MINUTES

LEGISLATIVE COORDINATING COUNCIL

July 25, 2006

Members present:

Speaker Doug Mays, Chairperson
President Steve Morris, Vice-Chairperson
Senator Derek Schmidt, Majority Leader
Senator Anthony Hensley, Minority Leader
Representative Clay Aurand, Majority Leader
Representative Ray Merrick, Speaker Pro Tem
Representative Dennis McKinney, Minority Leader

The meeting was called to order by Speaker Mays at 2:35 p.m. in Room 123-S, State Capitol.

CONSENT AGENDA

Mr. Furse explained that the minutes for the May 25, 2006, Legislative Coordinating Council meeting as originally distributed needed to be corrected by inserting as part of the motion that Mr. McAllister file an amicus brief in the school finance case the following language: "Representative Merrick seconded the motion and the motion carried." Senator Schmidt moved that the minutes of the May 25, 2006, Legislative Coordinating Council meeting be approved as corrected. Representative Merrick seconded the motion and the motion carried.

REPORT OF SUBCOMMITTEE ON ADMINISTRATION

President Morris presented the report of the Subcommittee on Administration. President Morris reported that the subcommittee had received a report from Mrs. Janet Jones, Chief Clerk of the House of Representatives, on the status of the working relationship between the Information Network of Kansas (INK) and the legislative branch. Mrs. Jones reported that INK has improved its responsive to serving the needs of the legislature. Mrs. Jones recommended the adoption of an amendment to LCC Computer Policy 1.1.3 involving legislators' requests related to INK and the legislative computer system. Such requests will be reviewed by the Information Systems Team to determine if the request can be handled by current legislative staff or would be more appropriately implemented by contracting with a private vendor. The subcommittee recommends the adoption of this amendment which is set out as follows:

1.1.3 Development of policies and procedures and amendments thereto. The director of computer services is authorized to develop and propose policies and detailed procedures governing use of information technology by legislators and legislative staff. Proposed policies shall be reviewed and approved by the information systems team, Systems Review Team, and LCC. Proposed detailed procedures implementing LCC computer policies, including a security plan and business continuity plan, shall be reviewed and approved by the information systems team and systems review team.

(b) Requests by legislators for projects relating to the information network of Kansas or otherwise concerning the legislative computer system shall be referred to the information systems team for analysis and determination as to whether the request could be handled by current legislative staff within the time available to staff or would require to be implemented contracting with private vendors. The information systems team shall submit its findings and recommendations to the person requesting the information and to such other persons as the information systems team deems appropriate. (Adopted December 16, 2003; amended July 25, 2006.)

Mrs. Jones provided to the subcommittee an update of the legislative branch strategic computer plan. Mrs. Jones indicated that phase I of the Kansas Legislative Information services system project has concluded. Mrs. Jones presented and explained the contracts with the two vendors, Propylon and XMALPHA to do a "fit" analysis for the legislative computer project. Mrs. Jones also indicated that a data manager position would be needed along with a project manager position. The subcommittee recommends the Speaker be authorized to sign the Propylon and XMALPHA contracts upon their completion and that the data manager and project manager positions be approved for filling.

The subcommittee reviewed the proposed three-year contract renewal with Don Heiman, Legislative Chief Information Technology Officer. The subcommittee recommends that the contract with Mr. Heiman be renewed for a three-year period, and that Speaker Mays be authorized to sign the contract renewal.

The subcommittee received a scope statement from Mr. Conroy on the state employee pay plan study. The scope statement provides for a phase I salary survey and a phase II evaluation of a new compensation plan. The subcommittee recommends the approval of the scope statement and recommends authorizing Speaker Mays to enter into a contract with the Hay Consulting Group to provide consulting services on the pay plan study. The subcommittee also recommends that the Legislative Budget Committee and the Legislative Coordinating Council receive periodic briefings on the status of the pay plan study.

The subcommittee recommends that Mrs. Jones commence planning for the new legislator orientation which will take place in December, 2006.

