

Approved \_\_\_\_\_

Date

4-29-88

MINUTES OF THE House COMMITTEE ON Appropriations

The meeting was called to order by Bill Buntten at  
Chairperson

11:30 ~~am~~/p.m. on April 6, 1988 in room 514-S of the Capitol.

All members were present except: Representative Dyck (excused)

Committee staff present: Diane Duffy, Legislative Research  
Ellen Piekalkiewicz, Legislative Research  
Robin Hunn, Legislative Research  
Jim Wilson, Revisor of Statutes  
Sharon Schwartz, Administrative Aide  
Sue Krische, Committee Secretary

Conferees appearing before the committee:

Jerry Slaughter, Kansas Medical Society  
Ted Ayres, General Counsel, Kansas Board of Regents  
Robert Gottschalk, Executive Secretary, Kansas State Fair  
Dr. Fred Tosh, Director, Wichita-Sedgwick County Health Department  
Beverly Gaines, Administrator, Butler-Greenwood Bi-County Health Dept.  
Dr. Darrel Newkirk, Kansas City-Wyandotte County Health Dept.  
Len Couch, Topeka Shawnee County Health Department  
Stephen N. Paige, KDHE  
Art Griggs, Department of Administration  
Ed Flentje, Secretary of Administration  
Dr. Marvin Harder, former Secretary of Administration

Others attending: see attached list.

Jerry Slaughter, Kansas Medical Society, requested the Committee to introduce a bill relating to the Health Care Stabilization Fund (Attachment 1). The bill will allow health care providers to select various levels of coverage--\$100,000, \$300,000 or \$1,000,000. Currently everyone is required to have \$1,000,000 in coverage. In addition, the bill sets in motion a plan to sunset the Fund in five years--July 1, 1993--projections that the Fund will be actuarially sound in five years. At that point, it will be closed to any new liabilities, but will still be liable for previous liabilities. Representative Chronister made a motion that the bill be introduced and referred directly to the House floor. Seconded by Representative Guldner. Motion carried.

SB 707 - An Act authorizing the state board of regents to sell certain real estate in Wichita, Kansas; imposing conditions thereon.

Gloria Timmer, Legislative Research, explained that SB 707 authorizes the Board of Regents to sell property in Wichita which was willed to the University of Kansas. The proceeds from the sale will be deposited with the Endowment Association and will be used to fund engineering and fine arts scholarships. Representative Miller moved that SB 707 be recommended favorably for passage. Seconded by Representative Goossen. Motion carried.

SB 732 - An Act authorizing the exchange and conveyance of certain real property between Emporia state university and the Emporia state university endowment association.

Gloria Timmer, Legislative Research, stated that SB 732 authorizes Emporia State University to trade ten acres of agricultural land for five city lots owned by the ESU Endowment Association. Representative Hamm moved that SB 732 be recommended favorably for passage. Seconded by Representative Wisdom. Motion carried.

Regarding SB 746 which was previously heard in Committee, Representative Heinemann made a motion to amend SB 746 to include the definition

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Appropriations,

room 514-S, Statehouse, at 11:30 ~~am~~/p.m. on April 6, 1988

of law enforcement officer in K.S.A. 22-2202(13), in addition to the statute--K.S.A. 74-5602--already sited in the bill. Seconded by Representative Chronister. Motion carried. Representative Williams made a conceptual motion to add fire fighters, farmers, and school teachers to SB 746. Seconded by Representative Ott. Motion carried. Representative Brady made a conceptual motion to include premissive language for all institutions of post-secondary education, including community colleges, private colleges, and Washburn University to participate in this program if they opt to do so. Seconded by Representative Shriver. Motion carried.

Representative Williams moved that SB 746, as amended, be recommended favorably for passage. Seconded by Representative Wisdom. Motion carried.

SB 711 - An Act concerning the treatment act for mentally ill persons; amending K.S.A. 1987 Supp. 59-2902 and repealing the existing section.

Ted Ayres, General Counsel, Kansas Board of Regents, explained that SB 711 seeks to amend the definition of "law enforcement officer" in K.S.A. 1987 Supp. Article 29 of Chapter 59 to include any regularly employed police officer of any university, community college, or Haskell Institute (Attachment 2). The Board requested this bill to allow statutory authority to university police to take various actions in emergency situations with regard to individuals considered to be mentally ill.

Representative Lowther moved that SB 711 be recommended favorably for passage. Seconded by Representative Hamm. Representative King offered a substitute motion to amend SB 711 to exclude law enforcement officers that have not had 320 hours of training. Seconded by Representative Vancrum. Motion carried. Representative Lowther moved that SB 711, as amended, be recommended favorably for passage. Seconded by Representative Brady. Representative Vancrum made a substitute motion to table SB 711. Seconded by Representative King. Motion carried.

SB 712 - An Act concerning the state fairgrounds; authorizing agreement for certain capital improvements and the grant or obtaining of certain easements.

Robert Gottschalk, Executive Secretary, Kansas State Fair, testified that SB 712 allows the State of Kansas to accept certain capital improvements to the State Fairgrounds from outside funding sources, primarily, the Fairgrounds Parimutuel Racing Association of Kansas. The proposed improvements will be approximately \$4 million. The state will own the improvements once they are made, and racing will be held 60 days in the Spring.

Staff explained a proposed technical amendment to SB 712 which requires a presentation of capital improvement plans to the Joint Committee on State Building Construction before the plans are approved (Attachment 3). Representative Ott moved adoption of this amendment. Seconded by Representative Hamm. Motion carried. Representative Ott moved that SB 712, as amended, be recommended favorably for passage. Seconded by Representative Turnquist. Motion carried.

SB 374 - An Act concerning the food service inspection reimbursement fund; amending K.S.A. 36-512 and repealing the existing section.

Dr. Fred Tosh, Director, Wichita-Sedgwick County Health Department, testified in support of SB 374 and provided written testimony (Attachment 4). The county health departments inspect licensed food service establishments under a contract with Kansas Department of Health and Environment (KDHE). Currently the local agencies are reimbursed in amounts equal to 60 percent of the fee revenue collected. This bill would increase

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the reimbursement to local agencies to 80 percent of the fees collected from inspection of food service establishments.

Beverly Gaines, Administrator, Butler-Greenwood Bi-County Health Department, stated that 80 percent reimbursement will help her local health department maintain their high standards for public safety (Attachment 5).

Dr. Darrel Newkirk, Kansas City-Wyandotte County Health Dept., feels the increased reimbursement would be equitable for the work being done.

Len Couch, Topeka Shawnee County Health Department, appeared in support of SB 374 (Attachment 6).

