

Kansas
Silver Haired Legislature
Journal
26th
Annual Session

SEPTEMBER 30, OCTOBER 1, 2 – 2008
TOPEKA, KANSAS



The Mission of the Kansas Silver Haired Legislature is to:

- 1. Educate the citizenry about the needs of the elderly and of the legislative process.*
- 2. Communicate and serve as liaison for our constituents and legislators.*
- 3. Participate and be involved as an advocate for senior citizen issues.*

TABLE OF CONTENTS

LEADERSHIP	3
PROCEEDINGS OF OCTOBER 1, 2008	4
PROCEEDINGS OF OCTOBER 2, 2008	7
SHL RESOLUTION 2501	12
SHL RESOLUTION 2502	15
SHL RESOLUTION 2503	17
SHL BILL 2504	19
SHL BILL 2505	23
SHL RESOLUTION 2506	28
SHL RESOLUTION 2507	30
CARRY OVER BILLS	31 - 47

LEADERSHIP

2007 - 2008 SILVER HAired LEGISLATURE

SPEAKER

Jim Snyder **Topeka, Kansas**

SPEAKER PRO TEM

Mary Ann Flunder **Kansas City, Kansas**

FLOOR LEADER

Carlton McNair **Overland Park, Kansas**

2007 - 2008 EXECUTIVE BOARD OFFICERS

President	Irv Hoffmann Lenexa, Kansas
Vice President	Rosalie Seemann Levant, Kansas
Treasurer	Bill Dean Overland Park, Kansas
Secretary	Ted Hutchcraft Highland, Kansas

SHL COMMITTEE CHAIRPERSONS

Public Health	Chair – Jon Sherman Vice Chair – Tom Maxwell
Ways & Means	Chair – Dorothy Zook Vice Chair – Sam Seymore
Federal & State	Chair – Irv Hoffmann Vice Chair – Ottis Allen
Finance Committee	Chair – Melvin Henderson

JOURNAL OF THE SILVER HAired LEGISLATURE

**FIRST DAY
OCTOBER 1, 2008**

CALL TO ORDER

The 2008 Session of the Silver Haired Legislature met in the Ramada Inn, Topeka, Kansas, with Speaker Jim Snyder in the Chair. Speaker Snyder called the session to order and welcomed the Silver Haired.

The Army National Guard presented the colors. Speaker Snyder led the Legislature in the Pledge of Allegiance.

The Speaker thanked the Color Guard for their excellent presentation and then introduced KDOA Liaison Marva Williams for the Invocation.

“Let us Pray. Heavenly Father, we thank you for this day and all of its blessings. We thank you for bringing us all together safely today to do the work of the Kansas Silver Haired Legislature in identifying concerns of Kansas seniors. We pray that you will provide each legislator with wisdom while they are making decisions on the bills and resolutions that they will be hearing. We ask that you guide and direct the Silver Haired Legislators, its leaders, and their actions. May we all be challenged to give our best always, and may we be assured of your presence with us. In Jesus name, Amen.”

Speaker Snyder introduced Secretary of State Ron Thornburgh who thanked the Silver Haired Legislators for their work in bringing Senior concerns to the attention of all Kansans as well as the Kansas Legislature. presided over the oath of office for all members present.

.Speaker Snyder introduced the Clerks for the Session—Jodi Abington and Marsha Ridinger—and the KDOA Liaison Marva Williams.

Other officers introduced were Speaker Pro Tem Mary Ann Flunder and Floor Leader Carlton McNair. Also introduced was the SHL Board President, Irv Hoffmann.

JOURNAL OF THE SILVER HAired LEGISLATURE

Roll call was taken with 81 members present and Bollig, Borgstadter, Brown, Clark, Cloyd, Criner, Dean, Durst, Folkers, Fox, Graham, Hart, Heckenlively, Jones, D., Kelly, Keohane, Knetzer, Koralek, Lorsen, Maxwell, Moore, Nagel, Oliver, Park, Pieschl, Pyle, Reed, Roth, Scott-Neufeld, Spero, Stephens, Tallent, Tarrant, Unruh, Warren, Watowa, and White,M., absent.

Speaker Snyder recognized Speaker Pro Tem Mary Ann Flunder for the purpose of a motion.

Speaker Pro Tem Flunder: “Mister Speaker, I move the House adopt the rules of the House as printed on pages 6 through 11 of the 26th Annual Session Handbook of the Kansas Silver Haired Legislature.” The motion was seconded and passed.

The first reading of the bills was given. Speaker Snyder announced the Representatives would go into committees for the purpose of hearing testimony and discussing the Bills and Resolutions.

Floor Leader McNair moved the House adjourn until 1:00 p.m. October 1, 2008. Motion carried on a voice vote.

WEDNESDAY, OCTOBER 1, 1 P.M.

Roll Call was taken with 81 members present and Bollig, Borgstadter, Brown, Clark, Cloyd, Criner, Dean, Durst, Folkers, Fox, Graham, Hart, Heckenlively, Jones, D., Kelly, Keohane, Knetzer, Koralek, Lorsen, Maxwell, Moore, Nagel, Oliver, Park, Pieschl, Pyle, Reed, Roth, Scott-Neufeld, Spero, Stephens, Tallent, Tarrant, Unruh, Warren, Watowa, and White,M., absent.

Speaker Snyder recognized Floor Leader McNair who moved that the House resolve itself into the Committee of the Whole for the purpose of considering those matters under the heading of General Orders. Motion Carried.

Speaker Snyder appointed Speaker Pro-Tem Flunder to preside over the Committee of the Whole.

JOURNAL OF THE SILVERHAired LEGISLATURE

The Clerk read the report of the Standing Committees.

REPORT OF THE STANDING COMMITTEES:

Speaker Pro-Tem Flunder recognized Representatives for the purpose of consideration of committee reports as follows:

Representative Hutchcraft, Committee on Public Health, moved to pass SHL Resolution 2501 as amended. Passed.

Representative Hutchcraft, Committee on Public Health moved to pass SHL Resolution 2502 as amended. Passed.

Representative Clements, Committee on Ways and Means, moved to pass SHL Resolution 2503. Passed.

Representative Allen, Committee on Federal & State Affairs, moved to pass SHL Bill 2504 as amended. Passed.

Representative Clements , Committee on Ways and Means, moved to pass SHL Bill 2505 as amended. Passed.

Representative Allen, Committee on Federal & State Affairs, moved to pass SHL Resolution 2506 as amended. Passed.

Representative Radford . Committee on Federal & State Affairs, moved to pass SHL Resolution 2507. Passed.

Speaker Pro Tem Flunder recognized Speaker Snyder who resumed the Chair. Floor Leader McNair moved to rise and report.

The Clerk read the bills and resolutions passed. SHL Resolutions 2501, 2502, 2506 as amended, and SHL Bills 2504 and 2505 as amended, and SHL Resolution 2503 and 2507, be passed.

Floor Leader McNair moved the adoption of the Committee report, Passed.

Speaker Snyder provided for announcements.

Floor Leader McNair: Mister Speaker, I move the House adjourn until Wednesday, October 3, at 8:00 a.m. Motion passed.

JOURNAL OF THE SILVER HAired LEGISLATURE

**SECOND DAY
OCTOBER 2, 2008**

The Silver Haired legislature met pursuant to the adjournment with Speaker Snyder in the chair. Speaker Snyder called the session to order.

The invocation was given by KDOA Liaison Marva Williams.

"Let us pray. Heavenly Father, we are thankful for this day that you have given us; for its blessings as well as its opportunities. As we gather here today, we pray that members of the Kansas Silver Haired Legislature will be ever mindful of opportunities to render service to seniors in Kansas as they vote on the bills and resolutions that have been presented to them. Please guide them in their decision making, and bless those who are touched by their works. When the session is completed, we pray that you will provide traveling mercies to get everyone safely to their destinations,. In Jesus name, Amen."

The Pledge of Allegiance was led by Speaker Snyder.

