

Approved 3-23-88 Thomas F. Walker TK  
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Thomas F. Walker at  
Chairperson

9:00 a.m./p.m. on Tuesday, March 22, 1988 in room 522-S of the Capitol.

All members were present except:

Representative Peterson

Committee staff present:

Avis Swartzman - Revisor  
Carolyn Rampey - Legislative Research Dept.  
Mary Galligan - Legislative Research Dept.  
Robin Hunn - Legislative Research Dept.  
Jackie Breymeyer - Committee Secretary  
Conferees appearing before the committee:

Arden Ensley - Revisor of Statutes

Chairman Walker called the meeting to order. The minutes will stand approved at the end of the meeting if there are no corrections or additions.

Subcommittee Chairman, Dale Sprague, reported on HB 2700 - Civil Air Patrol. The Subcommittee Report was distributed. Representative Sprague stated the Subcommittee had met with Representative Apt and Colonel Rissmiller on March 21 and reviewed a draft bill. Several issues were clarified at this meeting. He explained the five points wherein the substitute bill would differ from the original. (See Attachment 1) Copies of the substitute bill were distributed. (See Attachment 2) The bill would be a melding of two programs and a meshing of the federal and state laws. The signed Subcommittee Report was given to the Chairman. (See Attachment 3)

Vice-Chairperson Hassler moved that Substitute Bill 2700 be favorably passed.  
Representative Barr gave a second to the motion. The motion carried.

Chairman Walker extended his thanks to the Subcommittee for their work.

Arden Ensley, Revisor of Statutes was present to explain a number of Senate bills on the agenda. He told what each bill would do when it would pass and why passage of these bills was needed. The bills were: SB 662-prefiling of bill; SB 664-meetings held prior to legislative session; SB 681-session laws; SB 682-distribution of K.S.A.'s; SB 683-Kansas administrative regulations; SB 684-permanent journals of House and Senate; and HB 3105-relating to materials contained in K.S.A.'s.

Representative Sebelius moved that SB 662, SB 664, SB 681, SB 682, SB 683, SB 684 & HB 3105 be passed favorably and placed on the Consent Calendar. Representative Schauf seconded the motion. The motion carried.

Representative Brown expressed her concern regarding the number of advisory boards etc. that are in the state. There is currently no list available. The Committee has just passed a bill abolishing several, but there is no information as to powers, accountability and so forth. She would like to pursue this and find out how many of these entities are out there and how compensation is paid. Art Griggs, Chief Attorney for the Department of Administration has stated these are part of the general authority of the cabinet secretary. No one has any idea how many of these boards, councils etc. are out there. She would like to see it as a committee request.

Chairman Walker asked the committee to think about a due course of action to take and bring their ideas and thoughts before the committee. It is a genuine concern.

The committee turned its attention to SB 650 - SRS, department and secretary. Robin Hunn, Legislative Research, went over the attachment that had been previously distributed. (See Attachment 4)

Discussion was held on what direction the committee wanted to take. Several areas of concern were mentioned, as well as whether a Post Audit of various areas was best or whether an interim committee could do a more in-depth search of areas of concern. Child care, youth services, nursing homes, drug abuse and services for the blind were some of the areas of concern mentioned.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION  
room 522-S Statehouse, at 9:00 a.m./p.m. on Tuesday, March 22, 1988.

Chairman Walker commented that these concerns have been around for awhile and they have been addressed by many legislators in prior years. Several areas have been addressed, but there is still much work to be done. The committee's job is to help point out the problems that are seen and to identify what is wrong; shore up what needs to be shored up and criticise what needs criticism.

Staff was asked if they could come up with a list of what had been addressed in former interim committees. The reply was they could have it by tomorrow.

The meeting was adjourned.



**SUBCOMMITTEE REPORT  
HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE  
SUBCOMMITTEE ON HOUSE BILL NO. 2700**

March 22, 1988

The Subcommittee, chaired by Representative Sprague, met on March 21 with Representatives Barr and Sebelius in attendance. Also at the meeting were Representative Apt and Colonel Rissmiller of the Kansas Civil Air Patrol.

