

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson David Adkins at 9:35 a.m. on April 21, 2000, in Room 514-S of the Capitol.

All members were present except: Representative Peterson - excused

Committee staff present: Alan Conroy, Kansas Legislative Research Department
Stuart Little, Kansas Legislative Research Department
Robert Waller, Kansas Legislative Research Department
Paul West, Kansas Legislative Research Department
Kathie Sparks, Kansas Legislative Research Department
Carolyn Rampey, Kansas Legislative Research Department
Audrey Nogle, Kansas Legislative Research Department
Tom Severn, Kansas Legislative Research Department
Julian Efird, Kansas Legislative Research Department
Robert Chapman, Kansas Legislative Research Department
Reed Holwegner, Kansas Legislative Research Department
Jim Wilson, Revisor of Statutes Office
Dave Stallings, Assistant to the Chairman
Mary Shaw, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list

Consideration of the Omnibus Appropriations Bill (Continued)

Copies of the letter to the Chairman from the Office of the Governor regarding the Governor's amendments to his budget recommendations (Attachment 1) and Items for Omnibus Consideration (Attachment 2) from Kansas Legislative Research Department are attached.

Education and Legislative Budget Committee Report Recommendations

**Regents Systemwide
Reported by Representative Farmer**

A. **General Fees Fund (Tuition) Revised Estimates—Non-Tuition Accountability Institutions (also GBA No. 2, Item 31, pg. 15).** Based on Spring 2000 enrollments, the institutions not participating in tuition accountability have submitted revised estimates of tuition revenues for both FY 2000 and FY 2001. The Consensus Tuition Estimating Committee (comprised of staff of the Board of Regents Office, Division of the Budget, and the Legislative Research Department) has concurred with the institutions' revised estimates.

For FY 2000, based on Spring enrollments, a net decrease in available tuition revenue totaling \$44,401 is projected. Based on these revisions, under traditional budgeting methods, State General Fund dollars of \$44,401 would be added to maintain institutional operating budgets at the approved levels. The table below shows the net increase or decrease in available tuition revenue at each institution based on the revised estimates.

For FY 2001, based on Spring enrollments, a net decrease in available tuition revenue totaling \$12,574 is projected. Based on these revisions, under traditional budgeting methods, State General Fund dollars of \$12,574 would be added to maintain institutional operating budgets at the approved levels. The table below shows the net increase or decrease in available tuition revenue at each institution based on the revised estimates.

CONTINUATION SHEET

Representative Farmer reported that in the following chart, regarding the General Fees Fund Tuition Revised Estimates, that the year 2000, the difference \$44, 401 and then for the year 2001 the revised tuition estimate \$12,574.

FY 2000 Revised Tuition Estimates

	<u>Amount Approved</u>		<u>Revised Estimate</u>		<u>Difference</u>
KU Medical Center	\$ 10,827,240	\$	10,827,240	\$	0
Emporia State University	8,569,036		8,601,263		32,227
Fort Hays State University	8,771,882		8,770,019		(1,863)
Pittsburg State University	10,663,103		10,588,338		(74,765)
TOTAL	<u>\$ 38,831,261</u>	<u>\$</u>	<u>38,786,860</u>	<u>\$</u>	<u>(44,401)</u>

FY 2001 Revised Tuition Estimates

	<u>Amount Approved</u>		<u>Revised Estimate</u>		<u>Difference</u>
KU Medical Center	\$ 11,308,864	\$	11,374,315	\$	65,451
Emporia State University	9,106,432		9,140,028		33,596
Fort Hays State University	9,036,098		9,036,098		0
Pittsburg State University	11,335,978		11,224,357		(111,621)
TOTAL	<u>\$ 40,787,372</u>	<u>\$</u>	<u>40,774,798</u>	<u>\$</u>	<u>(12,574)</u>

Representative Farmer indicated that there are technical adjustments to Fort Hays State University, Emporia State University and Pittsburg State University as listed below:

Fort Hays State University

- A. **Technical Adjustment.** H. Sub. for **SB 326** inadvertently over appropriated State General fund financing for the university in FY 2001 by \$21,641.

Emporia State University

- A. **Technical Adjustment.** H. Sub. for **SB 326** inadvertently over appropriated State General Fund financing for the university FY 2001 by \$22,445.

Pittsburg State University

- A. **Technical Adjustment.** H. Sub. for **SB 326** inadvertently over appropriated State General Fund financing for the university FY 2001 by \$26,043.

Representative Farmer made a motion, second by Representative Dean, to adopt the Education and Legislative Budget Committee report regarding the Regents Systemwide issues. Motion carried.

**University of Kansas Medical Center
Presented by Representative Farmer**

- A. **Children’s Initiative’s Funding.** The Conference Committee recommended the deletion of all funding from the Children’s Initiatives Fund pending further review at Omnibus. The Governor recommends \$250,000 from the Fund in FY 2001 for the expansion of the TeleKid Health Care

Link. In 1998 the University launched a pilot program to deliver medical services to children in school. Using PC based telemedicine technology, the project links the school nurse's office with physicians to provide clinical consultations for students. For FY 2001, the Governor recommends \$250,000 from the Children's Initiatives Fund to extend this

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Page 3

CONTINUATION SHEET

B. program to other portions of the state. KUMC would serve as a facilitator to link local health care providers with schools in their service areas. In those cases where there are no health care providers or if back up medical services are requested, KUMC physicians would be available to provide clinical consultations.

The House Committee also recommended the Omnibus consideration be given to allocating \$1.0 million from the Fund in FY 2001 for pediatric biomedical research.

Representative Farmer reported that the Education and Legislative Budget Committee took no action regarding A. Children's Initiative's Funding.

C. **Technical Adjustment. SB 326** inadvertently over appropriated State General Fund financing for the university in FY 2001 by \$58,841.

Representative Farmer reported that the Education and Legislative Budget Committee accepted section B. Technical Adjustment.

D. **GBA No. 2, Item 38, Page 16 - Wahl Hall Renovation.**

Representative Farmer reported that the Education and Legislative Budget Committee accepted section C. GBA No. 2, Item 38 - Wahl Hall Renovation.

Board of Regents

Reported by Representative Farmer

A.HB 2996 (conference). HB 2996 modifies the formula for distribution of community college operating grants. The approved FY 2001 budget for the grants assumes the revised formula. Should the bill fail to pass, an additional \$1.0 million would be required to fully fund the existing formula.

Representative Farmer reported that the Education and Legislative Budget Committee took no action on A. **HB 2996** but the issue was flagged for the whole Committee's information because should the bill fail to pass, an additional \$1.0 million would be required to fully fund the existing formula.

B.Postsecondary Vocational Education Funding. The Senate Committee recommended that state funding for postsecondary vocational education be reviewed at Omnibus. The approved budget for FY 2001 includes \$26.4 million for Postsecondary Vocational Education Aid, an increase of \$200,000 (0.8 percent) from the revised current year budget. An additional \$2.7 million is available for Vocational Education Capital Outlay Aid, an increase of \$200,000 (8.0 percent) from the current year.

Representative Farmer reported that the Education and Legislative Budget Committee took no action on section B. Postsecondary Vocational Education Funding.

University of Kansas

A. **Capital Improvement Projects (Senate Committee and Conference Committee Recommendation and GBA No. 2, Item 32, page 15).** During its consideration of the capital improvements budget of the University of Kansas, the Senate Subcommittee on Capital Improvements was presented with two capital improvement projects which were approved by the Board of Regents and submitted to the Legislature after submission of the institution's budget request. These projects had been reviewed and recommended by the Joint Committee on State Building Construction but due to the timing of the submission of the projects, had not been

considered by the Governor. The Subcommittee, and subsequently the full Committee, recommended the projects be deferred for consideration in the Omnibus Appropriation Bill. The House had added the projects, but during Conference Committee, the

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Page 4

CONTINUATION SHEET

House concurred with the Senate to defer consideration of the items pending possible receipt of a Governor's Budget Amendment on the projects. The two projects are:

- a. Authorization for the expenditure of \$560,000 from existing resources in FY 2000 to renovate a portion of Strong Hall for administrative space for the College of Liberal Arts and Sciences. No new expenditures would be required.
- b. Authorization of the issuance of up to \$17.0 million in bonds in FY 2001 for the construction of a Student Recreation Center on the Lawrence campus. The bonds would be repaid with student fees. No expenditures would be required in FY 2001.

Representative Farmer reported that the Education and Legislative Budget Committee accepted GBA No. 2, Item 32 under A. Capital Improvement Projects.

B. Senate Bill No. 388 (Conference). SB 388 would enact the Kansas Water Banking Act. The bill would allow for the chartering of water banks which would be private not-for-profit corporations leasing water from holders of water rights that have been deposited in the bank. The water banks also would provide safe deposit accounts for the deposit of unused water from a bankable water right which is placed in the bank for use in future years. A water bank may be a groundwater bank or a surface water bank, or both. Water banks may provide services to facilitate the sale or lease of water rights and would be prohibited from owning, buying, or selling water rights. The House version of the bill would authorize the Director of the Kansas Geological Survey (KGS) to convene a team to evaluate the operation of a water bank *not later than five years* after the establishment of a water bank. The staff of the KGS would provide staff assistance to the evaluation team. An additional provision of the bill would require water banks to pay all costs incurred by the KGS for assistance and services including costs for personnel. Payments would be deposited into the Geological Survey Cost Fund, which is established in the bill. Because of the provision that provides up to a five-year period before the convening of the evaluation team, it is doubtful that any expenditures will be incurred by the KGS in FY 2001, but the fund created in the bill could be appropriated.

Representative Farmer reported that **SB 388** is in Conference and the Education and Legislative Budget Committee set up the fund that would be required if that bill passes both Houses.

Kansas State University

A. GBA No. 2, Item 34, Page 16—Authority to Issue Bonds for Ackert Hall Addition.

Representative Farmer reported that the Education and Legislative Budget Committee accepted section A. GBA No. 2, Item 34.

Kansas State University Extension Systems and Agriculture Research Programs

A. SB 534 (Law). SB 534 establishes a center of excellence on sustainable agriculture and alternative crops at Kansas State University. Some of the functions and duties of the center would be to emphasize research, education, outreach, and marketing for sustainable agriculture and alternative food, fiber and medicinal crops; expand small farm research; develop and distribute a guide of all state services for small farms and value added agriculture; and focus research on value added processes and new crops that offer low-volume, high margin niche

CONTINUATION SHEET

opportunities. Subject to appropriations, the bill authorizes expenditures for a coordinator for the center and associated operational expenses. The University estimates total FY 2001 expenditures of \$60,000 from the State General Fund and 1.0 FTE position to fund the new center. The funding would include \$50,960 for the salary of a Coordinator and \$9,040 in other operating expenditures.

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Page 5

Representative Farmer reported that the Education and Legislative Budget Committee accepted section A. **SB 534**.

Representative Farmer made a motion, second by Representative Dean, to adopt the Education and Legislative Budget Committee report regarding the Regents. Motion carried.

State Library Reported by Representative Farmer

A. GBA No. 2, Item 36, pg. 17—Children's Access Network.

Representative Farmer reported that the Education and Legislative Budget Committee, regarding the Children's Access Network, was something that was funded in the Children's Initiatives Fund, so they passed over the issue.

Board of Healing Arts

A. SB 599 (Conference Committee). This bill, as amended by the House Committee on Health and Human Services, would create a new licensure act under which physician assistants are to be licensed and regulated, and would require that all administrative proceedings under the act created by the bill be conducted in accordance with the Kansas Administrative Procedures Act. The House Committee amendments also authorize the Board of Healing Arts to bring an action for an injunction against violations of the laws created by the bill. The Board estimates that this bill as amended would increase the number of licensure certificate mailings at a cost of \$850 for FY 2001. The amount would be needed to pay for mailing licensure certificates to approximately 360 physician assistants, for developing application and reinstatement regulations, and for additional publication expenditures to amend rules and regulations.

Representative Farmer reported that there was one item, **SB 599**, which is in Conference Committee, and the only action the Education and Legislative Budget Committee had taken as a committee was they had raised their licensure limitation (deals with **SB 599**).

Representative Farmer made a motion, second by Representative Reinhardt, to adopt the Education and Legislative Budget Committee report regarding the Board of Healing Arts. Motion carried.

School for the Blind Reported by Representative Farmer

A. GBA No. 1, Item 12, pg. 6—Decrease KSIP expenditures (House Budget Committee). The Governor decreases his FY 2000 recommendation by \$1,676 from the State General Fund. As the GBA explains, the amount available in the current fiscal year to be spent in the School's Kansas Savings Incentive Program (KSIP) account should be \$8,324 and not \$10,000. The Budget Committee believes this to be a technical adjustment to the FY 2000 budget.

Representative Farmer reported that the Education and Legislative Budget Committee accepted GBA No. 1, Item 12.

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Page 5

CONTINUATION SHEET

Representative Farmer made a motion, second by Representative Reinhardt, to adopt the Education and Legislative Budget Committee report regarding the School for the Blind. Motion carried.

**Kansas State Historical Society
Reported by Representative Farmer**

- A. **\$100,000 State General Fund for Rehabilitation and Repair Projects (House Budget Committee).** The House Budget Committee on the State Historical Society and the Joint Committee on State Building Construction recommended review of the agency request for \$100,000 from the State General Fund in FY 2001 for rehabilitation and repair projects at Omnibus. The agency requested the funds to cover emergency repairs at the historic sites

and Kansas History Center. The agency received \$100,000 State General Fund in FY 2000 and \$334,573 State General Fund in FY 1999.

- B. **\$121,000 Economic Development Initiatives Fund for rehabilitation and repair projects at the Fort Hays Blockhouse (\$50,000) and First Territorial Capitol (\$70,000) (House Committee).** The House Committee recommended review of the agency request for \$121,000 in FY 2001 for rehabilitation and repair projects at the Fort Hays Blockhouse and First Territorial Capitol after the conference committee on **SB 326** removed the \$121,000 Economic Development Initiatives Fund money for the projects. The Conference Committee recommended the agency complete the projects with existing funds.

- C. **GBA No. 2, Item 35, pg. 17—Capital Improvement Project.**

Representative Farmer reported that the Education and Legislative Budget Committee did not accept GBA No. 2, Item 35.

Representative Farmer reported that the Education and Legislative Budget Committee asked the Kansas State Historical Society to provide the Budget Committee a list of all the rehabilitation and repair projects and put them in priority order. There are eleven projects the list (Attachment 3). The total list would require \$228,618 for the rehabilitation and repair, and as a committee, the Budget Committee funded every one of the items out of EDIF.

Representative Farmer made a motion, and second by Representative Reinhardt, to adopt the Education and Legislative Budget Committee report regarding the Kansas State Historical Society. Motion carried.

**Kansas Legislative Research Department
Reported by Representative Farmer**

- A. **Omnibus Review Items (House Appropriations Committee).** The House Appropriations Committee requested that the agency report back to the Committee for consideration at Omnibus information on the following items: (a) The cost and efficiency of utilizing a voice mail system with the agency; (b) The adequacy of travel funding for staff who are on a committee of the National Council of State Legislatures or the Council of State Governments; (c) Options for establishing a program of granting compensatory time for staff of the agency; and (d) The cost, effectiveness, and options for establishing a deferred compensation program for the staff of this agency which would be similar to the deferred compensation program for legislative leadership staff.

CONTINUATION SHEET

Representative Farmer reported that the Budget Committee received a memorandum from Ben Barrett, Director, Kansas Legislative Research Department, discussing each of the items listed above. Detailed discussion and questions from the Committee followed. Representative Farmer reported that it was their understanding that there is a bill to address deferred compensation and the Budget Committee felt since there was a bill it would take care of it and the Budget Committee took no action on it.

Representative Farmer made a motion, second by Representative Reinhardt, to adopt the Education and Legislative Budget Committee report regarding the Kansas Legislative Research Department. Motion carried.

Legislature Reported by Representative Farmer

- A. Legislative, Congressional, and State Board of Education Redistricting (House Appropriations Committee and Senate Committee).** The House Appropriations Committee and the Senate Ways and Means Committee both requested that possible additional funding for legislative, congressional, and State Board of Education redistricting be reviewed at Omnibus. The redistricting will occur in the 2002 Session of the Legislature. The agency had initially requested \$1.2 million (State General Fund) in FY 2001 for redistricting costs (consultants, computer software, training, etc.). Since that initial request, bids have been solicited, negotiations have been completed and the latest estimate for redistricting is \$700,000 in FY 2001, \$415,000 in FY 2002 and \$76,000 in FY 2003 (all from the State General Fund). The Governor recommended and the Legislature has approved \$500,000 (State General Fund) in FY 2001 in 2000 House Substitute for Senate Bill 326. The fully fund the agency's request would require an additional \$200,000 in FY 2001, \$415,000 in FY 2002, and \$76,000 in FY 2003 (all from the State General Fund).

Representative Farmer reported that the Budget Committee did not take action on this item regarding redistricting.

- B. Remodel Room 143-N in the Statehouse (Senate Committee).** The Senate Ways and Means Committee requested that further consideration be given at Omnibus for remodeling costs associated with Room 143-N in the Statehouse. The proposal would change Room 143-N from Senate offices into a committee hearing room. The request by the agency for the remodeling was \$500,000 (State General Fund) in FY 2001. The Committee noted that the Secretary of State vacated the Statehouse in January, 2000. The Committee also maintained that if an appropriation is not made by the 2000 Legislature, the vacated Secretary of State space will remain largely vacant for another year.

Representative Farmer reported that the Budget Committee did not take action on this item regarding the remodel of Room 143-N, Statehouse.

- C. Full-Time Legislative Secretarial Pool (House Appropriations Committee).** The House Appropriations Committee requested that the Director of Legislative Administrative Services report back to the Committee at Omnibus about the costs of establishing a full-time legislative secretarial typing pool. The pilot project would provide five full-time secretaries to those legislators who do not have permanent staff available to them during the interim period of the fiscal year. The secretaries could also be mentors to new session-only clerical personnel and help staff interim committees. The estimated net cost according to the Director of Legislative Administrative Services for five FTE positions in FY 2001 would be \$92,340 (State General Fund).

Representative Farmer reported that the Budget Committee decided not to do the full-time legislative secretarial pool.

CONTINUATION SHEET

D. HB 2570 - Public Safety Task Force (Conference Committee). HB 2570 as amended by the Senate Ways and Means Committee creates an eleven member Task Force on Consolidation of Public Safety Agencies to study the possible consolidation of state public safety agencies. The Task Force would consist of 11 members including: one member of the House Appropriations Committee to be appointed by the Speaker of House; one member of the House Judiciary Committee to be appointed by the Speaker of the House; one member of the House appointed by the Minority leader of the House; one member of Senate Ways and Means Committee to be appointed by the President of the Senate; one member of the Senate Judiciary Committee appointed by the President of Senate; one member of the Senate to be appointed by the Senate Minority Leader; and five members to be appointed by the Governor. Two of the Governor's appointments would come from local law enforcement agencies. None of the Governor's appointments could be members of the Legislature.

The Task Force would be charged with reviewing the feasibility and efficiencies that could be achieved by consolidating all public safety functions of state agencies. Those state agencies and functions include, but are not limited to : the Kansas Highway Patrol; the State Fire Marshal; the Ombudsman of Corrections; the Juvenile Justice Authority; the Kansas Parole Board; the Kansas Bureau of Investigation; the Board of Emergency Medical Services; the Division of Emergency Management of the Adjutant General's Office; the Department of Corrections; the Kansas Sentencing Commission; and the Alcoholic Beverage Control program of the Department of Revenue. The Task Force would be authorized to meet at any place in the state on call of the chairperson, but is required to meet at least quarterly. The Task Force would be required to submit a final report of its findings and recommendations on or before January 1, 2001.

Expenditures for the Task Force, including legislator compensation, subsistence, mileage and clerical assistance for FY 2001 are estimated at \$9,916 (State General Fund). The exact fiscal note would depend on who was appointed to the Task Force and the number of meetings held during FY 2001.

Representative Farmer reported that the Budget Committee took no action regarding the HB 2570 - Public Safety Task Force (Conference Committee).

E. HB 2780 - Long-Term Care Services Task Force (Conference Committee). HB 2780 as amended by the Senate Committee on Public Health and Welfare, would create a 20-member Task Force on Long-Term Care Services to study state and federal laws and regulations that impact on services provided by the public and private sector to citizens who are consumers of long-term care services, the financing of such services, the effectiveness of partnering activities between state agencies and long term care providers, and other matters as the Task Force deems appropriate. Seven members of the Task Force are to be appointed by the Legislative Coordinating Council, three of whom are to be consumers of long-term care, three providers of long-term care, and one a trustee or board member of a long-term care facility. Two members are to be appointed by the President of the Senate and the Speaker of the House. Of the two appointments, one is to be a member of the House Committee on Appropriations and one a member of the Senate Committee on Ways and Means. An additional two members are to be appointed by the Senate President, and the Minority Leader of the Senate is to appoint two members. In each case, one appointee is to be a member of the Senate Committee on Public Health and Welfare and one a member of the Senate Committee on Financial Institutions and Insurance. Two additional members are to be appointed by the Speaker of the House, and two members appointed by the Minority Leader of the House. In each case, one appointee is to be a member of the House Committee on Health and Human Services and one a member of the House Committee on Insurance. The Secretaries of Social and Rehabilitation Services, Aging, and Health and Environment or their designees make up the remaining members of the Task Force. The authorization for the Task Force would expire on July 1, 2005.

