

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 16, 2026, 2:30 p.m.

The Senate was called to order by President Ty Masterson.

The roll was called with 37 senators present.

Senators Claeys, Ryckman and Shane were excused.

Invocation by guest chaplain, Doug Henkle:

Father God, thank You for the rest over the weekend. Thank You for the privilege it is to come before Your throne this afternoon. And we come to You now, at the beginning of a very full calendar.

As turnaround approaches, grant us a sense of priority. Give us the ability to separate the important from the unimportant, the critical from the trivial, the vital from the insignificant, the eternal from the temporary. Grant us vision. Show us what can be and ought to be done and how to achieve it. Grant us peace, Father. Give us a sense of inner peace, peace with You, peace with ourselves and peace with one another despite differing views and approaches to the legislation at hand.

Lord, I ask that You give every senator crystal clear insight and understanding into every bill debated. Cause the issues to be sharp and ordered in their minds. Cause each senator to argue strongly held, often differing positions in a diplomatic and honorable way to the best of their ability, striving for a mutually satisfactory resolution.

I pray for President Masterson, Vice President Shallenburger, Majority Leader Blasi and Minority Leader Sykes. Give them discernment and wisdom as they lead this chamber.

Lord, there is much to be accomplished in the next few days, much information to be digested and acted upon. Thank you for the opportunity to meet the challenges of today and this week. Challenges which can appear overwhelming, the solutions elusive. Yet we know that You, oh Lord, the ultimate statesman, have the resolution to every obstacle.

So, we look forward with great anticipation to feeling, to seeing Your Holy Spirit move in this Senate as differences are resolved and satisfactory solutions are achieved to Your glory and for the benefit of our state. In the Powerful Name of Jesus, Amen!

The Pledge of Allegiance was led by President Masterson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 510, AN ACT concerning wildlife and parks; requiring interest earnings of the parks fee fund to be transferred to such fund each month; amending K.S.A. 32-991 and

repealing the existing section, by Committee on Ways and Means.

SB 511, AN ACT concerning the Kansas department of wildlife and parks; requiring the secretary of wildlife and parks to prepare and present any plan to reorganize the department to certain legislative committees; requiring legislative approval for any such reorganization; amending K.S.A. 2025 Supp. 32-806 and repealing the existing section, by Committee on Ways and Means.

SB 512, AN ACT concerning unemployment insurance; removing the eight-week return to work expectation from the definition of temporary unemployment; deleting the eight-week cap on temporary unemployment; removing the secretary's authority and criteria to grant eight-week extension increments, employer reporting duties for extensions and the industry-specific eligibility for extensions; excluding payments under compliant employer-sponsored supplemental unemployment benefit plans from the definition of wages; removing the negative debt write-off and forgiveness mechanism that conditionally moved employers to rate groups N11 for three years and the related option to avoid a negative debt write-off through voluntary contributions; prohibiting charging contributing employers in ready-mixed concrete and specified construction industries for benefit charges arising from temporary layoffs; amending K.S.A. 2025 Supp. 44-703, 44-710, 44-710a and 44-775 and repealing the existing sections, by Committee on Assessment and Taxation.

INTRODUCTION AND CONSIDERATION OF SENATE RESOLUTIONS

Senator Thomas introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1726—

A RESOLUTION congratulating and commending
award-winning educators in Kansas.

WHEREAS, This resolution congratulates and commends the following individuals who were selected as award-winning educators in Kansas; and

WHEREAS, The Milken Educator Awards program, established by the Milken Family Foundation, recognizes and provides financial awards to elementary and secondary school teachers, principals and other educational professionals who further excellence in education; and

WHEREAS, Lexcee Oddo, an educator at Turner Elementary School in Turner USD 202, has been selected as the Kansas recipient of the 2025 Milken Educator Award; and

WHEREAS, The Kansas Horizon Award Program, currently in its 26th year and sponsored by the Kansas State Department of Education (KSDE) and Capitol Federal, identifies and recognizes exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, Thirty-two beginning elementary and secondary school educators across the state have been named Kansas Horizon Award Program educators; and

WHEREAS, The 2026 Region 1 Kansas Horizon Award recipients are: Mayci Armstrong, Rock Creek High School, Rock Creek USD 323; Alyssa Higbie, Manhattan High School, Manhattan-Ogden USD 383; Audrey Phelps, Ross Elementary School, Dodge City USD 443; Kate Steimel, Ellsworth Elementary School, Ellsworth USD 327; Phoebe Stottlemire, Valley Falls High School, Valley Falls USD 338; Tristyn Tow, Theodore Roosevelt Elementary School, Manhattan-Ogden USD 383; Claudia Trout, Bennington Grade School, Twin Valley USD 240; Allison Wickstrum, Blue Valley-Randolph High School, Blue Valley-Randolph USD 384; and

WHEREAS, The 2026 Region 2 Kansas Horizon Award recipients are: Alyssa Beilfuss, Linwood Elementary School, Basehor-Linwood USD 458; Zaveah Kobza, David Brewer Elementary School, Leavenworth USD 453; Alyssa McCue, Walnut Elementary School, Emporia USD 253; Eva Noble, Piper Creek Elementary School, Piper USD 203; Kaysi Overdick, Tonganoxie High School, Tonganoxie USD 464; Shayla Rahe, Marion High School, Marion-Florence USD 408; Elizabeth Sturgis, Girard High School, Girard USD 248; Ashley Swanson, Carbondale Attendance Center, Santa Fe Trail USD 434; and

