Approved:	May 10, 2005
	Date

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:30 A.M. on February 24, 2005 in Room 123-S of the Capitol.

All members were present except:

Senator Chris Steineger- excused Senator David Wysong- excused

Committee staff present:

Norman Furse, Revisor of Statutes
Jill Wolters, Senior Assistant, Revisor of Statutes
Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Debra Hollon, Kansas Legislative Research Department
Susan Kannarr, Kansas Legislative Research Department
Matt Spurgin, Kansas Legislative Research Department
Judy Bromich, Administrative Analyst
Mary Shaw, Committee Secretary

Conferees appearing before the committee: None

Others attending:

See attached list.

Bill Introduction

Senator Barone moved a conceptual bill, with a second by Senator Emler, requested by the Governor regarding tobacco taxation and the Governor's Health Care Initiative (Attachment 1). Motion carried on a voice vote.

Chairman Umbarger turned the Committee's attention to discussion of the following bills:

SB 74--State educational institutions; conversion of positions to classified service

Staff provided an overview of the bill. The Committee discussed the bill and the Revisor distributed and explained a balloon amendment. Senator Emler moved, with a second by Senator Kelly, to amend SB 74 and adopt the balloon amendment and further amend the balloon (Attachment 2) to add language on page 1, beginning on line 17, following the word positions, add "or any portion thereof". Motion carried on a voice vote.

Senator Barone moved, a balloon amendment regarding majority vote of all classified staff employees (Attachment 3). There was no second to the motion and Senator Barone withdrew his motion.

Senator Barone moved, with a second by Senator Emler, a balloon amendment (Attachment 4)regarding SB 74 that would require majority vote of those groups affected before coming to the Kansas Board of Regents and amend the balloon on line 3 to add language "would be affected by such action". Motion carried on a voice vote.

Senator Morris moved, with a second by Senator Emler, to report SB 74 favorably as amended. Motion carried on a roll call vote.

SB 62--Grandparents as foster parents program, established

Staff provided an overview of the bill.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on February 24, 2005 in Room 123-S of the Capitol.

The Committee discussed a balloon amendment regarding Title IV Funding that was suggested by Alice Kitchen in her testimony during the hearing on <u>SB 62</u>.

Senator Betts moved, with a second by Senator Barone, to adopt the balloon amendment regarding Title IV funding (Attachment 5) and a balloon amendment (Attachment 6) regarding eliminating language regarding TANF and maintenance of effort due to these sources of funding not available, and report SB 62 favorably as amended. Motion carried on a roll call vote.

Staff distributed copies of <u>SB 62</u> Fiscal Effect in FY 2006 provided by Kansas Legislative Research Department (<u>Attachment 7</u>).

The meeting adjourned at 12:00 p.m. The next meeting is scheduled for February 25, 2005.

SENATE WAYS AND MEANS GUEST LIST

Date <u>Jebruary</u> 24, 2005

NAME	REPRESENTING
LOB MENLY	HEIN CHW FIRM
(Javin Vary	NotA
Karen Watney	Day A
Khane Dyboth o	SRS
Londy Sancher	KAPE
Stebra Frideaux	F HSU
Chin O Can	1.50
Magin Williams	Grandpt Raising a Grandehild
Kp Pereson	KBOR
Mike Huttles	KloC
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OFFICE OF THE GOVERNOR

KATHLEEN SEBELIUS, GOVERNOR

MEMO:

TO:

Senator Duane Umbarger

Senator Jim Barone

CC:

Secretary Joan Wagnon

Sue Krische

FROM:

Jeremy Anderson

REGARDING: Bill Introduction for Health Assessment

DATE:

February 24, 2005

From my conversation with Senator Umbarger, I wanted to provide the conceptual outline of the bill that would be requested to provide the funding mechanism to reduce the number of uninsured Kansans.

The brief outline of the bill is as follows:

The Health Assessment on tobacco products will be dedicated to reducing the number of uninsured Kansans. The Health Assessment will raise from 10% to 15% the assessment on tobacco products and will increase the excise assessment on cigarettes by \$.15 on January 1, 2006, and increase the excise assessment on cigarettes by an additional \$.35 on January 1, 2007.

Secretary Joan Wagnon and her staff will provide you with a hard copy of the bill at the beginning of next week. If you have any additional questions or desire to talk more in-depth about this important issue, please do not hesitate to contact me at any time.

Capitol, 300 SW 10th Ave., Ste. 212S, Topeka, KS 66612-1590

SENATE BILL No. 74

By Committee on Ways and Means

1-20

AN ACT relating to state educational institutions; concerning the conversion of positions in the classified service to positions in the unclassified service; amending K.S.A. 2004 Supp. 74-4925 and 75-2935 and repealing the existing sections.

