Approved: 3/9/98
Date

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on February 26, 1998 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Legislative Research Department
Russell Mills, Legislative Research Department
April Holman, Legislative Research Department
Norman Furse, Revisor of Statutes
Michael Corrigan, Revisor of Statutes
Judy Bromich, Administrative Assistant
Ann Deitcher, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

It was moved by Senator Morris, seconded by Senator Downey, to introduce **7 RS 2280** as requested by Senator Brownlee. The motion carried on a voice vote.

Senator Feleciano moved and Senator Jordan seconded that the minutes of February 18 be approved. The motion carried on a voice vote.

Senator Kerr read from the Subcommittee Report on the Department. of SRS. The Subcommittee concurred with the Governor's recommendation for Fiscal Year 1998. (Attachment 1).

The Subcommittee's recommendations for Fiscal Year 1999 begin on page 2.

It was asked in response to the information provided in item 5, as to there being no waiting list for child care statewide, just how this was translated to a need at the state level.

SRS Secretary Chronister said that they check with their area offices and ask about any waiting lists. They're told there are none. This information is only in regard to SRS assistance recipients.

In regard to item 2 of the Adult and Medical Services Commission, it was noted that there's been testimony to the effect that 70% of juvenile offenders have unresolved vision problems.

Senator Kerr gave an explaination in regard to the request of $4 million. He said this is the largest single amount this Committee has added to the Governor's proposed budget in three years. He said it was the Subcommittee's belief that there is truly a problem with the provision of health care services to many people with medical cards. Many of them can't get service. A study by Mathematics, Inc. confirmed the problem with 600 codes out of 10,000.

Senator Lawrence told the Committee that Cities and Schools will not be receiving their HUD funding of $50,000 this year and asked that a transfer to them of $75,000 from the Family and Children's Investment Fund, be considered.

Senator Lawrence moved and Senator Ranson seconded to amend the Subcommittee Report to include this. Since the voice vote was inconclusive, the Chairman asked for a show of hands. The motion did not carry.

Senator Salisbury moved and Senator Feleciano seconded the motion to adopt the Subcommittee Report. The motion carried on a voice vote.

The meeting was adjourned at 12 noon. The next meeting is scheduled for February 27, 1998.

# SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE: 2/26/98

| NAME | REPRESENTING |
|---|---|
| Bob Harder | MPS |
| Paul Johnson | PACK |
| Janet Schalansky | SRS |
| Rochelle Chronister | SRS |
| DL Shively | SRS |
| John C Saliz | SRS |
| David Dallam | DOB |
| Shannon Jones | SILCK |
| Mary Ellen O'Brien Wright | Assis. Tech. for Kansas |
| Josie Torrez | Families Together, Inc. |
| Dennis Priest | SRS |
| Ken Bahr | KHA |
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## SUBCOMMITTEE REPORT

**Agency:** Dept. Of Social and Rehabilitation Services (SRS) (not including MHDD) **Bill No.** 643 **Bill Sec.** 17

**Analyst:** Kannarr **Analysis Pg. No.** 875 **Budget Page No.** 416

| Expenditure Summary | Agency FY 98 Est. | Gov. Rec. FY 98 | Subcommittee Adjustments |
|---|---|---|---|
| State Operations | $ 242,080,375 | $ 231,338,289 | $ 0 |
| Local Aid | 18,369,497 | 17,709,497 | 0 |
| Other Assistance | 738,630,007 | 738,957,415 | 0 |
| Subtotal - Operating | $ 999,079,879 | $ 988,005,201 | $ 0 |
| Capital Improvements | 4,243,488 | 4,243,488 | |
| TOTAL | $ 1,003,323,367 | $ 992,248,689 | $ 0 |
| | | | |
| State General Fund | $ 337,147,789 | $ 342,621,403 | $ 0 |
| Other Funds | 661,932,090 | 645,383,798 | 0 |
| Subtotal - Operating | $ 999,079,879 | $ 988,005,201 | $ 0 |
| Capital Improvements | | | |
| State Institutions Building Fund | 4,243,488 | 4,243,488 | 0 |
| TOTAL | $ 1,003,323,367 | $ 992,248,689 | $ 0 |
| | | | |
| FTE Positions | 4,257.9 | 4,241.0 | 0.0 |
| Unclassified Temp. Positions | 91.7 | 83.7 | 0.0 |
| TOTAL | 4,349.6 | 4,324.7 | 0.0 |