Roll Call was taken with 72 members present and Bogart, Bollig, Borgstadter, Brown, Clark, Cloyd, Criner, Dean, Durst, Folkers, Ford, Fox, Graham, Hart, Heckenlively, Henderson, Johnston, Jones, D., Kelly, Keohane, Knetzer, Koralek, Lorson, Moore, Nagel, Oliver, Park, Pieschl, Pyle, Reed, Rezac, Riggs, Roth, Scott-Neufeld, Spero, Stephens, Tallent, Tarrant, Unruh, Warren, Watowa, and White, M., absent

Speaker Snyder gave appreciation to the Clerks, Jodi Abington, Marsha Ridinger and Marva Williams for their work and support.

Speaker Snyder gave the opportunity for announcements to be made.

Speaker Snyder explained the process for final action.

FINAL READING AND FINAL ACTION ON BILLS AND RESOLUTIONS

SHL Resolution 2501 as Amended: A Resolution to urge the Kansas legislature to enact legislation during the 2009 regular session to help combat predatory payday lending practices and predatory practices by consumer loan agencies and Income Tax Refund Advance lending practices that adversely affect elderly and other residents of Kansas

On SHL Resolution 2501 as Amended, on roll call the vote was Yes 74, No 0.

YES: Addis, Allen, Altenhofen, Armstrong, Balderston, Beamgard, Bell, Blaha, Blenden, Bogart, Brinkman, Burkhead, Butler, Caro, Clarkson, Clements, Coles, Cruth, , Devine, Duggan, Dunn, Eisenhauer, Feist, Flunder, Gillespie, Ginest, Gordon, Grantham, Grosshart, Hawkins, Hoffmann, Hubbard, Hutchcraft, Johnson, L., Johnson, M., Jones, B. Leonhard, Linde, Lindeman, Lovelady, Martin, McNair, Menard, Mersmann, Middleton, Miller, Mugler, Oppliger, Pabian, Paulson, Peckham, Popejoy, Proctor, Radford, Rector, Redick, Reeser, Robinson, Rundle, Seemann, Seymore, Sherman, Simmons, Simpson, Smith, R., Smith, B., Snyder, Sorenson, Stoll, Studdard, Thomas, Welton, White, D., Williams, and Zook.

JOURNAL OF THE SILVER HAired LEGISLATURE

SHL Resolution 2502 as Amended – A Resolution supporting increased funding for HCBS Programs and Nutrition Programs.

On SHL Resolution as amended, on roll call the vote was Yes 73, No 0.

YES: Addis, Allen, Altenhofen, Armstrong, Balderston, Beamgard, Bell, Blaha, Blenden, Bogart, Brinkman, Burkhead, Butler, Caro, Clarkson, Clements, Coles, Cruth, , Devine, Duggan, Dunn, Eisenhauer, Feist, Flunder, Gillespie, Gordon, Grantham, Grosshart, Hawkins, Hoffmann, Hubbard, Hutchcraft, Johnson, L., Johnson, M., Jones, B. Leonhard, Linde, Lindeman, Lovelady, Martin, McNair, Menard, Mersmann, Middleton, Miller, Mugler, Oppliger, Pabian, Paulson, Peckham, Popejoy, Proctor, Radford, Rector, Redick, Reeser, Robinson, Rundle, Seemann, Seymore, Sherman, Simmons, Simpson, Smith, R., Smith, B., Snyder, Sorenson, Stoll, Studdard, Thomas, Welton, White, D., Williams, and Zook.

SHL Resolution 2503: A resolution requesting cities, counties, and other municipalities with traffic signals to adjust or otherwise provide for timing of traffic lights at crosswalks for seniors and persons with disabilities to allow adequate pedestrian crossing times

On SHL Resolution 2503-- on roll call the vote was Yes 71, No 0, Abstain, 1.

YES: Addis, Allen, Altenhofen, Armstrong, Balderston, Beamgard, Bell, Blaha, Blenden, Bogart, Brinkman, Burkhead, Butler, Caro, Clarkson, Clements, Coles, Cruth, , Devine, Duggan, Dunn, Eisenhauer, Feist, Flunder, Gillespie, Gordon, Grantham, Grosshart, Hawkins, Hoffmann, Hubbard, Hutchcraft, Johnson, L., Johnson, M., Jones, B. Leonhard, Linde, Lindeman, Lovelady, Martin, McNair, Menard, Mersmann, Middleton, Miller, Mugler, Oppliger, Pabian, Paulson, Peckham, Popejoy, Proctor, Radford, Rector, Redick, Robinson, Rundle, Seemann, Seymore, Sherman, Simmons, Simpson, Smith, R., Smith, B., Snyder, Sorenson, Stoll, Studdard, Thomas, Welton, White, D., Williams, and Zook.

ABSTAIN: Reeser

JOURNAL OF THE SILVER HAired LEGISLATURE

SHL Bill 2504 as Amended: A bill providing for mandatory reinstatement of certain insurance policies.

On SHL Bill 2504—on roll call the vote was Yes 71, No 1.

YES: Addis, Allen, Altenhofen, Armstrong, Balderston, Beamgard, Bell, Blaha, Blenden, Bogart, Brinkman, Burkhead, Butler, Caro, Clarkson, Clements, Coles, Cruth, , Devine, Duggan, Dunn, Eisenhauer, Feist, Flunder, Gillespie, Gordon, Grantham, Grosshart, Hawkins, Hoffmann, Hubbard, Hutchcraft, Johnson, L., Johnson, M., Jones, B. Leonhard, Linde, Lindeman, Lovelady, Martin, McNair, Menard, Middleton, Miller, Mugler, Oppliger, Pabian, Paulson, Peckham, Popejoy, Proctor, Radford, Rector, Redick, Reeser, Rundle, Seemann, Seymore, Sherman, Simmons, Simpson, Smith, R., Smith, B., Snyder, Sorenson, Stoll, Studdard, Thomas, Welton, White, D., and Zook.

NO: Mersmann

SHL Bill 2505 as Amended: A Bill imposing an excise tax on wind generated electricity with proceeds to the Senior Services Trust Fund for senior services funding

On SHL Bill 2505—on roll call the vote was Yes 71, No 1, Abstain 2

YES: Addis, Allen, Altenhofen, Armstrong, Balderston, Beamgard, Bell, Blaha, Blenden, Bogart, Brinkman, Burkhead, Butler, Caro, Clarkson, Clements, Coles, Cruth, , Devine, Duggan, Dunn, Eisenhauer, Feist, Flunder, Gillespie, Gordon, Grantham, Grosshart, Hawkins, Hoffmann, Hubbard, Hutchcraft, Johnson, L., Johnson, M., Jones, B. Leonhard, Linde, Lindeman, Lovelady, Martin, McNair, Menard, Middleton, Miller, Mugler, Oppliger, Pabian, Paulson, Peckham, Popejoy, Proctor, Radford, Rector, Redick, Reeser, Seemann, Seymore, Sherman, Simmons, Simpson, Smith, R., Smith, B., Snyder, Sorenson, Stoll, Studdard, Thomas, Welton, and Zook.

NO: Rundle

ABSTAIN: Oppliger, White, D.

JOURNAL OF THE SILVER HAired LEGISLATURE

SHL Resolution 2506 as Amended: A resolution to urge support for a Kansas Silver Plan modeled after the Amber Alert Plan, under which elderly persons unable to care for themselves, who become confused and wander off, an alert would be broadcast to assist search and rescue efforts.

On SHL Resolution 2506 as Amended—on roll call the vote was Yes 72, No 0, Abstain 1

YES: Addis, Allen, Altenhofen, Armstrong, Balderston, Beamgard, Bell, Blaha, Blenden, Bogart, Brinkman, Burkhead, Butler, Caro, Clarkson, Clements, Coles, Cruth, , Devine, Duggan, Dunn, Eisenhauer, Feist, Flunder, Gillespie, Gordon, Grantham, Grosshart, Hawkins, Hoffmann, Hubbard, Hutchcraft, Johnson, L., Johnson, M., Jones, B. Leonhard, Linde, Lindeman, Lovelady, Martin, McNair, Menard, Middleton, Miller, Mugler, Oppliger, Pabian, Paulson, Peckham, Popejoy, Proctor, Radford, Rector, Redick, Reeser, Rundle, Seemann, Seymore, Sherman, Simmons, Simpson, Smith, R., Smith, B., Snyder, Sorenson, Stoll, Studdard, Thomas, Welton, White, D. and Zook.

