

Approved 1-24-89 Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by ROY M. EHRLICH at
Chairperson

10:00 a.m. ~~p.m.~~ on January 17, 1989 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research
Bill Wolff, Legislative Research
Norman Furse, Revisors Office
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Senator Roy M. Ehrlich, Chairman of the Senate Public Health and Welfare Committee called the meeting to order and welcomed new members to the committee. The chairman set forth the rules under which the committee will operate during this legislative session. 1) Minutes will be handed out on Mondays whenever possible and presented for approval or correction on Tuesdays. 2) No attendance will be taken. However, voting will not take place unless all members are present. 3) Meetings will be called to order promptly at 10:00 a.m. regardless of the number of committee members present. 4) It will be committee policy that when a bill is tabled, a 2/3 majority will be required to remove the bill from the table unless the individual making the tabling motion specifies a date the motion would expire.

The chairman introduced Senator Doug Walker, the ranking minority committee member.

Emalene Correll, staff, presented information concerning SB-15 which would repeal the division of assets legislation passed last session.

Senate Bill 15 was the result of an interium committee study that came about, in part, following introduction of a bill by Senator Burke late in the 1988 session which would have included dependent children and adults residing in the home at the time division of income and resources takes place following the entry of the parent into a healthcare institution. Due to time constraints this bill, along with other issues were scheduled for interium study.

Staff told the committee that in most instances the Federal legislation concerning division of income and resources was more generous than present state laws in terms of deductions and also more generous to community spouses than is possible under the Kansas act as it now exists. Congress apparently intended to pre-empt individual state laws on the books that conflict with Federal laws as it states within the legislation that it applies to all 50 states and that it pre-empts any state law relating to community property or relating to division of marital property. It seems the intent of Congress was to override any existing state law or legislation and would be effective October 1, 1989.

Neither the Kansas act nor the new federal legislation provide for any protection of resources for dependent children and adults. Nor does the federal legislation or the Kansas act contain any provision for protection of income for dependent children or adults unless there is a community spouse. If the institutionalized person is not married and still has dependent children or other family members in the community, such person would not be able to transfer resources or income to them.

Consideration was given to amending the Kansas statutes on the effective date of the federal changes to conform with the federal provisions but it

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at 10:00 a.m./~~p.m.~~ on January 17, 1989

appeared there was no compelling reason to operate under two acts, especially since the federal law may be amended in the future necessitating legislative action before appropriate program changes may be made.

Amending the Kansas act would mean operation under two acts with the possibility of amendments to the Federal Act. In fact the Federal act has already been amended. Should the Kansas bill not be repealed it would place the Secretary of SRS in a very difficult position mandating state law and following federal law or face loss of federal funds. It would also be difficult for persons wishing to take advantage of a state law division of resources act as complete and current provisions would not be available. Kansas needs to be in compliance with federal law.

The meeting adjourned at 10:55 a.m. and will convene at 10:00 a.m. Wednesday, January 18, 1989 at 10:00 a.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE January 17, 1989

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

(PLEASE PRINT) NAME AND ADDRESS	ORGANIZATION
Anne Smith Topeka	Hein & Ebert KAMFT
Janette Marylich Topeka	KS Psychological Assn.
Marilyn Bradt Lawrence	Kansas for Improvement of ^{Nursing Homes}
Delta M. Huston Eldorado	Congress of Alzheimer Patient
Harold Riem Topeka	KS ASSN. OSTEOPATHIC MED
Jim McBrink Topeka	Op server
Robert C. Guthrie Topeka	Alzheimer Disease Assn. Topeka Chapter
Robert Buhler Buhler	AARP State Leg Comm.
George Raebel Topeka	Chr AARP ^{Capital} Ave Task Force
Mark Intermill Topeka	Kansas Coalition on Aging
Robin Smith Topeka	SRS
Paul Johnson Topeka	PACK
Belva Ott Wichita	Planned Parenthood of Ks.
Glen Zivruska Wichita	AARP Task force
Dr Lois R. Sibetta Topeka	KSBW
Terri Roberts R.N. Topeka	Kansas State Nurses Assn.
Granita Carson Lawrence	Law Clerk, ^{Atty Gen} ^{Assistants} State, Pharmacists
Tom Hitchcock Topeka	Board of Pharmacy