Stephen N. Paige, KDHE, stated that presently seven local health agencies covering eight counties contract with KDHE for food service establishment inspections (Attachment 7). Passage of SB 374 would result in an increase of approximately \$18,000 in overall reimbursements. Representative Fuller moved that SB 374 be amended by changing the date in line 36 of the bill from July 1, 1987 to July 1, 1988 and to recommend SB 374, as amended, favorably for passage. Seconded by Representative Williams. Motion carried.

SB 745 - An Act concerning land belonging to the state; relating to the granting of easements; amending K.S.A. 75-2131 and repealing the existing section.

Art Griggs, Department of Administration, stated that SB 745 would remove the requirement that the Secretary of Administration must approve or reject any easements granted by state agencies. It is clarified in the bill that agency heads and directors have the power to grant easements rather than any state officer. Representative Hoy moved that SB 745 be recommended favorably for passage. Seconded by Representative Williams. Motion carried.

Proceeding with final action on SB 449, Representative Guldner moved that SB 449 be recommended favorably for passage. Seconded by Representative Hamm. Representative Wisdom offered a substitute motion to reduce the assessment from \$100,000 to \$50,000. Motion failed for lack of a second. On the original motion to report favorably, motion carried.

HB 3111 - An Act concerning the Kansas public employees retirement system; relating to membership thereof; election by certain state officers; death and disability benefits.

Ed Flentje, Secretary of Administration, testified that HB 3111 relates to recruitment of agency heads. The bill allows a select number of individuals to opt out of KPERS and to have contributed by the agency a percentage of their salaries towards a deferred compensation plan which would be vested immediately.

In response to a question, Secretary Flentje distributed a listing of individuals affected by this bill (Attachment 8).

Dr. Marvin Harder, former Secretary of Administration, testified regarding HB 3111 on behalf of academics who work in state government. He believes this bill would permit academics coming into state government to retain their retirement programs, like TIAA-CREF, while serving in a state position. He noted the policy question is whether or not any person should have to forego his own retirement program to enter state service.

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MINUTES OF THE House COMMITTEE ON Appropriations,

room 514-S Statehouse, at 11:30 a.m./p.m. on April 6, 1988

SB 545 - Appropriations for FY89, mental health and retardation institutions and youth centers.

**NORTON STATE HOSPITAL**

The Subcommittee concurs with the Senate for FY 1988 and concurs with adjustments for FY 1989 (Attachment 9). A group home plan in Norton has been considered. Representative Shriver stated he is opposed to state-owned group homes. Representative Fuller moved adoption of the subcommittee reports. Seconded by Representative Goossen. Motion carried.

Representative Fuller moved that SB 545, as amended, be recommended favorably for passage. Seconded by Representative Shriver. Motion carried.

Representative Miller moved that SB 551 be recommended favorably for passage. Seconded by Representative King. Motion carried.

Representative Miller moved that SB 571, as amended, be recommended favorably for passage. Seconded by Representative Vancrum. Motion carried.

Regarding HB 3111, Representative Williams proposed to amend the bill to restrict its application to state officers defined as cabinet members and to strike the reference in the bill to "8% of salary" and leave that to negotiation with the individuals (Attachment 10). Representative Williams moved adoption of the amendment. Seconded by Representative Ott. Motion carried. Representative Williams moved that HB 3111, as amended, be recommended favorably for passage. Seconded by Representative Shriver. Motion carried.

Representative Miller moved to reconsider committee action on SB 551. Seconded by Representative King. Motion carried. Representative Ott made a motion to amend SB 551 in accordance with recommendations made by the Joint State Building Construction Committee to move the SRS institution equipment acquisition appropriation to FY 1989 as a lump sum to be allocated by the Department. Seconded by Representative Wisdom. Motion carried.

Representative Ott moved that SB 551, as amended, be recommended favorably for passage. Seconded by Representative Hoy. Motion carried.

The meeting was adjourned at 1:35 p.m.





AN ACT relating to coverages and surcharges under the Health Care Provider Insurance Availability Act; amending K.S.A. 40-3403 and repealing the existing section.

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

SECTION 1. K.S.A. 40-3403 is hereby amended to read as follows: K.S.A. 40-3403. (a) For the purpose of paying damages for personal injury or death arising out of the rendering of or the failure to render professional services by a health care provider, self-insurer or inactive health care provider subsequent to the time that such health care provider or self-insurer has qualified for coverage under the provisions of this act, there is hereby established the health care stabilization fund. The fund shall be held in trust in a segregated fund in the state treasury. The commissioner shall administer the fund or contract for the administration of the fund with an insurance company authorized to do business in this state.

(b) (1) There is hereby created a board of governors. The board of governors shall: (A) Provide technical assistance with respect to administration of the fund; (B) provide such expertise as the commissioner may reasonably request with respect to evaluation of claims or potential claims; (C) provide advice, information and testimony to the appropriate licensing or disciplinary authority regarding the qualifications of a health care provider; and (D) prepare and publish, on or before October 1 of each year, a summary of the fund's activity during the preceding fiscal year, including but not limited to the amount collected from surcharges, the highest and lowest surcharges assessed, the amount paid from the fund, the number of judgments paid from the fund, the number of settlements paid from the fund and the amount in the fund at the end of the fiscal year.

(2) The board shall consist of 14 persons appointed by the commissioner of insurance, as follows: (A) The commissioner of insurance, or the designee of the commissioner, who shall act as chairperson; (B) two members appointed from the public at large who are not affiliated with any health care provider; (C) three members licensed to practice medicine and surgery in Kansas who are doctors of medicine; (D) three members who are representatives of Kansas hospitals; (E) two members licensed to practice medicine and surgery in Kansas who are doctors of osteopathic medicine; (F) one member licensed to practice chiropractic in Kansas; (G) one member who is a licensed professional nurse authorized to practice as a registered nurse anesthetist; and (H) one member of another category of health care providers. Meetings shall be called by the chairperson or by a written notice signed by three members of the board. The board, in addition to other duties imposed by this act, shall

study and evaluate the operation of the fund and make such recommendations to the legislature as may be appropriate to ensure the viability of the fund.

(3) The board shall be attached to the insurance department and shall be within the insurance department as a part thereof. All budgeting, purchasing and related management functions of the board shall be administered under the direction and supervision of the commissioner of insurance. All vouchers for expenditures of the board shall be approved by the commissioner of insurance or a person designated by the commissioner.