ABSTAIN: Oppliger

SHL Resolution 2507: A resolution urging amendments to medical scholarship laws to provide assistance for geriatric fellowships.

On SHL Resolution 2507—on roll call the vote was yes 72, No 0, Abstain 1.

YES: Addis, Allen, Altenhofen, Armstrong, Balderston, Beamgard, Bell, Blaha, Blenden, Bogart, Brinkman, Burkhead, Butler, Caro, Clarkson, Clements, Coles, Cruth, , Devine, Duggan, Dunn, Eisenhauer, Feist, Flunder, Gillespie, Gordon, Grantham, Grosshart, Hawkins, Hoffmann, Hubbard, Hutchcraft, Johnson, L., Johnson, M., Jones, B. Leonhard, Linde, Lindeman, Lovelady, Martin, McNair, Menard, Middleton, Miller, Mugler, Oppliger, Pabian, Paulson, Peckham, Popejoy, Proctor, Radford, Rector, Redick, Reeser, Rundle, Seemann, Seymore, Sherman, Simmons, Simpson, Smith, R., Smith, B., Snyder, Sorenson, Stoll, Studdard, Thomas, Welton, White, D. and Zook.

ABSTAIN: Oppliger

Speaker Snyder announced the passage of SHL Bills 2504 (as amended), and 2505 (as amended), and SHL Resolution 2501 (as amended), SHL Resolution 2502 (as amended), SHL Resolution 2503, SHL Resolution 2506 (as amended) and SHL Resolution 2507 (as amended).

JOURNAL OF THE SILVER HAired LEGISLATURE

Speaker Snyder recognized Kathy Greenlee, Secretary of the Kansas Department on Aging, who explained she just returned from a conference on the East Coast, but was delighted to welcome the SHL in Session and offered thanks for their work. Secretary Greenlee was thanked and received a standing ovation.

Speaker Snyder brought attention to the Delegates regarding the 7 carryover legislative concerns. (See pages 29 and 30.) It was moved and seconded to continue to support these topics. Motion carried unanimously.

Speaker Snyder stated that the SHL Bylaws were recommended to be changed as included in the distributed material....that more than 30 days since the Delegates were notified of the Board's recommendation and that action was needed. It was moved and seconded to amend the SHL Bylaws as presented. Motion carried unanimously.

Speaker Snyder thanked the Delegates present for their work and attention to business.

Speaker Snyder announced the 2009 Session will be September 29 - October 1, 2009 in Topeka.

Floor Leader McNair moved to adjourn the Silver Haired Legislature until the 2009 Session. Motion Carried.

The 2008 Silver Haired Legislature adjourned October 2, 2008 at 9:30 a.m.

[AS AMENDED BY SHL COMMITTEE]

SILVER HAired LEGISLATURE RESOLUTION NO. 2501

1 A RESOLUTION urging the Kansas Legislature to enact legislation similar to 2008 SB 217 or
2 2008 HB 2244 during the 2009 regular session to help combat predatory payday lending
3 practices and to enact similar legislation to regulate or prohibit Income Tax Refund
4 Advance lending practices that adversely affect elderly and other residents of Kansas.

5

6 WHEREAS, Payday lending, or cash advance, is the practice of using a post-dated check
7 or electronic checking account information as collateral for a short-term loan; to qualify,
8 borrowers need only personal identification, a checking account, and an income from a job or
9 government benefits, like Social Security or disability payments; and

10 WHEREAS, Payday loans carry a very low risk of loss, but lenders typically charge fees
11 equal to a 400% annual percentage rate (APR) and higher, causing borrowers to pay more in
12 interest than the amount of the loan they originally borrowed; and

13 WHEREAS, Seventy-Five percent of payday loan customers are unable to repay their loan
14 within two weeks and are forced to get a loan “rollover” at additional cost; and

15 WHEREAS, Payday lenders earn most of their profits by making multiple loans to cash
16 strapped borrowers and 90% of the payday loan industry's revenue growth comes from making
17 more and larger loans to the same customers; and

18

1 WHEREAS, Predatory lending is the practice of a lender deceptively convincing
2 borrowers to agree to unfair and abusive loan terms, or systematically violating those terms in
3 ways that make it difficult for the borrower to defend against; and

 WHEREAS, Predatory lending often occurs on loans backed by some kind of collateral,
such as a car or house, so that if the borrower defaults on the loan, the lender can repossess or
foreclose and profit by selling the repossessed or foreclosed property; and

 WHEREAS, Predatory lending cost Kansans \$30 Million in excessive fees in 2005; and

 WHEREAS, Over 25 states have passed anti-predatory lending laws defining one or more
classes of "high-cost" or "covered" by the fees charged to the borrower at origination or the APR.
To control these practices, states have placed a number of additional restrictions on these loans,
and implemented large penalties for noncompliance; and

 WHEREAS, Income Tax Refund Anticipation (ITRA) loans are short term cash advances
against the customer's anticipated income tax refund; and

 WHEREAS, ITRA loans are offered at high interest rates, generally from about 40% to
over 700% APR; and in 2004, U.S. consumers paid almost \$1.24 Billion in loan fees and another
\$360 Million in administrative, electronic filing and application fees; and

 WHEREAS, ITRA loans speed up the refund process by as little as one week compared to
filing online and having the refund directly deposited into the customer's account at a financial
institution; and

 WHEREAS, ITRA loan recipients are overwhelmingly lower income taxpayers who can
least afford to pay: Now, therefore,

Be it resolved by the Silver Haired Legislature of the State of Kansas: That the Kansas Legislature is hereby urged to enact 2007 SB 217 or 2007 HB 2244, or similar legislation during the ~~2008~~ 2009 regular session, to help combat predatory payday lending practices and to enact legislation to regulate or prohibit Income Tax Refund Advance lending practices that adversely affect elderly and other residents of Kansas.

[AS AMENDED BY SHL COMMITTEE]

SILVER HAired LEGISLATURE RESOLUTION NO. 2502

A RESOLUTION urging the Kansas Legislature to increase funding for home and community based services (HCBS) and nutrition programs in the state of Kansas.

WHEREAS, HCBS programs promote independent living, self-direction, individual choice and privacy through providing home and community based services as an alternative to nursing facility care; and WHEREAS, Nutrition programs provide information to help individuals make appropriate choices in purchasing food and preparing meals in order to prevent chronic diseases and maintain healthy active living; and

WHEREAS, Kansas is developing and implementing a comprehensive and coordinated system to provide long-term care (LTC) services including HCBS; and

WHEREAS, In fiscal year 2008, the average monthly cost for Kansas LTC customers in nursing facilities was over \$2,800 while the average monthly costs for Kansas LTC customers in HCBS programs was \$950; and

WHEREAS, Additional funding of HCBS programs could reduce the number of individuals in nursing care facilities through providing the support necessary for individuals to remain in their home communities, utilizing federal and state assistance in more efficient and cost-effective manners; and

WHEREAS, Additional funding for HCBS programs would enable more individuals to

move back to or remain in their homes and communities where they feel secure and comforted, in contact with their family and friends, instead of residing in nursing care facilities; Now, therefore,

Be it resolved by the Silver Haired Legislature of the State of Kansas: That the Kansas Legislature is hereby urged to increase funding for home and community based services (HCBS) and nutrition programs in the state of Kansas in accordance with the amounts set forth for such items in the budget request of the Kansas Department on Aging for fiscal year 2010.

SILVER HAired LEGISLATURE RESOLUTION NO. 2503

A RESOLUTION urging cities, counties, and other municipalities of Kansas with traffic signals to adjust, or otherwise provide for, the timing of traffic lights at crosswalks to allow adequate pedestrian crossing time for seniors and persons with disabilities.