CONTINUATION SHEET

Expenditures for the Task Force, including legislator compensation, subsistence, mileage and clerical assistance for FY 2001 are estimated at \$31,944 (State General Fund). The exact fiscal note would depend on who was appointed to the Task Force and the number of meetings held during FY 2001.

Representative Farmer reported that regarding **HB 2780** - Long-Term Care Services Task Force (Conference Committee) the Budget Committee did add \$31,944 in 2001 for expenses related to that House bill if it does pass.

Representative Farmer made a motion, second by Representative Dean, to adopt the Education and Legislative Budget Committee report regarding the Legislature.

Detailed Committee discussion followed regarding redistricting and the full-time secretarial pool.

Representative Landwehr made a motion, second by Representative Ballard, to amend the Education and Legislative Budget Report to reinstate item C. under the Legislature for a full-time legislative secretarial pool. Committee questions and discussion followed. Representative Landwehr closed mentioning that she hoped all would give consideration for a pilot program for one year. A vote was taken and division was requested. Motion failed.

Representative Ballard made a motion, second by Representative Landwehr, to put three secretaries into a pilot program for a full-time secretarial pool bring the cost down from \$92,340 to approximately \$55,404. Representative Ballard closed mentioning using it as a pilot program and giving it an opportunity to work. A vote was taken and division was requested. Motion failed.

Representative McKechnie made a motion, second by Representative Shriver, to look at the non-session allowance for Legislators to use for assistance in hiring someone within their district and increase the non-session allowance and legislators get \$600 a month nine months out of the year, \$92,340 divided by 165 legislators would be for a year divided over the nine months would a \$62 increase, they have not increased the non-session allowance since 1986 and this would increase the non-session allowance from \$600 to \$662. Motion carried. Representative Hermes requested to be recorded as voting "No".

Representative Hermes made a motion, second by Representative McKechnie, to add \$200,000 in 2001 for the redistricting costs. Committee questions and discussion followed. A vote was taken and division was requested. Motion failed.

Representative Farmer made a motion, second by Representative Reinhardt, to adopt the Education and Legislative Budget Committee report as amended regarding the Legislature. Motion carried.

State Department of Education Reported by Representative Farmer

- A. Revised School Finance Estimates.** Savings in general and supplemental general state aid totaling \$13.7 million have been identified, based on revised school finance estimates made April 6, 2000. The savings are attributable to reduced enrollments and result in reductions of \$5.0 million in FY 2000 and \$8.7 million in FY 2001.

CONTINUATION SHEET

The revised estimates are shown below. (Numbers are in thousands.)

	Previous Est. FY 2000	Revised Est. FY 2000	Savings FY 2000	Previous Est. FY 2001	Revised Est. FY 2001	Savings FY 2001	Two- Year Savings
Gen. State Aid	\$ 1,788,199	\$ 1,783,204	\$ 4,995	\$ 1,820,567	\$1,812,181	\$8,386	\$13,381
Supp. Gen. State Aid	72,821	72,800	21	82,059	81,773	286	307
TOTAL	\$ 1,861,020	\$ 1,856,004	\$ 5,016	\$ 1,902,626	\$1,893,954	\$8,672	\$13,688

Note: The savings shown for FY 2000 are in addition to savings previously identified of \$6,846,896 for general state aid and \$4,025,365 for supplemental general state aid, or a total of \$10,872,261.

Financing. Prior to first adjournment, the Legislature approved funding in House Sub. for **SB 326** that would fully fund school finance in FY 2001, prior to the revision. That funding includes \$7,761,000 from the Flexible Spending Fund for general state aid. A comparison of approved funding for FY 2001 and the revised estimates is shown below (in thousands):

	House Sub. for SB 326	Revised Estimates	Savings
General State Aid			
State General Fund	\$ 1,813,086	\$ 1,804,420	\$ 8,666
Flex. Spend. Fund	7,761	7,761	0
Subtotal	\$ 1,820,847	\$ 1,812,181	\$ 8,666
Supp. Gen. State Aid			
SGF	\$ 81,779	\$ 81,773	\$ 6
TOTAL	\$ 1,902,626	\$ 1,893,954	\$ 8,672

Note: The \$7,761,000 for FY 2001 from the Flexible Spending Fund appropriated for general state aid in House Sub. for SB 326 includes \$280,000 that should have been appropriated for supplemental general state aid. However, the issue is moot now because the numbers have been revised and will be reposted.

Reappropriation. Legislative policy in recent years has been to reappropriate any savings from the current year to the following year in order to reduce the appropriation of new money and to give the State Department flexibility to use any savings in the current year in the event that the estimates are low and additional money is needed. For FY 2001, the Governor recommended, and the Senate concurred, that the savings should be lapsed and not reappropriated. It was the House's intention to reappropriate the savings, but the bill was not correctly posted. Based on the revised estimates, there are savings in FY 2000 of \$11,841,896 in general state aid and \$4,046,365 in supplemental general state aid, for a total of \$15,888,261, which either would lapse at the end of the current fiscal year or could be reappropriated to FY 2001. Without further action by the Legislature, the savings will lapse.

CONTINUATION SHEET

Representative Farmer reported that the Budget Committee re-appropriated the savings which amounts to \$15.9 million dollars and the action of what they did concurs with the Governor’s GBA except that the Governor finances all of the \$50 base state increase in FY 2001 from the State General Fund while these finance \$7.761 million dollars of the increase from the intergovernmental transfer program so they stayed with what they already decided to do what was passed through Conference Committee in **SB 326**. In addition they recommended that the savings in general supplemental general state aid at the end of the year 2000 estimated to be \$15.9 million dollars be re-appropriated for FY 2001 which is the amount of new money needed to fully fund revised estimates be reduced accordingly.

B. Revised Estimate for KPERS-School. On April 17, 2000, revisions were made to estimated expenditures for KPERS-School in FY 2000, resulting in the identification of savings of \$1,588,062, which reduce expenditures from an estimated \$89,476,651 to \$87,888,589. The Legislature has the option of allowing the savings to lapse or to be reappropriated in order to reduce the amount of new money needed for FY 2001. The State Department of Education would prefer that the amount be reappropriated so that, if the revised estimates are understated, there still would be money available in the current year to fully fund the KPERS-School entitlement. In addition, an error has been discovered that occurred in FY 1999 and resulted in overpayments of \$978,774. Because the money already has been transferred to KPERS and is not in the State Department’s account, the Legislature could reduce the appropriation for FY 2001 and allow KPERS to apply the savings to next year’s expenditure. With this adjustment, KPERS-School expenditures for FY 2001 are estimated to be \$88,742,868.

The exhibits below show estimated funding for KPERS-School in FY 2001, assuming that savings in FY 2000 are lapsed (option 1) and that they are reappropriated (option 2):

Option I FY 2000 Savings Lapsed		Option II FY 2000 Savings Reappropriated	
Governor’s Recommendation	\$ 83,230,735	Governor’s Recommendation	\$ 83,230,735
<u>Add:</u> Adjustment for KPERs rate increase	6,490,997	<u>Add:</u> Adjustment for KPERs rate increase	6,490,907
<u>Less:</u> KPERS overpayment for	(978,774)	<u>Less:</u> KPERS overpayment	(978,774)
FY 2001 Revised Expenditures	<u>\$ 88,743,868</u>	TOTAL Revised Expenditures	\$ 88,742,868
		<u>Less:</u> Savings reappropriated from FY 2000 already accounted for	(504,371)
		<u>Less:</u> Current year savings	(1,588,062)
		TOTAL NEW MONEY APPROPRIATED	<u>\$ 86,650,435</u>

Representative Farmer reported that the Budget Committee regarding KPERS school took action on Option II to re-appropriate those savings and they are agreeing with the Governor.

C. Programs Funded from the Children’s Initiatives Fund (Deferred to Omnibus).

Programs in the State Department’s budget that the Governor recommended be funded from tobacco money total \$7,277,833 for FY 2001 and are the following:

Parent Education. The Governor recommends \$5,944,833 for parent education, of which \$1,277,833 is tobacco money and \$4,667,000 is from the State General Fund. The current appropriation totals \$5,372,058, of which \$777,833 is tobacco money.

Four-Year-Old At-Risk Program. The Governor recommends \$1.0 million in general state aid to expand the four-year-old at-risk program from 1,794 children to 2,232, an increase of 438. (**HB 2810**, discussed below, would statutorily expand the program to implement the Governor’s

CONTINUATION SHEET

recommendation.)

School Violence Prevention (Experimental Wraparound). The Governor recommends \$500,000 for the second year of the school violence prevention program, a competitive grant program designed to reduce school violence, substance abuse, school dropouts, and delinquency. The program requires a 25 percent local match and is for school districts that have developed a collaborative program with a community mental health system. In FY 2000, 8 school districts received grants out of 16 that applied.

Technology Infrastructure. The Governor recommends \$4.5 million to establish a state education technology network known as "KAN-ED." The network would provide Internet connectivity to school districts and public libraries.

D. Structured Mentoring Program (Consider in Omnibus). The Senate Subcommittee on the State Department's budget flagged for Omnibus consideration funding of the structured mentoring program, should additional funding become available. The program began in FY 1999 and is funded for FY 2000 with \$965,250 from the State General Fund. The Governor recommends no funding for the program in FY 2001. The State Board requested \$1,265,169. Thirty-one grant applications were received in FY 2000, of which 22 have been funded. Grants must be matched locally dollar-for-dollar and support programs to improve students' skills and raise academic achievement in the areas of reading, mathematics, language arts, and Spanish language arts through the use of trained mentors.

E. Educational Excellence Grants (Consider in Omnibus). This item was flagged for Omnibus consideration by the Senate Subcommittee on the State Department's budget in the event that revenue constraints are relieved. Educational excellence grants are funded in FY 2000 at \$1,584,000 from the State General Fund, but are not funded in the Governor's FY 2001 budget. Grants are made to school districts on a competitive basis for special enhancements and innovative programs and must be matched 100 percent at the local level. The State Board's request for FY 2001 of \$1.6 million would fund around 20 grants, or about one-quarter of the number of applications. Grants in FY 2000 were awarded on the basis of proposals that focused on aligning curriculum, instruction, and assessment with state standards; that increased productivity through the use of technology; and that focused on school reform aimed at all students or schools reaching standards of excellence.

F. Reading and Vision Research (Consider in Omnibus). The House Budget Committee on the State Department's budget recommended Omnibus consideration of providing \$250,000 from the Intergovernmental Transfer Program to fund research on vision problems. The recommendation followed a review of results of research the 1998 Legislature funded through the Kansas Optometric Association with an appropriation of \$27,000 for FY 1999. Research indicates that 20 percent of children entering kindergarten will have some form of vision problem and that the percentage doubles to 40 percent by high school. The proposed research project would expand the number of students involved from 60 in the earlier study to 160 and expand the vision problems addressed to include convergence insufficiency, convergence excess, and accommodation problems, conditions that cannot be corrected with glasses or contact lenses. Under the proposal, vision therapy would be provided students at 12 sites by participating optometrists. Most of the cost of the project would be for treatment of students (\$192,000). Other costs would be for diagnosis eye examinations (\$17,500), transportation expenses for parents (\$20,000), and other costs.

Representative Farmer mentioned that research indicates that 20 percent of children entering kindergarten will have some form of vision problem and that percentage doubles to 40 percent by high school. The Budget Committee was very concerned about the effects on special education funding and the Department of Corrections in connection with in 1998 they appropriated \$27,000 for the Kansas Optometric Association to conduct a research study. The Budget Committee agreed as a budget

CONTINUATION SHEET

committee is to add the \$250,000 for that study for the phase and that would be Children's Initiative and add them to the list.

G. Increased Funding for State Department Operating Budget (Consider in Omnibus). The House Budget Committee recommended Omnibus consideration of an additional \$329,407 from available funding sources for the State Department's operating budget for FY 2001. Under the Governor's recommendation, the portion of the operating budget funded from the State General Fund has been reduced by \$803,353, or 8.3 percent, compared to the current year. The State Department requested restoration of \$329,407, which consists of \$118,465 to reduce the shrinkage rate from 5 percent to 3 percent (the historical level in recent years), \$67,668 for technology equipment, \$52,483 to restore a position cut in 2000 **SB 39**, and \$90,791 for other items, such as travel.

Representative Farmer reported that the Budget Committee, in order to give the Chairman another option in Conference Committee, added \$250,000 EDIF for the Challenger Project.

H. Discretionary Grant Funding (Consider in Omnibus). The House Budget Committee recommended Omnibus consideration of funding for discretionary grants, which are grants allocated by the State Board for programs it considers meritorious. Programs funded in the current year total \$100,000 from the State General Fund and consist of \$30,000 for the Kansas Cultural Heritage Center, \$35,000 for Environmental Education, and \$35,000 for the Kansas Foundation for Agriculture. Although the Governor recommended no funding for the grants in FY 2001, the Legislature appropriated \$30,000 from the Economic Development Initiatives Fund for the Kansas Foundation for Agriculture in House **Sub for SB 326**.

Representative Farmer reported regarding the Kansas Cultural Heritage Center, that the Budget Committee agreed to take the \$30,000 from the State General Fund that there would be a proviso to the appropriation of the Kansas Cultural Heritage Center a directive to present to the 2001 Legislature a plan to affiliate with the state agency that has as its mission historical preservation and research. The Budget Committee felt that the Heritage Center is the western arm of the Kansas State Historical Society so they agreed to have that proviso added in. Representative Farmer reported also under Item H having to do with moving the Center from the school district facilities to the Dodge City Depot. This was discussed in Conference last year and during the past year there has been a lot of money raised in the Dodge City area to make this move and if we would put in \$140,000 from EDIF for the purpose of moving that Center, they believe that would draw down federal dollars of about a half a million dollars to complete that project. So they put the \$140,000 EDIF for that purpose and there will be an attached proviso to the appropriations stipulating that money cannot be spent until the Center has affiliated with the state agency.

I. HB 2810 (Law). HB 2810 makes two changes in current law:

Four-Year-Old At-Risk Students. The bill increases the number of children served in the four-year-old at-risk program from 1,794 pupils to 2,230, an increase of 436 children. The fiscal impact of this provision in FY 2001 is an additional \$1.0 million for general state aid.

Representative Farmer reported that section I. **HB 2810** is in the Governor's budget.

Juvenile Detention Facilities. School districts receive state aid equal to the lesser of actual costs of educational services provided to children in juvenile detention facilities and the Flint Hills Job Corps Center or two times Base State Aid Per Pupil, based on the greatest number of pupils served on one of three counting dates: September 20, November 20, or April 20. **HB 2810** adds six new facilities to the list of participating centers and deletes two that no longer are operating. The new facilities are St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina, Clarence M. Kelley Youth Center at Topeka, and Clarence M. Kelley Youth Center at WaKeeney. The centers that

CONTINUATION SHEET

have closed and are deleted are Charter Wichita Behavior Health System and Parkview Passages Residential Treatment Center of Topeka. The bill is effective upon publication in the *Kansas Register*, but there is no fiscal impact in FY 2000 because the increase in the number of pupils served in the new facilities

is offset by the closure of the other two centers. Under the Governor's recommendation, the recommended appropriation for FY 2001 of \$4,509,310 would pay for services provided to 610 students under current law. The provisions of **HB 2810** increase the estimate of the number of students to be served by 116, at an additional cost of \$870,931.

Representative Farmer reported that bill, which is now law, adds six new facilities and deletes two centers that have been closed and they had no choice but to fund, it is \$870,931 so the Budget Committee added it to the State General Funds to pay for the services provided to students in juvenile detention.

J. SB 432 (Conference). **SB 432** originally concerned criminal history checks of applicants for initial employment with school districts, but now has been expanded to include provisions of four other bills: **SB 519**, relating to suspension and expulsion of pupils; **HB 2794**, mastery of basic skills; **HB 2799**, the Mentor Teacher Program, and **HB 2801**, National Board certification of teachers. The total fiscal impact of the bill would be an additional \$93,753 for state agency operations and 1.0 FTE new position in FY 2001. The material below addresses only those portions of the bill that would have a fiscal impact.

Representative Farmer reported that this item (**SB 432**) could be referred to as the Education Omnibus bill and they had a long discussion in Budget Committee.

Mastery of Basic Skills Program. The State Board of Education would be required to prepare a strategy for identifying, developing, and implementing a mastery of basic reading skills program in kindergarten and each of grades one through three of school districts based upon the goal of mastery of basic reading skills by pupils upon completion of the third grade. The bill directs the State Board to:

- C. Identify state standards and outcomes of mastery of basic reading skills in kindergarten and each of grades one through three;
- D. Prepare a plan for monitoring the progress of pupils in achieving mastery of basic reading skills; and

Representative Farmer noted that one thing that they did positively was regarding the mastery of basic skills program (see below). What this would do is identify standards and outcomes for kindergarten, first and second grade so by the time students got to third grade they would have been identified and be able to take some action to monitor the progress of the pupils' reading skills through that time. This would actually specify a means to use for determining skill levels. The cost of that is \$25,000 and they took action to fund that out of the State General Fund.

- E. Specify the means to be used for determining mastery of basic reading skills at each applicable grade level by pupils upon completion of grade 3.

The State Board's strategy also must address what school districts must do to provide interventions for pupils who do not make satisfactory progress toward mastering basic reading

CONTINUATION SHEET

skills, such as summer school and additional school days. The State Board is required to report to the 2001 Legislature its strategy and proposed plan to implement the basic reading skills program, including an estimate of the cost of program implementation. The State Board must develop program standards during the 2001-02 school year, and implement the plan in the 2002-03 school year.

The State Department intends to reallocate existing staff to assist in developing the program, but does estimate additional costs of \$25,000 in FY 2001 associated with travel and subsistence for a committee consisting of elementary school teachers, reading specialists, early childhood educators, and teacher educators who will be charged with identifying standards and helping to develop and implement the program.

Kansas Mentor Teacher Program. SB 432 would establish the Kansas Mentor Teacher Program whereby grants would be paid to school districts to pay stipends for experienced teachers who serve as mentors to probationary teachers. School districts that elect to participate would have to meet State Board of Education criteria for approved mentor teacher programs and would be eligible to receive \$1,000 for each mentor teacher who provides support for probationary teachers. The State Board of Education must develop rules and regulations to administer the program by January 1, 2001. Responsibilities of the State Board include establishing criteria for evaluating and approving mentor teacher programs, identifying the criteria for qualification of certificated teachers to serve as mentors, prescribing guidelines for selecting mentor teachers, providing mentor teacher training programs, and evaluating the effectiveness of the program.

The grant program would be implemented for the 2001-02 school year (FY 2002). Not included in the bill, but part of the agreement reached by House and Senate conferees on SB 432, is the plan that funding for the grants should come from any unanticipated savings in general state aid at the end of FY 2001. In this respect, funding for the Mentor Teacher Program would be like that portion of the in service education program that, for the last several years, has come from general state aid savings. The conferees on SB 432 specified that funding for the Mentor Teacher Program should take precedence over any other programs funded from general state aid savings. The State Department estimates that 1,000 teachers would be involved in the program during its first year, at a cost of \$1,000 per teacher, for a total of \$1.0 million in FY 2002. Because the conferees on SB 432 anticipate that the program would be funded from savings for general state aid, no new appropriation would be needed. However, to carry out the conference committee agreement, either the 2000 Legislature or the 2001 Legislature would have to include a new fund in the State Department's budget for the Kansas Mentor Teacher Program and attach a proviso to the appropriation for general state aid specifying that any balances in the fund at the end of June 30, 2001, would be transferred to the Kansas Mentor Teacher Program and that this transfer would take precedence over any other transfer the Legislature might authorize, such as for in service education.

For FY 2001, the State Department is requesting the addition of \$68,753 from the State General Fund for operating costs and one new position to develop the standards and provide the training to mentor teachers that the bill would require. The amount consists of \$44,100 for the salary of 1.0 FTE new Education Program Consultant, \$9,653 for associated operating costs, and \$15,000 for committee work to develop standards and criteria and to provide training.

Representative Farmer reported regarding the Kansas Mentor Teacher Program that the Budget Committee took no action with it. He also explained that the Budget Committee felt there were some problems. The bill is in Conference Committee and has been agreed to by the Conference Committee members, but the bill had not been signed yet. Representative Farmer noted that the bill would allow to retrain 1,000 teachers in the current year to be mentors and formalize the program, and the problem is that if the bill passes, 1,000 teachers will be trained with the expectation they will receive \$1,000 each and the grants will not be paid until 2002. Representative Farmer noted that the Budget Committee

CONTINUATION SHEET

believes they need to be more forthright about the funding and just outright fund it and not base it on savings.

National Board Certification. The bill would establish the National Board for Professional Teaching Standards Certification Incentive Program under which a teacher who attains National Board certification would be issued a Master Teacher's Certificate by the State Board of Education that would be valid for ten years. A teacher employed by a school district who has attained National Board certification would be paid an annual incentive bonus of \$1,000.

Although the ten-year certificate would be new policy, it is current policy to award one-time bonuses of \$1,000 for each teacher who receives National Board certification. For FY 2001, \$39,000 is included in the State Department's budget for this purpose. It is estimated that the cost of the program after four years would be \$270,000, assuming that 80 teachers attain National Board Certification during that period.

K. GBA No. 2, Item 31, pg. 14—Increase Per Pupil State Aid.

L. GBA No. 2, Item 32, pg. 14—KPERs School Retirement Contribution Costs.

H. GBA No. 2, Item 21, pg. 11—Transfer Language.

Representative Farmer reported that the Budget Committee, regarding the \$14.6 million dollars from the intergovernmental transfer program to special education, the Budget Committee did adopt GBA No. 2, Item 21 which is consistent with action already taken with special education.