WHEREAS, The 2026 Region 3 Kansas Horizon Award recipients are: Asia Beck, Trojan Elementary School, Osawatomie USD 367; Gregory Bergman, Olathe Advanced Technical Center, Olathe USD 233; Jordan Dombrowski, Shawnee Mission East High School, Shawnee Mission USD 512; Cordelia Hanger, Dayton Creek Elementary School, Spring Hill USD 230; Marissa Horstick, Central Heights Middle School, Central Heights USD 288; Brittney Jundt, Riverview Elementary School, De Soto USD 232; Meadow Richardson, Sunflower Elementary School, Paola USD 368; Katlyn Whittley, Wheatridge Middle School, Gardner Edgerton USD 231; and

WHEREAS, The 2026 Region 4 Kansas Horizon Award recipients are: Laura Araiza, Wichita North High School, Wichita USD 259; Davon Brees, Complete High School Maize, Maize USD 266; Whitney Brummer, St. John-Hudson Elementary School, St. John-Hudson USD 350; Nolan Crumrine, Valley Center High School, Valley Center USD 262; Abbie Griffith, Goddard High School, Goddard USD 265; Lauren Mullen, R.L. Wright Elementary School, Sedgwick USD 439; Sally Pipes, Irving Elementary School, Winfield USD 465; Ashley Shuck, Lincoln Elementary School, Wellington USD 353: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend these outstanding educators; and

Be it further resolved: That the Secretary of the Senate shall send 33 enrolled copies of this resolution to the Commissioner of Education.

On emergency motion of Senator Thomas **SR 1726** was adopted.

COMMUNICATIONS FROM STATE OFFICERS

2025 Annual Report, Kansas Guardianship Program

Notice of intent to dispose of a building, Pleasanton, USD 344

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2416**, **HB 2448**.

Announcing passage of **HB 2653**.

The House adopts the Conference Committee report on **SB 30**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2416, **HB 2448**, **HB 2653** were thereupon introduced and read by title.

CONSIDERATION OF ORIGINAL MOTIONS

On motion of Senator Blasi an emergency was declared by a 2/3 constitutional majority, and **S Sub HB 2004** was advanced to Final Action and roll call.

COMMITTEE OF THE WHOLE

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

On motion of Senator Peck the following summary report was adopted:

S Sub HB 2004 be passed by adoption of the committee report recommending a substitute bill.

SB 324 be passed over and retain a place on the calendar.

COMMITTEE OF THE WHOLE ACTIONS

SB 324 be passed over and retain a place on the calendar.

HB 2004 be amended by the adoption of the committee report on **HB 2004** recommending **S Sub HB 2004**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

S Sub HB 2004, AN ACT concerning public assistance; requiring the secretary for children and families and the secretary of health and environment to execute a memorandum of understanding or other written data-sharing instrument upon written request of the United States department of agriculture or the United States department of health and human services; requiring such secretaries to comply with written data requests from such federal agencies made pursuant to such memorandum of understanding or written data-sharing instrument; amending K.S.A. 39-760 and repealing the existing section.

On roll call, the vote was: Yeas 28; Nays 9; Present and Passing 0; Absent or Not Voting 3.

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, Clifford, Dietrich, Erickson, Fagg, Gossage, Hill, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Shallenburger, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

Nays: Corson, Faust Goudeau, Francisco, Haley, Holscher, Miller, Pettey, Schmidt, Sykes.

Absent or Not Voting: Claeys, Ryckman, Shane.

The substitute bill passed.

EXPLANATION OF VOTE

This bill could force the state to comply with unlawful federal directives and risk the disclosure of personal information. Additionally, there are not adequate safeguards in place to protect from unauthorized access or harmful use. This bill will create an unnecessary hindrance to food assistance for low income US citizens, including Kansas children. With 1 in 5 Kansas children already facing food insecurity, this bill does nothing to help vulnerable, hungry children. Instead, this will likely have a chilling effect. Citizens in our state are facing an affordability crisis; Kansans are struggling with a lack of access to affordable housing, healthcare and childcare, and desperately want relief from property taxes. Yet, here we are entering the sixth week of session - at the halfway point - and we've done nothing to address the affordability crisis. Instead, this body chooses to bring forward bills to make life more challenging for our most vulnerable citizens. I'll be voting against this unnecessary bill.—CINDY HOLSCHER

Even after debate on this bill, it is unclear if there are any safeguards in place to protect Kansans' privacy, and I cannot vote for something that I don't know will keep Kansans, and their privacy, safe. The Attorney General is only asking for this bill because he lost in court - when will this legislature stop changing laws just because Kobach can't win a court case? I vote no on **S Sub HB 2004**.—DINAH SYKES

Senator Petty requests the record to show she concurs with the "Explanation of Vote" offered by Senator Sykes on **S Sub HB 2004**.

CHANGE OF REFERENCE

The President withdrew **SB 324** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Judiciary**.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture and Natural Resources** recommends **SB 407** be amended on page 1, in line 12, after "department" by inserting "on August 22, 2025, and provided to the senate committee on agriculture and natural resources on February 10, 2026"; and the bill be passed as amended.