WHEREAS, Seniors and persons with disabilities are unable to cross the street at crosswalks as quickly as other individuals; and

WHEREAS, The Americans with Disabilities Act guarantees the right of safe access to buildings and crosswalks to persons with disabilities; and

WHEREAS, Many signalized intersections provide information that enables safe access to buildings and crosswalks for sighted pedestrians which is not provided for visually-impaired pedestrians; and

WHEREAS, Accessible pedestrian signals have been widely used and are considered by traffic engineers to be effective not only in providing information to visually-impaired pedestrians but also in decreasing general pedestrian delay and facilitating vehicular flow at signalized intersections; and

WHEREAS, Increasing numbers of quiet vehicles, including electric vehicles and those with quiet internal combustion engines, make acoustic information from vehicles inconsistent, resulting in the inability of visually-impaired pedestrians to reliably detect the onset of the WALK interval by listening for a surge of vehicles; and

WHEREAS, Persons who are visually-impaired consistently identify location of the push button as a major problem they experience at pedestrian actuated intersections and often have insufficient time when pedestrian push buttons are far from associated crosswalks, to actuate

push buttons and then prepare to cross before the onset of the WALK interval ; and

WHEREAS, The Federal Highway Administration will recommend next year that states increase by nearly 15% the amount of time traffic signals afford pedestrians to cross the street; and

WHEREAS, Studies of crosswalk usage and automobile-pedestrian accident rates help determine the proper duration for crosswalk lights; and

WHEREAS, During 2006, 466 pedestrians were injured in accidents in Kansas: Now, therefore,

Be it resolved by the Silver Haired Legislature of the State of Kansas: That all cities, counties and municipalities of Kansas are hereby urged to adjust, or otherwise provide for, the timing of traffic lights at crosswalks to allow adequate pedestrian crossing time for seniors and persons with disabilities.

[As Amended by SHL Committee]

SILVER HAired LEGISLATURE BILL NO. 2504

1 AN ACT relating to insurance; concerning the mandatory reinstatement of certain insurance
2 policies in case of mental incapacity of an insured.

3

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

5 1. Section (a) The provisions of sections 1 through 8, and amendments thereto, shall apply
6 to all individual insurance policies issued to residents of this state that are subject to lapsing on
7 and after the effective date of this act, issued by an insurer authorized to do business in this state.

8 (b) The provisions of sections 1 through 8, and amendments thereto, shall not apply to
9 any: (1) Life insurance policy that provides nonforfeiture benefits, which would maintain the
10 contract for one year; (2) long-term care insurance policy as defined by K.S.A. 40-2227, and
11 amendments thereto; or (3) motor vehicle insurance policy.

12 (c) As used in sections 1 through 8, and amendments thereto, “policy” means an
13 individual insurance policy authorized under chapter 40 of the Kansas Statutes Annotated.

14 2. Sec. (a) A policy shall be entitled to reinstatement under this act if:

15 (1) Such policy has been in effect continuously for at least five years immediately
16 preceding the lapse;

17 (2) such policy has been without default in the payment of premiums during such period;

18 ~~and~~

19

1 (3) there is a subsequent unintentional default in premium payments caused by mental
2 incapacity of the insured; and

3 (4) such policy includes a third-party notification clause.

4 (b) A policy shall be reinstated within one year from the date of lapse if such policy
5 meets the requirements of subsection (a), on payment of arrears of premiums with interest. The
6 rate of interest may not exceed 6% per annum.

7 3. Sec. (a) For purposes of this act, “mental incapacity” means lacking the ability, based on
8 reasonable medical judgment, to understand and appreciate the nature and consequences of a
9 decision regarding failure to pay a premium when due and the ability to reach an informed
10 decision in the matter.

11 (b) Mental incapacity must be established by the clinical diagnosis of a physician
12 licensed ~~in this state~~ and qualified to make the diagnosis.

13 4. Sec. (a) A request for reinstatement of coverage under this act and proof of mental
14 incapacity may be filed with the insurer by:

15 (1) The insured;

16 (2) the legal guardian of the insured;

17 (3) other legal representative of the insured; or

18 (4) the legal representative of the estate of the insured.

19 (b) Proof of mental incapacity and an accompanying request for the reinstatement must
20 be made not later than the first anniversary date after the lapse of a policy eligible for
21 reinstatement.

22 5. Sec. (a) After the requirements of section 4, and amendments thereto, have been

1 satisfied, an insurer subject to this act shall reinstate, without evidence of insurability, coverage
2 that has lapsed under the circumstances described by section 2, and amendments thereto.

3 (b) An insurer may require, as a condition of reinstatement, payment of premiums plus
4 interest owed for the period from the date of initial lapse to the date of reinstatement.

5 (c) On reinstatement of the coverage, the initial contractual provisions apply as if
6 coverage had been continuous and without interruption.

6. Sec. An insurer shall pay the amount of benefits owed under a policy that is eligible for
reinstatement under this act, reduced by the amount of premiums and interest owed and unpaid
on the date of which the benefits are paid, if there is an uncontroverted claim for benefits that
exceed the amount of premiums and interest owed.

7. Sec. An insurer is not required to reinstate coverage or pay benefits under this act if the
insured first became mentally incapacitated after the expiration of an applicable grace period
contained in the policy.

8. Sec. (a) Each insurer shall disclose fully to each of its policyholders, contract holders or
covered persons the requirements of this act.

(b) The disclosure shall be forwarded to applicable policyholders, contract holders or
covered persons either:

(1) Within 90 days following a lapse of a policy regulated by this act; or

(2) within 90 days after the effective date of this act to each existing policyholder whose
policy is regulated by this act. Disclosure thereafter on policies issued after the effective date of
this act may be made by including the disclosure information in the policy or in an endorsement
attached to the policy.

(c) Notice will be deemed to be in compliance with this act if mailed by first-class mail to the last known address of the policyholder or if contained in the policy form or as an endorsement thereto.

(d) The commissioner of insurance may adopt reasonable rules and regulations to implement the provisions of this act. Such disclosure shall be made in the form and manner prescribed by the commissioner of insurance.

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

SILVER HAired LEGISLATURE BILL NO. 2505

7 AN ACT concerning taxation; relating to an excise tax on wind generated electricity for senior
8 services funding; depositing moneys into the senior services trust fund; providing for a
9 refund fund.

10 *Be it enacted by the Silver Haired Legislature of the State of Kansas:*

11 Section 1. As used in this act:

12 (a) "Director" means the director of taxation;

13 (b) "Taxpayer" means the owner of a wind power generation facility;

14 (c) "Wind power generation facility" means a wind driven machine of a height of at least
15 150 feet, as measured to the tip of the blade at its highest point, that converts wind energy into
16 electrical power for the primary purpose of sale, resale or off-site use.

17 Sec. 2. There is hereby imposed a tax of \$0.70 per megawatt hour of electricity
18 generated within the state of Kansas by a wind power generation facility. The tax is the liability
19 of the taxpayer and shall be paid to the director as provided in this act.

20 Sec. 3. (a) Except as otherwise provided in this section, every taxpayer, on or before the
21 25th day of each month, shall file with the director at the director's office in Topeka, Kansas,
22 upon a form prescribed, prepared and furnished by the director a report certified to be true and
23 correct showing the number of megawatt hours of electricity produced by the taxpayer's wind
24 power generation facilities during the preceding calendar month, and such further information as

1 the director requires. At the time the report is filed, every taxpayer shall compute and pay to the
2 director at the director's office the amount of taxes due to the state based on the aggregate
3 number of megawatt hours of electricity generated by the taxpayer's wind power generation
4 facilities, which are located within the state of Kansas, during the preceding calendar month.

(b) All taxes imposed under the provisions of this act not paid on or before the 25th day of the month succeeding the calendar month in which the taxable electrical energy was generated shall be deemed delinquent and shall bear interest at the rate per month, or fraction thereof, prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from such due date until paid. In addition, there is hereby imposed upon all amounts of such taxes remaining due and unpaid after such due date a penalty in the amount of 5%. The penalty shall be added to and collected by the director as part of the taxes. If the taxpayer furnishes evidence to the director that the delinquency was due to causes beyond the taxpayer's reasonable control, and if in the opinion of the director the delinquency was not the result of willful negligence of the taxpayer, the penalty or interest, or both, may be waived or reduced by the director.

(c) If any taxpayer files a false or fraudulent return or fails to file a return with intent to evade the tax imposed by this act, there shall be added to the amount of the deficiency determined by the director a penalty equal to 100% of the deficiency together with the interest at the rate per month or fraction thereof, prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, on such deficiency from the date such tax was due to the date of payment, in addition to all other penalties prescribed by law.

Sec. 4. Each taxpayer shall maintain and keep, for a period of three years, the necessary

instruments, records and such other pertinent papers as may be required by the director, to show the amount expressed in megawatt hours of electricity generated each month by wind power generation facilities that are owned by the taxpayer and located in this state.

