

Approved 3-16-87
Date

MINUTES OF THE House COMMITTEE ON Appropriations

The meeting was called to order by Bill Bunten at
Chairperson

12:00 ~~xxxxxx~~ Noon on Monday, March 9, 1987 in room 514-S of the Capitol.

All members were present except:

Committee staff present: Gloria Timmer, Legislative Research
Diane Duffy, Legislative Research
Jim Wilson, Revisors Office
Sharon Schwartz, Administrative Aide
Nadine Young, Committee Secretary

Conferees appearing before the committee:

Robert Coldsnow, Legislative Counsel
Brad Avery, KAPE
Aileen C. Whitfill, Executive Assistant for Policy
and Program Development, SRS
Guest List (Attachment 1)

A draft bill was presented at the request of Representative Solbach (Attachment 2) which would provide for the establishment of a department of services for the blind. Representative Solbach moved that the bill be introduced with the recommendation that it be referred back to this committee. Seconded by Representative Turnquist. Motion carried.

HB 2182, GRAIN INSPECTION DEPARTMENT

Representative Lowther called the committee's attention to an error in Section 2 of the subcommittee report concerning two F.T.E. positions. Having voted on the prevailing side, Representative Lowther moved that the committee reconsider the action taken on the report. Seconded by Representative Solbach. Motion carried. Representative Lowther then moved that the subcommittee report be amended to reduce funding by \$79,632, which in effect would eliminate the two positions (Assistant Director and Personnel Director). Seconded by Representative Vancrum. Motion carried.

Representative Chronister moved that HB 2182, as amended, be recommended favorable for passage. Seconded by Representative Heinemann. Motion carried.

Chairman asked for a motion on the Minutes for March 2, 3, 4, 5 and 6. On a motion by Representative Wisdom and a second by Representative Duncan, the minutes were approved as written.

SB 47 -- relating to the state legislature; concerning compensation and expense allowances of members of the legislature; amending K.S.A. 46-137a and repealing the existing section.

Copies of a proposed amendment to SB 47, drawn by the Senate, was presented for the committee's consideration (Attachment 3). Representative Heinemann moved that the amendment be adopted. Representative Chronister seconded. Motion carried. Robert Coldsnow, Legislative Counsel, briefed the committee on the effect of the Tax Reform Act as it relates to employee business expenses (Attachment 4). As amended and passed by the Senate, SB 47 would avoid the consequence of the new IRS rule as explained in Attachment 4.

After brief discussion, Representative Heinemann moved that SB 47, as amended, be recommended for passage. Representative Chronister seconded. Motion carried.

SB 153 -- relating to state aid payments for educational purposes; deferring certain payments; amending K.S.A. 13-13a30 and 72-6506 and K.S.A. 1986 Supp. 71-605 and repealing the existing sections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Appropriations,
room 514-S, Statehouse, at 12Noon a.m./p.m. on Monday, March 9, 19 87

Gary Stotts briefed the committee on the provisions of SB 153, which would shift the payment for community colleges and Washburn aid to be paid at a later date. Representative Heinemann moved that SB 153 be recommended favorable for passage. Seconded by Representative Guldner. Motion carried.

SB 163 -- concerning the Kansas public employees retirement system; concerning transfers of certain employer obligations; amending K.S.A. 74-4939 and repealing the existing section.

Gary Stotts explained the bill to the committee. SB 163 would defer the April payment to KPERS of \$11.2 million until December, with interest to be paid at 5.5%. It also changes the current method of payment to semi annual rather than quarterly. Representative Shriver expressed opposition as he feels the money should not be taken from the people that have lawful right to the money. Mr. Stotts told the committee that it is simply a policy issue, it depends largely on what KPERS elect to do with the earnings and this would have to be weighed against the policy of borrowing from ourselves.

Marshall Crowther spoke briefly to the issue of SB 163. KPERS Board has not taken a position on the bill because it does not affect their administrative position.

Brady Avery appeared in opposition to SB 163 on behalf of Kansas Association of Public Employees. He provided written testimony (Attachment 5). His testimony maintains that the state owes a duty of loyalty and should avoid taking advantage of its superior position over the beneficiaries of KPERS funds. Representative Shriver offered a motion to amend the bill by deleting beginning with the word "quarterly" on line 39 through Line 47. Representative Turnquist seconded. Consensus of opinion seemed to leave many doubts about the bill. Therefore, a motion was offered by Representative Miller to table the bill. It was seconded by Representative Teagarden. Motion carried.

HB 2084 -- concerning the judicial council; relating to publication and distribution of reports; amending K.S.A. 20-2204 and repealing the existing section. Representative Ott briefed the committee on the subcommittee's previous action concerning this issue. Jim Wilson explained a balloon amendment (Attachment 6) which adds language concerning fees to recover printing and distribution costs. There was discussion about the establishment of a separate fee fund as opposed to merely adding to the state general fund. Representative Fuller explained that this is a recommendation of the Governor for the purpose of getting a specific publication into the hands of attorneys. Representative Ott moved that the amendment be adopted. Seconded by Representative Wisdom. Motion carried.

Representative Ott moved that HB 2084, as amended, be recommended favorable for passage. Representative Fuller seconded. Motion carried.

HB 2344 -- concerning the department of social and rehabilitation services; relating to medical assistance; providing for a pilot project for expanded early and periodic screening, diagnosis and treatment services for children and adolescents in certain counties.

Representative Mainey, chief sponsor of the bill, addressed the committee about the provisions. The bill came about as a result of the lapse bill and it is designed as a pilot program to provide medical care for children under medical assistance programs in the three largest counties, population wise. Representative Mainey told the committee that it would be a benefit to the state, because over a period time it would result in healthy, employable adults. Aileen Whitfield appeared in support of the measure on behalf of the Policy and Program Development division of SRS (Attachment 7). The three counties of Wyandotte, Sedgwick and Shawnee were selected because they represent the greatest number of eligible recipients of the proposed program. The bill carries a fiscal impact of about \$105,000 to the state.

A draft bill was presented at the request of Secretary of Administration concerning the National Merit Scholarship Finalists. The bill would allow a tax credit. Representative Mainey moved for introduction of the bill, seconded by Representative Heinemann. Motion carried.

Meeting adjourned at 1:55 p.m.

GUESTS

Date 3-9-87

Name Randy Newell
Tom Sloan
Elizabeth E. Taylor
Carol White
S. Cluffy
Jack Hawn
Marshall Crowther

Address Topeka
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Topeka
Topeka
Topeka
Lawrence

Representing FD Cow
OSTA
Assoc of Local Health Depts
SR S
Budget Division
KPEIS
 "

DRAFT BILL NO. _____

For Consideration by Committee on Appropriations

AN ACT establishing a department of services for the blind; providing for a secretary thereof; prescribing powers, duties and functions of the secretary; establishing an executive board; prescribing powers, duties and functions for the executive board; amending K.S.A. 75-3318, 75-3337, 75-3338, 75-3339, 75-3339a, 75-3340, 75-3341 and 75-3343 and K.S.A. 1986 Supp. 75-3317, 75-3319, 75-3320, 75-3321 and 75-3322 and repealing the existing sections.

