

# Journal of the House

FORTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, March 11, 2024, 11:00 a.m.

The House met session pro forma pursuant to adjournment with Speaker Hawkins in the chair.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2824**, AN ACT concerning insurance; relating to health insurance plans; mandating coverage of pediatric acute-onset neuropsychiatric syndrome (PANS) and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS); amending K.S.A. 40-2,103 and 40-19c09 and K.S.A. 2023 Supp. 75-6525 and repealing the existing sections, by Committee on Federal and State Affairs.

## CHANGE OF REFERENCE

Speaker Hawkins announced the withdrawal of **SB 438** from Committee on K-12 Education Budget and referral to Committee on Education.

## REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2273** be amended by substituting with a new bill to be designated as "Substitute for HOUSE BILL NO. 2273," as follows:

"Substitute for HOUSE BILL NO. 2273

By Committee on Appropriations

"AN ACT making and concerning appropriations for the fiscal years ending June 30, 2024, June 30, 2025, and June 30, 2026, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2023 Supp. 2-223, 12-1775a, 12-5256, 65-180, 74-50,107, 74-8711, 74-99b34, 75-6707, 76-775, 76-7,107, 79-2964, 79-2989, 79-3425i, 79-34,171 and 82a-955 and repealing the existing sections.";

And the substitute bill be passed.

(**HB 2273** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **SB 233** be amended by substituting with a new bill to be designated as "House Substitute for SENATE BILL NO. 233," as follows:

"House Substitute for SENATE BILL NO. 233

By Committee on Health and Human Services

"AN ACT concerning children and minors; relating to healthcare of minors; enacting the forbidding abusive child transitions act; prohibiting healthcare providers from treating a child whose gender identity is inconsistent with the child's sex; authorizing a civil cause of action against healthcare providers for providing such treatments; restricting use of state funds to promote gender transitioning; prohibiting professional liability insurance from covering damages for healthcare providers that provide gender transition treatment to children; requiring professional discipline against a healthcare provider who performs such treatments; adding violation of the act to the definition of unprofessional conduct for physicians and nurses; amending K.S.A. 65-2837 and K.S.A. 2023 Supp. 65-1120 and repealing the existing sections.";

And the substitute bill be passed.

(**Sub Bill for SB 233** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **SB 352** be amended by substituting with a new bill to be designated as "House Substitute for SENATE BILL NO. 352," as follows:

"House Substitute for SENATE BILL NO. 352

By Committee on Health and Human Services

"AN ACT concerning health and healthcare; enacting the no patient left alone act; relating to hospitals, adult care homes and hospice facilities; requiring such facilities to allow in-person visitation in certain circumstances; authorizing such facilities to adopt visitation policies and procedures.";

And the substitute bill be passed.

(**Sub Bill for SB 352** was thereupon introduced and read by title.)

Committee on **Higher Education Budget** recommends **HB 2705**, as recommended by the House Committee on Higher Education Budget to be passed as reported in the Journal of the House on February 15, 2024, be passed.

Committee on **Higher Education Budget** recommends **HB 2460** be amended by substituting with a new bill to be designated as "Substitute for HOUSE BILL NO. 2460," as follows:

"Substitute for HOUSE BILL NO. 2460

By Committee on Higher Education Budget

"AN ACT concerning postsecondary educational institutions; prohibiting such institutions from certain actions concerning diversity, equity or inclusion, exceptions; providing for civil remedies and penalties; submitting a report to the legislature; posting information on the state board of regents website.";

And the substitute bill be passed.

(**Sub Bill for HB 2460** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 394** be passed.

Committee on **Judiciary** recommends **HB 2510** be amended on page 2, in line 16, after "(B)" by inserting "(i)"; in line 17, by striking all after "agreement"; by striking all in lines 18 through 21; in line 22, by striking all before the period; following line 22, by inserting:

"(ii) *Limitations on discovery of third-party agreements.* (a) On motion, a court shall prohibit any inquiry into the existence or nonexistence of a third-party agreement on finding, by a preponderance of the evidence, that such inquiry may cause undue prejudice to the party objecting to such inquiry. When making such finding, the court

shall consider the political, ideological or social nature of the case, the likely balance of litigation resources between the parties, whether such inquiry would be proportional to the needs of the case and any other relevant information presented by the parties.

(b) Information concerning the third-party agreement is not by reason of disclosure admissible in evidence at trial.

(c) Subsection (b)(3)(B) shall not be construed to require a nonprofit corporation or association to disclose its members or donors or to require disclosure of otherwise privileged information.

(d) Unless the court finds that a third-party agreement would be admissible under the rules of evidence and necessary to prove an element of a claim in the case, disclosure of the existence or content of such agreement shall not be required in any action brought:

(1) By or on behalf of the state or any political subdivision of the state enforcing a law or seeking to protect against an imminent threat to health or public safety; or

(2) solely in the public interest or on behalf of the general public if:

(A) The plaintiff does not seek any relief that is different from the relief sought for the general public or a class of which the plaintiff is a member unless such relief is a claim for attorney fees, costs or penalties;

(B) the action, if successful, would enforce an important right affecting the public interest and would confer a significant pecuniary or nonpecuniary benefit on the general public or a large class of persons; and

(C) private enforcement is necessary and places a disproportionate financial burden on the plaintiff in relation to the plaintiff's stake in the matter.

(e) When requested by the disclosing party, the court shall issue an order to protect discovery of a third-party agreement from disclosure other than to the parties, the parties' counsel, experts and others necessary to the legal claim.

(iii) The provisions of this subparagraph shall expire on July 1, 2029.