The subcommittee recommends the appointment of Mr. John G. Pike of Wichita, Kansas, (representing the oil and gas industry) and Ms. Mary Boland of Topeka, Kansas, (representing the banking industry) to the newly created Electronic Recording Commission. The subcommittee also recommends that the chairperson and vicechairperson of the Legislative Coordinating Council, consultation with other members of the Council, make the other three appointments to the Commission on behalf of the Legislative Coordinating Council. In addition, the subcommittee recommends that Representative Decker be appointed as chairperson and Senator Schodorf as vice-chairperson of the Legislative Educational Planning Committee and that Senator Umbarger be appointed as chairperson and Representative Neufeld as vice-chairperson of the Legislative Budget Committee.

The subcommittee received a report from Mr. Furse on public records sections subject to review by the 2007 legislative session and on access to the Revisor's Office from the east door on the first floor of the statehouse and the emergency evacuation plan which relates to such access.

The subcommittee recommends the appointment of Mr. Furse as Revisor Emeritus upon the appointment by the Council of a new Revisor of Statutes. Mr. Furse will step down from the position of Revisor of Statutes upon the appointment by the Council of a new Revisor of Statutes. The subcommittee recommends: That upon the appointment of the new Revisor of Statutes, Mr. Furse continue as a member of the staff of the Revisor of Statutes Office at his current salary in the Revisor Emeritus position which the subcommittee recommends be created; that the duties of the Revisor Emeritus position will be to assist the new Revisor of Statutes as that person transitions to the new position; that, in addition, the Revisor Emeritus will staff committees and perform such other duties as may be directed by the new Revisor of Statutes; that, for purposes of selecting the new Revisor of Statutes, Speaker Mays appoint a subcommittee on selection from among the members of the Legislative Coordinating Council; that the Revisor's position be filled by promotion of an employee within the legislative branch of Kansas government; that Mr. Furse notify by e-mail all Kansas legislative branch employees who have an e-mail address and post notice on the House and Senate bulletin boards; that all applications for this position be submitted to the office of Speaker Doug Mays, Attn: Derrick Sontag, Room 231-N, State Capitol, Topeka, Kansas, 66612, by 5:00 p.m. on August 4, 2006; and that subsequent to August 4, 2006, the subcommittee on selection will meet to review the applications and to commence the selection process and, thereafter, the subcommittee will meet as necessary, conduct interviews with applicants as the subcommittee deems appropriate and upon completion of its selection process will make a recommendation to the LCC on this matter.

The subcommittee recommends the approval of the following meeting days for joint committees during the 2006 interim period:

Approved Meeting Days	Joint Committee
10	Administrative Rules and Regulations
4(a	Arts and Cultural Resources
4	At-Risk Education Council
8	Budget, Legislative
4	Children's Issues
8	Claims Against the State
8 (b	Corrections and Juvenile Justice
4	Economic Development
1	Health Care Stabilization
3	Health Policy Oversight
11	Information Technology (JCIT)
5(c	Kansas Security
6	Legislative Educational Planning
6	Pensions, Investments and Benefits
2	State-Tribal Relations
8(d 12(e	State Building Construction 2010 Commission

- a) Authority to have two days outside of Topeka. No authority for a bus tour or Flint Hills Overland Wagon Train ride.
- b) Permission to attend Governor's Conference on Juvenile Justice in Topeka on July 30 through August 1.
- c) Permission to tour Biosecurity Research Institute at Manhattan.
- d) Permission to participate in five days of touring various state facilities.
- e) Permission to tour requested educational facilities across the state. Consideration to be given to going to Northwest Kansas.

The subcommittee recommends the creation of five special interim committees and approval of the interim topics for the special committees and recommends interim topics for certain joint committees and other committees as follows:

I. Special Committees

Committee: Agriculture and Natural Resources

Committee Membership: 11 members:

1. 7 from the House (5 majority and 2 minority)

2. 4 members from the Senate (3 majority and 1 minority)

Chairperson: Senate Chair

Meeting Days: 4 days

Topics:

- 1. Regulation of County Fairs Review 2006 SB 532 which relates to the repeal of the limitation of tax levies for fair association buildings and grounds. The current law limits the amount of money that a county commission can raise for the purpose of purchasing grounds and the erection and maintenance of buildings of certain fair associations. The maintenance of a list of "officially recognized" fair associations is not current and will require study to determine the current fair associations. In addition, study other statutes related to fair associations to determine if such statutes are out-dated.
- 2. Licensing and Bonding Requirements for Biodiesel Fuel Production Study the current statutory requirements for certain individuals to have a license and bond for the production or blending of small quantities of biodiesel fuel. Determine if the current requirements are a barrier to those individuals who might want to produce or blend small quantities of biodiesel fuel. Review the current enforcement practices of the Department of Revenue related to biodiesel fuel and determine the possibility of providing certain exemptions to the licensing and bonding of small quantity biodiesel fuel production or blending.
- 3. **Dam Inspections -** Study the classification and reclassification of dams, the liability of landowners on which a dam is located, and development practices in watershed districts.
- Monitor Colorado Water Litigation Review the current status of the Colorado water litigation case. Review the remediation efforts as a result of the litigation and the monitoring of those efforts.

Committee: Assessment and Taxation

Membership: 18 members:

11 from the House (7 majority and 4 minority)

7 from the Senate (5 majority and 2 minority)

Chairperson: House Chair

Meeting Days: 6 days

- 1. **Further Expansion of Homestead Program** Review the need to further expand the Homestead Property Tax Refund Program. In particular, do fixed-income seniors need additional property tax relief as a result of property tax shifts which might result from faster annual residential valuation increases attributed to a rapid economic growth as a result of the recent machinery and equipment tax exemption.
- 2. "Truth in Taxation" Local Government Budget Law Study the current "truth in taxation" law that local governments have operated under since the 1990's. Determine if local governments are complying with the "truth in taxation" provisions and if the provisions should be modified or should portions of the previous local government tax lid be revived.
- 3. **Residential Property Tax Valuation Cap** Review the policy implications of 2006 HCR 5027 regarding limiting the annual valuation increases for most residential parcels to the rate of inflation. Make whatever recommendations are deemed appropriate to the 2007 Legislature, including whether the proposed constitutional amendment should be reintroduced for consideration.
- 4. **City Development Excise Taxes** Study whether the development excise tax authority should be expanded to all cities. 2006 SB 55 (law) allows those cities levying development excise taxes as of January 1 to retain them while prohibiting any other cities from imposing them. While it is believed that all cities currently imposing the taxes are located in Johnson County, a number of other cities in fast-growing areas could potentially benefit from having this tax option at their disposal.
- 5. State and Local Tax Policy Study and project the future of Kansas tax policy for the next 10 to 20 years. As a follow-up to a 2005 interim study, review the current state and local tax structure, focusing on the shifts in reliance on sales, property, and income taxes since 1990. Review which tax structure components would be most equitable to the taxpayers of Kansas; and would improve Kansas' competitiveness with other states.
- 6. Qualifications and Employment of State Board of Tax Appeals (SBOTA) Members Review the existing statutory requirements regarding qualifications of State Board of Tax Appeals (SBOTA) members; and the appropriateness of allowing SBOTA members to retain other employment in areas that could create the potential for conflicts of interest.
- 7. **Tax Incidence** Review the latest research by Dr. John Wong of Wichita State University on tax incidence of the major tax sources, including the policy

considerations of moving to a flat-rate income tax. Also, study erosion of sales and property tax bases as part of the review of tax incidence.

- 8. **County Local Sales Tax** Review the role of local sales taxes play in financing county governments and make any recommendations deemed appropriate.
- 9. Motor Fuel Taxation Along the Kansas Border Review the concept for those retailers or communities along the state border of imposing a motor fuels tax that is no more than \$0.01 above the motor fuels tax in the adjoining state. Study recent similar legislation in Arkansas and 2006 HB 2822. Study the economic impact of encouraging the purchase of motor fuels in Kansas as opposed to those purchases being made in adjoining states.

Committee: <u>Judiciary</u>

Membership: 13 members:

8 from the House (5 majority and 3 minority)
5 from the Senate (4 majority and 1 minority)