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

New Section 1. This act shall be known and may be cited as the Kansas act on services for the blind.

New Sec. 2. As used in this act, unless the context otherwise requires:

(a) "Department" means the department of services for the blind established by section 3.

(b) "Secretary" means the secretary of services for the blind provided for by section 3.

(c) "Services" means those services designed to promote the economic and social welfare of blind persons in Kansas, to relieve blind persons from the distress of poverty through their complete integration into society on the basis of equality and to encourage and assist blind persons in their efforts to become economically and socially independent so as to render themselves more self-supporting.

(d) "Executive board" means the executive board which is established by section 4 to supervise and oversee the department of services for the blind.

(e) "The blind" means not only those persons who are totally and permanently devoid of vision, but also means those

persons whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

New Sec. 3. (a) On July 1, 1987, there shall be and is hereby established a department of services for the blind. The department shall be administered by the secretary of services for the blind under the supervision and control of the board. The secretary shall be appointed by the governor, subject to confirmation by the senate as provided by K.S.A. 75-4315b and amendments thereto, and shall serve at the pleasure of the governor. The secretary shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the board.

(b) In appointing the secretary, the governor shall consider only persons recommended by the executive board. In making its recommendations to the governor, the executive board shall consider qualified blind persons and persons with responsible administrative experience in working with various programs for the blind.

(c) Commencing on July 1, 1987, the department of services for the blind shall be the single state agency for receiving and disbursing federal funds made available under the federal Randolph-Sheppard act (public law 93-516) and any amendments thereto, or under any other federal programs for the blind.

New Sec. 4. (a) There is hereby established an executive board which shall supervise and oversee the department. The executive board shall:

(1) Advocate services affecting the blind in the areas of public services, health care, education, vocational and employment opportunity;

(2) act as a bureau of information for the blind to state agencies and public institutions providing general health and mental health care, employment, vocational and educational services and to local agencies and programs;

(3) collect facts, statistics and other special studies of

conditions affecting the well-being of the blind in Kansas;

(4) encourage and assist local governments in the development of programming that does not discriminate against the blind;

(5) serve as an advisory board to the governor on the needs of the blind by preparing an annual report which reviews the status of the department and the services offered by the department and which recommends priorities to the governor for the development and coordination of services for the blind; and

(6) make recommendations for needed improvements and serve as an advisory board with regard to new legislation affecting the blind.

(b) Except as otherwise provided by this act, all budgeting, purchasing and related management functions of the executive board shall be administered by the secretary. Within the limitations of available appropriations, the secretary shall provide clerical and other assistance as may be required by the executive board.

New Sec. 5. (a) The executive board shall consist of nine members appointed by the governor, subject to confirmation by the senate as provided by K.S.A. 75-4315b and amendments thereto. The executive board shall be responsible for the policies and management of the department. The executive board shall be composed of at least six blind or legally blind individuals. At least three of such individuals shall be appointed by the governor from a list of nominees who are members of the Kansas association for the blind and visually impaired, inc., which shall be submitted to the governor by the president of such association. At least three of such individuals shall be appointed by the governor from a list of nominees who are members of the national federation of the blind of Kansas which shall be submitted to the governor by the president of such association. The governor shall appoint the remaining members of the executive board from the general public. Of the initial appointments, three members shall be appointed for a one-year term, three members

shall be appointed for a two-year term and three members shall be appointed for a three-year term. Thereafter, all appointments shall be for a three-year term. Any vacancy arising in any position on the executive board shall be filled for the remainder of the unexpired term.

(b) The governor, or the governor's designee, shall call the first meeting of the executive board, at which time, and annually thereafter, the members of the executive board shall elect one of the members as a chairperson. Thereafter, the executive board shall meet at the call of the chairperson, but not less often than four times a year. The members of the executive board shall elect other officers as deemed necessary, prescribe the duties of officers and prescribe procedures for conducting executive board meetings in a manner consistent with this act. A simple majority of the appointed membership of the executive board shall constitute a quorum.

(c) Members of the executive board shall receive no compensation. Members of the executive board shall receive travel expenses and subsistence expenses or allowances as provided by K.S.A. 75-3212 and amendments thereto for attendance at meetings of the executive board and for the conducting of executive board business authorized by the chairperson of the executive board.

New Sec. 6. In addition to the duties prescribed by section 4, the executive board is hereby authorized to:

(a) Adopt such rules and regulations as may be necessary to administer the provisions of this act; and

(b) solicit, accept, hold, administer in behalf of the state any grants, devises or bequests, moneys, securities or property to the department or to the state for purposes related to services for the blind.

New Sec. 7. (a) On and after July 1, 1987, all powers, duties, functions, records, property and personnel of the existing division of services for the blind of the department of social and rehabilitation services are hereby transferred to and

conferred and imposed upon the secretary of services for the blind provided for by section 3, except as otherwise provided by this act.

(b) The secretary of services for the blind provided for by section 3 shall be a continuation of the division of services for the blind of the department of social and rehabilitation services and shall be the successor in every way to the powers, duties and functions of such division, except as otherwise provided by this act. On or after July 1, 1987, every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of services for the blind shall be deemed to have the same force and effect as if performed by the division of services for the blind of the department of social and rehabilitation services in which such functions were vested prior to July 1, 1987.

(c) On and after July 1, 1987, wherever the division of services for the blind of the department of social and rehabilitation services, or words of like effect, are referred to or designated by any statute, contract or other documents, such reference or designation shall be deemed to apply to the secretary of services for the blind.

(d) All orders and directives of the division of services for the blind of the department of social and rehabilitation services and all rules and regulations of the secretary of social and rehabilitation services which pertain to powers, duties or functions transferred by this act to the department of services for the blind or the secretary of services for the blind, in existence immediately prior to July 1, 1987, shall continue in force and effect and shall be deemed duly issued orders, directives and rules and regulations of the secretary of services for the blind until reissued, amended, revoked or nullified pursuant to law.

New Sec. 8. All officers and employees who were engaged immediately prior to July 1, 1987, in the performance of powers, duties and functions of the division of services for the blind of

the department of social and rehabilitation services and who, in the opinion of the executive board are necessary to perform the powers, duties and functions of the department of services for the blind, shall become officers and employees of the department of services for the blind. Any such officer or employee shall retain all retirement benefits and rights of civil service which had accrued to or vested in such officer or employee prior to July 1, 1987, and the service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers or any abolishments of position of personnel in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

New Sec. 9. (a) On and after July 1, 1987, when any conflict arises as to the disposition of any power, duty or function, or the unexpended balance of any appropriation as a result of any transfer made by this act or under authority of this act, such conflict shall be resolved by the governor, and the decision of the governor shall be final.

(b) On and after July 1, 1987, the department of services for the blind shall succeed to all property and records which were used for or pertained to the performance of the powers, duties and functions transferred to the department of services for the blind under the provisions of this act. Any conflict as to the property disposition of such property or records arising under this section and resulting from any transfer made by this act of powers, duties and functions to the secretary of services for the blind shall be determined by the governor, whose decision shall be final.

