we are talking about our children here, it should give us even greater pause; And since this bill would remove our judges ability to judge each individual child's situation; And since we have so often heard from folks in this chamber that a "one-size-fits-all" solution is not solution at all; And since there is evidence that placement in a "secure facility" is so traumatic and can have a negative effect on the youth's development; And since our highest goal should be to always provide services to youths in the community rather than in institutions; And since our law currently in place allows for exactly this kind of court order; For all these reasons it is unnecessary to pass this into law.—MARY WARE

Senators Faust-Goudeau, Haley, Holland and Pittman request the record to show they concur with the "Explanation of Vote" offered by Senator Ware on **SB 104**.

Mr. President. The purpose of **SB 104** is very simple yet very important – to ensure runaway foster children and other children at risk are returned to a safe and secure facility. A secure facility, as specifically defined, is not jail. Our most at-risk youth deserve the proper supervision and services that come with being placed in a secure environment. Not doing so would be turning our back on our responsibility to care for these most vulnerable youth, many of whom have runaway multiple times. This bill gives the state of Kansas another tool to ensure the safety of these children. This is good, well-thought-out policy and should be adopted. I vote "Yes" on **SB 104**.—KELLIE WARREN

Senators Bowers, Erickson, Fagg, Gossage, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Suellentrop, Thompson, and Wilborn request the record to show they concur with the "Explanation of Vote" offered by Senator Warren on **SB 104**.

SB 116, AN ACT concerning transportation; relating to the Eisenhower legacy transportation program; decreasing the threshold amount required for alternate delivery projects; providing for the usage of federal stimulus funds for certain projects; calculating KDOT bonding and debt cap authority; amending K.S.A. 68-2320 and 68-2328 and K.S.A. 2020 Supp. 68-2314c, 68-2332 and 75-5094 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand,

Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

SB 122, AN ACT concerning civil procedure; relating to the rules of evidence; methods to satisfy requirement to authenticate or identify records and documents; amending K.S.A. 60-464 and 60-467 and K.S.A. 2020 Supp. 60-460 and 60-465 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Hilderbrand.

The bill passed.

SB 124, AN ACT concerning STAR bonds; prohibiting public officials from benefiting from STAR bond projects; relating to the financing of STAR bond projects and rural redevelopment projects; eligible areas; major business facility; real estate transfers; plan for tracking the number of visitors; feasibility study requirements; capital investment and annual sales requirements; STAR bond districts; contiguity; project costs; sunset date; amending K.S.A. 2020 Supp. 12-17,162, 12-17,166, 12-17,169, 12-17,171 and 12-17,179 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 11; Present and Passing 4; Absent or Not Voting 0.

Yeas: Billinger, Bowers, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Suellentrop, Sykes, Ware, Wilborn.

Nays: Baumgardner, Claeys, Erickson, Gossage, Hilderbrand, Peck, Pyle, Steffen, Straub, Thompson, Tyson.

Present and Passing: Alley, Francisco, Haley, Warren.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. President: I remain committed to standing up for taxpayers and against corporate handouts. Economic development programs, such as the STAR Bonds program, are problematic for many reasons. These kinds of targeted subsidy programs have a corrupting effect on democratic institutions, incentivizing unproductive behaviors by politicians and businesses and eroding public faith that the system is fair. However well-intentioned some government assistance may be, the fact remains that the practice of states picking winners and losers benefits a favored few and leaves everyone else to pay the price. Too often, the winners are special interests who lobby for tax breaks while the losers are everyday citizens and small businesses who are forced to pick up the tab.—MARK STEFFEN

Senators Peck and Straub request the record to show they concur with the

"Explanation of Vote" offered by Senator Steffen on **SB 124**.

SB 127, AN ACT concerning drivers' licenses; relating to online renewals of commercial driver's licenses and licenses for individuals up to 65 years of age; providing for the renewal of licenses to be delivered electronically; eligibility for restricted driving privileges; renewal of expired licenses and identification cards; amending K.S.A. 2020 Supp. 8-240, 8-247, 8-1325 and 8-2110 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 8-2110b, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

SB 131, AN ACT concerning funeral processions; relating to the regulation thereof; permitting funeral escorts to direct funeral procession traffic through intersections and traffic control devices, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

EXPLANATION OF VOTE

Mr. President: **SB 131**, is a simple bill, yet it finally recognizes the long held tradition of funeral processions to grieve the dead in Kansas statute. It also is a step in protecting those selfless riders in the VFW, Patriot Guard, Buffalo Soldiers Club and other such organizations who help ease the burden on families as they grieve our fallen soldiers. I vote "YES".—JEFF PITTMAN

SB 167, AN ACT concerning motor vehicles; relating to authorized emergency vehicles; permitting certain public utility motor vehicles and telecommunications vehicles to be authorized emergency vehicles without a designation by county commissioners; amending K.S.A. 2020 Supp. 8-1404 and 8-2010 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

SB 170, AN ACT concerning public health; relating to the department of health and environment, division of public health; powers, duties and functions of the advisory committee on trauma and the statewide trauma system regional council; continuing in existence the authority to conduct closed session meetings and keep records privileged; amending K.S.A. 75-5664 and 75-5665 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

SB 178, AN ACT concerning financial institutions; relating to the state banking code; trust companies; providing for charter conversions; amending K.S.A. 2020 Supp. 9-803, 9-808, 9-809 and 9-1717 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

SB 235, AN ACT concerning education; relating to student attendance; enacting the back to school act; requiring school districts to provide for a full-time, in person attendance option, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 12; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Present and Passing: Billinger.

The bill passed.

EXPLANATION OF VOTE

Mr. President, the mere introduction of the Back to School Act has resulted in a wave of emails from Kansans. Some are exasperated with the academic and mental health consequences resulting of a year of remote learning. Some are frustrated with the lack of progress from their local school board. One email was from a family physician. One was from a child psychologist. Many, of course, were from parents who have seen their children languish for a year. One was even from a student, Ian, who wrote on behalf of

himself and his 11-year-old brother, asking us to provide them a full-time in-person learning option. ALL are relieved we are listening to them by passing this bill. The country is opening up. Restrictions are being eased. Mandates are being lifted. People are getting back to living. It's time to send this powerful message that we stand with Ian and his brother --- and thousands just like them --- so they can get back to learning. I vote "YES" on **SB 235**.—RENEE ERICKSON

Senators Gossage, Masterson, Suellentrop and Warren request the record to show they concur with the "Explanation of Vote" offered by Senator Erickson on **SB 235**.

