



TESTIMONY ON SENATE BILL 161

Presented to
Kansas Senate Committee on Government Efficiency

February 11, 2025

Brian Sikma, *Visiting Fellow*
Opportunity Solutions Project

Chairwoman Erickson and members of the committee:

Thank you for the opportunity to testify today in support of Senate Bill 161.

At its core, SB 161 is about restoring legislative control over major public assistance policy decisions. It ensures that any attempt to expand eligibility or increase costs in programs like Medicaid and food stamps must first be approved by the elected representatives of the people—not imposed unilaterally by unelected bureaucrats.

Right now, state agencies can make sweeping changes through federal waivers without legislative approval, committing taxpayers to millions in additional spending and undermining key safeguards like work requirements and eligibility checks. Kansas has already experienced the costly consequences of this unaccountable process firsthand.

In September 2022, Governor Laura Kelly's Department of Health and Human Services unilaterally applied for and received a waiver from the Centers for Medicare and Medicaid Services (CMS) to implement 12-month continuous eligibility for able-bodied parents and caretakers.

This waiver categorically grants continuous eligibility for a full year, even if an enrollee's income increases and they no longer qualify. In other words, taxpayers are now footing the bill for people who are no longer eligible for Medicaid—all because a state agency sidestepped the legislature.

The Impact on Kansas Taxpayers:

- Kansas's own Medicaid data related to the unwinding of continuous eligibility during the public health emergency showed that 43.7% of enrollees undergoing redeterminations were not approved for renewal.
- Even using conservative estimates, over 41,000 Medicaid enrollees per month will continue receiving benefits they are no longer eligible for under this waiver.
- This waiver will cost Kansas taxpayers between \$3.9 million and \$9.6 million per year with the higher figure being the more realistic estimate.

This waiver was never debated or approved by the Kansas Legislature. It was granted through executive action, without a single vote from elected officials, obligating Kansas to millions in additional Medicaid spending. This is exactly the type of bureaucratic overreach that SB 161 is designed to prevent.

Similarly, in 2019, Governor Kelly's Department of Children and Families exploited a federal loophole to exempt 15 percent of able-bodied, working-age adults without dependents from food stamp work requirements—without the legislature's approval. This was despite the Kansas legislature's 2015 prohibition on such waivers for this population.

While Governor Kelly's use of federal loopholes sought to bypass the legislature's work in prohibiting work requirement waivers, Kansas has successfully avoided a massive expansion in food stamp enrollment for able-bodied adults that other states are now grappling with.

Across the nation, states are abusing the same waivers Kansas rejected, pushing public assistance far beyond the original scope intended by Congress:

- Kentucky gerrymandered 98 counties into one "high unemployment area" to qualify for a waiver of work requirements for able-bodied adults without dependents in the food stamp program—even though most counties didn't meet the unemployment threshold to waive this work requirement.
- Oregon merged 31 counties and 8 Indian reservations to create an artificial "high unemployment" zone to avoid work requirements.
- California is still using pre-pandemic economic data from August 2019 to justify its waiver, long after its economy has recovered.

These waivers increase government dependency, cost taxpayers millions, and undermine work requirements—all without legislative approval.

Kansas taxpayers should not be forced to fund costly, unnecessary expansions of public assistance without legislative approval. SB 161 would ensure that any waiver expanding program eligibility or increasing costs must be debated, voted on, and approved by the Kansas Legislature.

Without SB 161, unelected bureaucrats will continue making costly commitments on behalf of Kansas taxpayers without any accountability. If a policy change is truly needed, it should be able to pass through the normal legislative process—not through backdoor waivers.

Kansas lawmakers must take back control of the public assistance waiver process before more taxpayer dollars are wasted on unapproved programs. Senate Bill 161 is a commonsense reform that restores transparency, accountability, and legislative authority over critical spending decisions.

I urge you to support SB 161 to stop unelected agencies from making costly decisions behind closed doors. Thank you, and I welcome any questions.