(c) Subject to subsections (d), (e), (f), (i) and (k), the fund shall be liable to pay: (1) Any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable resident health care providers or resident self-insurers for any personal injury or death arising out of the rendering of or the failure to render professional services within or without this state; (2) any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable nonresident health care providers or nonresident self-insurers for any such injury or death arising out of the rendering or the failure to render professional services within this state but in no event shall the fund be obligated for claims against nonresident health care providers or nonresident self-insurers who have not complied with this act or for claims against nonresident health care providers or nonresident self-insurers that arose outside of this state; (3) any amount due from a judgment or settlement against a resident inactive health care provider for any such injury or death arising out of the rendering of or failure to render professional services; (4) any amount due from a judgment or settlement against a nonresident inactive health care provider for any injury or death arising out of the rendering or failure to render professional services within this state, but in no event shall the fund be obligated for claims against: (A) Nonresident inactive health care providers who have not complied with this act; or (B) nonresident inactive health care providers for claims that arose outside of this state, unless such health care provider was a resident health care provider or resident self-insurer at the time such act occurred; (5) reasonable and necessary expenses for attorney fees incurred in defending the fund against claims; (6) any amounts expended for reinsurance obtained to protect the best interests of the fund purchased by the commissioner, which purchase shall be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto but shall not be subject to the provisions of K.S.A. 75-4101 and amendments thereto; (7) reasonable and necessary actuarial expenses incurred in administering the act, which expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto; (8) annually to the plan or plans, any amount due pursuant to subsection (a)(3) of K.S.A. 40-3413 and amendments thereto; (9) reasonable and necessary expenses incurred by the

insurance department and the board of governors in the administration of the fund; (10) return of any unearned surcharge; (11) reasonable and necessary expenses for attorney fees and other costs incurred in defending a person engaged in residency training from claims for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider; (12) any amount due from a judgment or settlement for an injury or death arising out of the rendering of or failure to render professional services by a person engaged in residency training; (13) amounts authorized by the court pursuant to K.S.A. 1986 Supp. 60-3411 and amendments thereto; and (14) reasonable and necessary expenses for the development and promotion of risk management education programs.

(d) All amounts for which the fund is liable pursuant to subsection (c) shall be paid promptly and in full except that, in any case arising out of a cause of action which accrued before July 1, 1986, if the amount for which the fund is liable is \$300,000 or more, it shall be paid by installment payments of \$300,000 or 10% of the amount of the judgment including interest thereon, whichever is greater, per fiscal year, the first installment to be paid within 60 days after the fund becomes liable and each subsequent installment to be paid annually on the same date of the year the first installment was paid, until the claim has been paid in full. Any attorney fees payable from such installment shall be similarly prorated.

(e) In no event shall the fund be liable to pay in excess of \$3,000,000 pursuant to any one judgment or settlement against any one health care provider relating to any injury or death arising out of the rendering of or the failure to render professional services on and after July 1, 1984, and before July 1, 1986, subject to an aggregate limitation for all judgments or settlements arising from all claims made in any one fiscal year in the amount of \$6,000,000 for each provider.

(f) (1) Except as provided by K.S.A. 1986 Supp. 60-3411 and amendments thereto, the fund shall not be liable to pay in excess of \$1,000,000 pursuant to any one judgment or settlement for any party against any one health care provider relating to any injury or death arising out of the rendering of or the failure to render professional services on and after July 1, 1986, and prior to July 1, 1988, subject to an aggregate limitation for all judgments or settlements arising from all claims made in any one fiscal year in the amount of \$3,000,000 for each provider;

(2) From and after July 1, 1988, the fund shall not be liable to pay in excess of the fund coverage limitation as designated by each health care provider on a form prescribed by the Commissioner and completed by each health care



provider at the time of renewal of the basic liability coverage. Such designation shall be either \$100,000, \$300,000, or \$1,000,000, pursuant to any one judgment or settlement for any party against any one health care provider relating to any injury or death arising out of the rendering of or the failure to render professional services after July 1, 1988, subject to an aggregate limitation for all judgments or settlements arising from all claims made in any one fiscal year in the amount of three times the designated fund coverage limitation. The fund coverage limitation designated by each health care provider may not be changed until one year from the date of last designation. The annual premium surcharge for each health care provider shall be based upon the fund coverage limitation designated by the health care provider. The Commissioner shall consider the designated fund coverage limitation as described in this section in levying the annual fund surcharge. In no event shall the fund be liable to pay any amount due from a judgment or settlement arising out of the rendering of or the failure to render professional services during the period such election is in effect which is in excess of the level designated by the health care provider.

(g) A health care provider shall be deemed to have qualified for coverage under the fund: (1) On and after the effective date of this act if basic coverage is then in effect; (2) subsequent to the effective date of this act, at such time as basic coverage becomes effective; or (3) upon qualifying as a self-insurer pursuant to K.S.A. 40-3414 and amendments thereto.

(h) A health care provider who is qualified for coverage under the fund shall have no vicarious liability or responsibility for any injury or death arising out of the rendering of or the failure to render professional services inside or outside this state by any other health care provider who is also qualified for coverage under the fund. The provisions of this subsection shall apply to all claims filed on or after the effective date of this act.

(i) Notwithstanding the provisions of K.S.A. 40-3402 and amendments thereto, if the board of governors determines due to the number of claims filed against a health care provider or the outcome of those claims that an individual health care provider presents a material risk of significant future liability to the fund, the board of governors is authorized by a vote of a majority of the members thereof, after notice and an opportunity for hearing, to terminate the liability of the fund for all claims against the health care provider for damages for death or personal injury arising out of the rendering of or the failure to render professional services after the date of termination. The date of termination shall be 30 days after the date of the determination by the board of governors. The board of governors, upon termination of the liability of the fund under this subsection, shall notify the licensing or other disciplinary board having jurisdiction over the health care provider involved of the name of the health care provider and the reasons for the termination.

(j) (1) Upon the payment of moneys from the health care stabilization fund pursuant to subsection (c)(11), the commissioner shall certify to the director of accounts and reports the amount of such payment, and the director of accounts and reports shall transfer an amount equal to the amount certified from the state general fund to the health care stabilization fund.

(2) Upon the payment of moneys from the health care stabilization fund pursuant to subsection (c)(12), the commissioner shall certify to the director of accounts and reports the amount of such payment which is equal to the basic coverage liability of self-insurers, and the director of accounts and reports shall transfer an amount equal to the amount certified from the state general fund to the health care stabilization fund.

(k) Notwithstanding any other provision of the health care provider insurance availability act, no psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto shall be assessed a premium surcharge or be entitled to coverage under the fund if such hospital has not paid any premium surcharge pursuant to K.S.A. 40-3404 and amendments thereto prior to January 1, 1988.