Also, **SB 465** be amended on page 7, following line 31, by inserting:

"(19) Agricultural land held or leased by a limited liability partnership prior to July 1, 2026.";

On page 10, in line 11, after "county" by inserting "by a"; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **SB 319**, **SB 498** be passed.

Also, **SB 303** be amended on page 12, following line 42, by inserting:

"(43) The board of county commissioners of Leavenworth county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.125% or 0.25% and pledging the revenue received therefrom for the purposes of furnishing, equipping, improving and maintaining county-supported emergency management operations to the electors at an election called and held thereon.

(44) The board of county commissioners of Lincoln county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing, improving, equipping, renovating and maintaining county buildings, facilities, roadways and bridges to the electors at an election called and held thereon.

(45) The board of county commissioners of Sheridan county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of constructing a jail and law enforcement center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.";

On page 18, in line 23, by striking "and"; in line 27, after "0.125%" by inserting ";

(rr) the board of county commissioners of Leavenworth county, for the purposes of K.S.A. 12-187(b)(43), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.125% or 0.25%;

(ss) the board of county commissioners of Lincoln county, for the purposes of K.S.A. 12-187(b)(44), and amendments thereto, may fix such rate at a percentage that is

equal to the sum of the rate otherwise allowed pursuant to this section, plus up to 1%; and

(tt) the board of county commissioners of Sheridan county, for the purposes of K.S.A. 12-187(b)(45), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%;

On page 22, in line 1, by striking the first "and" and inserting a comma; also in line 1, after "(42)" by inserting ", (43), (44) and (45)";

On page 1, in the title, in line 1, by striking all after "to"; in line 4, after "county" by inserting ", Leavenworth county for the purposes of furnishing, equipping, improving and maintaining county-supported emergency management operations, Lincoln county for the purpose of financing the costs of constructing, improving, equipping, renovating and maintaining county buildings, facilities, roadways and bridges and Sheridan county for the purpose of financing the costs of constructing a jail and law enforcement center"; and the bill be passed as amended.

SB 332 be amended on page 1, in line 30, by striking all after "(b)"; by striking all in line 31; in line 32, by striking all before "that" and inserting "Third-party intermediary premiums, charges, commissions or fees charged to and paid by a buyer for services rendered to facilitate a real estate sale transaction"; also in line 32, by striking all after "writing"; in line 33, by striking all before the comma; in line 34, after "charges" by inserting ", commissions";

Also on page 1, in the title, in line 2, by striking "buyer's premiums" and inserting "third-party intermediary premiums, charges, commissions or fees charged to a buyer"; in line 3, by striking "purchased at auction"; and the bill be passed as amended.

SB 402 be amended on page 1, in line 29, by striking all after "who"; in line 30, by striking all before "and" and inserting "was born before January 1, 1961,"; in line 33, after the period by inserting "In the case of all tax years commencing after December 31, 2026, the upper limit household income threshold amount prescribed in this section shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.";

On page 7, following line 16, by inserting:

"Sec. 5. K.S.A. 2025 Supp. 79-4508a is hereby amended to read as follows: 79-4508a. (a) For tax year 2022 and all tax years thereafter, the amount of any claim pursuant to this section shall be computed by deducting the claimant's base year ad valorem tax amount for the homestead from the claimant's homestead ad valorem tax amount for the tax year for which the refund is sought.

(b) As used in this section:

(1) "Base year" means the year in which an individual becomes an eligible claimant and who is also eligible for a claim for refund pursuant to this section. For any individual who would otherwise be an eligible claimant prior to 2021, such base year shall be deemed to be 2021 for the purposes of this act.

(2) "Claimant" means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in K.S.A. 79-4503, and amendments thereto, both domiciled in this state and was: (A) A person who is 65 years of age or older; or (B) a disabled veteran. The surviving spouse of a person 65 years of age or older or a disabled veteran who was receiving benefits pursuant to this section at the

time of the claimant's death shall be eligible to continue to receive benefits until such time the surviving spouse remarries.

(3) For tax year 2025 and all tax years thereafter, "household income" means the total Kansas adjusted gross income of all persons of a household in a calendar year while members of such household.

(c) A claimant shall only be eligible for a claim for refund under this section if:

(1) The claimant's household income for the year in which the claim is filed is \$50,000 or less; and

(2)(A) For base years 2021 through 2024, the appraised value of the claimant's homestead for the base year is \$350,000 or less; and

(B) for base year 2025 and all base years thereafter, the appraised value of the claimant's homestead for the base year is \$375,000 or less.

The provisions of K.S.A. 79-4522, and amendments thereto, shall not apply to a claim pursuant to this section. In the case of all tax years commencing after December 31, 2022, the upper limit household income threshold amount prescribed in this subsection shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.

(d) A taxpayer shall not be eligible for a homestead property tax refund claim pursuant to this section if such taxpayer has received for such property for such tax year either: (1) A homestead property tax refund pursuant to K.S.A. 79-4508, and amendments thereto; or (2) the selective assistance for effective senior relief (SAFESR) credit pursuant to K.S.A. 79-32,263, and amendments thereto.

(e) The amount of any claim shall be computed to the nearest \$1.

