

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson Representative Kenny Wilk at 8:30 a.m. on April 3, 2002, in Room 514-S of the Capitol.

All members were present except: Representative Bethell, Excused
Representative Campbell, Excused
Representative Hermes, Excused
Representative Newton, Excused
Representative Shultz, Excused
Representative Toplikar, Excused

Committee staff present: Amy Kramer, Legislative Research
Alan Conroy, Legislative Research
Julian Efird, Legislative Research
Deb Hollon, Legislative Research
Becky Krahl, Legislative Research
Audrey Nogle, Legislative Research
Robert Waller, Legislative Research
Paul West, Legislative Research
Jim Wilson, Revisor of Statutes
Mike Corrigan, Revisor of Statutes
Nikki Feuerborn, Committee Secretary

Conferees appearing before the committee: Dr. Jane Rhys, Kansas Council on Developmental Disabilities

Duane Goossen, Director of the Division of the Budget, explained to the Committee the need for legislation to assist their division to increase cash flow difficulties. Due to cash flow problems in the past few months, the state was unable to make its total payment to the schools.

Chairman Wilk moved for the introduction of legislation which would assist the Division of the Budget in dealing with cash flow issues. Motion was seconded by Representative Stone. Motion carried.

Hearing, Discussion, and Action on HB 2575—Establishing the state council on developmental disabilities; membership, powers and duties

Dr. Jane Rhys, Executive Director of the Kansas Council on Developmental Disabilities, explained that this bill would permit Kansas to be in compliance with federal law by (Attachment 1). The bill increases the membership from 15 to 18 to reflect the addition of a representative from Title V of the Social Security Act. The bill also changes consumer representation from 50 percent to 60 percent of the membership. A balloon was presented which changes “Secretary of Health, Education and Welfare” to “Secretary of Health and Human Services.”

Written testimony supporting the bill was received from Kansas Advocacy & Protective Services, Inc. (Attachment 2).

Chairman Wilk closed the hearing on **HB 2575**.

Representative Spangler moved to amend the bill by adopting the balloon amendment which changes “Secretary of Health, Education and Welfare” to “Secretary of Health and Human Services.” Motion was seconded by Representative Pottorff. Motion carried

Representative Spangler moved to report **HB 2575** favorably as amended. Motion was seconded by Representative Pottorff. Motion carried.

Action on HB 2770—Persian Gulf war veterans health initiative act

Representative Feuerborn moved to amend the bill by striking Section 1 and fund \$100,000 to be paid from the state general fund for FY 2003. Motion was seconded by representative Minor. Motion carried.

Representative Feuerborn moved to report the bill favorably for passage as amended. Motion was seconded by Representative Stone. Motion carried.

Discussion and Action on SB 509—State civil service; unclassified officers, SRS, physicians assistants and ARNP's

Written testimony in support of the bill was received from Janet Schalansky, Secretary of Social and Rehabilitation Services (SRS) (Attachment 3).

Andy Sanchez, Executive Director of the Kansas Association of Public Employees, spoke in opposition to the bill which would allow SRS to direct-hire registered nurses on an emergency basis and place them in an unclassified status (Attachment 4).

Written testimony in opposition to the bill was received from:

- Diana Walker, R.N., Osawatomie State Hospital (Attachment 5)
- Delores E. Day, R.N., Oswatomie State Hospital (Attachment 6)
- Mark Ready, R.N., Osawatomie State Hospital (Attachment 7)

Representative Nichols made a conceptual motion to amend the bill to allow new-hires for registered nurse job classifications to be hired as unclassified staff and, if they prove satisfactory, transfer them to classified status at the end of the six-month probationary period. Motion was seconded by Representative Neufeld. Motion carried.

Representative Minor moved to report the bill favorably as amended. Motion was seconded by Representative Stone. Motion carried.

Action on SB 374—State agency fee authorizations

Representative Neufeld moved to report SB 374 favorably for passage. Motion was seconded by Representative Pottorff. Motion carried.

Action on SB 396—Payment of certain claims from secretary of corrections by the director of accounts and reports

Representative Nichols moved to amend the bill by making technical corrections as appears in Attachment 8. Motion was seconded by Representative Minor. Motion carried.

Representative Nichols moved to amend the bill by inserting language which requires the director of accounts and reports to accept payment for services rendered regardless of when they were rendered (Attachment 9). Motion was seconded by Representative Stone. Motion carried.

Representative Neufeld moved to report SB 396 favorably as amended. Motion was seconded by Representative Feuerborn. Motion carried.

Discussion and Action on HB 3014—State officers and employees reduction of salary; computation of retirement benefits thereof

Representative Pottorff described the bill as being proactive as it would protect state employee's retirement benefits in KPERS should furloughs or voluntary reduction in compensation occur. The Budget Committee's recommendations were presented and reviewed by Committee members (Attachment 10).

Representative Pottorff moved to amend HB 3014 in accordance with Attachment 11. Motion was seconded by Representative Stone. Motion carried.

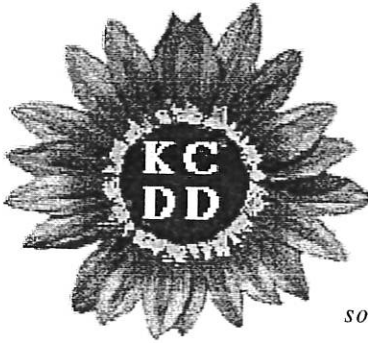
Representative Pottorff moved to report the bill favorably as amended. Motion was seconded by Representative Stone.

Representative Nichols made a substitute motion to reconsider the action on SB 509 which was voted on favorably on this date. Motion was seconded by Representative Neufeld. Motion carried.

