

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Stephen Morris at 10:35 a.m. on March 8, 2004, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department
Michele Alishahi, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Susan Kannarr, Kansas Legislative Research Department
Becky Krahl, Kansas Legislative Research Department
Amy Vanhouse, Kansas Legislative Research Department
Norman Furse, Revisor of Statutes
Jill Wolters, Senior Assistant, Revisor of Statutes
Judy Bromich, Administrative Analyst
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Jane Rhys, Ph.D., Executive Director, Kansas Council on Developmental Disabilities
Gina McDonald, President and CEO, Kansas Association of Centers for Independent Living
Kathy Lobb, representing the Self-Advocate Coalition of Kansas
Rocky Nichols, Executive Director, Kansas Advocacy Protective Services, Inc.
Stephanie Wilson, Senior Administrator, Community Living Opportunities
Laura Howard, Deputy Secretary, Division of Health Care Policy, Kansas Department of Social and Rehabilitation Services
Tom Laing, Executive Director, InterHab
Darla Nelson-Metzger, Employee of Families Together, Inc., (written)
Sheriff Lynn C. Myers, Johnson County Sheriff's Office, Olathe, Kansas
Judy Mohler, General Counsel/Legislative Services Director, Kansas Assn. Counties (written)
Ken Grotewiel, Assistant Director, Kansas Water Office

Others attending:

See Attached List.

Bill Introductions

Senator Downey moved, with a second by Senator Helgerson, to introduce a bill concerning water; relating to water rights (3rs2056). Motion carried on a voice vote.

Senator Helgerson moved, with a second by Senator Downey, to introduce a bill concerning the Kansas business health policy partnership; relating to duties, expenditures and creation of a fund (3rs2067). Motion carried on a voice vote.

Chairman Morris continued the public hearing on:

SB 531--Developmental disabilities institutions closure commission

Chairman Morris welcomed the following conferees testifying in support of **SB 531**:

Jane Rhys, Ph. D., Executive Director, Kansas Council on Developmental Disabilities (Attachment 1). Dr. Rhys distributed the following information:

- Deinstitutionalization of Persons with Developmental Disabilities: A Technical Assistance Report for Legislators (Attachment 2).
- De-institutionalization of People with Mental Retardation and Developmental Disabilities in

CONTINUATION SHEET

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE at 10:35 a.m. on March 8, 2004, in Room 123-S of the Capitol.

- the United States: Was This Good Social Policy? ([Attachment 3](#))
- Are People Better Off? Outcomes of the Closure of Winfield State Hospital ([Attachment 4](#))
- Shattering Myths about Quality of Life & Quality of Services ([Attachment 5](#))
- Mental Retardation: Let's Focus on the Real Issues ([Attachment 6](#))

Dr. Rhys explained that in August 2003 the Council voted unanimously to support closure because it benefits both the people and the system. She presented several desired outcomes of hospital closure in her written testimony.

Gina McDonald, President/CEO, Kansas Association of Centers for Independent Living ([Attachment 7](#)). Ms. McDonald explained that KACIL rises in strong support of **SB 531**. She mentioned that KACIL believes in the freedom and dignity of every individual. Ms. McDonald addressed some major challenges to de-institutionalizing services: the developmental disabilities funding system, entitlement, the waiting list and those people who consider themselves to be under served and the closure decision.

Kathy Lobb, Legislative Liaison, representing the Self-Advocate Coalition of Kansas ([Attachment 8](#)). Ms. Lobb mentioned that creating this commission is a good first step in working toward community living for all. She expressed the hope that this opportunity is taken to ensure that all Kansans can enjoy the freedom of choice and independence they deserve.

Rocky Nichols, Executive Director, Kansas Advocacy and Protective Services ([Attachment 9](#)). Mr. Nichols explained that Kansas cannot continue to run its current large-bed ICF/MRs (Intermediate Care Facilities for persons with Mental Retardation) and have effective community services. He explained that KAPS is very supportive of **SB 531**, but they would support modifying the bill. Mr. Nichols addressed several different and enhanced approaches which were detailed in his written testimony.

Stephanie Wilson, Senior Administrator, Community Living Opportunities, Inc., testified in support of **SB 531** ([Attachment 10](#)). Ms. Wilson explained that while speaking of the desire for Kansas to no longer have state institutions, there is a need to talk about the current lack of capacity within the community service system to provide for individuals remaining in the state hospitals. She noted that the issue isn't knowledge of how to provide successful services, but rather inadequate funding for providing the services.

