

MINUTES OF THE HOUSE COMMITTEE ON WAYS AND MEANS

The meeting was called to order by BILL BUNTEN at
Chairperson

8:40 a.m. on Friday, April 8, 1983 in room 514-S of the Capitol.

All members were present except:

Committee staff present: Marlin Rein -- Legislative Research
Lyn Entrikin Goering -- Legislative Research
Bill Gilmore -- Legislative Research
Jim Wilson -- Office of the Revisor
LewJene Schneider -- Administrative Assistant
Charlene Wilson -- Committee Secretary

Conferees appearing before the committee:

Others present: (Attachment I).

The meeting was called to order at 8:40 a.m. by Chairman Buntен.

Senate Bill 381 -- "An Act concerning the state park and resources authority; authorizing the purchase of certain lands for state parks; amending K.S.A. 74-4545 and repealing the existing section."

Hearings on SB 381 had been held on March 4, 1983.

Representative Chronister moved that the bill be reported favorable for passage. Seconded by Representative Teagarden. The motion carried.

The Chairman recognized Representative Aylward who was present to request that a bill be introduced by this committee. (Attachment II). She explained the origin and provisions of the bill for the committee. The City of Harrington had a lake built last year and had left some trees in the bottom of the lake. They were told at that time that there would be no problem with leaving the trees in the lake. Now opinions have changed and they are being asked to drain the lake and remove the trees. This bill would state that the secretary may not require the bottom of any reservoir, used for water consumption, to be cleared of trees, brush or similar vegetation unless the secretary finds that, based upon standards established by rules and regulations adopted by the secretary, such trees, brush or similar vegetation must be cleared in order to insure water quality of the water entering the public drinking supply system.

Representative Rolfs moved that the bill be introduced. Seconded by Representative Meacham. The motion carried.

Representative Chronister was recognized by the Chairman to request the introduction of a bill. (Attachment III). She explained that the bill deals with the emergency sterilization provision of SB 11. Representative Louis moved that the bill be introduced and be referred to the Committee of the Whole. Seconded by Representative Rolfs.

Following some committee discussion, Representative Duncan moved to introduce this bill but delete from subsection 7, page 3 of the draft, the wording "to consent, on behalf of a ward, to sterilization of the ward, unless the procedure is first approved by order of a court." This was submitted by Representative Duncan as a substitute motion.

Representative Lowther expressed that from the way he reads the bill that the guardian does not have the power to consent to sterilization, and to take this section out would give the ward the power.

In light of further review of the bill, Representative Duncan withdrew his motion.

The original motion to introduce the bill carried.

Senate Bill No. 12 -- "An Act establishing the state health care benefits program; providing for the administration thereof by the secretary of adminis-

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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tration thereof by the secretary of administration and the administrator of the state health care benefits program; amending K.S.A. 20-358 and 40-223 and K.S.A. 1982 Supp. 75-4101, 75-4105 and 75-4106 and repealing the existing sections; and also repealing K.S.A. 1982 Supp. 75-4108, 75-4108a, 75-4110, 75-4113 and 75-4113a."

The Chairman turned to consideration of House Substitute for SB 12. (Attachment IV). He reviewed the comparative differences of the original and substitute bills for the committee. (Attachment V). Jim Wilson also pointed out that the drafted bill before the committee was identical to the one that was before the committee previously with the exception of the amendment that was adopted by this committee at the previous meeting.

Representative Dyck stated that either bill would be a great improvement over what presently exists. The costs are rising so rapidly and this is a substantial part of state employee benefits.

Representative Arbuthnot expressed that the legislature appropriates for this year after year and this fact makes it very important that the legislature is involved in this process. He further stated that a large group of people that would benefit from this have endorsed this bill.

Representative Arbuthnot moved that SB 12 as amended by adoption of House Substitute for SB 12 be recommended favorable for passage. Seconded by Representative Hoy. The motion carried.

Senate Bill No. 414 -- "An Act relating to the secretary of health and environment; concerning certain fees charged and collected by the secretary; amending K.S.A. 39-936, 48-1606, 65-3023 and 65-4806 and K.S.A. 1982 Supp. 39-930, 65-3008, 65-3431, 65-4318 and 82a-1205 and repealing the existing sections."

Representative Duncan explained amendments that have been added to the bill. (Attachment VI). He explained in the subcommittee report, that the subcommittee had made a recommendation on these fees and this is the language that would implement the subcommittee report. He further indicated that there is one change from the subcommittee report. With regard to the Nursing Home Administrators Fee, the subcommittee had recommended a change up to \$72.00 and they had learned that subsequently to that, there is already a statutory cap at \$100.00 and the fees are in excess of the \$72.00 figure already. Therefore, there is no additional language needed to facilitate that fee increase.

Lyn Entrikin Goering noted a technical error for the committee appearing on page 2 in the second full paragraph regarding the language that speaks to the application fee for certificate of need applications. The intent of the subcommittee was to have that based on the anticipated costs of that project and the word "size" in that paragraph might be misleading. With the permission of the committee the adjustment will be made to read "cost" in lieu of "size".

Representative Duncan moved the adoption of the amendments with the technical change. Seconded by Representative Shriver. The motion carried.

Representative Duncan made reference to another proposed amendment. (Attachment VII-K2). The amendment would fulfill the original intent of unclassification of two positions associated with the management of SB 498. Those positions being the Deputy Director of Environment and the Chief of the Oil Field Services. It also provides that any division head will be in the unclassified service. Currently two divisions exist, one of Health and one of Environment and the Secretary intends to upgrade the Office of Administration and the Office of Health Facilities to major divisions. When this happens all of the division heads would be in the unclassified service.

Representative Duncan moved the adoption of Amendment K2. Seconded by Representative Meacham.

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A substitute amendment was proposed by Representative Shriver. (Attachment VIII-K1). He also referred to a chart and explained the figures on the chart to the committee. (Attachment IX). He explained that basically this is a recommendation of the subcommittee and the report that was adopted by this committee.

The subcommittee report had said that no more than 15 people in Health and Environment be in the unclassified service and it is the plan of the Secretary to collapse several of the bureaus of the agency down in both the Division of Health and the Division of Environment.

Representative Shriver moved the adoption of Amendment K1. Seconded by Representative Rolfs.

Representative Lowther asked Representative Shriver how many people would be unclassified by this amendment as opposed to Representative Duncan's amendment. Representative Shriver responded that with this amendment 15 people would fall under the unclassified service title whereas with Representative Duncan's there would be 9 unclassified service titles.

With regard to the motion by Representative Shriver, the motion carried.

Representative Wisdom was recognized by the Chairman on this bill. He indicated that he had been in conversation with Mr. Bill Little who is Executive Director of the Kansas City, Kansas Chamber of Commerce and had been requested by Mr. Little to notify him when a hearing was going to take place on this bill. In light of the fact that the time factor involved with this hearing didn't allow sufficient time to notify Mr. Little, Representative Wisdom felt it was his duty to relay the comments of Mr. Little to the committee. Chairman Bunten agreed to this request.

Representative Wisdom explained that Mr. Little's concern was that this group of people has been doing a good job and have been responsive to their duties in serving the needs of the citizens of the state of Kansas and their position would be in opposition to SB 414.

Representative Shriver moved that SB 414 be reported favorable for passage as amended. Seconded by Representative Holderman. The motion failed.

Representative Duncan explained to the committee that this bill is important to accomplish the fee recommendations.

Representative Hamm explained his objections to the bill. He stated that it is open-ended and the Secretary can, by rules and regulations, set the fees on these individuals and he is not satisfied with this idea.

Representative Farrar also expressed these same concerns and added that it is wrong to go along with the amendment that was added on to it.

Representative Rolfs asked if this bill didn't pass what impact it would have on the state general fund.

Lyn Entrikin Goering responded that the bill as amended by the House would generate an additional \$1.1 to \$1.2 million in revenues to the state general fund. In addition it would transfer approximately \$250,000.00 of fee fund balances to the general fund that would not be committed by way of state general fund appropriations. This total has also been incorporated by the Governor in his recommended budget for FY84.

Representative Meacham, having voted previously on the prevailing side, moved to recind all previous action on SB 414. Seconded by Representative Arbuthnot. The motion was divided by request of Representative Mainey.

PART I:
With regard to recinding action on amendment K3(Attachment VI). The motion lost.

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PART II:

With regard to recinding action on amendment K1 (Attachment VIII), the motion lost.

Representative Wisdom referred to an amendment he had made on the House floor previously which spoke to fees and the money that we want to go back to the local units. His concerns related to the counties of Sedgwick, Shawnee and Wyandotte being involved in monitoring of air quality control. Representative Wisdom made a conceptual motion to provide for diversion of 2/5 of fees derived from local air quality control authorities jurisdictions to be set aside in a separate fund and provide to such authority for local air quality control. The motion was seconded by Representative Luzzati. The motion carried.

Representative Shriver moved that SB 414 be reported favorable for passage as amended. Seconded by Representative Holderman. The motion carried. (NOTE: Representative Louis, Representative Farrar, Representative Hamm requested being recorded as voting "NO" on the motion).

The Chairman announced that the committee would recess and meet again upon first adjournment of the House.

The committee resumed the meeting at 12:40 p.m.

The Chairman directed the attention of the committee to a series of hearings on bills from the Department of Administration. Art Griggs was recognized by the Chairman to review each bill for the committee.

Senate Bill No. 393 -- "An Act concerning the department of administration; providing for transfers of moneys between funds and for the creation and abolishment of certain funds; amending K.S.A. 75-3615 and 75-3617 and K.S.A. 1982 Supp. 75-3632, 75-3637, 75-3638, 75-3646, 75-3650 and 75-3653 and repealing the existing section; and also repealing K.S.A. 75-3767 and K.S.A. 1982 Supp. 75-3617a."

This bill consolidates the various funds used to operate and maintain the State Office Building, Forbes Field buildings, the 503 and 535 Kansas Avenue buildings, and the 900 Jackson Street building. The new depreciation fund would be utilized for maintenance, equipment replacement and capital improvements for those buildings only.

Representative Rolfs moved that SB 393 be reported favorable for passage. Seconded by Representative Mainey. The motion carried.

Senate Bill No. 395 -- "An Act concerning capital improvement projects for state agencies; relating to architectural and management services provided by the secretary of administration; authorizing certain fees and prescribing the disposition thereof."

This bill would establish an architectural services recovery fund and provide for a fee of 1% on construction projects for which the Department provides management services. Without this bill, additional state general fund moneys would be needed to fund the FY84 operations of the Division of Architectural Services.

Representative Rolfs moved that SB 395 be reported favorable for passage. Seconded by Representative Holderman. The motion carried.

Senate Bill No. 397 -- "An Act relating to the collection of amounts owed to the state; prescribing powers, duties and functions of the director of accounts and reports; disposition of proceeds; amending K.S.A. 75-3728b and K.S.A. 1982 Supp. 60-2310, 75-6203, 75-6206 and 75-6210 and repealing the existing sections."

This bill relates to the set-off project operated by the Division of Accounts and Reports, which permits agencies to collect debts owed to them when the state is also due to make a payment to a debtor. The bill assigns to Accounts and Reports all debts that have been written off by agencies to certify debt

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information to Accounts and Reports for collection procedures under the set-off statutes.

A copy of a balloon draft was distributed to the committee. (Attachment XI).

Representative Miller moved the adoption of the proposed amendments to SB 397 as reflected in the balloon draft. Seconded by Representative Myers. The motion carried.

Representative Shriver moved to report SB 397 favorable for passage as amended. Seconded by Representative Chronister. The motion carried.

Senate Bill No. 388 -- "An Act providing for the transfer of money from the state general fund to the property contingency fund of the department of administration in an amount attributable to interest earned on moneys in the property contingency fund."