NEW SECTION 2. The Health Care Stabilization Fund shall not be liable to pay any amount due from a judgment or settlement relating to any injury or death arising out of the rendering of or the failure to render professional services after July 1, 1993.

SECTION 3. K.S.A. 40-3403 is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its publication in the Kansas Register.



# KANSAS BOARD OF REGENTS

SUITE 609 • CAPITOL TOWER • 400 SW EIGHTH • TOPEKA, KANSAS 66603-3911 • (913) 296-3421

TESTIMONY TO HOUSE APPROPRIATIONS COMMITTEE  
CONCERNING SENATE BILL 711  
TED D. AYRES, GENERAL COUNSEL, KANSAS BOARD OF REGENTS  
APRIL 6, 1988

My name is Ted D. Ayres and I presently serve as General Counsel to the Kansas Board of Regents. I am here to testify in support of Senate Bill 711, which was introduced by the Senate Committee on Ways & Means at the request of the Board.

By way of background, I would refer you to Article 29 of Chapter 59 of the K.S.A. (1987 Supp.) which is the treatment act for mentally ill persons. The act presently provides statutory authority to "law enforcement officers" to take various actions in emergency situations with regard to individuals considered to be mentally ill persons. For example:

(i) K.S.A. 59-2908(a) permits any "law enforcement officer who has reasonable belief upon observation that any person is a mentally ill person and because of such person's illness is likely to cause harm to self or others if allowed to remain at liberty may take the person into custody without a warrant.

(ii) K.S.A. 59-2909(b) allows a treatment facility to admit and detain any person for emergency observation and treatment upon written application of any "law enforcement officer" having custody of any person pursuant to the above statute.

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Attachment 2

(iii) K.S.A. 59-2912(a) permits a district court to issue an order of protective custody upon the verified applicant of any "law enforcement officer."

While our university police officers could, on occasion, benefit by taking advantage of these laws, it has been determined by Attorney General Stephan that Article 29 is not applicable to them (A.G.O. 87-105, July 16, 1987). In reference to K.S.A. 59-2902(f), the Attorney General said:

"The definition is specific rather than giving just a general description of law enforcement officers. So, although university police officers are considered law enforcement officers in many instances, they are not for purposes of Article 29."

Our Regents institutions have occasion to deal with individuals who could be considered to be suffering from a severe mental disorder to the extent that such person is in need of treatment; lacks capacity to make an informed decision concerning treatment; and is likely to cause harm to self or others. These could be students. They could be employees. More than likely, they would be transient individuals who find the university campus as a convenient place to "hang out," stay warm, or rest their head.

Therefore, at the request of our chief executive officers, student affairs personnel and law enforcement personnel, the Board of Regents agreed to seek an amendment to Article 29 of Chapter 59 to allow our campuses to take advantage of the provisions of the bill. Senate Bill 711 is the response to this request. S.B. 711 seeks to amend the



definition of "law enforcement officer" to include any:

" . . . regularly employed police officer of any university,  
community college or Haskell institute."

Clearly, this language is broader than that requested by the Board.  
We do believe it addresses our concerns and needs and thus, I express  
(i) my appreciation for its introduction and (ii) and the support of  
the Board for Senate Bill 711.

I would be happy to stand for questions.

SENATE BILL No. 712

By Committee on Federal and State Affairs

3-2

PROPOSED AMENDMENTS

4-4-88

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Attachment 3

0017 AN ACT concerning the state fairgrounds; authorizing agree-  
0018 ment for certain capital improvements and the grant or ob-  
0019 taining of certain easements.

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

0021 Section 1. The state fair board is hereby authorized to enter  
0022 into agreements for capital improvements on the state fair-  
0023 grounds for the purposes of racing under the Kansas parimutuel  
0024 racing act and the operation of such racing, for which purposes  
0025 the right to make such capital improvements on state property is  
0026 hereby granted. Any such agreement shall have received prior  
0027 approval by the secretary of administration and the plans and  
0028 specifications for such capital improvements shall have received  
0029 prior approval by the director of architectural services ~~and the~~  
0030 *joint committee on state building construction*. Such capital  
0031 improvements shall become the property of the state upon com-  
0032 pletion and acceptance by the secretary of administration.

0033 Sec. 2. Subject to approval by the secretary of administra-  
0034 tion, the state fair board is hereby authorized, as the board  
0035 determines necessary or desirable to carry out its powers and  
0036 duties, to: (a) Grant easements to, or obtain easements from, the  
0037 city of Hutchinson, Kansas; or (b) deed *defined and described*  
0038 real property *for street and roadway purposes* to, or receive real  
0039 property deeded from, the city of Hutchinson, Kansas, *Reno*  
0040 *county*.

0041 Sec. 3. This act shall take effect and be in force from and  
0042 after its publication in the Kansas register.

. No such agreement shall be approved by the secretary of administration and no such plans and specifications for capital improvements shall be approved by the director of architectural services until the secretary and the director have first advised and consulted with  
on such agreement and such capital improvements

TESTIMONY BEFORE  
HOUSE APPROPRIATIONS COMMITTEE

S.B. 374

MY NAME IS DR. FRED TOSH AND I AM DIRECTOR OF THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH. I APPRECIATE THIS OPPORTUNITY TO APPEAR BEFORE YOU TO COMMENT ON S.B. 374. OUR CONTRACT WITH KDHE REQUIRES THE ENFORCEMENT OF STATE REGULATIONS ON BEHALF OF THE STATE. SERVICES PROVIDED INCLUDE ROUTINE INSPECTION OF ALL LICENSED FOOD SERVICE ESTABLISHMENTS IN THE COUNTY, CONSULTATION WITH OPERATORS CONCERNING PROPER FOOD HANDLING AND COMPLIANCE WITH REGULATIONS, REVIEW OF PLANS FOR NEW OR EXTENSIVELY REMODELED FACILITIES AND INITIAL LICENSING INSPECTIONS IN THE CASE OF NEW OPERATORS OR FACILITIES. THE CONTRACT CURRENTLY PROVIDES FOR THE RETURN OF 60% OF LICENSED REVENUE TO OFFSET PROGRAM EXPENSES. IN 1987 IN SEDGWICK COUNTY WE HAD 1,646 LICENSED FOOD SERVICE ESTABLISHMENTS TO WHICH OUR INSPECTORS MADE 3,618 VISITS. STAFF INVESTIGATED 193 COMPLAINTS AND APPROVED 319 NEW LICENSES. PLANS FOR 97 NEW OR EXTENSIVELY REMODELED FACILITIES WERE REVIEWED AND STAFF RESPONDED TO 9 FOOD SERVICE ESTABLISHMENT FIRES, WHICH OCCURRED AFTER HOURS. OUR COST FOR FOOD SERVICE ACTIVITIES AMOUNTED TO APPROXIMATELY \$110,000 AND WE RECEIVED JUST OVER \$58,000 IN REIMBURSEMENT. WE ESTIMATE ADDITIONAL REVENUE WITH 80% REIMBURSEMENT TO BE APPROXIMATELY \$19,000, MAKING A TOTAL REIMBURSEMENT OF \$78,000. AT THE 80% LEVEL OF REIMBURSEMENT, THE CITY-COUNTY WOULD BE CONTRIBUTING APPROXIMATELY \$32,000 TO THE PROGRAM.