New Sec. 10. (a) No suit, action or other proceeding, judicial or administrative, pertaining to services for the blind or the powers, duties or functions of the division of services for the blind of the department of social and rehabilitation services lawfully commenced or which could have been commenced by or against the secretary of social and rehabilitation services in

such secretary's official capacity or in relation to the discharge of such secretary's official duties shall abate by reason of the governmental reorganization affected under the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the secretary of social and rehabilitation services.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

New Sec. 11. In addition to powers and duties otherwise provided by law, on and after July 1, 1987, the secretary of services for the blind shall have the following powers and duties to:

(a) Initiate or cooperate with other agencies in developing programs for the prevention of blindness and the restoration of eyesight;

(b) receive and disburse federal funds made available directly to the department, including those funds made available under the federal Randolph-Sheppard act (public law 93-516) and any amendments thereto, or under other federal acts for services to the blind, and to develop and administer any state plan for the blind required by federal law;

(c) provide consultation and assistance to communities and groups developing local and area services for the blind;

(d) promote community education regarding the problems of the blind through institutes, publications, radio, television and the press;

(e) cooperate with agencies of the federal government in studies and conferences designed to examine the needs of the blind and to prepare programs and facilities to meet those needs;

(f) establish and maintain information and referral services throughout the state and in conjunction with other agencies;

(g) establish state policies, with the advice and consent of the executive board, for the administration of the department,

for the disbursement of federal funds within the state and for state administration of federal programs consistent with relevant federal law, rules and regulations, policies and procedures;

(h) evaluate all programs, services and facilities for the blind within the state and determine the extent to which present public or private programs, services and facilities meet the needs of the blind; and

(i) evaluate and coordinate all programs, services and facilities for the blind presently furnished by state and federal agencies and make such appropriate recommendations regarding such services, programs and facilities to the governor and the legislature.

New Sec. 12. (a) The secretary shall serve as the sole state agency for the receipt of federal funds made available by federal acts for vocational rehabilitation of the blind within the state.

(b) The secretary may maintain or cause to be maintained a program of services to assist the blind in overcoming vocational handicaps. To attain the maximum degree of self-support and self-care under such program, the secretary may:

(1) Furnish diagnostic evaluation to determine the nature and scope of services to be provided;

(2) provide physical restoration to eliminate or minimize the effect of the handicap;

(3) provide for special education or training in the professions, business or trades under a vocational plan, and if the same cannot be obtained within the state, provision shall be made for such purposes outside of the state; living maintenance during the period of such education or training within or without the state may be furnished;

(4) establish and maintain one or more rehabilitation centers, training centers and workshops to teach the blind to prepare for and maintain trades or occupations when such training is feasible and will contribute to the efficiency and support of such blind persons, provide employment for them and devise means

for the sale and distribution of their products;

(5) provide rehabilitation teaching services and teaching of subjects which will assist the blind in the ease and enjoyment of daily living;

(6) place the blind in jobs or business enterprises in accordance with the abilities and interests of each applicant therefor;

(7) teach the blind trades or occupations which may be followed in their homes, to assist them in whatever manner may seem advisable in disposing of the products of their home industry; and

(8) aid the blind, either as individuals or groups of blind persons, to engage in gainful occupations by furnishing materials, equipment, goods or services to them, by providing such financial assistance as may be necessary to encourage and equip them to reach an established objective.

New Sec. 13. On and after July 1, 1987, the secretary may create and establish offices, divisions and administrative units as necessary for the efficient administration and operation of the department and may assign functions, powers and duties to the several officers, divisions and administrative units of the department.

New Sec. 14. Except as otherwise provided in this act, subject to the Kansas civil service act, the secretary shall appoint all subordinate officers and employees of the department and all such subordinate officers and employees shall be within the classified service under the Kansas civil service act. Personnel of the department shall perform such duties and exercise such powers as the secretary may prescribe, as approved by the executive board, and such duties and powers as are designated by law.

New Sec. 15. (a) On July 1, 1987, the balance of all funds appropriated and reappropriated to the department of social and rehabilitation services for the division of services for the blind, including the Kansas industries for the blind of such

department, shall be and is hereby transferred to the department of services for the blind and shall be used only for the purposes for which the appropriation was originally made.

(b) On July 1, 1987, liability for accrued compensation or salaries of officers and employees who immediately prior to such date were engaged in the performance of powers, duties or functions of the division of services for the blind of the department of social and rehabilitation services and who become officers or employees of the department of services for the blind shall be assumed and paid by the department of services for the blind.

New Sec. 16. No officer or employee of the department of services for the blind shall be prohibited from active participation, including the holding of office, in any consumer organization for or of the blind or visually impaired, or both the blind and visually impaired.

Sec. 17. K.S.A. 1986 Supp. 75-3317 is hereby amended to read as follows: 75-3317. As used in K.S.A. 75-3317 to 75-3322, inclusive, and amendments thereto, unless the context requires otherwise:

(a) "Committee" means the committee on state and unified school districts' purchases;

(b) "director of purchases" means the director of purchases of the department of administration;

(c) "Kansas industries for the blind division---and rehabilitation--services" means work shops and home industry projects for blind or other handicapped persons which are located in Kansas and which are supported, operated or supervised by the division department of services for the blind or-rehabilitation services-of-the-department-of-social-and-rehabilitation-services;

(d) "state agency" means any state office or officer, department, board, commission, institution, bureau or any agency, division or any unit within an office, department, board, commission or other state authority;

(e) "rehabilitation facility" means any community mental

health center or community facility for the mentally retarded operating under K.S.A. 19-4001 et seq. and amendments thereto or nonprofit corporation contracting with a mental retardation governing board to provide services under K.S.A. 19-4001 et seq. and amendments thereto, which has registered with the secretary of social and rehabilitation services for the purposes of K.S.A. 75-3317 to 75-3322, inclusive, and amendments thereto, and shall also mean the Kansas foundation for the blind, Wichita, Kansas, center industries, inc., Wichita, Kansas, and, upon registration hereunder, any workshop or other facility for blind or other handicapped persons which is located in Kansas and which is certified to the United States department of labor and licensed by the secretary of social and rehabilitation services as a sheltered workshop under K.S.A. 75-3307b and amendments thereto.

Sec. 18. K.S.A. 75-3318 is hereby amended to read as follows: 75-3318. (a) There is hereby established and created a committee on state and unified school districts' purchases which shall be composed of five members as follows: (1) The director of purchases, (2) the secretary of ~~social--and--rehabilitation services-or-his-or-her~~ services for the blind or the secretary's designee, (3) a local school administrator selected by the commissioner of education for a term of two years, (4) a member who shall represent rehabilitation facilities, and who shall be appointed by the governor for a term of two years, and (5) a member who shall be appointed by the governor for a term of two years.

(b) The committee shall make rules for its organization and proceedings and shall meet at least three times a year. The director of purchases shall be chairperson of the committee.

