

HOUSE BILL No. 2301

By Representatives Patterson, Bethell, DeCastro, Gordon, Hayzlett,
Huff, Kirk, Merrick, Judy Morrison, Rehorn, Sloan, Tafanelli and
Toelkes

2-12

AN ACT concerning funding for certain home and community-based
services for the elderly; amending K.S.A. 2002 Supp. 75-3717 and re-
pealing the existing section.

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

New Section 1. For the fiscal year ending June 30, 2004, and for
each fiscal year thereafter, the secretary of aging shall prepare and submit
a budget estimate to the division of the budget pursuant to K.S.A. 75-
3717 and amendments thereto for the department on aging which in-
cludes adequate funding for the home and community based services for
the frail elderly (HCBS-FE) program under the Kansas senior care act
and for the income-eligible state program for persons who are not yet
certified eligible for the HCBS-FE program. Each such budget estimate
shall be based on the most current case load estimates for such programs
that are prepared pursuant to section 2 and amendments thereto for the
fiscal year.

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

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

Sec. 3. K.S.A. 2002 Supp. 75-3717 is hereby amended to read as
follows: 75-3717. (a) As provided in this section, each state agency, not
later than October 1 of each year, shall file with the division of the budget
its budget estimates for the next fiscal year, and all amendments and
revisions thereof, except that, in lieu of such annual filing, each agency
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. 2002 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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