The Property Contingency Fund was established to receive the proceeds from the sale of the State's 500 block of Kansas Avenue property. The moneys in the fund are to provide supplemental rents, moving and remodeling costs associated with the move to the Santa Fe Office Building. The bill would permit the crediting of interest earned on balances in the fund back to the fund.

Representative Rolfs moved that SB 388 be reported favorable for passage. Seconded by Representative Shriver. The motion carried.

Senate Bill No. 390 -- "An Act concerning state warrants; relating to disposition of balances from unpaid canceled warrants and payment of claims thereon; amending K.S.A. 10-812 and 46-921 and repealing the existing sections."

This bill would establish a canceled warrants payment fund into which funds from canceled warrants are placed. This fund would be used to pay canceled warrant claims and excess funds would be placed in the State General Fund.

Representative Mainey moved that SB 390 be reported favorable for passage. Seconded by Representative Dyck. The motion carried.

Senate Bill No. 392 -- "An Act concerning state payroll accounting; amending K.S.A. 75-5516 and repealing the existing section."

This bill relates to the new Kansas Integrated Payroll and Personnel System due to be implemented later this year. This system permits payrolls to be charged directly against the proper agency appropriation or fund. The bill eliminates the current two step process of first charging the master payroll accounts, then the various agency accounts.

Representative Rolfs moved that SB 392 be reported favorable for passage. Seconded by Representative Wisdom. The motion carried.

Senate Bill No. 389 -- "An Act concerning the department of administration; relating to accessibility of certain state building construction documents; amending K.S.A. 1982 Supp. 75-5414 and repealing the existing section."

This bill clarifies that building plans of correctional facilities and other secured areas are not available for public inspection. Mr. Griggs further explained that the amendment on line 63 of the bill would permit the Department of Administration to limit duplication of drawings required to be kept and maintained under this section which may be used for commercial or similar purposes.

Representative Chronister moved that SB 389 be reported favorable for passage. Seconded by Representative Shriver. The motion carried.

Senate Bill No. 394 -- "An Act relating to state capital improvement projects; exempting the projects from certain fees, building permit requirements and building codes of political subdivisions of the state."

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This bill clarifies that state building projects are not subject to the various local building codes. It also exempts the state from certain zoning related fees.

Representative Meacham made a conceptual motion to include, in approximately line 26, the provision that local fire departments and rescue persons involved in times of emergency be granted access to such records. Seconded by Representative Wisdom. The motion carried.

Strong opposition to this bill was expressed by several members of the committee. Representative Wisdom moved that SB 394 be reported adversely as amended. Seconded by Representative Louis. The motion failed.

Representative Hamm moved that SB 394 be reported favorable for passage as amended. The motion was seconded by Representative Shriver. The motion carried.

Senate Bill No. 396 -- "An Act relating to contracts for the construction, repair or improvement of state buildings or facilities; exempting certain contracts from competitive bid procedures."

This bill permits the Department of Administration to deviate from the formal bidding process in the case of construction contracts of \$5,000.00 or less. Currently the level is set at \$2,000.00. The intent of the bill is to eliminate the need to competitively bid all capital improvement projects over \$2,000.00 but under the \$5,000.00 category and it would give the Department the discretion of either competitively bidding them or doing the modified bidding as set out in the bill.

Representative Dyck moved that SB 396 be reported favorable for passage. Seconded by Representative Luzzati.

Representative Farrar expressed that he felt that the limit should be set higher than the \$5,000.00 proposed in this bill. Mr. Hipp stated that it would be better to have a higher limit as it would be administratively easier to handle.

Representative Farrar made a substitute motion to raise the \$5,000.00 limit to the amount of \$10,000.00. Seconded by Representative Mainey. The motion carried.

Representative Dyck moved that SB 396 be reported favorable for passage as amended. Seconded by Representative Mainey. The motion carried.

This concluded testimony on the bills relating to the Department of Administration.

Senate Bill No. 427 -- "An Act concerning the state fire marshal; abolishing the fire marshal fee fund; repealing K.S.A. 75-1509."

Louis Chabira was called upon by the Chairman to explain the provisions of the bill for the committee. He explained that this bill would abolish the Fire Marshal Fee Fund and would transfer the balances to the state general fund. It would require that in the future that all revenues from that tax levy on the fire insurance premiums would be credited to the state general fund. He further indicated that, based on action taken by this committee previously on SB 412, the amount of the increase in the tax might not need to be so great because there wouldn't be a fee fund to build up balances in and that was part of the reasons for the increases imposed by SB 412.

Representative Solbach moved that SB 427 be reported adversely. Seconded by Representative Wisdom.

Representative Solbach explained the reason behind his motion was that if we do away with the fee fund we would have no mechanism for tracking whether the revenues are meeting the expenditures. With all the work that has been done to help them get into the black, it doesn't seem that abolishing the fee fund would be favorable.

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Representative Mainey opposed the motion because of the nature of the agency. He felt that it would be best for the operation of this particular agency to abolish the fund.

Representative Duncan opposed the motion in conjunction with the statements made by Representative Mainey.

The motion lost.

Representative Shriver moved that SB 427 be reported favorable for passage. Seconded by Representative Duncan. The motion carried.

Senate Bill No. 399 -- "An Act relating to the historical society; ~~concerning business-hours-open-to-public-and~~ concerning printing costs of publications; amending K.S.A. 75-2702 and repealing the existing section."

Representative Louis explained this bill for the committee. He informed that the Senate subcommittee had supported the recommendation of the Governor to introduce legislation that would shift the costs of publishing the Kansas History Journal from the general fund to private funds. He further explained that it would be cheaper to have the printing done in the private sector from private fees than from the state.

Representative Louis moved that SB 399 be reported favorable for passage. Seconded by Representative Solbach. The motion carried.

Senate Bill No. 224 -- "An Act concerning the division of purchases of the department of administration; authorizing acceptance of certificates of deposit instead of surety bonds for state construction, repair or improvement projects; procedures for resolving claims; amending K.S.A. 75-3738 and K.S.A. 1982 Supp. 60-1111 and repealing the existing sections."

Jim Wilson reviewed the provisions of the bill for the committee. The bill would authorize the Director of Purchases to accept a certificate of deposit instead of a surety bond from a bidder or contractor for construction, repairs or improvements.

Representative Louis moved that SB 224 be reported favorable for passage. Representative Wisdom seconded. The motion carried.

The Chairman turned to consideration of final action on several bills previously heard in the committee.

Senate Bill No. 400 -- "An Act concerning scholarships for Kansas osteopathic students; relating to persons eligible to receive such scholarships; amending K.S.A. 1982 Supp. 74-3265 and repealing the existing section."

Representative Duncan made a conceptual motion that any person in the second year or above that receives a scholarship would pay the state back in service as though they had entered in their first year. Representative Hoy seconded. The motion carried.

Representative Duncan moved that SB 400 be reported favorable for passage as amended. Seconded by Representative Hoy.

Representative Miller expressed that due to the fact that the program has been cut down to 10 scholarships and if they are required to give 5 of those to upperclassmen first, that leaves only 5 for the freshmen and he doesn't feel that is the intent of the committee.

On the motion of Representative Duncan to report the bill favorable as amended, the motion lost.

House Bill No. 2550 -- "An Act concerning the office of the securities commissioner of Kansas; relating to financing such office from the state general fund; prescribing fees and the disposition of fees; abolishing the securities act fee fund and creating the securities act fee refund fund; amending K.S.A. 17-1254, 17-1280 and 58-3320 and K.S.A. 1982 Supp. 17-1270, 17-1271 and 75-3170a and repealing the existing sections."

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Representative Shriver moved that HB 2550 be reported favorable for passage. Seconded by Representative Rolfs.

Representative Meacham made a substitute motion that after the word "fund" on line 386, the wording "in excess of \$500,000.00" be added. This would recapture the \$1.5 million to the general fund and still leave this agency as a fee funded one. The motion was seconded by Representative Dyck.

Jim Wilson spoke to the effect of this amendment. He indicated that it may have some constitutional defect due to the fact that the only power the state has to charge a fee is one on a cost of regulation. There have been some cases with regard to the 20% credit that we have and it did get by because it is a credit to pay for the things listed in a section found later in the bill, 75-3170a. To use the fee itself as a general revenue raising measure applies to the provisions of the constitution. With respect to taking all of the money and putting it in the general fund and then funding the agency out of the general fund, the theory is that it covers the cost of the operation.

The Chairman ruled, on the basis of the opinion of staff council, that the motion was out of order.

Representative Meacham made a substitute motion that HB 2550 be tabled indefinitely. Seconded by Representative Solbach. The motion carried.

Senate Bill No. 428 -- "An Act relating to public building commissions; authorizing lease of certain state property; amending K.S.A. 12-1758, 12,1764 and 76-3a16 and repealing the existing sections."

Representative Meacham explained the bill for the committee. The bill would allow property on the campus of Wichita State University to be leased to the Wichita Public Building Commission for construction of a recital hall.

Representative Meacham moved that SB 428 be reported favorable for passage. Seconded by Representative Luzzati. The motion carried.

The meeting was adjourned at 1:55 p.m.

NAME	ADDRESS	REPRESENTING
1. Ron Myers	Topeka	Cap. Jones
2. Shari Slutz	Topeka	Dept. of Admin
3. Jayne [unclear]		Legis
4. Ann Solomon		Inter
5. Diana Wray Blythe	Manhattan	
6. Daki Hummel	Topeka	Ks Health Care Assn
7. Rebecca Kupper	Topeka	Ks. Hospital Assn.
8. KEITH R LANDIS	"	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
9. Dennis Williams	"	Dir. of Budget
10. Randal Koerth	"	" "
11. Ed [unclear]	"	Kan. Assn of Pt Care Ctr.
12. Art [unclear]	"	Dept of [unclear]
13. [unclear]	"	DOA
14. John [unclear]	"	"
15. [unclear]	"	UNITED TELEPHONE CO.
16. Lawrence Tenoris	"	Atty, State Fire Marshal
17.		
18.		
19.		
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25.		

HOUSE BILL NO.

AN ACT relating to water; concerning public water supply systems; amending K.S.A. 65-163 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 65-163 is hereby amended to read as follows: 65-163. (a) No person shall operate a public water supply system within the state without a public water supply system permit from the secretary. An application for a public water supply system permit shall be submitted for review and approval prior to construction and shall include: (1) A copy of the plans and specifications for the construction of the public water supply system or the extension thereof; (2) a description of the source from which the water supply is to be derived; (3) the proposed manner of storage, purification or treatment for the supply; and (4) such other data and information as may be required by the secretary of health and environment. No source of water supply in substitution for or in addition to the source described in the application or in any subsequent application for which a public water supply system permit is issued shall be used by a public water supply system, nor shall any change be made in the manner of storage, purification or treatment of the water supply without an additional public water supply system permit obtained in a manner similar to that prescribed by this section from the secretary.

(b) Whenever application shall be made to the secretary for a public water supply system permit under the provisions of this section, it shall be the duty of the secretary to examine the application without delay and, as soon as possible thereafter, to grant or deny the public water supply system permit subject to

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any conditions which may be imposed by the secretary to protect the public health and welfare. If the applicant considers the denial of a permit or the conditions of the permit as issued to be illegal, unjust or unreasonable, the applicant may appeal within ~~thirty~~ ~~(30)~~ 30 days after the issuance or denial of the permit to the district court of the county in which the proposed public water supply system is or will be located or, if the public water supply system is or will be located in more than one county, to the district court of any such county. The court shall hear the case without delay and shall approve, set aside or modify the action of the secretary or fix the terms upon which the permit shall be granted.