Mr. President: I am happy that we have a vaccine. I am confident that due to the circumstance of COVID-19 our locally elected school boards have been making the best decisions for students and staff. Sometimes at their own peril. I am disappointed that this legislature who voted in June of 2020 that the decisions should be made at the local level, Now passed politically motivated legislation saying "One size fits all". The 2020-21 school year has been one of change and stress. I thank our school communities for making the tough decisions. For that reason I vote "NO" on **SB 235**.—PAT PETTEY

Mr. President: In an October 2020 opinion, Attorney General Derek Schmidt determined that Kansas school districts could opt out of a public health mandate, saying that "Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards," and that "each local school board has preexisting home rule authority." In addition to being essentially moot and unenforceable, this bill is another mandate which overrides local control by our duly elected state board of education and local school board members. It is also yet another example of dramatic overreach by this body and extremist leadership that doesn't like the decisions made by officials chosen and trusted by our communities. Everyone wants things to go back to normal. Everyone wants this pandemic to end. We cannot legislate this virus away; bills like this suggest otherwise, which is dangerous and dishonest to the people of Kansas. I vote "NO".—DINAH SYKES

COMMITTEE OF THE WHOLE

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

SB 185 be amended by the adoption of the committee amendments, be amended by motion of Senator Baumgardner: on page 9, in line 23, by striking all after the second "The"; in line 24, by striking all before "shall" and inserting "executive director"; also in line 24, after the second "secretary" by inserting "for administrative purposes only" and the bill be passed as amended.

The committee report on **SB 238** recommending **Sub SB 238** be adopted, be amended by motion of Senator Hilderbrand: on page 2, in line 8, by striking "July" and inserting "January"

and the substitute bill be passed as amended.

A motion by Senator Sykes to amend **Sub SB 238** failed and the following amendment was rejected: on page 1, following line 16, by inserting:

"New Section 1. (a) Sections 1 through 13 and 16 through 19, and amendments thereto, shall be known and may be cited as the Kansas innovative solutions for affordable healthcare 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, 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 13 and 16 through 19, and amendments thereto:

(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 Kansas innovative solutions for affordable healthcare 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, 2022, 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 refer each non-disabled adult applying for or receiving coverage under the act who is unemployed or working less than 20 hours per week to the Kansasworks program administered by the department of commerce. The secretary of commerce shall coordinate with the secretary of health and environment to certify to the secretary of health and environment each covered individual's compliance with this section. The secretary of commerce shall maintain a unique identifier for Kansasworks participants who are covered individuals under the act to track employment outcomes and progress toward employment.

(b) The secretary of health and environment shall evaluate each new applicant for coverage under the act for education status, employment status and any factors impacting the applicant's employment status, if less than full-time employment, and shall require each applicant to acknowledge the referral required under subsection (a). Such evaluation shall be a prerequisite for coverage under the act.

(c) A full-time student enrolled in a postsecondary educational institution or technical college, as defined by K.S.A. 74-3201b, and amendments thereto, shall be exempt from the referral required under subsection (a) for each year the student is enrolled in such educational setting.

(d) The secretary of health and environment, in coordination with the secretary of commerce, shall report annually to the legislature on or before the first day of each regular session of the legislature regarding the employment outcomes of covered individuals under the act.

New Sec. 4. (a) (1) Except to the extent prohibited by 42 U.S.C. § 1396o-1(a)(2) and (b)(3), as such provisions exist on the effective date of this act, the department of health and environment shall charge to each covered individual described in section 49(b), and amendments thereto, a monthly fee not to exceed \$25 per individual, but not to exceed a maximum of \$100 per month per family household, as a condition of participation in the program. The department may grant a hardship exemption from payment of the monthly fee, as determined by the secretary of health and environment.

(2) The department of health and environment shall remit all moneys collected or received for monthly fees charged under this subsection, except for the federal share of such fees required to be remitted to the United States centers for medicare and medicaid services, to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount remitted into the state treasury to the credit of the state general fund.

(b) The department of health and environment shall utilize the debt collection procedures authorized by K.S.A. 75-6201 et seq., and amendments thereto, for a covered individual under the act who is delinquent by 60 days or more in making a monthly fee payment.

(c) The secretary of health and environment may require each managed care organization providing services under the act to collect the monthly fee charged under subsection (a) in lieu of the department.

(d) In January of each year, the secretary of health and environment shall submit to the house of representatives standing committee on health and human services and the senate standing committee on public health and welfare, or any successor committees, an accounts receivable report for monthly fees collected under this section during the preceding calendar year.

New Sec. 5. (a) The secretary of health and environment may establish a health insurance coverage premium assistance program for individuals who meet the following requirements:

(1) The individual has an annual income that is 100% or greater than, but does not exceed 138% of, the federal poverty level, based on the modified adjusted gross income provisions set forth in section 2001(a)(1) of the federal patient protection and affordable care act; and

(2) the individual is eligible for health insurance coverage through an employer but cannot afford the health insurance coverage premiums, as determined by the secretary of health and environment.

(b) A program established under this section shall:

(1) Contain eligibility requirements that are the same as in sections 49 and 50, and amendments thereto; and

(2) provide that an individual's payment for a health insurance coverage premium may not exceed 2% of the individual's modified adjusted gross income, not to exceed 2% of the household's modified adjusted gross income in the aggregate with any premium charged to any other household member participating in the premium assistance program.

New Sec. 6. (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, 2024.