### Agency Est./Governor's Recommendation

**The agency's** revised estimate of $999.1 million (excluding MH&DD Services) for FY 1998 is an increase of $35.9 million from the budget approved by the 1997 Legislature. State General Fund expenditures of $337.1 million are an increase of $5.3 million. The estimate includes 4,257.9 FTE and 91.7 UT positions. An overall shrinkage rate of 4.4 percent is requested. The agency estimates capital improvement expenditures of $4.2 million for rehabilitation and repair projects and maintenance of the Chanute Area Office building.

**The Governor** recommends current year expenditures of $988.0 million (excluding MH&DD Services) an increase of $24.8 million over the budget approved by the 1997 Legislature. The State General Fund recommendation of $342.6 million is an increase of $10.8 million above the approved budget. The recommendation is a decrease of $11.1 million all funds and an increase of $5.5 million State General Fund as compared to the agency's revised estimate. The recommendation reflects November 1997 consensus caseload estimates. The Governor recommends 4,241.0 FTE positions, a decrease of 16.9 FTE below the agency estimate. The Governor recommends an overall shrinkage rate of 4.6 percent. The Governor concurs with the agency estimate for capital improvement projects.

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**Senate Subcommittee Recommendation**

The Senate Subcommittee concurs with the Governor's recommendation.

Dave Kerr

Senator Dave Kerr, Subcommittee Chair

Alicia L. Salisbury

Senator Alicia Salisbury

Stephen R. Morris

Senator Stephen Morris

Marge Petty

Senator Marge Petty

Paul Feleciano

Senator Paul Feleciano, Jr.

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**Agency:** Department of Social and Rehabilitation Services (excluding MH&DD Services) **Bill No.** 642 **Bill Sec.** 59

**Analyst:** Kannarr **Analysis Pg. No.** 875 **Budget Page No.** 416

| Expenditure Summary | Agency Req. FY 99 | Gov. Rec. FY 99 | Senate Subcommittee Adjustments |
|---|---|---|---|
| State Operations | $ 255,343,595 | $ 235,560,274 | $ (5,349,478)* |
| Local Aid | 18,329,651 | 17,610,510 | -- |
| Other Assistance | 833,947,860 | 797,674,411 | 10,400,000 |
| Subtotal - Operating | $ 1,107,621,106 | $ 1,050,845,195 | $ 5,050,522 |
| Capital Improvements | 28,811,800 | 4,071,000 | -- |
| TOTAL | $ 1,136,432,906 | $ 1,054,916,195 | $ 5,050,522 |
| | | | |
| State General Fund | $ 373,016,741 | $ 355,063,466 | $ 2,140,672* |
| Other Funds | 734,604,365 | 695,781,729 | 2,909,850* |
| Subtotal - Operating | 1,107,621,106 | 1,050,845,195 | 5,050,522 |
| Capital Improvements | | | |
| State Institutions Building Fund | 28,811,800 | 4,071,000 | -- |
| TOTAL | $ 1,136,432,906 | $ 1,054,916,195 | $ 5,050,522 |
| | | | |
| FTE Positions | 4,110.9 | 4,082.0 | -- |
| Unclassified Temp. Positions | 104.7 | 97.7 | -- |
| TOTAL | 4,215.6 | 4,179.7 | -- |

* Includes a reduction of $5,849,478 (of which $2,269,328 is from the State General Fund) for the Governor's employee salary adjustments.

## Agency Request/Governor's Recommendation

**The revised agency request** of $1.108 billion (excluding MHDD) for FY 1999 is an increase of $108.5 million (10.9 percent) over the revised FY 1998 estimate. The request includes $373.0 million in State General Fund, an increase of $35.9 million (10.6 percent). The request includes 4,110.9 FTE and 104.7 UT positions, a decrease of 147.0 FTE and an increase of 13.0 UT positions. The agency requests an overall shrinkage rate of 4.5 percent for FY 1998. A revised operating expenditures enhancement package of $82.7 million ($19.4 State General Fund) for a variety of program enhancements is also requested for FY 1999. These enhancements are explained in the budget detail section and are shown in the table below. The agency requests $28.8 million in capital improvements including an enhancement package of $24.7 million from the State Institutions Building Fund (SIBF) with an alternative bond issuance funding proposal.