(c) Members of such committee attending meetings of such committee, or attending a subcommittee meeting thereof authorized by such committee, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto. Amounts paid under this section shall be from appropriations to the department of ~~social-and-rehabilitation services~~ for the blind upon warrants of

the director of accounts and reports issued pursuant to vouchers approved by the secretary of ~~social-and--rehabilitation~~ services for the blind.

Sec. 19. K.S.A. 1986 Supp. 75-3319 is hereby amended to read as follows: 75-3319. (a) The committee shall determine fair market prices of products manufactured, processed, and offered for sale and of services offered under K.S.A. 75-3317 to 75-3322, inclusive, and amendments thereto, by the Kansas industries for the blind ~~division-and-rehabilitation-services~~ and by each rehabilitation facility. All of the products and services shall be standard conforming. Those products and services offered for purchase by or for a state agency shall meet specifications required by the director of purchases. Those products offered for purchase by or for a unified school district shall meet specifications required by the board of education of the unified school district. The committee shall revise the prices determined under this section from time to time in accordance with changing market conditions.

(b) Each rehabilitation facility shall cooperate with and shall provide the committee, the director of purchases and the secretary of ~~social-and-rehabilitation~~ services for the blind with all information necessary for the administration of K.S.A. 75-3317 to 75-3322, inclusive, and amendments thereto.

(c) The provisions of K.S.A. 75-3317 to 75-3322, inclusive, and amendments thereto, shall apply only to products manufactured or processed in Kansas or services provided in Kansas by blind or other handicapped persons.

(d) The provisions of K.S.A. 75-3317 to 75-3322, inclusive, and amendments thereto, shall not be construed to require a unified school district to purchase services offered by blind or other handicapped persons under this act.

Sec. 20. K.S.A. 1986 Supp. 75-3320 is hereby amended to read as follows: 75-3320. (a) The secretary of ~~social-and-rehabilitation~~ services for the blind shall furnish to the department of administration, and to each person or officer

authorized to purchase materials, services and supplies for any state agency or unified school district, a list of products manufactured, processed and offered for sale and of services offered under K.S.A. 75-3317 to 75-3322, inclusive, and amendments thereto, by the Kansas industries for the blind ~~division---and---rehabilitation---services~~ and by rehabilitation facilities.

(b) The list of products and services shall be certified by the committee. The secretary of ~~social---and---rehabilitation~~ services for the blind shall amend such list from time to time in accordance with the recommendations of the committee.

Sec. 21. K.S.A. 1986 Supp. 75-3321 is hereby amended to read as follows: 75-3321. The director of purchases and any person or officer authorized to purchase materials and supplies for any state agency or unified school district or to purchase services for any state agency shall purchase, except as otherwise provided in this section, the products and services on the list certified by the committee from the Kansas industries for the blind ~~division---and---rehabilitation---services~~ or from a rehabilitation facility, when those products are to be procured by or for the state or unified school district or when those services are to be procured by or for the state. Services offered for purchase are not required to be purchased by a unified school district.

Sec. 22. K.S.A. 1986 Supp. 75-3322 is hereby amended to read as follows: 75-3322. Whenever the Kansas industries for the blind ~~division-and-rehabilitation-services~~ and rehabilitation facilities are unable to supply the products or services needed or are unable to meet delivery requirements on any order or requisition, a written waiver shall immediately be forwarded to the director of purchases or purchasing officer of the unified school district by the secretary of social and rehabilitation services or the secretary's designee and that waiver shall relieve and exempt the state or unified school district purchasing authority from the mandatory provisions of K.S.A.

75-3317 to 75-3322, inclusive, and amendments thereto, in the case of the specific order, request or requisition.

Sec. 23. K.S.A. 75-3337 is hereby amended to read as follows: 75-3337. For the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of 20 U.S.C. 107, of 1936, and acts amendatory thereto, an act of the congress of the United States of America commonly known as the Randolph-Sheppard vending stand act, shall be authorized to operate vending facilities on any state, county, and city or other property. In authorizing the operation of vending facilities on state, county, and city property preference shall be given, so far as feasible, to blind persons licensed by the ~~division of services for the blind of the~~ department of ~~social--and--rehabilitation services,~~ and for the blind. The head of each department or agency in control of the maintenance, operation, and protection of state property shall, after consultation with the secretary of ~~social--and--rehabilitation services~~ for the blind, prescribe regulations designed to assure such preference, including exclusive assignment of vending machine income to achieve and protect such preference for such licensed blind persons without adversely affecting the interests of the state of Kansas.

Sec. 24. K.S.A. 75-3338 is hereby amended to read as follows: 75-3338. As used in this act, unless the context otherwise requires: (a) The term "state of Kansas" shall include political subdivisions of the state of Kansas, except schools, cities of the third class and townships.

(b) The term "blind person" means a person whose central visual acuity does not exceed 20 over 200, in the better eye with correcting lens or whose visual acuity if better than 20 over 200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

(c) The term "vending facility" includes, but is not limited to, automatic vending machines, cafeterias, snack bars, cart service, shelters, counters, and such other appropriate auxiliary equipment as rules and regulations of the ~~division of services for the blind of the department of social and rehabilitation services~~ secretary of services for the blind prescribe and as are necessary for the sale of the articles or services referred to in paragraph (4) of subsection (a) of K.S.A. 75-3339 and amendments thereto, which are, or may be operated by blind licensees.

Sec. 25. K.S.A. 75-3339 is hereby amended to read as follows: 75-3339. (a) The ~~division of services for the blind of the department of social and rehabilitations services~~ secretary of services for the blind shall:

(1) Make surveys of concession vending opportunities for blind persons on state, county, city and other property;

(2) Make surveys throughout the state of Kansas of industries with a view to obtaining information that will assist blind persons to obtain employment;

(3) Make available to the public, especially to persons and organizations engaged in work for the blind, information obtained as a result of such surveys;

(4) Issue licenses to blind persons who are citizens of the United States for the operating of vending facilities on state, county, city and other property for the vending of foods, beverages, and other such articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, as determined by the licensing agency;

(5) Take such other steps, including the adoption of rules and regulations as may be necessary and proper to carry out the provisions of this act.

(b) The ~~division~~ secretary of services for the blind shall, in issuing each such license for the operation of a vending facility, give preference to blind persons who are in need of

employment. Each such license shall be issued for an indefinite period but may be terminated by ~~said-division-if-it~~ the secretary if the secretary is satisfied that the facility is not being operated in accordance with the rules and regulations prescribed by ~~such-division~~ the secretary. Such licenses shall be issued only to applicants who are blind as defined by subsection (b) of K.S.A. 75-3338 and amendments thereto.

(c) The ~~division~~ secretary of services for the blind, with the approval of the head of the department or agency in control of the maintenance, operation, and protection of the state, county and city or other property on which the vending facility is to be located, but subject to rules and regulations prescribed pursuant to the provisions of this act, shall select a location for such vending facility and the type of facility to be provided.