Sec. 5. (a) The director, or any deputy or agent appointed in writing by the director is hereby authorized to examine the books, papers, records, instruments and equipment of any taxpayer pertaining to the generation of electricity by wind power generation facilities, to verify the accuracy of any report, statement or payment made under the provisions of this act, or to ascertain whether or not all reports and tax payments required by this act have been made. Any information gained by the director, the director's deputies or agents, as the result of the reports, investigations and verifications required to be made under this act, shall be confidential and shall not be divulged by any person except as provided under this act. Every taxpayer shall give the director, or the director's deputy or agent appointed in writing, full and free access during reasonable business hours to all the papers, records and property mentioned, with full opportunity to examine the same.

(b) The director, or any deputy or agent appointed in writing by the director, shall examine returns and shall determine the correct amount of tax. If the amount of tax found due is greater than the amount paid, or if a claim for a refund is denied, notice shall be mailed to the taxpayer. Within 60 days after the mailing of such notice, the taxpayer may request an informal conference with the secretary of revenue or the secretary's designee relating to the tax liability by filing a written request with the secretary of revenue or the secretary's designee. Based on the evidence presented at such informal conference, the secretary of revenue or the secretary's designee shall make a final determination within the period prescribed by K.S.A. 79-3226, and

amendments thereto, and shall notify the taxpayer of such decision and, if additional amounts are found to be due, such decision shall be accompanied by a notice and demand for payment. Notice under this section shall be sent by first-class mail.

(c) The tax shall be paid within 20 days thereafter, together with interest at the rate per month prescribed by section (a) of K.S.A. 79-2968, and amendments thereto, on the additional tax from the date the tax was due unless an appeal is taken in the manner provided by law, but no additional tax shall be assessed for less than \$5. Interest at such rate shall continue to accrue on any additional tax liability during the course of any appeal.

Sec. 6. (a) All taxes, penalties and interest received by the director under this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts withheld as provided in subsection (b), to the credit of the senior services trust fund established by K.S.A. 2008 Supp. 75-4266, and amendments thereto.

(b) A refund fund, designated as “wind generation tax refund fund” not to exceed \$100,000 shall be set apart and maintained by the director from taxes collected pursuant to this act and estimated tax collections and held by the state treasurer for prompt payment of all taxes imposed and collected under this act. The refund fund shall be maintained with a balance in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event the refund fund is established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof,

the director shall certify the amount of additional moneys required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the wind generation tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

Sec. 7. That act shall be in force from and after its publication in the statute book.

2008

[AS AMENDED BY SHL COMMITTEE]

SILVER HAired LEGISLATURE RESOLUTION NO. 2506

A RESOLUTION urging the establishment of the Kansas Silver Plan for missing elderly citizens, similar to the Kansas AMBER Plan that is in place for missing children.

WHEREAS, Too many nursing home or homebound elderly persons reach a point where they are no longer able to care for themselves outside their home and cannot find the way back home, and if they manage to wander off, may end up either seriously ill or even dead before located; and WHEREAS, If public notice of such a missing person is promptly broadcast and a search is timely undertaken, the likelihood is far greater that the person will be found in time to avoid serious harm or death; and

WHEREAS, A Kansas Silver Plan may be implemented with a little or no cost to the state with the cooperation of the Kansas Attorney General, Kansas Bureau of Investigation, and Kansas Highway Patrol, in a manner similar to the Kansas AMBER Plan, by establishing the name and framework for the network, with the support of interested organizations, such as the Kansas Silver Haired Legislature, United Way, Area Agencies on Aging, and others to publicize the program and work with local law enforcement, the media and other entities to timely launch and coordinate search and rescue efforts for missing elderly persons: Now, therefore,

Be it resolved by the Silver Haired Legislature of the State of Kansas: That the Kansas Legislature and the Attorney General are hereby urged to encourage and recommend the establishment of the Kansas Silver Plan whereby law enforcement entities, the news media, and

the general public may be promptly notified when an ~~incompetent~~ elderly person is missing, so that a timely search and rescue may be undertaken.

2008

SILVER HAired LEGISLATURE RESOLUTION NO. 2507

A RESOLUTION urging the amendment of KSA 2007 Supp. 74-3266 and 76-381 to provide for medical scholarship assistance for fellowship training in geriatric medicine.

WHEREAS, The percentage of senior citizens in Kansas is increasing more rapidly than other groups, and

WHEREAS, Medical treatment for seniors requires special attitudes and aptitudes, and

WHEREAS, This situation has seen a shortage of qualified physicians to meet this need particularly in Kansas counties other than Shawnee, Sedgwick, Johnson, Douglas, and Wyandotte, and

WHEREAS, Other specialized medical area are assisted with special scholarships in Kansas with the result being better service in rural Kansas areas, and

WHEREAS, To help accomplish the solution for this shortage: Now, therefore,

Be it resolved by the Silver Haired Legislature of the State of Kansas: That subsection (d) of K.S.A. 2007 Supp. 74-3266 be amended by inserting the words "or fellowship training geriatric medicine" and subsection (b) of K.S.A. 2007 Supp. 76-381 be amended by inserting the words "or fellowship training geriatric medicine."

CARRY OVER BILLS

THESE THREE BILLS WOULD HAVE ESTABLISHED A SENIOR TRUST FUND TO BE ADMINISTERED BY THE DEPARTMENT ON AGING AND PROVIDED CERTAIN FUNDS TO THIS END. THESE THREE BILLS WILL NEED TO BE REFILED. THEY ARE AS FOLLOWS:

(Money From Casinos)

Session of 2008

HOUSE BILL No. 2866

By Representatives Gordon, Bethell, Burroughs, Faust-Goudeau, Henry, Horst, Huntington, Kelsey, Lane, Menghini, Jim Morrison, Palmer, Sloan and Williams

2-13

AN ACT concerning the department on aging; relating to the senior services fund; creating the health care for seniors fund; disposition of certain additional lottery proceeds; prescribing certain powers, duties and functions for the secretary of aging; amending K.S.A. 2007 Supp. 74-8768 and repealing the existing section.

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

New Section 1. (a) There is hereby established in the state treasury the health care for seniors fund which shall be administered by the secretary of aging as provided by law.

(b) All moneys credited to the health care for seniors fund shall be used for additional funding for health care programs, assistance and services for seniors. Moneys allocated or appropriated from the health care for seniors fund shall not be used to replace or substitute for moneys appropriated from the state general fund in the immediately preceding fiscal year. All expenditures from the health care for seniors fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of aging or the secretary's designee.

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the health care for seniors fund interest earnings based on (1) the average daily balance of moneys in the health care for seniors fund and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) As used in this section, "senior" means an individual who resides in Kansas, who is 60 years of age or older and who is in need of health care.

New Sec. 2. During the 2008 regular session and during each regular session thereafter, the legislature shall specify by appropriation act an amount or amounts of moneys to be transferred by the director of accounts and reports from the expanded lottery act revenues fund to the health care for seniors fund established by section 1, and amendments thereto, or to the senior services fund established by subsection (g) of K.S.A. 75-4265, and amendments thereto, or to both such funds, in accordance with this section. Notwithstanding the provisions of K.S.A. 2007 Supp. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount or amounts as specified or otherwise prescribed by appropriation act of the legislature, on the date or dates specified therefore, from the expanded lottery act revenues fund to the health care for seniors fund established by section 1,

and amendments thereto, or to the senior services fund established by subsection (g) of K.S.A. 75-4265, and amendments thereto, or to both such funds, all in accordance with the provisions of appropriation acts.