The Committee reviewed a draft bill, clarified several policy issues, and agreed to recommend a substitute bill to the full Committee. The substitute bill would differ from the original bill as follows:

1. The head of the department would be the commanding officer of the Kansas wing of the Civil Air Patrol (CAP) or another officer designated by the Kansas wing. In the original bill the Governor would have appointed the head of the department upon recommendation of the CAP.
2. The head of the department and any state agency or subdivision would be authorized to enter into agreements for the performance of duties authorized by the bill. The department would be authorized to receive payments under those agreements and state agencies and subdivisions would be authorized to make payments in accordance with the agreements. In the original bill the authorization included only cooperation with state agencies with no provision for agreements that would allow reimbursement to the CAP for services provided to the agencies or subdivisions.
3. A special revenue fund would be established in the State Treasury as the repository for all grants, contributions, and funds received by the department pursuant to agreements with state agencies or subdivisions. The head of the department would be authorized to request and accept grants and contributions from federal or state government or public or private entities. The original bill did not contain any provision for handling funds that might be available from sources other than the State General Fund.
4. Language is included to clarify that the bill would not change or affect the operation of the existing wing of the CAP.
5. Other changes in format and language were included to make the bill consistent with other laws authorizing state agencies.

## Substitute for HOUSE BILL NO. 2700

By Committee on Governmental Organization

AN ACT establishing the Kansas department of civil air patrol; specifying the composition and functions thereof; providing for workers compensation coverage of members thereof; amending K.S.A. 1987 Supp. 44-508 and 44-511, and repealing the existing sections.

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

New Section 1. (a) There is hereby established a Kansas department of civil air patrol which shall consist of volunteer members who are volunteer civilian members of the Kansas wing of the federally chartered civil air patrol.

(b) The commanding officer of the Kansas wing of the federally chartered civil air patrol shall be the head of the Kansas department of civil air patrol. In the event of a vacancy in the office of commanding officer or in the event the commanding officer shall decline or is unable to serve as head of the department, the Kansas wing shall designate another officer thereof to be the acting head of the department. Any such acting head of the department shall serve during any interim in which the office of commanding officer remains vacant or in which the declination or inability of the commanding officer to serve remains in effect and any such acting head shall have and exercise all of the rights, powers and authority and shall perform all of the functions and duties of the head of the department.

New Sec. 2. (a) The Kansas department of civil air patrol is hereby authorized to cooperate with any agency, authority, department or political subdivision of the state of Kansas, upon request thereby, in the provision of cadet training, communications, disaster relief, and search and rescue missions



or assistance, or in the performance of other related functions which are within the scope of activity of the federally chartered civil air patrol.

(b) The head of the department may enter into agreements with any agency, authority, department or political subdivision of the state for the performance, in cooperation therewith, of any of the functions specified in subsection (a) and may accept from any such agency, authority, department or political subdivision payments of moneys to defray all or a part of the expenses incurred by the department in connection with the performance of such functions. Every agency, authority, department and political subdivision of the state is hereby authorized to enter into agreements with the department for the performance of such functions and to make payments of moneys pursuant to such agreements.

(c) The head of the department shall remit all moneys received by or for the department under this section to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the Kansas department of civil air patrol grants and contributions fund, which fund is hereby created.

New Sec. 3. (a) The Kansas department of civil air patrol may expend moneys appropriated from the state general fund for the department to purchase and maintain communications systems, to pay the maintenance and insurance costs of aircraft and vehicles owned by the department, to pay necessary operations and administrative expenses incurred in support of the functions specified in section 2, and to pay salaries of necessary secretarial or administrative support personnel.

(b) Moneys appropriated from the state general fund for the department shall not be expended to procure or replace equipment which is otherwise obtainable through grants or contributions from any other source nor shall moneys appropriated from the state general fund for the department be expended for uniforms or

personal equipment of any volunteer member of the department, or for the purchase of aircraft or motor vehicles, or for payment of any salaries other than salaries of necessary secretarial or administrative support personnel.