(d) In the design, construction, or substantial alteration or renovation of each public building after July 1, 1970, for use by any department, agency, or instrumentality of the state of Kansas, except the state park and resources authority and the Kansas turnpike authority, there shall be included, after consultation with the ~~division~~ secretary of services for the blind a satisfactory site or sites with space and electrical and plumbing outlets and other necessary requirements suitable for the location and operation of a vending facility or facilities by a blind person or persons. No space shall be rented, leased, or otherwise acquired for use by any department, agency, or instrumentality of the state of Kansas after July 1, 1970, except the state park and resources authority and the Kansas turnpike authority, unless such space includes, after consultation with the ~~division~~ secretary of services for the blind, a satisfactory site or sites with space and electrical and plumbing outlets and other necessary requirements suitable for the location and operation of a vending facility or facilities by a blind person or persons. All departments, agencies, and instrumentalities of the state of Kansas, except the state park and resources

authority and the Kansas turnpike authority, shall consult with the secretary of ~~social-and-rehabilitation-services-or-his-or-her~~ designee-and-the-division--of services for the blind or the secretary's designee in the design, construction, or substantial alteration or renovation of each public building used by them, and in the renting, leasing, or otherwise acquiring of space for their use, to insure that the requirements set forth in this subsection are satisfied. This subsection shall not apply when the secretary of ~~social-and-rehabilitation-services-or-his-or-her~~ designee-and-the-division-of services for the blind determine or the secretary's designee determines that the number of people using the property is insufficient to support a vending facility.

Sec. 26. K.S.A. 75-3339a is hereby amended to read as follows: 75-3339a. There is hereby established the vending facilities account, to which shall be credited all moneys received by or for the secretary of ~~social-and-rehabilitation services for the blind~~ in connection with the program authorized by K.S.A. 75-3337 et seq., and amendments thereto. All such moneys shall be deposited in a bank account designated by the pooled money investment board. Checks may be written upon such bank account for such program upon the signature of a person or persons designated by the secretary of ~~social-and-rehabilitation services for the blind~~. Moneys of the vending facilities account shall not be in or a part of the state treasury but shall be subject to post audit under ~~article-11-of-chapter--46--of--Kansas Statutes-Annotated~~ the legislative post audit act.

Sec. 27. K.S.A. 75-3340 is hereby amended to read as follows: 75-3340. The ~~division-of-services-for-the-blind-of-the department-of-social-and--rehabilitation--services~~ secretary of services for the blind shall:

(a) Provide for each licensed blind person such vending facility equipment, and adequate initial stock of suitable articles to be vended therefrom as may be necessary; ~~Provided,~~ however, ~~That;~~ such equipment and stock may be owned by said division the secretary of services for the blind, or by the blind

individual to whom the license is issued: ~~And provided further,~~
~~That;~~ if ownership of such equipment is vested in the blind licensee,

(1) ~~said--division~~ the secretary of services for the blind shall retain a first option to repurchase such equipment; and

(2) in the event such individual dies or for any other reason ceases to be a licensee or transfers to another vending facility, ownership of such equipment shall become vested in ~~said division~~ the secretary of services for the blind (for transfer to a successor licensee) subject to an obligation on the part of the ~~division~~ secretary of services for the blind to pay to such individual or to ~~his--or--her~~ such individual's estate the fair value of his or her interest therein as later determined in accordance with regulations of the ~~division~~ secretary of services for the blind and after opportunity for a fair hearing;

(b) if any funds are set aside, or caused to be set aside, from the proceeds of the operation of the vending facilities such funds shall be set aside, or caused to be set aside, only to the extent necessary for and may be used only for the purposes of (1) maintenance and replacement of equipment; (2) the purchase of new equipment; (3) management services; and (4) assuring a fair minimum return to operators of vending facilities: ~~---Provided,~~
~~however,~~ ~~---That;~~ in no event shall the amount of such funds to be set aside from the proceeds of any vending facility exceed a reasonable amount as determined by the provisions of 20 U.S.C. 107, of 1936, and acts amendatory thereto, an act of congress commonly known as the Randolph-Sheppard vending stand act;

(c) if inventories are required by ~~said--division~~ the secretary of services for the blind to be made of the stock and supplies of vending facilities, permit the licensed operator to elect to make ~~his--or--her~~ the operator's own inventories and report the same on forms furnished by ~~said--division~~: ~~---Provided,~~
the secretary, except that inventory of each vending facility shall be made at least once every four months: ~~---And provided further,~~ and in the event of the election of the licensed

operator to make ~~his--or-her~~ the operator's own inventory, the ~~said-division~~ secretary shall have the right to take an inventory of the vending facility at any mutually agreeable time;

(d) issue such rules and regulations, consistent with the provisions of ~~this-chapter~~, K.S.A. 75-3337 to 75-3343, inclusive, and amendments thereto as may be necessary for the operation of this program;

(e) provide to any blind licensee dissatisfied with any action arising from the operation or administration of the vending facility program an opportunity for a fair hearing, including binding arbitration by three persons consisting of one person designated by the ~~director-of-the--division~~ secretary of services for the blind, one person designated by the licensed blind operator, and a third person selected by the two; and

(f) in employing any personnel as may be necessary for the operation of the vending facility program give preference to blind persons who are capable of discharging the required duties: Provided, except that the licensed operator of a vending facility shall have final authority to hire and to discharge employees of ~~his-or-her~~ the operator's vending facility.

Sec. 28. K.S.A. 75-3341 is hereby amended to read as follows: 75-3341. (a) An arbitration board of three persons consisting of one person designated by the vending facilities advisory committee who shall serve as chairperson, one person designated by the head of the state department or agency controlling state property over which a dispute arises, and a third person who is not an employee of the departments concerned selected by the two shall hear appeals as provided in subsection (b) of this section.

(b) If, in the opinion of the ~~division~~ secretary of services for the blind any department or agency in control of the maintenance, operation, and protection of state property is failing to comply with the provisions of this act, or any regulations issued thereunder, it shall appeal to the board. The board shall, within 30 days' written notice of appeal, conduct a

hearing and render its decision which shall be in writing and shall be binding. If the board determines that the acts or practices of any such department or agency are in violation of this act, or the regulations issued thereunder, the head of the affected department or agency shall promptly cause such acts or practices to be terminated, and shall take such other action as may be necessary to carry out the decision of the board. All decisions of the board shall be published.

Sec. 29. K.S.A. 75-3343 is hereby amended to read as follows: 75-3343. There is hereby established a vending facilities advisory committee to the ~~division~~ secretary of services for the blind consisting of five members who shall be designated and certified annually by the board of directors of the Randolph-Sheppard vendors of Kansas, inc., a nonprofit organization of blind vending facilities operators, ~~and~~. The ~~director of the division~~ secretary of services for the blind shall meet with said the advisory committee at least one time annually for the purpose of mutual advice and consultation, ~~and~~. The actual expenses incurred by the members of said the advisory committee in attendance of such meetings are hereby authorized to be reimbursed by said ~~division~~ the secretary of services for the blind: Provided, Special meetings may be called upon the written request of the ~~director of the division~~ secretary of services for the blind which special ~~meeting~~ meetings shall convene within ~~fifteen--(15)~~ 15 days of the making of such written request: ~~And provided further~~, Expenses incurred by the members of said the advisory committee in their attendance of special meetings convened at their request shall not be reimbursed as hereinbefore stated.