**The Governor** recommends operating expenditures of $1.051 billion, a decrease of $56.8 million (5.1 percent) below the agency's revised request. The State General Fund recommendation of $355.1

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million is a decrease of $18.0 million (4.8 percent) below the request. The Governor recommends funding for an expansion of health insurance coverage for children; an expansion of the Early Head Start program; increases in child care reimbursement rates; funding for assistive technology equipment; additional funding for regulation and licensure of child care facilities; and other items. Included in the recommendation are 4,082.0 FTE and 97.7 UT positions, a decrease of 28.9 FTE and 7.0 UT positions below the agency request. An overall shrinkage rate of 5.0 percent is recommended as compared to the agency request of 4.5 percent for FY 1999. The Governor recommends a 1.5 percent classified base salary adjustment and a 4.0 percent unclassified merit pool for the agency as a whole. The Governor does not recommend the requested capital improvement enhancement package and recommends $4.1 million for capital improvements.

**Senate Subcommittee Recommendation**

1. Delete $5,849,478, including $2,269,328 from the State General Fund, based on the recommendation to delete funding for the 1.5 percent classified base salary adjustment ($1,881,711), classified step movement ($2,265,015), the 4.0 percent unclassified merit pool ($135,200) and longevity bonus payments ($1,567,552) from agency budgets.

2. The Subcommittee commends the agency for its use of performance measures in its budget presentation and preparation.

**Income Maintenance and Employment Preparation Services Commission**

1. The State has experienced a dramatic decrease in cash assistance caseloads. Caseloads have decreased from $83.2 million/57,762 clients in FY 1997 to an estimated $53.0 million/37,000 clients for FY 1999, a decrease of approximately 30 percent in dollars and 36 percent in client numbers. The Subcommittee notes that even though there have been all funds expenditure decreases, the State cannot capture State General Fund savings due to the required Maintenance of Effort (MOE). In addition, the Subcommittee notes federal Temporary Assistance for Needy Families (TANF) and Child Care Block Grant (CCBG) funds not expended remain in the block grant balances which are held by the federal government. Ending balances in the TANF and Child Care block grant programs are estimated to be $65.7 million in FY 1998, $94.3 million in FY 1999, $117.7 million in FY 2000 and $138.2 million in FY 2001 under the Governor's recommendations. According to the agency, the Office of Management and Budget has determined these funds are subject to the federal Cash Management Improvement Act and must remain with the federal government until they are actually spent by the states. The Subcommittee is concerned with the balances being held by the federal government as opposed to being held by the states for a couple of reasons. First, large balances could cause the federal government to begin enacting rules and regulations which make those dollars less valuable (*i.e.* making states absorb costs for various services previously financed by other federal dollars) or begin taking funds away from the balances. Second, the federal government is earning the interest of those dollars instead of the state.

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The Subcommittee recognizes that because of the dramatic caseload decreases, the clients remaining on the rolls are the most difficult to place and generally have multiple barriers to employment. Several years ago, the assistance caseload could be divided into thirds with the top one-third being the easiest to employ and the bottom one-third being the most difficult. According to the agency, clients remaining in the caseload at this point belong to the bottom one-third as the rest have left cash assistance rolls. The Subcommittee notes a pilot project proposed by the University of Kansas to provide training through area vocational and technical schools for these recipients. The agency should investigate this pilot project and continue current efforts to find innovative methods to work with these clients and get them into successful employment situations.

2. The Subcommittee believes transportation remains an impediment to moving clients from welfare into jobs and maintaining them in employment. It is noted that the Governor does not recommend $2.0 million in federal TANF funding requested by the agency to address transportation needs at the community level. However, the Subcommittee was informed that the agency will be able to conduct several pilot projects to try and address the issue within current recommended resources.

