

MINUTES

LEGISLATIVE BUDGET COMMITTEE

September 11-12, 2006
Room 123-S—Statehouse

Members Present

Senator Dwayne Umbarger, Chairperson
Representative Melvin Neufeld, Vice-Chairperson
Senator Jim Barone
Senator Steve Morris
Representative Bill Feuerborn
Representative Ray Merrick

Members Absent

Representative Brenda Landwehr

Staff Present

Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department
Leah Robinson, Kansas Legislative Research Department
Julian Efird, Kansas Legislative Research Department
Susan Kannarr, Kansas Legislative Research Department
Becky Krahl, Kansas Legislative Research Department
Amy VanHouse, Kansas Legislative Research Department
Bruce Kinzie, Revisor of Statutes Office
Jill Wolters, Revisor of Statutes Office
Judy Bromich, Chief of Staff, Senate Ways and Means Committee
Melinda Gaul, Administrative Analyst, Senate Ways and Means Committee
Nikki Feuerborn, Administrative Analyst, House Appropriations Committee
Mary Shaw, Committee Secretary

Conferees

Gary Daniels, Secretary, Kansas Department of Social and Rehabilitative Services
Catherine Johnson, Special Project Coordinator, Disability Rights Center of Kansas
Kathy Lobb, Legislative Liaison, Self-Advocate Coalition of Kansas
Jane Rhys, Executive Director, Kansas Commission on Developmental Disabilities
Maury Thompson, Executive Director, Tri-Valley Developmental Services, Inc.

Leia Holley, Coordinator, Kansas City Center, Families Together
Lorraine Harris, Community Development Disability Organization, Director, Disability Planning
Organization of Kansas, Inc., Salina
Mieke Ellwood, Community Development Disability Organization, Director, Reno County, CDDO,
Hutchinson
Ron Pasmore, President/Chief Executive Officer, Kansas Elks Training Center for the
Handicapped, Inc. (KETCH, Inc.), Wichita
Matt Fletcher, Associate Director, InterHab, Topeka
Kara Walters, Director of Residential Services, Cottonwood, Inc., Lawrence
Pattie Knauff, Vice-President of Human Resources, KETCH, Inc., Wichita
Deb Voth, Vice-President, Rainbows United, Inc., Wichita
Carolee Miner, President/Chief Executive Officer, OCCK, Inc., Salina
Jim Johnson, Executive Director, Sunflower Diversified Services, Inc., Great Bend
Colin McKenney, Director, Sedgwick County Developmental Disability Organization, Wichita
Carolyn Risley Hill, Chief Executive Officer, Starkey, Inc., Wichita
Tom Laing, Executive Director, InterHab, Topeka
Scott Brunner, Director, Kansas Medical Assistance Programs, Kansas Health Policy Authority
Colonel William Seck, Superintendent, Kansas Highway Patrol
Captain Mark Bruce, Homeland Security Operations Commander, Kansas Highway Patrol
Major General Tod Bunting, Adjutant General
David Davies, Deputy Attorney General, Office of Attorney General
David Pope, Chief Engineer, Division of Water Resources, Department of Agriculture
Joe Fund, Chief Fiscal Officer, Kansas Water Office
Greg Foley, Executive Director, State Conservation Commission

Monday, September 11 Morning Session

Chairperson Umbarger opened the meeting at 10:05 a.m. He recognized Susan Kannarr, Senior Fiscal Analyst, Kansas Legislative Research Department, who presented an overview of the Developmental Disabilities System ([Attachment 1](#)). Ms. Kannarr's overview included information regarding the history of services; the Developmental Disabilities Reform Act; institution-based services; community-based services; movement from institutions to the community; and closure related activities. She also included a list of definitions of terms used in the overview.

The Chairperson welcomed Gary Daniels, Secretary, Kansas Department of Social and Rehabilitative Services, who provided an update of the Developmental Disability Strategic Plan ([Attachment 2](#)). Secretary Daniels provided information regarding the implementation of the Developmental Disabilities Strategic Plan, quality assurance programs, and an update on other activities that are occurring within the developmental disabilities system. Secretary Daniels noted that the strategic plan focuses on three strategic areas:

- Policy;
- Capacity Building and Program Services and Delivery; and
- Financing the System.