Representative Farmer made a motion, second by Representative Reinhardt, to adopt the Education and Legislative Budget Committee report regarding the State Department of Education. Detailed Committee discussion followed.

Chairman Adkins mentioned that he wanted to make the Committee aware that in the structure of the Appropriations budget wishing to maintain a 7.5 ending balance, there is not quite the flexibility the Governor has in making that application for those dollars and that is why your committee is not recommending the hard dollars even though the original house position would be to do that.

Representative Farmer renewed his motion, second by Representative Reinhardt, to adopt the Education and Legislative Budget Committee report for the State Department of Education. Motion carried.

Social Services Budget Committee Report Recommendations

Department of Social and Rehabilitation Services

Reported by Representative Neufeld

A. Caseload Estimates. Staff of the Kansas Legislative Research Department, the Division of the Budget, the Kansas Department on Aging (KDOA) and the Department of Social and Rehabilitation Services (SRS) met on April 7 to develop consensus caseload estimates on agency programs for FY 2000 and FY 2001. Consensus was reached on expenditure estimates for Temporary Assistance for Families, General Assistance, regular medical assistance, and adult care facilities (including nursing facilities, nursing facilities for mental health). In total, estimated State General Fund expenditures are increased by \$4,185,031 in FY 2000 and \$11,598,944 in FY 2001. State General Fund expenditures for programs operated by SRS were increased by \$25,031 in FY 2000 and \$3,506,944 in FY 2001. Programs operated by the Department on Aging require an additional \$4,160,000 in FY 2000 and \$8,092,000 in FY 2001. The following tables summarize the October 1999 and April 2000 caseload estimates and the resulting differences:

CONTINUATION SHEET

FY 2000		October Estimate	April Estimate	Difference
Cash Assistance				
Temporary Assistance for Families	All Funds	\$ 43,440,000	\$ 42,300,000	\$ (1,140,000)
	SGF	31,433,070	31,433,070	0
General Assistance	All Funds	\$ 4,040,000	\$ 4,170,000	\$ 130,000
	SGF	4,040,000	4,170,000	130,000
Medical Assistance				
	All Funds	\$ 600,000,000	\$ 610,000,000	\$ 10,000,000
	SGF	207,204,355	207,204,355	0
Adult Care Homes				
Nursing Facilities (KDOA)	All Funds	\$ 264,600,000	\$ 275,000,000	\$ 10,400,000
	SGF	105,840,000	110,000,000	4,160,000
Nursing Facilities - Mental Health	All Funds	\$ 13,100,000	\$ 13,100,000	\$ 0
	SGF	9,427,969	9,323,000	(104,969)
Subtotal - Adult Care Facilities	All Funds	\$ 277,700,000	\$ 288,100,000	\$ 10,400,000
	SGF	\$ 115,267,969	\$ 119,323,000	\$ 4,055,031
FY 2001				
Cash Assistance				
Temporary Assistance for Families	All Funds	\$ 43,090,000	\$ 41,680,000	\$ (1,410,000)
	SGF	31,433,070	31,433,070	0
General Assistance	All Funds	\$ 4,040,000	\$ 4,170,000	\$ 130,000
	SGF	4,040,000	4,170,000	130,000
Medical Assistance				
	All Funds	\$ 633,314,000	\$ 651,500,000	\$ 18,186,000
	SGF	207,836,493	211,345,878	3,509,385
Adult Care Homes				
Nursing Facilities (KDOA)	All Funds	\$ 271,270,000	\$ 291,500,000	\$ 20,230,000
	SGF	108,508,000	116,600,000	8,092,000
Nursing Facilities - Mental Health	All Funds	\$ 13,800,000	\$ 13,786,000	\$ (14,000)
	SGF	9,932,441	9,800,000	(132,441)
Subtotal - Adult Care Facilities	All Funds	\$ 285,070,000	\$ 305,286,000	\$ 20,216,000
	SGF	\$ 118,440,441	\$ 126,400,000	\$ 7,959,559

B. Omnibus Review Items

1. Federal Medical Assistance—FY 2000 Reduction in federal Medical Assistance Fund (House Budget Committee and Senate Subcommittee). The House Budget Committee on Social Services and the Senate Subcommittee reviewing the SRS budget recommended that during the Omnibus Session the federal Medical Assistance Fund be reduced by \$509,147 to reflect the decrease in state match in the Homeless Mentally Ill Project made by the Governor in **GBA #1, Item 7**.

Representative Neufeld mentioned that the Budget Committee adopted GBA #1, Item 7.

2. Follow up on Child Support Enforcement Plan (House Budget Committee). The House Budget Committee on Social Services reviewing the Child Support Enforcement Program notes that the Governor's reduction coupled with the loss of federal funding will cut the funds available for enforcement contracts by approximately 45 percent in FY 2001. Therefore, the Department is requested to present a revised plan for managing the Program within the existing resources.

3. Follow up on the Temporary Assistance to Needy Families (House Budget Committee). The House Budget Committee on Social Services recommended the Department begin discussions with Community mental Health Centers, substance abuse treatment centers, Kansas Legal Services, and the Department of Human Resources to make recommendations on ways in which the state can meet the federal requirement for two-parent work in the Temporary Assistance to Needy Families Program. The recommendations and agency plan for meeting the work requirement are to be reviewed during the Omnibus Session.

4. Follow up Information on Providing Prenatal Coverage under the HealthWave Program (House Budget Committee). The House Budget Committee on Social Services felt that enough information was not yet available on providing prenatal coverage under the HealthWave program to make an informed recommendation during the regular budget review.

CONTINUATION SHEET

Therefore, the Department is to report updated information to the Budget Committee during the Omnibus Session.

5. Child Support--FY 2000 Reduction in federal Child Support Enforcement Fund (House Budget Committee and Senate Subcommittee). The House Budget Committee on Social Services and the Senate Subcommittee reviewing the SRS budget recommended that during the Omnibus Session the Child Support Enforcement Fund should be reduced by \$3,821,747 in FY 2000 to reflect the decrease in state match made by the Governor.

Representative Neufeld reported that this is the reduction made in federal funds because the original numbers in the budget were not accurate and reflects this regarding child support enforcement.

6. Follow Up on Reimbursement to Freestanding Psychiatric Hospitals (House Appropriations Committee). The House Appropriations Committee directed the Department of Social and Rehabilitation to report back prior to the Omnibus Session on data collected to equalize the rates for the freestanding psychiatric hospitals in Kansas.

7. Follow Up on Continuing the Homeless Mentally Ill Project (House Appropriations Committee). The House Appropriations Committee directed the Department to examine their uncommitted resources to continue the Homeless Mentally Ill Project in FY 2001 and report back prior to the Omnibus. The Governor removed all funding for the program in FY 2000 and FY 2001; however, the Department did fund \$238,000 from existing resources to continue the program in two areas of the state for FY 2000. The 1999 Legislature approved \$750,000 from the State General Fund for the program in FY 2000.

8. Follow Up on the Expanded Role of the Council of Community Members (House Budget Committee). The House Budget Committee reviewing the Mental Retardation Institutions made the following recommended changes to the role of Council of Community Members to:

- Review and approve the annual plan submitted by the Community Developmental Disability Organization for managing the waiting list within the funding appropriated;
- Oversee the implementation of the service reduction provisions of the contract between SRS and the Community Developmental Disability Organizations and will have a role in the approval of any plan of care in the region which exceeds normal tier rates or average use;
- Approve Community Developmental Disability Organization agreements with newly affiliating community service providers in the region;
- Assess each Community Developmental Disability Organization's regulatory implementation practices annually;
- Expand the membership of the Council to include representatives from the greater "community" where the services take place, such as local business people who can bring special skills or expertise needed while the majority of the councils are to remain consumers; and
- The Department of Social and Rehabilitation Services will use a rotating peer review system to assess and recommend best practice improvements for any Community Developmental Disability Organization.

The Budget Committee directed the Department to report at Omnibus on the progress of these changes and on feedback received from the public. The Conference Committee in Substitute for

CONTINUATION SHEET

SB 326 added a proviso that in any area where a community developmental disability organization (CDDO) provides treatment and care services for persons with developmental disabilities and a community services provider or providers also provides treatment and care services in the area in which the CDDO provides such treatment and services, the CDDO shall present a plan to the Secretary of Social and Rehabilitation Services for approval that demonstrates how the CDDO will impartially provide, directly or by subcontract, information about any and all community services that are available in such area to persons with developmental disabilities and the family members and that delineates the role that other community service providers may have in the dissemination of services information to consumers.

9. Review the Budget Structure of the Crisis Stabilization Center at the University of Kansas Medical Center (Senate Subcommittee). The Senate Subcommittee recommended that the budget structure of the Crisis Stabilization Center be reviewed during the Omnibus Session to determine if a cost sharing arrangement can be developed between the Department of Social and Rehabilitation Services, the KU Hospital Authority, the community mental health centers, and other involved entities. The Subcommittee expresses concern over the future of the Crisis Stabilization Center being operated at the University of Kansas Medical Center Hospital. With the reduction in state psychiatric hospital beds nationally, an array of crisis and community-based support services are critical in serving the needs of individuals with serious mental illness. On such alternative is the use of local hospital beds for stabilization of individuals. Generally the hospital beds are used for short term stays which allow the community mental health staff time to develop alternative crisis plans while the person is in a safe environment.

Representative Landwehr made a motion, second by Representative Pottorff, for a proviso regarding crisis stabilization to have the Secretary of SRS begin one or more pilot projects for people with mental illness. Representative Landwehr closed. Motion carried.

10. Follow Up on Definitions of a Child In Need of Care (House Budget Committee). The House Budget Committee requested that the Department review and clarify definitions of a Child In Need of Care, especially in the area of protective custody, and report back to the Budget Committee for Omnibus consideration. However, in **House Sub for SB 326** the language was added as a proviso and the Department is to report back at the beginning of the 2001 Legislative Session.

Representative Neufeld reported that the proviso was added that during the Fiscal Year ending June 30, 2001, the Secretary would hold 25 percent of the state aid and can call it a grant payment from this account to participating mental health center in Sedgwick County, Kansas, ComCare until such time as the Secretary determines the settlement has been reached in the disagreement between ComCare and Wichita Guidance Center and the issues resolved between ComCare and the unified school districts of Sedgwick County with outcomes that assure appropriate division of services, that is the same proviso in the original bill or a very similar proviso

11. Follow Up on the Medicaid Pharmacy Budget (Senate Subcommittee). The Senate Committee recommends that the Medicaid Pharmacy budget be reviewed during the Omnibus Session as the Legislative Post Audit Report on the Medicaid Program's Use of Generic Drugs was released after the Senate Subcommittee reported (late March). The Conference Committee in House Substitute for S.B. 326 deleted \$10.0 million all funds, including \$4.0 million from the State General Fund of the pharmacy budget and added a proviso which states that the Secretary shall not increase the average wholesale price discount above 12 percent; shall provide a statewide uniform dispensing fee that is applicable in all areas except in rural areas of the state or in cities and counties where competition does not exist for pharmacy business, and shall establish a unit dosage dispensing fee.

12. Review of the Community Mental Health Funding cuts (Senate Subcommittee). The Senate Subcommittee recommends that the reconsideration should be given to the funding of

CONTINUATION SHEET

community grants used for case managers which was reduced by \$600,000 from the State General Fund in the Governor's recommendation for FY 2000.

Representative Neufeld reported that a proviso was added to the medical assistance line item which requires Mental Health Centers and the Department of SRS to aggressively fund case management for mental illness through the Medicaid program and the Budget Committee added \$500,000 for the CMMC's to be able to do that plus they should be able to draw additional Medicaid money.

13. Home and Community Based Services Waiver Programs (House Budget Committee and Senate Subcommittees). The House Budget Committee on Social Services and the Senate Subcommittees reviewing the SRS budget recommend that consideration be given to the following issues during the Omnibus Session:

- The recommendations on the definitions of Needs vs Wants of consumers served by the Home and Community Based Services for the Mentally Retarded and the Physically Disabled by the task force of stakeholders.
- The House Budget Committee recommends that reconsideration be given to the issue of waiting lists for services in the Home and Community Based Services Waiver Programs.
- The projected shortfall in FY 2001 for the HCBS/DD waiver is \$4,228,527 all funds, including \$1,691,411 from the State General Fund.
- The projected shortfall in FY 2001 for the HCBS/PD waiver is \$3,834,556 all funds, including \$1,533,822 from the State General Fund.

14. The Children's Initiatives Funded Program (Conference Committee). The Conference Committee in House Substitute for S.B. 326 deleted all of the Children's Initiatives Funded Programs in FY 2001 to be reconsidered during the Omnibus Session. The following are the reductions:

Program	Children's Initiatives Fund	All Funds
HCBS/Children's Mental Health	\$ 1,000,000	\$ 2,500,000
Family Centered System of Care	5,000,000	5,000,000
HCBS/MRDD	3,000,000	7,500,000
HCBS/PD	1,800,000	4,500,000
Best Children's Programs Practices Research	250,000	250,000

C. Bills

1. S.B. 248 (Enrolled) creates the Kansas Intergovernmental Transfer Program to receive additional federal funding for nursing homes through the Kansas Medicaid Program. The bill also establishes the Senior Services Trust Fund, Senior Services Fund, State Medicaid Match Fund, HCBS Programs Fund, and the Long-Term Care Loan and Grant Fund. The Conference Committee in House Substitute for S.B. 326 created and appropriated the State Medicaid Match Fund and the HCBS Programs Fund. The Intergovernmental Transfer Fund, the Senior Services Fund, and the Long-Term Care Loan and Grant Fund need to be established in the appropriations bill for FY 2001.

CONTINUATION SHEET

2. H.B. 2814 (In the second house) creates the Senior Pharmacy Assistance Program to provide financial assistance to eligible individuals for the purchase of prescription drugs. The House position would begin enactment as of April 1, 2001 and the Senate positions would be July 1, 2001. The bill would be funded from the Senior Services Fund under the Kansas Intergovernmental Transfer Program (S.B. 248).

3. S.B. 530 (First House) creates a centralized unit for the collection and disbursement of child support payments through the Child Support Enforcement Division of SRS. The Department is required to collaborate with the Kansas Supreme Court in establishing the Kansas Payment Center. The fiscal note states that money for the payment center is included in the Governor's FY 2001 budget. However, if the bill fails to pass in the worst case scenario, could result in federal penalties and the loss of \$36.8 million in federal funds in FY 2001 as the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 required centralized processing of support payments as a key element for improving child support laws and procedures. Under the original federal penalty provision, Kansas was at risk of losing all federal funds for the IV-D program and a percentage of the TANF block grant. For states unable to meet the original 1999 implementation date, a 1999 federal law provides a graduated scale of IV-D penalties starting at 4 percent of federal financial participation and eliminates the related penalty against TANF. The new law also provides for waiver of all or part of the penalty for any state that completes implementation during federal fiscal year 2000. Based upon the current implementation schedule, Kansas expects to qualify for the partial waiver, limiting its penalty risk to 1 percent of administrative costs if the bill is enacted.

Representative Neufeld reported that the Budget Committee added a proviso that in case **SB 530** does not pass, it would allow the agency to continue the Kansas Payment Center, and therefore have a proviso to allow that center to continue, and if the bill passes, it will not be needed and the proviso will be deleted.

4. S.B. 633 (First House) makes changes to the Adoption and Safe Families Act to comply with federal regulations. In addition, the introduced bill created two subcategories of Children in Need of Care: children in need of protection and youth in need of community services; however, these provisions were removed by the Senate Judiciary Committee. The impact of this action, according to the Department of Social and Rehabilitation Services, is that the Child Welfare System is now underfunded by \$10.6 million all funds, including \$6.0 million from the State General Fund.

D. GBA No. 2, Item 12, pg. 6—Medical and Public Assistance Caseloads.

Representative Neufeld reported that the Budget Committee accepted GBA No. 2, Item 12 for FY 2000 and FY 2001.

E. GBA No. 2, Item 13, pg. 6—Shift Public Assistance Caseload Savings to State General Fund.

Representative Neufeld reported that the Budget Committee accepted GBA No. 2, Item 13 for FY 2000 and FY 2001.

F. GBA No. 2, Item 14, pg. 7—Foster Care.

Representative Neufeld reported that the Budget Committee accepted GBA No. 2, Item 14 as the Governor recommended.

Representative Neufeld reported that 2000 final action put in a proviso that instructs SRS to calculate average monthly referrals for foster care contractors and the adoption contractors and accelerate those payments for the last month of June to the first of June with the proviso that the contractors will put the

CONTINUATION SHEET

first priority in that money to pay subcontractors and that SRS make final adjustments, if needed if referrals exceed the estimates at the end of the month.

Representative Neufeld reported that the Budget Committee also put in a proviso in the 2001 budget that the Secretary of SRS pay the 2000 adoption contractor, Lutheran Social Services, for a final payment for approximately 450 children awaiting the paperwork to be completed on their adoptions although they have not been adopted yet and make that as soon as possible after July 1 which is approximately \$1.8 million dollars and should be enough with accelerated payments that they did in June to be sure all subcontractors get paid.

G. GBA No. 2, Item 15, pg. 7--Savings in the Medicaid Plan.

H. GBA No. 2, Item 16, pg. 8--Home and Community Based Services Programs Fund.

Representative Neufeld noted that you will see the \$15 million dollars in changes and although the numbers did not quite add up correctly the way the GBA came down, so the Budget Committee did not accept this GBA No. 2, Item 16, but did the same thing using the correct number.

I. GBA No. 2, Item 17, pg. 9--Intergovernmental Transfer.

Representative Neufeld reported that the Budget Committee agreed that they would fully fund the wage pass-through for the nursing home programs so you will see some adjustments in the dollars for that. He mentioned that the SRS portion for this is only for those beds that are mental health nursing home beds and therefore in the SRS budget there is only \$86,000 being transferred because that is all it takes and there will be a corresponding reduction in the Aging budget from the Governor's GBA on that one.

Representative Neufeld also reported that the Social Services Budget Committee has a proviso that in the Department of Administration Budget that now has the buildings from the Services for the Blind, allows SRS to continue doing services for all those that have been located into jobs and this situation has been handled, but they need to be sure they finish up and this proviso allows SRS to continue those services.

Representative Neufeld made a motion, second by Representative Ballard, to adopt the Social Services Budget Committee report regarding the Department of Social and Rehabilitation Services. Detailed Committee questions and discussion followed.

Representative McKechnie made a conceptual substitute motion, second by Representative Ballard, to direct the SRS Oversight Transition Committee, in the Legislature's Budget, to consider establishing priority of service delivery for the HCBS Waiver. Motion carried.

Representative Neufeld renewed his motion, second by Representative Landwehr, to adopt the Social Services Budget Committee report regarding the Department of Social and Rehabilitation Services as amended. Motion carried.

The meeting recessed at 12:10 p.m. and reconvened at 12:35 p.m.

Social Services Budget Committee Report Recommendations (continued)

Department on Aging

Reported by Representative Neufeld

- A. Caseload Estimates.** See Caseload Estimates under Department of Social and Rehabilitation Services.

CONTINUATION SHEET

B. Omnibus Review Items

1. Follow Up on the Nutrition Program Grants (House Budget Committee and Senate Subcommittee). The Secretary of Aging is directed to update the House Budget Committee and the Senate Subcommittee on the Nutrition Services Grants Program with regard to the impact of the possible reduction of \$450,000 in FY 2001 on the area nutrition sites. In addition, the Secretary is to report on the possibility of waiting lists due to a lack of volunteers to deliver the meals is also to be reviewed during the Omnibus Session.

2. The Retired Senior Volunteer Program (House Budget Committee and Senate Subcommittee). The House Budget Committee and the Senate Subcommittee reviewing the Department on Aging recommended reconsideration of the Retired Senior Volunteer Program funding for FY 2001. In FY 1999, grants of \$2,500 each were awarded to 15 service providers which were used to fund the administrative function of recruiting and connecting retired senior volunteers with not-for-profit volunteer organizations such as Red Cross Blood Mobile, Toys for Tots, and tutoring elementary school children. The 15 service providers connected 5,812 volunteers with not-for-profit organizations in Kansas. The volunteers provided 866,000 hours of work to the organizations during the fiscal year. During FY 2000 the funding was cut from \$50,000 to \$25,000. The Governor recommended \$25,000 from the State General Fund in FY 2001.

3. Wage Pass-Through Program (House Budget Committee and Senate Subcommittee). The House Budget Committee and the Senate Subcommittee recommended that the Wage Pass-Through Program which was implemented during the 1999 Legislative Session with passage of 1999 **SB 126** reviewed during the Omnibus Session for possible funding.

Representative Neufeld reported that the Budget Committee also did the wage pass-through, fully funding it out of the Medicaid match funds from the intergovernmental transfer for the Department of Social and Rehabilitation Services and the Department on Aging. Representative Neufeld noted that, although the Governor had it in the GBA, since it was split between SRS and the Department on Aging in reality they did not accept the GBA because he did it all in Aging.

4. Hesston Senior Center Program (House Budget Committee). The House Budget Committee recommends review of the Hesston Senior Center Program including performance outcomes and any other program information provided to the Committee prior to the Omnibus Session. The state funding for the program was eliminated in the Governor's FY 2001 recommendations. In the current year, funding of \$10,000 from the State General Fund was provided.

5. Senior Companion Program (Senate Subcommittee). The Senate Subcommittee recommends that the committee revisit the issue of the Senior Companion Program at Ft. Hays State University during the Omnibus Session for possible consideration of state funding. In FY 1999 the Department on Aging provided \$50,000 from the State General Fund.