(f) The provisions of this section shall be a part of and supplemental to the homestead property tax refund act.;

Also on page 7, in line 18, after "(a)" by inserting "(1)"; in line 22, after the period by inserting "The provisions of this paragraph shall apply to:

(A) Claims under K.S.A. 79-4508, and amendments thereto, for tax years prior to tax year 2026; and

(B) all claims under K.S.A. 79-32,263, and amendments thereto.

(2) For tax year 2026 and all tax years thereafter, except as provided in subsection (b), a person owning or occupying a homestead for which the appraised valuation for property tax purposes exceeds \$375,000 in any year shall not be entitled to claim a refund of property taxes under the homestead property tax refund act for any such year. The provisions of this paragraph shall apply to claims under K.S.A. 79-4508, and amendments thereto.;

Also on page 7, in line 26, by striking "\$350,000" and inserting "the applicable amount provided in subsection (a)"; in line 28, by striking "\$350,000" and inserting "the applicable amount provided in subsection (a)"; in line 31, by striking all after "section"; in line 32, by striking all before "shall"; in line 38, after "79-4502" by inserting "and 79-4508a";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after the semicolon by inserting "increasing the homestead appraised value thresholds for two homestead refund claim provisions;"; in line 11, by striking "establishing a constant" and inserting "modifying the"; also in line 11, after "threshold" by inserting "and providing a cost-of-living adjustment"; also in

line 11, after the second semicolon by inserting "limiting eligibility to taxpayers born before 1961;"; in line 13, after "79-4502" by inserting "and 79-4508a"; and the bill be passed as amended.

The Committee on **Commerce** recommends **SB 334**, **SB 429** be passed.

Also, **SB 418** be amended on page 5, in line 5, after the second comma by inserting "and are constructed on each such residence's own separate lot or parcel with its own individual legal description,";

On page 9, in line 14, after "city" by inserting "that is zoned for any type of residential use";

On page 1, in the title, in line 6, after "for" by inserting "certain"; in line 9, after "city" by inserting "that is zoned for any type of residential use"; and the bill be passed as amended.

The Committee on **Education** recommends **SB 382** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2025 Supp. 72-3404 is hereby amended to read as follows: 72-3404. As used in this act:

- (a) "School district" means any public school district.
- (b) "Board" means the board of education of any school district.
- (c) "State board" means the state board of education.
- (d) "Department" means the state department of education.
- (e) "State institution" means any institution under the jurisdiction of a state agency.
- (f) "State agency" means the Kansas department for children and families, the Kansas department for aging and disability services, the department of corrections and the juvenile justice authority.
- (g) "Exceptional children" means persons who are children with disabilities or gifted children and are of school age, to be determined in accordance with rules and regulations adopted by the state board, whose age may differ from the ages of children required to attend school under the provisions of K.S.A. 72-3120, and amendments thereto.
- (h) "Gifted children" means exceptional children who are determined to be within the gifted category of exceptionality as such category is defined by the state board.
- (i) "Special education" means specially designed instruction provided at no cost to parents to meet the unique needs of an exceptional child, including:
 - (1) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
 - (2) instruction in physical education.
- (j) "Special teacher" means a person, employed by a school district or under contract with a school district ~~or~~, a state institution or a third party that has contracted with a school district to provide special education or related services, who is qualified to:
 - (1) Provide special education or related services to exceptional children as determined pursuant to standards established by the state board; or
 - (2) assist in the provision of special education or related services to exceptional children as determined pursuant to standards established by the state board.
- (k) "State plan" means the state plan for special education and related services authorized by this act.
- (l) "Agency" means boards and the state agencies.

(m) "Parent" means:

- (1) A natural parent;
- (2) an adoptive parent;
- (3) a person acting as parent;
- (4) a legal guardian;
- (5) an education advocate; or
- (6) a foster parent, if the foster parent has been appointed the education advocate of an exceptional child.

(n) "Person acting as parent" means a person such as a grandparent, stepparent or other relative with whom a child lives or a person other than a parent who is legally responsible for the welfare of a child.

(o) "Education advocate" means a person appointed by the state board in accordance with the provisions of K.S.A. 38-2218, and amendments thereto. A person appointed as an education advocate for a child shall not be:

- (1) An employee of the agency who is required by law to provide special education or related services for the child;

- (2) an employee of the state board, the department, or any agency that is directly involved in providing educational services for the child; or

- (3) any person having a professional or personal interest that would conflict with the interests of the child.

(p) "Free appropriate public education" means special education and related services that:

- (1) Are provided at public expense, under public supervision and direction, and without charge;

- (2) meet the standards of the state board;

- (3) include an appropriate preschool, elementary or secondary school education; and

- (4) are provided in conformity with an individualized education program.

(q) "Federal law" means the individuals with disabilities education act, as amended.

(r) "Individualized education program" or "IEP" means a written statement for each exceptional child that is developed, reviewed; and revised in accordance with the provisions of K.S.A. 72-3429, and amendments thereto.

(s) (1) "Related services" means transportation, and such developmental, corrective, and other supportive services, including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only, as may be required to assist an exceptional child to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

(2) "Related services" does not mean any medical device that is surgically implanted or the replacement of any such device.