New Sec. 7. 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 section, 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. 8. (a) Section 7, and amendments thereto, shall be nonseverable from the remainder of the act. If the provisions of section 7, 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. 9. (a) All moneys collected or received by the secretary of health and environment for privilege fees collected pursuant to K.S.A. 40-3213, and amendments thereto, connected to covered individuals under the act 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 medicaid expansion privilege fee fund.

(b) There is hereby created in the state treasury the medicaid expansion privilege fee fund as a reappropriating fund. Moneys in the fund shall be expended for the purpose of medicaid medical assistance payments for covered individuals under the act. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee.

(c) The medicaid expansion privilege fee fund shall be used for the purposes set forth in the act and for no other governmental purposes. It is the intent of the legislature that the fund and the moneys deposited into the fund shall remain intact and inviolate for the purposes set forth in the act, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the medicaid expansion privilege fee fund interest earnings based on:

- (1) The average daily balance of moneys in the fund for the preceding month; and
- (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(e) On or before January 9, 2024, 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 all expenditures from the medicaid expansion privilege fee fund, fund revenues and recommendations regarding the adequacy of the fund to support necessary program expenditures.

New Sec. 10. (a) On or before January 9, 2024, 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.

New Sec. 11. (a) The secretary of corrections shall coordinate with county sheriffs who request assistance to assist in facilitating medicaid coverage for any state or county inmate incarcerated in a Kansas prison or jail during any time period that the inmate is eligible for coverage.

(b) On or before January 9, 2024, and on or before the first day of the regular session of the legislature each year thereafter, the secretary of corrections shall prepare and deliver a report to the legislature that identifies cost savings to the state from the use of the act to provide medicaid reimbursement for inmate inpatient hospitalization.

New Sec. 12. On or before February 15 of each year, 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, or any successor committees, that summarizes the costs of the act and the cost savings and additional revenues generated during the preceding fiscal year.

New Sec. 13. The legislative post audit committee shall direct the legislative division of post audit to conduct an audit of the direct economic impact of the implementation of the act on the state general fund during the first two fiscal years following implementation of the act. Such audit shall be submitted to the legislature on or before the first day of the regular legislative session immediately following the end of the audited time period.

New Sec. 14. (a) The department of health and environment shall remit all moneys received by the department of health and environment from drug rebates associated with medical assistance enrollees 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 into the state treasury to the credit of the state general fund.

(b) The department of health and environment shall certify the amount of moneys

received by such agency from drug rebates associated with medical assistance enrollees on a monthly basis and shall transmit each such certification to the director of legislative research and the director of the budget.

(c) Upon receipt of each such certification, the director of legislative research and the director of the budget shall include such certified amount on any monthly report prepared by the legislative research department or the division of the budget that details state general fund receipts as a separate item entitled "drug rebates" under a category of other revenue sources.

(d) This section shall take effect and be in force on and after July 1, 2022.

New Sec. 15. (a) There is hereby established in the state treasury the federal medical assistance percentage stabilization fund to be administered by the secretary of health and environment. All expenditures from the federal medical assistance percentage stabilization fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee.

(b) Notwithstanding the provisions of any other statute, the attorney general is hereby authorized and directed to remit to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, any moneys that are recovered by the attorney general on behalf of the state in the civil action *Texas v. Rettig*, No. 18-10545 (5th Cir.), or any other civil action to which the state of Kansas is a party and in which the attorney general recovers moneys on behalf of the state due to a determination that imposition of the health insurance provider fee under the federal patient protection and affordable care act, public law 111-152, is invalid. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the federal medical assistance percentage stabilization fund.

(c) Beginning in fiscal year 2022, all transfers from the federal medical assistance percentage stabilization fund shall be used during any fiscal year to fund any additional title XIX costs incurred due to any decrease to the federal medical assistance percentage for the state of Kansas.

(d) Each fiscal year, on December 1 and June 30, beginning in fiscal year 2022, the secretary shall determine and certify the estimated amount of any reduced or increased title XIX costs incurred due to any increase or decrease to the federal medical assistance percentage for the state of Kansas in the current fiscal year. The secretary shall certify each such amount to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research. Upon receipt of any such certification indicating reduced costs, the director of accounts and reports shall transfer such certified amount of moneys from the state general fund to the federal medical assistance percentage stabilization fund. Upon receipt of any such certification indicating increased costs, the director of accounts and reports shall transfer such certified amount of moneys from the federal medical assistance percentage stabilization fund to the state general fund.

(e) The federal medical assistance percentage stabilization fund and any other moneys transferred pursuant to this section shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the funds and the moneys deposited into this fund shall remain intact and inviolate for the purposes set forth in this section.

(f) As used in this section, "moneys that are recovered" includes damages,

penalties, attorney fees, costs, disbursements, refunds, rebates or any other monetary payment made or paid by any defendant by reason of any judgment, consent decree or settlement, after payment of any costs or fees allocated by court order.

(g) On or before September 1 of each year, the secretary of health and environment shall submit an annual report to the legislature and the legislative budget committee. The report shall include details of actual expenditures related to adjustments of the federal medical assistance percentage for the state of Kansas and all certified amounts transferred in and out of the federal medical assistance percentage stabilization fund.

New Sec. 16. (a) As used in this section:

(1) "Contractor" means a professional firm with experience in conducting rural hospital transformation projects and experience working in the state of Kansas.

(2) "Department" means the department of health and environment.

(3) "Implementation support" means support in implementing a transformation plan by one or more contractors in close collaboration with a target hospital.

(4) "Rural hospital" means a hospital located outside of a major urban or suburban area, but may be located within a metropolitan statistical area, as defined by the department.

(5) "Rural hospital transformation program" means a program administered by the department to support rural hospitals in assessing viability and identifying new delivery models, strategic partnerships and implementing financial reform, delivery system reform or operational changes that enable continued provision of healthcare services in and improving the health of rural communities.

(6) "Rural primary health center pilot initiative" means a program to support rural communities by preserving access to healthcare services and improving the health of the population through statutory and regulatory changes.

(7) "Target hospital" means a rural hospital determined to be eligible by the department for the rural hospital transformation program.