6. Environmental Modification Grant Program (Senate Subcommittee). The Senate Subcommittee recommended Omnibus consideration of funding for the eliminated Environmental Modifications Grant Program in FY 2001. However, the Conference Committee on **SB 326** provided \$100,000 from the State General Fund for the program in FY 2001.

7. Home and Community Based Services for the Frail Elderly Waiver Program (House Budget Committee). The House Budget Committee wanted to review the recommendations of the task force of stakeholders on the definitions of Needs vs Wants of consumers served by the Home and Community Based Services for the Frail Elderly during the Omnibus Session.

CONTINUATION SHEET

C. Bills

1. **SB 248 (Enrolled)** creates the Kansas Intergovernmental Transfer Program to receive additional federal funding for nursing homes through the Kansas Medicaid Program. The bill also establishes the Senior Services Trust Fund, Senior Services Fund, State Medicaid Match Fund, HCBS Programs Fund, and the Long-Term Care Loan and Grant Fund. The Conference Committee in **SB 326** created and appropriated the State Medicaid Match Fund and the HCBS Programs Fund. The Intergovernmental Transfer Fund, the Senior Services Fund, and the Long-Term Care Loan and Grant Fund need to be established in the appropriation bill for FY 2001.

2. **HB 2814 (In the second house)** creates the Senior Pharmacy Assistance Program to provide financial assistance to eligible individuals for the purchase of prescription drugs. The House position would begin enactment as of April 1, 2001 and the Senate positions would be July 1, 2001. The bill would be funded from the Senior Services Fund under the Kansas Intergovernmental Transfer Program (**SB 248**).

3. **HB 2700 (In Conference)** would allow adult care homes and home health care agencies to acquire criminal background information from a private contractor approved by the Kansas Bureau of Investigation. The Department on Aging would be affected by passage of **HB 2700** and estimates the impact at \$61,250 (all funds), including \$24,500 from the State General Fund to comply with the provisions of the bill.

Representative Neufeld reported that the Budget Committee added \$61,250 all funds including \$24,500 SGF for **HB 2700**. Representative Neufeld noted that this is for the criminal history background checks. The bill is currently in Conference Committee so they put money in to fund it.

D. GBA No. 2, Item 17, pg. 8–Intergovernmental Transfer.

Representative Neufeld reported that the Governor has agreed with the Budget Committee position on the intergovernmental transfer bill.

E. GBA No. 2, Item 18, pg. 9–New Funds.

Representative Neufeld reported that for 2001, the Budget Committee adopted GBA No. 2, Item 18, which is the Intergovernmental Transfer Loan Fund, but they did not adopt it the way the Governor did it because the Nursing Facility Loan and Grant Fund should be the Long Term Care Loan and Grant Fund and the Budget Committee made that adjustment.

F. GBA No. 2, Item 19, pg. 9–Intergovernmental Expenditures.

Representative Neufeld reported that the Budget Committee did not adopt GBA No. 2, Item 19, but kept the same policy as a GBA and made the adjustments accordingly. The Budget Committee also adopted the caseload adjustments for the year 2000 for nursing homes. Representative Neufeld reported that the Senior Citizens Fund was created with no limits and the Budget Committee injected the federal money from the wage pass-through into that fund.

G. GBA No. 2, Item 20, pg. 11–HCBS/FE Waiver.

Representative Neufeld reported that the Governor did some shifting and reduced the SGF and all other funds \$1.8 million dollars to reduce the amount of money in the HCBS Waiver because of caseload adjustments in 2000 and the Budget Committee agreed. Representative Neufeld reported that the Budget Committee adopted the savings for 2001 under the HCBS/FE Waiver, as they did in the previous year, and adopted those savings. The Budget Committee also added a proviso to authorize the Secretary of Aging to expend federal monies received from nutrition grants and if the federal funding is reduced from monies provided for 2000, then the 2001 Legislature would review the program during

CONTINUATION SHEET

January for possible funding in an emergency supplemental bill and the Secretary is further required to complete a study of all the current ways in which seniors receive food services and make recommendations so duplications of efforts are not occurring. Representative Neufeld also reported that the Budget Committee added \$12,500 to the RSVP Program and since the in-home nutrition program currently has at least one program that is unable to deliver about 100 meals to about 100 people because there are no volunteers, they directed the RSVP Program with the additional money to put a first priority on recruiting volunteers to help with both the meal delivery, meal sites and other Area Agency on Agency programs to provide some of these services to Kansans. The money is funded internally within the agency out of their SGF funds.

H. GBA No. 2, Item 21, pg. 11–Transfer Language.

Representative Neufeld reported that the Governor had to allow the Department on Aging flexibility to manage within existing resources. In order to finish the year the Department needs a maximum amount of flexibility to shift money internally to finish up and this proviso allows them to do that and the Budget Committee agreed with the Governor on that.

I. GBA No. 2, Item 22, pg. 11–KSIT Rate Setting Dollars.

Representative Neufeld reported that in order to do the intergovernmental transfer someone needs to be hired to calculate the rates and the Governor recommends \$12,000 to pay for that, and the Budget Committee agreed.

J. GBA No. 2, Item 23, pg. 12–Operating Expenditures Correction.

Representative Neufeld reported that these are technical corrections in the budget and the Budget Committee agreed.

Representative Neufeld made a motion, second by Representative Ballard, to adopt the Social Services Budget Committee report regarding the Department on Aging. Motion carried.

Department of Social and Rehabilitation Services Re-visited Reported by Representative Neufeld

Representative Neufeld reported that on the back of the GBA is a chart, the Retirement Reductions, and what the Budget Committee did with SRS in regard to committee reductions is that they accepted the Governor's reductions and combined all of the vacancies in SRS and the losses all into one pool and then said they are going to take the reductions that are in this list (both 36 month and retirement reductions) and are going to take all of those out of the 271 that the Budget Committee reduced in the last bill so that not too many positions are taken away. Representative Neufeld noted that the Budget Committee is taking the Governor's position on money but it is just the positions that are left.

Representative Neufeld made a motion, second by Representative Landwehr, to amend the Social Services Budget Committee report regarding the Department of Social and Rehabilitation Services report. Motion carried.

Kansas Department of Health and Environment Reported by Representative Neufeld

A. Children's Initiatives Funding. The Conference Committee recommended the deletion of all funding recommended by the Governor from the Children's Initiatives Fund pending further review. These reductions total \$4.25 million, and include the Healthy Start Home

CONTINUATION SHEET

Visitor Program (\$250,000), the Infants and Toddlers Program (\$500,000), Smoking Cessation and Prevention Grants (\$500,000), and Kansas Health Foundation Community Partnership Grants (\$3,000,000).

The Senate Committee's recommendation had shifted the \$3.0 million for Kansas Health Foundation Grants to grants to local health departments on a competitive basis to develop prevention based, outcomes-driven programming, and/or community partnerships for delivery of services (such as nurse home visitation programs).

- B. Food Inspection Program.** The Senate Subcommittee recommended that State General Fund expenditures for the food inspection program be reviewed at Omnibus to determine if that funding is needed in light of **SB 661** which was introduced by the Senate Committee. The bill, if implemented, would allow for fees to be charged to grocery stores and food processing plants thus increasing revenues to the Food Inspection Fee Fund and allowing for decreased reliance on State General Fund dollars. **SB 661** was introduced by the Senate Committee on Ways and Means and referred to the Senate Committee on Public Health and Welfare. Prior to first adjournment, no action had been taken on the bill. FY 2001 budgeted expenditures for the program are \$1,904,686, including \$350,039 from the State General Fund.

Representative Neufeld reported that the Budget Committee attached a proviso since the bill has not passed to ask the Department of Health and Environment to draft rules and regulations to start putting in a multi-step fee schedule so that the small facilities pay a smaller fee and the large ones pay a larger fee. Representative Neufeld reported that the Budget Committee tried to simplify the accounting system at KDHE since they have done a much better job of fiscal management in the last year or two and that in the 2001 budget they combined several of the smaller funds into a larger fund, so they needed to include a proviso to reappropriate money from small funds in the 2000 budget to the new fund created in the 2001 budget.

- C. Temporary Licenses for Daycare Centers.** The House Committee recommended review of the issue of extending temporary licenses for daycare centers for an additional 90 days. The Committee recommended that the possibility of incorporating the provisions of **HB 3005** into the Omnibus appropriation bill be examined if **HB 3005** had not passed the Legislature. Currently, the bill is in a conference committee. The Senate Committee on Public Health and Welfare amended the bill to make clear that the authority to extend temporary permits does not require the approval of the Secretary of Social and Rehabilitation Services, thereby making the extension conform with the procedure for issuing the original temporary permit.

- D. Statewide Hepatitis B Immunization Initiative - Request For Information.** The House Budget Committee requested that the Department provide information on its plan for a statewide hepatitis B immunization program. According to the Department, the current plan for hepatitis B immunizations is a voluntary program targeted at children entering the peak years of risk (the teen and young adult years) rather than requiring the vaccine for school entry. The planned initiative will be funded with federal immunization funds. According to the Department, these federal dollars cannot be used for a mandated school entry requirement. Currently, efforts focus on delivery of vaccine to younger children, with publicly-funded vaccine now available to uninsured children through age 9 and at age 11. Many older children currently at ages 10 through 17 have not received the vaccine and will not receive it under current programs. The Department would like to embark on a campaign to improve the immunization coverage rate for hepatitis B of adolescents in Kansas through improvement of access to free vaccine. The following is a brief synopsis of the Department's plan:

The objective is to increase the level of immunization protection in the adolescent population of Kansas by offering free vaccine to children under 18 who are currently not eligible to receive publicly funded hepatitis B vaccine and do not have private insurance coverage. The target is to

CONTINUATION SHEET

approximately double the current level of protection among adolescents by immunizing 34,000 of these children during the campaign's first phase. The first phase will last six months from its starting date, currently projected for July 2000. The free vaccine campaign will be centered around the provision of free vaccine through local health departments. Local health departments will be encouraged to establish outreach activities to facilitate access to the vaccine for the target population. Enrollment of local health departments and individuals will be voluntary. The public information staff of the Department will have a lead role in developing the statewide media campaign, including developing, printing, and distributing brochures to advertise the campaign to the public.

- E. Public Water Systems - Request For Information.** The House Budget Committee requested information regarding the cause in the decrease in compliance with the federal Safe Drinking Water Act and how much of this decrease is the result of changed federal standards; the exact number of systems which will be out of compliance and the cost of bringing these systems into compliance; and a list of systems which the Department expects to address through the revolving loan program for upgrading in the next five years.

According to the Department, the decrease in compliance has resulted from a combination of increased requirements for treatment and monitoring combined with decreased staff in the Bureau of Water to oversee such requirements. The Department's estimate attributes 80 percent of the non-compliance to tougher standards. The stricter federal regulations require that water served to the public be a better quality and the regulations require more detailed monitoring, record keeping, and reporting. According to the Department, there are roughly a dozen new federal rules planned to be phased in over the next decade. Some of the most significant are not yet proposed, or are not final. Detailed information on new rules and those systems which would be impacted has been provided by the Department.

- F. Use of Medicaid Funds for the Aids Drug Assistance Program (ADAP) Maintenance of Effort - Request for Information.** The House Budget Committee requested information regarding the possibility of state Medicaid funds being incorporated into the calculations for Kansas' maintenance of effort for ADAP. This would require identification of how many Medicaid dollars are spent on HIV/AIDS activities, but would not actually require increased expenditures in either program. According to the Department, in the event that additional state funding is necessitated for ADAP in the future, it is possible that Medicaid funds could be used in the following fiscal years to meet the maintenance of effort that would be established. This sort of budgeting is being used in a few states currently.

According to information presented by the Department to the Budget Committee, federal dollars allocated for the program were sufficient for the federal fiscal year ending March 31. The Department will return to the 2001 Legislature with revised estimates for the current federal fiscal year.

- G. S.B. 501 (Law).** **S.B. 501** enacts the Agricultural and Specialty Chemical Remediation Act to address corrective action costs for release of agricultural or specialty chemicals that pose a threat to human health or the environment. The Act has two components: a Remediation Linked Deposit Loan Program and a Remediation Reimbursement Program. The bill also creates the Kansas Agricultural Remediation Board. The part of the bill that affects the Department of Health and Environment is contained in New Section 8, which establishes the Remediation Reimbursement Program under which eligible persons may be reimbursed for the costs of corrective action approved by the Department of Health and Environment or taken in accordance with requests or orders issued by the Department relative to agricultural and specialty chemical remediation activities. S.B. 501 also creates the Kansas Agricultural Remediation Fund, into which would be credited certain assessments on fertilizer blenders, commercial fertilizer, agricultural chemicals, pesticide dealers, and storage capacities of public grain warehouses.

CONTINUATION SHEET

The Department reports that it will need 1.0 FTE position and \$56,272 from special revenue funds to implement the program in FY 2001. Requested expenditures consist of \$45,989 for the salary of 1.0 FTE Environmental Geologist II, \$5,250 for ongoing operating expenditures, and \$5,033 for one-time costs of furniture and office equipment. According to the agency, the position would provide oversight of the remediation projects. The Department reports that costs associated with the bill would be paid for from the existing Voluntary Cleanup Fund.

- H. SB 513 (to Governor). SB 513 would exempt hair braiding from the list of professions regulated by the State Board of Cosmetology. However, the bill would require anyone who braids hair who wants to be exempt from the practice of cosmetology to complete a self-test included in a brochure prepared by the Department of Health and Environment. The bill directs the Secretary of Health and Environment to prepare the brochure and include in it information about infection control techniques that are appropriate for hair braiding outside the salon setting. The brochure and the self-test would be available through the Department's website or by mail, upon request. Anyone requesting the brochure would be charged a fee that would cover the Department's printing costs. The applicant would be required to keep the brochure and completed self-test at the location at which the individual is braiding hair.**

The Department of Health and Environment reports that costs associated with developing, printing, and mailing the brochure can be absorbed within the existing budget. Fees received to cover the cost of preparing the brochure could be credited to the existing Health and Environment Publication Fee Fund established by K.S.A. 75-5662. However, a proviso needs to be attached to the Fund to make it clear that the Fund can be used for purposes related to **SB 513**.

- I. HB 3020 (to Governor). HB 3020 establishes the Sunflower Army Ammunition Plant Remediation Trust Fund which will be administered by the Secretary of Health and Environment to pay qualified expenses of remediation of environmental contamination at the Sunflower Army Ammunition Plant. Funding for the trust fund will come from any proceeds received by the Department of Health and Environment from the payment obligation surety bonds furnished by the Oz Entertainment Company pursuant to a consent decree agreement. All expenditures from the trust fund would be subject to the appropriation process.**

There is no fiscal impact as the result of the bill in FY 2001, according to the Department of Health and Environment. However, it is necessary to appropriate the fund created by the bill (the "Sunflower Army Ammunition Plant Remediation Trust Fund") in the Department's budget. The Department would prefer that the fund have a "no limit" expenditure limitation because of the difficulty in predicting whether any proceeds from the payment of obligation surety bonds furnished by the Oz Entertainment Company will be paid to the Department.

- J. HB 2700 (Conference). HB 2700 would amend statutes relating to persons who are prohibited from being employed by an adult care home or a home health agency. The bill would add certain specified crimes to the list of crimes that result in a prohibition on employment by the adult care home or home health agency. The bill also would allow the operator of an adult care home or home health agency to be deemed in compliance with the statute if the operator receives the same or better criminal history information from a private contractor approved by the Kansas Bureau of Investigation. In addition, the Secretary of Health and Environment would be required to provide each person who requests information about a potential adult care home or home health care employee the criminal history record information provided to the Secretary by the Kansas Bureau of Investigation, regardless of whether the information relates to an adult conviction or juvenile adjudication that is one of the crimes that would result in barring the potential employee from working for the adult care home or home health agency. Within three business days, the Secretary must inform the potential employer whether the criminal history information reveals that the subject of the information has not been convicted of an offense that would result in the subject being prohibited from being employed in an adult care home or home**

CONTINUATION SHEET

health agency.

According to the Department of Health and Environment, the impact of the bill on the agency would be due to the short turnaround time in which to provide criminal history information (within three business days) and the fact that a copy of the criminal history information now would be required to be provided within three business days to each person who requests information about a potential adult care home or home health care employee. The Department is requesting a new position and \$34,026 from the State General Fund, which consists of \$23,180 for 1.0 FTE Office Assistant III and \$10,846 for other operating expenditures, including postage to mail the criminal history information in response to an estimated 30,000 requests per year.

K. GBA No. 2, Item 24, pg. 12–Infant Toddler Program Funding.

Representative Neufeld reported that the Budget Committee regarding the GBA No. 2, Item 24, the Governor reduced both the 2000 and 2001 SGF appropriations in the Infant and Toddler Program and used federal funding to provide the same amount of service and the Budget Committee has concurred with that. Representative Neufeld noted that there is a 27 month limit on the infant and toddler money and if the federal money where the Governor made this adjustment is not used, some of that federal money may need to be returned to the federal government and state money will be used instead to fund it. The Budget Committee felt the Governor made the right decision.

Representative Neufeld made a motion, second by Representative Ballard, to adopt the Social Services Budget Committee report regarding the Kansas Department of Health and Environment. Motion carried.

Behavioral Sciences Regulatory Board Reported by Representative Neufeld

- A. Review fee structure.** The Senate Subcommittee on the Behavioral Sciences Regulatory Board recommended the review of the agency fee structure at Omnibus. The fees are as follows:

CONTINUATION SHEET

Profession	Current Fee	Statutory Maximum
Social Worker		
Application KSA 65-6314(a)(2)	\$100	\$150
Original License	N/A	N/A
Renewal KSA 65-6314(a)(1)	\$100	\$150
Temporary License KSA 65-6314(a)(7)	\$50	\$50
Reinstatement KSA 65-6313(d); 65-6314(a)(1)	\$200	\$300
Psychologist		
Application KSA 74-5310(a)	\$75	\$150
Original License KSA 74-5310(a)	\$175	\$200
Renewal KSA 74-5319	\$200	\$200
Temporary License KSA 74-5316	\$30	\$15
Reinstatement KSA 74-5320	\$400	\$400
Professional Counselor		
Application KSA 65-5808(1)(a)	\$75	\$100
Original License KSA 65-5808(a)(2)	\$150	\$175
Renewal KSA 65-5808(a)(4)	\$150	\$150
Temporary License KSA 65-5808(a)(10)	\$150	\$150
Reinstatement KSA 65-5808(a)(5)(9)	\$300	\$300
Masters Level Psychologist		
Application KSA 74-5365(a)	\$75	\$200
Original License KSA 74-5365(a)	\$175	\$200
Renewal KSA 74-5365(a)	\$175	\$200
Temporary License KSA 74-5366(f)	\$100	\$100
Reinstatement KSA 74-5366(d)	\$350	\$400
Licensed Marriage and Family Therapist		
Application KSA 65-6411(a)(1)	\$75	\$150
Original License KSA 65-6411(a)(2)	\$150	\$175
Renewal KSA 65-6411(a)(4)	\$150	\$175
Temporary License KSA 65-6406	\$150	\$150
Reinstatement KSA 65-6411(a)(5)&(7)	\$150+	\$175
(Plus an additional \$5 for every 30 days the application is late.)		
Registered Alcohol and Other Drug Abuse Counselor		
Application KSA 65-6603(b)	\$100	\$100
Original License	N/A	N/A
Renewal KSA 65-6603(b)	\$100	\$100
Temporary License	N/A	N/A
Reinstatement KSA 65-6603(c)	\$200	\$200

CONTINUATION SHEET

Fee Fund Analysis

Resource Estimate	Actual FY 1999	Agency Est. FY 2000	Gov. Rec. FY 2000	Agency Req. FY 2001	Gov. Rec. FY 2001
Beginning Balance	\$ 344,468	\$ 386,547	\$ 386,547	\$ 396,096	\$ 431,043
Net Receipts	415,709	475,000	475,000	499,000	499,000
Total Funds Available	\$ 760,177	\$ 861,547	\$ 861,547	\$ 895,096	\$ 930,043
Less: Expenditures	373,630	465,451	430,504	439,121	424,641
Ending Balance	<u>\$ 386,547</u>	<u>\$ 396,096</u>	<u>\$ 431,043</u>	<u>\$ 455,975</u>	<u>\$ 505,402</u>

Ending Balance as					
Percentage of Expenditures	103.5%	85.1%	100.1%	103.8%	119.0%

Representative Neufeld reported that the Budget Committee reviewed the fee structure and under the statutory authority, the fees are correct so there is no report.

**Developmental Disabilities Institutions - Systemwide
Reported by Representative Neufeld**

A. Teacher Salary Increase. The Governor’s recommendation and the Legislative approved budget for FY 2001 includes teacher salary increases within the education contracts. The education contract in the FY 2001 approved budget for Kansas Neurological Institute includes an increase of 16.0 percent, while the education contract for Parsons State Hospital and Training Center contains an increase of 4.2 percent. The following table illustrates the adjustment necessary to provide for uniform salary increases across the institutions.