Chairperson: House Chair

Meeting Days: 4 days

- 1. Court Docket Fees Review the amount of each docket fee; how Kansas docket fees compare to those of other states; the impact on litigants and our judicial system of increasing or decreasing docket fees; whether docket fee revenue should be used solely for funding the Judicial Branch, whether non-judicial recipients of docket fee revenue should be required to annually justify their receipt of that revenue; and the impact on non-judicial docket fee recipients of submitting their annual revenue request to the appropriations process.
- Residency and Proximity Restrictions for Sex Offenders Study actions by other states and local jurisdictions regarding residency and proximity restrictions for sex offenders to discover any serious unintended consequences and identify actions Kansas might take that actually achieve the intended outcome of increasing public safety.
- 3. The Uniform Child Abduction Prevention Act (UCAPA) This uniform law was adopted this year by the National Conference of Commissioners on Uniform State Laws. An interim study of this new uniform law is important to acquaint legislators with its provisions.
- 4. The Revised Uniform Anatomical Gift Act (RUAGA) The National Conference of Commissioners on Uniform State Laws this year approved an updated Uniform Anatomical Gift Act first adopted in 1968 and subsequently passed in Kansas. An

interim study of this updated uniform law is important to acquaint legislators with its provisions.

- 5. **Guardians and Conservators** Study possible conflicts of interest and need for oversight and training with regard to guardians or conservators.
- 6. **Establishment of Kansas Crime Stoppers Council** Study 2006 HB 2992 which would provide for the establishment and funding of a Kansas Crime Stoppers Council.
- 7. Enhanced Penalties for Driving Under the Influence Study and review the changes in penalties for driving under the influence of alcohol or drugs as proposed in 2006 SB 341.

Committee: Utilities

Membership: 9 members:

6 from the House (4 majority and 2 minority)
3 from the Senate (2 majority and 1 minority)

Chairperson: Senate Chair

Meeting Days: 3 days

- Regulation of Gas Gathering Facilities Study 2006 SB 576 which relates to regulation of gas gathering facilities. Study access to gas gathering lines. Review the Kansas Corporation Commission's jurisdiction related to natural gas customers on gathering lines.
- 2. Expanding the "Call Before You Dig" Program Study 2006 SB 464 which relates to the Kansas Corporation Commission authority to adopt rules and regulations necessary to carry out the provisions of the Kansas Underground Utility Damage Prevention Act. In particular, review whether water utilities should be required to participate in the "Call Before You Dig" Program. The "Call Before You Dig" Program provides excavators with location of buried utilities prior to working in a particular designated area.

II. Statutory Joint Committees

<u>NOTE</u>: Joint committees generally have their own specific statutory charges or have the flexibility to select their own topics. In addition to their respective statutory charges, the Legislative Coordinating Council has referred the following additional topics for study:

Committee: Legislative Budget Committee

- 1. **Public Mental Health System** Study the public mental health system, both state hospital and community services. Review what has taken place since the original Mental Health Reform legislation was passed and the need for a process to be in place to address census increases at the state hospitals. Finally, study the adequacy of using the Diagnostically Related Group (DRG) methodology to reimburse community hospitals as opposed to a per diem reimbursement system.
- 2. State's Developmental Disabilities Program Study the Kansas' developmental disabilities programs. The review would include: an up-date of the Department of Social and Rehabilitation Services strategic plan for developmental disabilities; quality assurance and enhancement activities of service providers; exploration of current and proposed models to meet the demand for in-home and consumer and family based services.
- 3. Kansas University Medical Center, Kansas University Hospital and Missouri-Based Hospitals Review ongoing discussions of joint life sciences programs between Kansas University Medical Center, Kansas University Hospital and Missouri-Based Health Systems.
- 4. **Monitor Colorado Water Litigation** Review the current status of the Colorado water litigation case. Review how the settlement proceeds from Colorado are being expended and will be expended in the future.
- 5. **Impaired Provider Services Offered by Regulatory Boards** Review the current impaired provider services offered by various regulatory boards. Also, review the outcomes associated with the impaired provider services, the number of individuals served and the costs for providing these services.
- 6. **Expenditure of Federal Homeland Security Funds** Study the expenditure of federal Homeland Security funding across all state agencies. (Some positions within the Adjutant General and the Kansas Highway Patrol which had been funded with federal Homeland Security funds have been proposed to be shifted to the State General Fund due to anticipated cuts in federal funding.) Review the projected federal Homeland Security funds that Kansas might receive in the near future.

