

Approved: May 10, 2002  
Date

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on March 12, 2002 in Room 231-N of the Capitol.

All members were present except: Senator Chris Steineger  
Senator Nick Jordan

Committee staff present: Mr. Norm Furse, Revisor of Statutes  
Ms. Lisa Montgomery, Revisor of Statutes  
Ms. Emalene Correll, Kansas Legislative Research Department  
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Ms. Sally Finney, Executive Director,  
KS Public Health Assoc.  
Mr. William Sneed, Legislative Counsel,  
University of Kansas Hospital Authority  
Mr. Rob Browning, KPERS

Others attending: See attached guest list.

**Hearing on HB2809 - an act concerning public health departments; relating to tests and inoculation for pupils enrolling or enrolled in schools**

Chairperson Susan Wagle opened the meeting by announcing there would be a hearing on HB2809, as stated above, and asked Ms. Emalene Correll, Kansas Legislative Research Department to give a brief overview of the bill.

Ms. Correll summarized the bill:

1. Clarifies that a county, city-county, or multi county health department must provide vaccines for inoculations only to the extent that funds designated by such health departments for the purchase of vaccines are available for such purchases;
2. The amendment retains the word "may" in current law pertaining to the use of sliding fee scales for the payment of administrative charges associated with the inoculations; and,
3. The bill was introduced because of the dispute of its original meaning;

As there were no questions of Ms. Correll, the Chair recognized the one proponent conferee, Ms. Sally Finney, Executive Director, Kansas Public Health Association. Ms. Finney stated that KPHA supports the bill because it would protect the limited resources of local health departments, clarify the current statute related to the obligation of local health departments to pay for immunizations required for school entry, and clarify the law's intent to have local governments use of funds earmarked for the purchase of vaccine related to the state's school health requirements rather than for general operations or other purposes. A copy of her testimony is (Attachment 1) attached hereto and incorporated into the Minutes by reference.

As there were no opponents, written testimony was next on the agenda. A copy of Ms. Terri Roberts, Executive Director, Kansas State Nurses Association's, was presented as (Attachment 2) attached hereto and incorporated into the Minutes by reference.

As there were no questions for Ms. Finney or further discussion on the bill, the Chair announced the hearing was closed.

**Hearing on SB642 - an act concerning the university of Kansas hospital authority act**

Next on the agenda was a hearing on SB642 as stated above. The Chair again requested Ms. Correll give an overview of the bill.

Ms. Correll summarized the bill as follows:

1. Sec. 1 - refers to mandatory language (ex. Hospital or authority employees shall not be considered state employees), new language changes (ex. "authority employee"); and retroactive to the date of the original enactment of K.S.A. Supp. 76-3303 (1998);
2. Sec. 2 - amends "members", number changes (ex. page 3, from "8" to "13" and can serve 12 years), policy change in sub. (J), termination date clarification regarding the general public members of the boards, reappointment not to count regarding term limits, occurrence of vacancies, compensation, removal of board of directors, president can vote on salary, to governor "shall" appoint (now does not have to choose"; and
3. Sec. 3 - preservation of government records, Kansas public employees retirement System, language changes (provided for faculty and added "if transferred)." and as it reads now, would be stricken if the Committee acts on the bill, because it did not get amended prior.

As there were no questions of Ms. Correll, the Chair then recognized Ms. Lisa Montgomery, Revisor of Statutes, who stated she had found the amendments to Sec. 3, but will check the statutes. The Chair thanked Ms. Montgomery, then introduced the only proponent to testify, Mr. William "Bill" Sneed, Legislative Counsel for the University of Kansas Hospital Authority ("UKHA").

Mr. Sneed began by introducing 3 of the members of UKHA and a lawyer from his firm, Mr. Rob Browning, who handles the employee benefit section of KPERS and who will give a quick overview of its routines. He then stated that in 1998, the Kansas Legislature separated the hospital from the University of Kansas system and placed it under the independent University of Kansas Hospital Authority, thus adopting the name, KU Med, but still affiliates itself with the University of Kansas Schools of Medicine, Nursing and Allied Health. He clarified that, even after the separation, their employees are not state employees, UKHA no longer receiving state money so asking for extended term limits, and the Board is still confirmed by the Senate. He also provided a listing of their Board of Directors and Officers, an organizational charge of the UKHA, and a copy of their 2001 Annual Report. A copy of his testimony and his attachments regarding the listing and the organizational charge are (Attachment 3) attached hereto and incorporated into the Minutes by reference. The copy of their 2001 Annual Report is filed in Chairperson Wagle's office.

As there was no opponents or written testimony, the Chair called upon the Committee for questions or comments. Questions were asked by Senators Wagle and Haley ranging from reimbursement, is the Governor forced to pick from the list of possible appointees, will the appointments come from the Kansas City metro area, to the hospital having its own expense policy.

Next on the agenda was an overview of KPERS given by Mr. Rob Browning stated:

1. that in the proposed amendments, there is no new law or changes, they are just trying to clarify the original statute;

2. of the over 2500 employees of the med center who transferred over to the hospital authority, a large number belonging to KPERS and a smaller number were members of an alternate plan or the board of regents plan, which is the section 403b.

3. the intent of the statute was to protect both groups, but at the same time give the hospital some flexibility in its benefits structures and the ability to compete in the for-profit and tax exempt hospital world without some of the limitations that would be imposed if all employees were simply in the KPERS plan.

Unfortunately, the hospital as a separate governmental entity is not eligible to sponsor a 403b annuity plan, but has provided a 401b plan which is similar to the board of regents plan. And finally, all of the language change is just to clarify flexibility, saying that the hospital *shall* affiliate with KPERS with respect to all of its transferred employees, provide a benefit system *similar* to the board of regents plan, and for future employees the hospital can *choose* and designate what it feels best for its employees. There was no written testimony available.

The Chair then recognized Mr. Glen Deck, Executive Director of KPERS to comment on the bill. Mr. Deck said that KPERS is neither a proponent or opponent of the bill, but did have concern regarding the original House version of the bill that was introduced because of the "retroactive" language, but the Senate bill does incorporate the language that they think makes it clear so that they can properly administer. No written testimony was available.

A question and answer discussion followed between Senator Haley and Mr. Browning regarding the effect on current employees, additional benefits, deferred benefits, ongoing hired after the separation to those in KPERS stay in KPERS.

As there was no further discussion, the Chair closed the hearing.

**Final Action on SB642 - an act concerning the university of Kansas hospital authority act**

The Chair then asked the Committee what there will is. Senator Barnett motioned that they strike Sec. 3, a title change, and the repealer on page 8 and advance the bill favorably. Seconded by Senator Praeger and the motion carried.

Senator Barnett moved that the bill be advanced as amended. Senator Praeger seconded the motion. The motion carried.

**Final Action on HB2809 - in schools an act concerning public health departments; relating to tests and inoculation for pupils enrolling or enrolled**

Senator Barnett motioned that the bill be passed favorably as is on the consent calendar. Senator Haley seconded. The motion carried

**Adjournment**

Adjournment time was at 2:30 p.m.

The next meeting is scheduled for March 13, 2002.

CONTINUATION SHEET