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

New Section 1. (a) The state board of regents may authorize any state institution of higher education to convert all classified staff employee positions in the institution to the unclassified service of state employment. Those classified staff employees whose positions are converted from classified to unclassified status shall retain all health and flexible benefits and leave and retirement benefits provided to them under the state classified employee system. Each institution designated by the board shall develop a system for administration of all other aspects of employment for these employees. Implementation of this section shall not cause a salary reduction or layoff of any classified employee.

- (b) For the limited purposes of this section, and K.S.A. 74-4925, and amendments thereto, these newly designated unclassified employees shall be referred to as "university support staff" and the university of Kansas medical center shall be considered a state institution of higher education separate from the university of Kansas, Lawrence, and its campuses.
- Sec. 2. K.S.A. 2004 Supp. 74-4925 is hereby amended to read as follows: 74-4925. (1) The state board of regents shall:
- (a) Assist all those members of the faculty and other persons who are employed by the state board of regents or by educational institutions under its management and who are in the unclassified service under the Kansas civil service act as provided in subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, except health care employees, as defined by subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, and university support staff, as defined by section 1 and amendments thereto, in the purchase of retirement annuities for their service rendered after December 31, 1961. Effective on the first day of the first payroll period commencing with or following July 1, 1994, county extension agents employed by Kansas state university under K.S.A. 2-615 and amendments thereto shall be eligible for assistance by the state board of regents in the

, in accordance with the provisions of this section,

, including personnel policies and procedures, and each such system of administration shall be subject to approval by the state board of regents

Kansas Legislature

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Previous

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76-396

Chapter 76.--STATE INSTITUTIONS AND AGENCIES; HISTORICAL PROPERTY Article 3.--UNIVERSITY OF KANSAS

76-396. Nursing positions at medical center; unclassified services, rights and benefits. Nursing positions at the university of Kansas medical center which are placed in the unclassified service under subsection (f) of K.S.A. 75-2935 and amendments thereto, as amended by this act, shall continue to receive all rights and benefits of the classified service, as if such positions were in the classified service, until policies of the state board or regents establishing personnel policies and procedures for such positions are adopted and become effective.

History: L. 1990, ch. 305, § 2; March 22.

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SENATE BILL No. 74

By Committee on Ways and Means

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- (b) For the limited purposes of this section, and K.S.A. 74-4925, and amendments thereto, these newly designated unclassified employees shall be referred to as "university support staff" and the university of Kansas medical center shall be considered a state institution of higher education separate from the university of Kansas, Lawrence, and its campuses.
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in accordance with the provisions of this section,

This section shall not be implemented by the state board of regents at any state institution of higher education unless an election has been held for classified staff employees at such institution and a majority of all such classified staff employees vote to approve the conversion of classified staff employee positions at that institution to unclassified positions.

Sendle Ways and Means 03-34-05 Attainment 3

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I. Majority Vote of Classified Staff Employees Voting

SENATE BILL No. 74

By Committee on Ways and Means

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(b) For the limited purposes of this section, and K.S.A. 74-4925, and amendments thereto, these newly designated unclassified employees shall be referred to as "university support staff" and the university of Kansas medical center shall be considered a state institution of higher education separate from the university of Kansas, Lawrence, and its campuses.

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, in accordance with the provisions of this section,

This section shall not be implemented by the state board of regents at any state institution of higher education unless an election has been held for classified staff employees at such institution and the classified staff employees voting at the election by majority vote approve the conversion of classified staff employee positions at that institution to unclassified positions.

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SENATE BILL No. 62

By Senator Vratil

1-20

AN ACT enacting the grandparents as foster parents act; prescribing powers, duties and functions for the secretary of social and rehabilitation services.

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

Section 1. The provisions of sections 1 through 7, and amendments thereto, shall be known and may be cited as the grandparents as foster parents act.

Sec. 2. As used in the grandparents as foster parents act:

(a) "Program" means the grandparents as foster parents program.

(b) "Secretary" means the secretary of the department of social and rehabilitation services.

(c) "Department" means the department of social and rehabilitation services.

(d) "Maintenance of effort" means state funds appropriated for the aid to families with dependent children (AFDC), emergency assistance, AFDC-related child care and the JOBS program.

(e) "TANF" or "Temporary assistance for needy families" means the federal block grant moneys available to the state for public assistance benefits and programs authorized by the personal responsibility and work opportunity reconciliation act of 1996 (as amended).