3. The Subcommittee addressed the issue of increasing the income disregard from 40 percent to 50 percent but does not make any recommendation at this time. During the 1997 Interim, the SRS Transition Oversight Committee recommended the agency increase the disregard to help ease the transition of people from welfare to work by allowing them to earn more before assistance is cut off. The Subcommittee believes the agency is already in the process of implementing this change and will proceed with the recommendation of the SRS Transition Oversight Committee. The fiscal impact of the increase is $871,366 all funds. The Subcommittee does note there are advantages and disadvantages to increasing the disregard. On one hand, the increased disregard will allow the client to become more financially stable before they lose benefits. Currently, a family of three loses assistance at a monthly income of $745. Under the 50 percent disregard policy, these families will lose benefits when they reach earnings of $895 per month. On the other hand, it keeps people on assistance longer which impacts their 60 month lifetime time limit for assistance. In addition, the change will increase the number of people eligible for assistance which will have an adverse affect on the current caseload declines.

4. With regard to the issue of the liveable wage in Kansas, the Subcommittee notes it is the Department of Education which designates this figure through the School to Work initiative. At this point in time, the figure has not been developed for Kansas. In the absence of the liveable wage figure, the Subcommittee looked at information from the Kansas State University Proposed Standard of Need study completed in 1996. The study addresses what income level a Kansas family needs to be considered functioning at a liveable level. The study does note that the special needs of household members should be considered to determine the amount needed for a household to meet basic needs. A table reflecting the standard of need finding for various household sizes follows:

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| Proposed Standard of Need for the State of Kansas by Household Size (in dollars per month) | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Household Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Proposed Standard of Need: | | | | | | | | | |
| Food | $ 149 | $ 256 | $ 368 | $ 463 | $ 548 | $ 662 | $ 729 | $ 829 | $ 987 |
| Housing | 321 | 321 | 426 | 426 | 522 | 522 | 621 | 621 | 720 |
| Transportation | 177 | 177 | 177 | 177 | 200 | 223 | 246 | 269 | 292 |
| Other Consumption | 131 | 167 | 202 | 241 | 287 | 323 | 349 | 384 | 428 |
| TOTAL | $ 778 | $ 921 | $1,173 | $1,307 | $1,557 | $1,730 | $1,945 | $2,103 | $2,427 |

5. The Subcommittee commends the agency on its efforts to increase child care rates to increase the availability of child care. Increased rates serve the dual purpose of maintaining child care provider participation and sustaining the quality of child care by keeping pace with market rates. The Subcommittee notes that although there is currently no waiting list for child care statewide, there are unmet demands in certain geographic areas; infant and toddler care; and in slots for second and third shift workers. In addition, the Subcommittee observes that some of the grants provided by the agency provide funding to train child care workers which helps to increase early childhood education opportunities and improves the quality of child care.

6. The Subcommittee received information that as the assistance caseloads are decreasing, largely due to people becoming employed, the number of families receiving child care assistance is not increasing as much as was expected. The Subcommittee is concerned there are children/families needing child care who are falling out of the system for some reason. The Subcommittee notes the agency is also concerned and is trying to understand and address the issue.

## Child Support Enforcement Division

1. The Kansas Enhanced Statewide Support Enforcement System (KESSEP) is being developed by SRS to meet the federal requirements mandated by the federal Family Support Act of 1988. Congress mandated each State to develop a Statewide automated data system that has the capability to control, account for, and monitor all processes for determining paternity and collecting child support. Initially, Congress mandated implementation of such a system by October 1, 1995. Due to significant delay in issuance of federal regulations and other factors, Congress extended the deadline to October 1, 1997.

   While SRS had an existing automated eligibility system (KAECSES), the new federal requirements were so substantial that a new system needed to be developed. Work on KESSEP began in earnest in FY 1994. The KESSEP system will be roughly 10 times larger than the CSE portion of KAESCES due to the complexity of automating the CSE business functions, in accordance with the federal requirements. The Subcommittee notes that the due to the complexity of the system and the number or screens involved, initial KESSEP implementation could affect worker caseloads by reducing the manageable caseload to as low as 200 cases per worker. Current