(c) Whenever a complaint is made to the secretary by any city of the state, by a local health officer, or by a county or joint board of health concerning the sanitary quality of any water supplied to the public within the county in which the city, local health officer or county or joint board of health is located, the secretary shall investigate the public water supply system about which the complaint is made. Whenever the secretary has reason to believe that a public water supply system within the state is being operated in violation of an applicable state law or an applicable rule and regulation of the secretary, the secretary may investigate the public water supply system.

(d) Whenever an investigation of any public water supply system is undertaken by the secretary, it shall be the duty of the supplier of water under investigation to furnish to the secretary information to determine the sanitary quality of the water supplied to the public and to determine compliance with applicable state laws and rules and regulations. The secretary may issue an order requiring changes in the source or sources of the public water supply system or in the manner of storage, purification or treatment utilized by the public water supply system before delivery to consumers, or distribution facilities, collectively or individually, as may in the secretary's judgment be necessary to safeguard the sanitary quality of the water and

bring about compliance with applicable state law and rules and regulations. The supplier of water shall comply with the order of the secretary.

(e) If a supplier of water considers the requirements of the order to be illegal, unjust or unreasonable, the supplier of water may appeal within ~~thirty~~(30) 30 days after the issuance of the order to the district court of the county in which the public water supply system is located or, if the public water supply system is located in more than one county, to the district court of any such county. The court shall hear the case without delay and shall render a decision approving, setting aside or, modifying the order or modify the terms upon which the permit was granted.

(f) The secretary, as a condition for obtaining a public water supply system permit, may not require the bottom of any reservoir used for the impoundment of water for public consumption to be cleared of trees, brush or similar vegetation unless the secretary finds, based upon standards established by rules and regulations adopted by the secretary, that such trees, brush or similar vegetation must be cleared in order to insure water quality of water entering the public drinking water supply system.

Sec. 2. K.S.A. 65-163 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE BILL NO. _____

AN ACT concerning the act for obtaining a guardian or conservator, or both; relating to powers and duties of a guardian and limitations thereon; amending K.S.A. 59-3018, as amended by section 14 of 1983 Senate Bill No. 11, and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 59-3018, as amended by section 14 of 1983 Senate Bill No. 11, is hereby amended to read as follows: 59-3018. (a) A guardian shall be subject to the control and direction of the court at all times and in all things. It is the general duty of an individual or corporation appointed to serve as a guardian to carry out diligently and in good faith the specific duties and powers assigned by the court. In carrying out these duties and powers, the guardian shall assure that personal, civil and human rights of the ward or minor whom the guardian services are protected.

(b) The guardian of a minor shall be entitled to the custody and control of the ward and shall provide for the ward's education, support and maintenance.

(c) A limited guardian shall have only such of the general duties and powers herein set out as shall be specifically set forth in the dispositional order pursuant to K.S.A. 59-3013 and amendments thereto and as shall also be specifically set forth in "Letters of Limited Guardianship" pursuant to K.S.A. 59-3014 and amendments thereto.

(d) A guardian shall have all of the general duties and powers as set out herein and as also set out in the dispositional order and in the letters of guardianship.

(e) The general powers and duties of a guardian shall be to

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take charge of the person of the ward and to provide for the ward's care, treatment, habilitation, education, support and maintenance and to file an annual accounting. The powers and duties shall include, but not be limited to, the following:

(1) Assuring that the ward resides in the least restrictive setting reasonably available;

(2) assuring that the ward receives medical care or nonmedical remedial care and other services that are needed;

(3) promoting and protecting the care, comfort, safety, health and welfare of the ward;

(4) providing required consents on behalf of the ward;

(5) exercising all powers and discharging all duties necessary or proper to implement the provisions of this section.

(f) A guardian of a ward is not obligated by virtue of the guardian's appointment to use the guardian's own financial resources for the support of the ward.

(g) A guardian shall not have the power: (1) To place a ward in a facility or institution unless such placement has been approved for that person by the court, except that a ward may be placed in a treatment facility under the act for obtaining treatment for a mentally ill person only after a hearing conducted in accordance with the provisions of K.S.A. 59-2917 and amendments thereto and a finding by the court under that section that the ward is in need of treatment at a treatment facility. Except as otherwise provided by law, a ward may voluntarily consent to the admission of oneself to such a facility or institution if able and permitted to do so according to the court's findings of fact set forth in the court's order issued at the conclusion of the hearing on the petition for guardianship.

(2) To consent, on behalf of a ward, to ~~sterilization,~~ psychosurgery, removal of a bodily organ, or amputation of a limb unless the procedure is first approved by order of the court or is necessary, in an emergency situation, to preserve the life or prevent serious impairment of the physical health of the ward.

(3) To consent on behalf of the ward to the withholding of

life-saving medical procedures, except in accordance with provisions of K.S.A. 65-28,101 to 65-28,109, inclusive, and amendments thereto.

(4) To consent on behalf of a ward to the performance of any experimental biomedical or behavioral procedure or to participation in any biomedical or behavioral experiment unless:

(A) It is intended to preserve the life or prevent serious impairment of the physical health of the ward; or

(B) it is intended to assist the ward to develop or regain that person's abilities and has been approved for that person by the court.

(5) To prohibit the marriage or divorce of a ward.

(6) To consent, on behalf of a ward, to the termination of the ward's parental rights.

(7) To consent, on behalf of a ward, to sterilization of the ward, unless the procedure is first approved by order of the court.

(h) The guardian shall at least annually file a report concerning the personal status of the ward as provided by K.S.A. 59-3029 and amendments thereto.

Sec. 2. K.S.A. 59-3018, as amended by section 14 of 1983 Senate Bill No. 11, is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

DRAFT for HOUSE Substitute for SENATE BILL NO. 12
For Consideration by House Committee on Ways and Means
(As Amended by Committee on 3/31/83)

1 AN ACT establishing the state health care benefits program;
2 providing for the administration thereof by the Kansas state
3 employees health insurance committee; prescribing the
4 composition and powers, duties and functions thereof;
5 amending K.S.A. 20-358 and 40-223 and K.S.A. 1982 Supp.
6 75-4101, 75-4105 and 75-4106 and repealing the existing
7 sections; and also repealing K.S.A. 1982 Supp. 75-4108,
8 75-4108a, 75-4110, 75-4113 and 75-4113a.

9 Be it enacted by the Legislature of the State of Kansas:

10 New Section 1. (a) Within the limits of appropriations made
11 or available therefor and subject to the provisions of
12 appropriation acts relating thereto, the Kansas state employees
13 health insurance committee shall develop and provide for the
14 implementation and administration of a state health care benefits
15 program.

16 (b) The state health care benefits program may provide
17 benefits for persons qualified to participate in the program for
18 hospitalization, medical services, surgical services, nonmedical
19 remedial care and treatment rendered in accordance with a
20 religious method of healing and other health services. The
21 program may include such provisions as are established by the
22 Kansas state employees health insurance committee, including but
23 not limited to qualifications for benefits, services covered,
24 schedules and graduation of benefits, conversion privileges,
25 deductible amounts, limitations on eligibility for benefits by
26 reason of termination of employment or other change of status,
27 leaves of absence, military service or other interruptions in
28 service and other reasonable provisions as may be established by
29 the committee.

30 (c) The Kansas state employees health insurance committee
31 shall designate by rules and regulations those persons who are
32 qualified to participate in the state health care benefits

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III

1 program. In designating persons qualified to participate in the
2 state health care benefits program, the committee may establish
3 such conditions, restrictions, limitations and exclusions as the
4 committee deems reasonable.

5 (d) The state health care benefits program established
6 under this act shall be effective on and after August 1, 1983.

7 New Sec. 2. (a) There is hereby established the Kansas
8 state employees health insurance committee which is composed of
9 (1) the commissioner of insurance, (2) the secretary of
10 administration, (3) a state employee appointed by the governor,
11 and (4) a member of the house of representatives appointed by the
12 speaker of the house of representatives, and (5) a member of the
13 senate appointed by the president of the senate.

14 (b) The member appointed by the governor shall serve for a
15 term ending on the first day of the regular legislative session
16 in the first even-numbered year after being appointed. The
17 members appointed by the speaker of the house of representatives
18 and the president of the senate shall serve for terms ending on
19 the first day of the regular legislative session in the first
20 odd-numbered year after being appointed. All appointed members of
21 the committee shall serve until their successors are appointed
22 and qualified. In the event of a vacancy in the position of an
23 appointed member of the committee, a successor shall be appointed
24 for the remainder of the unexpired term in the same manner as the
25 preceding appointment.

26 (c) In odd-numbered years, the member appointed by the
27 speaker of the house of representatives shall be the chairperson
28 of the Kansas state employees health insurance committee and the
29 vice-chairperson shall be the member appointed by the president
30 of the senate. In even-numbered years, the member appointed by
31 the president of the senate shall be the chairperson of the
32 Kansas state employees health insurance committee and the
33 vice-chairperson shall be the member appointed by the speaker of
34 the house of representatives. The director of purchases shall

1 serve as the secretary of the committee. The committee shall
2 meet on call of the chairperson and at such other times as
3 determined by the committee.

4 (d) A quorum of the Kansas state employees health insurance
5 committee shall be three. All actions of the committee shall be
6 taken by a majority of all of the members of the committee.

7 (e) Members of the Kansas state employees health insurance
8 committee attending meetings of such committee, or attending a
9 subcommittee meeting thereof authorized by such committee, shall
10 be paid compensation, subsistence allowances, mileage and other
11 expenses as provided in K.S.A. 75-3223 and amendments thereto.

12 New Sec. 3. (a) The Kansas state employees health insurance
13 committee is hereby attached to the department of administration
14 and shall be within the department of administration as a part
15 thereof. All budgeting, purchasing and related management
16 functions of the Kansas state employees health insurance
17 committee shall be administered under the direction and
18 supervision of the secretary of administration. All vouchers for
19 expenditures and all payrolls of the Kansas state employees
20 health insurance committee shall be approved by the chairperson
21 of the Kansas state employees health insurance committee and the
22 secretary of administration.

23 (b) There is hereby created within the department of
24 administration the position of technical administrator for the
25 state health care benefit program. The technical administrator
26 shall provide primary staffing assistance to the Kansas state
27 employees health insurance committee and perform such other
28 functions and duties as may be prescribed by the committee. The
29 technical administrator shall be in the unclassified service
30 under the Kansas civil service act and shall be appointed by the
31 secretary of administration, subject to approval by the Kansas
32 state employees health insurance committee. Within the limits of
33 available appropriations, the secretary of administration shall
34 provide such additional assistance as may be requested by the
35 committee.

1 New Sec. 4. (a) Subject to the provisions of appropriation
2 acts relating thereto, in developing and providing for the
3 implementation of a state health care benefits program the Kansas
4 state employees health insurance committee may enter into one or
5 more group insurance contracts to provide coverage for all or
6 part of the state health care benefits program or enter into
7 contracts in accordance with the provisions of section 5 with one
8 or more health maintenance organizations for the provision of
9 health care services, or any combination thereof.

10 (b) The Kansas state employees health insurance committee
11 is hereby authorized to negotiate and enter into contracts with
12 qualified insurers, health maintenance organizations and other
13 contracting parties for the purpose of establishing the state
14 health care benefits program, including the acquisition of
15 consulting and other services necessary therefor. The committee
16 shall advertise for proposals, shall negotiate with not less than
17 three firms or other parties submitting proposals, and shall
18 select from among those submitting proposals the firm or other
19 contracting party to contract with for the purpose of entering
20 into contracts for services related to the state health care
21 benefits program.