Chairperson Umbarger recognized Catherine Johnson, Special Project Coordinator, Disability Rights Center of Kansas, who presented information on behalf of Rocky Nichols, Executive Director

for the Disability Rights Center of Kansas, regarding a flaw in Kansas Medicaid policy that has a significant impact on services and supports for Kansans with developmental disabilities ([Attachment 3](#)). Ms. Johnson offered comments on one specific type of service offered under Kansas Medicaid, Intermediate Care Facilities for persons with Mental Retardation (ICF/MRs), and how large-bed ICF/MRs are not the best options for Kansans with developmental disabilities and are no more than large-bed institutions for persons with developmental disabilities. Ms. Johnson urged consideration of eliminating all large-bed ICF/MR services, and transfer all savings to the Home and Community Based Disability Waiver Services.

The Chairperson welcomed Kathy Lobb, Legislative Liaison, Self-Advocate Coalition of Kansas, regarding ensuring the rights of consumers receiving developmental disability services in Kansas ([Attachment 4](#)). Ms. Lobb explained three steps to help ensure consumer rights:

- Consumer participation in quality assurance;
- Increase opportunities for choice and control of the services; and
- Increase education and awareness of service delivery options.

Ms. Lobb also addressed information regarding peer-driven quality assurance in Kansas and details are found in her written testimony. In closing, Ms. Lobb emphasized that it is very important to make sure that people with disabilities have what they need.

The Committee recessed for lunch at 11:45 a.m.

Afternoon Session

The Committee reconvened at 1:35 p.m. Chairperson Umbarger acknowledged Jane Rhys, Executive Director, Kansas Commission on Developmental Disabilities, who presented information about the Kansas Developmental Disabilities System ([Attachment 5](#)). Ms. Rhys explained that it is estimated that there will be 300 to 400 persons added to the Home and Community Based Services/Developmentally Disabled Waiver (HCBS/DD Waiver). She also pointed out that 1,567 individuals receive no service as of July 2006 based on the Kansas Department of Social and Rehabilitative Services (SRS) July Report. Ms. Rhys requested to assist community service providers to increase their capacity to serve more individuals and close not only another state institution, but also look at moving some or all of the 252 individuals in ICF/MRs to the community.

The Chairperson welcomed Maury Thompson, Executive Director, Tri-Valley Developmental Services, Inc., who provided information regarding the current state of community developmental disability programs ([Attachment 6](#)). Mr. Thompson explained that their advocacy centered on the concept they coined, Quality-Based Community Expansion or "Q-Base." The concept is a quality system of services that requires both access for individuals needing services and supports, and developmental disability service providers reimbursed at levels sufficient to recruit and retain employees with the necessary skills and abilities to provide the services and supports expected - serving more people and serving them better. It was emphasized that waiting lists and rate increases must be addressed in combination to successfully expand community services for persons with developmental disabilities. Mr. Thompson addressed the four key areas of quality services

addressed in his written testimony: stewardship, quality enhancement, capacity expansion, and service access management.

Chairperson Umbarger recognized Leia Holley, Coordinator of the Kansas City Center, Families Together, who provided information on how the HCBS/DD waiver helps not only their family, but many other families and shared a few concerns regarding the current DD service system (Attachment 7). Ms. Holley addressed the following areas in her testimony:

- Parent Participation Fee;
- Appropriate funding of the community network of services to maximize developmental disability services and educational services;
- Better coordination is needed between the Kansas Department of Education and Kansas Department of Social and Rehabilitation Services; and
- Changes in the BASIS annual updates had led to undue stress and anxiety to families.

The Chairperson welcomed Lorraine Harris, Director, Disability Planning Organization of Kansas, Inc., Community Development Disability Organization (CDDO), Salina, and Mieke Ellwood, Director, Reno County, Community Development Disability Organization (CDDO), Hutchinson, who addressed quality assurance in the service system for people with developmental disabilities (Attachment 8). Ms. Harris and Ms. Ellwood explained that environmental factors have evolved in the past ten to 15 years that have added enormous stress to this traditional quality infrastructure, with details in the written testimony. It was noted that the current quality monitoring system has outgrown its capacity to effectively oversee the developmental disability system. In conclusion, they recommended the Committee consider the needs of the community service network, and make a decision that would benefit the developmental disability system with a more sizable contribution toward an adequate and reasonable rate structure, as well as address program funding for enhanced quality monitoring methods.