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caseloads range from 500 to 700 per agency worker. The agency noted that efforts to make the system more "user friendly" is a top priority for the agency once the system is implemented statewide. Although the system has not yet been implemented statewide, the fixed price contract with a significant project contractor ended December 31, 1997. SRS elected to not enter into a fixed price contract with the contractor or to amend the existing contract, instead, SRS issued technical proposal requests (TPRs) to all vendors to assist SRS with finishing the project. A separate contractor will be working with SRS on performance tuning required with all new systems. Once the system is "tuned" it will be ready for statewide implementation. In order to meet federal requirements, the system must be operating statewide by April 1, 1998. The lack of an automated system which meets federal requirements could mean the loss of federal child support enforcement funding of approximately $20.7 million and penalties on the TANF block grant which are as yet undetermined. The latest information indicates these penalties could range from 1 to 5 percent of the $102.0 million TANF block grant.

Expenditures to date on the current KESSEP project total $27.1 million ($20.3 million federal/$6.8 million state). Initially, federal financial participation in this project was 90% federal and 10% state and is currently 66% federal and 34% state. According to SRS, the current KESSEP project and the elements necessary for certification of the system by April 1, 1998 can be completed within existing agency appropriations. Even though the October 1, 1997 deadline was missed, SRS does not anticipate any penalties because it appears that the certification requirements have been substantially met. Less than one-half of the states successfully met the October, 1997 deadline. Of the 21 states reviewed for certification at this point, only 6 have been certified. The Kansas system was reviewed in the first half of February 1998 but results are not available at this time.

Once KESSEP is certified and implemented statewide, it will be necessary to begin work on new federal requirements contained in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. One of the most important elements of the new requirements is the ability to interface with a number of other computer systems including other state agencies, local entities, financial institutions, and national databases. At this point in time without federal regulations, it is impossible to fully scope the project for the necessary interfaces and additions to KESSEP, but the agency believes that necessary expenditures may be in the range of an estimated $10.0 million and would be expended over several years. Federal reimbursement at 80% is to be available up to an as yet undetermined level, with the remainder reimbursed at 66%. Although the agency requested $3.96 million ($1.35 million SGF) in FY 1999 (not recommended by the Governor), the agency reported that because final federal regulations have not yet been issued, it appears appropriations for development work would not be necessary until FY 2000. Although, the federal law, enacted August, 1996, requires that the system improvements be completed by October 1, 2000, the agency is skeptical that this will be a firm date. The Subcommittee encourages the agency to explore with federal officials the possibility of using the TANF block grant balances to fund the necessary changes.

The Subcommittee requests the agency report at Omnibus on the current status of the project.

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**Adult and Medical Services Commission**

1. Add $4.0 million State General Fund ($10.0 million all funds) as the first installment to address the problem of low Medicaid provider reimbursement rates. The Subcommittee received information that some provider rates have not been adjusted since the 1960s and that low reimbursement rates directly impact the availability of preventive and primary medical care for the Medicaid population. Also, inadequate provider reimbursement rates could have a negative impact on the effectiveness of the new children's health insurance program being considered by the Legislature. Providers may not be willing to take on the additional children brought into the system by the program if rates remain at their current levels. The Subcommittee discussed anecdotal information they have received over the years regarding the inability of people with medical cards to get services because providers were not willing to accept them. The Subcommittee notes that a rate study they received during agency hearings confirmed much of this information. The Subcommittee requests the agency to look at studies examining the impact of certain illnesses, conditions or services when determining rate increases.

2. Add $160,000 State General Fund ($400,000 all funds) to provide for increased Medicaid reimbursements on eyewear for children. The Subcommittee heard testimony that low reimbursement rates in the Children's Medicaid Vision program for eyewear and vision exams are causing some providers to leave the program or stop seeing new Medicaid patients. The recommended funding would increase reimbursements for frames (also including a one year warranty) and lenses and would allow for the issuance of polycarbonate lenses for the first time. The Subcommittee notes that increasing reimbursement rates on exams should be considered by the agency in connection with item number 1 above to keep providers in the program.