22 (c) Contracts entered into pursuant to this section,
23 section 5 or sections 10 shall not be subject to the provisions
24 of K.S.A. 75-3738 to 75-3740, inclusive, and amendments thereto.
25 Such contracts may be for terms of not more than three years and
26 may be renegotiated and renewed. All such contracts shall be
27 subject to the limits of appropriations made or available
28 therefor and subject to the provisions of appropriations acts
29 relating thereto.

30 New Sec. 5. The Kansas state employees health insurance
31 committee, in accordance with the provisions of section 4, may
32 contract to provide health care services of a health maintenance
33 organization for persons qualified to participate in the state
34 health care benefits program. The contract shall provide that
35 coverage under the contract is applicable to those persons

1 qualified to participate in the state health care benefits
2 program as the committee determines feasible. This coverage may
3 be available to such qualified persons as an alternative to other
4 benefits under the state health care benefits program or may be
5 part of the benefits provided to such persons under the program.
6 The contract may include services for spouses and dependents of
7 members at rates established in accordance with such contract. A
8 contract to provide health care services of a health maintenance
9 organization under this section shall be construed to be part of
10 the state health care benefits program.

11 New Sec. 6. (a) The participation of a person qualified to
12 participate in the state health care benefits program shall be
13 voluntary, and the cost of the state health care benefits program
14 for such person shall be established by the Kansas state
15 employees health insurance committee.

16 (b) Periodic deductions from state payrolls may be made in
17 accordance with procedures prescribed by the secretary of
18 administration to cover the costs of the state health care
19 benefits program payable by persons who are on the state payroll
20 when authorized by such persons. Any such periodic payroll
21 deductions in effect on an implementation date for biweekly
22 payroll periods shall be collected in the manner prescribed by
23 the secretary of administration.

24 New Sec. 7. (a) There is hereby created in the state
25 treasury the health care benefits program fund. The cost of the
26 state health care benefits program shall be paid from this fund.
27 The Kansas state employees health insurance committee shall remit
28 all moneys received by or for the committee pursuant to the state
29 health care benefits program to the state treasurer. Upon
30 receipt of such remittance the state treasurer shall deposit the
31 entire amount thereof in the state treasury to the credit of the
32 health care benefits program fund. All expenditures from the
33 health care benefits program fund shall be made in accordance
34 with appropriation acts upon warrants of the director of accounts
35 and reports issued pursuant to vouchers approved by the

1 chairperson of the Kansas state employees health insurance
2 committee and the secretary of administration or by a person or
3 persons designated by the chairperson and the secretary. The
4 director of accounts and reports shall issue warrants pursuant to
5 vouchers approved by the chairperson and the secretary or by a
6 person or persons designated by the chairperson and the secretary
7 for payments from the health care benefits program fund
8 notwithstanding the fact that claims for such payments were not
9 submitted or processed for payment from money appropriated for
10 the fiscal year in which the fund first became liable to make
11 such payments.

12 (b) The pooled money investment board may invest and
13 reinvest moneys in the health care benefits program fund in
14 obligations of the United States of America or obligations the
15 principal and interest of which are guaranteed by the United
16 States of America or in interest-bearing time deposits in any
17 commercial bank or trust company located in Kansas, or, if the
18 board determines that it is impossible to deposit such moneys in
19 such time deposits, in repurchase agreements of less than 30
20 days' duration with a Kansas bank for direct obligations of, or
21 obligations that are insured as to principal and interest by, the
22 United States government or any agency thereof. Any income or
23 interest earned by such investments shall be credited to the
24 health care benefits program fund.

25 Sec. 8. (a) Each state agency which has on its payroll
26 persons participating in the state health care benefits program
27 shall pay from any moneys available to the agency for such
28 purpose an amount specified by the Kansas state employees health
29 insurance committee as the cost to the agency for the state's
30 contribution for persons participating in the state health care
31 benefits program.

32 (b) Payments from public funds for coverage under the state
33 health care benefits program for persons participating in that
34 program shall not be deemed a payment or supplement of wages of
35 such person notwithstanding any other provision of law or rules

1 and regulations relating to wages of any such person.

2 Sec. 9. Commencing with the regular session of the
3 legislature in 1984 and with each regular session of the
4 legislature thereafter, the Kansas state employees health
5 insurance committee shall submit to the president of the senate
6 and to the speaker of the house of representatives, on the day
7 the governor's budget report is submitted to the legislature,
8 recommendations with respect to the state health care benefits
9 program together with estimates of the cost of the program
10 proposed by the committee, including a five-year projection of
11 the cost of the program. Together with the recommendations
12 submitted, the committee shall include alternatives for cost
13 containment and benefit coverage for qualified persons for both
14 the proposed program and the five-year projected program. The
15 committee shall also submit any recommendations for legislation
16 with respect to the state health care benefits program.

17 New Sec. 10. (a) In exercising and performing the powers,
18 duties and functions prescribed by sections 1 to 10, inclusive,
19 the Kansas state employees health insurance committee may adopt
20 rules and regulations and enter into such contracts as may be
21 necessary;

22 (b) The Kansas state employees health insurance committee
23 shall establish an advisory committee to advise the committee on
24 matters relating to health care benefits of state officers and
25 employees and to assist the committee in the development of
26 policy with respect to such benefits.

27 (c) The Kansas state employees health insurance committee
28 shall maintain an ongoing study and review of the state health
29 care benefits program in order to make necessary improvements
30 therein and to make recommendations thereon under section 9. Such
31 study and review shall include study of self-funding of all or
32 part of such program and self-administration of all or part of
33 any such self-funded program.

34 New Sec. 11. The director of accounts and reports shall
35 make periodic deductions from state retirement or other benefit

1 payments to retired state officers and employees and other
2 persons who are qualified to participate in the state health care
3 benefits program for the costs of the state health care benefits
4 program which are payable by such retired state officers and
5 employees and other persons when authorized to make such
6 deductions by the written, voluntary authorization of such
7 retired state officers and employees and other persons. No such
8 authorization shall be construed to be an assignment of any
9 annuity, benefits, funds, property or rights of any person under
10 K.S.A. 74-4923 and amendments thereto.

11 Sec. 12. On August 1, 1983, K.S.A. 20-358 is hereby amended
12 to read as follows: 20-358. With regard to district court
13 officers and employees whose total salary is payable by a county,
14 such county shall either provide for insurance coverage for
15 hospitalization, medical services, surgical services and other
16 health services at least equal to insurance coverage provided to
17 other state officers and employees ~~pursuant to K.S.A. 75-4108,~~
18 ~~and any amendments thereto,~~ under the state health care benefits
19 program or, if such district court officers and employees are
20 designated by the Kansas state employees health insurance
21 committee under subsection (c) of section 1 as qualified to
22 participate in the state health care benefits program, shall pay
23 the employer's costs for enrolling such employees under the same
24 ~~insurance coverage plan provided to other state officers and~~
25 ~~employees~~ state health care benefits program. In the event a
26 county elects the latter type of ~~insurance~~ coverage, counties
27 shall remit the employer and employee premiums to the ~~director of~~
28 ~~accounts and reports~~ Kansas state employees health insurance
29 committee in accordance with the directions of ~~said director~~ the
30 committee, and counties may adopt the same type payroll deduction
31 plan for employee premiums as provided in ~~K.S.A. 75-4108a,~~ and
32 ~~any amendments thereto, for other state officers and employees,~~
33 section 6. The provisions of ~~K.S.A. 75-4110 and 75-4113, and any~~
34 ~~amendments thereto,~~ sections 1 to 10, inclusive, shall be
35 applicable to such employees in the same manner as other state

1 ~~officers--and--employees~~ persons eligible to participate in the
2 state health care benefits program.

3 Sec. 13. On August 1, 1983, K.S.A. 40-223 is hereby amended
4 to read as follows: 40-223. Any person ~~ex--persons--who--shall~~
5 ~~make~~ who makes any examination under the provisions of this act,
6 except as provided in K.S.A. 40-110 and 40-253 and amendments
7 thereto, may receive, as full compensation for such person's
8 services, on a per diem basis an amount fixed by the
9 commissioner, which shall not exceed the amount recommended by
10 the national association of insurance commissioners, for such
11 time necessarily and actually occupied in going to and returning
12 from the place of such examination and for such time the examiner
13 is necessarily and actually engaged in making such examination
14 including any day within the regular work week when the examiner
15 would have been so engaged had the company or society been open
16 for business, together with such necessary and actual expenses
17 for traveling and subsistence as the examiner shall incur ~~and--an~~
18 ~~account~~ because of the performance of such services. For the
19 purposes of this act, "necessary and actual expenses" shall be
20 limited, whether for travel within the state or travel outside
21 the state, to those limitations expressed in K.S.A. ~~1980--Supp-~~
22 ~~75-3207~~ and amendments thereto which pertain to official travel
23 outside the state. The daily charge shall be calculated by
24 dividing the amount the examiner is authorized by the
25 commissioner of insurance to charge per week by the number of
26 days in the regular work week of the company or society being
27 examined.

28 All of ~~said~~ such compensation, expenses, the employer's
29 share of the federal insurance contributions act taxes, the
30 employer's contribution to the Kansas public employees retirement
31 system as provided in K.S.A. 74-4920 and amendments thereto, the
32 self-insurance assessment for the workmen's compensation act as
33 provided in K.S.A. 44-576 and amendments thereto, the ~~single~~
34 ~~member-premium-under-the-group-health-insurance-plan-as--provided~~
35 ~~in--K-S-A----1980--Supp----75-4110-and-75-4113-and-acts-amendatory~~

1 ~~thereof-or-supplemental-thereto~~ employer's cost of the state
2 health care benefits program under section 7, and a pro rata
3 amount determined by the commissioner to provide annual leave for
4 the examiner not to exceed the number of days allowed state
5 officers and employees in the classified service pursuant to
6 regulations promulgated in accordance with the Kansas civil
7 service act, shall be paid to the commissioner of insurance by
8 the insurance company or society so examined, on demand of the
9 commissioner. Such demand shall be accompanied by the sworn
10 statement of the person making such examination, setting forth in
11 separate items the number of days necessarily and actually
12 occupied in going to and returning from the place of such
13 examination, the number of days the examiners were necessarily
14 and actually engaged in making such examination including those
15 days within the regular work week while the examination was in
16 progress and the company or society had closed for business, and
17 the necessary and actual expenses for traveling and subsistence,
18 incurred in and on account of such services. A duplicate of every
19 such sworn statement shall be kept on file in the office of the
20 commissioner of insurance. All moneys so paid to the commissioner
21 of insurance shall be remitted to the state treasurer and the
22 state treasurer shall issue duplicate receipts therefor, one to
23 be delivered to the commissioner of insurance and the other to be
24 filed with the director of accounts and reports.

25 Sec. 14. On August 1, 1983, K.S.A. 1982 Supp. 75-4101 is
26 hereby amended to read as follows: 75-4101. (a) There is hereby
27 created a committee on surety bonds and insurance, which shall
28 consist of the state treasurer, the attorney general, and the
29 commissioner of insurance. The commissioner of insurance shall be
30 the chairperson of the committee and the director of purchases
31 shall be ex officio secretary. The committee shall meet on call
32 of the chairperson and at such other times as the committee shall
33 determine but at least once a month on the second Monday in each
34 month. Meetings shall be held in the office of the commissioner
35 of insurance. The members of the committee shall serve without

1 compensation. The secretary shall be the custodian of all
2 property, records, and proceedings of the committee. Except as
3 provided in subsection (b) and in K.S.A. 74-4925 and 74-4927, and
4 amendments thereto, and in sections 1 to 10, inclusive, no state
5 agency shall purchase any insurance of any kind or nature, ~~any~~
6 ~~health-care-services-of-a-health-maintenance-organization~~ or any
7 surety bonds upon state officers or employees, except as provided
8 in this act. Effective on August 1, 1983, and except as
9 otherwise provided in this section, health care coverage and
10 health care services of a health maintenance organization for
11 state officers and employees designated under subsection (c) of
12 section 1 shall be provided in accordance with the provisions of
13 sections 1 to 10, inclusive.