(t) "Supplementary aids and services" means aids, services; and other supports that are provided in regular education classes or other education-related settings to enable

children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

(u) "Individualized education program team" or "IEP team" means a group of individuals composed of:

- (1) The parents of a child;
- (2) at least one regular education teacher of the child if the child is, or may be, participating in the regular education environment;
- (3) at least one special education teacher or, where appropriate, at least one special education provider of the child;
- (4) a representative of the agency directly involved in providing educational services for the child who is:
 - (A) Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of exceptional children;
 - (B) knowledgeable about the general curriculum; and
 - (C) knowledgeable about the availability of resources of the agency;
- (5) an individual who can interpret the instructional implications of evaluation results;
- (6) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (7) whenever appropriate, the child.

(v) "Evaluation" means a multisourced and multidisciplinary examination, conducted in accordance with the provisions of K.S.A. 72-3428, and amendments thereto, to determine whether a child is an exceptional child.

(w) "Independent educational evaluation" means an examination that is obtained by the parent of an exceptional child and performed by an individual or group of individuals who meet state and local standards to conduct such an examination.

(x) "Elementary school" means any nonprofit institutional day or residential school that offers instruction in any or all of the grades kindergarten through nine.

(y) "Secondary school" means any nonprofit institutional day or residential school that offers instruction in any or all of the grades nine through 12.

(z) "Children with disabilities" means children who:

(1) Have an intellectual disability, hearing loss including deafness, speech or language disorders, visual impairments including blindness, emotional disability, orthopedic impairments, autism, dyslexia, traumatic brain injury, other health impairments; or specific learning disabilities and who, by reason thereof, need special education and related services; and

(2) are experiencing one or more developmental delays and, by reason thereof, need special education and related services if such children are ages three through nine.

(aa) "Substantial change in placement" means the movement of an exceptional child, for more than 25% of the child's school day, from a less restrictive environment to a more restrictive environment or from a more restrictive environment to a less restrictive environment.

(bb) "Material change in services" means an increase or decrease of 25% or more of the duration or frequency of a special education service, a related service or a supplementary aid or a service specified on the IEP of an exceptional child.

(cc) "Developmental delay" means such a deviation from average development in

one or more of the following developmental areas, as determined by appropriate diagnostic instruments and procedures, ~~as indicates~~ indicating that special education and related services are required:

- (1) Physical;
- (2) cognitive;
- (3) adaptive behavior;
- (4) communication; or
- (5) social or emotional development.

(dd) "Homeless children" means "homeless children and youths" as defined in the federal McKinney-Vento homeless assistance act, 42 U.S.C. § 11434a.

(ee) "Limited English proficient" means an individual who meets the qualifications specified in section 9101 of the federal elementary and secondary education act of 1965, as amended.

(ff) "Emotional disability" means the same as the term "emotional disturbance" is used in public law 101-476, the individuals with disabilities education act.

Sec. 2. K.S.A. 2025 Supp. 72-3422 is hereby amended to read as follows: 72-3422.

(a) Each year, the state board of education shall determine the amount of state aid for the provision of special education and related services each school district shall receive for the ensuing school year. The amount of such state aid shall be computed by the state board as provided in this section.

(b) (1) The state board shall determine the total amount of special education state aid to be provided to school districts for the provision of special education and related services as follows:

(A) Determine the total weighted full-time equivalent student enrollment as provided on the legal maximum general fund calculation data computed by the state department of education excluding the special education and related services weighting, bilingual weighting, transportation weighting, career technical education weighting and at-risk student weighting;

(B) multiply the amount determined in paragraph (1)(A) by the base aid for student excellence established pursuant to K.S.A. 72-5132, and amendments thereto;

(C) divide the amount obtained in paragraph (1)(B) by the total number of unweighted full-time equivalent students enrolled in all school districts on September 20;

(D) determine the total full-time equivalent enrollment of exceptional children receiving special education and related services provided by all school districts;

(E) multiply the amount of the quotient obtained in paragraph (1)(C) by the full-time equivalent enrollment determined in paragraph (1)(D);

(F) multiply the amount of the product obtained in paragraph (1)(E) by the statewide average local option budget authorized percent;

(G) add the amount determined in paragraph (1)(E) to the amount determined in paragraph (1)(F);

(H) determine the amount of federal funds received by all school districts for the provision of special education and related services;

(I) determine the amount of revenue received by all school districts for medicaid reimbursements and rendered under contracts with the state institutions for the provisions of special education and related services by the state institution;

(J) add the amounts determined under paragraphs (1)(G) through (1)(I);

(K) determine the total amount of expenditures of all school districts for the provision of special education and related services;

(L) subtract the amount of the sum obtained under paragraph (1)(J) from the amount determined under paragraph (1)(K); and

(M) multiply the amount determined under paragraph (1)(L) by 92%.

(2) Subject to appropriation acts of the legislature, the computed amount is the total amount of state aid that shall be received for the provision of special education and related services by school districts for the ensuing school year.