(8) "Transformation plan" means a strategic plan developed by one or more contractors in close collaboration with a target hospital and local community stakeholders to provide recommendations and actionable steps to preserve healthcare services in the target hospital's community.

(b) The department shall establish an advisory committee comprised of one or more representatives from each of the following: The department of health and environment; the department of labor; the state board of regents; the Kansas hospital association; the Kansas medical society; the community care network of Kansas; the association of community mental health centers of Kansas; the state board of healing arts; the Kansas farm bureau; the emergency medical services board; and other public and private stakeholders as deemed appropriate by the department.

(c) The department, in coordination with the advisory committee, shall establish and manage the rural hospital transformation program and shall identify one or more contractors to provide consultation to each approved target hospital for the creation of a transformation plan, including:

(1) Assessing community health needs by analyzing patient access and utilization patterns and social determinants of health, including transportation, housing and food security, that impact health outcomes;

(2) understanding the landscape of rural healthcare, including hospital-based and outpatient services;

(3) developing hospital-specific strategic and operational transformation plans tailored to the target hospital and community to improve viability;

(4) providing support for the target hospital to implement the transformation plan; and

(5) engaging with local healthcare and other community leaders and residents to develop a holistic understanding of promising practices, opportunities and barriers to care.

(d) A target hospital may submit an application to the department for review and approval to receive consultation from identified contractors for the development of a transformation plan. Such application shall be made on a form and in a manner determined by the department, in coordination with the advisory committee.

(e) Each transformation plan shall be developed through coordination between the contractor, target hospital, target hospital community stakeholders and other appropriate stakeholders. The transformation plan shall include a timeline for implementation and shall be submitted to the department. The department shall receive periodic progress updates on the implementation of the transformation plan, as determined by the department, and monitor the progress of target hospitals.

(f) The department, in coordination with the advisory committee, shall identify state statutes and rules and regulations that may need to be amended or otherwise altered to permit eligible hospitals to participate in the rural primary health center pilot initiative.

(g) The department shall coordinate with the Kansas hospital association to submit an application to the United States centers for medicare and medicaid services to permit the establishment of the rural primary health center pilot initiative.

(h) The department shall provide periodic updates on the rural health transformation program and the rural primary health center pilot initiative to the house of representatives standing committee on health and human services and the senate standing committee on public health and welfare, or any successor committees, upon the request of each such committee.

New Sec. 17. (a) The insurance department shall analyze and prepare a report detailing any cost shifting from hospitals to commercial health insurance plans as a result of implementation of the Kansas innovative solutions for affordable healthcare act.

(b) The insurance department shall compile such report using data from the Kansas health insurance informations system, data calls and other data sources available to the department. Using such data, the insurance department shall determine a base rate paid to hospitals in Kansas for healthcare services from commercial insurance companies as a percentage of the current published medicare allowable rates established by the United States centers for medicare and medicaid services, categorized by the seven geographic rating areas in Kansas established by the United States centers for medicare and medicaid services.

(c) Such report shall include such data for the current calendar year and historical data for the 10 years prior to such year, except that such historical data shall not include data prior to calendar year 2018.

(d) Such report shall be submitted to the house of representatives standing committee on health and human services and the senate standing committee on public health and welfare, or any successor committees, on or before January 9, 2023, and on

or before the first day of the regular session of the legislature each year thereafter.

New Sec. 18. (a) The insurance department shall study and prepare a report on any risks and benefits associated with converting the health benefit exchange operated in Kansas under the federal patient protection and affordable care act from a federally facilitated health benefit exchange to a state-based health benefit exchange. To assist with the completion of such study and report, the insurance department shall identify and procure a contractor with experience in developing a state-based health benefit exchange under the federal patient protection and affordable care act.

(b) Such study and report shall include, but not be limited to, any financial impacts to commercial health insurance premium rates from such conversion and any additional flexibility allowed to the state in plan design, benefits and income levels on a state-based health benefit exchange.

(c) Such study and report shall be submitted to the house of representatives standing committee on health and human services and the senate standing committee on public health and welfare on or before January 11, 2022.

New Sec. 19. (a) The secretary of health and environment, in coordination with the Kansas hospital association, Kansas medical society, community care network of Kansas and other private and public stakeholders as deemed appropriate by the secretary, shall establish a task force to develop a plan to measure and report uncompensated care provided by Kansas healthcare providers and hospitals when reimbursement for care provided to a patient is not collected.

(b) The task force shall define "uncompensated care" to include, but not be limited to:

(1) "Charity care," defined as expenses for care for which the hospital never expects to be reimbursed;

(2) "bad debt," defined as expenses incurred when a hospital cannot obtain reimbursement for services because the patient is unable or unwilling to pay for such services; and

(3) "uncompensated care," defined as the sum of bad debt and charity care expenses.

(c) The task force shall identify and research data elements that are already available, in order to minimize administrative burdens on healthcare providers and hospitals.

(d) Such report shall include such data for the current calendar year and historical data for the 10 years prior to such year, except that such historical data shall not include data prior to calendar year 2018.

(e) Such report shall be submitted to the house of representatives standing committee on health and human services and the senate standing committee on public health and welfare, or any successor committees, on or before January 9, 2023, and on or before the first day of the regular session of the legislature each year thereafter.

New Sec. 20.

INSURANCE DEPARTMENT

(a) Notwithstanding the provisions of K.S.A. 39-709(e)(2) or 40-112, and amendments thereto, or any other statute to the contrary, during the fiscal years ending June 30, 2021, and June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the

insurance department service regulation fund for fiscal years 2021 and 2022 by section 36(a) of chapter 5 of the 2020 Session Laws of Kansas, this or any other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to:

(1) Study any risks and benefits associated with converting the health benefit exchange operated in Kansas under the federal patient protection and affordable care act from a federally facilitated health benefit exchange to a state-based health benefit exchange;

(2) procure the services of a contractor with experience in developing a state-based health benefit exchange in order to facilitate such study; and

(3) submit a report based on such study to the legislature on or before January 10, 2022.