(c) The head of the department for and on behalf of the department may request of and accept from individuals, the United States government or any of its departments or agencies or any other public or private body, grants or contributions of moneys or property which the head of the department may authorize to be used for or in aid of any of the purposes of this act. All moneys received by the department pursuant to this subsection shall be paid into the state treasury and the state treasurer shall credit the same to the Kansas department of civil air patrol grants and contributions fund.

(d) All expenditures of moneys of the department shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the head of the department.

New Sec. 4. Nothing in this act shall operate or be construed in any manner so as to change or affect the operation of the Kansas wing of the federally chartered civil air patrol or to change or affect any existing rights, powers, duties or functions thereof or to prohibit or limit cooperation thereby with the United States government or with any agency, authority or department thereof.

Sec. 5. K.S.A. 1987 Supp. 44-508 is hereby amended to read as follows: 44-508. As used in the workers compensation act:

(a) "Employer" includes (1) any person or body of persons, corporate or unincorporate, and the legal representative of a deceased employer or the receiver or trustee of a person, corporation, association or partnership; (2) the state or any department, agency or authority of the state, any city, county, school district or other political subdivision or municipality or public corporation and any instrumentality thereof; and (3) for the purposes of community service work, the entity for which the

community service work is being performed and the governmental agency which assigned the community service work, if any, if either such entity or such governmental agency has filed a written statement of election with the director to accept the provisions under the workers compensation act for persons performing community service work and in such case such entity and such governmental agency shall be deemed to be the joint employer of the person performing the community service work and both shall have the rights, liabilities and immunities provided under the workers compensation act for an employer with regard to the community service work, except that the liability for providing benefits shall be imposed only on the party which filed such election with the director, or on both if both parties have filed such election with the director; for purposes of community service work, "governmental agency" shall not include any court or any officer or employee thereof and any case where there is deemed to be a "joint employer" shall not be construed to be a case of dual or multiple employment.

(b) "Workman" or "employee" or "worker" means any person who has entered into the employment of or works under any contract of service or apprenticeship with an employer. Such terms shall include but not be limited to: Executive officers of corporations; professional athletes; persons serving on a volunteer basis as duly authorized law enforcement officers, ambulance attendants, mobile intensive care technicians, firemen or firefighters, but only to the extent and during such periods as they are so serving in such capacities; persons employed by educational, religious and charitable organizations, but only to the extent and during the periods that they are paid wages by such organizations; persons in the service of the state, or any department, agency or authority of the state, any city, school district, or other political subdivision or municipality or public corporation and any instrumentality thereof, under any contract of service, express or implied, and every official or officer thereof, whether elected or appointed, while performing



official duties; persons in the service of the state as volunteer members of the Kansas department of civil air patrol, but only to the extent and during such periods as they are officially engaged in the performance of functions specified in section 2; volunteers in any employment, if the employer has filed an election to extend coverage to such volunteers; minors, whether such minors are legally or illegally employed; and persons performing community service work, but only to the extent and during such periods as they are performing community service work and if an election has been filed an election to extend coverage to such persons. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to the employee's dependents, to the employee's legal representatives, or, if the employee is a minor or an incapacitated person, to the employee's guardian or conservator. Unless there is a valid election in effect which has been filed as provided in K.S.A. 44-542a and amendments thereto, such terms shall not include individual employers, limited or general partners or self-employed persons.

(c) (1) "Dependents" means such members of the employee's family as were wholly or in part dependent upon the employee at the time of the accident.

(2) "Members of a family" means only surviving legal spouse and children; or if no surviving legal spouse or children, then parents or grandparents; or if no parents or grandparents, then grandchildren; or if no grandchildren, then brothers and sisters. In the meaning of this section, parents include stepparents, children include stepchildren, grandchildren include stepgrandchildren, brothers and sisters include stepbrothers and stepsisters, and children and parents include that relation by legal adoption. In the meaning of this section, a surviving spouse shall not be regarded as a dependent of a deceased employee or as a member of the family, if the surviving spouse shall have for more than six months willfully or voluntarily deserted or abandoned the employee prior to the date of the

employee's death.

