

Approved: May 12, 2008  
Date

## MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:40 A.M. on March 18, 2008, in Room 123-S of the Capitol.

All members were present except:

Senator Donald Betts, Jr. - excused

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes  
Kristen Clarke Kellems, Assistant Revisor of Statutes  
Gordon Self, First Assistant Revisor of Statutes  
Amy Deckard, Kansas Legislative Research Department  
Audrey Dunkel, Kansas Legislative Research Department  
Julian Efird, Kansas Legislative Research Department  
J. G. Scott, Kansas Legislative Research Department  
Michael Steiner, Kansas Legislative Research Department  
Amy VanHouse, Kansas Legislative Research Department  
Jarod Waltner, Kansas Legislative Research Department  
Melinda Gaul, Chief of Staff, Senate Ways & Means  
Mary Shaw, Committee Assistant

Conferees appearing before the committee:

Jennifer Schwartz, Executive Director, Kansas Association of Centers for Independent Living  
Don Jordan, Secretary, Kansas Department of Social and Rehabilitation Services  
Kathy Greenlee, Secretary, Kansas Department on Aging  
Tom Laing, Executive Director, InterHab  
Mike Oxford, Executive Director, Topeka Independent Living Resource Center

Others attending:

See attached list.

### **Bill Introduction**

Senator Morris moved, with a second by Senator Steineger, to introduce a bill concerning left lane passing zones (7rs2447). Motion carried on a voice vote.

The Chairman acknowledged Julian Efird, Kansas Legislative Research Department, who provided a briefing on the Kansas Development Finance Authority appropriation and status of the Expanded Lottery Act Revenues Fund (Attachment 1). Discussion followed.

Senator Emler moved, with a second by Senator Schodorf, to amend the Expanded Lottery Act Revenues Fund and delete the \$3 million transfer in the Kansas Development Finance Authority budget and consider at Omnibus. Motion carried on a voice vote.

Senator Teichman moved, with a second by Senator Emler, to amend the Expanded Lottery Act Revenues Fund for making technical adjustments in various operating agency budgets regarding debt service payments and interest related to bonding for consistency in the Mega bill. Motion carried on a voice vote.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2008 and FY 2009 were available to the committee.

**Subcommittee reports on:**

**Kansas Public Employees Retirement System Budget and Issues (Attachment 2)**

Subcommittee Chairman Steve Morris reported that the subcommittee on the Kansas Public Employees

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on March 18, 2008, in Room 123-S of the Capitol.

Retirement System Budget concurs with the Governor's recommendation in FY 2008 and concurs with the Governor's FY 2009 recommendation.

Senator Morris moved, with a second by Senator Kelly, to adopt the subcommittee budget report on the Kansas Public Retirement System Budget in FY 2008 and FY 2009. Motion carried on voice vote.

**Kansas Public Employees Retirement System Issues**

Subcommittee Chairman Steve Morris reported the recommendations made by the subcommittee. Hearings were held on **SB 662** and **SB 663** and the subcommittee folded some provisions of **SB 663** into **SB 662**. The subcommittee also recommended folding **HB 2077** into **SB 662**. The information is detailed in the subcommittee report.

**SB 662--KPERs Act of 2009**

**SB 663--KPERs plan compliance with federal law**

**HB 2077--KPERs, withdrawal of accumulated contributions and service credit between systems; KP&F disability benefits, earnings limitation; and certain retirement distributions for health and long-term insurance for public safety officers**

Senator Morris moved, with a second by Senator V. Schmidt, to incorporate all items in the subcommittee report into **SB 662** and fold some provisions of **SB 663** into **SB 662**, fold provisions of **HB 2077** into **SB 662** and adopt the Kansas Public Employees Retirement System Issues subcommittee report in FY 2008 and FY 2009. Motion carried on a voice vote.

Senator Morris moved, with a second by Senator Emler, to recommend **Senate Substitute for SB 662** favorable for passage. Motion carried on a roll call vote.