Chairperson Umbarger recognized Ron Pasmore, President/CEO, Kansas Elks Training Center for the Handicapped, Inc. (KETCH, Inc.), Wichita, who addressed community stewardship contained in the developmental disability reform act (Attachment 9). Mr. Pasmore explained that he believes the Developmental Disability Reform Act outlines the broad goals for integrating persons with developmental disabilities in the community. They have opportunities for employment; develop genuine friends who may provide informal unpaid advocacy and support; and opportunities to live in ways that are more alike than different from how their non-disabled neighbors live. Community stewardship requires the minimum level of support as well as policies that reinforce providers to work hard to achieve this end of helping citizens with developmental disabilities to achieve their dreams and desires of having a regular life.

The Chairperson acknowledged Matt Fletcher, Associate Director, InterHab, Topeka, who provided information regarding workforce impacts on quality care in the Kansas developmental disability system (Attachment 10). Mr. Fletcher explained that direct support professionals are vital in ensuring that Kansans with developmental disabilities can thrive in the community of their choice. He noted that these professionals perform a difficult, but vital role in keeping persons with developmental disabilities in the community and out of costly institutions. The average wage InterHab members reported being able to pay their direct support professionals in February of 2006 was \$8.82 per hour. Despite their best efforts, turnover among direct support professional positions

remains very high among community providers. Mr. Fletcher noted that currently, the beginning wage for a "DD Tech 1" position, comparable to a community direct support professional in one of the state's institutions, is \$11.81 per hour (pay grade 17, step 4) which is \$4.13 more per hour than what is currently included in the reimbursement rate to community providers for direct support professional wages (\$7.68 per hour). Mr. Fletcher urged the Committee to begin the process of providing adequate resources to community providers.

Chairperson Umbarger welcomed Kara Walters, Director of Residential Services, Cottonwood, Inc., Lawrence, who spoke about the extremely important and valuable service that direct care staff provide to Kansans with developmental disabilities ([Attachment 11](#)). Ms. Walters mentioned that direct support professionals provide essential, life preserving services willingly and respectfully. She noted that at Cottonwood, most support staff provide these services for a starting wage of \$8.50 per hour and at that wage, employees struggle to stay afloat. Many hold two, sometimes three jobs to make ends meet. She noted that the staff performing duties in the community comparable to those delivered in the institutions are paid far less than their state peers.

The Chairperson recognized Pattie Knauff, Vice-President of Human Resources, KETCH, Inc., Wichita, who addressed the recruiting and retention of direct care staff from the human resources perspective ([Attachment 12](#)). Ms. Knauff explained the barriers to hire and get one body in the door, and all of it for wages starting somewhere between \$7.15 and \$8.00 per hour. Some of the barriers listed were:

- Eighteen years of age;
- Stable work history;
- KBI record check, cannot be on the Abuse, Neglect or Exploitation registries (for adults, children, or Kansas Department of Health and Environment);
- Pass a drug screen;
- No drug convictions;
- Be in fairly good physical condition;
- Valid driver's license;
- Good driving record;
- Have a vehicle they are willing to use; and
- Proof of insurance.

Ms. Knauff noted that KETCH has already lost 41 employees in eight months that stated "other employment" as their reason for leaving. She mentioned that any effort would be appreciated to help improve their situation.

Chairperson Umbarger acknowledged Deb Voth, Vice-President, Rainbows United, Inc., Wichita, who provided information regarding service options for families, especially young children ([Attachment 13](#)). Ms. Voth addressed the Tiny-K network, gaps in services for young children, and new funding initiatives. In regard to service gaps, Ms. Voth explained that the developmental

disabilities system of supports was really designed for adults. She noted that rather than develop an appropriate system specifically for the needs of the children, the attempt has been to adapt the children to fit the system, and listed some of the challenges in her written testimony. Ms. Voth urged dialogue with them in determining how existing programs can be part of future solutions and ideas rather than always creating a new program.

The Chairperson welcomed Carolee Miner, President/CEO, OCCK, Inc., Salina, who provided information regarding community developmental disability services ([Attachment 14](#)). Ms. Miner mentioned that community inclusion is what we all seek, as we become adults, and persons with developmental disabilities should be included in the community to the greatest extent possible. She urged consideration of the following items:

- Sufficient numbers of quality, adequately paid direct care staff/trainers.
- Financial rewards for increased independence, supported employment, and so forth.
- Cautions regarding payments to families of adults that could result in isolation and paternalism and become a disincentive to community inclusion.
- Financial support for Ombudsman services to support and educate the person with the developmental disability and increased self-advocacy training opportunities across the state.

