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**SENATE BILL No. 588**

By Senators Hensley, Barone, Downey, Gilstrap, Haley,  
Lee and Steineger

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10 AN ACT concerning public health and welfare; relating to the funding  
11 for home and community based services for the frail elderly (HCBS-  
12 FE) program of the department on aging; prescribing certain powers,  
13 duties and functions for preparation of caseload estimates; amending  
14 K.S.A. 2001 Supp. 75-3717 and repealing the existing section.  
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16 *Be it enacted by the Legislature of the State of Kansas:*

17 New Section 1. For the fiscal year ending June 30, 2003, and for  
18 each fiscal year thereafter, the secretary of aging shall prepare and submit  
19 a budget estimate to the division of the budget pursuant to K.S.A. 75-  
20 3717 and amendments thereto for the department on aging which in-  
21 cludes adequate funding for the home and community based services for  
22 the frail elderly (HCBS-FE) program and for the income-eligible state  
23 program for persons who are not yet certified eligible for the HCBS-FE  
24 program. Each such budget estimate shall be based on the most current  
25 case load estimates for such programs that are prepared pursuant to sec-  
26 tion 2 and amendments thereto for the fiscal year.

27 New Sec. 2. (a) On or before each December 4 and on or before  
28 each April 4, the director of the budget and the director of the legislative  
29 research department shall prepare a joint estimate of caseloads for the  
30 home and community based services for the frail elderly (HCBS-FE)  
31 program and the income-eligible state program for persons who are not  
32 yet certified eligible for the HCBS-FE program for the current fiscal year  
33 and the ensuing fiscal year.

34 (b) In the event of a disagreement or failure to agree upon a joint  
35 estimate of caseloads pursuant to subsection (a), the legislature shall util-  
36 ize the estimates of the director of the legislative research department  
37 and the governor shall utilize the estimates of the director of the budget.

38 Sec. 3. K.S.A. 2001 Supp. 75-3717 is hereby amended to read as  
39 follows: 75-3717. (a) As provided in this section, each state agency, not  
40 later than October 1 of each year, shall file with the division of the budget  
41 its budget estimates for the next fiscal year, and all amendments and  
42 revisions thereof, except that, in lieu of such annual filing, each agency  
43 listed in subsection (f), not later than October 1, 2000, and every two

1 years thereafter, shall file budget estimates for the next fiscal year and  
2 for the ensuing fiscal year thereafter. Each agency listed in subsection (f)  
3 may file adjustments to such agency's budget that was approved by the  
4 legislature during a prior fiscal year. *Subject to the provisions of section*  
5 *1, and amendments thereto*, all such budget estimates shall be in the form  
6 provided by the director of the budget. Each agency's budget estimates  
7 shall include:

8 (1) A full explanation of the agency's request for any appropriations  
9 for the expansion of present services or the addition of new activities,  
10 including an estimate of the anticipated expenditures for the next fiscal  
11 year and for each of the three ensuing fiscal years which would be re-  
12 quired to support each expansion of present services or addition of new  
13 services as requested by the state agency; and

14 (2) a listing of all programs of the agency that provide services for  
15 children and their families and the following information regarding each  
16 such program: Of the amount of the agency's request for appropriations  
17 to fund the program, that amount which will be spent on services for  
18 children or families with children and the number of children or families  
19 with children who are served by the program.

20 (b) At the same time as each state agency submits to the division of  
21 the budget a copy of its budget estimate, and all amendments and revi-  
22 sions thereof, each such state agency shall submit a copy of such estimate,  
23 and all amendments and revisions thereof, directly to the legislative re-  
24 search department for legislative use.

25 (c) The director of the budget shall require the agencies to submit a  
26 sufficient number of copies of their budget estimates, and all amendments  
27 and revisions thereof, to the director's office to satisfy the requirements  
28 of such office and one additional copy for legislative use which shall be  
29 retained in the division of the budget until the budget of the governor is  
30 submitted to the legislature. On or before the day that such budget is  
31 submitted to the legislature such legislative use copy, posted to reflect  
32 the governor's budget recommendations, shall be submitted to the leg-  
33 islative research department for use by the ways and means committee  
34 of the senate and the committee on appropriations of the house of rep-  
35 resentatives. Following presentation of the governor's budget report to  
36 the legislature, the legislative research department may request and shall  
37 receive detailed information from the division of the budget on the gov-  
38 ernor's budget recommendations.

39 (d) The director of the budget may prepare budget estimates for any  
40 state agency failing to file a request.

41 (e) As used in this section, "services for children and their families"  
42 includes but is not limited to any of the following services, whether pro-  
43 vided directly or made accessible through subsidies or other payments:

1 (1) Financial support for children and families with children or en-  
2 forcement of the obligation to support a child or a family with one or  
3 more children;

4 (2) prenatal care, health care for children or immunizations for  
5 children;

6 (3) mental health or retardation services for children;

7 (4) nutrition for children or families with children or nutritional coun-  
8 seling or supplements for pregnant or nursing women;

9 (5) child care, early childhood education or parenting education;

10 (6) licensure or regulation of child care or early childhood education  
11 programs;

12 (7) treatment, counseling or other services to preserve families;

13 (8) care, treatment, placement or adoption of children without func-  
14 tioning families;

15 (9) services to prevent child abuse and to treat and protect child  
16 abuse victims;

17 (10) services for children who are pregnant, substance abusers or oth-  
18 erwise involved in high risk behavior;

19 (11) services related to court proceedings involving children; and

20 (12) youth employment services.

21 (f) On a biennial basis, the following state agencies shall file budget  
22 estimates under the provisions of subsection (a): Abstracters' board of  
23 examiners, behavioral sciences regulatory board, board of accountancy,  
24 board of examiners in optometry, board of nursing, consumer credit com-  
25 missioner, Kansas board of barbering, Kansas board of examiners in fitting  
26 and dispensing of hearing aids, Kansas dental board, Kansas real estate  
27 commission, Kansas state board of cosmetology, office of the securities  
28 commissioner of Kansas, real estate appraisal board, state bank commis-  
29 sioner, state board of healing arts, state board of mortuary arts, state board  
30 of pharmacy, state board of technical professions, state board of veterinary  
31 examiners, governmental ethics commission and state department of  
32 credit unions.

33 Sec. 4. K.S.A. 2001 Supp. 75-3717 is hereby repealed.

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

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