(3) "Wholly dependent child or children" means:

(A) A natural or adopted child of the employee except such a child whose relationship to the employee has been severed by adoption;

(B) a stepchild of the employee who lives in the employee's household;

(C) any other child who is actually dependent in whole or in part on the employee and who is related to the employee by marriage or consanguinity; or

(D) any child as defined in subsections (3)(A), (3)(B) or (3)(C) who is less than 23 years of age and who is not physically or mentally capable of earning wages in any type of substantial and gainful employment or who is a full-time student attending an accredited institution of higher education or vocational education.

(d) "Accident" means an undesigned, sudden and unexpected event or events, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. The elements of an accident, as stated herein, are not to be construed in a strict and literal sense, but in a manner designed to effectuate the purpose of the workers compensation act that the employer bear the expense of accidental injury to a worker caused by the employment.

(e) "Personal injury" and "injury" mean any lesion or change in the physical structure of the body, causing damage or harm thereto, so that it gives way under the stress of the worker's usual labor. It is not essential that such lesion or change be of such character as to present external or visible signs of its existence.

(f) The words "arising out of and in the course of employment" as used in the workers compensation act shall not be construed to include injuries to the employee occurring while the employee is on the way to assume the duties of employment or after leaving such duties, the proximate cause of which injury is

not the employer's negligence. An employee shall not be construed as being on the way to assume the duties of employment or having left such duties at a time when the worker is on the premises of the employer or on the only available route to or from work which is a route involving a special risk or hazard and which is a route not used by the public except in dealings with the employer.

(g) "Burden of proof" means the burden of a party to persuade the trier of facts by a preponderance of the credible evidence that such party's position on an issue is more probably true than not true on the basis of the whole record.

(h) "Director" means the director of workers' compensation as provided for in K.S.A. 75-5708 and amendments thereto.

(i) The words "physician," "surgeon" or "doctor" shall mean and include any person licensed, by the proper licensing authority of this state, another state or the District of Columbia, to practice medicine and surgery, osteopathy, chiropractic, dentistry, optometry or podiatry.

(j) "Secretary" means the secretary of human resources.

(k) "Construction design professional" means any person who is an architect, professional engineer, landscape architect or land surveyor who has been issued a license by the state board of technical professions to practice such technical profession in Kansas or any corporation organized to render professional services through the practice of one or more of such technical professions in Kansas under the professional corporation law of Kansas or any corporation issued a certificate of authorization under K.S.A. 74-7036 and amendments thereto to practice one or more of such technical professions in Kansas.

(l) "Community service work" means (1) public or community service performed as a result of a contract of diversion or of assignment to a community corrections program or suspension of sentence or as a condition of probation or in lieu of a fine imposed by court order; or (2) public or community service or other work performed as a requirement for receipt of any kind of

public assistance in accordance with any program administered by the secretary of social and rehabilitation services.

Sec. 6. K.S.A. 1987 Supp. 44-511 is hereby amended to read as follows: 44-511. (a) As used in this section:

(1) The term "money" shall be construed to mean the gross remuneration, on an hourly, output, salary, commission or other basis, at which the service rendered is recompensed in money by the employer, but it shall not include any additional compensation, as defined in this section, any remuneration in any medium other than cash, or any other compensation or benefits received by the employee from the employer or any other source.