THERE ARE SEVERAL ADVANTAGES OF THE CONTRACT SYSTEM:

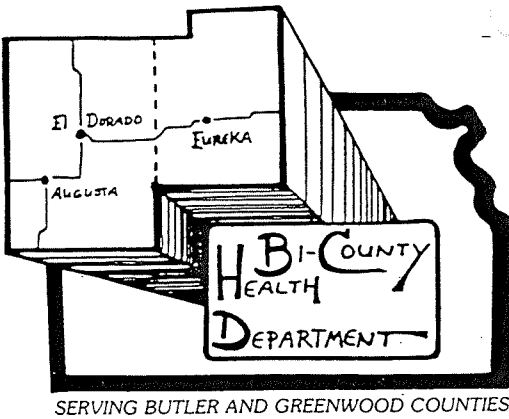
1. ELIMINATION OF DUPLICATE SERVICES. OPERATORS DEAL WITH ONE INSPECTOR AND PAY FOR ONE LICENSE.

HA  
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Attachment 4

2. ENHANCED RESPONSE TIME AND ACCESSIBILITY. INDIVIDUALS PROVIDING SERVICES ARE LOCATED WITHIN THE COMMUNITY SERVED AND ARE MORE READILY AVAILABLE TO BOTH THE PUBLIC AND ESTABLISHMENT OPERATORS. SUPERVISORY PERSONNEL ARE AVAILABLE DURING NORMAL BUSINESS HOURS FOR PLANS REVIEW, OPERATIONAL QUESTIONS AND PUBLIC INQUIRIES. COMPLAINTS ARE INVESTIGATED IMMEDIATELY WHEN POSSIBLE, BUT NO LATER THAN THE NEXT DAY. IN CASES REQUIRING IMMEDIATE RESPONSE, THE FIELD INSPECTION STAFF IS ACCESSIBLE BY PAGER DURING BUSINESS HOURS AND VIA 911 SYSTEM AT ALL OTHER TIMES.
3. ENHANCED LEVEL OF SERVICE. INSPECTIONS ARE CONDUCTED MORE FREQUENTLY DUE TO THE PRESENCE OF LOCAL STAFF. THE IMMEDIATE AVAILABILITY OF OTHER PUBLIC HEALTH PROFESSIONALS, SUCH AS PHYSICIAN, NURSES, WATER QUALITY SPECIALISTS AND LABORATORY PERSONNEL IS OF VALUE IN ADDRESSING UNUSUAL SITUATIONS, SUCH AS FOOD BORNE ILLNESS OUTBREAKS AND RURAL FACILITIES REQUIRING ON-SITE WATER AND SEWAGE SYSTEMS.

I FEEL THE JOINT STATE-LOCAL PARTNERSHIP IS PRODUCTIVE AND DESIRABLE. I URGE YOU TO INCREASE THE REIMBURSEMENT TO 80% OF FEES COLLECTED TO OFFSET SOME OF THE COSTS CURRENTLY BORNE BY LOCAL GOVERNMENT.





**EL DORADO OFFICE**  
 Butler County Courthouse  
 El Dorado, KS 67042  
 (316) 321-3400

**AUGUSTA OFFICE**  
 620 Osage  
 Augusta, KS 67010  
 (316) 775-6142

**EUREKA OFFICE**  
 Greenwood County Courthouse  
 Eureka, KS 67045  
 (316) 583-6632

April 6, 1988

TESTIMONY BEFORE HOUSE APPROPRIATIONS COMMITTEE

I'm Beverly Gaines, R.N. - I am the Administrator and Health Officer for the Butler-Greenwood Bi-County Health Department.

First of all, I want to thank you for giving me your undivided attention and for taking time to listen to this very important matter.

I want to discuss the subject of restaurant sanitation inspection fees.

Butler County is the largest geographical county in Kansas, and Greenwood County is the 6th largest county. We have more than 240 facilities which need to be inspected and approved each year. Our sanitation inspectors must travel throughout the 2500 square miles of our two counties and diligently inspect every one of these facilities. Our Health Department has set high standards and conducts precise inspections for our citizens so they are well protected and so that the state of Kansas is properly represented.

Here are some important points in which we need your help:

As you may already know, a serious disparity exists with the way the inspection fees are divided between the state and the local health departments which do the inspections. The local county inspectors conduct the inspections, respond to all citizen complaints, educate the restaurant owners and managers, diplomatically take care of daily concerns and questions throughout the community, and take all of this burden and time consuming job off the state officials. This means that the local health departments and their inspectors are doing 100% of the work to ensure that the state's responsibility to the citizen's sanitation needs are met. These local inspectors are on the job and ready to serve the public every day, and while they are doing 100% of the work, they are only receiving 60% of the inspection fee. I hope you agree that this is an obvious imbalance!

The \$40.00 inspection fee which is charged to the restaurant owners has not increased since 1981, and the 60% reimbursement to the local inspectors has remained the same. During these past seven years, this 60%, or \$24.00, has shrunk due to normal inflation. In 1981, this \$24.00 may have been sufficient reimbursement, but now this amount is no longer adequate to pay for the quality of inspections the public deserves and the state demands.

(cont'd)

HA  
 4-6-88  
 Attachment 5

**HEALTH & ENVIRONMENTAL PROTECTION**

- Communicable Disease Investigation
- Food Service & Handling Inspections
- Child Care Licensing
- Adult Care Home Facility Assessments
- Water Quality Control
- Wastewater Management
- Rabies Control
- Animal Control (Butler Co.)