Sec. 3. (a) In accordance with the provisions of the grandparents as foster parents act and subject to the provisions of appropriation acts, the secretary shall establish a grandparents as foster parents program within the department of social and rehabilitation services. The program shall be administered in a manner which recognizes that:

(1) The relationship between a child and a parent differs from the relationship between a child and a grandparent acting as a foster parent:

(2) society and the demands and needs of the members of society change between the time a person raises a child and the time the same person raises a grandchild as a foster child:

(3) caring for a grandchild as a foster child often places additional financial, social and psychological strain on grandparents with fixed incomes:

(4) different parenting skills are necessary when raising a grandchild

Sendle Ways and Means Ost-84-05 Attachments

Proposed amendment February 15, 2005

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attendance at a secondary school, postsecondary educational institution as defined by K.S.A. 74-3201b, and amendments thereto, or an institution as defined by K.S.A. 74-32,163, and amendments thereto, or is in a state accredited job training program. Grandparents annually shall submit to the secretary a sworn statement that the child is living with and receiving support from the grandparents. A child attending a postsecondary educational institution or an institution shall be considered as living with the grandparents. The parent of any child receiving or for which assistance is received through the program shall remain liable for the support of the child as required by law:

(b) shall establish program requirements including, but not limited to, participation in foster parent training, parenting skills training, child-hood immunizations and other health screenings:

(c) may provide continuing counseling for the child and grandparent

under the program:

(d) may provide ancillary or support services including, but not limited to, respite care, child care clothing allowances and transportation assistance. Eligibility for child care services pursuant to the program shall be based on the same eligibility criteria used for other child care benefits provided by the department. Direct financial assistance shall not be made to a participant in the program until after such participant completes the training required by subsection (b):

(e) shall provide a medical card and other medical assistance to each

child under the program; and

(f) shall establish criteria for the reduction in cash benefits received by any grandparent providing care for three or more grandchildren under the program.

Sec. 7. The secretary shall adopt any rules and regulations necessary to implement the provisions of this act.

to implement the provisions of this act.

Sec. 8. (a) Funding for cash benefits and other assistance provided under this act shall be made from the state maintenance of effort funds.

(b) Grandparents who either are under 50 years of age, or are 50 years of age or older and refuse to participate in the training pursuant to subsection (b) but who meet the requirements of subsections (1), (2) and (3) of section 4, and amendments thereto, may apply to the department for foster care reimbursement and assistance. Such cash and noncash assistance shall be funded through the TANF funds. Any work participation and time limit requirements pursuant to the personal responsibility and work opportunity reconciliation act of 1996, as amended, shall apply to all such persons.

(c) The provisions of the grandparents as foster parents act shall not be construed to create an entitlement for participants in the program.

The secretary of social and rehabilitation services shall seek a waiver under federal law to allow title IV-E funds from title IV of the federal social security act, or acts amendatory thereof or supplemental thereto as in effect on July 1, 2005, to be used to fund the grandparents as foster parents program if it is determined TANF funding is not available. The secretary shall report to the president of the senate and the speaker of the house of representatives on or before August 1, 2005 on the status of such waiver.

(d)

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SENATE BILL No. 62

By Senator Vratil

1 - 20

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- (2) society and the demands and needs of the members of society change between the time a person raises a child and the time the same person raises a grandchild as a foster child;
- (3) caring for a grandchild as a foster child often places additional financial, social and psychological strain on grandparents with fixed incomes;
 - (4) different parenting skills are necessary when raising a grandchild

Proposed amendment #2 Senator Umbarger February 24, 2005

Sunde Ways and Means of Attachment 6

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as a foster child, and many grandparents do not possess such skills, are not aware of how to obtain such skills and cannot afford access to the services necessary to obtain such skills;

- (5) grandparents acting as foster parents, like nonrelative foster parents, need a support structure, including counseling for both the grandparent and grandchild, respite care, transportation assistance and child care;
- (6) the level of care provided by grandparents acting as foster parents does not differ from foster care provided by nonrelatives, but reimbursement for such care is substantially less for grandparents; and
- (7) grandparents are often unaware of medical and other assistance, including cash assistance for which they may be eligible.
- Sec. 4. (a) If a person meets the financial eligibility requirements developed by the secretary, a grandparent shall be eligible to participate in the program if such grandparent:

(1) Is 50 years of age or older;