(C) *Reporting of third-party agreements.* (i) On and after July 1, 2024, any third-party agreement under which a person has a contractual right to receive, directly or indirectly, compensation that is contingent in any respect on the outcome of the claim shall be reported to the judicial council within 45 days after the commencement of an action in any Kansas court in which such a third-party agreement exists or within 45 days after such third-party agreement is entered into, whichever is later. The judicial council shall provide the person who reported such agreement documentation showing that such report was made. Any third-party agreement that is not reported pursuant to this subparagraph is void and unenforceable unless such agreement relates to an action described in subsection (b)(3)(B)(ii)(d).

(ii) The clerk of the supreme court shall prescribe a form for use under this subparagraph. Such form shall include a method of reporting whether the third-party agreement is a third-party agreement with a foreign person and any other information the clerk determines is necessary for the judicial council to complete the study required by subsection (b)(3)(D).

(iii) Reports received pursuant to this subparagraph shall be confidential and shall not be subject to the provisions of the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this clause shall expire on July 1, 2029, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.

(iv) The provisions of this subparagraph shall expire on July 1, 2029.

(D) (i) On or before July 1, 2027, the judicial council shall establish a committee to study the issue of third-party agreements. Such committee shall review all reports submitted pursuant to subsection (b)(3)(C) and any other information related to such agreements the committee deems necessary. Between September 1, 2028, and December 1, 2028, the judicial council shall report to the chief justice of the supreme court, attorney general, house standing committee on judiciary and senate standing committee on judiciary on the topic of third-party agreements in Kansas and in other states and make recommendations on the use of such third-party agreements in Kansas.

(ii) The provisions of this subparagraph shall expire on July 1, 2029.";

On page 2, in line 29, by striking "paragraph (1)" and inserting "subsection (b)(1)";

On page 6, following line 40, by inserting:

"(g) As used in this section:

(1) "Foreign person" means:

(A) An individual that is not a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) an unincorporated association when a majority of the members are not citizens of the United States or aliens lawfully admitted for permanent residence in the United States;

(C) a corporation that is not incorporated in the United States;

(D) a government, political subdivision or political party of a country other than the United States;

(E) an entity that is organized under the laws of a country other than the United States;

(F) an entity that has a principal place of business in a country other than the United States and that has shares or other ownership interest held by the government or a government official of a country other than the United States; or

(G) an organization in which any person or entity described in subsections (g)(1)(A) through (g)(1)(F) holds a controlling or majority interest or in which the holdings of any such persons or entities, considered together, would constitute a controlling or majority interest.

(2) "Reasonable interest" means a total interest not greater than 11.1% of the principal.

(3) "Third-party agreement" means any agreement under which any person, other than a party, an attorney representing the party, such attorney's firm or a member of the family or household of a party has agreed to pay expenses directly related to prosecuting the legal claim and has a contractual right to receive compensation that is contingent in any respect on the outcome of the claim. "Third-party agreement" does not include an agreement that does not afford the nonparty agreeing to pay legal expenses any profit from the legal claim beyond repayment of the amount such nonparty has contractually agreed to provide plus reasonable interest.

(h) The provisions of subsections (b)(3)(B), (b)(3)(C) and (b)(3)(D) are severable. If any portion of such subsections is held by a court to be unconstitutional or invalid, or the application of any portion of such subsections to any person or circumstance is held by a court to be unconstitutional or invalid, the invalidity shall not affect the other portions of such subsections that can be given effect without the invalid portion or application, and the applicability of such other portions of such subsections to any

person or circumstance remains valid and enforceable.";

On page 1, in the title, in line 2, by striking "authorizing discovery of an agreement thereof" and inserting "limiting discovery and disclosure of third-party agreements in certain circumstances; requiring reporting of such agreements to the judicial council and a judicial council committee to study third-party agreements; requiring the clerk of the supreme court to develop a form for reports; exempting such reports from the open records act"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 362** be passed.

Committee on **Veterans and Military** recommends **SB 292**, As Amended by Senate Committee, be amended on page 8, in line 29, after the first "the" by inserting "lawful";

On page 11, by striking all in line 35; in line 36, by striking "States" and inserting ", naval, air or space component of any of the several states and territories, Puerto Rico or the District of Columbia"; and the bill be passed as amended.

#### COMMITTEE ASSIGNMENT CHANGES

Speaker Hawkins announced the appointment of Rep. B. Carpenter to replace Rep. Maughn on Committee on Rules and Journal March 11-15, 2024.

Also, the appointment of Rep. W. Carpenter to replace Rep. Humphries on Committee on Rules and Journal March 11-13, 2024.

Also, the appointment of Rep. Owens to replace Rep. Humphries as Chair on Committee on Rules and Journal March 11-13, 2024.

Also, the appointment of Rep. Howerton to replace Rep. Maughan on Committee on Corrections and Juvenile Justice March 14, 2024.

Also, the appointment of Rep. Wasinger to replace Rep. Maughan on Committee on Corrections and Juvenile Justice March 13, 2024.

Also, the appointment of Rep. Tarwater to replace Rep. Maughan on Committee on Judiciary March 12 and 14, 2024.

Also, the appointment of Rep. Hoffman to replace Rep. Corbet on Committee on Taxation March 11, 2024.

Also, the appointment of Rep. Pickert to replace Rep. Maughan on Committee on Judiciary March 13, 2024.

Also, the appointment of Rep. Meyer to replace Rep. Alcalá on Committee on Appropriations March 12 and 13, 2024.

Also, the appointment of Rep. McDonald to replace Rep. S. Ruiz on Committee on Child Welfare System Oversight March 15, 2024.

On motion of Rep. Croft, the House adjourned until 11:00 a.m., Tuesday, March 12, 2024.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