**HEALTH PROMOTION & DISEASE CONTROL**

- Health Education & Risk Reduction Programs
- Early Intervention Screening & Detection
- Nutrition Services - WIC Program
- School Health Services
- Dental Health Services

**PERSONAL HEALTH**

- Parent & Child Health Immunizations
- Family Planning
- V.D. Testing & Treatment
- Tuberculosis Testing & Follow Up

**COMMUNITY SERVICES**

- Community Health Nursing Visits
- Certified Home Health Agency Visits
- Community & Senior Citizens' Health Clinics
- Coordination of Community Resources & Case Management
- Homemaker Services (Butler Co.)

It is important that local health departments are adequately compensated because they can do several things that the regional inspectors cannot do. For example: local inspectors can respond to health complaints the same day the complaint is received. This type of personal and immediate service gives our citizens peace of mind and confidence in our inspection quality. It also keeps restaurant owners on notice that their shortcomings will be cited and immediately followed up on.

Often times, our inspectors make repeat visits to facilities to ensure that proper health standards are met and maintained. In one recent case, our inspectors made several repeat visits to a new facility which required several hours of time and more than 125 miles of driving expense. Regional inspectors may not have been able to be that diligent, and we were insistent on not compromising our standards for public welfare.

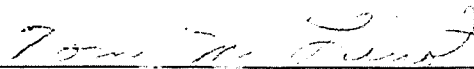
You can easily see that these local inspectors are doing all of the work and maintaining 100% of the citizen's concern and welfare. At the same time, local health departments are compensated only 60% of the fee charged for the work they do. How did this obvious disparity happen, and when will we decide to do something to rectify it?


I hope you will agree with me, and all of the other affected counties, that NOW is the time to take some positive action on this problem.

Our statistics indicate that for the counties and the contracts which represent approximately 3900 establishments which local health department inspectors maintain, we are talking about a fiscal budget change of around \$40,000 dollars.

Senate Bill 374 is prepared to remedy this long overdue situation. Changing the 60% reimbursement to only 80% will help to correct the disparity and begin to properly reimburse the local inspectors for the 100% of the work they are already doing. This 80% reimbursement will help our local health departments to maintain their high standards for public safety and the public will receive the service they deserve. This increase will also ensure that the State of Kansas will continue to fulfill their promise of excellence to their citizens.

- - - - - PLEASE SUPPORT AND VOTE YES FOR SENATE BILL 374 - -

  
\_\_\_\_\_  
Tom M. Linot, Chairman  
Board of Health

  
\_\_\_\_\_  
Beverly J. Gaines/R.N.  
Administrator/Health Officer

PRESENTATION TO THE HOUSE OF APPROPRIATIONS COMMITTEE

BY

LYNN E COUCH

DIRECTOR OF ENVIRONMENTAL HEALTH

TOPEKA SHAWNEE COUNTY HEALTH AGENCY

APRIL 6, 1988

MEMBERS OF THE COMMITTEE: I APPRECIATE THE OPPORTUNITY TO TESTIFY.

THE TOPEKA SHAWNEE COUNTY HEALTH AGENCY IS ONE OF THE LOCAL AGENCIES WHICH CONTRACTS WITH THE SECRETARY OF HEALTH AND ENVIRONMENT FOR FOOD SERVICE INSPECTION SERVICES. THERE EXIST WITHIN TOPEKA AND SHAWNEE COUNTY 689 FOOD SERVICE ESTABLISHMENTS HOLDING A PERMIT FROM THE SECRETARY. THE AGENCY APPLAUDS THE EFFORTS OF THE DEPARTMENT AND THE SECRETARY TO REDUCE THE DUPLICATION OF INSPECTIONS IN FOOD SERVICE ESTABLISHMENTS.

THE LARGE NUMBER OF ESTABLISHMENTS AND THE MEALS SERVED EACH DAY, PROVIDES AN EXCELLENT OPPORTUNITY FOR FOOD BORNE DISEASE OUTBREAKS. THE COST OF PROVIDING SEMI-ANNUAL INSPECTION OF ALL FOOD SERVICE ESTABLISHMENTS IN TOPEKA AND SHAWNEE COUNTY IS \$38,368.00. DURING CALENDAR YEAR 1987, THE LATEST ON RECORD, INDICATES THAT THE 60 PERCENT REIMBURSEMENT RATE SUPPLIES \$21,822.00 INCOME TO SUPPORT THIS PROGRAM. A THIRTY-THREE PERCENT INCREASE IN THESE FUNDS AVAILABLE TO THE LOCAL DEPARTMENTS WILL GO FAR TOWARD MAKING THIS PROGRAM TRULY FEE SUPPORTED.

IN A DAY OF SHRINKING RESOURCES AT THE LOCAL LEVEL THE SHIFT TO INCREASED FEE SUPPORT IS WELCOME. THE TOPEKA SHAWNEE COUNTY HEALTH AGENCY FULLY SUPPORTS SENATE BILL NUMBER 374 AS DRAFTED.

HA  
4-6-88  
Attachment 6

STATE OF KANSAS



DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field

Topeka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, Governor

Stanley C. Grant, Ph.D., Secretary  
Gary K. Hulett, Ph.D., Under Secretary

TESTIMONY PRESENTED TO  
HOUSE APPROPRIATIONS COMMITTEE

BY

THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Senate Bill 374

Passage of S.B. 374 would amend the Kansas Food Service and Lodging Act increasing reimbursement to contracting counties for inspection services. At the present time seven local health agencies covering eight counties contract with the Secretary, Kansas Department of Health and Environment for the purpose of conducting food service establishment inspections. K.S.A. 36-512 allows reimbursement to contracting counties at a rate equal to 60% of the revenues from their respective jurisdictions. The Kansas Department of Health and Environment has contracted with local health agencies since 1976 as a means of reducing duplication of inspection services. Passage of S.B. 374 as proposed would increase the reimbursement rate from 60% to 80% of fees collected. As a result, overall reimbursements to contracting counties would be expected to increase from \$144,000 to \$192,000 annually.

We support passage of S.B. 374.

Presented by

Stephen N. Paige  
Director  
Bureau of Food, Drug and Lodging  
April 6, 1988

HA  
4-6-88  
Attachment 7



M E M O R A N D U M

TO: H. Edward Flentje  
Secretary of Administration

FROM: Arthur H. Griggs  
Chief Attorney

DATE: April 6, 1988

SUBJECT: Employees eligible to opt out  
of KPERS under H.B. 3111

The following listing was prepared by my staff, with help from DPS and Sue Bauman. There may be a few others we overlooked, but this list appears complete.