14 (b) The Kansas turnpike authority may purchase group life,
15 health and accident insurance or health care services of a health
16 maintenance organization for its employees or members of the
17 highway patrol assigned, by contract or agreement entered
18 pursuant to K.S.A. 68-2025, and amendments thereto, to police
19 toll or turnpike facilities, independent of the committee on
20 surety bonds and insurance and of the provisions of sections 1 to
21 10, inclusive. Such authority may purchase liability insurance
22 covering all or any part of its operations and may purchase
23 liability and related insurance upon all vehicles owned or
24 operated by the authority, and such insurance may be purchased
25 without complying with K.S.A. 75-3738 to 75-3744, inclusive, and
26 amendments thereto. Any board of county commissioners may
27 purchase such insurance or health care services, independent of
28 such committee, for district court officers and employees any
29 part of whose total salary is payable by the county. Nothing in
30 any other provision of the laws of this state shall be construed
31 as prohibiting members of the highway patrol so assigned to
32 police toll or turnpike facilities from receiving compensation in
33 the form of insurance or health maintenance organization coverage
34 as herein authorized.

35 Sec. 15. On August 1, 1983, K.S.A. 1982 Supp. 75-4105 is

1 hereby amended to read as follows: 75-4105. All surety bonds,
2 and insurance contracts ~~and-contracs-for-health-care-services-of~~
3 ~~a-health-maintenance-organization~~ purchased pursuant to this act
4 shall be purchased by the committee in the manner prescribed for
5 the purchase of supplies, materials, equipment or contractual
6 services under K.S.A. 75-3738 to 75-3744, inclusive, and
7 amendments thereto. The director of accounts and reports shall
8 not pay any premium or rate on any surety bond, or insurance
9 contract ~~or--contract--for--health--care--services--of--a--health~~
10 ~~maintenance--organization~~ until the purchase of such surety bond
11 or contract shall have been approved by the secretary of the
12 committee. Surety bonds, or insurance contracts ~~or-contracs-for~~
13 ~~health--care-services-of-a-health-maintenance-organization~~ having
14 a premium or rate in excess of ~~fifty-dollars-(\$50)~~ \$50 purchased
15 hereunder shall be purchased on sealed bids as provided by law
16 for the purchase of other materials, equipment or contractual
17 services. Where more than one ~~(1)~~ state agency is covered by
18 any bond, or insurance contract ~~or--contract--for--health--care~~
19 ~~services--of--a--health--maintenance--organization~~, the committee
20 shall prorate the cost of premiums or rates on any and all such
21 bonds or contracts, except as provided in K.S.A. 75-4114 and
22 ~~K-S-A--1982-Supp--75-4108~~, and amendments thereto, purchased as
23 charges upon the funds of the state agency wherein any covered
24 state officers or employees are employed or covered property is
25 located or controlled. Such prorated charges shall constitute a
26 lawful charge by the committee upon the funds available to any
27 such state agency and shall be paid by each such state agency to
28 the committee, or to the surety, or insurance carrier ~~or--health~~
29 ~~maintenance--organization~~ if the committee requires it, in the
30 manner provided by law for the payment of other obligations of
31 such state agency. ~~Nothing--in--this--act--shall-prohibit-the~~
32 ~~committee--in-its-discretion--from-renewing-a-group-insurance--or~~
33 ~~health--maintenance--organization--contract--or--contracts--which~~
34 ~~provide-for-hospitalization--medical-services--surgical--services~~
35 ~~or-other-health-services-or-any-combination-thereof--and-all-such~~

1 ~~contracts--shall-be-contracted-in-accordance-with-K.S.A.--75-3738~~
2 ~~to-75-3744,-inclusive,-and-acts-amendatory-thereof-~~

3 Sec. 16. On August 1, 1983, K.S.A. 1982 Supp. 75-4106 is
4 hereby amended to read as follows: 75-4106. All surety bonds,
5 or insurance contracts ~~and-contracts-for-health-care-services--of~~
6 ~~a--health-maintenance-organization~~ purchased shall be kept in the
7 office of the secretary of the committee or in the office of ~~his~~
8 ~~or-her~~ the designated representative of the secretary. No bond or
9 contract purchased hereunder may be cancelled by the insurance or
10 surety company, the health maintenance organization or the
11 committee during the term of such contract unless a substitute
12 contract upon the same terms and conditions covering the affected
13 officers, employees or property is in force, or the committee
14 determines that the officers, employees or property or class of
15 officers, employees or property affected no longer requires the
16 coverage provided by the contract.

17 Sec. 17. On August 1, 1983, K.S.A. 20-358 and 40-223 and
18 K.S.A. 1982 Supp. 75-4101, 75-4105, 75-4106, 75-4108, 75-4108a,
19 75-4110, 75-4113 and 75-4113a are hereby repealed.

20 Sec. 18. This act shall take effect and be in force from
21 and after its publication in the Kansas register.

State Health Care Benefits Program

[Summary of Major Differences]

<u>SB 12 (Am Sen Comm)</u>	<u>Proposed</u> <u>H. Sub for SB 12</u>
1. Sec. of Admin. and unclassified administrator	Ks. State Employees Health Ins. Comm. (attached to D. of Admin. -- unclass tech administrator)
2. Authority to self-fund and administer program	None
3. Not specified	Specific authority that negotiated contracts may be for up to 3 yrs.
4. Advisory Comm. authorized	Advisory Comm. required (self-funding and admini- stration to be studied)
5. Eff. date of new program 8-1-84	Eff. date of new program 8-1-83
6. Not specified	Benefits for care under a religious method of healing

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DRAFT OF AMENDMENTS TO S.B. NO. 414

As Proposed by Subcommittee on Department of
Health and Environment

"AN ACT relating to the secretary of health and environment; concerning certain fees charged and collected by the secretary; amending K.S.A. 39-936, 48-1606, 65-3023 and 65-4806 and K.S.A. 1982 Supp. 39-930, 65-3008, 65-3431, 65-4318 and 82a-1205 and repealing the existing sections."

Be amended:

On page 1, in line 24, by striking "\$50" and inserting in lieu thereof "a base amount"; also in line 24, by striking "\$4" and inserting in lieu thereof "an additional amount"; in line 26, preceding the period by inserting the following: "The annual fee shall be fixed by rules and regulations of the secretary of health and environment."; in line 37, after the period by inserting the following: "The annual fee in effect under this section on the day preceding the effective date of this act shall continue in effect until the secretary of health and environment fixes a different annual fee by rules and regulations."; by striking all in line 38 to 44, inclusive;

On page 2, by striking all in lines 45 to 81, inclusive;

On page 3, by striking all in lines 82 to 118, inclusive;

On page 4, by striking all in lines 119 to 122, inclusive;

And by renumbering sections accordingly;

On page 6, in line 212, by striking all after "treasury"; in line 213, by striking all preceding "shall" and inserting in lieu thereof "and the same";

On page 11, in line 386, preceding the period by inserting the following: ", except that the fee established under this subsection (u) for each hazardous waste storage or disposal facility or for each radioactive hazardous waste storage or disposal facility shall be not less than \$1,500"; in line 409, by

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striking all after "material"; by striking all in line 410; in line 411, by striking all preceding the period;

On page 13, in line 486, by striking all after "disposed of"; in line 487, by striking all preceding the period;

On page 17, in line 600, preceding "fees" by inserting "application"; in line 604, after the period by inserting the following: "The application fee shall be fixed in relation to the size of the proposed project, except that no application fee shall be more than \$15,000.";

On page 19, by striking all in line 705, 706 and 707 and inserting in lieu thereof the following material to read as follows:

"Sec. 9. K.S.A. 36-512 is hereby amended to read as follows: 36-512. (a) The secretary shall remit all moneys received by the secretary under the provisions of this act to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. ~~Twenty percent (20%) of each such deposit and the same shall be credited to the state general fund, and the balance shall be credited to the food service and lodging fee fund, which fund is hereby created. All expenditures from such 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 or by a person or persons designated by him or her.~~

(b) ~~The food service and lodging board fee fund provided for in K.S.A. 1974-Supp. 74-3807 is hereby abolished, and on the effective date of this act~~ On July 1, 1983, the director of accounts and reports shall transfer all moneys in said fund to the food service and lodging fee fund to the state general fund. All liabilities of the food service and lodging fee fund are hereby transferred to and imposed upon the state general fund. The food service and lodging fee fund is hereby abolished.

~~(c) The costs of inspection of a food service establishment~~

~~not--required--to--be--licensed--under--this--act--or--which--is--not
required--to--pay--a--license--fee--in--order--to--obtain--a--license--under
the--provisions--of--K.S.A.---36-503--shall--be--paid--from--funds
appropriated--to--the--department--of--health--and--environment--for--such
purpose,--and--in--no--case--shall--funds--credited--to--the--feed--service
and--lodging--fee--fund--be--used--for--the--payment--of--the--costs--of
inspecting--such--feed--service--establishment.~~

Sec. 10. K.S.A. 39-936, as amended by section 1 of 1983 House Bill No. 2474, is hereby amended to read as follows: 39-936. (a) The presence of each resident in an adult care home shall be covered by a statement provided at the time of admission, or prior thereto, setting forth the general responsibilities and services and daily or monthly charges for such responsibilities and services. Each resident shall be provided with a copy thereof of such statement, with a copy going to any individual responsible for payment of such services and the adult care home shall keep a copy thereof of such statement in the resident's file. No such statement shall be construed to relieve any adult care home of any requirement or obligation imposed upon it by ~~laws--or--by--requirements,--standards,--rules--and--regulations--promulgated--thereunder~~ law or by any requirement, standard or rule and regulation adopted pursuant thereto.

(b) A qualified person or persons shall be in attendance at all times upon residents receiving accommodation, board, care, training or treatment in adult care homes. The licensing agency may establish necessary standards and rules and regulations prescribing the number, qualifications, training, standards of conduct and integrity for such qualified person or persons attendant upon the residents.

(c) (1) Unlicensed employees of an adult care home who provide direct, individual care to residents under the supervision of qualified personnel and who do not administer medications to residents shall not be required by the licensing agency to complete a course of education or training or to successfully complete an examination as a condition of employment

or continued employment by an adult care home during their first 90 days of employment.

(2) The licensing agency shall require unlicensed employees of an adult care home employed on and after the effective date of this act who provide direct, individual care to residents and who do not administer medications to residents and who have not completed a course of education and training relating to resident care and treatment approved by the licensing agency or are not participating in such a course on the effective date of this act to complete successfully 40 hours of training in basic resident care skills. Any unlicensed person who has not completed 40 hours of training relating to resident care and treatment approved by the licensing agency shall not provide direct, individual care to residents. The 40 hours of training shall be supervised by a registered professional nurse and the content and administration thereof shall comply with rules and regulations adopted by the licensing agency. The 40 hours of training may be prepared and administered by an adult care home or by any other qualified person and may be conducted on the premises of the adult care home. The 40 hours of training required in this section shall be a part of any course of education and training required by the licensing agency under subsection (3).