Representative Pottorff moved to amend SB 509 by adding the language of HB 3014 to the bill. Motion was seconded by Representative Stone. Motion carried.

Representative Pottorff moved to report SB 509 favorably as amended. Motion was seconded by Representative Stone. Motion carried.

The meeting was adjourned at 9:30 a.m. The next meeting is scheduled for April 4, 2002.



Kansas Council on Developmental Disabilities

BILL GRAVES, Governor
DAVE HEDERSTEDT, Chairperson
JANE RHYS, Ph. D., Executive Director

Docking State Off. Bldg., Room 141, 915 Harrison
Topeka, KS 66612-1570
Phone (785) 296-2608, FAX (785) 296-2861

"To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities"

HOUSE APPROPRIATIONS

April 3, 2002

Testimony in Regard to H.B. 2575. An Act Establishing the State Council on Developmental Disabilities

Mr. Chairman, Members of the Committee, I am appearing today on behalf of the Kansas Council on Developmental Disabilities regarding H.B. 2575, an act establishing the state council on developmental disabilities.

The Kansas Council is federally mandated and funded under Public Law 106-402, as amended, the Developmental Disabilities Assistance and Bill of Rights Act. The Council is composed of individuals who are appointed by the Governor, including individuals who are persons with developmental disabilities or their immediate relatives and representatives of the major agencies who provide services for individuals with developmental disabilities. Our mission is to advocate for individuals with developmental disabilities, to see that they have the opportunity to make choices in life similar to those opportunities you and I have.

In 2000 the federal law was reauthorized and certain changes were made. We are asking that you pass this Bill in order to permit us to be in compliance with federal law. Specifically: H.B. 2575 does the following:

- Amends Chapter 74.--State Boards, Commissions and Authorities, Article 55.—Developmental Disability Agencies, specifically the statute authorizing the Kansas Council on Developmental Disabilities.

HOUSE APPROPRIATIONS

DATE 4/3/02

ATTACHMENT 1

- Increases the number of and revises Council membership to reflect federal changes. The Kansas statute requires a membership of 15. The federal statute has added a new member to represent Title V of the Social Security Act (Maternal and Child Health Care) and also changes consumer representation from 50% of the membership to 60%. In order to be in compliance with federal law, we need to enlarge the membership to at least 18.
- This bill, if passed, is revenue neutral. If not passed, Kansas will lose approximately \$610,953 annually in federal funds. Of those funds, \$183,196 is used for Council expenses and \$427,667 is awarded in competitive grants.

For your information, I have attached letters of support from other advocacy organizations, a list of our members, and a list of our accomplishments.

Finally, I have also attached a balloon to make further editorial changes. The current statute refers to the "Secretary of Health, Education and Welfare" which has been changed to the "Secretary of Health and Human Services."

I would be happy to answer any questions you might have regarding the Council and their activities. As always, we appreciate the opportunity of appearing before you and would be happy to answer any questions you may have.

Jane Rhys, Ph.D., Executive Director
Kansas Council on Developmental Disabilities
Docking State Off. Building, Room 141, 915 SW Harrison
Topeka, KS 66612-1570
785 296-2608
jrhys@alltel.net

Self-Advocate
Coalition of Kansas

DATE: April 2, 2002

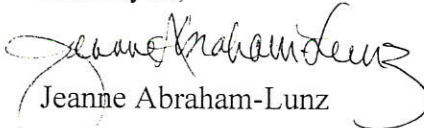
TO: Kenny Wilk
Chairman of House Appropriations

FROM: Jeanne Abraham-Lunz, SACK Support Staff
Kathy Lobb, SACK Legislative Liaison

RE: HB 2575

The Self-Advocate Coalition of Kansas (SACK) is the statewide advocacy organization for adults with developmental disabilities. SACK receives support from the Kansas Council on Developmental Disabilities (Kansas DD Council) through grants and also works collaboratively with them in workgroups and through legislative advocacy efforts. SACK is writing in support of HB 2575 which would create compliance with the federal Developmental Disabilities Act for the Kansas DD Council and allow them to continue to exist and grow. The Kansas DD Council makes every effort to ensure that people with developmental disabilities have the opportunity to make choices regarding participation in society and quality of life. Their services are invaluable to people with developmental disabilities as well as to family members and organizations that support people with developmental disabilities. Please support HB 2575.

Thank you,


Jeanne Abraham-Lunz


Kathy Lobb



2518 Ridge Court,
Room 236
Lawrence, Kansas 66046

Phone: 1-888-354-7225 or
785-749-0121
Fax: 785-843-3728
Email: kssack123@aol.com
Web: kansasack.org

KANSAS COUNCIL ON DEVELOPMENTAL DISABILITIES

APPOINTED MEMBERS

4/2/02

Askia Adams¹
3149 N. 61 St
Kansas City, KS 66104
(913) 788-5918

Dale Barnum
Director, Rehabilitation Services
3640 SW Topeka Blvd., Suite 150
Topeka, Kansas 66611-2373
(785) 267-5301
(785) 267-0263 FAX

Lorna Ford²
P.O. Box 33
Jetmore, KS 67854
(620) 357-8889 Home
(620) 225-3020 Child Development Center
(620) 227-8344 mgreene@acf.dhhs.gov Resource &
Referral Agency

Jim Germer
Director, Kansas Advocacy & Protective Services
3745 SW Wannamaker
Topeka, KS 66610
(785) 273-9661-3469 (Voice & TDD)
(785) 273-9414 FAX