(c) Except as provided in subsection (e), each school district shall receive:

(1) Reimbursement for actual travel allowances paid to special teachers at not to exceed the rate specified under K.S.A. 75-3203, and amendments thereto, for each mile actually traveled during the school year in connection with duties in providing special education or related services for exceptional children. Such reimbursement shall be computed by the state board by ascertaining the actual travel allowances paid to special teachers by the school district for the school year and shall be in an amount equal to 80% of such actual travel allowances;

(2) reimbursement in an amount equal to 80% of the actual travel expenses incurred for providing transportation for exceptional children to special education or related services;

(3) reimbursement in an amount equal to 80% of the actual expenses incurred for the maintenance of an exceptional child at some place other than the residence of such child for the purpose of providing special education or related services. Such reimbursement shall not exceed \$600 per exceptional child per school year; and

(4) (A) ~~except for those school districts that receive reimbursement under subsection (e)(4)(D) or (e)(4)(E), after subtracting the amounts of reimbursement under subsections (e)(1), (e)(2) and (e)(3) paragraphs (1), (2) and (3) from the total amount appropriated for special education and related services under this act, an amount which bears the same proportion to the remaining amount appropriated as proportional to the number of full-time equivalent special teachers who are qualified to provide special education or related services to exceptional children that are employed by the school district for who provide approved special education or related services bears to exceptional children with IEPs administered by the school district compared to the total number of such qualified full-time equivalent special teachers employed by all school districts for who provide approved special education or related services to exceptional children with IEPs administered by all school districts. This subparagraph shall not apply to school districts that receive reimbursement pursuant to subparagraph (D) or (E).~~

(B) Each special teacher who is qualified to assist in the provision of special education or related services to exceptional children shall be counted as $\frac{2}{5}$ full-time equivalent special teacher who is qualified to provide special education or related services to exceptional children.

(C) For purposes of this paragraph, a special teacher, qualified to assist in the provision of special education and related services to exceptional children, who assists in providing special education and related services to exceptional children at either the state school for the blind or the state school for the deaf and whose services are paid for by a school district pursuant to K.S.A. 76-1006 or 76-1102, and amendments thereto, shall be considered a special teacher of such school district.

(D) Each school district that has paid amounts for the provision of special education and related services under an interlocal agreement shall receive reimbursement under this paragraph. The amount of such reimbursement for the school district shall be the amount that bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services under the interlocal agreement, as the amount paid by such school district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all school districts in the current school year who have entered into such interlocal agreement for provision of such special education and related services.

(E) Each contracting school district that has paid amounts for the provision of special education and related services as a member of a cooperative shall receive reimbursement under this paragraph. The amount of such reimbursement for the school district shall be the amount that bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services by the cooperative, as the amount paid by such school district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all contracting school districts in the current school year by such cooperative for provision of such special education and related services.

(d) For fiscal year 2025, and each fiscal year thereafter, the legislature shall appropriate from the state general fund in the special education services aid account of the state department of education an amount that is equal to or greater than \$601,018,818.

(e) (1) In fiscal year 2025, and each fiscal year thereafter, the state department of education shall distribute from the special education services aid account of the state general fund an amount equal to \$528,018,516, to school districts pursuant to the statutory distribution schedule established pursuant to subsection (c).

(2) For fiscal year 2025, and each fiscal year thereafter, the state board of education shall establish a special education services aid equalization distribution schedule that prioritizes equalizing special education services aid distributions to school districts. When establishing or revising the special education services aid equalization distribution schedule, the state board of education shall give consideration to the discrepancies between each school district's excess cost as determined pursuant to K.S.A. 2025 Supp. 72-3422a, and amendments thereto. The purpose of such special education services aid equalization distribution schedule shall be to provide for a more equitable distribution of special education state aid among school districts based on each school district's excess costs.

(3) Notwithstanding the provisions of subsection (c), for fiscal year 2025, and each fiscal year thereafter, the state department of education shall:

(A) Determine the total amount appropriated for such fiscal year from the state general fund in the special education services aid account of the state department of education;

(B) subtract \$528,018,516 from the amount determined pursuant to paragraph (3)(A); and

(C) distribute the amount of the difference determined under paragraph (3)(B) to school districts pursuant to the special education services aid equalization distribution schedule established by the state board of education pursuant to paragraph (2).

(f) No time spent by a special teacher in connection with duties performed under a contract entered into by the Kansas juvenile correctional complex, the Larned juvenile correctional facility or the Topeka juvenile correctional facility and a school district for the provision of special education services by such state institution shall be counted in making computations under this section.

(g) (1) There is hereby established in every school district a special education fund ~~that, which~~ shall consist of all moneys deposited therein or transferred thereto according to law. Notwithstanding any other provision of law, all moneys received by the school district from whatever source for special education shall be credited to the special education fund established by this section, except that: (A) Amounts of payments received by a school district under K.S.A. 72-3423, and amendments thereto, and amounts of grants, if any, received by a school district under K.S.A. 72-3425, and amendments thereto, shall be deposited in the general fund of the district and transferred to the special education fund; and (B) moneys received by a school district pursuant to lawful agreements made under K.S.A. 72-3412, and amendments thereto, shall be credited to the special education fund established under the agreements.

(2) The expenses of a school district directly attributable to special education shall be paid from the special education fund and from special funds established under K.S.A. 72-3412, and amendments thereto.

(3) Obligations of a school district pursuant to lawful agreements made under K.S.A. 72-3412, and amendments thereto, shall be paid from the special education fund established by this section.";

On page 2, in line 12, after "assessments" by inserting ", except that the costs incurred for any proctor designated by a virtual school shall be paid by the virtual school"; in line 13, after "(c)" by inserting "The state department of education may monitor the administration of state assessments to virtual school students for the same purpose and in a like manner as the department monitors the administration of state assessments to non-virtual students.