Sec. 3. K.S.A. 2007 Supp. 74-8768 is hereby amended to read as follows: 74-8768. There is hereby created the expanded lottery act revenues fund in the state treasury. All expenditures and transfers from such fund shall be made in accordance with appropriation acts. All moneys credited to such fund shall be expended or transferred only for the purposes of reduction of state debt, state infrastructure improvements and, reduction of local ad valorem tax in the same manner as provided for allocation of amounts in the local ad valorem tax reduction fund, *health care programs, assistance and services for seniors for which expenditures may be made from the health care for seniors fund established by section 1, and amendments thereto, and projects and purposes for which expenditures may be made from the senior services fund established by subsection (g) of K.S.A. 75-4265, and amendments thereto.*

Sec. 4. K.S.A. 2007 Supp. 74-8768 is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

(Money From Out-Of-State Sales Tax)

Session of 2007

HOUSE BILL No. 2387

By Representatives Gordon, Bethell, Carlin, Crow, Dahl, Faust-Goudeau, Feuerborn, Henry, Horst, Huntington, Kelsey, Lane, McLachlan, Merrick, Judy Morrison, Jim Morrison, Olson, Siegfried, Sloan, Spalding, Storm, Tafanelli, Williams, Winn and Worley

2-5

AN ACT creating the health care for senior fund; concerning the disposition of a sales tax and compensating use tax proceeds; prescribing certain powers, duties and functions for the secretary of aging and secretary of revenue; amending K.S.A. 2006 Supp. 79-3620 and 79-3710 and repealing the existing sections.

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

New Section 1. (a) There is hereby established in the state treasury the health care for seniors fund which shall be administered by the secretary of aging as provided by law.

(b) All moneys credited to the health care for seniors fund shall be used for additional funding for health care programs, assistance and services for seniors. Moneys allocated or appropriated from the health care for seniors fund shall not be used to replace or substitute for moneys appropriated from the state general fund in the immediately preceding fiscal year. All expenditures from the health care for seniors fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of aging or the secretary's designee. (c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the health care for seniors fund interest earnings based on (1) the average daily balance of moneys in the health care for seniors fund and (2) the net earnings rate of the pooled money investment portfolio for the preceding month. (d) As used in this section, "senior" means an individual who resides in Kansas, who is 60 years of age or older and who is in need of health care.

Sec. 2. K.S.A. 2006 Supp. 79-3620 is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation from the taxes imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsection *subsections* (c) and, (d) *and* (e), to the credit of the state general fund. (b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds including refunds authorized under the provisions of K.S.A. 79-3635, and amendments thereto. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required

amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1) The state treasurer shall credit 5/98 of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection *subsections* (d) and (e), in the state highway fund. (2) The state treasurer shall credit 5/106 of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection *subsections* (d) and (e), in the state highway fund. (3) On July 1, 2006, the state treasurer shall credit 19/265 of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection *subsections* (d) and (e), in the state highway fund. (4) On July 1, 2007, the state treasurer shall credit 13/106 of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection *subsections* (d) and (e), in the state highway fund. (d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project or taxpayers doing business with such entity financed by a special bond project as defined in K.S.A. 12-1770a, and amendments thereto, that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state or the project was designated as a special bond project as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3710, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment or special bond project. (e) *On or before July 10, 2007, and on or before the 10th day of each month thereafter, the secretary of revenue shall estimate the amount of revenue collected or received during the immediately preceding calendar month from the tax imposed by K.S.A. 79-3603, and amendments thereto, equal to 2% of the monthly proceeds of such tax imposed by the state on each sale of tangible personal property at retail conducted through the use of electronic means of communication, which shall be credited to the health care for seniors fund established by section 1, and amendments thereto, except that the aggregate amount credited pursuant to this subsection shall not exceed 2% of such proceeds or \$2,000,000 during any fiscal year. The secretary of revenue shall certify each amount so estimated and, upon receipt of such certification, the state treasurer shall credit the amount certified to the health care for seniors fund. The secretary of revenue shall adopt rules and regulations for the administration of this act and to prescribe the methodology to be applied to make the estimations required by this subsection. As used in this subsection, "through electronic means of communication" means and includes through any internet, telephone or other electronic means of communication as determined by the secretary of revenue, in accordance with rules and regulations adopted by the secretary of revenue, including any catalog sales effectuated through any such means.* Sec. 3. K.S.A. 2006 Supp. 79-3710 is hereby amended to read as follows: 79-3710. (a) All revenue collected or received by the director under the provisions of this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments

thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts set apart as provided in subsection (b) and amounts credited as provided in subsection *subsections* (c) and, (d) *and* (e), to the credit of the state general fund. (b) A revolving fund, designated as “compensating tax refund fund” not to exceed \$10,000 shall be set apart and maintained by the director from compensating tax collections and estimated tax collections and held by the state treasurer for prompt payment of all compensating tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. (c) (1) The state treasurer shall credit 5/98 of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection *subsections* (d) *and* (e), in the state highway fund. (2) The state treasurer shall credit 5/106 of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection *subsections* (d) *and* (e), in the state highway fund. (3) On July 1, 2006, the state treasurer shall credit 19/265 of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection *subsections* (d) *and* (e), in the state highway fund. (4) On July 1, 2007, the state treasurer shall credit 13/106 of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection *subsections* (d) *and* (e), in the state highway fund. (d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund created by subsection (d) of K.S.A. 79-3620, and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3620, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project. This subsection shall not apply to a project designated as a special bond project as defined in subsection (z) of K.S.A. 12-1770a, and amendments thereto. (e) *On or before July 10, 2007, and on or before the 10th day of each month thereafter, the secretary of revenue shall estimate the amount of revenue collected or received during the immediately preceding calendar month from the tax imposed by K.S.A. 79-3703, and amendments thereto, equal to 2% of the monthly proceeds of such tax imposed by the state regarding tangible personal property that was acquired through the use of electronic means of communication, which shall be credited to the health care for seniors fund established by section 1, and amendments thereto, except that the aggregate amount credited pursuant to this subsection shall not exceed 2% of such proceeds or \$2,000,000 during any fiscal year. The secretary of revenue shall certify each amount so estimated and, upon receipt of such certification, the state treasurer shall credit the amount certified to the health care for seniors fund. The secretary of revenue shall adopt rules and regulations for the administration of this act and to prescribe the methodology to be applied to make the determinations required by this subsection. As used in this subsection, “through electronic means of communication” means*

and includes through any internet, telephone or other electronic means of communication as determined by the secretary of revenue, in accordance with rules and regulations adopted by the secretary of revenue, including catalog sales effectuated through any such means. Sec. 4.

K.S.A. 2006 Supp. 79-3620 and 79-3710 are hereby repealed. Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

(Money From New Tobacco Settlement Firms)

Session of 2007

HOUSE BILL No. 2395

By Representatives Gordon, Bethell, Brown, Carlin, Colloton, Crow, Dahl, Faust-Goudeau, Feuerborn, Henry, Horst, Huntington, Kelsey, Kinzer, Lane, Mah, McLachlan, Merrick, Jim Morrison, Judy Morrison, Olson, Siegfried, Sloan, Spalding, Storm, Tafanelli, Williams, Winn, K. Wolf and Worley

2-5

AN ACT concerning the department on aging; relating to the senior services fund; creating the health care for seniors fund; disposition of certain additional tobacco litigation settlement proceeds; prescribing certain powers, duties and functions for the secretary of aging; amending K.S.A. 38-2101 and repealing the existing section.

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

New Section 1. (a) There is hereby established in the state treasury the health care for seniors fund which shall be administered by the secretary of aging as provided by law. (b) All moneys credited to the health care for seniors fund shall be used for additional funding for health care programs, assistance and services for seniors. Moneys allocated or appropriated from the health care for seniors fund shall not be used to replace or substitute for moneys appropriated from the state general fund in the immediately preceding fiscal year. All expenditures from the health care for seniors fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of aging or the secretary's designee. (c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the health care for seniors fund interest earnings based on (1) the average daily balance of moneys in the health care for seniors fund and (2) the net earnings rate of the pooled money investment portfolio for the preceding month. (d) As used in this section, "senior" means an individual who resides in Kansas, who is 60 years of age or older and who is in need of health care. New Sec. 2. (a) On and after July 1, 2007, all additional tobacco litigation settlement moneys shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and 50% of each such remittance of additional tobacco litigation settlement moneys shall be credited to the health care for seniors fund established by section 1, and amendments thereto, and 50% of each such remittance of additional tobacco litigation settlement moneys shall be credited to the senior services fund established by subsection (g) of K.S.A. 75-4265, and amendments thereto. (b) As used in this section, "additional tobacco litigation settlement moneys" means all moneys received by the state pursuant to the tobacco litigation settlement agreements entered into by the attorney general on behalf of the state of Kansas, or pursuant to any judgment rendered, regarding the litigation against tobacco industry companies and related entities that are attributable to payments by tobacco industry companies that first became participating manufacturers, as that term is defined in section II(jj) of the master settlement agreement, after June 30, 2007, and "master settlement agreement" has the meaning ascribed thereto in K.S.A. 50-6a02, and amendments thereto. Sec. 3. K.S.A. 38-2101 is hereby amended to read as follows: 38-2101. (a) There is hereby established in the state treasury the Kansas endowment for youth fund which shall constitute a trust fund and shall be invested, managed and administered in accordance with the provisions of this act by the board of trustees of the