(2) The term "additional compensation" shall include and mean only the following: (A) Gratuities in cash received by the employee from persons other than the employer for services rendered in the course of the employee's employment; (B) any cash bonuses paid by the employer within one year prior to the date of the accident, for which the average weekly value shall be determined by averaging all such bonuses over the period of time employed prior to the date of the accident, not to exceed 52 weeks; (C) board and lodging when furnished by the employer as part of the wages, which shall be valued at a maximum of \$25 per week for board and lodging combined, unless the value has been fixed otherwise by the employer and employee prior to the date of the accident, or unless a higher weekly value is proved; (D) the average weekly cash value of remuneration for services in any medium other than cash where such remuneration is in lieu of money, which shall be valued in terms of the average weekly cost to the employer of such remuneration for the employee; and (E) employer-paid life insurance, health and accident insurance and employer contributions to pension and profit sharing plans. In no case shall additional compensation include any amounts of employer taxes paid by the employer under the old-age and survivors insurance system embodied in the federal social security system. Additional compensation shall not include the value of such remuneration until and unless such remuneration is

discontinued. If such remuneration is discontinued subsequent to a computation of average gross weekly wages under this section, there shall be a recomputation to include such discontinued remuneration.

(3) The term "wage" shall be construed to mean the total of the money and any additional compensation which the employee receives for services rendered for the employer in whose employment the employee sustains an injury by accident arising out of and in the course of such employment.

(4) The term "part-time hourly employee" shall mean and include any employee paid on an hourly basis: (A) Who by custom and practice or under the verbal or written employment contract in force at the time of the accident is employed to work, agrees to work, or is expected to work on a regular basis less than 40 hours per week; and (B) who at the time of the accident is working in any type of trade or employment where there is no customary number of hours constituting an ordinary day in the character of the work involved or performed by the employee.

(5) The term "full-time hourly employee" shall mean and include only those employees paid on an hourly basis who are not part-time hourly employees, as defined in this section, and who are employed in any trade or employment where the customary number of hours constituting an ordinary working week is 40 or more hours per week, or those employees who are employed in any trade or employment where such employees are considered to be full-time employees by the industrial customs of such trade or employment, regardless of the number of hours worked per day or per week.

(b) The employee's average gross weekly wage for the purpose of computing any compensation benefits provided by the workers compensation act shall be determined as follows:

(1) If at the time of the accident the money rate is fixed by the year, the average gross weekly wage shall be the yearly rate so fixed divided by 52, plus the average weekly value of any additional compensation and the value of the employee's average

weekly overtime as computed in paragraph (4) of this subsection.

(2) If at the time of the accident the money rate is fixed by the month, the average gross weekly wage shall be the monthly rate so fixed multiplied by 12 and divided by 52, plus the average weekly value of any additional compensation and the value of the employee's average weekly overtime computed as provided in paragraph (4) of this subsection.

(3) If at the time of the accident, the money rate is fixed by the week, the amount so fixed, plus the average weekly value of any additional compensation and the value of the employee's average weekly overtime as computed in paragraph (4) of this subsection, shall be the average gross weekly wage.

(4) If at the time of the accident the employee's money rate was fixed by the hour, the employee's average gross weekly wage shall be determined as follows: (A) If the employee was a part-time hourly employee, as defined in this section, the average gross weekly wage shall be determined in the same manner as provided in paragraph (5) of this subsection; (B) if the employee is a full-time hourly employee, as defined in this section, the average gross weekly wage shall be determined as follows: (i) A daily money rate shall first be found by multiplying the straight-time hourly rate applicable at the time of the accident, by the customary number of working hours constituting an ordinary day in the character of work involved; (ii) the straight-time weekly rate shall be found by multiplying the daily money rate by the number of days and half days that the employee usually and regularly worked, or was expected to work, but 40 hours shall constitute the minimum hours for computing the wage of a full-time hourly employee; (iii) the average weekly overtime of the employee shall be the total amount earned by the employee in excess of the amount of straight-time money earned by the employee during the 26 calendar weeks immediately preceding the date of the accident, or during the actual number of such weeks the employee was employed if less than 26 weeks, divided by the number of such weeks; and (iv) the average gross weekly wage



of a full-time hourly employee shall be the total of the straight-time weekly rate, the average weekly overtime and the weekly average of any additional compensation.