New Sec. 21.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF HEALTH CARE FINANCE

(a) During the fiscal years ending June 30, 2021, and June 30, 2022, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2021 and 2022 by section 70 of chapter 5 of the 2020 Session Laws of Kansas, this or any other appropriation act of the 2020 regular session of the legislature, expenditures shall be made by the above agency from such moneys to submit to the United States centers for medicare and medicaid services, prior to January 1, 2022, a waiver request to allow for medicaid reimbursement for inpatient psychiatric acute care.

(b) On the effective date of this act, the provisions of section 70(k) of chapter 5 of the 2020 Session Laws of Kansas shall be null and void and shall have no force and effect.";

On page 3, following line 14, by inserting:

"Sec. 24. K.S.A. 2020 Supp. 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. 2020 Supp. 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 2022 and calendar year 2023, the joint committee shall meet for one additional day per meeting in order to monitor the implementation of the Kansas innovative solutions for affordable healthcare act and to review the following topics relating to such implementation:

(A) Payment integrity and eligibility audits;

(B) baseline and trend data detailing the amounts that hospitals are paid from commercial insurance plans as a percentage of medicare allowable rates established by the United States centers for medicare and medicaid services;

(C) outcomes related to section 3, and amendments thereto;

(D) health outcomes for individuals covered under the act; 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. 2020 Supp. 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 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. 25. K.S.A. 2020 Supp. 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. 2020 Supp. 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. Except as provided in section 8, 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. 2020 Supp. 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 ½ 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.";

On page 34, in line 42, after "Supp." by inserting "39-7,160, 40-3213,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "expanding medical assistance eligibility; 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; making and concerning appropriations for the fiscal years ending June 30, 2021, June 30, 2022, and June 30, 2023;"; in line 13, after "Supp." by inserting "39-7,160, 40-3213,"

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

On roll call, the vote was: Yeas 12; Nays 23; Present and Passing 0; Absent or Not Voting 4.

Yeas: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Bowers, Claeys, Dietrich, Erickson, Fagg, Hilderbrand, Kerschen, Kloos, Masterson, McGinn, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Present and Passing: 0

Absent or Not Voting: Billinger, Gossage, Longbine, O'Shea.

EXPLANATION OF VOTE

Mr. Chairman: I vote "NO" on the amendment because I am concerned about the underlining bill that would have a significant impact on our mental health and behavior health clinics. I have in the past voted to move Medicaid expansion forward in hopes of having the debate on the floor. I would like to have it in the form of a bill that we can prepare for and totally vet the merits of the cost and the benefits of expansion. I continue to support that today. The likely-hood of **Sub SB 238** moving forward with this amendment does not look promising. We have a mental health crisis today and I do not think we even know the impact of Covid 19 on our families and communities. We need **Sub SB 238** to provide high quality and timely behavioral health treatment across Kansas. It will provide crisis services that will suppress the need for our hospital emergency rooms and integrate better care between behavior health and primary health care facilities.—CAROLYN MCGINN

Senator Bowers requests the record to show she concurs with the "Explanation of Vote" offered by Senator McGinn on the Sykes amendment.

The Committee rose and reported progress (See Committee of the Whole afternoon session.)

MESSAGE FROM THE HOUSE

Announcing passage of **SB 88**, as amended by **House Substitute for SB 88**.

On motion of Senator Suellentrop, the Senate recessed until 2:30 p.m.

The Senate met pursuant to recess with President Masterson in the Chair.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Suellentrop, Hilderbrand, Kloos, Masterson and Wilborn introduced the following Senate resolution, which was read:

A RESOLUTION recognizing National Vending Day in Kansas for the contributions of the vending and convenience services industry.

WHEREAS, The vending and convenience services industry employs over 1,423 Kansas residents; and

WHEREAS, The vending and convenience services industry has expanded in recent decades to include a wide array of convenience services and refreshments and recently launched a national public health commitment; and

WHEREAS, The vending and convenience services industry uses cutting edge technology to deliver innovative options to consumers; and

WHEREAS, During the COVID-19 pandemic, the vending and convenience services industry has served as an essential industry, providing food and beverages to fuel first responders and the workforce of other critical industries; and

WHEREAS, Kansas is proud of the dozens of small business owners in the state who own vending companies; and

WHEREAS, The National Automatic Merchandising Association has designated March 4th as "National Vending Day": Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize National Vending Day in Kansas for the contributions of the vending and convenience services industry; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Suellentrop.

On emergency motion of Senator Suellentrop **SR 1714** was adopted unanimously.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2057, HB 2097, HB 2138, HB 2153, HB 2234, HB 2361, HB 2362.**

The House nonconcurrs in Senate amendments to **HB 2022**, requests a conference and has appointed Representatives Waymaster, Hoffman and Wolfe Moore as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2057, HB 2097, HB 2138, HB 2153, HB 2234, HB 2361, HB 2362 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Billinger, the Senate acceded to the request of the House for a conference on **HB 2022.**

The President appointed Senators Billinger, Claeys and Hawk as conferees on the part of the Senate.

CHANGE OF CONFERENCE

The President appointed Senators Warren, Wilborn and Corson to replace Senators Kerschen, Straub and Ware as members of the conference committee on **SB 40**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Longbine moved the Senate concur in House amendments to **H Sub SB 88**.

H Sub SB 88, AN ACT concerning cities; establishing the city utility low-interest loan program; allowing cities to apply to the state treasurer for loans from state unencumbered funds for extraordinary electric or natural gas costs incurred during the extreme winter weather event of February 2021; amending K.S.A. 75-4237 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Straub.

Absent or Not Voting: Haley.

The Senate concurred.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for Consideration of bills under the heading of General Orders with Senator Hilderbrand in the Chair.

On motion of Senator Hilderbrand/Petersen the report for the morning and the following afternoon session was adopted.

SB 71, SB 72, SB 119, SB 147 be passed.

SB 98, be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 98 be amended by the adoption of the committee amendments,

The committee report on **SB 84** recommending **Sub SB 84** be adopted, be amended by motion of Senator Dietrich: on page 18, by striking all in line 5; in line 6, by striking all before the period and inserting "interscholastic sports event for kindergarten or any of the grades one through 12"

Sub SB 84 be further amended by motion of Senator Francisco: on page 39, in line 38, before "The" by inserting "On or before January 1, 2023, "; also in line 37 after "such" by inserting "permanent"

and **Sub SB 84** be passed as amended.