Chairperson Umbarger recognized Jim Johnson, Executive Director, Sunflower Diversified Services, Inc., Great Bend, who spoke regarding the preservation of the rights of persons with developmental disabilities ([Attachment 15](#)). Mr. Johnson explained that support for families and their young children with special needs, especially those with severe issues, must be a high priority for the State of Kansas. It was noted that as these children get older, a new and equally important priority must emerge, with a goal of assisting in the transition from childhood to adulthood. In his summary, Mr. Johnson mentioned that we must not lose sight of the reason for being present today, which is to express the commitment to insuring each individual's right to be treated with the same dignity and respect as persons who are not developmentally disabled.

The Chairperson welcomed Colin McKenney, CDDO Director, Sedgwick County Developmental Disability Organization, Wichita, who provided information regarding the challenges to community developmental disabilities services ([Attachment 16](#)). Mr. McKenney explained that, unfortunately, the policy set forth by Kansas in the Developmental Disabilities Reform Act adopted by the Kansas Legislature in 1995 did not guarantee a partnership between the state, local service systems, and community providers that would allow everyone to benefit. He noted that in the case of individuals who have co-occurring disorders that cause them to engage in dangerous behavior, community service providers have been left responsible for a set of expectations that they have no tools to address. Mr. McKenney urged assistance that may very well be needed to create safeguards to minimize the risks that exist, and this growing issue is putting individuals at-risk of harm across the state.

Chairperson Umbarger acknowledged Carolyn Risley Hill, CEO, Starkey, Inc., Wichita, who addressed serving individuals with challenging behaviors ([Attachment.17](#)). Ms. Hill explained that Starkey and other providers around the state are faced with unprecedented challenges in serving many of the people referred to them. She noted that they need resources that they do not presently have to serve them effectively. For some, they question whether they are really in the system that

should be serving them due to the criminal and predatory behavior they exhibit. Ms. Hill provided information regarding Starkey's experience with two of the people they serve. She provided seven conclusions that Starkey has come to regarding serving individuals with challenging behaviors. Chairperson Umbarger requested that the Committee thoroughly review this testimony. Ms. Hill noted that there is a need to keep people safe.

The Chairperson recognized Tom Laing, Executive Director, InterHab, Topeka, who provided a quality-based community expansion summary ([Attachment 18](#)). Mr. Laing explained that even though each conferee delivered different facets of the concept of quality-based community expansion, the core message is the same:

- Expanding community services for persons with developmental disabilities is a moral imperative that every Kansas Legislature has addressed since the 1960's; but
- In order to assure that such expansion is sufficient to serve the complex needs of the people being served, all must advocate together (community partners, Governor, and legislative colleagues) to ensure that the resources are available to do the job.

In closing, Mr. Laing explained that these challenges are neither simple nor cheap, but the results of additional investments will be a priceless gift to the next generation of Kansans with disabilities and their families. He indicated that their request is simply that such an investment of resources of time, energy, and spirit not ever be lost.

The Committee recessed at 4:25 p.m.

Tuesday, September 12 Morning Session

The Committee reconvened at 9:10 a.m. Chairperson Umbarger welcomed Scott Brunner, Director, Kansas Medical Assistance Programs, Kansas Health Policy Authority, who provided testimony regarding an update on Local Education Agency (LEA) Audits ([Attachment 19](#)). Mr. Brunner described several audits that have been conducted by the U. S. Health and Human Services Office of the Inspector General (OIG) regarding the school districts and Medicaid payment policies. He explained that the Kansas Medicaid program, along with most state Medicaid programs, is under increased scrutiny from the Centers for Medicare and Medicaid Services to ensure that the program is compliant with federal Medicaid rules and consistent with the Kansas Medicaid State Plan.

Mr. Brunner mentioned that during the period from FY 1998-2003, Kansas received approximately \$135.2 million in federal Medicaid funds for services provided through LEAs. All of the audits that the Committee asked about occurred during this same time period, and there is significant overlap across the audits in the time periods examined and the federal expenditures questioned.

In closing, Mr. Brunner noted that the Kansas Health Policy Authority is taking all needed steps to resolve these issues in an adequate and timely manner. They have implemented the OIG's recommendations for their LEA programs including additional training, manual changes, and

increased reviews. They continue to work with the federal government to ensure all issues are resolved.

A staff overview regarding Homeland Security funding was provided by Amy VanHouse, Kansas Legislative Research Department ([Attachment 20](#)).