- 7. **Veterans' Funding Issues** Study the funding of veterans issues, especially funding for veterans service representatives.
- 8. **Regents Deferred Maintenance** Review current deferred maintenance needs of Regents institutions, especially for needed life safety improvement. Study possible funding mechanisms to provide for a long term program to address the deferred maintenance at the institutions.
- 9. **State Inspector General** Study the need for substantive legislation to create an inspector general position in Kansas similar to the one proposed in 2006 SB 327. Review the need for the inspector general position to have authority for oversight responsibilities over Medicaid, MediKan, etc.

Committee: At-Risk Education Council

Topics:

1. New At-Risk Weightings Added by the 2006 Legislature. Review the recommendations of the Legislative Division of Post Audit on a new local school weighting within the school finance formula, the "high density at-risk weighting," which is for school districts with high percentages of students who receive free lunches and for school districts with high percentages of students per-square-mile who receive free lunches (weightings vary). In addition, review the "non-proficient at-risk weighting," which is based on students who do not qualify for free lunches who are non-proficient in reading or math, based on state assessments. (This new weighting expires June 30, 2007.)

Committee: 2010 Commission (K-12 Education Finance)

Topics:

1. **School Transportation Weighting Formula** - Study the current school transportation weighting formula. Review the recent recommendations of the Legislative Division of Post Audit transportation weighting analysis. Consider child transportation safety issues, especially if the current 2.5 miles' mileage reimbursement is adequate.

Committee: Legislative Educational Planning Committee

Topics:

Length of Service Obligations for Kansas Higher Education Scholarships - Study
the various service obligations of scholarships administered by the Kansas Board of
Regents. Review the length of service obligation and the appropriateness of
differences in that length of service. The review of service scholarships would include
those administered by the University of Kansas Medical Center and the Kansas State
University Veterinary Medical Center.

- 2. **Therapy for Autistic Children** Review the existing therapy programs for autistic children and the need to improve or expand such services to achieve early intensive intervention for children with autism.
- 3. **School Accreditation and Student Performance** Review 2006 SB 596 which deals with state educational performance standards for students. Also, study the consequences on receiving federal education funds, if the state educational performance standards are modified.

Committee: Joint Committee on Children's Issues

Topics:

- Early Childhood Programs Study the current programs and funding sources for early childhood (birth to five years old). Review the existing early childhood programs for any potential duplications or deficiencies. Suggest the most efficient use of the current resources dedicated to early childhood programs to have the greatest benefit to very young Kansans.
- 2. Addressing the Needs of Families Who have Infants and Toddlers Identified with Hearing Loss Study the need to develop a coordinated system for serving infants and toddlers with hearing loss, and their families. Determine if the coordinated system should include regional consultants with specialized training and experience of hearing loss and its impact upon children and their families; parent-to-parent support; all coordinated through a state-wide director.

Committee: Joint Committee on Economic Development

- Rural Business Development Tax Credit Program Review the effectiveness of Rural Business Development Tax Credit Program. Study whether the current expiration date of June 30, 2007, for the Rural Business Development Tax Credit Program should be extended.
- Sales Tax and Revenue (STAR) Bonds Review effectiveness of Sales Tax and Revenue (STAR) Bonds. Study whether the current expiration date of June 30, 2007 for STAR Bonds should be extended. Study Department of Commerce review of STAR bond applications to-date for compliance with the requirement for feasibility studies and other related topics.
- 3. **Workforce Development** Review the current Kansas workforce development activities and expenditures. Review the Legislative Post Audit report on workforce development, once the report is completed. Study the Kansas First program and if the program has improved workforce development in Kansas.

Committee: Joint Committee on Pensions, Investments and Benefits

Topics:

- 1. **State's Deferred Compensation Plan** Review the current status of the State's deferred compensation plan. Review if any changes need to be made in the plan.
- 2. Review a proposed alternative retirement plan The plan is being developed by the KPERS Board of Trustees to address a long-term funding issue for the KPERS plan that covers state, school and local public employees. The KPERS Board has undertaken a study of the funding status, changing demographics and plan design options for future members and will report on development of alternative plans during the 2006 Interim period.

Committee: Joint Committee on Corrections and Juvenile Justice Oversight

Topics:

- 1. **Johnson County Therapeutic Community** Review the Johnson County Therapeutic Community programs and services. In addition, review the recent unanticipated billings from the Johnson County Therapeutic Community to the Kansas Sentencing Commission for community services provided under 2005 SB 123.
- 2. **Monitoring Activities of Offenders** Review the Total Offender Activity Documentation System and Kansas Adult Supervised Population Electronic Repository and funding of these programs.
- 3. **Driving Under the Influence (DUI) Treatment Services** Review the driving under the influence (DUI) treatment services and funding sources.