Dave Hederstedt, Chairperson²
Vice President & Trust Officer
First National Bank of Hutchinson
One North Main, P.O. Box 913
Hutchinson, Kansas 67504-0913
(620) 663-1521
(620) 662-2160 FAX

Darvin Hirsch, E.D.
Director of Policy, Dept. of Aging
503 S Kansas
Topeka, Kansas 66603-3404
(785) 291-3362
(785) 296-0256 FAX

Donna Ireland¹
403 Iowa, #12
Hiawatha, KS 66434
(785) 742-3959 Work
(785) 742-3834 FAX

Sharon Lobb Johnson, Vice Chairperson
Program Analyst/ Medicaid Infrastructure Project
Health Care Policy
915 SW Harrison 6th Floor S
Topeka KS 66612
(785) 296-3981
(785) 296-4813 FAX

Tricia Morgan²
212 South Cypress
Stockton, KS 67669
(785) 737-4515 Work
(785) 737-4636 FAX

Bruce Passman Ph.D.
State Director, Student Support Services
State Dept. of Education,
120 East 10th
Topeka, KS 66612-1182
(785) 291-3097
(785) 296-1413 FAX

Tom Rose²
6918 West 101st Street
Shawnee Mission, KS 66212
(913) 385-5141 Home
(913) 385-5142 Fax-call first

Steve Schroeder, Ph.D.
Director, Kansas Center for Excellence in
Disabilities Education, Research and Service
1052 Dole Human Development Bldg.
Lawrence, Kansas 66045
(785) 864-4295
(785) 864-5323 FAX

Alice Sutton¹
2605 Pawnee, Bldg B, Apt 2
Garden City, Kansas 67846
(620) 275-7521 Work
(620) 275-2565 Fax

Kim Swink¹
4244 S. Hydraulic, Apt. #220
Wichita, KS 67216
Home: (316) 554-1392
Work: (316) 383-8700

D. Virginia Zimmerman²
21195 139th Street
Basehor, KS 66007
(913) 724-1636

¹ person with a developmental disability

² parent of a person with a developmental disability

KANSAS COUNCIL ON DEVELOPMENTAL DISABILITIES

APPOINTED MEMBERS

4/2/02

Ex-Officio Members

Martha Hodgesmith

Director of Community Based Services
Health Care Policy
Fifth Floor, Docking State Office Building
Topeka, Kansas 66612
(785) 296-3561
(785) 296-6142 FAX

Linda Kenney

Director, Bureau of Children, Youth and Families
Landon State Office Bldg., 10th Floor
Topeka, Kansas 66612
(785) 291-3368
(785) 296-8626 FAX

Andrea Romero¹

2550 S. Oliver, #207
Wichita, KS 67210
(316) 687-0373 Home
(316) 942-6300 Ext 238
(316) 942-2078

Richard Williams¹

7350 State Avenue, Apt 502
Kansas City, KS 66112
(913) 788-8381
(913) 788-8400 Work

¹ person with a developmental disability

² parent of a person with a developmental disability



THE Kansas DEVELOPMENTAL DISABILITIES COUNCIL



The mission of the Kansas Council on Developmental Disabilities is to ensure people with developmental disabilities have the opportunity to make choices regarding participation in society and quality of life.

Executive Director: Jane Rhys
Chairperson: Dave Hederstedt
Docking State Office Building
915 SW Harrison, Room 141
Topeka, Kansas 66612-1570
Phone: 785-296-2608/800-431-4604
FAX: 785-296-2861
Email: kcdd@alltel.net
Web Site: <http://nekesc.org/kcdd>

State DD Allotment (FY 2001) \$610,953
State DD Allotment (FY 2002) \$610,953
Number of people in Kansas with developmental disabilities (approx.): 46,296

ACCOMPLISHMENTS

Core Services

To promote quality services for persons with developmental disabilities, the Council funded the Arc of Douglas County to create a cross disability review of services provided under the Medicaid waivers, bringing together people representing a variety of disabilities and ways to improve service systems.

Outcome: A document that describes core values needed by this population to increase their independence, productivity, integration, and inclusion into the community. The specific objective is to assist customers, family members and service providers in identifying the types of services and supports, paid and unpaid, the customer may access in order to remain in the community.

Employment

The Kansas Council focuses on activities that are investments in the future and use the entrepreneurship concept and the private sector to provide programs, ensuring a high return. In 1997 the Council began a program to assist persons with developmental disabilities to purchase their own businesses. In only three months the first individual was able to earn \$700 a month. Three additional individuals were assisted in FY 2001. The Council also funded a project to train persons with cognitive disabilities to be personal care attendants for persons with physical disabilities, training programs for PASS plans, and a conference on the new Kansas Working Healthy project.

Outcome: Over 364 Kansans with developmental disabilities received needed information and assistance in gaining employment, 3 were able to start their own businesses and 31 were gainfully employed by the end of the fiscal year.

Housing

The Special Needs Housing Program in Hutchinson assists individuals with disabilities to obtain affordable, accessible housing in their communities. The program has assisted people in finding apartments, houses, and duplexes for rent and/or for purchase. They also worked with other community housing organizations (Bird City, Chanute, El Dorado, Garden City, Iola, Kansas City, Salina, and Sharon Springs) in Kansas to facilitate the replication of the project in other communities. Two other Kansas communities will receive funding for housing programs in El Dorado and Chanute in FY 2002.

Outcome: The project trained 57 individuals in systems advocacy regarding housing and leveraged \$108,615. There were 13 new units of affordable housing made available and housing policies improved in 3 communities.

Publications/Documents

Through a grant the Council funded the development of a new booklet, *Stories from the Free State* containing success stories about changes in the lives of people participating in self determination in Kansas. This booklet has been provided to over 1000 individuals.