(5) If at the time of the accident the money rate is fixed by the output of the employee, on a commission or percentage basis, on a flat-rate basis for performance of a specified job, or on any other basis where the money rate is not fixed by the week, month, year or hour, and if the employee has been employed by the employer at least one calendar week immediately preceding the date of the accident, the average gross weekly wage shall be the gross amount of money earned during the number of calendar weeks so employed, up to a maximum of 26 calendar weeks immediately preceding the date of the accident, divided by the number of weeks employed, or by 26 as the case may be, plus the average weekly value of any additional compensation and the value of the employee's average weekly overtime computed as provided in paragraph (4) of this subsection. If the employee had been in the employment of the employer less than one calendar week immediately preceding the accident, the average gross weekly wage shall be determined by the director based upon all of the evidence and circumstances, including the usual wage for similar services paid by the same employer, or if the employer has no employees performing similar services, the usual wage paid for similar services by other employers. The average gross weekly wage so determined shall not exceed the actual average gross weekly wage the employee was reasonably expected to earn in the employee's specific employment, including the average weekly value of any additional compensation and the value of the employee's average weekly overtime computed as provided in paragraph (4) of this subsection. In making any computations under this paragraph (5), workweeks during which the employee was on vacation, leave of absence, sick leave or was absent the entire workweek because of illness or injury shall not be considered.

(6) (A) The average gross weekly wage of a person serving

on a volunteer basis as a duly authorized law enforcement officer, an ambulance attendant, mobile intensive care technician, fireman or fire fighter, or any other volunteer under the workers compensation act, who receives no wages for such services, or who receives wages which are substantially less than the usual wages paid for such services by comparable employers to employees who are not volunteers, shall be computed on the basis of the usual wages paid by the employer for such services to employees who are not volunteers, or, if the employer has no employees performing such services for wages who are not volunteers, the average gross weekly wage shall be computed on the basis of the usual wages paid for such services by comparable employers to employees who are not volunteers.

(B) The average gross weekly wage of any person performing community service work shall be deemed to be \$37.50.

(C) The average gross weekly wage of a volunteer member of the Kansas department of civil air patrol officially engaged in the performance of functions specified in section 2 shall be deemed to be \$433.80. 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, 1988, the average gross weekly wage which is deemed to be the average gross weekly wage under the provisions of this subsection for a volunteer member of the Kansas department of civil air patrol shall be increased 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 average gross weekly wage deemed to be the average gross weekly wage of such volunteer member under the provisions of this subsection prior to 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.

(7) The average gross weekly wage of an employee who sustains an injury by accident arising out of and in the course

of multiple employment, in which such employee performs the same or a very similar type of work on a part-time basis for each of two or more employers, shall be the total average gross weekly wage of such employee paid by all the employers in such multiple employment. The total average gross weekly wage of such employee shall be the total amount of the individual average gross weekly wage determinations under this section for each individual employment of such multiple employment.

(8) In determining an employee's average gross weekly wage with respect to the employer against whom claim for compensation is made, no money or additional compensation paid to or received by the employee from such employer, or from any source other than from such employer, shall be included as wages, except as provided in this section. No wages, other compensation or benefits of any type, except as provided in this section, shall be considered or included in determining the employee's average gross weekly wage.

(c) In any case, the average yearly wage shall be found by multiplying the average gross weekly wage, as determined in subsection (b), by 52.

(d) The state's average weekly wage for any year shall be the average weekly wage paid to employees in insured work subject to Kansas employment security law as determined annually by the secretary of human resources as provided in K.S.A. 44-704 and amendments thereto.

(e) Members of a labor union or other association who perform services in behalf of the labor union or other association and who are not paid as full-time employees of the labor union or other association and who are injured or suffer occupational disease in the course of the performance of duties in behalf of the labor union or other association shall recover compensation benefits under the workers compensation act from the labor union or other association if the labor union or other association files an election with the director to bring its members who perform such services under the coverage of the

workers compensation act.

The average weekly wage for the purpose of this subsection shall be based on what the employee would earn in the employee's general occupation if at the time of the injury the employee had been performing work in the employee's general occupation. The insurance coverage shall be furnished by the labor union or other association.

Sec. 7. K.S.A. 1987 Supp. 44-508 and 44-511 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.