III. Other

Other: Kansas Health Policy Authority

Topics:

Appoint the Kansas Health Policy Authority as a special interim committee to undertake the following study:

1. Human Cloning - Study the characteristics of the different types of cloning and the various terms used for these types of research (cell cloning, therapeutic cloning, and reproductive cloning). Study the status of current, generally accepted scientific terminology, using as a foundation the Report of the President's Council on Bioethics, Human Cloning, and Human Dignity: An Ethical Inquiry, Washington, D.C., July 2002, as well as terminology used by the National Academies of Sciences and National

Institutes of Health. Also, study the national guidelines for stem cell research recommended by the National Academies of Sciences.

The subcommittee encourages planning for special and joint committee activities for the 2006 interim be conducted by telephone.

Representative Merrick expressed objection that the human cloning study was referred to the Kansas Health Policy Authority. Senator Schmidt's recommendation for inclusion of an additional study topic on enhanced penalties for driving under the influence was discussed and agreed to by the Council. This additional study topic is included in the above listing. President Morris moved that the recommendations of the Subcommittee on Administration be approved including the enhanced penalties for driving under the influence study topic. Senator Hensley seconded the motion and the motion carried.

OTHER MATTERS

Speaker Mays announced that Legislative Post Audit recently received significant national recognition for state governmental auditing leadership and program auditing.

Barbara J. Hinton, Legislative Post Auditor, received the William R. Snodgrass Distinguished Leadership Award, from the National State Auditors Association at its annual conference in Salt Lake City, Utah. The Snodgrass Award is presented annually to recognize individuals who have demonstrated sustained outstanding leadership and notable contributions to state government auditing.

In addition, Legislative Post Audit received a Certificate of Recognition of Impact from the National Legislative Program Evaluation Society, part of the National Conference of State Legislatures (NCSL). The Certificate was awarded for the Division's February 2005 performance audit, Wyandotte County: Reviewing the Use of STAR Bond Moneys Associated With the Kansas Speedway and the Village West Tourism District as having significant impact from a legislative, program or public perspective. This is the sixth Certificate of Recognition of Impact award Legislative Post Audit has won in the last six years.

Speaker Mays also announced that Representative Annie Kuether has been selected to serve as the President of the Women's Legislative Network of the National Conference of State Legislatures for 2006-2007. Representative Kuether is the third Kansas legislator to serve as President of the Women's Legislative Network of NCSL. Previously, Senator Lana Oleen (1999-2000) and Representative JoAnn Pottorff (1991-1992) served in this capacity.

Speaker Mays commended Representative Kuether, Post Auditor Hinton and the staff of Legislative Post Audit for these national awards and recognitions and noted that their public service is a credit to Kansas.

Speaker Mays appointed the subcommittee on selection to be composed of the following: Speaker Mays, chairperson, President Morris and Senator Hensley.

Speaker Mays moved that the chairperson and vice-chairperson of the Legislative Coordinating Council make appointments to the special committees after consultation with the minority leaders of the House and Senate. Senator Schmidt seconded the motion and the motion carried.

Prior to the meeting members of the Council received Policy 1 travel authorizations by President Morris, Policy 20 meeting authorizations by Speaker Mays, a request by Senator Emler for a meeting of the Joint Committee on Kansas Security in Manhattan, Kansas, a request by Senator Huelskamp for interim meetings of the Joint Committee on Information Technology, a memorandum from Mr. Russell concerning Legislative Chief Information Technology Officer contract renewal, a memorandum from Mr. Conroy concerning interim committee meeting days, a proposed amendment to Legislative Coordinating Council computer policies, an update on the status of selected Kansas cases by the Revisor of Statutes Office and listings of interim study requests from Mr. Conroy.

The next meeting of the Council was scheduled for August 21, 2006, at 2:00 p.m.

On motion the meeting was adjourned.

Prepared by

Norman J. Furse, Revisor of Statutes, as Secretary

Approved by

Speaker Doug Mays, Chairperson