Outcome: Over 1,000 individuals with Developmental Disabilities and their families have received needed information regarding available services in Kansas.

Training

The Council provided funds for Partners in Policymaking, training parents in their rights under the Individuals with Disabilities Education Act, consumers and service providers about assistive technology devices and applicable laws, and the *Disability Caucus*, a statewide conference focusing on major issues affecting the lives of persons with disabilities.

Outcome: Over 570 persons received advocacy training and information through Council sponsorship of a Statewide Disability Caucus and 621 received training on assistive technology through a Statewide Assistive Technology Conference. Extensive training in advocacy was provided to 24 individuals through Partners in Policymaking program.

Transportation

Consortiums in Wichita and Salina, (FY 1999), and Concordia, Topeka, and Hutchinson (FY 2000) to provide accessible, affordable and reliable transportation on an interagency basis to persons with disabilities as well as the elderly. The purpose of these projects is to show how collaboration, among different entities that have customers with transportation needs, can be used to effectively provide affordable transportation services to Kansans. In FY 2001 Hutchinson received funds to train individuals with DD to ride public transportation.

Outcome: To date, 40,000 rides have been provided to people who previously had no transportation. The Kansas Department of Transportation and the City of Salina are funding the Salina program in 2002 because they have seen a demonstrated need.

Please feel free to contact the Council regarding these or any other programs funded by the Council.

1 ownership or control interest (within the meaning of 42 U.S.C. 1320a-3
2 in effect on the effective date of this act) with respect to such an entity.

3 (c) Of the members of the state planning council described in sub-
4 section (b):

5 (1) At least one-third (~~1/3~~) shall be persons with developmental disa-
6 bilities; and

7 (2) At least one-third (~~1/3~~) shall be individuals described in paragraph
8 (2) of subsection (b), and at least one of such individuals shall be an
9 immediate relative or guardian of an institutionalized person with a de-
10 velopmental disability, *or shall be an individual with a developmental*
11 *disability who resides or previously resided in an institution.*

12 Sec. 2. K.S.A. 2000 Supp. 74-5502 is hereby amended to read as
13 follows: 74-5502. (a) The state planning council shall:

14 (1) Study the problems of prevention, education, rehabilitation and
15 other programs affecting the general welfare of the developmentally
16 disabled.

17 (2) Monitor, review and evaluate, at least annually, the implementa-
18 tion of the state plan for developmental disabilities.

19 (3) Review and comment, to the maximum extent feasible, on all state
20 plans in the state which relate to programs affecting persons with devel-
21 opmental disabilities.

22 (4) Submit to the secretary of **health, education and welfare**, through
23 the governor, such periodic reports on its activities as the secretary of
24 **health, education and welfare** may reasonably request and keep such re-
25 cords and afford such access thereto as the secretary of **health, education**
26 **and welfare** finds necessary to verify such reports. In accordance with
27 federal laws, the state plan for developmental disabilities shall be pre-
28 pared jointly by the division of mental health and developmental disabili-
29 ties of the department of social and rehabilitation services *that is re-*
30 *sponsible for programs for developmental disabilities* and the state
31 planning council.

secretary of health,
education and welfare
health and human
services

32 (5) Study the various state programs for the developmentally disabled
33 and shall have power to make suggestions and recommendations to the
34 various state departments for the coordination and improvements of such
35 programs.

36 (b) The council may make proposed legislative recommendations
37 having as a function the more efficient, economic and effective realization
38 of intent, purpose and goal of the various programs for the developmen-
39 tally disabled.



KANSAS ADVOCACY & PROTECTIVE SERVICES, INC.

3745 S.W. Wanamaker Rd.

Topeka, Kansas 66610

(785) 273-9661

(785) 273-9414 Fax

E-Mail Jim@ksadv.org

3218 Kimball Ave.

Manhattan, Kansas 66503

(785) 776-1541

(785) 776-5783 Fax

(877) 776-1541 TDD/Voice

Robert D. Ochs, Board President

James L. Germer, Executive Director

House Appropriations

April 3, 2002

HB 2575

Mr. Chairman and members of the Committee, Kansas Advocacy and Protective Services, Inc., thank you for the opportunity to provide written comment in support of House Bill 2575 which would change the Kansas statute that establishes the Kansas Council on Developmental Disabilities to conform with federal regulations.

Kansas Advocacy & Protective Services, Inc., (KAPS) is a private, nonprofit corporation that provides legal, administrative and other advocacy services to protect the rights of Kansans with disabilities. KAPS is the protection and advocacy system in Kansas for five federal programs for individuals with disabilities.

KAPS strongly supports H.B. 2575 to bring the Kansas statute in conformity with the federal regulations which require the increase in Council membership from 15 to 18 individuals. Without the passage of H.B. 2575 Kansas would be at risk of losing approximately \$610,953 annually in federal funding. The Council on Developmental Disabilities is an asset to the State of Kansas and the disability community.

Again, KAPS would strongly support H.B. 2575 and thank you for your consideration in support of this bill.

HOUSE APPROPRIATIONS

DATE 4/3/02
ATTACHMENT 2



KANSAS DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

915 SW HARRISON STREET, TOPEKA, KANSAS 66612

JANET SCHALANSKY, SECRETARY

April 2, 2002

The Honorable Kenny Wilk, Chairman
House Appropriations Committee
Statehouse - 514-S
Topeka, KS 66612

The Honorable Melvin Neufeld,
Vice Chairman
House Appropriations Committee
Statehouse - 182-W
Topeka, KS 66612

The Honorable Rocky Nichols, Ranking Democrat
House Appropriations Committee
Statehouse - 284-W
Topeka, KS 66612

Re: **Senate Bill 509**

Dear Chairmen:

I am writing to ask for your support of Senate Bill No. 509 which adds Registered Nurses, Advanced Registered Nurse Practitioners, Occupational Therapists, Physical Therapists and Physician Assistants to the unclassified service. I have attached for your reference the SRS testimony to the Social Services Budget Committee.