3. The Subcommittee notes the following information with regard to the delinking of Medicaid and Temporary Assistance for Needy Families (TANF) eligibility. Under federal welfare reform legislation, eligibility for Medicaid coverage was separated from cash assistance eligibility determined under the state's TANF plan. Congress provided a means for states to ensure continued Medicaid coverage to families affected by the new welfare reform legislation. Under the delinking provisions, the state's Medicaid determination must follow the rules in place in the Aid to Families with Dependant Children (AFDC) program prior to implementation of TANF. The result is that a state would be required to do a Medicaid determination separate from the determination for cash eligibility. Because of this, Congress appropriated additional funding for expenses incurred by the states as a result of delinking in areas such as outreach and computer system support. In Kansas, SRS is taking the opportunity to use these "delinking" provision in conjunction with any proposed implementation plans for the State Children's Health Insurance Program (Title XXI) to simplify and streamline existing Medicaid eligibility processes for children. The Subcommittee supports the agency's efforts to implement the "delinking" provisions.

4. The Subcommittee discussed the issue of the difference between rates Missouri pays to Kansas hospitals, particularly the KU Medical Center, and the rates Kansas pays for services in Missouri. The Subcommittee believes Missouri has a two-tiered

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system in which it pays a lower rate to Kansas hospitals/physicians who provide services to Missouri residents than it does to its own providers. However, Kansas pays rates based on the state of residence of the patient (*i.e.* If it is a Missouri resident, Missouri rates are paid) with the result that Kansas pays more for services provided in Missouri than Missouri pays Kansas providers. The Subcommittee directs SRS to explore the situation and the available options including a two-tier approach similar to Missouri. The agency should try to equal out the rates between the two states which would likely mean lowering rates paid for services in Missouri.

5. The Subcommittee notes there is currently a waiting list of 54 persons for the Home and Community Based Services - Head Injured waiver. According to testimony, funding required to eliminate the waiting list would be $2.5 million State General Fund. The Subcommittee recommends the waiting list issue be addressed during Omnibus.

## Alcohol and Drug Abuse Services (ADAS) Commission

1. The Subcommittee is concerned about the effectiveness of the current service model being utilized to provide prevention and treatment services in Kansas. The Subcommittee notes that it appears the current management organization has not been fully cooperative and there have been concerns expressed regarding the organization's responsiveness to the agency and providers of services. The Subcommittee was informed that the current contract with the management organization expires in July 1999 and that the agency pays a management fee of $500,000 per year to the organization.

2. The Subcommittee notes that despite the Governor's reduction of $212,000 in State General Fund support for prevention grants distributed to Regional Prevention Centers (RPCs), the agency has agreed to allocate additional special revenue funds to replace the deleted funding.

## Children and Family Services Commission

1. The Subcommittee notes the dramatic changes SRS has made with regard to the provision of child welfare services including foster care/reintegration, adoption and family preservation. The privatization initiatives undertaken by the agency are regarded as being on the forefront of national child welfare reform. In addition, the privatization initiative has been submitted to the Council of State Governments for Innovations Award recognition. The Subcommittee recognizes that this is not just a refinement of an old system but the creation of an entirely new way of doing business. The great amount of effort put into the implementation of these reforms by all of the parties involved is also noted by the Subcommittee. The Subcommittee appreciates the agency's admission that because the changes are still new, it is too early to draw conclusions about the overall success of the initiatives and that there are problems yet to be solved. The Subcommittee does note that the adoption program seems to have had clear success thus far in getting more children adopted in less time. Other states appear to be watching the state's efforts and some are

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emulating the initiatives in their own states. The Subcommittee believes that the agency and the state are headed in the right direction and with continued efforts to correct problems the initiatives should be successful.

2. Add $250,000 State General Fund ($500,000 all funds) to provide funding for training due to the loss of federal training dollars (IV-E funding).

## Rehabilitation Services Commission

1. The Subcommittee received information that federal funding for assistive technology through the Technology Related Assistance for Individuals With Disabilities Act ("Tech Act") is scheduled to sunset on September 30, 1998 and has not been acted upon by Congress. Currently, the Tech Act provides $510,887 to Assistive Technology for Kansans which is coordinated by the University of Kansas Affiliated Program at Parsons.

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Dave Kerr

Senator Dave Kerr, Chair

Alicia L Salisbury

Senator Alicia Salisbury

Stephen R Morris

Senator Stephen Morris

Marge Petty

Senator Marge Petty

Paul Feleciano Jr

Senator Paul Feleciano Jr.

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