I. Cabinet secretaries - total of 10

Secretary of the Department of Commerce  
Secretary of the Department of Human Resources  
Secretary of the Department of Social and  
Rehabilitation Services  
Secretary of the Department of Transportation  
Secretary of the Department on Aging  
Secretary of the Department of Revenue  
Secretary of the Department of Health and  
Environment  
Secretary of the Department of Corrections  
Secretary of the Department of Administration  
Secretary of the Department of Wildlife and Parks

II. Other agency heads - total of 9

Superintendent of the Kansas Highway Patrol  
State Grain Inspector  
Executive Director of the Kansas Lottery  
Executive Director of the Kansas Racing Commission  
President of the Kansas Development Finance  
Authority  
State Fire Marshal  
State Librarian  
Securities Commissioner  
~~Attorney General~~  
*Adjutant*

III. Governor's staff - total of 28

There are currently 28 unclassified employees appointed to the Governor's staff.

Grand total of 47

## SUBCOMMITTEE REPORT

Agency: Norton State Hospital

Bill No. 545

Bill Sec. 10

Analyst: Hunn

Analysis Pg. No. 345

Budget Pg. No. 6-33

<u>Expenditure Summary</u>	<u>Agency Req. FY 89</u>	<u>Governor's Rec. FY 89</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 2,658,018	\$ 2,131,929	\$ --
General Fees Fund	193,314	202,421	--
Medicaid	2,849,655	3,118,692	--
Other Funds	--	--	--
Subtotal	\$ 5,700,987	\$ 5,453,042	\$ --
Capital Improvements:			
State Institutions			
Building Fund	234,900	--	--
TOTAL	\$ 5,935,887	\$ 5,453,042	\$ --
FTE Positions	214.0	194.0	--

### Agency Estimate/Governor's Recommendation

The FY 1989 budget request of \$5,700,987 includes funding for 214 FTE positions, a net reduction of 47 FTE positions from FY 1988. The proposed reduction in FTE positions is based on the deletion of 60 existing positions and a request for 13 new positions. The reduction in positions is due to the proposed reduction in the number of residents in FY 1988 described above. Reductions are also made in various OOE items to reflect the smaller client population.

The Governor recommends an operating budget of \$5,453,042 for Norton in FY 1989, including 194.0 FTE positions, a reduction of 67 positions. None of the positions requested by Norton are recommended in FY 1989. The Governor's recommendations are based on a population of 60 clients throughout FY 1989.

### Senate Subcommittee Recommendations

The Subcommittee concurs with the Governor's recommendations for FY 1988 and FY 1989. Adjustments to Norton's budget may be necessary at a later date once decisions have been made regarding client movement.

### Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee.

### Senate Committee of the Whole

The Senate concurs with the Senate Committee recommendations.

*HA*  
*4-6-88*  
*Attachment 9*

<u>Expenditure Summary</u>	<u>Senate Adjustments</u>	<u>Senate Rec.</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ --	\$ 2,131,929	\$ (1,158,668)
General Fees Fund	--	202,421	(102,421)
Medicaid	--	3,118,692	(2,818,692)
Other Funds	--	--	--
Subtotal	<u>\$ --</u>	<u>\$ 5,453,042</u>	<u>\$ (4,079,781)</u>
Capital Improvements:			
State Institutions			
Building Fund	\$ --	\$ --	\$ --
TOTAL	<u>\$ --</u>	<u>\$ 5,453,042</u>	<u>\$ (4,079,781)</u>
FTE Positions	--	194.0	(30)

House Subcommittee Recommendations

The House Subcommittee concurs with the Senate with the following adjustments:

FY 1988. Concur.

FY 1989. The Subcommittee learned that there will be between 50 and 60 clients at Norton State Hospital on July 1, 1988. The total budget recommended by the Governor for Norton in FY 1989 is \$5.5 million of which \$2.1 million is from the State General Fund, and also includes 194 positions.

The Subcommittee expresses their extreme concern over the current situation of housing inmates at Norton when there are still mentally retarded clients at Norton. The Subcommittee believes the Norton clients should be moved to community facilities as soon as possible and that the entire Norton facility should be turned over to the Department of Corrections. The Subcommittee therefore makes the following recommendations:

1. All mentally retarded clients at Norton should be moved to community facilities by October 1, 1988.
2. On July 1, 1988, the Department of Corrections should take over the physical plant operations at Norton, including power plant operations, and maintenance. The Department of Corrections may hire many of the Norton State Hospital physical plant staff. There were 30 positions deleted from the Norton budget in conjunction with this recommendation. Corrections should bill SRS for the costs of services provided to Norton clients, so that federal Medicaid funds will be generated.
3. It is assumed that Norton will generate federal Medicaid receipts of approximately \$300,000 if the hospital is closed effective

October 1, and that approximately \$100,000 in fee fund revenue will be generated.

4. The Subcommittee recommends that \$973,261 from Norton's State General Fund budget be retained to fund hospital operations and that 50 percent of the remaining Norton State General Fund budget (\$579,334) be placed in the SRS budget which could be transferred from this line item to the Norton State Hospital budget, only upon approval by the State Finance Council, if it is determined that Norton needs some additional funding to close out the hospital by October 1, 1988. Any remaining funds could be used to place other clients from state institutions into the community.
5. The Subcommittee recommends that the remaining amount in the Norton budget from the State General Fund (\$579,334) be used to place Norton State Hospital clients in the community. The Subcommittee notes that this amount, in conjunction with the amount already in the SRS budget to move clients out of state institutions would total \$1,098,920. This would allow, for example, the movement of 60 clients out of Norton for 12 months at an average cost per day of \$100, and assuming 90 percent of the clients would be eligible for federal matching funds for \$1,105,950.

The Subcommittee recommends these funds be placed in the SRS budget in the special purpose mental retardation grants line item during the Omnibus session.

6. The Subcommittee notes that these recommendations will retain the Governor's recommendations to serve an additional 100 clients off community waiting lists. The House Committee recommendations for SRS to serve an additional 25-30 clients from the community waiting list provide for a total of 125-130 new clients served from the community waiting list in FY 1989, for an average of six months at an average cost of \$50 per day. (The cost of \$50 per day and financing for six months of movement was recommended by the Governor.)

The Subcommittee believes that the plan presented by SRS to move clients out of Norton and off the community waiting list at costs ranging from \$80 to \$150 per day is excessively expensive. The Subcommittee notes that clients from the community waiting lists and from institutions are now being served through special grants at an average cost of \$40-50 per day. The Subcommittee acknowledges that the remaining clients at Norton may be more expensive to serve and therefore plans for up to \$100 per day for those clients. The Subcommittee notes that the highest rate now paid to a private Intermediate Care Facility for the Mentally Retarded is \$125 per day for a facility serving severely handicapped persons. A rate of \$150 per day would also be higher than any of the other three state institution's rates. In light of these rates, the Subcommittee believes that a rate of \$150 per


day for community based services is out of line with the current SRS system and would not be the most efficient way to spend limited SRS resources.