Sec. 30. K.S.A. 75-3318, 75-3337, 75-3338, 75-3339, 75-3339a, 75-3340, 75-3341 and 75-3343 and K.S.A. 1986 Supp. 75-3317, 75-3319, 75-3320, 75-3321 and 75-3322 are hereby repealed.

Sec. 31. This act shall take effect and be in force from and after its publication in the statute book.

PROPOSED AMENDMENT TO S.B. NO. 47

As Amended by Senate Committee of the Whole

~~On page 1, in line 33, by striking all preceding "the",~~

On page 3, in line 100, preceding "Any" by inserting "The payments of compensation to each legislator for each calendar day for service at any regular or special session pursuant to this subsection (f) which are made for the period commencing on the effective date of this act and ending June 30, 1987, shall be adjusted to effect the full reduction prescribed by this subsection (f)."; in line 104, preceding the period by inserting "and for all purposes of computing disability or insured death and disability benefits payable to such legislator or such legislator's beneficiary"; preceding line 105, by inserting the following:

"Sec. 2. K.S.A. 46-137b is hereby amended to read as follows: 46-137b. (a) In addition to the compensation provided for by K.S.A. 46-137a and 75-3212, and amendments thereto, and any other statute, and except as otherwise provided by subsection (b):

(1) The president of the senate and the speaker of the house of representatives shall each receive an allowance in the amount of \$8,285 \$8,534 per annum, payable monthly, during their terms of office as speaker and president, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions;

(2) the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives and the assistant minority leaders of the senate and house of representatives shall each receive an allowance in the amount of \$4,228 \$4,355 per annum payable monthly during their respective terms of office which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective

positions;

(3) the chairperson of each of the senate and house committees on ways and means shall each receive an allowance in the amount of \$6,663 \$6,863 per annum, payable monthly during their respective terms of office, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions; and

(4) the majority and minority leaders of the senate and the house of representatives shall each receive an allowance in the amount of \$7,474 \$7,698 per annum, payable monthly during their respective terms of office, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions.

(b) (1) Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased, ~~for payroll periods chargeable to fiscal years commencing after June 30, 1986,~~ the annual compensation of officers of the legislature specified in subsection (a) shall be increased on the first day of the first payroll period immediately following the effective date of any such pay plan increase by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the annual compensation of such officers as prescribed by subsection (a) or amounts computed in accordance with this subsection ~~and which are in effect on the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act~~ for the day upon which such increase is computed.

(2) For the period commencing February 1, 1987, and ending on June 30, 1987, the rate of monthly compensation for officers of the legislature specified in subsection (a) shall be decreased by an amount equal to 3.8% of such monthly compensation, adjusted to the nearest dollar. After June 30, 1987, the rate of monthly compensation shall be that computed in accordance with the

provisions of subsection (a) and subsection (b)(1) of this section. Monthly compensation payments made for the period commencing on the effective date of this act and ending on June 30, 1987, shall be adjusted to effect the full reduction prescribed by this subsection (b)(2). Any amount by which the compensation of an officer of the legislature is reduced pursuant to this section for the period commencing on January 1, 1987, and ending on June 30, 1987, shall continue to be included as compensation for all purposes of computing retirement and pension benefits earned by such officer and for all purposes of computing disability or insured death or disability benefits payable to such officer or such officer's beneficiary."

And by renumbering subsequent sections accordingly;

Also on page 3, in line 105, by striking "is" and inserting in lieu thereof "and 46-137b are";

On page 1, in the title, line 23, by inserting before "and" the following: "and 46-137b"; also in line 23, by striking "section" and inserting in lieu thereof "sections";

New Proposed IRS Rules and 1987 Senate Bill No. 47

The Proposed IRS Rule is being made pursuant to the language of a footnote contained in the Conference Committee Report pertaining to Section 132 of the Tax Reform Act of 1986 which allegedly expresses the Congressional intent that the Treasury Department issue regulations coordinating the treatment of employee business expenses under I.R.C. §62 with the provisions of I.R.C. §162(h) relating to travel expenses of state legislators.

Under this proposed rule, when a legislator has made an election under I.R.C. §162(h), if I.R.C. §162(h) allows a legislator to deduct more than the legislator actually receives as a daily expense allowance, the excess over the actual amount received must be allocated between meals and other travel expenses under the ratio of meals and lodging expenses for the federal per diem reimbursement rules for travel expenses. The part allocated to meals is then subject to the new rules so that 20% of the meals allocation is not deductible and the remaining 80% of the meals allocation is deductible by itemizers, subject to the new 2% floor, under miscellaneous itemized deductions as an employee business expense.

Federal Travel Regulations for Topeka, Kansas, as of July 1, 1986 provide an allowance of \$40 for lodging and \$25 for meals for a total maximum per diem rate of \$65. The \$65 per diem is the amount of the allowable deduction under I.R.C. §162(h).

As SB 47 was originally introduced Kansas legislators for the period from January 1, 1987 through June 30, 1987 would be receiving the sum of \$62 for the per diem expense allowance. Thus, there would be an "excess" allowable daily expense deduction under I.R.C. §162(h) of \$3 which under the proposed rule would have to be allocated as follows:

lodging	[\$40/65 or 61.5%]	\$1.85
meals	[\$25/65 or 38.5%]	\$1.15

20% of the \$1.15, or \$0.23, per day would not be allowable as a deduction. The remaining 80% of the \$1.15, or \$0.92, could be deducted by itemizers as an employee business expense subject to the new rule setting a floor of 2% of adjusted gross income for miscellaneous deductions by itemizers.

As amended and passed by the Senate, SB 47 will avoid the consequence of this new rule.

Prepared by:
Robert A. Coldsnow
Legislative Counsel
March 4, 1987



MY NAME IS BRAD AVERY AND I AM REPRESENTING THE KANSAS ASSOCIATION OF PUBLIC EMPLOYEES IN OPPOSITION TO SENATE BILL 163.

OUR BASIS FOR OPPOSING THE CURRENT BILL IS THAT IT FALLS SHORT OF RECOGNIZING THE FIDUCIARY DUTY THE STATE IS ASSUMING BY WITHHOLDING FUNDS THE STATE OWES THE KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM UNTIL DECEMBER OF 1987 AND PAYING 5.5 PERCENT INTEREST IN THE INTERIM.

IF THE DECISION TO DELAY PAYMENT IS MADE, IT IS OUR CONTENTION THE STATE ASSUMES THE RESPONSIBILITY FOR THE BENEFICIAL INTEREST OF THE EVENTUAL RECIPIENTS. WHILE RETAINING THE FUNDS, THE STATE MUST EXERCISE THE CARE AND JUDGEMENT A PRUDENT MAN OF DISCRETION WOULD EXERCISE IN THE MANAGEMENT OF HIS OWN AFFAIRS, K.S.A. 17-5004.