Kansas public employees retirement system established by K.S.A. 74-4905 and amendments thereto. (b) All of the moneys received *during each fiscal year* by the state pursuant to the tobacco litigation settlement agreements entered into by the attorney general on behalf of the state of Kansas, or pursuant to any judgment rendered, regarding the litigation against tobacco industry companies and related entities, shall be deposited *remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215 and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount* in the state treasury and. *The amount of moneys in each such deposit that are additional tobacco litigation settlement moneys, as defined in section 2, and amendments thereto, shall be credited to the health care for seniors fund and the senior services fund as prescribed by section 2, and amendments thereto, and the remaining moneys in each such deposit shall be credited to the* Kansas endowment for youth fund. All such moneys *credited to the Kansas endowment for youth fund* shall constitute an endowment which shall remain credited to the Kansas endowment for youth fund except as provided in this section or in K.S.A. 38-2102 and amendments thereto for transfers to the children's initiatives fund. Expenditures may be made from the Kansas endowment for youth fund for the payment of the operating expenses of the Kansas children's cabinet and the board of trustees, including the expenses of investing and managing the moneys, which are attributable to the Kansas endowment for youth fund. All moneys credited to the Kansas endowment for youth fund shall be invested to provide an ongoing source of investment earnings available for periodic transfer to the children's initiatives fund in accordance with this act. All expenditures from the Kansas endowment for youth fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board of trustees of the Kansas public employees retirement system or by the chairperson's designee. (c) On the effective date of this act, the director of accounts and reports shall transfer all moneys credited to the children's health care programs fund to the Kansas endowment for youth fund and the children's health care programs fund is hereby abolished. On and after July 1, 1999, whenever the children's health care programs fund, or words of like effect, is referred to or designated by statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas endowment for youth fund. Sec. 4. K.S.A. 38-2101 is hereby repealed. Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

THIS BILL WOULD PROVIDE A COLA (Cost Of Living Adjustment) FOR KPER'S RETIREES:

Session of 2008

SENATE BILL No. 661

By Committee on Ways and Means

2-27

AN ACT concerning retirement; relating to the Kansas public employees retirement system and systems thereunder; postretirement benefit payments; amending K.S.A. 2007 Supp. 74-4920 and repealing the existing section.

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

New Section 1. (a) The retirement benefit, pension or annuity payments to each retirant who retires under the provisions of K.S.A. 79-4901 et seq., and amendments thereto, shall be increased as follows: (1) Commencing July 1, 2008, by an amount equal to 1% of the retirement benefit, pension or annuity in effect on July 1, 2008; (2) commencing July 1, 2009, by an amount equal to 1% or an additional 1% for those retirants who received the increase in clause (1) of the retirement benefit, pension or annuity in effect on July 1, 2009; and (3) commencing July 1, 2010, by an amount equal to 1% or an additional 1% for those retirants who received the increase in clause (1) or (2), or both, of the retirement benefit, pension or annuity in effect on July 1, 2010. Such payment increase shall be paid by the system to the retirant during any such period. (b) As used in this section: (1) "Retirant" means: (A) Any person who is a member or special member of the retirement system pursuant to the provisions of K.S.A. 74-4901 et seq., and amendments thereto, and for the payment increase commencing on July 1, 2008, who retired prior to July 1, 2007; for the payment increase commencing on July 1, 2009, who retired prior to July 1, 2008; and for the payment increase commencing on July 1, 2010, who retired prior to July 1, 2009; and (B) any person who is a joint annuitant or beneficiary of any member described in clause (A); and (2) "Kansas public employees retirement system" means the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system and the retirement system for judges.

Sec. 2. K.S.A. 2007 Supp. 74-4920 is hereby amended to read as follows: 74-4920. (1) (a) Upon the basis of each annual actuarial valuation and appraisal as provided for in subsection (3)(a) of K.S.A. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the actuarial accrued liability as determined by the board. The board shall determine the actuarial cost method to be used in annual actuarial valuations, to determine the employer contribution rates that shall be certified by the board. Such certified rate of contribution, amortization methods and periods and actuarial cost method shall be based on the standards set forth in subsection (3)(a) of K.S.A. 74-4908 and amendments thereto and shall not be based on any other purpose outside of the needs of the system. (b) (i) For employers affiliating on and after January 1, 1999, upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year to each such employer an actuarially determined estimate of the rate of contribution which shall be required

to be paid by each such employer to pay all of the liabilities which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be termed the employer's participating service contribution and shall be uniform for all participating employers. Such additional liability shall be amortized as determined by the board. For all participating employers described in this section, the board shall determine the actuarial cost method to be used in annual actuarial valuations to determine the employer contribution rates that shall be certified by the board. (ii) The board shall determine for each such employer separately an amount sufficient to amortize all liabilities for prior service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each such employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that employer to pay all of the liabilities for such prior service costs. Such rate shall be termed the employer's prior service contribution. (2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation. (3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board. (4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774 and amendments thereto by cities located in the county, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102 and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act. (5) (a) The rate of contribution certified to a participating employer as provided in this section shall apply during the fiscal year of the participating employer which begins in the second calendar year following the year of the actuarial valuation. (b) (i) Except as specifically provided in this section, for fiscal years commencing in calendar year 1996 and in each subsequent calendar year, the rate of contribution certified to the state of Kansas shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than 0.2% of the amount of compensation upon which members contribute during the period. (ii) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to the state of Kansas and to the participating employers under K.S.A. 74-4931, and amendments thereto shall

in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar year 2005, an amount not to exceed more than 0.4% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2006, an amount not to exceed more than 0.5% of the amount of the immediately preceding fiscal year; and (C) for the fiscal year commencing in calendar year 2007 and in each subsequent calendar year, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year.

(iii) Except as specifically provided in this section, for fiscal years commencing in calendar year 1997 and in each subsequent calendar year, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.15% of the amount of compensation upon which members contribute during the period. (iv) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed the contribution rate for such employers for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar year 2006, an amount not to exceed more than 0.4% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2007, an amount not to exceed more than 0.5% of the amount of the immediately preceding fiscal year; and (C) for the fiscal year commencing in calendar year 2008 and in each subsequent calendar year, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year. (v) As part of the annual actuarial valuation, there shall be a separate employer rate of contribution calculated for the state of Kansas, a separate employer rate of contribution calculated for participating employers under K.S.A. 74-4931 and amendments thereto, a combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, and a separate employer rate of contribution calculated for all other participating employers. (vi) There shall be a separate employer rate of contribution certified to the state of Kansas. There shall be a separate employer rate of contribution certified to participating employers under K.S.A. 74-4931, and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers. (vii) If the combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, is greater than the separate employer rate of contribution for the state of Kansas, the difference in the two rates applied to the actual payroll of the state of Kansas for the applicable fiscal year shall be calculated. This amount shall be certified by the board as additional employer contributions for the participating employers under K.S.A. 74-4931, and amendments thereto, to the division of budget and governor who shall include in the budget each year thereafter provisions for the transfer from the state general fund of sufficient sums to satisfy this obligation. This amount shall be distributed through the same procedure as followed for the employer contribution payments under K.S.A. 74-4939 and K.S.A. 74-4939a, and amendments thereto, and then remitted by the participating employers to the Kansas public employees retirement system for deposit as additional employer contributions to the retirement benefit accumulation reserve for the participating employers under K.S.A. 74-4931, and amendments thereto. (6) The actuarial cost