This bill is really about giving state hospitals a hand in serving and caring for the vulnerable people who require our help. For many reasons, it is particularly difficult for the state hospitals to recruit for these professional positions. In particular, we are struggling at the state psychiatric hospitals to hire enough registered nurses to adequately serve the patients and provide minimal coverage required to maintain accreditation. SB 509 gives the state hospitals flexibility to hire these professionals in unclassified positions when classified salaries are inadequate to compete with other employers and attract good candidates.

Importantly, current classified employees are held harmless under SB 509. Those employees who wish to remain in the classified service will be allowed to remain. Current classified employees who wish to move to an unclassified position may do so, but our experience indicates few will take this course. If new candidates indicate that they wish to take a classified position, that option will be available to them. Currently we have some nurses in unclassified temporary positions working at higher salaries than classified employees doing similar work.

HOUSE APPROPRIATIONS

DATE 4/3/02

ATTACHMENT 3

April 2, 2002
Page 2

The Department of Administration would prefer to address these problems through the classified service, but understands that we need the ability right now to pay salaries above the classified pay matrix. The Department of Administration worked with us on the final draft of our testimony and gave its approval.

With SB 509 we are seeking a tool to provide adequate care and treatment to some of the state's most vulnerable people. We need the ability to attract professional staff to work in our state hospitals. I respectfully request your endorsement of SB 509.

Thank you for your thoughtful consideration.

Sincerely,



Janet Schalansky
Secretary

JS:GDV:jm

cc: Joyce Glasscock, Secretary, Department of Administration
Keith Meyers, Deputy Secretary, Department of Administration
Bobbi Mariani, Director, Division of Personnel Services
Audrey Nogle, Legislative Research, Statehouse - 545-N
Scott Brunner, Division of Budget, Statehouse - 152-E
House Appropriations Committee Members

Kansas Department of Social and Rehabilitation Services
Janet Schalansky, Secretary



Docking State Office Building
915 SW Harrison, 6th Floor North
Topeka, Kansas 66612-1570

for additional information, contact:

Operations
Diane Duffy, Deputy Secretary

Office of Budget
J.G. Scott, Director

Office of Planning and Policy Coordination
Trudy Racine, Director

phone: 785.296.3271 *fax:* 785.296.4685

Social Services Budget Committee 514-S
March 28, 2002

Senate Bill No. 509

Human Resources
George Vega, Director
(785) 296-3271

Kansas Department of Social and Rehabilitation Services
Janet Schalansky, Secretary

Social Services Budget Committee
March 28, 2002

Senate Bill No. 509

Mr. Chairman, members of the Committee, my name is George Vega. I am the Director of Human Resources for the Department of Social and Rehabilitation Services. I am appearing today on behalf of Secretary Janet Schalansky in support of Senate Bill No. 509. The bill, as amended by the Senate, would add Registered Nurses, Advanced Registered Nurse Practitioners, Occupational Therapists, Physical Therapists and Physician Assistants to the unclassified service.

Documentation of a nationwide shortage of health care professionals, particularly registered nurses, has been well publicized. While previous nursing shortages have been cyclical in nature, demographics indicate the shortage this time around will be long term. Receiving less publicity, but just as well documented, is the growing crisis due to an inability to attract and retain paraprofessional care givers. Collectively, these shortages are predicted to have serious impact on the nation's capability to meet the increasing demands for health care.

The predicted national shortages are already a reality for the Department of Social and Rehabilitation Services' mental health and developmental disabilities facilities. All of our facilities are experiencing significant difficulty recruiting and retaining paraprofessional direct care staff, and the challenges for our mental health facilities are even greater due to their inability to recruit and retain registered nurses.

SRS has dedicated a great deal of energy and resources to solving these staffing problems. Our efforts and experience have led to the findings that merit system pay requirements and constraints, make it very difficult to respond to staffing issues in a 24/7 critical care arena. Our findings also indicate that unclassified appointments provide a very practical long-term strategy for recruiting and retaining competent employees in hard to fill positions such as registered nurses, physical therapists and occupational therapists. The unclassified service offers the flexibility our facilities need to compete. Salaries can be set and adjusted without lengthy study, and offers of employment can be immediate.

It has become increasingly difficult to recruit qualified physicians to work in our state facilities. In an effort to meet the challenges of providing patients and residents with quality care, we have opted to utilize Advanced Registered Nurse Practitioners, and would like to have the capability to utilize Physician Assistants, in lieu of a physician. These professionals can fulfill the facilities needs for the provision of traditional medical patient care in both an acute care setting, such as our MH hospitals, or in our DD facilities, at reduced salary costs. More importantly to the mission of SRS, these professionals can perform a variety of vital functions. Though not an inclusive list, as physician extenders, they can conduct an admission assessment, assist in the development of

- 3) Adds language to assure classified employees are unaffected by future designations.

A core group of capable health care professionals is vital to our mission of providing quality patient care. The flexibility of this amendment would allow us to recruit and retain essential staff for our facilities. A sufficient number of health care professionals is a requirement for maintaining Joint Commission on Accreditation of Healthcare Organizations (JCAHO) accreditation and our Medicare and Medicaid certifications and funding.

The change offered by Senate Bill No. 509 is extremely important to SRS, and to the citizens we serve. We ask for your favorable endorsement.