Motions by Senators by Claeys and Thompson to amend **Sub SB 84** failed.

SB 283 be amended by the adoption of the committee amendments, be further amended by motion of Senator Hilderbrand: on page 1, following line 10, by inserting:

"Section 1. K.S.A. 2020 Supp. 48-963, as amended by section 7 of 2021 Senate Bill No. 14, is hereby amended to read as follows: 48-963. (a) A physician may issue a prescription for or order the administration of medication, including a controlled substance, for a patient without conducting an in-person examination of such patient.

(b) A physician under quarantine, including self-imposed quarantine, may practice telemedicine.

(c) (1) A physician holding a license issued by the applicable licensing agency of another state may practice telemedicine to treat patients located in the state of Kansas, if such out-of-state physician:

~~(A) Advises the state board of healing arts of such practice in writing and in a manner determined by the state board of healing arts; and~~

~~(B) holds an unrestricted license to practice medicine and surgery in the other state and is not the subject of any investigation or disciplinary action by the applicable licensing agency holds a temporary emergency license granted pursuant to K.S.A. 2020 Supp. 48-965, and amendments thereto.~~

(2) The state board of healing arts may extend the provisions of this subsection to other healthcare professionals licensed and regulated by the board as deemed necessary by the board to address the impacts of COVID-19 and consistent with ensuring patient safety.

(d) A physician practicing telemedicine in accordance with this section shall conduct an appropriate assessment and evaluation of the patient's current condition and document the appropriate medical indication for any prescription issued.

(e) Nothing in this section shall supersede or otherwise affect the provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020 Supp. 40-2,215, and amendments thereto.

(f) As used in this section:

(1) "Physician" means a person licensed to practice medicine and surgery.

(2) "Telemedicine" means the delivery of healthcare services by a healthcare provider while the patient is at a different physical location.

(g) This section shall expire on March 31, ~~2021~~2022.

Sec. 2. K.S.A. 2020 Supp. 48-964 is hereby amended to read as follows: 48-964.

(a) (1) A hospital may admit patients in excess of such hospital's number of licensed beds or inconsistent with the licensed classification of such hospital's beds to the extent that such hospital determines is necessary to treat COVID-19 patients and to separate COVID-19 patients and non-COVID-19 patients.

(2) A hospital admitting patients in such manner shall notify the department of health and environment as soon as practicable but shall not be required to receive prior authorization to admit patients in such manner.

(b) (1) A hospital may utilize non-hospital space, including off-campus space, to perform COVID-19 testing, triage, quarantine or patient care to the extent that such hospital determines is necessary to treat COVID-19 patients and to separate COVID-19 patients and non-COVID-19 patients.

(2) The department of health and environment may impose reasonable safety requirements on such use of non-hospital space to maximize the availability of patient care.

(3) Non-hospital space used in such manner shall be deemed to meet the requirements of K.S.A. 65-431(d), and amendments thereto.

(4) A hospital utilizing non-hospital space in such manner shall notify the department of health and environment as soon as practicable but shall not be required to receive prior authorization to utilize non-hospital space in such manner.

(c) A medical care facility may permit healthcare providers authorized to provide

healthcare services in the state of Kansas to provide healthcare services at such medical care facility without becoming a member of the medical care facility's medical staff.

(d) As used in this section, "hospital" and "medical care facility" mean the same as defined in K.S.A. 65-425, and amendments thereto.

(e) ~~This section shall expire 120 calendar days after the expiration or termination of the state of disaster emergency proclamation issued by the governor in response to the COVID-19 public health emergency, or any extension thereof on March 31, 2022.~~

Sec. 3. K.S.A. 2020 Supp. 48-965, as amended by section 8 of 2021 Senate Bill No. 14, is hereby amended to read as follows: 48-965. (a) Notwithstanding any statute to the contrary, the state board of healing arts may grant a temporary emergency license to practice any profession licensed, certified, registered or regulated by the board to an applicant with qualifications the board deems sufficient to protect public safety and welfare within the scope of professional practice authorized by the temporary emergency license for the purpose of preparing for, responding to or mitigating any effect of COVID-19.

(b) Notwithstanding any statute to the contrary, an applicant may practice in Kansas pursuant to a temporary emergency license upon submission of a non-resident healthcare provider certification form to the Kansas healthcare stabilization fund and without paying the surcharge required by K.S.A. 40-3404, and amendments thereto.

(c) This section shall expire on March 31, 2021+2022.

Sec. 4. K.S.A. 2020 Supp. 60-5503 is hereby amended to read as follows: 60-5503. (a) Notwithstanding any other provision of law, except as provided in subsection (c), a healthcare provider is immune from civil liability for damages, administrative fines or penalties for acts, omissions, healthcare decisions or the rendering of or the failure to render healthcare services, including services that are altered, delayed or withheld, as a direct response to any state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto, related to the COVID-19 public health emergency.

(b) The provisions of this section shall apply to any claims for damages or liability that arise out of or relate to acts, omissions or healthcare decisions occurring during any state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto, related to the COVID-19 public health emergency.

(c) (1) The provisions of this section shall not apply to civil liability when it is established that the act, omission or healthcare decision constituted gross negligence or willful, wanton or reckless conduct.

(2) The provisions of this section shall not apply to healthcare services not related to COVID-19 that have not been altered, delayed or withheld as a direct response to the COVID-19 public health emergency.

(d) The provisions of this section shall expire on March 31, 2022."

Also, on page 1, following line 29, by inserting:

"Sec. 6. K.S.A. 2020 Supp. 65-468 is hereby amended to read as follows: 65-468. As used in K.S.A. 65-468 through 65-474, and amendments thereto:

(a) "Healthcare provider" means any person licensed or otherwise authorized by law to provide health care services in this state or a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by law to form such corporation and who are health care providers as defined by this subsection, or an officer, employee or agent thereof, acting in the course and scope of employment or agency.