Percentage Increase	Kansas Neurological Institute	Parsons State Hospital and Training Center	Total
0.5	\$ (29,082)	\$ (6,043)	\$ (35,125)
1.0	(28,132)	(5,226)	(33,358)
1.5	(27,182)	(4,410)	(31,592)
2.0	(26,233)	(3,593)	(29,826)
2.5	(25,283)	(2,777)	(28,060)
3.0	(24,333)	(1,961)	(26,294)
3.5	(23,383)	(1,144)	(24,527)
4.0	(22,433)	(328)	(22,761)
4.5	(21,483)	488	(20,995)
5.0	(20,533)	1,305	(19,228)
5.5	(19,583)	2,121	(17,462)
6.0	(18,634)	2,938	(15,696)
6.5	(17,684)	3,754	(13,930)
7.0	(16,734)	4,570	(12,164)

B. Categorical Aid. For FY 2000, the budgeted school contracts for the institutions include categorical aid based on a rate of \$19,751 for Kansas Neurological Institute and \$20,000 for Parsons State Hospital and Training Center. The current FY 2000 categorical aid rate per eligible teaching unit is estimated to be \$19,770. If this rate is maintained, the school contracts at

CONTINUATION SHEET

the institutions would need adjustments. The table below identifies the State General Fund adjustments required.

Institution	Change
Kansas Neurological Institute	\$ 1,862
Parsons State Hospital and Training Center	\$ (1,392)

For FY 2001, the categorical aid rate was budgeted at \$19,815 for Kansas Neurological Institute and \$20,000 at Parsons State Hospital and Training Center. The current FY 2001 categorical aid rate is estimated to be \$20,491. The adjustments in State General Fund required are outlined in the table below.

Institution	Change
Kansas Neurological Institute	\$ 2,230
Parsons State Hospital and Training Center	\$ 1,232

**Mental Health Institutions - Systemwide
Reported by Representative Neufeld**

A. Teacher Salary Increases. The Governor’s recommendation and the Legislative approved budget for FY 2001 includes teacher salary increases within the education contracts. The education contract in the FY 2001 approved budget for Larned State Hospital includes an increase of 5.1 percent, while the education contract for Rainbow Mental Health Facility contains an increase of 6.0 percent. The following table illustrates the adjustment necessary to provide for uniform salary increases across the institutions.

Percentage Increase	Larned State Hospital	Rainbow Mental Health Facility	Total
0.5	\$ (74,075)	\$ (43,541)	\$ (117,616)
1.0	(66,014)	(39,582)	(105,596)
1.5	(57,954)	(35,624)	(93,578)
2.0	(49,893)	(31,666)	(81,559)
2.5	(41,833)	(27,708)	(69,541)
3.0	(33,772)	(23,749)	(57,521)
3.5	(25,712)	(19,791)	(45,503)
4.0	(17,651)	(15,833)	(33,484)
4.5	(9,591)	(11,874)	(21,465)
5.0	(1,530)	(7,916)	(9,446)
5.5	6,531	(3,958)	2,573
6.0	14,591	0	14,591
6.5	22,652	3,959	26,611
7.0	30,712	7,917	38,629

B. Categorical Aid. For FY 2000, the budgeted school contracts for the institutions include categorical aid based on a rate of \$20,000 for Larned State Hospital and \$20,707 for Rainbow Mental Health Facility. The current FY 2000 categorical aid rate per eligible teaching unit is estimated to be \$19,770. If this rate is maintained, the school contracts at the institutions would need adjustments. The table below identifies the State General Fund adjustments required.

CONTINUATION SHEET

Institution	Change
Larned State Hospital	\$ (2,951)
Rainbow Mental Health Facility	\$ (13,115)

For FY 2001, the categorical aid rate was budgeted at \$20,000 for Larned State Hospital and \$20,707 at Rainbow Mental Health Facility. The current FY 2001 categorical aid rate is estimated to be \$20,491. The adjustments in State General Fund required are outlined in the table below.

Institution	Change
Larned State Hospital	\$ 6,300
Rainbow Mental Health Facility	\$ (3,021)

Representative Neufeld reported that regarding the MHDD Hospitals the Budget Committee made the adjustment for categorical aid for KNI, Parsons, Larned and Rainbow in accordance with what has been done for the regular education system and they did the adjustments in teacher salaries at 2.5 percent salary increase across the board.

Representative Neufeld made a motion, second by Representative Ballard, to adopt the Social Services Budget Committee report regarding the Developmental Disabilities Institutions - Systemwide and Mental Health Institutions - Systemwide. Committee questions and discussion followed.

Representative Ballard made a substitute motion, second by Representative Dean, to amend the Social Services Budget Committee report regarding the Developmental Disabilities Institutions - Systemwide and Mental Health Institutions - Systemwide to make an adjustment for 2.7 percent teacher salary increase across the board including amending the budgets for the School for the Blind and the School for the Deaf accordingly. Motion carried.

Representative Neufeld made a motion, second by Representative Ballard, to adopt the Social Services Budget Committee report as amended regarding the Developmental Disabilities Institutions - Systemwide and Mental Health Institutions - Systemwide. Motion carried.

Public Safety Budget Committee Report Recommendations

**Kansas Bureau of Investigation
Reported by Representative Kline**

- A. Kansas City Kansas Forensic Laboratory (Senate Capital Improvements Subcommittee).** The agency requested an FY 2000 supplemental appropriation of \$231,000 from the State General Fund to complete the Kansas City, Kansas, satellite laboratory. During the 1999 Legislative Session, \$240,000 was appropriated to cover costs associated with remodeling the laboratory on the campus of Kansas City Kansas Community College. However, the original costs increased by \$48 per square foot from \$80 to \$128 per square foot, resulting in the agency’s request for \$144,000 in additional remodeling costs. In addition, \$87,000 was requested to finance the purchasing of equipment for the firearms section because federal funds which had been anticipated were not available.

Representative Kline reported that the Budget Committee did not take action on the Kansas City Kansas Forensic Laboratory request.

- C. SB 423 (Law).** **SB 423** expands the requirement that a \$150 Kansas Bureau of Investigation laboratory analysis fee be assessed against the defendant to cover all DUI cases involving a

CONTINUATION SHEET

conviction or diversion. Current law limited the DUI fee assessment to those cases involving drugs or controlled substances. The agency estimates that **SB 423** will generate \$100,000 in additional revenue which would be deposited in the Forensic Laboratory Materials Fee Fund (a no limit fund). The primary use of the fund has been to match federal grant moneys and for operation of the agency's laboratories. Also, the agency states that the additional revenue could be used to offset State General Fund financed expenditures within the Laboratory Division.

Representative Kline reported that the Budget Committee concurred with **SB 423** regarding the Forensic Laboratory Materials Fee Fund.

- D. HB 2700 (Conference Committee).** **HB 2700**, would amend current procedures and allow the operator of an adult care home or home health agency to receive a copy of the criminal history furnished to the Secretary of Health and Environment by the Kansas Bureau of Investigation, including information not relative to whether the subject of the criminal history has been convicted as an adult of any crime or has been adjudicated as a juvenile. The agency indicates that \$10,000 from the State General Fund of additional expenses would be incurred with the passage of this legislation due to the KBI's duties regarding the approval of contractors who would be conducting record checks instead of the agency itself. However, those additional expenses incurred by the agency would be offset by revenues received from the Department of Health and Environment for conducting those criminal history checks.

Currently, the potential employer requests the Secretary of Health and Environment to provide information that relates to a person who is being considered for employment by an adult care home or home health agency for the purpose of determining whether the subject is prohibited from being employed in such home or agency. The Secretary is authorized to receive such information from the KBI (the request and response are transmitted by computer linkage). If the potential employee has no criminal history record, the KBI informs the Secretary who, in turn, informs the adult care home or home health agency operator requesting the information that the potential employee is not prohibited from employment by KSA 1999 Supp. 39-970 or KSA 1999 Supp. 65-5117. If the subject of the investigation has a criminal history record, the KBI sends a record of adult convictions and juvenile adjudications to the Secretary and the legal staff of the Department of Health and Environment review this record and determine whether the suspect has been convicted of a crime that would disqualify them for employment.

Representative Kline reported that the Budget Committee concurred with **HB 2700** involving criminal history paid for by Health and Environment.

Representative Kline made a motion, second by Representative McKechnie, to adopt the Public Safety Budget Committee report regarding the Kansas Bureau of Investigation. Committee questions and discussion followed.

Representative Reardon made a substitute motion, second by Representative Dean, to add \$231,000 State General Fund to the Kansas Bureau of Investigation budget for the Kansas City Lab. Committee questions and discussion followed. Motion carried.

Representative Kline made a motion, second by Representative McKechnie, to adopt the Public Safety Budget Committee report as amended regarding the Kansas Bureau of Investigation. Motion carried.

Parole Board

Reported by Representative Kline

- A. Additional Board Member Position (House Budget Committee and Senate Subcommittee).** In the *Governor's FY 2001 Budget Report*, 1.0 FTE Board member position and the corresponding funding were deleted to reflect the Governor's recommendation to reduce the Board from 4.0 to 3.0 members. **SB 347**, reducing the Board's membership from

CONTINUATION SHEET

4.0 to 3.0, was introduced during the 1999 Session, and passed the Senate. However, the bill did not pass the House. Therefore, \$108,910 (including fringes) from the State General Fund, and 1.0 FTE position should be considered for restoration to the agency's budget in FY 2001.

Representative Kline reported that the Budget Committee recommends that the \$108,910 from the State General Fund and the 1.0 FTE position should be added.

Representative Kline made a motion, and second by Representative McKechnie, to adopt the Public Safety Budget Committee report regarding the Parole Board. Motion carried. Representatives Adkins and Landwehr requested to be recorded as voting "No".

Sentencing Commission Reported by Representative Kline

A. The Criminal Justice Information System (House Budget Committee). During the 2000 Legislative Session, the House Budget Committee was informed that the completion of the Criminal Justice Information System (CJIS) was nine months behind schedule, and that the CJIS project director had been transferred to another state agency. The House Budget Committee suggested that CJIS expenditures, and the project as a whole, should be consolidated into one budget document and a proviso added directing all agencies to submit CJIS expenditures to the Sentencing Commission, thereby creating a unified budget. Additionally, the House Committee considered transferring the CJIS Project Manager to the Sentencing Commission and having the Manager report to the Director of the Sentencing Commission. The House Budget Committee recommended reviewing the CJIS project at Omnibus.

Representative Kline reported that the Budget Committee recommended adding a proviso that creates a consolidated, unified CJIS budget and that CJIS be transferred, including the new director to the Sentencing Commission, and add 1 FTE and \$111,519 State General fund to the Sentencing Commission for that position.

B. Highway Forfeiture Funds (House Budget Committee and Senate Subcommittee). Under the Governor's FY 2000 recommendation, \$75,000 (from the Highway Forfeiture Fund) was used to offset \$75,000 in State General Fund expenditures. However, K.S.A. 60-4117 (d)(3) states ". . . moneys in the Kansas Bureau of Investigation state forfeiture fund, Kansas Highway Patrol state forfeiture fund, Kansas Department of Corrections forfeiture fund and the special law enforcement trust funds shall not be considered a source of revenue to meet normal operating expenses . . ." Therefore, both the House Budget Committee and Senate Subcommittee recommended a proviso be added in the Omnibus bill to allow the agency to expend funds from the Highway Forfeiture fund for normal operating expenditures for FY 2000. A proviso was also added to **SB 326** to allow the agency to expend those funds for normal operating expenses during FY 2001.

Representative Kline reported that the Budget Committee concurred with adding the proviso regarding the highway forfeiture funds.

C. GBA No. 2, Item 43, pg. 20—Criminal Justice Information System (CJIS).

Representative Kline reported that the Budget Committee concurred with GBA No. 2, Item 43.

Representative Kline made a motion, second by Representative McKechnie, to adopt the Public Safety Budget Committee report regarding the Sentencing Commission. Motion carried.

CONTINUATION SHEET

**Adjutant General
Reported by Representative Kline**

A. GBA No. 2, Item 44, pg. 20—Disaster Relief (Technical Adjustment).

Representative Kline reported that the Budget Committee concurred with GBA No. 2, Item 44 regarding a technical adjustment.

Representative Kline made a motion, second by Representative Weber, to adopt the Public Safety Budget Committee report regarding the Adjutant General. Motion carried.

**Kansas Highway Patrol
Reported by Representative Kline**

A. GBA No. 2, Item 45, pg. 21—Increased Gasoline Expenses.

B. GBA No. 2, Item 46, pg. 21—MCSAP Program Expansion.

Representative Kline reported that the Budget Committee concurs in both GBA's.

Representative Kline made a motion, second by Representative McKechnie, to adopt the Public Safety Budget Committee report regarding the Kansas Highway Patrol. Motion carried.

**Juvenile Justice Authority
Reported by Representative Kline**

A. Topeka Juvenile Correctional Facility Overcrowding Issues (Senate Subcommittee).

The Senate Subcommittee recommended that the facility carefully review population numbers and projected operating expenditures and present the numbers to the Committee during Omnibus. The facility initially requested \$1.9 million in FY 2001 for operating expenditures for 57 additional beds to be used for overcrowding emergencies. The agency then requested a revised \$1.4 million. It had originally requested \$742,313 in FY 1999 to operate the overcrowding beds, but used only \$36,000. The remainder was carried forward to FY 2000 to operate the same beds. The Senate Subcommittee concluded that the facility is experiencing difficulty in accurately estimating projected operating expenditures.

An additional issue the Senate Subcommittee noted was that although the facility has increased its juvenile offender bed capacity from 219 to 276 to meet overcrowding needs, it has only increased new staff by 4.0 FTE from FY 1999 to FY 2001. The 4.0 FTE new staff are part of the facility's Ancillary Services and serve juvenile offenders in a social worker capacity. The number of staff from the facility's Youth Services division, who are involved with the daily management and supervision of juvenile offenders, has not increased, but remained at 146.0 FTE. With an average daily population of 242 reported at the end of FY 1999 and a current population of 267 juvenile offenders, the ratio of Youth Services staff to juvenile offender has increased from 1.66 to 1.83.

The Subcommittee further noted that the agency has compensated for lack of staff by maximizing the use of expensive overtime compensation, which contributes to a higher operating cost of the 57 overcrowding beds and places additional pressures on staff. The total overtime cost is \$111,057 in FY 2000, which is \$83,700 more than the amount used in FY 1999. The facility requested \$215,628 in FY 2001 for overtime. For FY 2001, the Governor recommended \$46,336 and the Legislature concurred. The Senate Committee directed the facility to examine the effectiveness of using overtime compensation from a safety and cost standpoint and to address the issue of using unclassified temporary positions in place of overtime for FY 2001.

CONTINUATION SHEET

The Committee further directed the facility to report this information to the Committee during Omnibus.

Representative Kline reported that the Budget Committee worked over the formula regarding the Juvenile Justice Authority. The Prevention Grants to Communities Formula is the Budget Committee's proposed recommendation (Attachment 4) which was prepared by Robert Chapman, Kansas Legislative Research Department. Representative Kline explained that first of all, JJA are to take the funding for these grants and put it through the old formula, then determine which of the districts and how many would receive less than \$50,000. He noted that there were five districts that would have received less than \$50,000. Representative Kline continued that under the Budget Committee's formula, you would reduce \$50,000 for each of those five districts taken off the top and they all would get \$50,000 and then spread the balance of the total funding uniformly throughout the remaining districts, but none to those five.

B. Construction of Proposed Juvenile Correctional Facilities (Conference Committee). The Conference Committee on **SB 326** recommended delaying the agency's proposed facility construction budget of \$10,000,000 (SIBF) until Omnibus. The funds were requested to be used to commence construction on the agency's proposed juvenile maximum-security facility in Topeka and Larned replacement facility for FY 2001.

Representative Kline reported that the Budget Committee has concurred with the Governor in recommending authorization of \$16.5 million in bonds for capital improvements. Representative Kline reported that the Budget Committee concurred with the Governor's recommendation for the Beloit Juvenile Correctional Facility, for the Larned Juvenile Correction Facility. He mentioned that at Topeka, which was the focus of concern before, the agency has come up with a new plan and they have met the minimum requirement that the Budget Committee told them they had to have. Representative Kline mentioned that JJA's new plan at Topeka at the existing campus for most maximum facility includes:

- The security commons area is to be built on the east end of the existing campus for services including, but not limited to food and medical services and a visitors center
- On the east side of that commons area up there will be to 150 maximum security beds, up to 60 beds for systemwide and facility classification and diagnostic purposes and up to 15 medical beds
- Only one superintendent will govern both of these facilities
- In addition at Topeka, recalling that two old buildings that were extremely inappropriate for housing, replacements are going to be constructed for two 30-bed living units to replace the two story living units thus replacing 60 beds

C. Children's Initiatives Funding for Prevention and Intervention/Graduated Sanctions Grants (Conference Committee). As with all expenditures from the Children's Initiatives Fund in FY 2001, the Conference Committee on **SB 326** recommended delaying \$7,000,000 in FY 2001 from the Children's Initiatives Fund for prevention and intervention/graduated sanctions block grant funding until Omnibus.

Representative Kline made a motion, second by Representative McKechnie, to adopt the Public Safety Budget Committee report regarding the Juvenile Justice Authority. Detailed Committee questions and discussion followed on the prevention grants formula, the maximum facility 225 bed facility at Topeka and problems regarding responses from JJA when questions are asked or information requested. A vote was taken and division was requested. Motion failed.

The Chairman ruled and the question was divided.

Representative Kline made a motion, second by Representative McKechnie, to adopt the Public Safety Budget Committee report regarding the prevention grants to communities formula. Motion carried.

Representative Kline made a motion, second by Representative McKechnie, to adopt the Public Safety

CONTINUATION SHEET

Budget Committee report regarding the capital improvements at Beloit Juvenile Correctional Facility and Larned Juvenile Correctional Facility. Motion carried.

Regarding the Topeka Juvenile Correctional Facility, Chairman Adkins requested direction from the Committee. Discussion followed regarding the \$40 million in bonds that it would be helpful if JJA was present at the meeting and it was suggested that the Budget Committee meet with JJA another time to discuss it. Chairman Adkins encouraged the full committee members to visit with the budget committee members to express thoughts on how they might best represent the Committee's position to the agency and the administration.

Representative Kline made a motion, second by Representative McKechnie, to introduce a bill which would authorize to allow utilization of moneys in the State Institutions Building Fund for financing bonds for capital improvements for the Juvenile Justice Authority if it gets to the point where it is needed. Motion carried.

Emergency Medical Services Board Reported by Representative Kline

- A. Rural Health Options Grant Fund (House Budget Committee, Senate Subcommittee, and GBA No. 2, Item 48, pg. 21).** Both the House Budget Committee and Senate Subcommittee requested that a "Rural Health Options Grant Fund" be established as a no-limit fund. The fund is to receive transferred funds from Kansas Department of Health and Environment for FY 2000 and for future fiscal years. The funds will be used for expense reimbursements for a project to study rural Emergency Medical Services issues with regard to Community Access Hospitals. A federal grant of \$10,000 currently resides with KDHE and can be used by the agency for the remainder of FY 2000, provided the fund is established.
- B. KSIP Funds (Senate Subcommittee and GBA No. 2, Item 47, pg. 21).** The Senate Subcommittee requested that the agency have flexibility in spending \$34,047 of its FY 2000 KSIP funds for general operating expenditures to adjust for an apparent oversight in S.B. 39 that lapsed State General Fund monies. The recommendation of flexibility would make no change to the Governor's FY 2000 operating expenditures recommendation of \$826,956 from the State General Fund for FY 2000. The flexibility can be achieved by inserting the following proviso into the Omnibus bill that allows KSIP funds to be used for general operating expenditures: "In addition to the other purposes for which expenditures may be made by the above agency from the KSIP account established in state general fund for the above agency under the Kansas savings incentive program pursuant to section 91 of chapter 132 of the 1999 Session Laws of Kansas for the fiscal year ending June 30, 2000, expenditures may be made by the above agency from the KSIP account of the above agency in state general fund for fiscal year 2000 for operating expenditures: Provided, That expenditures for operating expenditures from the KSIP account of the above agency in state general fund for fiscal year 2000 shall not exceed \$34,047."

Representative Kline reported that the Budget Committee concurred with both Governor's Budget Amendments for this agency.

Representative Kline made a motion, second by Representative Weber, to adopt the Public Safety Budget Committee report regarding the Emergency Medical Services Board. Motion carried.

Department of Corrections Reported by Representative Kline

- A. Community Corrections Funding (Senate and House Recommendation).** Both committees recommended a review of community corrections funding during the omnibus session. The Governor's recommendation for community corrections funding in FY 2001 was a reduction of \$500,000 from funding in the current year and a reduction of almost \$2.0 million from the

CONTINUATION SHEET

agency's current services request. Subsequent to the recommendation for omnibus consideration, the Conference Committee on **SB 323** added funding totaling \$1,629,484 (including \$879,484 SGF) for enhanced community corrections. Therefore, the grants will total \$15,342,159, an increase of \$1,151,040 over the current fiscal year.