(3) The licensing agency may require unlicensed employees of an adult care home who provide direct, individual care to residents and who do not administer medications to residents after 90 days of employment to successfully complete an approved course of instruction and an examination relating to resident care and treatment as a condition to continued employment by an adult care home. A course of instruction may be prepared and administered by any adult care home or by any other qualified person. A course of instruction prepared and administered by an adult care home may be conducted on the premises of the adult care home which prepared and which will administer the course of instruction. The licensing agency shall not require unlicensed employees of an adult care home who provide direct, individual

care to residents and who do not administer medications to residents to enroll in any particular approved course of instruction as a condition to the taking of an examination, but the licensing agency shall prepare guidelines for the preparation and administration of courses of instruction and shall approve or disapprove courses of instruction. Unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications to residents may enroll in any approved course of instruction and upon completion of the approved course of instruction shall be eligible to take an examination. The examination shall be prescribed by the licensing agency, shall be reasonably related to the duties performed by unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications to residents and shall be the same examination given by the licensing agency to all unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications.

(4) The licensing agency shall fix, charge and collect an examination fee to cover all or any part of the cost of the examination under this subsection (c). The examination fee shall be fixed by rules and regulations of the licensing agency. The examination fee shall be deposited in the state treasury and credited to the state general fund.

(d) Any person who has been employed as an unlicensed employee of an adult care home in another state may be so employed in this state without an examination if the secretary of health and environment determines that such other state requires training or examination, or both, for such employees at least equal to that required by this state.

(e) All medical care and treatment shall be given under the direction of a physician authorized to practice under the laws of this state and shall be provided promptly as needed.

(f) No adult care home shall require as a condition of admission to or as a condition to continued residence in the

adult care home that a person change from a supplier of medication needs of their choice to a supplier of medication selected by the adult care home. Nothing in this paragraph subsection (f) shall be construed to abrogate or affect any agreements entered into prior to the effective date of this act between the adult care home and any person seeking admission to or resident of the adult care home.

(g) No resident who relies in good faith upon spiritual means or prayer for healing shall, if such resident objects thereto, be required to undergo medical care or treatment.

Sec. 11. K.S.A. 65-429 is hereby amended to read as follows: 65-429. (a) Upon receipt of an application for license and the annual license fee fixed therefor, the licensing agency shall issue with the approval of the state fire marshal a license provided the applicant and the physical facilities of the medical care facility meet the requirements established under this act.

(b) A license, unless suspended or revoked, shall be renewable annually ~~without~~ charge upon the filing by the licensee, and approval by the licensing agency, of an annual report upon such uniform dates and containing such information in such form as the licensing agency prescribes by regulation and the annual license fee fixed therefor.

(c) A medical care facility which has been licensed by the licensing agency and which has received certification for participation in federal reimbursement programs and which has been accredited by the joint commission on accreditation of hospitals or the American osteopathic association may be granted a license renewal based on such certification and accreditation and the annual license fee fixed therefor.

(d) Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

(e) The licensing agency shall fix, charge and collect

annual license fees for medical care facilities to cover all or any part of the costs incurred in licensing, inspecting and regulating medical care facilities under K.S.A. 65-425 to 65-441, inclusive, and amendments thereto. The annual license fees shall be fixed by rules and regulations of the licensing agency in the following categories: (1) Medical care facilities having 50 beds or less, (2) medical care facilities having at least 51 beds, but not more than 100 beds, and (3) medical care facilities having 101 beds or more.

Sec. 12. K.S.A. 1982 Supp. 65-2418 is hereby amended to read as follows: 65-2418. (a) The secretary shall fix and charge the fees, if any, to be paid for certified copies of certificates or for search of the files or records when no certified copy is made. ~~No fee shall be charged for a certified copy of a certificate or for a search of the files if the certificate or search is requested by--(1)--A person who exhibits correspondence from the United States veterans administration or the Kansas veterans' commission which indicates that the person is applying for benefits from the United States veterans administration and that such person needs the requested information to obtain such benefits, except that, for a second or subsequent certified copy of a certificate or search of the files requested by the person, the usual fee shall be charged, or (2) a judge of the district court for use in a case before the court.~~ Fees fixed by the secretary for certified copies of certificates shall be ~~in amounts approved by the director of accounts and reports under K.S.A. 45-204 and amendments thereto~~ fixed by rules and regulations of the secretary of health and environment. The secretary of health and environment may provide by rules and regulations for exemptions from such fees.

(b) Subject to K.S.A. 65-2420 and amendments thereto, the national office of vital statistics may be furnished copies or data it requires for national statistics. The state shall be reimbursed for the cost of furnishing the data. The data shall not be used for other than statistical purposes by the national

office of vital statistics unless so authorized by the state registrar of vital statistics.

(c) The secretary of health and environment shall remit all moneys received by or for the secretary from fees, charges or penalties to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. ~~Twenty percent of each deposit~~ and the same shall be credited to the state general fund ~~and the balance shall be credited to the vital statistics fee fund.~~ All expenditures from the fee 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 or by a person or persons designated by the secretary. On July 1, 1983, the director of accounts and reports shall transfer all moneys in the vital statistics fee fund to the state general fund. All liabilities of the vital statistics fee fund are hereby transferred to and imposed upon the state general fund. The vital statistics fee fund is hereby abolished.

Sec. 13. K.S.A. 65-4514 is hereby amended to read as follows: 65-4514. (a) The secretary shall remit all moneys received by or for ~~him or her~~ the secretary from fees, charges or penalties to the state treasurer at least monthly. Upon receipt of such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury. ~~Twenty percent (20%) of each such deposit~~ and the same shall be credited to the state general fund ~~and the balance to the certification of operators of water supply systems and wastewater treatment facilities fee fund.~~ All expenditures from the certification of operators of water supply systems and wastewater treatment facilities fee 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 or by a person or persons designated by him or her.

(b) ~~The twenty percent (20%) credit to the state general fund required by this section is to reimburse the state general~~

fund---for---accounting,--auditing,--budgeting,--legal,--payroll, personnel-and-purchasing-services-and-any--and--all--other--state governmental-services,--which-are-performed-on-behalf-of-the-state agency---involved---by---other---state---agencies--which--receive appropriations-from--the--state--general--fund--to--provide--such services. On July 1, 1983, the director of accounts and reports shall transfer all moneys in the certification of operators of water supply systems and wastewater treatment facilities fee fund to the state general fund. All liabilities of the certification of operators of water supply systems and wastewater treatment facilities fee fund are hereby transferred to and imposed upon the state general fund. The certification of operators of water supply systems and wastewater treatment facilities fee fund is hereby abolished.

Sec. 14. K.S.A. 1982 Supp. 75-3170a is hereby amended to read as follows: 75-3170a. (a) The 20% credit to the state general fund required by K.S.A. 1982 Supp. ~~49-420,--55-128a, 55-131,--55-135,--55-141, 55-155,--55-609,--55-711,--55-901--and 58-3074~~ and K.S.A. 1-204, 2-2609, 2-3008, 9-1703, 16-609, 16a-2-302, 17-1271, 17-2236, 17-5609, 17-5610, 17-5612, 17-5701, 20-1a02, 20-1a03, 23-110, 34-102b, 36-512, 44-926, 47-820, 49-420, 55-131, 55-609, 55-711, 55-901, 58-3074, 65-6b10, 65-1718, 65-1817a, 65-2011, 65-2418, 65-2855, 65-2911, ~~65-3023,~~ 65-4514, 65-4610, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-2902a, 74-3903, 74-5805, 74-7009, 74-7506, 75-1119b, 75-1308 and 75-1509 and acts amendatory of any of the foregoing including amendments by other sections of this act is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other state governmental services, which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) Nothing in this act or in the sections amended by this act or referred to in subsection (a) of this section, shall be

deemed to authorize remittances to be made less frequently than is authorized under K.S.A. 75-4215.

(c) Notwithstanding any provision of any section referred to in or amended by this act or referred to in subsection (a) of this section, whenever in any fiscal year such 20% credit to the state general fund in relation to any particular fee fund is \$200,000, in that fiscal year the 20% credit no longer shall apply to moneys received from sources applicable to such fee fund and for the remainder of such year the full 100% so received shall be credited to such fee fund, except as otherwise provided in subsection (d) of this section.

(d) Notwithstanding any provision of K.S.A. 2-2609 and 2-3008, and amendments thereto, or any provision of any section referred to in subsection (a) of this section, the 20% credit to the state general fund no longer shall apply to moneys received from sources applicable to the wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund, as specified for each such fund by this subsection, and for the remainder of a fiscal year the full 100% of the moneys so received shall be credited to the appropriate fund of such funds, whenever in any fiscal year:

(1) With respect to the wheat commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the wheat commission fund during the preceding fiscal year bears to the total of the amounts credited to the wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year;

(2) with respect to the Kansas corn commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas corn commission fund during the preceding fiscal year

bears to the total of the amounts credited to the wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding year;

(3) with respect to the Kansas grain sorghum commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas grain sorghum commission fund during the preceding fiscal year bears to the total of the amounts credited to the wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year; and

(4) with respect to the Kansas soybean commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas soybean commission fund during the preceding fiscal year bears to the total of the amounts credited to the wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year.

Sec. 15. K.S.A. 1982 Supp. 82a-1206 is hereby amended to read as follows: 82a-1206. (a) Every well contractor desiring to engage in the business of constructing, reconstructing or treating water wells in this state shall make initial application for a license to the secretary. Every contractor making such application shall set out such information as may be required upon forms to be adopted and furnished by the secretary. The secretary shall charge an application fee as established by regulation for the filing of such initial application by a contractor, and ~~he or she~~ the secretary shall not act upon any application until such application fee has been paid.

(b) All application fees and license fees collected hereunder shall be ~~deposited--with~~ remitted to the state

~~treasurer,--who--shall--credit--the--amounts--prescribed--by--K.S.A.--75-3170--to--the--general--fund--of--the--state~~ at least monthly. ~~The balance--thereof--shall--be--deposited--in--a--special--fund--which--is hereby--created--and--shall--be--known--as--the--"water--well--contractors licensing--fund"--and--shall--be--used--to--pay--expenses--incurred--in--the administration--of--this--act.~~ Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the state general fund. On July 1, 1983, the director of accounts and reports shall transfer all moneys in the water well contractors licensing fund to the state general fund. All liabilities of the water well contractors licensing fund are hereby transferred to and imposed upon the state general fund. The water well contractors licensing fund is hereby abolished.

(c) A license to construct water wells shall be issued to any applicant if, under the standards set forth in K.S.A. 1982 Supp. 82a-1207 and amendments thereto, the secretary shall determine such applicant is qualified to conduct water well construction operations. In the granting of such licenses due regard shall be given to the interest of the state of Kansas in the protection of its underground water resources. Application fees paid hereunder shall be retained by the secretary whether such initial license is issued or denied, but if denied, the license fee shall be refunded.

~~(b)~~ (d) Applicants for licenses hereunder who are engaged in business as water well contractors in this state, if incorporated, shall submit evidence of current good standing with the registration requirements for corporations of the secretary of state.

Sec. 16. K.S.A. 36-512, 39-936, as amended by section 1 of 1983 House Bill No. 2474, 48-1606, 65-429, 65-3023, 65-4514 and 65-4806 and K.S.A. 1982 Supp. 39-930, 65-2418, 65-3008, 65-3431, 65-4318, 75-3170a, 82a-1205 and 82a-1206 are hereby repealed.";

And by renumbering section 11 as section 17;

On page 1, in the title, in line 18, by striking all after "K.S.A."; by striking all in line 19; in line 20, by striking all preceding the period and inserting in lieu thereof the following: "36-512, 39-936, as amended by section 1 of 1983 House Bill No. 2474, 48-1606, 65-429, 65-3023, 65-4514 and 65-4806 and K.S.A. 1982 Supp. 39-930, 65-2418, 65-3008, 65-3431, 65-4318, 75-3170a, 82a-1205 and 82a-1206 and repealing the existing sections";

And the bill be passed as amended.