SUBCOMMITTEE REPORT  
HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE  
SUBCOMMITTEE ON HOUSE BILL NO. 2700

March 22, 1988

The Subcommittee, chaired by Representative Sprague, met on March 21 with Representatives Barr and Sebelius in attendance. Also at the meeting were Representative Apt and Colonel Rissmiller of the Kansas Civil Air Patrol.

The Committee reviewed a draft bill, clarified several policy issues, and agreed to recommend a substitute bill to the full Committee. The substitute bill would differ from the original bill as follows:

1. The head of the department would be the commanding officer of the Kansas wing of the Civil Air Patrol (CAP) or another officer designated by the Kansas wing. In the original bill the Governor would have appointed the head of the department upon recommendation of the CAP.
2. The head of the department and any state agency or subdivision would be authorized to enter into agreements for the performance of duties authorized by the bill. The department would be authorized to receive payments under those agreements and state agencies and subdivisions would be authorized to make payments in accordance with the agreements. In the original bill the authorization included only cooperation with state agencies with no provision for agreements that would allow reimbursement to the CAP for services provided to the agencies or subdivisions.
3. A special revenue fund would be established in the State Treasury as the repository for all grants, contributions, and funds received by the department pursuant to agreements with state agencies or subdivisions. The head of the department would be authorized to request and accept grants and contributions from federal or state government or public or private entities. The original bill did not contain any provision for handling funds that might be available from sources other than the State General Fund.
4. Language is included to clarify that the bill would not change or affect the operation of the existing wing of the CAP.
5. Other changes in format and language were included to make the bill consistent with other laws authorizing state agencies.

  
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Representative Dale Sprague,  
Chairman

  
\_\_\_\_\_  
Representative Ginger Barr

  
\_\_\_\_\_  
Representative Kathleen Sebelius



2/18/88  
2/E

MEMORANDUM

February 17, 1988

TO: House Governmental Organization  
FROM: Kansas Legislative Research Department  
RE: Possible Areas of Review -- SRS

Administration

1. SRS is in the process of developing and implementing an automated eligibility system to allow income maintenance workers to enter data into a computer terminal during a client interview to automatically determine eligibility for food stamps, cash, and medical assistance. In addition, the child support enforcement system will be incorporated into this computer system. This system is costing considerably more than estimated by SRS during the 1987 Session when the system was approved. Although the system should greatly increase the efficiency of SRS income maintenance activities, SRS has stated in the past that there would be no staffing reductions once the system is implemented. The implementation of the system is considerably behind schedule. Last session SRS stated the system would be fully implemented by July, 1988; the full implementation is now scheduled for March, 1989.
2. The Child Support Enforcement program is within the Administration section of SRS. The federal government requires each state to have a statewide child support enforcement program, and if certain federal mandates are not met, states can lose federal matching funds. SRS has had difficulty complying with these federal mandates in the past and is currently operating under a corrective action plan. The Committee may wish to review the current problems in complying with these federal mandates in the Child Support Enforcement program. SRS recently contracted with a private consulting firm to review the Kansas Child Support Enforcement program. The Committee may wish to review the results of the consultant's study.

The Judicial Branch is also involved in the Child Support Enforcement program. Generally, the court trustees are responsible for enforcement of child support orders and SRS is responsible for establishing those orders. The Committee may wish to review how the split responsibilities for the program have developed over the past few years.

Alcohol and Drug Abuse Services

1. Beginning in FY 1987, SRS began funding alcohol and drug treatment programs for inmates at the Kansas State Industrial Reformatory. The Governor recommends continuation of this funding in FY 1988 and FY 1989. Funding for alcohol and drug treatment programs for inmates is also included within the Department of Corrections' budgets. The Committee may wish to review whether it is desirable to continue this arrangement.

2. The federal government provided major new substance abuse funding for FY 1988. Additional major new funding is also anticipated in FY 1989. The Committee may wish to review how the funds for FY 1988 are being utilized and how new federal funds might be used for alcohol and drug abuse services.