The Subcommittee also does not concur with the SRS plan to place the entire Norton budget in the SRS budget. The Subcommittee believes the Legislature should not give total discretion to SRS in developing a plan for Norton, particularly given the expensive program SRS is considering.



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Representative Wanda Fuller  
Subcommittee Chairman



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Representative Jack Shriver



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Representative Duane Goossen

NORTON

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GOV. REC.-TOTAL BUDGET	\$5,453,042
PHYSICAL PLANT COSTS 30 POSITIONS	\$1,144,293
PERCENT OF TOTAL BUDGET	21%
EST. COST FOR 3 MONTHS-TOTAL	\$1,363,261
EST. COST FOR 3 MOS. IF PHYSICAL PLANT DELETED	\$1,363,261
LESS: ESTIMATED FEE FUNDS	\$100,000
LESS: ESTIMATED MEDICAID FUNDS	\$300,000
NET STATE FUNDS NEEDED AT NORTON	\$973,261
TOTAL SGF	\$2,131,929
LESS: NORTON AMOUNT	\$973,261
REMAINDER	\$1,158,668
USE 50 PERCENT OF SAVINGS FOR NORTON CONTINGENCY OR ADDTL. MOVEMENT FROM OTHER STATE INSTITUTIONS	\$579,334
USE 50% OF SAVINGS FOR CLIENT MOVEMENT OUT OF NORTON	\$579,334
PLUS FUNDS IN GOV. BUDGET FOR CLIENT MOVEMENT OUT OF STATE INSTITUTIONS	\$519,586
TOTAL AVAILABLE	\$1,098,920

EXAMPLE:

MOVEMENT OF 60 CLIENTS FROM NORTON	
AVG. COST PER DAY \$100	
MOVEMENT FOR 12 MONTHS	
ASSUME 90% HCBS ELIGIBLE	\$1,105,950

HOUSE BILL No. 3111

By Committee on Appropriations

4-4

PROPOSED AMENDMENTS TO HB 3111

For Consideration by House Appropriations Committee

4-6-88

HA  
4-6-88  
Attachment 10

0017 AN ACT concerning the Kansas public employees retirement  
0018 system; relating to membership thereof; election by certain  
0019 ~~employees~~; death and disability benefits.

state officers

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

0021 Section 1. (a) Subject to procedures or limitations prescribed  
0022 by the governor, any ~~executive branch employee in the unclas-~~  
0023 ~~sified service under the Kansas civil service act who is appointed~~  
0024 ~~by the governor and serves without a fixed term of office~~ may  
0025 elect to not become a member of the system.

state officer

0026 (b) (1) Any such ~~employee~~ described in subsection (a) who is  
0027 a member of the Kansas public employees retirement system,  
0028 upon the effective date of this act, may elect to not be a member  
0029 by filing an election with the office of the retirement system.

Each state officer filing such election

0030 ~~Such employee~~ may withdraw the ~~employee's~~ accumulated  
0031 contributions then on deposit with the system in the same  
0032 manner as prescribed in K.S.A. 74-4917 and amendments thereto  
0033 for employees upon termination.

state officer's

state officer

0034 (2) Any ~~employee~~ who has filed an election and received a  
0035 refund of contributions shall be entitled to again become a  
0036 member of the system upon the filing of proper notice in such  
0037 form as prescribed by the system and upon the making of a single  
0038 lump-sum payment in an amount equal to all withdrawn con-  
0039 tributions, plus interest at a rate specified by the system.

0040 ~~(c) Subject to limitations prescribed by the secretary of ad-~~  
0041 ~~ministration, the state agency employing any employee who has~~  
0042 ~~filed an election as provided under subsection (a) or (b) and who~~  
0043 ~~has entered into an employee participation agreement, as pro-~~  
0044 ~~vided in K.S.A. 75-5524 and amendments thereto for deferred~~  
0045 ~~compensation pursuant to the Kansas public employees deferred~~



0046 compensation plan shall contribute to such plan on such em-  
0047 ployee's behalf an amount equal to 8% of the employee's salary,  
0048 as such salary has been approved pursuant to K.S.A. 75-2935b  
0049 and amendments thereto or as otherwise prescribed by law.

0050 ^ Sec. 2. (a) For the purposes of providing the "insured death  
0051 benefit" and "long-term disability benefit" as prescribed in  
0052 K.S.A. 74-4927 and amendments thereto and of providing the  
0053 "accidental death benefit" as prescribed in subsection (2) of  
0054 K.S.A. 74-4916 and amendments thereto, to all ~~employees~~ who  
0055 have filed an election as provided in subsection (a) or (b) of  
0056 section 1, on and after the first day of the first payroll period of  
0057 the fiscal year ending June 30, 1989, the term "member" as used  
0058 in K.S.A. 74-4927 and amendments thereto and subsection (2) of  
0059 K.S.A. 74-4916 and amendments thereto and as used in this  
0060 section shall include the aforementioned ~~employees~~

0061 (b) The state agency employing any member shall pay to the  
0062 Kansas public employees retirement system in such manner as  
0063 the board of trustees shall prescribe, beginning with the first day  
0064 of the first payroll period of the fiscal year ending June 30, 1989,  
0065 and each payroll period thereafter, an amount sufficient to pay  
0066 the employer's contribution to the group insurance reserve as  
0067 provided in subsection (4) of K.S.A. 74-4927 and amendments  
0068 thereto.

0069 (c) The state agency employing any member shall maintain a  
0070 file of the beneficiaries named by the persons covered under this  
0071 section in the form and manner as prescribed by the board of  
0072 trustees.

0073 (d) Coverage under the plan of death and long-term disability  
0074 benefits and accidental death benefits shall begin with the first  
0075 day of the first payroll period of the fiscal year ending June 30,  
0076 1989, for such member ~~and other persons as defined in this~~  
0077 ~~section.~~

0078 Sec. 3. This act shall take effect and be in force from and  
0079 after its publication in the Kansas register.

(c) As used in this section and section 2, "state officer" means any member of the governor's cabinet, and "member of the governor's cabinet" means the secretary of administration, secretary on aging, ~~secretary of agriculture,~~ secretary of commerce, secretary of corrections, secretary of health and environment, secretary of human resources, secretary of revenue, secretary of social and rehabilitation services, secretary of transportation ~~and~~ secretary of wildlife and parks.

state officers

of the Kansas public employees retirement system

10-2