The Chairperson welcomed Colonel William Seck, Superintendent, Kansas Highway Patrol, who addressed the drop in federal homeland security funding. (No written testimony was submitted.) Colonel Seck mentioned that he chaired the Governor's Council on Homeland Security and he oversees the Kansas Highway Patrol in its efforts to administer the federal homeland security dollars. Colonel Seck noted that homeland security funding has dropped from \$28 million in 2004 to \$14 million in 2006. He mentioned that they are trying to use the dollars as best as possible.

Chairperson Umbarger recognized Captain Mark Bruce, Homeland Security Operations Commander, Kansas Highway Patrol, who presented information regarding the expenditure of federal homeland security funds ([Attachment 21](#)). Captain Bruce also provided information on Exceptional Investments and Investment Justification Special Conditions ([Attachment 22](#)). He explained that federal dollars for homeland security began to be provided to the state in 1999. In his presentation, and written testimony provided, Captain Bruce detailed the expenditure of the state's share (20 percent) of the federal dollars.

The Chairperson welcomed Major General Tod Bunting, Adjutant General, who provided information regarding regionalization benefits ([Attachment 23](#)). The following information also was distributed:

- Division of Emergency Management Operations and Administrative - Program 71000, Enhancement Package 5 of 5, Division of the Budget ([Attachment 24](#)); and
- Emergency Management Staffing as of September 11, 2006 ([Attachment 25](#)).

Major General Bunting noted that their office has a good relationship with the Kansas Highway Patrol and the Kansas Bureau of Investigation and other agencies in the state involved with homeland security. He highlighted the benefits of regionalization and the regional coordinators regarding efficiency in preparedness and effective partnerships. Major General Bunting mentioned that the 13 investment priorities that were approved are listed on page 3 of his written testimony. He noted that the two main ones they will be addressing soon are Food Safety and Defense and Critical Food/Water Infrastructure, and Plant Health Emergency Response Capabilities.

Chairperson Umbarger recognized Leah Robinson, Principal Fiscal Analyst, Kansas Legislative Research Department, who presented an overview of the Colorado water litigation ([Attachment 26](#)). Representative Neufeld asked staff to verify the information on page 3 regarding the Attorney General announcement that of the \$1.1 million collected in June 2006, one-third would go to the Water Project Conservation Projects Fund and two-thirds to the State Water Plan Fund under the statutes.

The Chairperson welcomed David Davies, Deputy Attorney General, Office of Attorney General, who provided an update on the Colorado water litigation. (No written testimony was submitted.) Mr. Davies explained that there is a need to look toward the future with vigilance. Regarding Kansas v. Nebraska, he noted that Kansas entered into a good faith agreement with Nebraska some years ago and Kansas needs to be ready to enforce this agreement. He explained

that the Special Master did not rule on the water use rules because he needed ten years of data. The ten years is up in 2006 and this data will be available soon.

Mr. Davies provided information regarding the following time line that the Office of the Attorney General had set out month by month regarding both litigations and their anticipation of what funding would be needed for FY 2008. Mr. Davies noted that there is a special provision for drought condition years. The years 2005 and 2006 are drought years.

Kansas v. Nebraska - The Republican River

July 2007

\$ 50,000

- potential remedies
- determining what information needed to present to Republican River Compact Administration
- what kind of remedy to seek in enforcement action

August 2007

\$ 80,000

- reviewing data for meeting on August 9 and presentation
- negotiation with Nebraska regarding shortfalls

September/October 2007

\$ 80,000 for each month

- invoking arbitration settlement
- obtaining expert reports and analyzing data
- selection of arbitrators, up to three arbitrators

November/December 2007

\$ 100,000 for each month

- intense discovery period
- identifying witnesses on both sides
- reviewing expert reports from Nebraska and Kansas
- taking depositions
- production of exhibits

January/February 2008

\$120,000 for each month

- anticipate the trial and may last one month
- trial can be broken up into segments
- include travel expense including experts

March 2008 \$ 80,000

- extensive post-trial briefing
- using experts extensively, technical

April 2008 \$ 0

- anticipate no activity

May 2008 \$ 100,000

- decision anticipated in 2008
- analyzing decision
- determination whether Supreme Court action would be necessary

June 2008 \$100,000

- anticipate possible Supreme Court action

Mr. Davies indicated that the above estimated costs were anticipated costs of arbitrators at \$250.00 per hour each (shared with Nebraska); trial \$60,000 and in advance of trial preparations \$40,000 fee from the arbitrators.