(d)";

Also on page 2, in line 15, after "Supp." by inserting "72-3404, 72-3422 and"; also in line 15, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "relating to virtual schools" and inserting "adding certain third parties who contract with school districts to the definition of special teacher; authorizing special education state aid reimbursement for certain teachers who provide services pursuant to a contract"; in line 4, after "Supp." by inserting "72-3404, 72-3422 and"; also in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **SB 384** be amended on page 1, in line 25, by striking "30" and inserting "45"; in line 28, by striking "30-day" and inserting "45-day";

On page 2, in line 7, by striking "30" and inserting "45"; in line 9, by striking "30-day" and inserting "45-day";

On page 3, in line 28, after "coalition" by inserting "board";

On page 1, in the title, in line 4, by striking "30 days of submission" and inserting "a certain number of days"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 410**, **SB 472** be passed.

Also, **SB 412** be amended on page 3, in line 12, by striking all after "(m)"; in line 13, by striking all before "of" and inserting "Not later than 15 calendar days following the issuance"; in line 14, after "assets" by inserting ", the conservator shall notify entities and persons that the conservator has identified as the location of an asset of the conservatee's estate";

On page 1, in the title, in line 2, by striking "nonparties" and inserting "certain entities and persons"; and the bill be passed as amended.

SB 422 be amended on page 4, in line 6, after "(f)" by inserting "(1)"; following line 10, by inserting:

"(2) Not later than 30 days following the date of revocation of such nonresident's license, the commissioner shall inform the nonresident of such revocation.

(3) Nothing in this subsection shall be deemed to confer the right of a hearing for any nonresident whose license has been revoked.";

On page 7, in line 32, after the period by inserting "The commissioner may waive this requirement for a nonresident licensee whose license was revoked pursuant to K.S.A. 40-4906(f), and amendments thereto.";

On page 1, in the title, in line 7, after the semicolon by inserting "requiring the commissioner of insurance to notify certain nonresident agents in writing of the revocation of such nonresident's license;"; and the bill be passed as amended.

Committee on **Government Efficiency** recommends **SB 432** be passed.

Also, **SB 450** be amended on page 3, in line 42, by striking the second "or"; in line 43, after "media" by inserting "; or

(F) state employee's information was derived from the investigating or auditing of state agencies or the functions of state government as part of such state employee's position or regular job duties"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 480** be passed.

Also, **SB 374** be amended on page 1, in line 36, after "basis" by inserting "by an appropriate state, county or private institution or facility";

On page 8, in line 16, after "(4)" by inserting "(A)"; in line 23, by striking all after the period; in line 24, by striking all before "that" and inserting "Within 30 days after receipt of such objection, the medical director of the treatment institution or facility shall certify to the court whether medication would aid in restoring the defendant's competency. The court shall set the matter for hearing within 30 days after receipt of such certification unless exceptional circumstances warrant delay. At such hearing, the prosecuting attorney has the burden to establish by clear and convincing evidence"; in line 25, after "(A)" by inserting "(i) The medication is substantially likely to render the defendant competent to stand trial;

(ii)";

Also on page 8, following line 33, by inserting:

"(B) The defendant shall be represented by counsel at a hearing conducted pursuant to subparagraph (A) but is not required to be present at the discretion of the court. The court shall permit the prosecuting attorney and the defendant to present evidence and witnesses relevant to the matter. The court may permit testimony through a two-way electronic audio-visual communication device. Any other proceeding related to the defendant's competency shall be suspended or continued pending a determination of the

court under this paragraph. If the court makes a written finding that the prosecuting attorney has met the burden described in subparagraph (A), the court shall issue an order requiring the medication to be administered over the defendant's objection. If the court makes a written finding that the prosecuting attorney has failed to meet such burden, the court shall order competency proceedings to resume.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 10, in line 22, by striking all after "(d)"; by striking all in lines 23 through 29; in line 30, by striking "(e)";

On page 11, in line 9, after "1" by inserting "through 3";

On page 12, in line 2, by striking "22-3305" and inserting "22-3303"; by striking all in lines 6 through 43;

By striking all on pages 13 and 14;

On page 15, by striking all in lines 1 through 10; following line 10, by inserting:

"Sec. 3. K.S.A. 59-2983 is hereby amended to read as follows: 59-2983. (a) Nothing in this act shall be construed to apply to any person alleged or thought to be a mentally ill person subject to involuntary commitment for care and treatment under this act who is in custody on a criminal charge, except with the consent of either the prosecuting attorney or trial court.

(b) (1) During an involuntary commitment proceeding initiated pursuant to article 33 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, the court shall consider the totality of the circumstances, including, but not limited to, prior convictions or adjudications, pending crimes allegedly committed by the criminal defendant and any presumption provided by paragraph (2).

(2) If such criminal defendant is charged with an off-grid or nondrug severity level 1 through 3 felony or a violation of K.S.A. 21-3504, 21-3511 or 21-3719, prior to their repeal, or K.S.A. 21-5506(b), 21-5508(b) or 21-5812(b), and amendments thereto, or an attempt, conspiracy or criminal solicitation of an offense described in this paragraph, there shall be a presumption that such criminal defendant is likely to cause harm to self or others whenever the court is required to determine whether a criminal defendant is a mentally ill person subject to involuntary commitment for care and treatment under this act.