**Kansas Lottery (Attachment 3)  
Kansas Racing and Gaming Commission**

Subcommittee Chairwoman Jean Schodorf reported that the subcommittee on the Kansas Lottery concurs with the Governor's recommendation in FY 2008 and concurs with the Governor's FY 2009 recommendation with additional adjustments.

Senator Schodorf moved, with a second by Senator Teichman, to adopt the subcommittee budget report on the Kansas Lottery in FY 2008 and FY 2009. Motion carried on a voice vote.

Subcommittee Chairwoman Jean Schodorf reported that the subcommittee on the Kansas Racing and Gaming Commission concurs with the Governor's recommendation in FY 2008 with additional adjustments and concurs with the Governor's FY 2009 recommendation with additional adjustments.

Senator Schodorf moved, with a second by Senator Emler to adopt the subcommittee budget report on the Kansas Racing and Gaming Commission in FY 2008 and FY 2009. Motion carried on a voice vote.

Chairman Umbarger opened the public hearing on:

**SB 656--Home and community based services, long-term care**

Staff briefed the committee on the bill.

The Chairman welcomed the following conferees:

Jennifer Schwartz, Executive Director, Kansas Association of Centers for Independent Living, testified in

## CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on March 18, 2008, in Room 123-S of the Capitol.

support of **SB 656** (Attachment 4). Ms. Schwartz also testified on behalf of Shannon Jones, Executive Director, Statewide Independent Living Council of Kansas (see written testimony) and Joy Robinson, Consumer (see written testimony). In reference to Ms. Jones testimony, Ms. Schwartz explained an amendment offered by Shannon Jones which is detailed in her written testimony. Ms. Robinson is a consumer of services. **SB 656** will provide the statutory framework for Money Follows the Person as state policy.

Don Jordan, Secretary, Kansas Department of Social and Rehabilitation Services, spoke in favor of **SB 656** with amendments (Attachment 5). Secretary Jordan provided copies of the amendment that would be a good step forward. He noted that the bill provides for a comprehensive, statewide system for long-term care services.

Kathy Greenlee, Secretary, Kansas Department on Aging, testified as a proponent on **SB 656** (Attachment 6). Secretary Greenlee mentioned that it is important that the Department of Social and Rehabilitation Services and Department on Aging work closely together. She noted that it is less expensive to serve people in the home. Secretary Greenlee encouraged the amendment of the bill to remove the second sentence in Section 1 (a), "Utilization of services to all long-term care consumers shall be through a single point of entry." Kansas does not currently have a single point of entry system.

Tom Laing, Executive Director, InterHab, testified in support of **SB 656** (Attachment 7). Mr. Laing provided wording of an amendment in his written testimony which is a concern of the Big Tent Coalition. He noted that without the amendment, current language could receive, at a future date, an interpretation that negatively impacts the rights of individual persons served; and therefore, they do oppose the bill without the amendment. He mentioned that Kansas does not have a single point of entry system.

Mike Oxford, Executive Director, Topeka Independent Living Resource Center, spoke as a neutral conferee on **SB 656** (Attachment 8). Mr. Oxford mentioned that the Topeka Independent Living Resource Center's commitment to the ADA and lack of an Olmstead plan keeps them extra vigilant in the arena of long term services and supports home and community based alternatives to facilities and institutions. Mr. Oxford noted that he also agrees with the Big Tent Coalition amendment.

Written testimony was submitted by:

Shannon Jones, Executive Director, Statewide Independent Living Council of Kansas (Attachment 9)  
Joy Robinson, Consumer, Kansas City, Kansas (Attachment 10)  
Ernest Kutzley, Advocacy Director, AARP (Attachment 11)

The Chairman closed the public hearing on **SB 656**.

The meeting adjourned at 12:10 p.m. The next meeting is scheduled for March 18, 2008, at the rail.