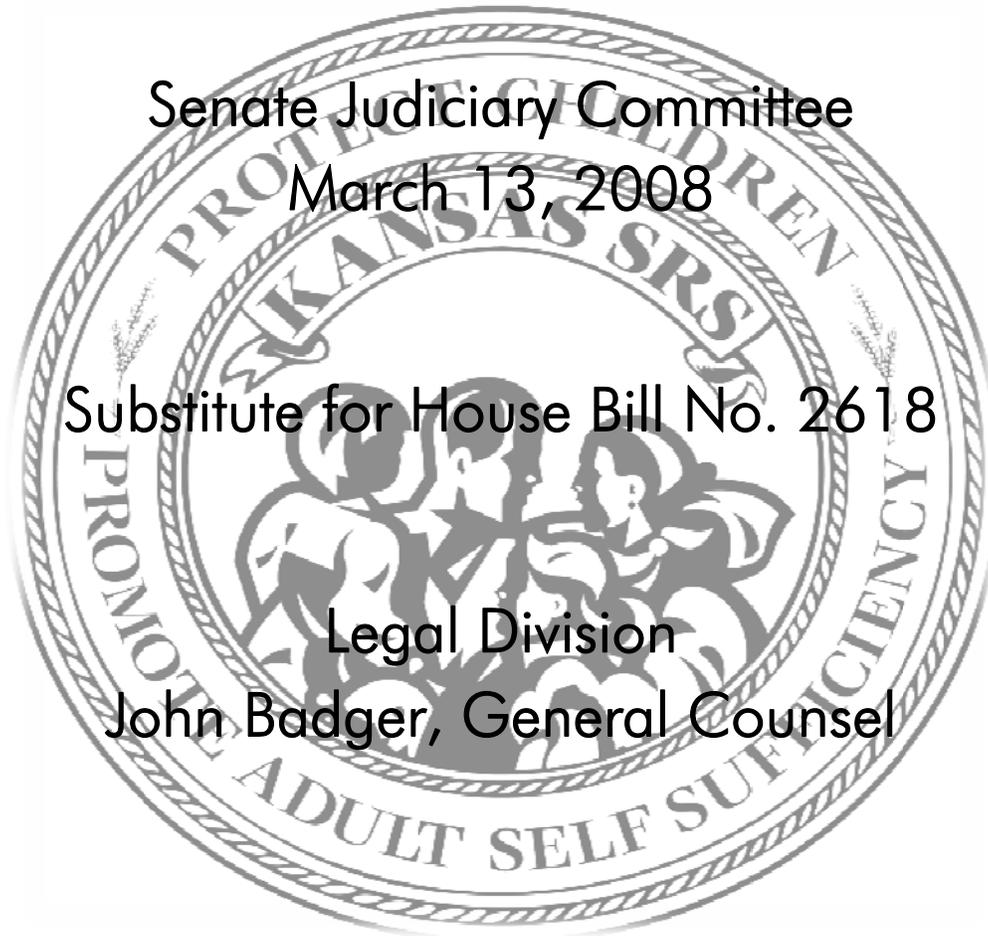


Kansas Department of
Social and Rehabilitation Services
Don Jordan, Secretary

Senate Judiciary Committee
March 13, 2008

Substitute for House Bill No. 2618

Legal Division
John Badger, General Counsel



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Substitute for House Bill No. 2618

Senate Judiciary Committee March 13, 2008

Chairman Vratil and members of the Committee, thank you for the opportunity to present written testimony on Substitute for House Bill No. 2618.

SRS has concerns about New Section 1 of this bill, particularly with regard to how it would be interpreted and implemented. A literal reading of the language in this section would appear to require an initial comprehensive review of all other states' interpretations of federal statutes, regulations, national building codes and fire codes in order to determine if they are more or less restrictive than the interpretations Kansas is using. This same type of review would then likely have to continue on an ongoing basis in order to keep abreast of constantly changing federal laws, regulations and codes, and/or changes in how other states interpret them.

These reviews would be made even more complex because of the difficulty in determining specifically what is meant by "less restrictive interpretation" and "interpreted less restrictively." In an agency such as SRS, most regulations and policies are aimed at establishing eligibility requirements for various types of public assistance. A less restrictive interpretation could well mean a liberalization or lessening of eligibility requirements which may result in increases in the number of individuals eligible for public assistance and other services, as well as increases in the dollar amounts they receive. This could potentially result in a significant increase in budgetary expenditures.

Even if thorough reviews of how other states are interpreting federal laws, regulations and codes are conducted initially and on an ongoing basis, Kansas policies would always be subject to challenge. If something is missed in one of these reviews, or another state changes its interpretation before Kansas can react to modify its policy, the Kansas policy could be determined to be invalid and forced to change. Given this ongoing uncertainty, it would be difficult to plan and budget appropriately even in the short term.

For these reasons, it is respectfully requested that New Section 1 be removed from Substitute for House Bill No. 2618.

Thank you for your consideration.