(3) A criminal defendant shall not be discharged from an involuntary commitment initiated pursuant to article 33 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, without the court conducting a hearing in accordance with this section and K.S.A. 59-2965(d), and amendments thereto, to determine whether such criminal defendant remains a mentally ill person subject to involuntary commitment for care and treatment under this act.";

Also on page 15, in line 11, by striking the first "and" and inserting a comma; also in line 11, by striking "K.S.A. 2025 Supp. 59-2946" and inserting "59-2983";

On page 1, in the title, in line 9, after the semicolon by inserting "requiring the court to make certain findings with respect to a person who is alleged to be mentally ill and subject to involuntary commitment for care and treatment when such person is also a criminal defendant"; in line 10, by striking the first "and" and inserting a comma; also in line 10, by striking "K.S.A. 2025 Supp. 59-2946" and inserting "59-2983"; and the bill be passed as amended.

SB 459 be amended on page 14, in line 9, after "(C)" by inserting "one member appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto;

(D)";

Also on page 14, also in line 9, after "general" by inserting ", subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto,"; in line 10, after the semicolon by inserting "and"; in line 11, by striking "(D)" and inserting "(E)"; also in line 11, by striking all after the first "the"; by striking all in line 12; in line 13, by striking "representatives" and inserting "attorney general, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto"; in line 14, after "(2)" by inserting "Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed to the board shall exercise any power, duty or function as a member of the board until confirmed by the senate. Not more than three of the five members shall be members of the same political party. The governor shall select one of the board members to serve as chairperson, and the attorney general shall select one of the board members to serve as vice chairperson.

(3) The members of the board shall serve for terms of four years and until their successors are appointed and confirmed, except that:

(A) The members first appointed by the governor shall serve for terms as follows: The member appointed pursuant to paragraph (1)(C) shall serve for a term of one year, the member appointed pursuant to paragraph (1)(B) shall serve for a term of two years and the member appointed pursuant to paragraph (1)(A) shall serve for a term of three years; and

(B) the members first appointed by the attorney general shall serve for terms as follows: The member appointed pursuant to paragraph (1)(E) shall serve for a term of one year and the member appointed pursuant to paragraph (1)(D) shall serve for a term of four years.

(4) The terms of the members who are serving on the board on July 1, 2026, shall expire on July 1, 2026.";

Also on page 14, in line 14, by striking all after "have"; in line 15, by striking all before "knowledge";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

SB 462 be amended on page 1, in line 16, by striking all after "(2)"; by striking all in line 17; in line 18, by striking "(3)"; in line 19, after the semicolon by inserting "or"; in line 20, by striking "(4)" and inserting "(3)"; in line 21, by striking all after "nuisances"; by striking all in line 22; in line 23, by striking all before the period;

On page 2, in line 8, by striking all after "(c)"; by striking all in lines 9 through 21; in line 22, by striking "(4)"; also in line 22, by striking "a political subdivision or";

On page 3, in line 2, by striking all after the period; by striking all in lines 3 and 4;

On page 1, in the title, in line 2, by striking all after the semicolon ; in line 3, by striking all before "requiring"; and the bill be passed as amended.

SB 463 be amended on page 3, in line 38, by striking all after "of"; by striking all in lines 39 and 40; in line 41, by striking all before the semicolon and inserting ":

(i) Federal law that constitutes a crime, regardless of whether such violation results in an arrest, citation, indictment or conviction; or

(ii) state law or an ordinance or resolution adopted by a political subdivision of the

state that constitutes a felony or a class A or B misdemeanor, regardless of whether such violation results in an arrest, citation, indictment or conviction"; and the bill be passed as amended.

SB 481 be amended on page 1, in line 36, by striking "notification of" and inserting "certification to";

On page 2, in line 1, by striking "found" and inserting "determined by the examiner to be"; in line 3, by striking all after "(h)"; by striking all in line 4; in line 5, by striking all before "Such" and inserting "Upon certification to the court that a defendant subject to examination under this section has been determined by the examiner to be incompetent to stand trial, the court shall conduct a hearing to make a finding in writing regarding the competency of such defendant."; in line 7, by striking "determines" and inserting "finds that"; in line 8, after "dismissed" by inserting "without prejudice"; in line 14, after "(j)" by inserting "If the city attorney receives credible information that a defendant who was previously found to be incompetent to stand trial has regained competency, the city attorney may refile the charges within the applicable statute of limitations.

(k) If a charge is refiled by the city attorney pursuant to subsection (j), the court shall conduct a hearing to make a finding in writing regarding the current state of the defendant's competency. The defendant shall be present for any hearing to determine competency.

(l)";

On page 4, in line 9, by striking "to find a defendant incompetent to stand trial"; and the bill be passed as amended.

The Committee on **Local Government, Transparency and Ethics** recommends **SB 436** be amended on page 1, in line 13, after the period by inserting "For all awarded contracts in excess of \$25,000,"; and the bill be passed as amended.

Also, **SB 362** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Public Health and Welfare** recommends **SB 431** be passed.

On motion of Senator Tyson, the Senate adjourned until 10:00 a.m., Tuesday, February 17, 2026.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

