

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:35 A.M. on January 23, 2007, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes
Ken Wilke, Assistant Revisor of Statutes
Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Susan Kannarr, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Melinda Gaul, Chief of Staff, Senate Ways & Means
Mary Shaw, Committee Assistant

Conferees appearing before the committee:

Ray Dalton, Deputy Secretary, Health Care Policy, Kansas Department of Social and Rehabilitation Services
Sky Westerlund, Executive Director, Kansas Chapter, National Association of Social Workers
Phyllis Gilmore, Executive Director, Kansas Behavioral Sciences Regulatory Board
Stan Ahlerich, President, Kansas, Inc.

Others attending:

See attached list.

Bill Introductions

Senator Wysong moved, with a second by Senator Schodorf, to introduce a bill concerning increasing the limit of settlement authority of the secretary of corrections from \$500 to \$2,500. Motion carried on a voice vote.

Senator Teichman moved, with a second by Senator Wysong, introduction of a conceptual bill concerning giving local detention officers the same retirement benefits that are currently provided to state corrections officers. Motion carried on a voice vote.

Senator Teichman moved, with a second by Senator Kelly, introduction of a conceptual bill creating a new income tax credit program concerning establishing a deferred maintenance program for community colleges to address the \$150 million in identified needs. Motion carried on a voice vote.

Chairman Umbarger opened the public hearing on:

SB 11--Enacting the alcoholism treatment facilities licensing act

Staff briefed the Committee on the bill. Ken Wilke, Revisor of Statutes Office, provided written information regarding **SB 11** (Attachment 1). Mr. Wilke explained that it was only through review of the proposed rules and regulations that this inadvertent oversight was found. He noted that the Joint Committee on Administrative Rules and Regulations requested that the bill be drafted.

The Chairman welcomed the following conferees:

Ray Dalton, Deputy Secretary, Health Care Policy, Kansas Department of Social and Rehabilitation Services, testified in support of **SB 11** (Attachment 2). Mr. Dalton requested that they would respectfully ask the Committee to remove Section 2 (b) from the bill. He noted that this provision excludes the promulgation and adoption of rules and regulations pursuant to K.S.A. 65-4001 et seq. from the savings clause set out in Section

CONTINUATION SHEET

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2 (a). Mr. Dalton explained that SRS is concerned this provision may call into question the validity of any regulations promulgated and adopted since 1998. Senator Emler mentioned that the definition of “impaired” may need to be cleared up and the Chairman requested language from the Revisor concerning that definition.

The Chairman welcomed Sky Westerlund, Executive Director, Kansas Chapter, National Association of Social Workers (KNASW), who testified in opposition to one small portion of the **SB 11** (Attachment 3). Ms. Westerlund explained that the current law concerning alcoholism and intoxication treatment restricts such a practitioner from providing substance abuse treatment, unless they are also licensed by the Kansas Department of Social and Rehabilitation Services as a drug treatment facility or program. She noted that this restriction conflicts with the professional license, creates a barrier to services, and discourages professionally licensed persons from offering substance abuse treatment in their private practice business. Language to correct this impediment would involve adding an exemption for clinical social workers in the definition of “treatment facility”.

Chairman Umbarger welcomed Phyllis Gilmore, Executive Director, Kansas Behavioral Sciences Regulatory Board (BSRB), who presented neutral testimony regarding **SB 11** (Attachment 4). Ms. Gilmore provided some history about the Board and proposed an amendment to **SB 11** (proposed amendment attached to the written testimony). She also provided some excerpts from Attorney General Opinion No. 2006-23 which was written in response to the BSRB’s question as to whether any of its clinical level licensees have statutory authority to provide addictions counseling without being certified by the Kansas Department of Social and Rehabilitation Services (SRS) as a treatment facility.

The Chairman closed the public hearing on **SB 11**.

Senator Barone moved, with a second by Senator Kelly, to adopt the amendment to **SB 11** proposed by Ms. Gilmore regarding treatment facility licensing with authorization for Revisor’s wording. Motion carried on a voice vote.

Senator Taddiken moved, with a second by Senator Betts, to amend **SB 11** by striking Section 2 (b) of the bill, as proposed by Mr. Dalton, SRS. Motion carried on a voice vote.

Senator Emler moved, with a second by Senator Teichman, a conceptual amendment to **SB 11** authorizing Revisor wording to add and define language regarding person who is under influence of alcohol or drugs. Motion carried on a voice vote.

Chairman mentioned that he would not work the bill at this time and wait for the balloon from the Revisor.

Chairman Umbarger welcomed Stan Ahlerich, President, Kansas, Inc., who gave a presentation on the Kansas Economy (Attachment 5). Mr. Ahlerich provided copies of a research report titled, “Indicators of the Kansas Economy” (IKE) which was prepared by Kansas, Inc., December of 2006 (Attachment 6). He explained that they used IKE data to provide a current snapshot of the State economy in comparison with the 6-state region average (Arkansas, Colorado, Iowa, Missouri, Nebraska and Oklahoma) and the U. S. average. Mr. Ahlerich noted that the national economy is very strong and the Kansas economy is doing well, but there are some areas of softness to look at. Mr. Ahlerich addressed employment and unemployment, entrepreneurship, agriculture, energy and other economic data (all detailed in attachment number 6). Committee discussion followed.

Chairman Umbarger opened the public hearing on:

SB 16--Joint committee on children's issues membership and authorizing committee to have ability to introduce legislation

Staff briefed the committee on the bill. There were no conferees to come before the committee. The Chairman closed the public hearing on **SB 16**.

The meeting adjourned at 11:55 a.m. The next meeting is scheduled for January 24, 2007.