I welcome the opportunity to answer questions.

Testimony of Andy Sanchez, Executive Director
The Kansas Association of Public Employees, KAPE/AFT, AFL-CIO
For the House Appropriations Committee
April 3, 2002

On behalf of KAPE I delivered testimony in opposition to SB 509 in the Senate Ways and Means Committee hearings. An amendment offered the day of the hearings appeared to meet some of our concerns. However, upon further review it was clear that the Registered Nurse III job classification, distinctly different from the other job classes mentioned, are still included. Many of these Registered Nurses are members of KAPE and it is their concerns that compel us to oppose the bill.

Our concerns with SB 509 remain consistent with KAPE's message. If wages and salaries are dealt with consistently a steady workforce can be retained and new applicants recruited. We believe that a quick fix effort to "unclassify" employees will prove ineffective to deal with a shortage of nurses (and all healthcare workers) that is nationwide. Our members have suggested a long-term solution of commitment to these public service employees. Reducing some nurses to "employees at will" is not the answer. To KAPE an offer of more money to give up civil service protections seems obviously wrong and tainted. This will undoubtedly cause unrest and morale problems amongst employees.

The change in status from classified to unclassified status is very important to these nurses and should not be taken lightly by anyone. Civil Service rights such as "due process" and "just cause" are not just important to these employees and KAPE, but also to the general public. It protects the public and holds state elected and appointed officials accountable as they provide public service utilizing human resources. The public depends on civil service for fairness and protection to shield government and the public from the potential of political patronage.

KAPE members can only speculate on the purpose of this bill. Certainly the lack of funding would be our first inclination. Still, in the past nine months our recruitment efforts among nurses to join KAPE has intensified due to a renewed interest among nurses. We hope the intent of SB 509 is not to circumvent these interests. Because of concerns for fairness stated above, we worry about efforts to chip away at the classified service, especially given what we see as past efforts to dismantle civil service. All of this seems contrary to the spirit of the Public Employer Employee Relations Act (PEERA).

We know these are tough times and we ask the Committee to consider other solutions of commitment rather than the quick fix that will not accomplish the desired outcome. We ask that the committee consider the value of nurses with experience and familiarity with state programs, procedures. They provide the necessary consistence to the daily operations in a state healthcare facility. Consistency will not be sustained if nurses are unclassified and it will in fact promote rapid turnover that will prove to be costly.

I thank the committee for your consideration.

HOUSE APPROPRIATIONS

DATE 4/3/02

ATTACHMENT 4

Testimony by Diana Walker R.N. for the House Appropriations Committee
April 3, 2002

Thank you Chairperson Wilk and committee members for allowing me to submit written testimony on Senate Bill 509. I am a registered nurse at Osawatomi State Hospital and have worked at the hospital since 1980.

I am opposed to Senate Bill 509 mainly because of the loss of civil service protection and the right to due process for the employees affected. Another issue I foresee if this bill were to pass and become law is that morale problems would increase as favoritism would certainly be shown to some employees over others. Raises could be given unfairly to those favored by supervisors and administration.

At the Osawatomi State Hospital we have never used agency nurses. We do have some nurses that work PRN, which means when necessary. They do not receive any state benefits and are paid a slightly higher salary.

The solution to this problem is to increase the pay scale from top to bottom to retain current staff and attract new employees. Declassification punishes the ones you are trying to help.

Thank you for allowing me to submit this testimony. Please oppose Senate Bill 509.

Sincerely,



Diana Walker
212 1st Street
Osawatomi, KS 66064

HOUSE APPROPRIATIONS

DATE 4/3/02

ATTACHMENT 5

TESTIMONY BY DELORES E. DAY
FOR
HOUSE APPROPRIATIONS COMMITTEE
APRIL 2, 2002

Thank you, Chairman Wilk and Committee Members, for allowing me to submit testimony on S.B. 509.

My name is Delores E. Day and I am a Registered Nurse at Osawatomie State Hospital. I have been with this Institution since 1986.

I am opposed to S.B. 509 for several reasons: if this Bill passes, there will be loss of Civil Service protection—

- loss of due process—can be fired, laid-off or suspended without reason or remedy;
- there is no guarantee of benefits;
- favoritism will occur as supervisor determines;
- morale problems will be created as some RN's will be paid more than others for the same work;
- RN's will be reluctant to express opinions due to fear of retaliation;
- whistle blower protection will be lost.

State employee salaries do not match private sector salaries. There are such few 'perks' as it is and having some measure of security that Civil Service protection offers is helpful in attracting and keeping employees.

There is a promise of unclassified employees being paid higher salaries—there is already 'no money for raises'; how can there be any money then, for unclassified salaries? I now am compelled to wonder about ulterior motives of those proposing this Bill—will they be receiving a percentage of the proposed savings? Is there an illegal event about to happen if this Bill passes?

As far as solutions, OSH does not use agency nurses—we do not have that expense. PRN nurses are used infrequently and receive pay(without benefits) otherwise used if the open positions they are covering for were filled.

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ATTACHMENT 6

I understand a wage study was done not too long ago and there was no follow-up. Perhaps this study and recommendations should be reviewed and followed. This may well be the solution we need.

Please do not take away the classified positions of state employed healthcare professionals. The State of Kansas is already in trouble—de-classifying state employees will create even more problems and magnify ones we already have. Additionally, this move will point out to voters, even more, the poor management and decision-making skills our law-makers exhibit in times of crisis.

Thank you, again, for allowing me to submit this written testimony. I know you appreciate input from constituents. If I can be of further assistance, please feel free to contact me.