(b) "Member" means any hospital, emergency medical service, local health department, home health agency, adult care home, medical clinic, mental health center or clinic or nonemergency transportation system.

(c) "Mid-level practitioner" means a physician assistant or advanced practice registered nurse who has entered into a written protocol with a rural health network physician.

(d) "Physician" means a person licensed to practice medicine and surgery.

(e) "Rural health network" means an alliance of members, including at least one critical access hospital and at least one other hospital, that has developed a comprehensive plan submitted to and approved by the secretary of health and environment regarding: Patient referral and transfer; the provision of emergency and nonemergency transportation among members; the development of a network-wide emergency services plan; and the development of a plan for sharing patient information and services between hospital members concerning medical staff credentialing, risk management, quality assurance and peer review.

(f) (1) "Critical access hospital" means a member of a rural health network that: Makes available 24-hour emergency care services; provides not more than 25 acute care inpatient beds or in the case of a facility with an approved swing-bed agreement a combined total of extended care and acute care beds that does not exceed 25 beds; provides acute inpatient care for a period that does not exceed, on an annual average basis, 96 hours per patient; and provides nursing services under the direction of a licensed professional nurse and continuous licensed professional nursing services for not less than 24 hours of every day when any bed is occupied or the facility is open to provide services for patients unless an exemption is granted by the licensing agency pursuant to rules and regulations. The critical access hospital may provide any services otherwise required to be provided by a full-time, on-site dietician, pharmacist, laboratory technician, medical technologist and radiological technologist on a part-time, off-site basis under written agreements or arrangements with one or more providers or suppliers recognized under medicare. The critical access hospital may provide inpatient services by a physician assistant, advanced practice registered nurse or a clinical nurse specialist subject to the oversight of a physician who need not be present in the facility. In addition to the facility's 25 acute beds or swing beds, or both, the critical access hospital may have a psychiatric unit or a rehabilitation unit, or both. Each unit shall not exceed 10 beds and neither unit shall count toward the 25-bed limit or be subject to the average 96-hour length of stay restriction.

(2) Notwithstanding the provisions of paragraph (1), prior to ~~June 30, 2024~~March 31, 2022, to the extent that a critical access hospital determines it is necessary to treat COVID-19 patients or to separate COVID-19 patients and non-COVID-19 patients, such critical access hospital shall not be limited to 25 beds or, in the case of a facility with an approved swing bed agreement, to a combined total of 25 extended care and acute care beds, and shall not be limited to providing acute inpatient care for a period of time that does not exceed, on an annual average basis, 96 hours per patient.

(g) "Hospital" means a hospital other than a critical access hospital that has entered into a written agreement with at least one critical access hospital to form a rural health network and to provide medical or administrative supporting services within the limit of the hospital's capabilities.";

Also on page 1, in line 30, after "Supp." by inserting "48-963, as amended by section

7 of 2021 Senate Bill No. 14, 48-964, 48-965, as amended by section 8 of 2021 Senate Bill No. 14, 60-5503,"; in line 31, by striking "is" and inserting "and 65-468 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "the" by inserting "governmental response to the COVID-19 pandemic in Kansas; extending the expanded use of telemedicine in response to the COVID-19 public health emergency; extending the authority of the board of healing arts to grant certain temporary emergency licenses; imposing requirements related thereto and expiring such provisions; extending the suspension of certain requirements related to medical care facilities and expiring such provisions; modifying the"; in line 2, after "immunity" by inserting "from civil liability for certain healthcare providers and"; in line 6, after "Supp." by inserting "48-963, as amended by section 7 of 2021 Senate Bill No. 14, 48-964, 48-965, as amended by section 8 of 2021 Senate Bill No. 14, 60-5503,"; in line 8, before "and" by inserting "and 65-468"; also in line 8, by striking "section" and inserting "sections"

and **SB 283** be passed as further amended.

SB 173 be passed over and retain a place on the calendar.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **SB 71, SB 72, Sub SB 84, SB 98, SB 119, SB 147, SB 185, Sub SB 238** and **SB 283** were advanced to Final Action and roll call.

SB 71, AN ACT concerning taxation; relating to income and privilege tax; credits; establishing an Eisenhower foundation contribution credit.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

SB 72, AN ACT concerning property taxation; relating to county appraisers, qualifications and appraisal courses for registered mass appraiser designation; state board of tax appeals, appraisal course requirements; appraisal courses approved by the real estate appraisal board; amending K.S.A. 74-2433 and K.S.A. 2020 Supp. 19-430 and 19-432 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

The bill passed.

EXPLANATION OF VOTE

Mr. President: I vote NO on **SB 72**. The Kansas Chamber of Commerce came before the Senate Taxation Committee as the lead proponent conferee on **SB 72**. At no time during the hearing did the Chamber disclose that they had court cases before the Board of Tax Appeals whose outcomes could, in fact, be materially impacted by passage of this bill. I believe that the Chamber's true motive in promoting this legislation is to help support the legal position for those Chamber member "big box" businesses that have outstanding cases before BOTA. Their client attorneys are promoting Dark Store Theory arguments in their legal arguments before BOTA. Those attorneys seek to discredit the IAAO which has published an industry-reviewed paper evidently taking issue with some of those Dark Store Theory arguments. This bill is nothing but legal subterfuge and ultimately jeopardizes the property rights, wallets and pocket books of residential property owners.—TOM HOLLAND

Senators Francisco and Petty request the record to show they concur with the "Explanation of Vote" offered by Senator Holland on **SB 72**.

Sub SB 84, AN ACT concerning gaming; relating to the Kansas expanded lottery act; Kansas lottery and Kansas racing and gaming commission, rules and regulations; authorizing sports wagering; authorizing uses of the problem gambling and addictions grant fund; creating the sports wagering receipts fund and the white collar crime fund; amending K.S.A. 46-2301, 74-8702, 74-8710, 74-8711, 74-8716, 74-8718, 74-8733, 74-8734, 74-8751, 74-8752, 74-8756, 74-8757, 74-8758, 74-8760, 74-8772, 79-4805 and 79-4806 and K.S.A. 2020 Supp. 21-6403, 21-6507 and 21-6508 and repealing the existing sections.