UNDER THE CURRENT PLAN, KPERS ESTIMATES THAT IT WILL LOSE A MINIMUM OF SLIGHTLY OVER \$1.2 MILLION IN FISCAL 1987-88. CERTAINLY, NO ONE WOULD UNDERTAKE TO MANAGE HIS OWN AFFAIRS IN A MANNER CALCULATED TO LOSE THAT MUCH MONEY. IN ADDITION, A DECISION TO WITHHOLD WOULD BE ANALAGOUS TO A TRUST RELATIONSHIP WHEREBY THE STATE OWES A DUTY OF LOYALTY AND HENCE SHOULD AVOID TAKING ADVANTAGE OF ITS SUPERIOR POSITION OVER THE BENEFICIARIES OF KPERS FUNDS.

THE ASSOCIATION CONSIDERS IT ERRONEOUS TO REGARD FUNDS FOR THE RETIREMENT SYSTEM AS ORDINARY EXPENDITURES THAT CAN BE PUT OFF UNTIL THE TILL IS FULL. THOSE TO WHOM THE MONEY IS OWED SHOULD TAKE PRIORITY OVER A POLICY DECISION CONCERNING THE SIZE OF THE BUDGET'S ENDING BALANCE.

DELAYING PAYMENT OF THE STATE'S CONTRIBUTION AT THE EXPENSE OF THE RETIREMENT SYSTEM IN ORDER TO PAINT THE PICTURE OF A STRONGER FISCAL POSITION IS ILLUSORY. SOLVENCY SHOULD BE BASED ON THE CAPABILITY OF PAYING BILLS, NOT AVOIDING THEM.

THE SECOND ASPECT OF SB 163 THE ASSOCIATION FINDS OBJECTIONABLE IS THE EXTENSION OF THE PERIOD OF TRANSFER FROM QUARTERLY TO SEMI-ANNUALLY. THE STATE'S DISTRIBUTION OF THESE FUNDS OCCURS AS THE RESULT OF A PAST COMMITMENT TO PUBLIC EMPLOYEES, A FACT WHICH SHOULD SEVERELY RESTRICT DISCRETION IN ANY USE THAT WOULD PENALIZE THE RETIRMENT SYSTEM. THE BILL RECOGNIZES THIS IN A SECONDARY MANNER BY IMPOSING A JUDGMENT INTEREST RATE FOR LATE PAYMENT AND PAYING INTEREST.

HOWEVER, THESE CONCESSIONS IN NO WAY COMPENSATE THE SYSTEM FOR THE LOSS OF THE USE OF THESE FUNDS DURING THE LAPSED PERIOD. THEREFORE, THIS COMMITTEE SHOULD RECOGNIZE THE NATURE OF THESE FUNDS AND DISALLOW THIS PROVISION. IN ADDITION, THE ASSOCIATION PROPOSES THAT THE INTEREST PAID FOR THE MONEY BORROWED UNTIL DECEMBER OF 1987 AT LEAST EQUAL THAT COLLECTED BY THE RETIREMENT SYSTEM'S SHORT TERM INVESTMENT FUND (6.72 PER CENT).

Attachment 6
House Appropriations 3/9/87

HOUSE BILL No. 2084

By Committee on Judiciary

1-22

0017 AN ACT concerning the judicial council; relating to publication
0018 and distribution of reports; amending K.S.A. 20-2204 and
0019 repealing the existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 20-2204 is hereby amended to read as fol-
0022 lows: 20-2204. The council shall report on the work of the
0023 council, the facts ascertained, the conditions of business in the
0024 courts, conditions found to be defeating or deferring the admin-
0025 istration of justice, with recommendations concerning needed
0026 changes in the organization of the judicial department, in rules
0027 and methods in civil and criminal procedure and pertinent
0028 legislation. Such reports shall be printed by the director of
0029 printing. Copies shall be distributed by the council to (a) the
0030 legislature pursuant to K.S.A. 46-1212c; and amendments
0031 thereto, (b) justices of the supreme court, (c) judges of the
0032 district courts, court of appeals and municipal courts, (d) clerks
0033 of the district courts, and (e) attorneys registered pursuant to
0034 supreme court rule [209] who request such copies. Copies may be
0035 distributed to other persons or agencies that demonstrate a need
0036 therefor.

0037 Sec. 2. K.S.A. 20-2204 is hereby repealed.
0038 Sec. 3. This act shall take effect and be in force from and
0039 after its publication in the statute book.

authorizing fees therefor;

, other than persons specified in subsections (a) through (d), who are

and who pay the fee fixed therefor

upon payment of the fee fixed therefor, except that copies may be exchanged with such persons or agencies without payment of a fee for copies of similar reports or publications provided by such persons or agencies without a fee to the judicial council. The judicial council is hereby authorized to fix, charge and collect fees for such reports. Such fees shall be fixed in order to recover all or part of ^{the} printing, distribution and other publication costs incurred for such reports. All moneys received for such fees shall be deposited in the state treasury to the credit of the publications fee fund.

PROPOSAL for EPSDT OUTREACH

Introduction and Background-In 1975 Early and Periodic Screening, Diagnosis and Treatment was the Health Care Financing Administration's answer to the health needs of children in the Medicaid program. All Medicaid children were eligible to be screened to determine if any conditions existed requiring diagnosis and treatment by medical professionals. It is the one preventive health care program approved and funded by Congress. In spite of all outreach approaches and positive outcomes it has never been effectively utilized in Kansas.

Early and Periodic Screening, Diagnosis and Treatment services are considered to be a cost effective preventive health service for children, yet less than half of eligible ADC clients use the service. Expanded outreach to encourage Medicaid clients to participate is an option that should be pursued. Also, policies that make additional poor children eligible to receive Medical Assistance (EPSDT) should be pursued to limit the number of children in Kansas without access to primary health care.

Problem-Currently all Medical Assistance applicants are told of the availability of EPSDT services. Clients are given a form they can return to the SRS office to designate their desire to participate. They are also given an EPSDT brochure. If they do return the form, the local SRS office may provide the client with the name of a provider or may go as far as to schedule an appointment with the provider. Medical Assistance also spends about \$50,000 annually to reimburse clients for mileage to drive to provider's to receive EPSDT services. Part of the reason for the limited success of this outreach effort is probably that the referrals are made at the time clients apply for benefits. They may not know at that time whether or not they will be eligible for EPSDT, and at that point in the process they may be more concerned about their eligibility determination than the possibility of receiving preventive health services (EPSDT).

Proposed Solution and Goal-To increase the success of EPSDT outreach, SRS should initiate a pilot project that utilizes paraprofessionals to expand the outreach effort. The goal of this outreach effort would be to increase to 60% the number of eligible children and adolescents screened and assisted in receiving diagnostic and treatment services when necessary.

Over a period of time this would result in healthy employable adults not requiring the level of medical care that would have been needed without early treatment.

Method-This would be accomplished by:

1. Selecting one or more areas as test sites.
2. Utilizing paraprofessionals to do the following outreach efforts.
 - Meeting with clients face-to-face in SRS offices to discuss EPSDT and encourage clients to use the service. These contacts would be in addition to the EPSDT referral made at the time of application.
 - Contacting clients by phone and in their homes to discuss the benefits of EPSDT for clients who have not used the benefits, and

to encourage clients who have used EPSDT benefits to continue to do so.