PROPOSED AMENDMENTS TO S.B. NO. 414

For Consideration by House Ways and Means

Be amended:

On page 18, following line 660, by inserting the following material to read as follows:

"Sec. 9. K.S.A. 1982 Supp. 75-5610 is hereby amended to read as follows: 75-5610. (a) Except as otherwise specifically provided by subsection (b) or other law, the secretary of health and environment shall appoint, subject to the Kansas civil service act, all subordinate officers and employees of the respective divisions, bureaus, sections, offices or other units of the department of health and environment, and all such subordinate officers and employees shall be within the classified service under the Kansas civil service act.

(b) On and after July 1, 1983, except as otherwise specifically provided by law, each director and each deputy director of each division of the department of health and environment and the chief administrative officer of the bureau of oil field and environmental geology of the division of environment shall be in the unclassified service under the Kansas civil service act."

And by renumbering sections accordingly;

On page 19, in line 706, preceding "and" by inserting ", 75-5610";

On page 1, in the title, in line 18, after the semicolon by inserting "placing certain personnel appointed by the secretary within the unclassified service under the Kansas civil service act;"; in line 19, after "65-4318" by inserting ", 75-5610";

Atch. VII

PROPOSED AMENDMENTS TO S.B. NO. 414
For Consideration by House Ways and Means

"AN ACT relating to the secretary of health and environment; concerning certain fees charged and collected by the secretary; amending K.S.A. 39-936, 48-1606, 65-3023 and 65-4806 and K.S.A. 1982 Supp. 39-930, 65-3008, 65-3431, 65-4318 and 82a-1205 and repealing the existing sections."

Be amended:

On page 18, following line 660, by inserting the following material to read as follows:

"Sec. 9. K.S.A. 1982 Supp. 75-5610 is hereby amended to read as follows: 75-5610. (a) Except as otherwise specifically provided by subsection (b) or other law, the secretary of health and environment shall appoint, subject to the Kansas civil service act, all subordinate officers and employees of the respective divisions, bureaus, sections, offices or other units of the department of health and environment, and all such subordinate officers and employees shall be within the classified service under the Kansas civil service act.

(b) On and after July 1, 1983, except as otherwise specifically provided by law, each assistant director or deputy director of the division of health or the division of environment and the chief administrative officer of any bureau of the department of health and environment which is in existence on July 1, 1983, or which is organized thereafter by the secretary of health and environment under K.S.A. 75-5619 and amendments thereto, shall be in the unclassified service under the Kansas civil service act.";

And by renumbering sections accordingly;

On page 19, in line 706, preceding "and" by inserting ",

75-5610";

On page 1, in the title, in line 18, after the semicolon by inserting "placing certain personnel appointed by the secretary within the unclassified service under the Kansas civil service act;"; in line 19, after "65-4318" by inserting ", 75-5610";

And the bill be passed as amended.



FEBRUARY 1983

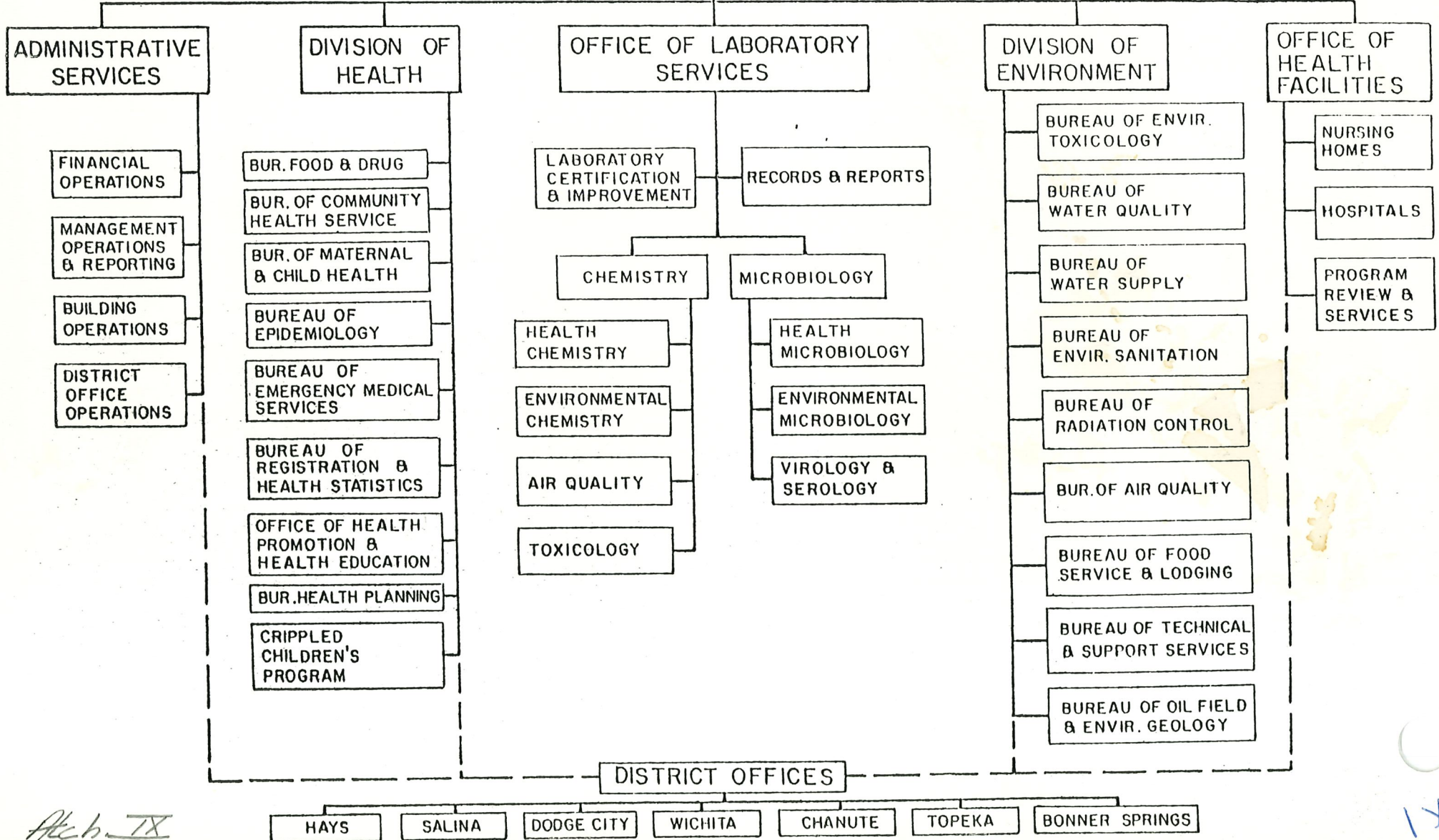
SECRETARY OF
HEALTH & ENVIRONMENT

(COMMISSIONS &
COUNCILS)

- HEALTH
- ENVIRONMENT
- EMERGENCY MEDICAL SERVICES
- FOOD SERVICE AND LODGING
- STATEWIDE HEALTH COOR. COUNCIL
- CRIPPLED CHILDREN'S SERVICES
- GOVERNOR'S COUNCIL ON FITNESS
- ADULT CARE HOME ADM.
- TOXICOLOGY ADV. COMMITTEE

PERSONNEL

LEGAL STAFF



Atch. IX

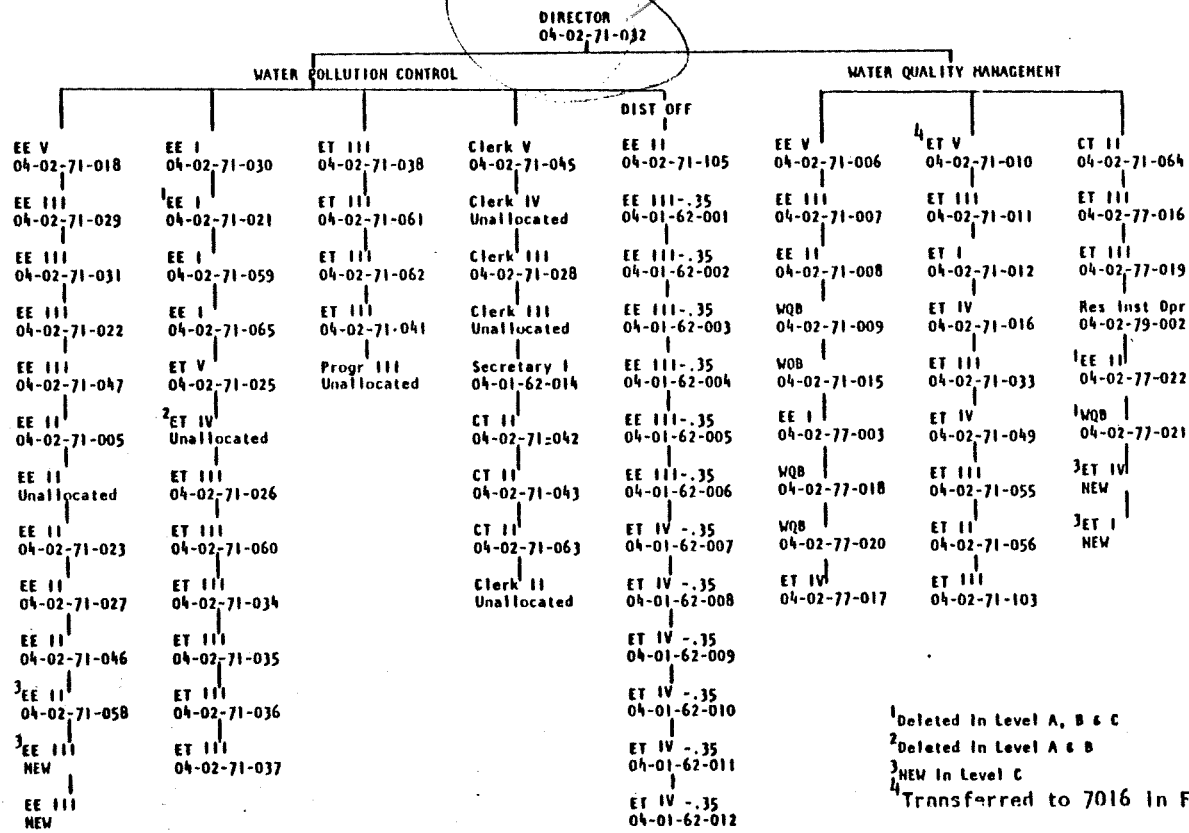
IX

NARRATIVE INFORMATION—DA 400R
DIVISION OF THE BUDGET
DEPARTMENT OF ADMINISTRATION, STATE OF KANSAS

AGENCY NAME Department of Health and Environment
 AGENCY—SUBAGENCY CODES 264-00 FUNCTION NO. 06
 PROGRAM TITLE AND CODE Surface Water Pollution Cont 7300
 SUBPROGRAM TITLE AND CODE _____