- B. El Dorado and Topeka Correctional Facility Capital Improvement Projects (Senate and House Recommendation).** Both committees recommended a review of the current status of the inmate population projections and alternatives to prison expansion which might become available. Both Committees removed the Governor's recommended funding of \$17.3 million for new construction at El Dorado (\$10.0 million in bonds and \$7.3 million in federal Violent Offender Incarceration/Truth in Sentencing Grant funds). Subsequent to the recommendation for omnibus consideration, the Conference Committee on **SB 323** added funding for a number of capacity and prison bed space demand reductions which are discussed below. The only prison beds space expansion in the Conference Committee recommendation is remodeling of the J Cellhouse at Topeka, as well as a new laundry facility and staff training building.
- C. SB 472 (Law).** **SB 472** modifies the penalty for conviction of a misdemeanor while on postrelease supervision, which requires the offender to be confined for not more than the remaining time of postrelease supervision as determined by the Kansas Parole Board. Old law requires the offender to serve for the conviction of either a new felony or misdemeanor the balance of their postrelease supervision without good time credits. **SB 472** differentiates between new felony and misdemeanor convictions, and is more lenient for misdemeanors. The Kansas Sentencing Commission projects a 18-54 annual reduction in bed space needs and the Division of the Budget anticipates reduced Department of Corrections' SGF inmate operating expenditures between \$49,500 and \$148,500, annually.
- D. Topeka Correctional Facility (HB 2624 in Conference Committee).** **HB 2624** includes provisions of **HB 3018** and **SB 275** and provides correctional facility employees an incentive package to retain staff at the Reception and Diagnostic Unit as the duties are transferred to El Dorado Correctional Facility. The incentive package is modeled after the package provided employees of Topeka and Winfield State Hospitals and includes right of first refusal, continuation of health coverage and death benefits, and payment for accumulated sick leave. The Department of Corrections has proposed postponement of the transfer of the Reception and Diagnostic Unit until late in calendar year 2001, fiscal year 2002. Additional provisions provide for an 85 point (combination of age and years of service) retirement option for participants in KPERS Correctional retirement.
- E. SB 323 (Conference Committee).** The Senate Ways and Means and House Appropriations Conference Committee on **SB 326**, the appropriations bill for FY 2001 and FY 2002, recommended the consolidation of a number of issues related to adult corrections into an omnibus corrections bill.

Items contained in House Sub. for **SB 323**, the Corrections Mega Bill include the following:

- **Day Reporting Centers**

Day reporting centers funding of \$1.9 million in FY 2001 for one-half year funding and \$3.8 million in FY 2002 for a full year funding. The Department of Corrections is required to contract for the operation of the centers because the federal crime bill funds (Violent Offender Incarceration/Truth in Sentencing grants) will fund the operation of programs if (a) they make available bedspace, and (b) if they are run by private companies. The plan anticipates three day reporting centers which include drug testing, reporting, and electronic monitoring in Kansas City, Topeka, and

CONTINUATION SHEET

Wichita.

- **Community Corrections Funding Increase**

Additional Community Corrections funding is included in two programs. \$750,000 for the Conditional Violator Grant which funds projects designed to divert offenders who would otherwise return to prison. The Governor did not fund the project after two years of funding. The grant is funded from the ending balance of the Correctional Industries fund.

- 879,484 SGF increases the average daily population served by Community Corrections. The increase is based on funding the anticipated impact on local Community Corrections organizations of the proposed legislative package in this bill.

- **New Construction**

- Included is \$4.4 million in bonding authority for projects at the Topeka Correctional Facility to address the female inmate bedspace demands. Includes \$2,140,000 to renovate the J-Cellhouse (the current male reception and diagnostic unit), a new laundry (\$764,600), and a new staff training center (\$386,175). The last two items are a result of the intent to remove the minimum custody correctional unit from the grounds of the former Topeka State Hospital to facilitate the property's disposition. Included in the bonding authority as well is \$1.1 million to repair the fire damage of the Correctional Industries Building at Lansing Correctional Facility.
- A proviso is included in the bill prohibiting the Kansas Development Finance Authority from any bond issuance for prison construction without specific legislative authorization.
- Add \$300,000 from the Correctional Institutions Building Fund to renovate or construct program space at Larned Correctional Mental Health Facility for the Chemical Dependency Recovery Program. These funds, in addition to \$750,000 State Institutions Building Fund in the SRS budget for construction or renovation of housing for the sexual predators as well as \$568,000 shifted from the Larned hospital to the prison, will make 30 maximum custody prison cells available.

- **Legislation Changes**

The Conference Committee includes the following legislation in **SB 323**, all of which targets low-level, primarily non-violent offenders who tend to violate the conditions of their post release supervision or probation and occupy prison beds for a brief period of time which would otherwise be available for violent offenders. The anticipated bed space savings from the Kansas Sentencing Commission on the bill is 924 beds in FY 2001 by diverting offenders.

No part of the legislative proposal adjusts Sentencing Guidelines to reduce the length of time any offender is required to spend in prison.

- Sub. for **HB 2683** passed the Senate on March 31, 2000. Contents of the bill include:
- Prohibition on racial profiling

CONTINUATION SHEET

- **SB 491** which passed the Senate but not the House
- Increases local jail time availability as a condition of probation from 30 to 120 days (not retroactive)
- Mandatory placement of probation conditional violators to community corrections or other alternative sanction (with public safety exception)
- Graduate and reduce some postrelease supervision lengths for some offenders (excludes N1-N4 and D1-D2)
- **SB 665** which passed the Senate
- N9 and N10 probation condition violators not revoked to prison, but to an alternative sanction (retroactive)
- Combine criminal history H and I (not retroactive)
- Graduate probation periods for levels N8-10 and D3-D4 (retroactive)
- No postrelease supervision for probation condition violators who serve sentence (excludes departures and sex offenders) (retroactive)
- **SB 490** passed the Senate and the House. The Senate version is included herein.
- Establishes a target population for community corrections programs and requires court services to establish a risk needs assessment to provide consistency of population, needs, and services, as well as the effectiveness of the programs.

Anticipated Fiscal Impact

The anticipated fiscal impact of the various provisions of **SB 323** are difficult to determine. The Division of the Budget and the Department of Corrections did not provide any information regarding fiscal impacts, other than to note offenders diverted from prison to community corrections might add \$2,653 per offender, the current per unit rate for community corrections, and offenders diverted from prison would decrease the prison cost at approximately \$5,500 per offender.

Neither the Division of the Budget nor the Department of Corrections provided any information regarding the bills' impact on diminished prison population growth, and subsequent operational and construction savings in the state's correctional system. In general, the fiscal impact on other agencies, local units of government, the judicial system are not available as well.

The fiscal impact data provided by the Division of the Budget and the Department of Corrections on the components of **SB 323**, can be summarized briefly :

1. **HB 2638** the prohibition against the practice of racial profiling by law enforcement

CONTINUATION SHEET

would have no anticipated fiscal impact for the state.

2. **SB 490** establishing the community corrections target population. The Division of the Budget fiscal note reported potentially off-setting funding shifts between prison costs and additional community corrections costs. Subsequent to the inclusion of **SB 490** in Substitute for **SB 323**, the Office of Judicial
3. Administration asserts additional costs of \$641,160 SGF to hire 20.0 additional court service officers to supervise an unspecified amount of offenders who may no longer be eligible for community corrections.
4. **SB 491 and SB 665** reducing supervision lengths and other modifications is without an overall fiscal impact statement from the Division of the Budget and the Department of Corrections. The administration presumes reduced bed space demands, estimated at 924 in FY 2001, and approximately 850 for each of the next nine years, which would be offset to some degree by increased costs to community corrections and court services. However, supervision lengths are reduced by one-half for many offenders, so caseload reductions must be considered as well for community corrections and court service supervision. Subsequent to the inclusion of **SB 490**, **SB 665**, and **SB 491** in **Sub for SB 323**, the Office of Judicial Administration asserts that court service caseloads warrant the addition of 61.0 court service officers and \$1,976,888 SGF, although the agency is not requesting the positions.

The Committee concurred with the Budget Committee recommendations to endorse **SB 323** including support for the House amendment to **SB 490** regarding N5-N6 inclusion in the target population for community corrections. The Committee also supported the Department of Corrections recommended amendments to **SB 323**, with the exception of no post release supervision for level N9-N10 probation condition violators and modifications to two criminal history categories.

F. GBA No. 2, Item 37, Page 17—Capacity Expansion Project at Ellsworth Correctional Facility

Representative Kline reported that the Budget Committee concurred with GBA No. 2, Item 37.

Representative Kline made a motion, second by Representative McKechnie, to adopt the Public Safety Budget Committee report regarding GBA No. 2, Item 37, for the capacity expansion project at Ellsworth Correctional Facility. Motion carried.

G. GBA No. 2, Item 38, Page 18—Federal Grant Award.

Representative Kline made a motion, second by Representative Weber, to adopt the Public Safety Budget Committee report regarding GBA No. 2, Item 38, Federal Grant Award. Motion carried.

H. GBA No. 2, Item 39, Page 18—Offender Programs .

Representative Kline made a motion, second by Representative McKechnie, to adopt the Public Safety Budget Committee report regarding GBA No. 2, Item 39, Offender Programs. Motion carried.

I. GBA No. 2, Item 40, Page 19—New Correctional Officer Position—Lansing Correctional Facility.

Representative Kline made a motion, second by Representative McKechnie, to adopt the Public Safety Budget Committee report regarding GBA No. 2, Item 40, New Correctional Officer Position—Lansing Correctional Facility. Motion carried.

CONTINUATION SHEET

J. GBA No. 2, Item 41, Page 19—Delay RDU Relocation—El Dorado Correctional Facility.

Representative Kline reported that there is a possibility that it may be necessary to delay moving RDU into the newer facilities at El Dorado. He mentioned that if that is the case, funding may be necessary to operate that facility to house additional prisoners. This budget amendment would provide that funding which will not be utilized unless it has to be delayed and the funds cannot be utilized without the specific authorization by the Director of the Budget.

Representative Kline made a motion, second by Representative McKechnie, to adopt the Public Safety Budget Committee report regarding GBA No. 2, Item 41, Delay RDU Relocation—El Dorado Correctional Facility. Motion carried.

Representative Shriver made a motion for a bill introduction that would make the Juvenile Justice Authority a division of the Department of Corrections. Discussion followed.

Chairman Adkins mentioned that he is willing to give the Public Safety Budget Committee another chance at this and perhaps look forward to a report from them early the next week on this issue.

Representative Shriver withdrew his motion.

K. GBA No. 2, Item 42, Page 20— Retirement Reduction Correction— Larned Correctional Mental Health Facility

Representative Kline made a motion, second by Representative McKechnie, to adopt the Public Safety Budget Committee report regarding GBA No. 2, Item 42—Retirement Reduction Correction—Larned Correctional Mental Health Facility. Motion carried.

Representative Kline made a motion, second by Representative McKechnie, to adopt the Public Safety Budget Committee report regarding the Department of Corrections including the section of the report of the bills in Conference Committee. Motion carried.

Representative Kline made a motion, second by Representative Weber, for a proviso language to postpone making payment to local jails for housing offenders until FY 2001. Motion carried.

General Government and Human Resources Budget Committee Report Recommendations

State Treasurer

Reported by Representative Pottorff

A. HB 2648 (Governor). One provision of **HB 2648** provides that fees paid to the State Treasurer for services provided with the issuance of municipal bonds be credited to the Bond Services Fee Fund in lieu of the State General Fund. Conferees on **HB 2559** (the original version of the proposal) indicated that operational efficiencies could be achieved if the Municipal Bond Services Program was operated on a fee basis. The fees for these services have generated between \$430,000 and \$610,000 in recent years. The approved FY 2001 budget for the Municipal Bond Services Program includes \$398,591 from the State General Fund. The State Treasurer has requested that the fees be allowed to accumulate in the Bond Services Fee Fund for a year and that the Municipal Bond Services Program be shifted to fee fund financing in FY 2002.

B. GBA No. 1, Item 4—Local Ad Valorem Tax Reduction Fund (LAVTRF) Payments. Based on actual expenditures, GBA No. 1, Item 4 reduces FY 2000 transfers to the Local Ad Valorem Tax Reduction Fund by \$169,092. Both the House and the Senate recommended that this item be considered at Omnibus.

Representative Pottorff reported that this was a technical reduction.

CONTINUATION SHEET

C. GBA No. 2, Item 11, Page 5 - Bond Service Fees.

Representative Pottorff reported that the Budget Committee agreed with GBA No. 2, Item 11.

D. GBA No. 2, Item 49, Page 22 - Agricultural Remediation Programs.

Representative Pottorff reported that the Budget Committee concurred with the recommendation of \$10,000, the Agricultural Remediation Programs, and shift it to the current year instead of the year 2001.

Representative Pottorff made a motion, second by Representative Stone, to adopt the General Government and Human Resources Budget Committee report for the State Treasurer. Motion carried.

**Department of Administration
Reported by Representative Pottorff**

A. SB 660 (Governor). **SB 660** authorizes the issuance of up to \$40.0 million in bonds for the renovation of the State Capitol. Implementation of the bill requires the creation of a new special revenue fund in the Department of Administration in FY 2001 with a proviso authorizing the issuance of the bonds and the expenditure of the bond proceeds.

Representative Pottorff reported that the Budget Committee agreed with section A. **SB 660** (Governor).

B. Public Broadcasting. The Senate Subcommittee on the budget for the Department of Administration recommended that funding to begin the implementation of digital broadcasting for the state's public broadcasting television stations in FY 2001 be reviewed at Omnibus. The Public Broadcasting Council estimates the initiative will cost \$48.3 million through FY 2004 and requests \$15.0 million from the state, with a minimum FY 2001 investment of \$1,450,000. Of this amount, the approved FY 2001 budget includes \$350,000.

Representative Pottorff reported that the Budget Committee felt no action was needed.

C. GBA No. 2, Item 4, Page 3 - State Emergency Fund Transfer.

Representative Pottorff reported that the Budget Committee agreed with GBA No. 2, Item 4, State Emergency Fund Transfer.

D. GBA No. 2, Item 5, Page 3 - Cost Increases at the State Motor Pool.

Representative Pottorff reported that the Budget Committee agreed with GBA No. 2, Item 5–Cost Increases at the State Motor Pool.

Representative Pottorff reported that **SB 635** did not pass and positions had been removed from the Department of Administration in anticipation of passage and the Budget Committee recommended restoring the 4 FTE positions back to that department.

Representative Pottorff made a motion, second by Representative Stone, to adopt the General Government and Human Resources Budget Committee report regarding the Department of Administration. Motion carried.

**Department of Commerce and Housing
Reported by Representative Pottorff**

CONTINUATION SHEET

A. Kansas Industrial Training and Retraining (KIT/KIR). The Senate Subcommittee recommended review of FY 2001 funding for KIT/KIR to determine if additional money should be added to return the program to current levels. The program is currently funded at the amount recommended by the Governor, \$3.3 million (Economic Development Initiatives Fund), this is a reduction of \$300,000 from the current year. The following table shows five years of expenditures for KIT/KIR.

KIT/KIR Expenditures				
Actual FY 1997	Actual FY 1998	Actual FY 1999	Approved FY 2000	Approved FY 2001
\$ 3,244,358	\$ 3,250,000	\$ 3,803,869	\$ 3,600,000	\$ 3,300,000

Representative Pottorff reported that the Budget Committee took no action.

B. GBA No. 2, Item 8, Page 4 - Sports Hall of Fame.

Representative Pottorff reported that the Budget Committee concurred with GBA No. 2, Item 8—Sports Hall of Fame. Representative Pottorff reported that the Budget Committee added another item, \$200,000 out of EDIF in FY 2001 for the Teachers Hall of Fame, which actually restores this to the Governor’s funding level that was in their bill originally and was reduced in the Conference Committee.

Representative Pottorff made a motion, and second by Representative Stone, to adopt the General Government and Human Resources Budget Committee report regarding the Department of Commerce and Housing. Motion carried.

**Kansas Technology Enterprise Corporation
Reported by Representative Pottorff**

A. Commercialization. The Senate Subcommittee recommended review of FY 2001 funding for the Commercialization program to determine if additional money should be added to return the program to current levels. The program is currently funded at the amount recommended by the Governor, \$845,000 (Economic Development Initiatives Fund), this is a reduction of \$845,000 from the revised recommendation for the current year. Additionally, **SB 39** transferred \$490,804 from KTEC to the Economic Development Initiatives Fund, \$200,000 of which was budgeted for Commercialization. This reflects the amount of reappropriated money KTEC was given authority to spend by the 1999 Legislature. At the present time, KTEC anticipates using KTEC holdings to make up the reduction in Commercialization grants. This will require completely spending down KTEC holdings.

KTEC holdings have been accumulating since FY 1993 to the current level of \$1.7 million. KTEC holdings receives revenues primarily from the Applied Research Matching Fund royalty payments and distributions from the Ad Astra and Commercialization funds, and it is the intent of both KTEC and the Legislature that these revenues eventually should reduce KTEC’s reliance on state funding. Expenditures from the account are subject to authorization by the KTEC Board of Directors. Annual receipts to KTEC holdings are volatile and unpredictable and have fluctuated dramatically. There is no guarantee that money expended in FY 2001 to fund the Commercialization program will be recouped in a short period of time.

Representative Pottorff reported that this was a Senate item and no action was taken. She further reported that KTEC requested an item that they would like the authorization for the re-appropriation expenditure of \$250,000 EDIF for a research matching grant for FY 2001 that does not require any new

CONTINUATION SHEET

funding.

Representative Pottorff made a motion, second by Representative Stone, to adopt the General Government and Human Resources Budget Committee report regarding KTEC. Motion carried.

Kansas Public Employees Retirement System (KPERS)

Reported by Representative Pottorff

- A. **Omnibus Review Item.** The House and Senate committees agreed to review fees paid to investment managers and for litigation expenses in order to determine if the expenditure limitation in FY 2000 should be adjusted. The approved FY 2000 limitation is \$26,644,408. The revised KPERS estimate is \$26,011,735, a reduction of \$632,673 in the approved limit set in **SB 39** earlier this Session.

Representative Pottorff reported that the Budget Committee for FY 2001 increased the amount of per annum spending of \$32,878.

- B. **HB 2034 (Governor) also GBA No. 2, Items 59-60.** The bill addresses a number of items affecting state employees, funding KPERS benefits, and implementing certain Governor's recommendations. GBA 2-59 and 2-60 also address revised Governor's recommendations on the subject of the KPERS payments for two programs.

Death and Disability Benefits Moratorium. Among the Governor's recommendations included in **HB 2034** as passed is a moratorium on the employer contributions for insurance payments that finance the KPERS death and long-term disability benefits program. The Legislature approved a five quarter holiday whereas the Governor's original recommendation was for four quarters. In GBA 2-59, the Governor concurs with the additional fifth quarter state savings of \$4,164,791 from the State General Fund that already was recognized by the Legislature.

Retirement Contribution Freeze. The Governor's recommended freeze on the state's employer retirement contribution rate in FY 2001 was not included in legislation passed. As a result, the state as a KPERS participating employer legally is obligated to pay the retirement assessment in FY 2001, including the anticipated increase of 0.39 percent. When the *Governor's Budget Report* for FY 2001 was prepared, the amount of funding for the 0.39 percent KPERS increase was omitted from state agency budgets. GBA No. 2-60 adds back for state agency budgets the \$9,430,170 that was omitted previously. The following table summarizes the amount of funding recommended by the Governor to finance the 0.39 percent retirement contribution increase in FY 2001. Most of the KPERS retirement contribution increase of \$9.43 million would be paid in the state's school contribution of \$6.49 million. The remaining portion of the state's obligation totals \$2.87 million for the state agencies, with \$2.1 million SGF and \$0.84 million all other funds. The Governor's proposed freeze of the retirement rate did not apply to local KPERS employers.

CONTINUATION SHEET

FY 2001 Financial Impact	
Estimated State KPERS Employer Contributions	
(In Millions)	
Retirement Contribution Increase	
State/School/TIAA	\$ 9.43
Local Units	<u>0.00</u>
Totals	<u>\$ 9.43</u>
State General Fund (a)	\$ 8.59
School Only SGF	\$ 6.49
 Source: GBA No. 2, Item 60.	
a) The Division of the Budget notes that \$2.6 million SGF of increased school funding would be paid in FY 2002.	

Representative Pottorff reported that the Budget Committee added a Senior Service Trust Fund in FY 2001 to the KPERS chart of account due to the passage of **SB 248** to direct KPERS to invest money from that fund concerning the intergovernmental transfer program. She also reported that the Budget Committee also added \$100,000 in FY 2000 to pay for the computer programming in conjunction with **HB 2624** that authorizes a new lump sum option retirement by KPERS members. Representative Pottorff reported that to reduce the limitation for KPERS Technology Project by \$2,351,255 for FY 2000 and add the limitation of \$2,351,255 since the project will spend funds in FY 2001 due to delays this year. She also reported that the Budget Committee recommends provisions to correct reductions of \$67,340 which was supposed to be from the agency's operations account instead of the KPERS Technology Project account in **SB 39**. Representative Pottorff also reported that the agency had come in with a request and the Budget Committee added \$16,540 for FY 2000 and FY 2001 the \$75,000 authorized previously to pay for incentive awards each year for unclassified staff. She mentioned that the Executive Director of KPERS is leaving and the Budget Committee added \$50,000 for FY 2000 for expenses related to the search for the new executive director and allow any unexpended money to carry over to FY 2000.

C. **SB 248 (Governor), SB 660 (Governor), HB 2559 (conference committee), HB 2624 (conference committee).** At least four bills have administrative impact on KPERS. New investment-related duties are assigned to KPERS by **SB 248, SB 660** and **HB 2559** for the purpose of investing non-KPERS money in order to earn a higher rate of return. In **HB 2624**, KPERS would be authorized to assess fees for any services provided in regard to activities not exclusively for the benefit of its members. This provision would authorize KPERS to recoup its own administrative costs and to pay for investment-related services out of non-KPERS funds. **SB 248** provides for KPERS investment and management of funds in the Intergovernmental Transfer Program. **SB 660** concerns financing restorations for the Capitol and investments by KPERS. Under **HB 2559**, the proceeds from the sale of the bonds and any tobacco settlement payments not required to pay debt service on the securities would be credited to the Kansas Endowment for Youth Fund consistent with current law on the use of tobacco settlement receipts. KPERS currently is authorized to invest funds from the tobacco settlement. The amount of money that could be available for investment by KPERS would increase dramatically under **HB 2559**. The Legislature should consider appropriating the Senior Services Trust Fund to KPERS pursuant to **SB 248**. The Kansas Endowment for Youth Fund already is appropriated to KPERS. No new fund is required to be appropriated to KPERS by **SB 660** when KPERS acts as the investment mechanism for unclaimed property in the State Treasury. No new staff is requested by KPERS for administering the provisions of these bills. Any fees collected by KPERS pursuant to **HB 2624** for administrative staff related-expenses potentially would reduce the amount of expenditures authorized to be paid from the Agency Operations account of the KPERS Fund. There is no estimate from KPERS regarding these new expenses

CONTINUATION SHEET

and a possible offsetting reduction of KPERS Fund expenditures.