- Offering transportation assistance to clients who cannot get to EPSDT services.
 - Developing public relation tools (i.e. posters, fliers) to inform persons who do not receive personal contact about EPSDT.
3. Central SRS personnel would continue their efforts to inform primary physicians in the Primary Care Network program of their contractual agreement to promote and provide EPSDT services.

The pilot project could be accomplished by either selecting three counties to be assigned special outreach paraprofessionals or selecting one county and assigning the outreach paraprofessionals who would be supervised by staff of the Division of Medical Programs.

The outreach staff would:

1. Contact all parents of new eligibles or adolescents to discuss benefits of the EPSDT Program and offer them this service if it is not received following initial offering.
2. Initiate follow-up contacts with current eligible persons not receiving screening to discuss the benefits and determine why EPSDT is not utilized and resolve these problems if possible.
3. Provide follow-up to all children and adolescents screened who were referred for diagnosis and treatment and did not receive this service. Assistance would be provided to receive the needed service.
4. Initiate follow-up contact with those who refused this service to discuss it further.
5. Contact PCN providers with assigned children and adolescents who have not been screened to determine why and take appropriate action.
6. Follow-up with all clients who miss appointments to determine the reason and provide assistance in re-scheduling and follow through. If it is determined that the problem is lack of transportation the client would be assisted in contacting local staff to make arrangements.

Reaching Medicaid eligibles would take place at the SRS office during various return visits, at the office of local health departments when receiving services not related to EPSDT, at high school health offices, other community settings and/or the eligible's home.

Operating such a program would require paraprofessional staff and funds for the staffs' travel. One option would be to train and utilize Aid to Dependent Children clients to be paid as paraprofessional outreach workers. The paraprofessionals would be paid at range 15 and would be assigned to the Division of Medical Programs. Assignments would be made according to the 29,539 eligible clients who have not been screened. These may be persons assigned to primary care physicians, new clients who did not understand the services,

Pilot Program

teenagers who must be convinced of the importance of these services or other groups.

Steps of administrative
Options-Two options are offered for consideration in determining the extent of services included in the plan.

1. Select Wyandotte, Sedgwick and Shawnee Counties and offer similar services in each county. Evaluation criteria would be why success or failure occurred and changes that would alter this. These three counties have 29,539 children and adolescents eligible for EPSDT.
2. Provide the service in Sedgwick county only and determine the difference in services received as compared to other counties. Sedgwick county has no participating health department. There are 14,189 eligible clients in Sedgwick county.

Evaluation-To evaluate the success of the pilot project it would be necessary to determine the current services provided and used and to compare the utilization of the pilot project with other counties after a year of operation. Comparisons should include:

1. The total number screened.
2. The number and outcome of referrals.
3. Client's attitudes about EPSDT before and after contact with the outreach worker.
4. The number returning for screens at established intervals.

Cost of Proposal-Federal match would be available as an administrative cost and matched at 50%.

Option One-Include Wyandotte, Sedgwick and Shawnee counties

	State	Federal	Total
Paraprofessional staff	\$82,080	\$82,080	\$164,160
Wyandotte	27,360	27,360	54,720
Sedgwick	27,360	27,360	54,720
Shawnee	27,360	27,360	54,720
Transportation	6,600	6,600	13,200
Supplies	225	225	450
Communications	1,593	1,593	3,186
Printing	1,000	1,000	2,000
Supervisor-Social Service Administrator II	14,500	14,500	29,000
Total	\$105,998	\$105,998	\$211,996

Option Two-Sedgwick county only

	State	Federal	Total
Paraprofessional staff	\$27,360	\$27,360	\$54,720
Transportation	2,100	2,100	4,200
Supplies	100	100	200
Communications	531	531	1,062
Printing	400	400	800
Total	\$30,491	\$30,491	\$60,982



STATE OF KANSAS

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

ROBERT C. HARDER, SECRETARY

STATE OFFICE BUILDING
TOPEKA, KANSAS 66612-1570

State Department of Social and Rehabilitation Services
Robert C. Harder, Secretary
Testimony
House Bill No. 2344
House Appropriation Committee
March 9, 1987

Mr. Chairman, members of the Committee, I am appearing today to provide the Kansas Department of Social and Rehabilitation Services (SRS) support to House Bill No. 2344 which, if adopted, would allow for the implementation of a pilot project to provide Early Periodic Screening Diagnosis and Treatment (EPSDT) outreach activities in Sedgwick, Wyandotte and Shawnee counties. These activities are to be carried out by SRS staff "within the limitations of appropriations available". EPSDT services offered by the Kansas Medicaid Program provide preventative health care and immediate remedial care for children and adolescents. Although participation is voluntary on the part of recipients, the State is required by federal regulation to offer the services to all those eligible. Federal regulations allow the State to provide more services for children participating in the EPSDT program than for other Medicaid adults or children.

The primary Medicaid services covered only for EPSDT participants in Kansas are:

- Dental services.
- Eyeglasses for mild vision problems and more often than once every four years.
- Elective surgery.
- Twenty four office visits a year (only twelve office visits a year are covered for those not in the EPSDT program.)
- More frequent psychotherapy visits.
- Substance abuse treatment in hospitals for forty five days; only twenty five days are covered for those not in the EPSDT program.
- Certain pharmaceutical products such as and medical equipment are covered.

EPSDT services are cost effective, preventative health services for children and adolescents, yet less than half of eligible clients participate in the program. Experience in other states has shown that face-to-face contact and outreach after the eligibility determination process is the best way to explain the services and increase participation. SRS staff does inform prospectively eligible clients about

3

the program at the time of application for assistance, but outreach to encourage participation is needed since only 42% of children participate.

This program, if funded, would be implemented by additional staff and would not increase the workload of current staff in the target counties.

The proposed pilot program is expected to demonstrate effective methods for increasing participation of children and adolescents in the EPSDT program. Increased participation in the program is expected to reduce the long range cost of health care for the target population. EPSDT participation should also increase the health of low income children and adolescents, decrease the number and severity of chronic conditions, and contribute to the productivity of Kansas adults of the future.

Operating such a program would require additional funds for staff, travel and supplies, a total of \$211,996. Fifty percent federal financial participation is available as an administrative expense. Expense to the State would be \$105,998.

The fiscal impact for an EPSDT outreach program in Sedgwick, Wyandotte and Shawnee counties is:

	State	Federal	Total
Paraprofessional staff	\$82,080	\$82,080	\$164,160
Wyandotte	27,360	27,360	54,720
Sedgwick	27,360	27,360	54,720
Shawnee	27,360	27,360	54,720
Transportation	6,600	6,600	13,200
Supplies	225	225	450
Communications	1,593	1,593	3,186
Printing	1,000	1,000	2,000
Supervisor-Social Service Administrator II	14,500	14,500	29,000
Total	<u>\$105,998</u>	<u>\$105,998</u>	<u>\$211,996</u>

BY: Robert C. Harder
Secretary
Social and Rehabilitation Services
March 9, 1987