Mr. Davies noted the following anticipated cost information:

Cost for Litigation	\$ 1,010,000
Cost of the Arbitrators	<u>100,000</u>
Total Cost	<u><u>\$ 1,110,000</u></u>

Kansas v. Colorado - The Arkansas River

July 2007 \$ 40,000

- issue is Colorado Use Rule litigation
- trial preparation
- experts to analyze use rule with the data

August 2007 \$ 100,000

- trial before the special master expected to last one month
- travel
- expert testimony

September 2007 \$ 40,000

- post trial briefing
- high use of experts

October/November 2007 \$ 0

- no activity anticipated

December 2007 \$ 30,000

- draft report expected from special master, review and draft response

January 2008 \$ 30,000

- submit draft response to special master draft report
- reply to response by Colorado

February 2008

- no activity anticipated \$ 0

March 2008 \$ 50,000

- receiving final report from special master
- analyze final report from special master
- consideration of possible filing of Supreme Court action

April 2008 \$ 50,000

- preparing filing of any possible exception to special master
- briefing

May 2008 \$ 50,000

- possible response to exceptions filed by Colorado

June 2008 \$ 20,000

- follow up to Supreme Court
- potential reply brief to Colorado

Mr. Davies noted that he did not include expenses for the special master in his estimates breakdown per month and those would be an increase for special master fee from \$100,000 to \$350,000.

Mr. Davies noted the following anticipated cost information:

Cost for Litigation	\$	410,000
Cost of the Special Master		<u>100,000</u>
Total Cost	\$	<u><u>510,000</u></u>

In closing, Mr. Davies indicated that water is vital to the people in the two basins and what they do not want to do is leave the victories that have been won in court and emphasized the need to enforce them for the people in Kansas. They requested that these sums be appropriated. Senator Morris requested additional information regarding how much money has been spent so far. Chairperson Umbarger requested a copy of the information presented by Mr. Davies.

Chairperson Umbarger acknowledged David Pope, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, who presented an update regarding the Colorado Water Litigation (Attachment 27). Mr. Pope provided comments on the Colorado actions, final decree, compliance monitoring, general status of Kansas v. Nebraska and Colorado, the status of each state's compliance, and fiscal needs. Details are provided in Mr. Pope's written testimony. Mr. Pope noted that Colorado will make every effort to comply, but feels their approach may be to minimize any action they will be required to take and possibly undermine the decision and noted that his office has made every effort to plan to monitor this decision for compliance by Colorado in the future.

Chairperson Umbarger recognized Joe Fund, Chief Fiscal Officer, Kansas Water Office, who provided an update regarding the status of monies received from the State of Colorado for violations to the Arkansas River Compact (Attachment 28). Mr. Fund provided some background regarding the Kansas-Colorado Arkansas River Compact. He noted that on April 28, 2005, the State of Colorado transferred almost \$35 million to Kansas as damage award monies for violations of the Kansas v. Colorado River Compact. These funds were placed into three accounts: \$20 million was placed in a litigation fund; \$9.6 million into a Water Conservation Projects Fund (WCPF); and \$4.8 million into the Water Conservation Reserve Account in the State Water Plan Fund. On June 30, 2006, the State of Kansas also received \$1,109,947 in the form of an electronic warrant from the State of Colorado Treasurer's Office. Mr. Fund also provided information on the feasibility studies in his written testimony.

The Chairperson welcomed Greg Foley, Executive Director, State Conservation Commission (SCC), who provided information on the Colorado Water Litigation (Attachment 29). Mr. Foley presented information regarding the Water Transition Assistance Program, Irrigation Transition Program (priority areas are Prairie Dog Creek and Rattlesnake Creek), regulations to be proposed, pilot program eligible areas, application funding priorities, and SCC funding for water conservation.

Chairperson Umbarger recognized Representative Feuerborn, who requested additional information and clarification regarding the water litigation regarding the types of experts that are needed, and Senator Barone requested additional information and clarification on who is the client in the water litigation.

Senator Barone moved, with a second by Representative Feuerborn, to approve the minutes of the August 7-8, 2006, meeting. Motion carried on a voice vote.

Chairperson Umbarger mentioned that Staff reports on the State General Fund will be postponed until the October meeting. The next meeting of Legislative Budget is scheduled for October 4-5, 2006. The meeting adjourned at 12:25 p.m.

Prepared by Mary Shaw
Edited by Leah Robinson

Approved by Committee on:

December 11, 2006

(date)