In addition, a provision in **HB 2624** would authorize a new, lump sum payment option at retirement that could reduce an individual's KPERS defined monthly benefit by no more than 50 percent for life. Up to 50 percent of the actuarially-calculated benefit may be taken as a lump sum amount under this option. Individuals selecting the lump sum option would be required to choose a lump sum amount based on 10 percent increments. The implementation date would be delayed until FY 2002 in order to give KPERS adequate lead-in time to implement this change. The fiscal note for administrative costs is estimated at \$100,000 in FY 2001 in order to do programming work in preparation of offering this new option.

Representative Pottorff reported that there was more information that needed to get out to the retirees regarding KPERS and the Budget Committee instructed KPERS to relay informative updates to retirees at the conclusion of the 2000 Legislature about the different issues addressed and the outcomes about the status of KPERS fund and its condition after the session, about the long-term financial condition of the KPERS fund and the future retirement benefit payments and allow this information to be provided within existing budget resources. It would not be directed by proviso because KPERS has agreed to provide such information.

Representative Pottorff made a motion, second by Representative Stone, to adopt the General Government and Human Resources Budget Committee report regarding the Kansas Public Employees Retirement System (KPERS). Motion carried.

Kansas Racing and Gaming Commission Reported by Representative Pottorff

- A. Camptown Race Track – Omnibus Review Item; also GBA No. 2, Item 1—Camptown Racetrack.** Both House and Senate Committees recommended review during the Omnibus period for operating costs and staffing level associated with a track reopening. The Executive Director of the Kansas Racing and Gaming Commission notified the Director of the Budget that the current owner of Wichita Greyhound Park has purchased the now closed Camptown track in Frontenac. It has been closed since late 1995 and staff of the Commission who previously worked there were terminated or reassigned. The Commission has approved an application for license to reopen the track and for the not-for-profit organization. An application for track manager was rejected by the Commission. No specific dates for live racing have been approved by the Commission. However, a Commission meeting on April 28, 2000, will consider a request to start simulcasting and parimutuel betting on April 29, 2000.

Additional state personnel and expenditure authority are requested by the Commission in order to staff the facility. The fiscal note submitted by the Commission for staffing and State Racing Fund (SRF) financing totals 9.0 FTE positions and FY 2001 expenses of \$590,198. GBA 2-1 concurs with these estimates. Additional FY 2001 expenses would be paid from other funds totaling \$162,264. GBA 2-1 does not address expenditures from these other funds. Projections of revenue indicate an early cash flow problem in financing the budget items from revenues derived exclusively from the Camptown track and related activities since no start date for racing (either live or simulcasting) has been approved by the Commission. The fiscal impact initially would be a reduction in the projected transfers to the SGRF in FY 2000 and early FY 2001. However, the FY 2001 revenue estimate is \$884,400, or a net of \$294,000 more than budgeted expenses to be paid from the SRF.

Initial startup costs totaling \$258,653 are estimated and authority to hire nine new staff is requested in FY 2000. GBA 2-1 recommends \$212,393 from the State Racing Fund in FY 2000. GBA 2-1 does not address expenditures of \$46,260 from other funds in FY 2000. Most of the estimated FY 2001 excess revenue of \$294,000 presumably would repay the FY 2000 expenditure of \$212,393 from the State Racing Fund as recommended by the Governor before the track starts live racing and generates parimutuel revenue. The Governor's estimated FY

CONTINUATION SHEET

2000 revenue of \$168,100 presumes parimutuel betting will begin this fiscal year, even though the Commission has not approved live dates for racing. The delay in adding new staff and spending startup funds will be dependent upon approval of this budget request by the Legislature and when the Omnibus bill finally is published in the *Kansas Register*. In 1999, the Omnibus bill became effective on May 20, 1999, when published in the *Kansas Register*.

Camptown Budget Amendment				
Estimated Expenditures	Agency Req. FY 2000	Gov. Rec. FY 2000	Agency Req. FY 2001	Gov. Rec. FY 2001
Salaries and Wages	\$ 83,622	\$ 83,622	\$ 405,518	\$ 405,518
Contractual Services	69,270	69,270	164,720	164,720
Commodities	13,776	13,776	19,960	19,960
Capital Outlay	45,725	45,725	0	0
Subtotal—SRF	\$ 212,393	\$ 212,393	\$ 590,198	\$ 590,198
Other Funds	46,260	0	162,254	0
TOTAL—All Funds	<u>\$ 258,650</u>	<u>\$ 212,393</u>	<u>\$ 752,452</u>	<u>\$ 590,198</u>
FTE Positions	9.0	9.0	9.0	9.0

Representative Pottorff reported that the Budget Committee concurred with GBA No. 2, Item 1—Camptown Racetrack.

Representative Pottorff made a motion, second by Representative Stone, to adopt the General Government and Human Resources Budget Committee report regarding the Racing and Gaming Commission. Motion carried.

Kansas Public Employees Retirement System (KPERs) Re-Visited

Representative Spangler mentioned that a proviso had been added by the House to the FY 2001 budget in **SB 326** regarding Mr. Charles Kohler correcting a situation involving KPERs and it was removed by the Conference Committee report on **SB 326**.

Representative Spangler made a motion, second by Representative Nichols, to add the item regarding Mr. Charles Kohler correcting a situation involving KPERs. Motion carried.

**Kansas Lottery
Reported by Representative Pottorff**

- A. **Omnibus Review Item; also GBA No. 2, Item 2—Lottery Accounting Change.** Both House and Senate Committees recommended review of lottery sales for the Omnibus period. For FY 2000, the Legislature approved estimated lottery sales of \$198 million and projected transfers of \$59.4 million to the State Gaming Revenues Fund (SGRF). A provision in 1999 **SB 325** set the SGRF transfer rate to the statutory rate of 30.0 percent in FY 2000. As a result of using approximately \$2.0 million for enhanced prizes, the 1999 Legislature anticipated sales to increase in FY 2000. This adjustment was expected to increase the SGRF transfer by a net of \$732,560 according to the 1999 projection, which, in turn, would be to increase transfers by \$732,560 for the State General Fund (SGF) with total SGF transfers of \$9,400,000 in FY 2000.

In reviewing the Governor's revised FY 2000 budget recommendations and the Legislature's consideration of \$198 million in sales and \$59.4 million in SGRF transfers, some discussion took place about a penalty provision that was passed by the 1999 Legislature and operative if the

CONTINUATION SHEET

Lottery does not achieve the projected FY 2000 sales. Section 5(b) of Chapter 160, 1999 *Session Laws of Kansas*, would penalize the Lottery by up to \$732,560 if the approved FY 2000 SGRF transfers are not achieved. The penalty currently must be paid by June 20, 2000 if sales do not reach \$198 million by May 31, 2000.

In addition, the 2000 Legislature approved in **SB 326** a 13th SGRF transfer to be credited on June 30, 2001. GBA No. 2, Item 2 concurs with this additional transfer in FY 2001. The Legislature could consider deferring the June 20, 2000, penalty transfer if FY 2000 sales do not reach \$198 million by May 31, 2000. An additional \$4.5 million is anticipated in the 13th transfer on June 30, 2001. In order to achieve that estimate, the Legislature could consider alternatives to this year's penalty, such as to defer the penalty scheduled at the end of FY 2000, or alternatively, to cancel the penalty. If the penalty is postponed to another date, then it could be added to the 13th FY 2001 estimated transfer. That estimated amount could be raised to \$5.2 million for June 30, 2001. An added benefit would be to enhance the SGF ending balance when the 7.5 percent ending balance law is under pressure.

Lottery sales through March 31, 2000, lag behind the approved sales to date. Two months remain in this fiscal year. This year's transfer rate is based on 30.00 percent. Next year, the Legislature approved the Governor's recommended transfer rate of 30.75 percent in **SB 326**. The Lottery has begun reducing the amount of prizes to be paid next fiscal year based on having to transfer additional earnings to the SGRF beginning July 15, 2000.

	SGRF Transfer	Lottery Sales*
June	\$ --	\$ 18,944,359
July	5,683,308	14,951,008
August	4,485,331	13,946,199
September	4,183,867	14,911,064
October	4,472,405	16,440,160
November	4,932,926	13,977,940
December	4,193,382	15,389,849
January	4,616,955	18,624,174
February	5,587,252	16,508,129
March	4,952,439	19,945,032
April	5,983,509	NA
May	NA	NA
June	NA	-
To date	\$49,091,374	\$163,637,914
Mo. Ave.	4,909,137	16,363,791
Gov.Rec.	\$59,400,000	\$198,000,000
12 Mo. Ave. for Gov. Rec.	4,950,000	16,500,000
Remaining Difference	\$10,308,626	\$ 34,362,086
Remaining Monthly	\$ 5,154,313	\$ 17,181,043
* SGRF transfers are based on the prior month's sales.		

Representative Pottorff reported that the Budget Committee regarding GBA No. 2, Item 2, concurs with earlier action taken by the Senate, by the Legislature in **SB 326** with a 13th SGRF transfer was approved for FY 2001.

CONTINUATION SHEET

Representative Pottorff made a motion, second by Representative Stone, to adopt the General Government and Human Resources Budget Committee report regarding the Kansas Lottery. Motion carried.

**Secretary of State
Reported by Representative Pottorff**

- A. Census Adjustment (House Budget Committee and GBA No. 2, Item 7, pg. 4–Census Adjustment Operating Costs).** The House Budget Committee recommended a review of the estimated expenditures for the census adjustment. This recalculation is a Constitutional requirement for the agency and adjusts the federal census data to exclude nonresident students and military personnel and to count those who are Kansas residents at their place of permanent residence.

Estimated expenditures for the census adjustment total \$397,296 over four fiscal years. The agency had also requested 1.0 FTE Project Manager for FY 2001. Of the total estimated expenditures, approximately \$272,000 is for the contract for database services and support. The estimated expenditures are outlined by category in the table below.

Estimated Census Adjustment Expenditures

FY 2000	
Vendor Contract	\$ 20,000
TOTAL FY 2000	\$ 20,000
FY 2001	
Vendor Contract	\$ 194,972
Personnel	
1.0 FTE Project Manager	30,000
Temporaries	76,724
Other Operating Expenditures	18,460
TOTAL FY 2001	\$ 320,156
FY 2002	
Vendor Contract	\$ 45,819
TOTAL FY 2002	\$ 45,819
FY 2003	
Vendor Contract	\$ 11,321
TOTAL FY 2003	\$ 11,321
GRAND TOTAL	\$ 397,296

- B. SCR 1629 (Law).** SCR 1629 calls for a vote on a Constitutional amendment concerning property tax classifications for aircraft and watercraft. The Secretary of State’s office is required to publish the suggested amendment in the official newspaper in every county. The estimated cost of publication for the amendment contained in SCR 1629 is \$78,150 State General Fund for FY 2001.

- C. HB 2879 (Governor).** HB 2879 enacts the Uniform Electronic Transactions Act. Included in

CONTINUATION SHEET

the provisions of the act is the requirement that entities which certify electronic and digital signatures register with the Secretary of State's office and comply with rules and regulations adopted by the agency.

The Secretary of State estimates expenditures of \$109,430 (\$104,430 SGF) and an additional 2.0 FTE positions are needed beginning in FY 2001 to implement and carry out the requirements of the act. The estimate includes 1.0 FTE Information Resource Manager (\$62,500), 1.0 FTE clerical position (\$25,000), and associated operating expenditures (\$21,930). Staffing estimates are based upon similar programs in other states.

Estimated registration fees of \$5,000 are expected from annual filings and would offset a portion of the expenditures. However, the bill does not include language establishing a fee fund to receive the registration fees.

HB 2879 also impacts the Department of Administration.

Representative Pottorff reported that regarding **HB 2879** having to do with the Uniform Electronic Transactions Act. The Budget Committee did not go ahead and add the money for the information resource manager, the clerical position. They had asked the Secretary of State office to see if they might be able to come up with a plan for fee for this additional signature and are working on that issue.

D. SB 366 (Conference). SB 366 amends the Uniform Commercial Code to include language recommended by the National Conference of Commissioners on Uniform State Laws.

The agency estimates that implementation of the bill would require \$45,000 for the addition of 2.0 FTE clerical positions due to the mandatory two day turnaround required by the bill beginning in FY 2001. The additional expenditures would be paid through the agency's UCC Fee Fund.

Representative Pottorff reported that the Budget Committee authorized expenditure for FY 2001 for the UCC program pending passage of **SB 366** at \$45,000 fee fund and 2.0 FTE.

Representative Pottorff made a motion, second by Representative Stone, to adopt the General Government and Human Resources Budget Committee report regarding the Secretary of State. Motion carried.

E. GBA No. 2, Item 6, pg. 4—Recapture Presidential Primary Cost

Representative Pottorff reported that the Budget Committee adopted the funding that had to do with the census adjustment and there was \$2,000 SFG in FY 2000 and \$320,156 SGF and 1 FTE in FY 2000. They added funding for the publication of the Constitutional amendment in FY 2001 of \$78,150.

Governmental Ethics Commission Reported by Representative Pottorff

A. SB 481 (Conference). SB 481 adds the Governmental Ethics Commission to the list of agencies which submit a biennial budget. The House version also contains a 20 percent increase in the filing fees paid by candidates for office, political action committees, and lobbyists. The estimated revenue increase for FY 2001 for the agency is approximately \$17,500. The Senate version of the bill does not include the filing fee increase.

The FY 2001 budget recommended by the Governor and approved by the Legislature includes an 11.2 percent increase in the State General Fund appropriation for the agency. This relatively large increase was recommended due to concerns over the balance of the agency's fee fund. The increase in fee revenue should the House version **SB 481** pass could allow an offset of the State General Fund appropriation.

CONTINUATION SHEET

Representative Pottorff reported that the Budget Committee shifted funding pending passage of SB 481 which increases the fee charged with \$17,500 of SGF to fee fund FY 2001.

Representative Pottorff made a motion, second by Representative Stone, to adopt the General Government and Human Resources Budget Committee report for the Governmental Ethics Commission. A vote was taken and division was requested. Motion carried.

Kansas Commission on Veterans Affairs Reported by Representative Pottorff

Operating Expenditures at the Kansas Veterans' Home at Winfield and GBA No. 2, Item 28, pg. 13—Veterans Home Fee Fund Adjustments. The House Budget Committee and the Senate Subcommittee recommended that State General Fund dollars for operating expenditures for the Veterans' Home be reviewed to determine if adequate funding was provided in the Governor's budget. The Conference Committee removed the expenditure limitation on the Veterans' Home Fee Fund for FY 2001. The Superintendent of the Home had reported to both Committees that an increased rate bed occupation over the Governor's estimates (the Home is scheduled to open May 1, 2000) would result in increased revenues and the need for increased expenditures. The Superintendent estimates a possible State General Fund shortfall of up to \$500,000 for FY 2001.

Operating Expenditures at the Kansas Soldiers' Home at Fort Dodge. The House Budget Committee recommended that operating expenditures for the Soldiers' Home be reviewed to determine if the Governor's recommendation for FY 2001 was sufficient. According to the Commission, current expectations for FY 2001 are that the amount recommended by the Governor (\$5,528,572, including \$712,688 from the State General Fund) will be adequate.

Planning Funds for the State Veterans' Cemeteries Program. The House Budget Committee recommended that the Commission's request for \$50,000 (State Institutions Building Fund) in FY 2001 for planning costs for cemetery construction at Winfield and WaKeeney be reviewed. The planning costs would be reimbursed by the federal Veterans Administration once construction of the cemeteries begins. The FY 2000 budget includes \$100,000 (State Institutions Building Fund) for planning costs for the cemeteries at Fort Riley (\$75,000) and Winfield (\$25,000). The Commission reported to the Senate Subcommittee that delays in the transfer of the Fort Riley land could result in this money being made available for planning for the other cemeteries in FY 2001. In order to ensure flexibility in the cemetery construction program, the Commission is requesting the \$50,000 (State Institutions Building Fund) be added in FY 2001.

Representative Pottorff reported that the Budget Committee added funding from the SIBF for the planning costs for the veterans cemetery in FY 2001, \$50,000. She also mentioned that the Budget Committee added fee funds for the Veterans Home on the GBA No. 2, Item 28.

Representative Pottorff made a motion, second by Representative Shriver, to adopt the General Government and Human Resources Budget Committee report regarding the Kansas Commission on Veterans Affairs. Motion carried.

Kansas Department of Human Resources Reported by Representative Pottorff

- A. \$1.6 Million State General Fund for Welfare-to-Work State Match (House Budget Committee).** The House Budget Committee recommended a review of the agency request for \$1.6 million State General Fund in FY 2001 to provide the final state match necessary to access the \$3.2 million in federal money still available to the state. The Welfare to Work program provides transitional assistance which moves hard-to-employ welfare recipients living in high poverty areas into unsubsidized employment and economic self-sufficiency. This is done through

CONTINUATION SHEET

job readiness, placement, and post-employment services; vouchers for placement, readiness, and post-employment services; and job retention or support services for hard-to-employ welfare recipients. Current welfare to work programs can continue for 6 to 18 months without the match, depending on the service delivery area.

Representative Pottorff reported that the Budget Committee did discuss Welfare to Work in their Budget Committee, but no action was taken.

B. GBA No. 2, Item 26, pg. 12—Authority to Relocate Office Space.

Representative Pottorff reported that the Budget Committee agreed with GBA No. 2, Item 26—Authority to Relocate Office Space.

C. GBA No. 2, Item 27, pg. 13—New Federal Funds.

Representative Pottorff reported that the Budget Committee agreed with GBA No. 2, Item 27—New Federal Funds.

Representative Pottorff made a motion, second by Representative Stone, to adopt the General Government and Human Resources Budget Committee report regarding the Department of Human Resources. Motion carried.

Office of the Governor Reported by Representative Pottorff

A. GBA No. 2, Item 3, page 2—Coordinator Position for Workforce Development Issues.

Selected Agencies

A. GBA No. 2, Item 56, page 24—Revenue Loss--Production Loan.

B. GBA No. 2, Item 57, page 24—Four-Year Vacancies.

C. GBA No. 2, Item 58, page 25—Three-Year Vacancies.

D. GBA No. 2, Item 61, page 26—Retirement Reductions.

Representative Pottorff made a motion, second by Representative Stone, to adopt the General Government and Human Resources Budget Committee report regarding the Office of the Governor. Motion carried.

Insurance Department Reported by Representative Pottorff

Representative Pottorff reported that the following information was brought to the Budget Committee, but are not listed in the budget documents:

1. Creation of a new no-limit security bond and Escrow Payment Fund to allow the department to process settlement payment in conjunction with the Wichita Bonding Settlement having to do with the title company that closed in Wichita.
2. Add \$12,000 for FY 2000 and \$24,000 in FY 2001 for external review proceedings resulting from the enactment of **SB 3**.

Representative Pottorff made a motion, second by Representative Stone, to adopt the General Government and Human Resources Budget Committee report regarding the Insurance Department.

CONTINUATION SHEET

Motion carried.

Attorney General

Reported by Representative Pottorff

- A. Statewide D.A.R.E. Program.** Consideration of the Governor's recommended FY 2001 expenditure of \$159,956 from the Children's Initiatives Fund for the statewide Drug Abuse Resistance Education (D.A.R.E.) Program was deferred to the end of the session. Funding began for the program in FY 2000 (\$165,300 from tobacco money) after the 1999 Legislature located the statewide office in the Office of the Attorney General. Prior to that, training for an estimated 300 local law enforcement officers who participate in school and community D.A.R.E. programs was provided by the Topeka Police Department through federal funding, which now has ended. Training provided by the state office is not available elsewhere in Kansas. The staff for the program consists of the D.A.R.E. Coordinator, who was hired February 1, 2000, and a Secretary III, who was hired March 7, 2000. The office provides training to local D.A.R.E. officers, coordinates locally-funded activities and curricula, and will develop an evaluation tool to demonstrate the effectiveness of the program in Kansas. The office also will work with the Southeast Kansas Education Service Center (Greenbush) to partner in developing data from the "Communities That Care Survey," which is administered to students in more than 80 percent of Kansas schools. Currently, 550 elementary schools, 50 middle schools, and 8 high schools in 62 counties have programs. According to information provided by the Attorney General, more emphasis has been placed on elementary school programs in order to influence students before they are subject to peer pressure, but a goal of the statewide office is to expand the program at the middle and high school level where students are exposed to more risky behavior.

Representative Pottorff reported that the Budget Committee concurred with the Governor's expenditures regarding section A. Systemwide DARE Program. The Budget Committee attached a proviso to the appropriation requesting that the Attorney General report to the 2001 Legislature with research to document the effectiveness of the program nationwide on effect to develop data on the effectiveness of the program.

Representative Pottorff made a motion, second by Representative Stone, to adopt the General Government and Human Resources Budget Committee report regarding the Attorney General.