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 PAGE

DOB USE ONLY



NARRATIVE INFORMATION—DA 400R

DIVISION OF THE BUDGET

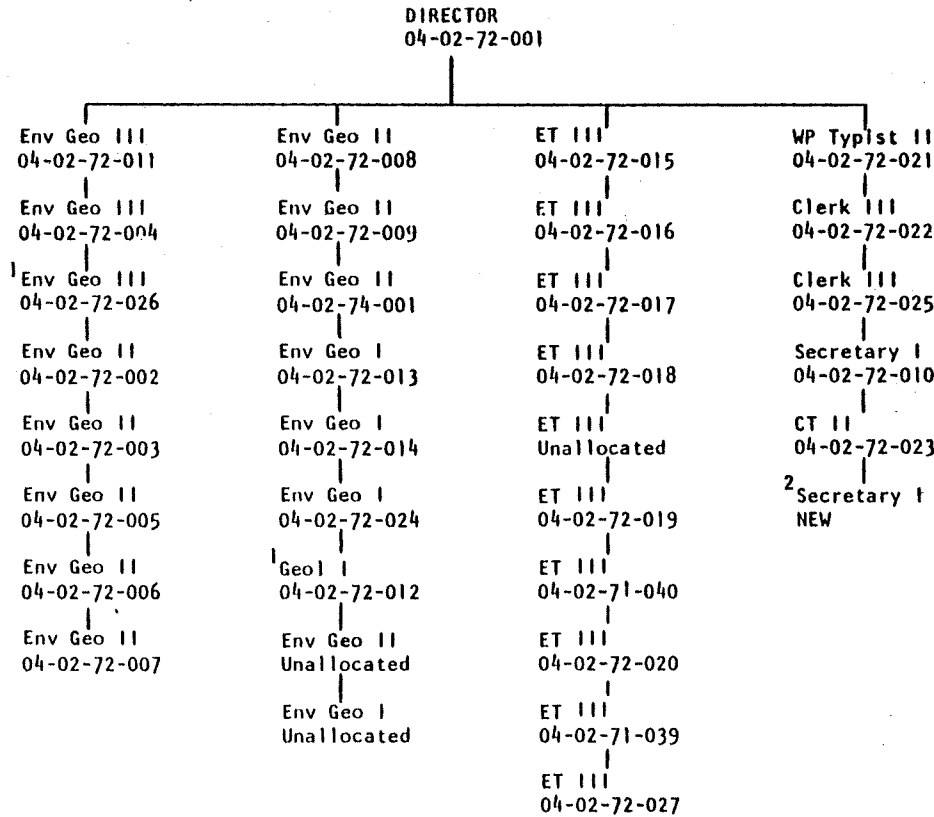
DEPARTMENT OF ADMINISTRATION, STATE OF KANSAS

AGENCY NAME Department of Health and Environment
 AGENCY—SUBAGENCY CODES 264-00 FUNCTION NO. 06
 PROGRAM TITLE AND CODE Groundwater Pollution Control 7500
 SUBPROGRAM TITLE AND CODE

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PAGE

DOB USE ONLY



¹ Deleted in Level A & B

² NEW in Level C

STATE OF KANSAS
DEPARTMENT OF ADMINISTRATION
JOHN CARLIN, Governor
PATRICK J. HURLEY, Secretary of Administration
Room 263-E, Capitol Building
(913) 296-3011

MEMORANDUM

TO: House Ways and Means Committee

FROM: Arthur H. Griggs, ~~Chief~~ Attorney

DATE: March 30, 1983

SUBJECT: Summary of Legislation in Committee

SB 388. The Property Contingency Fund was established to receive the proceeds from the sale of the State's 500 Block of Kansas Avenue property. The moneys in the fund are to provide supplemental rents, moving and remodeling costs associated with the move to the Santa Fe Office Building. The bill permits the crediting of interest earned on balances in the fund back to the fund.

SB 389. The bill clarifies that building plans of correctional facilities and other secured areas are not available for public inspection.

SB 390. The bill establishes a canceled warrants payment fund into which funds from canceled warrants are placed. This fund would be used to pay canceled warrant claims and excess funds would be placed in the State General Fund.

SB 392. This bill relates to the new Kansas Integrated Payroll and Personnel System due to be implemented later this year. This system permits payrolls to be charged directly against the proper agency appropriation or fund. The bill eliminates the current two step process of first charging the master payroll account, then the various agency accounts.

SB 393. The bill consolidates the various funds used to operate and maintain the State Office Building, Forbes Field buildings, the 503 and 535 Kansas Avenue Buildings, and the 900 Jackson Street Building. The new depreciation fund would be utilized for maintenance, equipment replacement and capital improvements for those buildings only.

AKch. 

SB 394. The bill clarifies that state building projects are not subject to the various local building codes. It also exempts the state from certain zoning related fees.

SB 395. The bill establishes an architectural services recovery fund and provides for a fee of 1% on construction projects for which the Department provides management services. Without this bill, additional state general fund moneys would be needed to fund the FY 84 operations of the Division of Architectural Services.

SB 396. The bill permits the Department of Administration to deviate from the formal bidding process in the case of construction contracts of \$5,000 or less.

SB 397. This bill relates to the set-off project operated by the Division of Accounts and Reports, which permits agencies to collect debts owed to them when the state is also due to make a payment to a debtor. The bill assigns to Accounts and Reports all debts that have been written off by agencies. It also permits the Director of Accounts and Reports to require agencies to certify debt information to Accounts and Reports for collection procedures under the set-off statutes.

SB 398. This bill transfers administrative responsibilities for the All-Sports Hall of Fame from the Department of Administration to the Historical Society.

AHG:ca

0119 regulations adopted under ~~this act~~ K.S.A. 75-3728c and amend-
 0120 ments thereto. The accounts receivable specified in any such
 0121 authorization shall be promptly written-off. Thereafter the state
 0122 agency shall make appropriate accounting entries to reflect the
 0123 write-off, and such accounts receivable shall no longer be shown
 0124 in the accounts and reports of such state agency, except that
 0125 nothing in this act and no action ~~hereunder~~ under this section
 0126 shall be deemed to void any debt, account or liability (civil or
 0127 criminal) prior to the expiration of the statute of limitations
 0128 applicable thereto.

0129 (b) All accounts receivable and taxes receivable that have
 0130 been written-off by a state agency pursuant to this section are
 0131 hereby assigned to the director of accounts and reports. The
 0132 director of accounts and reports is hereby authorized to pursue
 0133 the collection of all accounts receivable and taxes receivable
 0134 assigned to the director under this subsection. Each state
 0135 agency to which such accounts receivable or taxes receivable
 0136 were owed prior to the write-off and assignment thereof, shall
 0137 give the director of accounts and reports all information relat-
 0138 ing thereto requested by the director of accounts and reports
 0139 and officers and employees of such state agency shall partici-
 0140 pate in any hearings or litigation relating to collection of such
 0141 accounts receivable or taxes receivable when requested to par-
 0142 ticipate by the director of accounts and reports.

0143 (c) All moneys collected by the director of accounts and
 0144 reports on accounts receivable and taxes receivable written-off
 0145 and assigned to the director of accounts and reports under this
 0146 section shall be remitted to the state treasurer. Upon receipt of
 0147 each such remittance, the state treasurer shall deposit the entire
 0148 amount in the state treasury and such amount shall be credited
 0149 to the accounting services recovery fund.

0150 Sec. 3. K.S.A. 1982 Supp. 75-6203 is hereby amended to read
 0151 as follows: 75-6203. (a) The collection remedy under this act is in
 0152 addition to and not in substitution for any other remedy available
 0153 by law.

0154 (b) Each state agency shall whenever possible obtain the full
 0155 name, social security number, address and any other information

The provisions of K.S.A. 1982 Supp. 75-6212 also shall be applicable to information relating to accounts receivable and taxes receivable assigned pursuant to this section.

Dept of Rev

except that in cases involving collections of debts arising out of the employment security law, the entire amount collected shall be credited to the employment security fund and a like amount shall be transferred from special employment security fund to the accounting services recovery fund. *

Human Resources

* Conforming amendment to the special employment security statute, K.S.A. 44-716a, should also be made.

Atch. XI

0156 required by the director of accounts and reports from any person
 0157 for whom the state agency provides any service or with whom
 0158 the state agency transacts any business and who may become a
 0159 debtor under this act.

0160 (c) *Except as otherwise directed by the secretary of admin-*
 0161 *istration, the director may require any state agency to certify all*
 0162 *debts owed to the state agency or to certify all such debts in*
 0163 *specified categories of debts, for setoff under K.S.A. 1982 Supp.*
 0164 *75-6204. Any state agency required to certify debts under this*
 0165 *subsection shall give the director all information relating to*
 0166 *such debts as may be requested by the director.*

0167 (e) (d) The secretary of administration as provided in K.S.A.
 0168 ~~1982 Supp.~~ 75-3706 and amendments thereto may adopt rules
 0169 and regulations necessary to carry out the provisions of this act.

0170 (d) (e) The secretary of revenue may adopt rules and regula-
 0171 tions defining the term "contribution of income" for the pur-
 0172 poses of this act.

0173 Sec. 4. K.S.A. 1982 Supp. 75-6206 is hereby amended to read
 0174 as follows: 75-6206. (a) A state agency which requests the direc-
 0175 tor to assist in the collection of a debt due to the state agency by
 0176 the utilization of setoff procedures under this act *or which is*
 0177 *required to certify debts under K.S.A. 1982 Supp. 75-6203 and*
 0178 *amendments thereto*, shall certify to the director in writing the
 0179 identity of the debtor, the amount of the debt subject to setoff
 0180 and other information as the director may require. The director
 0181 shall cause such data to be matched to payroll, refund and other
 0182 pending payment files to identify those instances where setoff
 0183 procedures may be implemented. The director shall then make
 0184 the following notification to the debtor in writing, either by
 0185 personal delivery to the debtor or by mail. Such notification shall
 0186 include:

0187 (1) A demand for payment of the debt and a brief explanation
 0188 of the legal basis of the debt;

0189 (2) a statement of the state agency's intention to set off the
 0190 debt due against the debtor's earnings, refund or other payment

0191 due to the debtor from the state of Kansas or any state agency;

0192 (3) the right of the debtor to request in writing a hearing to

, but the provisions of this sentence
 shall not be applicable to debts for
 which a voluntary agreement for payment
 has been entered into and is being
 complied with or debts for which garnish-
 ment or other judicial proceedings are
 pending.

SKS

0230 the gross proceeds collected.

0231 (d) Except as otherwise prescribed by the director or the
0232 secretary of administration, any state agency which receives
0233 any payment from a debtor ~~(on a debt that has been certified to~~
0234 ~~the director~~ under K.S.A. 1982 Supp. 75-6203 ~~and amendments~~
0235 ~~thereto~~ shall remit the collection assistance fee imposed under
0236 subsection (b) to the director which shall be credited to the
0237 accounting services recovery fund. If a state agency fails to
0238 remit the collection assistance fee as required by this subsec-
0239 tion, the director may transfer an amount equal to such collec-
0240 tion assistance fee from the appropriate account or fund of the
0241 state agency to the accounting services recovery fund.

after notification to the debtor

75-6206

, other than payments collected pursuant to K.S.A. 1982 Supp. 44-718 or collected through the federal government or judicial process,

0242 Sec. 6. K.S.A. 75-3728b and K.S.A. 1982 Supp. 60-2310, 75-
0243 6203, 75-6206 and 75-6210 are hereby repealed.

0244 Sec. 7. This act shall take effect and be in force from and
0245 after its publication in the statute book.

75-6210. Same; disposition of setoff proceeds; collection assistance fee; debt credited. (a) Upon completion of a setoff transaction, the director shall transfer the net proceeds collected to the account or fund of the officer or agency to which the debt was owed.

(b) From the gross proceeds collected by the director through setoff, the director shall retain a reasonable collection assistance fee of not to exceed 15%. The director may credit a portion of the collection assistance fee to the appropriate account or fund of any other state agency that has incurred expenses in assisting in the collection of the debt. The amount of the collection assistance fee retained by the director shall be deposited in the state treasury and credited to the accounting services recovery fund.

(c) Upon receipt by the agency of the net proceeds collected, the agency shall credit the debtor's obligation in the amount of the gross proceeds collected.

(d) In cases involving the collection of debts arising from the employment security law, the entire amount collected shall be credited to the employment security fund and the collection assistance fee shall be transferred from the special employment security trust fund to the accounting services recovery fund. *

*Conforming amendment to the special employment security statute K.S.A. 44-716a should also be made