Sincerely,



Delores E. Day
108 Hillcrest Dr.
Paola, KS 66071
913 557 9988
dday63@grapevine.net

Testimony by Mark Ready RN
For
House Appropriations Committee
April 2, 2002

Thank you, Chairman Wilk and Committee members, for allowing me to submit this written testimony on SB 509.

My name is Mark Ready and I work as a Registered Nurse 3 at the Osawatimie State Hospital. I have worked for the State of Kansas since 1974 at that institution and have been employed as a Registered Nurse since 1980, when I got my license to practice nursing. I also trained at the hospital to become a Licensed Mental Health Technician when I first started working at the hospital. So I have many years of experience in the Nursing profession on a couple of different levels. I am also very, very familiar with the workings of the hospital and issues involving the hospital on the state-wide level.

I am opposed to SB 509 for several reasons. The biggest issue with it is that it is difficult to understand where the money will come from. This is being presented as the only way for these classifications to get more money. If we don't have the money now (and to look at the numbers for the projected budget shortfall we don't) how will there be money to fund this? If the money is there now, why can't we be given it and remain classified? If the money was there, I don't think it would be enough to cover every person on the list should they all get raises. So that would leave the extra money, however much that will be, left to the "favorites." Also, newly hired RNs could be making more money than the RNs who have worked at the hospital for a number of years. That would create such poor morale and would likely reduce productivity. A very, very good reason to remain as we are is because we do have the right to due process. If we were to be made unclassified, then that is no longer a protection. This kind of protection is so badly needed. The blatant favoritism created by unclassification could create further vacancies within the department because those who are truly deserving of advancement but are denied because of their outspokenness would move on to other hospitals. Hence, another problem with unclassifying us -- the lack of freedom of speech. Many good ideas are those that oppose the "status quo" but this is generally seen as disloyal to the institution and punished rather than rewarded. It's a shame that many a good idea goes unnoticed because it doesn't go along with the status quo and it is equally a shame to view that person, who may have the best idea that would be good for the institution, be seen as a trouble maker and not worthy of a raise in pay. And what would it do to the Whistle Blower's act? Who would want to say something about poor performance/poor care being given if all they were going to get from it is fired? I thought the State of Kansas was so desperately trying to change the way things are done, yet this move to unclassify can keep us stuck in the same rut about how we run things. If the aim is to create an air of freedom of speech and ideas, then we must not lose our Civil Service rights. We will have nothing but a dictatorship, in my opinion, if this bill is enacted and who wants to work under those conditions?

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ATTACHMENT 7

One of the best solutions I can come up with is to look at the job study done a couple of years ago and simply implement whatever pay scale is needed to keep up with the public sector. It is important for ALL to have a salary boost, not just a few "favorites." One way or the other you are going to have to have the money to fund it, so why not leave us classified and pass legislation to increase our salaries to keep up with the private sector? I urge you to look at the alternatives and to leave us with the protection we so badly need.

Thank you again for allowing me to submit this testimony, and I would only reinforce how important it is to remain a classified employee. If necessary, I would be happy to address any concerns you may have in person.

Sincerely,

Mark Ready RN

Mark Ready
32345 W. 399th
Osawatomie, Kansas 66064
913 755 2832
ready@micoks.net

SENATE BILL No. 396

By Committee on Ways and Means

Proposed Technical Amendments
For Consideration by Committee on Appropriations

1-17

10 AN ACT concerning the director of accounts and reports; authorizing
11 the processing and payment of certain claims from the secretary of
12 corrections.

[vouchers

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. ~~Notwithstanding K.S.A. 75-3751, and amendments~~
16 ~~thereto, the~~ director of accounts and reports shall accept for payment
17 from the secretary of corrections any duly authorized claim from the local
18 jail payments account of the state general fund. This shall be for costs
19 pursuant to subsection (b) of K.S.A. 19-1930, and amendments thereto.
20 This duly authorized claim from the local jail payments account of the
21 state general fund shall be paid even though such claim is not submitted
22 or processed for payment within the fiscal year in which the service is
23 rendered and even though the services were rendered prior to the effective
24 date of this act.

[The

[voucher for payment of any bill for an
amount due and owing to be paid

[voucher

25 Sec. 2. This act shall take effect and be in force from and after its
26 publication in the ~~statute book~~ *Kansas register*.

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DATE 4/3/02
ATTACHMENT 8

PROPOSED AMENDMENT TO SB 396

March 13, 2002

On page 1, following line 24, by inserting the following material to read as follows:

“Sec. 2. The director of accounts and reports shall accept for payment from any state agency any duly authorized voucher for payment of any bill for an amount due and owing to be paid from moneys appropriated for such state agency and available for such purpose, regardless of when services were rendered or when supplies, materials, equipment or other goods purchased were ordered or delivered.”;

And by renumbering sections accordingly;

Also on page 1, in the title, in line 12, before the period, by inserting “and other state agencies”

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ATTACHMENT 9

**HOUSE GENERAL GOVERNMENT AND HUMAN RESOURCES
BUDGET COMMITTEE WORKING GROUP**

APRIL 2, 2002

RECOMMENDATION ON HB 3014

HB 3014 would revive a 1987 law providing that if the compensation of any state employee were reduced by law or by a voluntary election, then for the purpose of computing retirement or death and disability benefits under one of the KPERS sponsored plans, the original base compensation prior to the reduction would be used to compute benefits. This provision originally was enacted by the 1987 Legislature for the period January 1, 1987, to June 30, 1987. HB 3014 would delete the statutory reference to a six month period, and the hold-harmless provision would be revived upon publication in the *Kansas Register*.