of any legislation enacted in the 1994 session of the Kansas legislature will be included in the June 30, 1994, actuarial valuation in determining contribution rates for participating employers. (7) The actuarial cost of the provisions of K.S.A. 74-4950i will be included in the June 30, 1998, actuarial valuation in determining contribution rates for participating employers. The actuarial accrued liability incurred for the provisions of K.S.A. 74-4950i shall be amortized over 15 years. (8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 74-49,114a, and amendments thereto, shall be in addition to the employer contribution rates certified for the employer contribution rate in the fiscal year immediately following such enactment. (9) Notwithstanding the provisions of subsection (8), the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto shall be first reflected in employer contribution rates effective with the first day of the first payroll period for the fiscal year 2005. The actuarial accrued liability incurred for the provisions of K.S.A. 74-49,109 et seq., and amendments thereto shall be amortized over 10 years. (10) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2007 Supp. 74-49,114b, and amendments thereto, for retirants other than local retirants as described in subsection (11) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2007. (11) The actuarial accrued liability incurred for the provisions of K.S.A. 2007 Supp. 74-49,114b, and amendments thereto, for the KPERS local group and retirants who were employees of local employers which affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years. (12) *The actuarial accrued liability incurred for the provisions of section 1, and amendments thereto, for local group retirants of the Kansas public employees retirement system and retirants who were employees of local employers that affiliated with the Kansas police and firemen's retirement system shall be amortized over 15 years using the level percent of payroll amortization method.* (13) *The actuarial accrued liability incurred for the provisions of section 1, and amendments thereto, for retirants other than local retirants described in subsection (12), shall be amortized over 15 years using the level dollar amortization method.* (14) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912 and amendments thereto at rates different from the rate fixed for employers joining within one year of the first entry date. (13) (15) For employers affiliating on and after January 1, 1999, the rates of contribution certified to the participating employer as provided in this section shall apply during the fiscal year immediately following such certification, but the rate of contribution during the first year following the employer's entry date shall be equal to 7% of the amount of compensation on which members contribute during the year. Any amount of such first year's contribution which may be in excess of the necessary current service contribution shall be credited by the board to the respective employer's prior service liability. (14) (16) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member. (15) (17) Notwithstanding any provision of law to the contrary, each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive director for credit to the Kansas public employees retirement fund within three days after the end of the period covered by the remittance by electronic funds transfer. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection shall be subject to interest at the rate established for interest on judgments under subsection (a) of

K.S.A. 16-204 and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state. Sec. 3. K.S.A. 2007 Supp. 74-4920 is hereby repealed. Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

THIS BILL WOULD REMOVE CUSTODY AND ONLY REQUIRE THAT THE CHILD LIVE WITH GRANDPARENT(S):

Session of 2008

HOUSE BILL No. 2839

By Committee on Federal and State Affairs

2-12

AN ACT concerning the grandparents as caregivers act; relating to eligibility requirements; amending K.S.A. 2007 Supp. 38-145 and repealing the existing section.

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

Section 1. K.S.A. 2007 Supp. 38-145 is hereby amended to read as follows: 38-145. (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 *reside with* such grandparent's custody by the state, is the legal guardian of the grandchild or has other legal custody of the grandchild *grandparent*; and

(3) has an annual household income of less than 130% of the federal poverty level.

(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. 2. K.S.A. 2007 Supp. 38-145 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

THIS BILL WOULD ADD TWO NEW OMBUDSMEN (REGIONAL) AND ONE VA OMBUDSMAN:

Session of 2007

HOUSE BILL No. 2388

By Representatives Gordon, Bethell, Brown, Burgess, Burroughs, Carlin, Colloton, Crow, Dahl, Faust-Goudeau, Feuerborn, Flaharty, Gatewood, Grant, Henry, Horst, Huntington, Kelsey, Kiegerl, Kinzer, Lane, Lukert, Mah, McLachlan, Merrick, Jim Morrison, Judy Morrison, Olson, Owens, Pottorff, Sharp, Siegfried, Sloan, Spalding, Storm, Tafanelli, Williams, Winn and Worley

2-5

AN ACT concerning the state long-term care ombudsman; amending K.S.A. 2006 Supp. 75-7301 and repealing the existing section.

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

New Section 1. (a) The ombudsman shall adopt and implement any policies the ombudsman deems necessary to recruit and train a number of volunteer ombudsmen sufficient to provide the services of at least one volunteer ombudsman in each area agency on aging planning service area region of the state. (b) The ombudsman may adopt any rules and regulations necessary to implement the provisions of this act. (c) The provisions of this section are a part of and supplemental to the long-term care ombudsman act. Sec. 2. K.S.A. 2006 Supp. 75-7301 is hereby amended to read as follows: 75-7301. (a) The office of the state long-term care ombudsman is hereby attached to the department of administration. The office of the state long-term care ombudsman shall be in Topeka, Kansas. The secretary of administration shall provide such technical assistance and advice as the secretary deems reasonable and necessary to assist the state long-term care ombudsman office to function as an independent state agency. The secretary of administration and the department of administration shall have no authority over the state long-term care ombudsman, any regional long-term care ombudsman, any other ombudsman, including any volunteer ombudsman, or any other officer, employee or volunteer of the office of the state long-term care ombudsman with respect to the performance of any power, duty or function of the office or the exercise of any other authority of the office or the state long-term care ombudsman. (b) For the fiscal year ending June 30, 2000, and for each fiscal year thereafter, the secretary of administration shall include the budget estimate of the office of the state long-term care ombudsman, as prepared and approved by the state long-term care ombudsman, along with the budget estimate prepared and submitted to the division of the budget for the department of administration under K.S.A. 75-3717 and amendments thereto. The budget estimate of the office of the state long-term care ombudsman for each such fiscal year shall be prepared at the direction and under the supervision of the state long-term care ombudsman. Expenditures from appropriations to the department of administration for the office of the state long-term care ombudsman, made pursuant to budget estimates for the office, shall be made on vouchers approved by the state long-term care ombudsman or the state long-term care ombudsman's designee. All vouchers for expenditures and all payrolls of the office of the state long-term care ombudsman shall be approved by the state long-term care ombudsman or the state long-term care ombudsman's designee. (c) *For the fiscal year ending*

June 30, 2008, and for each fiscal year thereafter, the budget estimate of the state long-term care ombudsman shall include funding for the activities of the statewide long-term care ombudsman program, including one regional long-term care ombudsman for each area agency on aging planning service area region of Kansas and a sufficient number of officers and employees for the office of the long-term care ombudsman, to provide for the recruiting and training of volunteer ombudsmen and friendly advocates, to provide the services of the statewide long-term care ombudsman program under the provisions of the long-term care ombudsman act for all residents of facilities in Kansas and to investigate all complaints involving residents of facilities in Kansas pursuant to the long-term care ombudsman act.

Sec. 2. K.S.A. 2006 Supp. 75-7301 is hereby repealed. Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

THIS BILL WOULD ESTABLISH A STATE GERIATRIC MENTAL HEALTH PROGRAM:

Session of 2008

Substitute for HOUSE BILL No. 2752

By Social Services Budget Committee

3-19

AN ACT enacting the geriatric mental health act; establishing a geriatric mental health program administered by the department on aging.

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

Section 1. (a) The secretary of aging shall establish a geriatric mental health service program to provide funding for education, outreach and services through the area agencies on aging targeted to older adults experiencing mental health issues and to the providers who work with them. This program shall be administered by the department on aging. (b) Funding for the geriatric mental health service program administered by the secretary of aging, shall be made available to the area agencies on aging and utilized in a collaborative effort with other state agencies and mental health service agencies and organizations to provide education, outreach and mental health services to older adults. (c) Such service shall be provided for older adults regardless of living arrangements whether recipients rent or own a home or they reside in a continuing care retirement center, a skilled nursing facility or other adult care home licensed by the department on aging or the department of health and environment. The area agencies on aging shall contract with qualified service providers to deliver services in their planning and service areas to include: (1) Education on identification of mental illness, diagnosis, risk factors and service options; (2) outreach to older adults, families and caregivers to assist in the identification and referral of older adults experiencing mental health issues; and (3) mental health treatment by qualified mental health professionals in the home or other residence setting where the older adults reside. (d) The secretary of aging may adopt rules and regulations necessary to implement the provisions of this section, including requirements for outcome and performance measure and program evaluation. (e) This section shall be known and may be cited as the geriatric mental health act. Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.