- (2) has the grandchild placed in such grandparent's custody by the state, is the legal guardian of the grandchild or has other legal custody of the grandchild:
- (3) has an annual household income of less than 130% of the federal 100% poverty level; and
- (4) participates in the training available through the program pursuant to section 6, and amendments thereto.
- (b) A grandparent shall not be eligible to participate in the program if the parent or parents of the child reside with such grandparent.
- (c) The secretary annually shall review the eligibility of grandparents participating in the program. Grandparents shall be required to meet eligibility requirements each year to continue in the program.
- Sec. 5. If there are no grandparents of a child who are willing to participate in the program, the secretary may include in the program any other close relative who becomes the legal guardian of the child or obtains legal custody of the child, as granted by a court of competent jurisdiction or through placement by the secretary. In order to participate, such relative must meet the eligibility requirements of subsection (a)(1), (a)(3) and (a)(4) of section 4, and amendments thereto.
- Sec. 6. By the last quarter of fiscal year 2006 and subject to the provisions of appropriation acts, the secretary:
- (a) Shall reimburse grandparents in the program for the cost of the care of the grandchild in an amount determined by the secretary. The amount of such reimbursement shall not be less than 75% of the amount of the current foster care payment service provider schedule. Grandparents in the program shall continue to receive reimbursement until the child reaches the age of 18 or the age of 21, if such child is in full-time

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- (e) shall provide a medical card and other medical assistance to each child under the program; and
- (f) shall establish criteria for the reduction in cash benefits received by any grandparent providing care for three or more grandchildren under the program.

Sec. 7. The secretary shall adopt any rules and regulations necessary to implement the provisions of this act.

Sec. 8. (a) Funding for each benefits and other assistance provided under this act shall be made from the state maintenance of effort funds.

(b) Grandparents who either are under 50 years of age, or are 50 years of age or older and refuse to participate in the training pursuant to subsection (b) but who meet the requirements of subsections (1), (2) and (3) of section 4, and amendments thereto, may apply to the department for foster care reimbursement and assistance. Such cash and noncash assistance shall be funded through the TANF funds. Any work participation and time limit requirements pursuant to the personal responsibility and work opportunity reconciliation act of 1996, as amended, shall apply to all such persons.

(c) The provisions of the grandparents as foster parents act shall not be construed to create an entitlement for participants in the program.

- Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

SB 62 Fiscal Effect in FY 2006

Under the Current Version of the Bill:

	Number Served -	Annual Costs for FY 2006	FY 2006 TOTAL
Existing Cases			
Foster Care Payment (existing cases)	753 monthly children	\$270 x 3 = \$810	\$609,930
Training Costs	472 monthly families	\$400	188,800
Sub Total	2001,000		\$798,730
New Cases			
Foster Care Payment	1668 monthly children	\$410 x 3 = \$1,230	\$2,051,640
Training	994 monthly cases	\$400	397,600
Child Care	356 monthly children	\$298 x 3 = \$894	318,264
Support Services	1668 monthly children	\$25 x 3 = \$75	125,100
Counseling and Mentoring	994 monthly families	\$100 x 3 = \$300	298,200
Sub Total			\$3,190,804
Additional Administrative Costs			
System Modifications			\$89,100
Additional Staff (7.0 FTE)			218,992
Sub Total			\$308,092
TOTAL	ACAPUTE DE LA CONTRACTOR DE LA CONTRACTO		\$4,297,626

Kansas Legislative Research Department

February 24, 2005

As Amended:

	Number Served	Annual Cost	TOTAL
Existing Cases			
Foster Care Payment (existing cases)	344 monthly children	\$270 x 3 = \$810	\$278,640
Training Costs	216 monthly families	\$400	86,400
Sub Total			\$365,040
New Cases	***************************************		
Foster Care Payment	609 monthly children	\$410 x 3 = \$1,230	\$749,070
Training	362 monthly cases	\$400	144,800
Child Care	130 monthly children	\$298 x 3 = \$894	116,220
Support Services	609 monthly children	\$25 x 3 = \$75	45,675
Counseling and Mentoring	362 monthly families	\$100 x 3 = \$300	108,600
Sub Total			\$1,164,365
Additional Administrative Costs			
System Modifications	3		\$89,100
TOTAL			\$1,618,505

As Amended with Limited Training:

	Number Served	Annual Cost	TOTAL
Existing Cases			
Foster Care Payment (existing cases)	344 monthly children	\$270 x 3 = \$810	278,640
Training Costs	216 monthly families	\$280	60,480
Sub Total			339,120
New Cases			
Foster Care Payment	609 monthly children	\$410 x 3 = \$1,230	749,070
Training	362 monthly cases	\$280	101,360
Child Care	130 monthly children	\$298 x 3 = \$894	116,220
Support Services	609 monthly children	\$25 x 3 = \$75	45,675
Counseling and Mentoring	362 monthly families	\$100 x 3 = \$300	108,600
Sub Total			1,120,925
Additional Administrative Costs			-
System Modifications			\$89,100
TOTAL			\$1,549,145