#### Vocational Rehabilitation Services

1. During the 1986 Legislative Session, H.B. 2300 was passed which authorized the Secretary of SRS to prepare transitional plans for serving mentally retarded individuals exiting special education programs. The bill was designed to establish a mechanism for SRS to receive necessary information from local school districts and identify the service needs of individuals leaving special education programs. The Committee may wish to review the status of this program.
2. The SRS Division of Disability Determination Services reviews eligibility for federal assistance programs such as Supplemental Security Income (SSI) and Social Security Disability Income (SSDI). The Committee may wish to review what efforts are made by this Division to determine whether state-financed General Assistance clients are eligible for federal assistance programs.
3. Kansas Industries for the Blind.

#### Income Maintenance and Medical Services

1. The SRS Medical Management Information System (MMIS) provides claims processing and reporting for the large and complex medical assistance program. In the past few years, this system has been contracted to Electronic Data Systems-Federal (EDS) and provides management and administrative reporting, surveillance and utilization review, claims processing, provider enrollment, review for third-party liability, and other services to comply with federal requirements in the Medicaid program. In FY 1989, the contract is estimated to cost \$5.7 million. The Committee may wish to review this system.
2. The Low Income Energy Assistance Program (LIEAP) program has already been a subject of considerable discussion this session. There continue to be problems in both the LIEAP and Weatherization programs. The Committee may wish to future options the state has for these programs.
3. The SRS Emergency Assistance program provides emergency funds to income eligible families with children when evictions or disasters occur and other resources are not available. Other states have utilized this program more than Kansas has and in recent years the program in Kansas has been closed out in the last quarter of the fiscal year. The Committee may wish to review problems in this program.

### Adult Services

1. The Adult Services Medical Review Program includes 13 review teams who annually review clients in adult care homes to determine Medicaid eligibility and monitor the quality of care received. The section is also responsible for administering the adult care home reimbursement system, conducting screening of applicants for adult care homes, and administering the Home and Community Based Services program. The Department of Health and Environment also has review teams that annually certify adult care homes. These teams are partially financed through a contract with SRS. The Committee may wish to review the responsibilities of the two agencies with regard to adult care home surveys.
2. SRS provides funding through the Medical Assistance budget to Intermediate Care Facilities for the Mentally Ill. Persons in these facilities who are between the ages of 16 and 65 are not eligible for federal Medicaid funding and the state must bear the full cost of care. SRS has recently conducted a study on how to more appropriately utilize these facilities, and the Committee may wish to review that study.
3. In July, 1987, SRS made significant changes in the Homemaker and Home Care Worker program. There have been numerous problems in the implementation of these changes and the Committee may wish to review these programs.
4. In July, 1987, the Daycare program was shifted from the Youth Services program to the Adult Services program. Problems have been noted in the past in the availability of daycare programs for SRS clients. The Committee may wish to review the availability of daycare throughout the state.

### Youth Services

1. In FY 1988, the allocation formula for distribution of foster care funds was changed, in part due to a Legislative Post Audit study and recommendations by the Ways and Means Committees. The initial allocations created significant complaints by certain areas of the state and there were criticisms that the formula resulted in inappropriate foster care placement decisions. Some reallocations of the funds have been made since that time. The Committee may wish to review the issues surrounding the foster care program.

### Mental Health and Retardation Services

1. Norton State Hospital -- future plans.
2. There has been considerable discussion in recent years regarding the size of the state institutions and whether many of those clients should instead be served in community programs. There have also been several interim studies on this subject. Areas that have not been particularly reviewed that relate to this question are: (a) whether alcohol and drug programs are appropriately placed in state institutions, (b) whether the state should

continue to attempt to keep the correctional beds at Larned accredited as hospital beds, and (c) how should the state provide services to clients who are dually-diagnosed as mentally retarded and mentally ill.

3. The Division of Mental Health and Retardation Services provides significant state aid to the community programs for the mentally retarded. The Division of Adult Services also provides significant funding to the same programs. The Committee may wish to review this situation.