

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 March 2, 2005 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes
Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Michelle Alishahi, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Audrey Dunkel, 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:

Sherry Diel, Executive Director, Kansas Real Estate Commission
Tanya Dorf, Chair, Governmental Affairs, Kansas Association of Centers for Independent Living
Debra Zehr, Executive Vice President, Kansas Association of Homes and Services for the Aging
Shannon Jones, Executive Director, Statewide Independent Living Council of Kansas
Michael Donnelly, Director of Policy and Research, Disability Rights Center of Kansas
Cindy Luxem, Vice President, Kansas Health Care Association
Laura Howard, Deputy Secretary, Division of Health Care Policy, Kansas Department of Social and Rehabilitation Services (written)

Others attending:

See attached list.

Chairman Umbarger called the Committee's attention to discussion of:

SB 128--Creating the oil and gas valuation depletion trust fund and providing for distribution of moneys therefrom

Chris Courtwright, Kansas Legislative Research Department, presented an overview of the bill. He distributed copies of the estimated State General Fund impact of **SB 128** (Attachment 1) and a list of counties that would be affected by the bill (Attachment 2).

Senator Morris provided general comments on **SB 128**. He explained that this bill is similar to the bill that the Committee passed last year and the difference this year is that the threshold has been changed to \$500,000 from \$100,000 and oil was added which makes 46 counties that would be affected.

Senator Barone moved, with a second by Senator Teichman, a technical amendment regarding **SB 128**, New Sec. 2., page 3, line 2, insert "(b)". Motion carried on a voice vote.

Senator Morris moved, with a second by Senator Barone, to report **SB 128** favorable for passage as amended. Motion carried on a roll call vote.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2005 and FY 2006 were available to the committee.

Subcommittee budget report on:

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Kansas Department on Aging (Attachment 3)

Subcommittee Chairwoman Jean Schodorf reported that the subcommittee on the Kansas Department on Aging concurs with the Governor's recommendation in FY 2005 with adjustments and observations and concurs with the Governor's FY 2006 recommendations with adjustments and observations.

Senator Schodorf moved, with a second by Senator Betts, to adopt the subcommittee budget report on the Kansas Department on Aging in FY 2005 and FY 2006. Motion carried on a voice vote.

The Chairman opened the public hearing on:

SB 271--Real estate brokers and salespersons; fees

Staff briefed the committee on the bill.

Chairman Umbarger welcomed Sherry Diel, Executive Director, Kansas Real Estate Commission, who testified in support of **SB 271** (Attachment 4). Ms. Diel explained that **SB 271** would increase the statutory cap on real estate license fees for salespersons and brokers and would add five new fees for related services provided by the Kansas Real Estate Commission. She mentioned that with only a couple of exceptions, the Commission's fees have been at the statutory cap since 1998.

Committee discussion followed. Senator Emler suggested on page 4 of the bill, line 16, to remove one of the "an amount" phrases.

There being no further conferees to come before the committee, the Chairman closed the public hearing on **SB 271**.

The Chairman opened the public hearing on:

SB 218--Transfer of moneys to support the movement of individuals from nursing facilities to home and community-based services

Staff briefed the committee on the bill.

Tanya Dorf, Chair of the Governmental Affairs Committee for the Kansas Association of Centers for Independent Living (KACIL), testified in support of **SB 218** (Attachment 5). Ms. Dorf explained that at the beginning of FY 2004 the State of Kansas began affirming its belief that people have the right to live in the community and should not be discriminated against by having to live in a nursing home when that is not their choice. She noted that this was affirmed with the inclusion of a proviso in the FY 2004 Omnibus Budget bill that ensures money will follow the people when they transition from nursing homes to home and community based services. Ms. Dorf suggested a proposed amendment (Attachment 6) by KACIL to remove the cap of 75 people per year who are allowed to make the transition.

Debra Zehr, Executive Vice President, Kansas Association of Homes and Services for the Aging (KAHSA), spoke in support of **SB 218** (Attachment 7). Ms. Zehr explained that KAHSA supports the "Money Follows the Person" concept contained in SB 218, insofar as it would permit nursing home residents who are currently on a waiting list for the Medicaid Home and Community Based Services (HCBS) Waiver Program to return to a community-based living environment, funded by dollars that would have otherwise been spent for nursing home care. She noted that KAHSA strongly urges consumer and provider stakeholders to come together to develop joint guidelines on best practices for working together to identify and assist appropriate persons to transition under the Money Follows the Person Program.

Shannon Jones, Executive Director, Statewide Independent Living Council of Kansas (SILCK), testified in favor of **SB 218** (Attachment 8). Ms. Jones mentioned that SILCK has promoted and endorsed the demonstration or pilot program of Money Follows the Person because it was the disability community's

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attempt to correct the imbalance of funding for long term care services in the state and ensure persons eligible truly have a choice in the delivery of the long term care services. Detailed in her written testimony, Ms. Jones addressed four areas of opportunity for the State of Kansas if **SB 218** was amended to remove the cap of 75 persons.

Michael Donnelly, Director of Policy and Research, Disability Rights Center of Kansas, testified in support of **SB 218** ([Attachment 9](#)). Mr. Donnelly encouraged the Committee to forward **SB 218** without the 75 person cap, and to direct the Kansas Department of Social and Rehabilitation Services to begin identifying those persons (using the CMS and MDS data) who have expressed the desire to be out in the community and plan to fully implement Money Follows the Person.

Cindy Luxem, Vice-President, Kansas Health Care Association, testified in favor of **SB 218** ([Attachment 10](#)). Ms. Luxem mentioned that they are in support of **SB 218** as it is written. They support the continued movement of 75 individuals, who have been institutionalized for at least 90 days in a nursing home and wish to transition back into the community. She noted that **SB 218** takes “Money Follows the Person” and makes it the policy.

Written testimony was submitted by Laura Howard, Deputy Secretary, Division of Health Care Policy, Kansas Department of Social and Rehabilitation Services, in support of **SB 218** ([Attachment 11](#)).

The meeting adjourned at 11:25 a.m. The next meeting is scheduled for March 3, 2005.