Working Group Recommendation

HB 3014 is recommended with the following amendments:

1. Clarify that the intent is to protect long-term state employees who remain working until they retire under one of the KPERS plans and to protect any covered state employees who might be impacted under the death and long-term disability provisions. Authority should be delegated to the KPERS Board of Trustees for the responsibility of administering this law, with cooperation from the Director of Personnel Services.
2. Provide for a sunset on this law in order to assure the orderly administration of these provisions prior to July 1, 2007, especially regarding retirement benefits. If employees have had their compensation reduced during one of their three or four highest compensated years that are used for calculating benefits, then this law assures a higher salary base will be used when making calculations. The same principal would apply to death and disability benefits.
3. Make technical amendments suggested by the Department of Administration.

Background

The 1987 Legislature confronted a shortfall in actual and estimated State General Fund receipts. Among the various measures passed to address potential problems, 1987 HB 2500 was enacted to provide that for a six month period at the end of FY 1987 if any salary reductions took place, then there would be no negative effect on retirement or death and disability benefits. The bill allowed for computation of retirement or other benefits as if no salary reduction had taken place. HB 2500 was intended to protect state employees who were near retirement in order to keep their final average salary at a higher level even if reductions had been required in FY 1987. KPERS reports that in FY 1987 a small group of higher salaried executive appointees took voluntary reductions and that no systemwide reductions were implemented in FY 1987.

This bill originally was introduced last Session as HB 2598 as requested by the Court. After being introduced on April 25, 2001, it was referred to House Appropriations, then withdrawn and referred to the Committee of the Whole on April 26. At the end of the 2001 Session, it was stricken from the Calendar on May 7, 2001. No hearings were held last year.

The 1987 law applies to the Kansas Public Employees Retirement System (KPERS), including the Kansas Police and Firemen's (KP&F) and Judges Retirement plans. It covers employees of the state, elected

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ATTACHMENT 10

state officers, and employees of the Board of Regents. The provision does not apply to salary reductions attributed to voluntary demotions of classified employees, deferred compensation, or participation in the cafeteria plan.

The Working Group heard from representatives of the Court, the Department of Administration, and KPERS. At the first meeting, the Department of Administration and KPERS staff were asked to formulate alternatives for review. Three alternatives were presented at the second meeting. The Working Group favors one of the alternative and recommends that option since the fiscal notes for the other two alternatives tend to be significantly higher.

The preferred alternative would address primarily those long-term state workers within five years of retirement or any state worker dying or becoming disabled, if there were any reduction in compensation. The fiscal impact will be evaluated annually and at the conclusion of the period ending June 30, 2007. Fewer than 2,000 state employees will be eligible for normal retirement during this period and ever fewer will become disabled or die. The provisions of this law will apply only if an impacted state worker is furloughed or takes a voluntary reduction in compensation. KPERS and the Director of Personnel Services indicated that there would be no administrative cost to implement HB 3014 and amendments recommended by the Working Group. Any additional administrative duties would be handled by existing staff. KPERS indicated that the actuarial impact of HB 3014 and amendments recommended by the Working Group depends upon the number of state employees who have compensation reduced and would retire, become disabled or die following such reduction in compensation. However, the amendments would tend to minimize the actuarial costs of the bill if compensation were reduced and provisions in the bill become effective.



Representative Jo Ann Pottorff, Chairperson



Representative Joe Shriver



Representative Lloyd Stone

HOUSE BILL No. 3014

By Committee on Appropriations

3-8

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DATE 4/3/02
ATTACHMENT 11

9 AN ACT concerning reduction of salaries of certain state officers and
10 employees; relating to computation of retirement benefits for such
11 officers and employees; amending K.S.A. 74-49,115 and repealing the
12 existing section.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 74-49,115 is hereby amended to read as follows:
16 74-49,115. (a) When the ~~rate of~~ compensation for any officer or employee
17 of the state is reduced pursuant to law ~~or~~ when such officer or employee
18 voluntarily agrees to reduce such officer or employee's ~~rate of~~ compen-
19 sation for the period commencing on January 1, 1987, and ending on June
20 30, 1987, the amount of ~~salary which~~ would have been paid if the rate of
21 compensation had not been reduced, shall continue to be included as
22 compensation for all purposes of computing retirement and pension ben-
23 efits and death and disability benefits as provided in article 26 of chapter
24 20 and article 49 of chapter 74 of the Kansas Statutes Annotated earned
25 by such ~~salary~~ officer or employee as provided by the Kansas public
26 employees retirement system, the Kansas police and firemen's retirement
27 system and the retirement system for judges. Subject to the approval of
28 the secretary of administration, the director of accounts and reports shall
29 prescribe procedures for the payment and remittance of employer and
30 employee contributions by the state agency employing such employees.

31 (b) The provisions of subsection (a) shall not be applicable to ~~salary~~
32 reductions attributable to: (1) Voluntary demotions of employees in the
33 classified service; (2) deferred compensation pursuant to the plan au-
34 thorized by K.S.A. 75-5523 and amendments thereto; or (3) to ~~salary~~
35 reductions attributable to the cafeteria plan authorized by K.S.A. 75-6512
36 and amendments thereto.

37 (c) For the purposes of this section, "officer" and "employee" means
38 any officer or employee of the state, any member of the legislature or any
39 employee of an institution under the supervision of the board of regents.

40 Sec. 2. K.S.A. 74-49,115 is hereby repealed.

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

, who retires, becomes disabled or dies during
the period commencing on the effective date of
this act, and ending June 30, 2007,

, or when any officer or employee of the state
is placed on a furlough without pay

compensation that

or if the officer or employee had not been
placed on the furlough

The board shall administer the provisions of
this act, with the cooperation of the director
of personnel services.

compensation