The following conferees testified as neutral parties regarding **SB 531**:

Laura Howard, Deputy Secretary, Division of Health Care Policy, Kansas Department of Social and Rehabilitation Services ([Attachment 11](#)). Ms. Howard explained that Kansas' philosophy in serving persons with developmental disabilities is contained in the Kansas Developmental Disability Reform Act. She noted that as a result of this policy and in response to the choices people and their families have made, Kansas has significantly increased the number of persons with DD served in community integrated settings. Ms. Howard mentioned that other states which have pursued similar policies have demonstrated that, provided sufficient resources, all persons with DD can be successfully supported in the community.

In closing, Ms. Howard explained that SRS agrees that the timing is right to explore the need for and use of current institutional settings in Kansas. She also mentioned that SRS believes that if a state institution closes as a result of the bill, it can happen successfully if sufficient time is given to work with individuals and their families to assist them in the transition process, while providing needed start up funds.

Tom Laing, Executive Director, InterHab ([Attachment 12](#)). Mr. Laing mentioned that InterHab offers conditional support for the process outlined in **SB 531**. He explained that their cautionary tone in the matter is due to the far more complicated questions that **SB 531** is not designed to answer, questions that are sufficiently complex to be an almost unfair assignment for the prescribed commission: i.e., the basic questions about the service environment in the community within which an effective closure plan can be successfully implemented. As to the timing of the proposal, Mr. Laing urged the committee to think seriously about initiating the issues next year, as opposed to this year for various reasons which are stated in his written testimony.

Written testimony was submitted by Darla Nelson-Metzger, Families Together, Inc., in support of **SB 531**

CONTINUATION SHEET

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE at 10:35 a.m. on March 8, 2004, in Room 123-S of the Capitol.

(Attachment 13).

Chairman Morris recognized Senator Henry Helgerson who explained that all of the comments have been very constructive. He noted that this is a very difficult process because some people lose jobs, some communities may suffer economically but ultimately the decision should be made regarding what is best for the people being served. Senator Helgerson mentioned that it is time to make the decisions to work on a gradual transitional plan of doing what is right, and right financially, for these individuals.

There being no further conferees to come before the Committee, the Chairman closed the public hearing on **SB 531**.

The Chairman opened the public hearing on:

HB 2725--Costs of maintaining inmates in county jail, fee paid by inmate

Staff briefed the committee on the bill.

Chairman Morris welcomed Currie Myers, Johnson County Sheriff, who testified in support of **HB 2725** (Attachment 14). Sheriff Myers explained that **HB 2725** would allow for the collection of a per diem from prisoners who have been committed to the custody of the Sheriff. He noted that the per diem accomplishes two objectives:

- the prisoner experiences the financial implications that accompany criminal behavior and that can serve as a deterrent for future criminal activity, and
- the county recoups some expenses from individuals who are directly using the services.

Written testimony was submitted by Judy Mohler, General Counsel/Legislative Services Director, Kansas Association of Counties in support of **HB 2725** (Attachment 15).

There being no further conferees to come before the committee, the Chairman closed the public hearing on **HB 2725**. The committee discussed prisoner recidivism rates.

Senator Adkins moved, with a second by Senator Schodorf, to recommend **HB 2725** favorable for passage. Motion carried on a roll call vote. Senator Kerr requested statistics on prisoner recidivism rates before **HB 2725** runs in the Senate.

Chairman Morris opened the public hearing on:

SB 527--Establishment of water supply storage assurance fund and local water project match fund administered by the Kansas Water Office

Staff briefed the committee on the bill.

Chairman Morris welcomed Ken Grotewiel, Assistant Director, Kansas Water Office, who testified in support of **SB 527** (Attachment 16). Mr. Grotewiel explained that **SB 527** would formalize in statute the creation of two funds which would have been authorized for several years by appropriation provisos: Water Supply Storage Assurance Fund and Local Water Project Match Fund.

There being no further conferees to come before the committee, the Chairman closed the public hearing on **SB 527**.

Senator Downey moved, with a second by Senator Bunten, to recommend **SB 527** favorable for passage. Motion carried on a roll call vote.

The meeting adjourned at 11:55 a.m. The next meeting is scheduled for March 9, 2004.