On roll call, the vote was: Yeas 26; Nays 12; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Petersen, Pettey, Pittman, Steffen, Straub, Sykes, Ware, Wilborn.

Nays: Baumgardner, Claeys, Erickson, Gossage, Hilderbrand, Holland, McGinn, Peck, Pyle, Suellentrop, Thompson, Tyson.

Present and Passing: Warren.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. President: There was considerable discussion about all of the additional money that would come into the state of Kansas with the expansion of gambling with **Sub SB 84**. What wasn't discussed was the fact that gambling is an industry that feasts on the poor and vulnerable. Expanding gambling in our state will only serve as an enticement for those with an addiction. While some of the revenues will go toward helping them, it won't stem the tide of addiction.—MOLLY BAUMGARDNER

Senator Gossage request the record to show she concurs with the "Explanation of Vote" offered by Senator Baumgardner on **Sub SB 84**.

SB 98, AN ACT concerning property taxation; relating to the state board of tax appeals; judicial review, burden of proof in district court; appointments, extending the time a board member may continue to serve after member's term expires; authorizing

appointment by the governor of a member pro tempore under certain conditions; amending K.S.A. 74-2426 and 74-2433 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Pyle.

The bill passed, as amended.

SB 119, AN ACT concerning property taxation; relating to state board of tax appeals orders and notices; service by electronic means; time to request full and complete opinion; prohibiting valuation increases in certain appeals; relating to the county appraiser eligibility list; requiring notification when person no longer holds office of county appraiser; complying with certain appraisal standards; amending K.S.A. 74-2426, 74-2433f, 79-505, 79-1448, 79-1609 and 79-2005 and K.S.A. 2020 Supp. 19-432 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Olson.

The bill passed.

SB 147, AN ACT concerning sales taxation; relating to exemptions; defining nonprofit integrated community care organizations and providing an exemption therefor; amending K.S.A. 79-3602 and 79-3606 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

SB 185, AN ACT concerning the Kansas department for children and families; relating to the Kansas commission for the deaf and hard of hearing; authorizing such commission to adopt rules and regulations for interpreters and interpreter services; establishing a sign language interpreter registration process and fees relating thereto; providing guidelines for communication access services; amending K.S.A. 75-4355a, 75-4355b, 75-5391, 75-5393 and 75-5397a and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 15; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Faust-Goudeau,

Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, Peck, Petersen, Pettey, Pittman, Suellentrop, Sykes, Ware.

Nays: Billinger, Erickson, Fagg, Gossage, Hilderbrand, Masterson, O'Shea, Olson, Pyle, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

The bill passed as amended.

Sub SB 238, AN ACT concerning health and healthcare; relating to credentialing of health professions and facilities; certification and funding of certified community behavioral health clinics; prescribing powers, duties and functions of the Kansas department for aging and disability services and the department of health and environment related thereto; authorizing the issuance of telemedicine waivers for out-of-state healthcare providers; relating to professions regulated by the behavioral sciences regulatory board; reducing certain licensing requirements; expanding temporary practice permits and the board's grounds for discipline; amending K.S.A. 65-5804a, 65-5807a, 65-5808, 65-5809, 65-6309a, 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp. 65-6306 and 65-6411 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Steffen.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. President: I vote "NO" on **Sub SB 238** because 1) the certified community behavioral health clinics sound wonderful but the bill is too broad and serves as a blank check against the taxpayer; 2) the cuts in Behavioral Science license requirements are too much, too fast; and 3) the allowance of tele-medicine by out-of-state doctors is a threat against good primary care and makes rural health care providers less secure as they lose patient visit to out-of-state providers.—MARK STEFFEN

SB 283, AN ACT concerning the governmental response to the COVID-19 pandemic in Kansas; extending the expanded use of telemedicine in response to the COVID-19 public health emergency; extending the authority of the board of healing arts to grant certain temporary emergency licenses; imposing requirements related thereto and expiring such provisions; extending the suspension of certain requirements related to medical care facilities and expiring such provisions; modifying the COVID-19 response and reopening for business liability protection act; extending immunity from civil liability for certain healthcare providers and for certain persons conducting business in this state for COVID-19 claims until March 31, 2022; amending K.S.A. 2020 Supp. 48-963, as amended by section 7 of 2021 Senate Bill No. 14, 48-964, 48-965, as amended by section 8 of 2021 Senate Bill No. 14, 60-5503, 60-5504, as amended by section 10 of 2021 Senate Bill No. 14, and 65-468 and repealing the existing sections.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Straub, Suellentrop, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Corson, Francisco, Haley, Hawk, Holland, Pettey, Steffen, Sykes.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. President: I vote "NO" on **SB 283** because 1) the certified community behavioral health clinics sound wonderful but the bill is too broad and serves as a blank check against the taxpayer; 2) the cuts in Behavioral Science license requirements are too much, too fast; and 3) the allowance of tele-medicine by out-of-state doctors is a threat against good primary care and makes rural health care providers less secure as they lose patient visit to out-of-state providers.—MARK STEFFEN

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to introduced to the Chamber, his eldest daughter, Mariah Haley and friend, Zachary Hardwick, both Columbia University Law students. The Senate greeted the two with applause.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. **SCR 1610**—

By Senators Masterson, Suellentrop and Sykes

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2021 regular session of the legislature.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on March 5, 2021, and shall reconvene on March 10, 2021, pursuant to adjournment of the daily session convened on March 5, 2021; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of

representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation, subsistence allowances, mileage and other expenses in amounts prescribed under K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Suellentrop **SCR 1610** was adopted by voice vote.

REPORT ON ENROLLED BILLS

H Sub SB 88 reported correctly enrolled, properly signed and presented to the Governor on March 3, 2021.

On motion of Senator Suellentrop, the Senate adjourned pro forma until 2:30 p.m. March 04, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