Representative Neufeld requested that this information regarding the DARE program be sent to the Children's Cabinet. The Chairman noted that this should be as a recommendation to the subcommittee handling Children's Initiative Fund Issues. Representative Pottorff agreed and moved her motion.

Motion carried.

Agriculture and Natural Resources Budget Committee Report Recommendations

Department of Agriculture

Reported by Representative Mollenkamp

- A. HB 2674 (Governor).** **HB 2674** privatizes the Corn, Grain Sorghum, Soybean, and Wheat Commissions. The first three commissions are organized with the Department of Agriculture. Each commodity will have its own commission elected by producer members who will serve three-year terms. The new commissions may not have less than seven members and each commission may, by majority vote, appoint two additional members to serve at-large.

For FY 2001 the bill transfers the balance of all funds and liabilities associated with the old grain commissions to each of the newly created commissions. The old funds are then abolished. The bill provides for the transfer of the property of the old Wheat Commission to the newly created wheat commission.

The assessments on the commodities imposed under the bill will be remitted to the Secretary of Agriculture. The Secretary will then deposit the moneys in a private bank account established in

CONTINUATION SHEET

the name of the appropriate commission. The bill gives the Secretary of Agriculture the power to (1) hire clerical and other personnel deemed necessary to carry out the act; (2) establish record keeping requirements deemed necessary by the commodity commissions; (3) inspect and audit any records required to be kept by the act; and (4) contract with any of the commissions for the collection of the assessments and to enter into any other contracts necessary to carry out the provisions of the bill.

The bill also establishes the Grain Commodities Commission Services Fund. The bill provides that all costs and expenses incurred by the Department in providing services to the commodity commissions will be paid from the fund.

Passage of **HB 2674** would result in a revenue reduction in FY 2001 of \$509,787 to the State General Fund and \$9,082,953 to all funds. The State General Fund reduction would include the loss of \$100,000 that the four commodity commissions transferred to the General Fund for administrative costs and \$409,787 in interest revenue. For the Agriculture Department in FY 2001, this would cause a reduction in expenditures of \$4,172,301 from other funds and a reduction of 1.3 FTE positions. For the Wheat Commission in FY 2001, this would cause a reduction in expenditures of \$3,432,606 and a reduction of 8.0 FTE positions.

Representative Mollenkamp reported that **HB 2674** passed the House and believed it was on the Governor's desk, if the Governor has not signed it already.

- B. SB 388 (Conference). **SB 388** would enact the Kansas Water Banking Act. The bill would allow for the chartering of water banks which would be private not-for-profit corporations. The water banks would provide safe deposit accounts for the deposit of unused water from a bankable water right for future use. Water banks may provide services to facilitate the sale or lease of water rights, in accordance to the Kansas Water Appropriations Act, and would be prohibited from owning, buying, or selling water rights.**

The water bank's charter must be approved by the Chief Engineer of the Division of Water Resources in the Department of Agriculture. Water banks would be chartered for a period of not more than seven years at which time the bank would be subject to a review by an evaluation team lead by the Kansas Geological Survey (KGS).

A provision of the bill would require water banks to pay all costs incurred by the Division of Water Resources and the KGS for assistance and services including costs for personnel. Payments received from the water banks would be deposited into either the Water Resources Cost Fund or the Geological Survey Cost Fund as appropriate to reimburse costs incurred by either the Division of Water Resources or the KGS.

In order to implement provisions of the bill, the Department of Agriculture indicates that in FY 2001, \$76,029 from the State General Fund and 3.0 unclassified temporary positions would be required. This estimate includes \$46,317 for 1.0 Environmental Scientist III position, \$10,578 for 1.0 Environmental Scientist II position, \$5,334 for 1.0 Office Assistant III position, and \$13,800 for travel and subsistence. The agency indicates that the Environmental Scientist II and Office Assistant III positions would not begin until the last quarter of FY 2001.

- C. SB 664 (Conference). **SB 664** would allow the Agriculture Department to fund more of the Division of Plant Health from other funds rather than the State General Fund. The bill would allow an additional \$75,000 to be funded from other funds. Specifically, it would permit \$35,000 from both the Feeding Stuffs Fee Fund and the Fertilizer Fee Fund and \$5,000 from the Agricultural Liming Materials Fee Fund. The Senate version of the bill allows the use of these funds for FY 2001; the House version of the bill allows the use for FY 2001 and FY 2002.**

The Governor's recommendation for FY 2001 includes the funding from these additional sources,

CONTINUATION SHEET

but not in the same combination. The Governor's recommendation, which was approved by the Legislature, includes an additional \$24,992 from the Feeding Stuffs Fee Fund, \$24,923 from the Fertilizer Fee Fund, and \$22,256 from the Agricultural Liming Materials Fee Fund.

Representative Mollenkamp reported that the Budget Committee basically followed the Governor's recommendations. Representative Mollenkamp explained that the Governor recommended and what the Legislature approved for 2001 includes the funding from these additional sources, but not in the same combination for FY 2001. The Budget Committee adjusted the expenditure limitations of these three funds to reflect the Legislative limits, that net affect of these adjustments was zero. The way the Budget Committee split it up was \$35,000, \$35,000 and only \$5,000 from the Agricultural Lining Materials Fee Fund which did not have as high a balance as the other two.

D. Convert 4.0 special project positions to full time unclassified positions in the Meat and Poultry Inspections Program (Technical Correction). During the 1999 session, for FY 2000, the Governor recommended and the Legislature approved four special project veterinarian positions to be converted to full time unclassified positions in the Meat and Poultry Inspections Program. However, the corresponding language is not included in either of the appropriations bills for FY 2000 (See 1999 *Session Laws*, Chapter 132, Sec. 82.) or for FY 2001 (SB 326).

Representative Mollenkamp reported that the Budget Committee recommended this technical correction.

E. GBA No. 2, Item 54, pg. 24—Fee Fund.

Representative Mollenkamp reported that the Budget Committee accepted GBA No. 2, Item 54.

Representative Mollenkamp made a motion, second by Representative Feuerborn, to adopt the Agriculture and Natural Resources Budget Committee report regarding the Department of Agriculture. Motion carried.

State Fair

Reported by Representative Mollenkamp

A. Financing of the facilities master plan (House Appropriations Committee). The State Fair Board states that the implementation of its facilities master plan will cost \$36,147,920. The construction period is estimated to take a minimum of six years. The agency initially requested this amount be paid by the State General Fund over a period of six years, approximately \$6 million per year. The State Fair now suggests that this project could be financed from the following four funding sources.

Funding Source	% Share	Amount
State's Share	64.0%	\$ 23,134,669
Private Support/Routine Rehab. & Repair	16.7%	6,036,703
State Fair Board's Share	11.0%	3,976,271
City of Hutchinson and Reno County	8.3%	3,000,277
TOTAL	100.0%	\$ 36,147,920

The State Fair further suggests that the shares of the state, agency, and local governments could be financed through the issuance of bonds which could be paid over a ten-year period. The local governments first bond payment could be scheduled for January 2002. The agency states that the local government contributions is contingent upon state funding. Under this proposal, the agency would cover the cost of inflation during the construction period through either private support or the agency's budget for routine rehabilitation and repair.

CONTINUATION SHEET

B. Financing of code compliance projects (Joint Committee on State Building Construction). The State Fair Board has incorporated the ADA, EPA, and fire code compliance projects into its facilities master plan. For FY 2001, the State Fair initially planned for \$150,000 from the State General Fund to be spent on code compliance projects. The Legislature has not approved any funds specifically for code compliance projects in the budget year. The agency now states that the following structures could be worked upon without conflicting the master plan.

Code Compliance Projects
(in descending order of priority)

Structure	Amount
Grandstand	\$ 440,000
Medora Restrooms	12,210
Beef Judging Arena	189,885
Administration	231,440
Rabbit Barn	26,695
Parking Stalls	193,545
New Restrooms	40,000
TOTAL	\$ 1,133,775

In April 1998, the State Fair Board completed a study of ADA, EPA, and fire code compliance projects. The total cost was estimated to be \$4,354,498. For FYs 1999-2000, an aggregate of \$925,000 has been appropriated. This includes \$870,000 from the State General Fund and \$55,000 from the State Fair Capital Improvement Fund.

CONTINUATION SHEET

<u>State Fair Capital Improvement Fund*</u>	<u>Actual FY 1999</u>	<u>Agency Est. FY 2000</u>	<u>Gov. Rec. FY 2000</u>	<u>Agency Req. FY 2001</u>	<u>Gov. Rec. FY 2001</u>
Beginning Balance	\$ 390,947	\$ 527,946	\$ 527,946	\$ 653,496	\$ 521,147
Transfer from Fee Fund	300,000	300,000	300,000	300,000	300,000
SGF Demand Transfer	260,000	300,000	300,000	300,000	300,000
Interest	17,078 *	30,000	30,000	30,000	30,000
Private Donations	1,750	0	0	0	0
Net Receipts	\$ 578,828	\$ 630,000	\$ 630,000	\$ 630,000	\$ 630,000
 Total Funds Available	 \$ 969,775	 \$ 1,157,946	 \$ 1,157,946	 \$ 1,283,496	 \$ 1,151,147
Less: Expenditures	441,829	504,450	636,799	600,000	600,000
Ending Balance	<u>\$ 527,946</u>	<u>\$ 653,496</u>	<u>\$ 521,147</u>	<u>\$ 683,496</u>	<u>\$ 551,147</u>
 Ending Balance as a Percentage of Expenditures	 119.5%	 129.5%	 81.8%	 113.9%	 91.9%

* For FYs 1999-2001 the Legislature has approved a “no limit” expenditure limitation on the State Fair Capital Improvement Fund.

** Interest was transferred from the State Fair Surplus Fund which was used in the grandstand renovation. This fund, along with the other obsolete grandstand funds, was abolished in SB 326.

Representative Mollenkamp reported that the Budget Committee recommended adding \$150,000 from the State General Fund for code compliance projects.

Representative Mollenkamp made a motion, second by Representative Feuerborn, to adopt the Agriculture and Natural Resources Budget Committee report recommendation regarding the State Fair.

Representative McKechnie made a substitute motion, second by Representative Feuerborn, to amend the Budget for the State Fair to authorize the State’s share at \$23,134,669 this year. Motion failed.

The Chairman ruled and called to the Committee’s attention the renewed motion by Representative Mollenkamp, second by Representative Feuerborn, to adopt the Agriculture and Natural Resources Budget Committee report regarding the State Fair. Motion carried.

**Wheat Commission
Reported by Representative Mollenkamp**

- A. **HB 2674 (Governor).** **HB 2674** privatizes the Corn, Grain Sorghum, Soybean, and Wheat Commissions. The first three commissions are organized with the Department of Agriculture. Each commodity will have its own commission elected by producer members who will serve three-year terms. The new commissions may not have less than seven members and each commission may, by majority vote, appoint two additional members to serve at-large.

For FY 2001 the bill transfers the balance of all funds and liabilities associated with the old grain commissions to each of the newly created commissions. The old funds are then abolished. The bill provides for the transfer of the property of the old Wheat Commission to the newly created

CONTINUATION SHEET

wheat commission.

The assessments on the commodities imposed under the bill will be remitted to the Secretary of Agriculture. The Secretary will then deposit the moneys in a private bank account established in the name of the appropriate commission. The bill gives the Secretary of Agriculture the power to (1) hire clerical and other personnel deemed necessary to carry out the act; (2) establish record keeping requirements deemed necessary by the commodity commissions; (3) inspect and audit any records required to be kept by the act; and (4) contract with any of the commissions for the collection of the assessments and to enter into any other contracts necessary to carry out the provisions of the bill.

The bill also establishes the Grain Commodities Commission Services Fund. The bill provides that all costs and expenses incurred by the Department in providing services to the commodity commissions will be paid from the fund.

Passage of **HB 2674** would result in a revenue reduction in FY 2001 of \$509,787 to the State General Fund and \$9,082,953 to all funds. The State General Fund reduction would include the loss of \$100,000 that the four commodity commissions transferred to the General Fund for administrative costs and \$409,787 in interest revenue. For the Agriculture Department in FY 2001, this would cause a reduction in expenditures of \$4,172,301 from other funds and a reduction of 1.3 FTE positions. For the Wheat Commission in FY 2001, this would cause a reduction in expenditures of \$3,432,606 and a reduction of 8.0 FTE positions.

- B. Clarify the elimination of restricted use funds (Technical Correction).** In **SB 39**, for FY 2000, the Legislature approved a reduction of \$237,000 from the expenditure limitation of the Wheat Commission Fee Fund. This is the amount that was not requested by the agency to be released by the State Finance Council for a new marketing plan. In interpreting **SB 39**, the Division of Accounts and Reports has applied this reduction to the agency's routine operations and not to the remaining restricted use funds.

Representative Mollenkamp reported that the Budget Committee concurred with the technical correction.

Representative Mollenkamp made a motion, second by Representative Feuerborn, to adopt the Agriculture and Natural Resources Budget Committee report regarding the Wheat Commission. Motion carried.

Animal Health Department Reported by Representative Feuerborn

- A. GBA No. 2, Item 50, pg. 22–National Poultry Improvement Plan.**

Representative Feuerborn reported that the Budget Committee concurred with GBA No. 2, Item 50–National Poultry Improvement Plan.

Representative Feuerborn made a motion, second by Representative Mollenkamp, to adopt the Agriculture and Natural Resources Budget Committee report regarding the Animal Health Department. Motion carried.

CONTINUATION SHEET

**State Conservation Commission
Reported by Representative Feuerborn**

A. GBA No. 2, Item 51, pg. 23–Released encumbrances of the State Water Plan Fund.

Representative Feuerborn reported that the Budget Committee did not concur with GBA No. 2, Item 51–Released encumbrances of the State Water Plan Fund. This should stay within the State Water Plan Fund.

**Kansas Water Office
Reported by Representative Feuerborn**

A. GBA No. 2, Item 52, pg. 23–Equus Beds Groundwater Research.

Representative Feuerborn reported that the Budget Committee concurred with GBA No. 2, Item 52–Equus Beds Groundwater Research.

B. GBA No. 2, Item 53, pg. 23–Water Marketing Fund.

Representative Feuerborn reported that the Budget Committee took no action.

Representative Feuerborn made a motion, second by Representative Mollenkamp, to adopt the Agriculture and Natural Resources Budget Committee report regarding the Kansas Water Office. Motion carried.

**Department of Wildlife and Parks
Reported by Representative Schwartz**

A. Technical Corrections. Inadvertently double counted the addition of \$391,621 Wildlife Fee Fund from the Governor’s GBA No. 1. The agency appropriation should be reduced \$391,621 to properly reflect the Legislature’s concurrence with the Governor’s recommendation.

Representative Schwartz reported that the Budget Committee concurred with the technical corrections.

B. SB 568 (Law). Increases the total number of nonresident antlered deer firearm permits issued to not more than 10 percent (from the current 5.0 percent) of the total number of resident deer firearm permits authorized for a season in a management area. Non-resident deer archery permits are increased to 15 percent. Eliminates the cap on the nonresident antlerless deer firearm and archery permits in areas where no resident limit exists. The Secretary is allowed to issues no more than 50 percent of the total number of nonresident deer permits to landowners and tenants applying for them, but the permits may be transferred to any resident or nonresident. The bill further requires the establishment of a toll free telephone number to report crop damage allegedly due to big game, and to provide other big game permit information. Additional provisions impose increased penalties for the illegal taking of big game.

The Department of Wildlife and Parks reports the increased issuance of hunting permits will bring in additional revenue to the Wildlife Fee Fund of \$921,010. Anticipated costs are estimated at \$14,280 Wildlife Fee Fund for the administration of new permitting as well as required hotline services and public notice provisions.

Representative Schwartz reported that the Budget Committee added \$250,000 EDIF to Local Government Outdoor Recreation Grants.

C. SB 316 (Conference Committee). **SB 316** would require annual and temporary state park motor vehicle permit fees for those 65 years of age or older and individuals with disabilities at one-half the current fee rate (one-half rate=\$14.75). The bill also require seniors to pay one-half

CONTINUATION SHEET

the current fee rate for hunting and fishing licenses (one-half=\$7.50), which was stricken on the House floor. The Department of Wildlife and Parks projects no anticipated increased expenditures from this bill, although Park Fee Fund revenues are projected to increase by as much as \$400,000 and licenses would provide as much as \$300,000 in state revenue and \$215,000 in federal funds.

Representative Schwartz made a motion, second by Representative Mollenkamp, to adopt the Agriculture and Natural Resources Budget Committee report regarding the Department of Wildlife and Parks. Motion carried.

Citizens' Utility Ratepayer Board Reported by Representative Schwartz

- A. **Enhancement Request (Senate Subcommittee and House Budget Committee.)** The agency requests enhancements of \$148,349 (special revenue funds) in FY 2001 including \$40,000 for additional professional services (consulting) and 2.0 additional FTE— one staff attorney and one secretary. An additional staff attorney, for a total of three, would address a heavy caseload and permit specialization in the areas of gas, electric, and telephone cases. Currently, the agency has an office specialist but no secretary. Both Committees recommended considering this request at Omnibus.

Representative Schwartz reported that the Budget Committee recommended 2 FTE's be funded at \$97,835 for a staff attorney and a secretary.

Representative Schwartz made a motion, second by Representative Mollenkamp, to adopt the Agriculture and Natural Resources Budget Committee report for the Citizens' Utility Ratepayer Board. Motion carried.

State Corporation Commission Reported by Representative Schwartz

- A. **HB 2782 (Conference Committee).** As passed by the House, **HB 2782** would create the Well Plugging Assurance Fund to receive certain revenues now deposited in the Conservation Fee Fund, and would authorize expenditures from the new fund for investigating abandoned wells, and well plugging or site remediation when drilling of the wells began after July 1, 1996. Certain balances in the Conservation Fee Fund would be transferred to the new fund on July 1, 2000. Because the new fund would earn interest, interest receipts to the SGF would decrease by approximately \$22,000. To the extent that expenditures for investigation or other administrative expenses are shifted, the aggregate limit applying to the Public Service Regulation Fund, the Motor Carrier License Fees Fund, and the Conservation Fee Fund could be reduced.

HB 2782 would make several changes to the statutes pertaining to the Abandoned Oil and Gas Well Fund, administered by the Commission. A change in the fee structure for financial assurance filings would shift approximately \$150,000 of revenue from the Conservation Fee Fund to the Abandoned Oil and Gas Well Fund, and add an estimated \$5,050 of such revenue. Expenditures from the Abandoned Oil and Gas Well Fund would be authorized for administrative expenses, and the fund would be made subject to a spending limit. To the extent that such expenditures are currently budgeted from the Conservation Fee Fund, the aggregate limit applying to the Public Service Regulation Fund, the Motor Carrier License Fees Fund, and the Conservation Fee Fund could be reduced.

The Commission reports that should **HB 2782** pass, it would require \$76,045 of new expenditures in FY 2001 for a plugging coordinator: \$65,720 in salaries and wages, including \$12,720 for fringes, and \$10,325 for other operating expenditures, of which \$4,500 would be one-time capital outlay. The approved budget for the Conservation Program contains one new FTE funded from current resources.

CONTINUATION SHEET

Representative Schwartz reported that the Budget Committee regarding **HB 2782** does not recommend additional new expenditure authority.

Representative Schwartz made a motion, second by Representative Feuerborn, to adopt the Agriculture and Natural Resources Budget Committee report regarding the Kansas Corporation Commission. Motion carried.

Selected Agencies

Vice Chairman Neufeld called on Alan Conroy, Kansas Legislative Research Department, for the Systemwide Issues.

Mr. Conroy explained the following issues (listed in Attachment 1, as stated previously in the minutes):

GBA No. 2, Item 56, page 24–Revenue Loss–Production Loan

GBA No. 2, Item 57, page 24–Four-Year Vacancies

GBA No. 2, Item 58, page 25–Three-Year Vacancies

GBA No. 2, Item 61, page 26–Retirement Reductions

Chairman Adkins made a motion, second by Representative Farmer, for adoption of the Selected Agencies budget amendments. Motion carried.

The Chairman announced the Committee would re-visit several items previously considered.

Representative Farmer mentioned that he would like to re-consider Committee action on the State Department of Education Budget after discussion with Alan Conroy, Kansas Legislative Research Department and Duane Goossen, Kansas Director of the Budget.

Representative Farmer made a motion, second by Representative Reinhardt, to amend the Education and Legislative Budget Committee report regarding the State Department of Education to concur with the Governor’s GBA and fully fund school finance from the State General Fund. Motion carried.

Representative Reardon made a motion, second by Representative Dean, to re-consider action on the motion to approve Capital Improvements for JJA in Topeka, when previously offered, had not been adopted. Motion carried.

The Chairman ruled and called to the Committee’s attention to approve the renewed motion by Representative Kline, second by Representative McKechnie, regarding the Public Safety Budget Committee report with regards to capital improvements at the Topeka Juvenile Correctional Facility Maximum Security unit. Motion carried.

Chairman Adkins mentioned that the initial review omnibus items has been completed and the items left to be resolved are the Children’s Initiatives Fund allocations and any recommendations that might be made with regards to creating a statute for leadership in the prevention arena in state government which has been referred to a subcommittee. Chairman Adkins mentioned that Chairwoman Weber is heading up that subcommittee. Chairwoman Weber announced that the subcommittee will meet on Tuesday, April 25, 2000, at 9:00 a.m. in room 514-S. Chairman Adkins mentioned that the full committee will meet at 12:00 noon on Tuesday, April 25, 2000, in room 514-S to consider a report from the subcommittee.

The meeting was adjourned at 4:30 p.m. The next meeting is scheduled for April 25, 2000.