

## MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Stephen Morris at 10:10 a.m. on April 22 - 23, 2004, in Room 123-S of the Capitol. These are the minutes of the 2004 Omnibus Session.

All members were present.

### Committee staff present:

Alan Conroy, Director, Kansas Legislative Research Department  
J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department  
Leah Robinson, Kansas Legislative Research Department  
Michele Alishahi, Kansas Legislative Research Department  
Nicoletta Buonasera, Kansas Legislative Research Department  
Melissa Calderwood, Kansas Legislative Research Department  
Amy Deckard, Kansas Legislative Research Department  
Audrey Dunkel, Kansas Legislative Research Department  
Julian Efird, Kansas Legislative Research Department  
Debra Hollon, Kansas Legislative Research Department  
Susan Kannarr, Kansas Legislative Research Department  
Becky Krahl, Kansas Legislative Research Department  
Carolyn Rampey, Kansas Legislative Research Department  
Amy VanHouse, Kansas Legislative Research Department  
Robert Waller, Kansas Legislative Research Department  
Norman Furse, Revisor of Statutes  
Jill Wolters, Senior Assistant, Revisor of Statutes  
Judy Bromich, Administrative Analyst  
Mary Shaw, Committee Secretary

### Conferees appearing before the committee:

None

### Others attending:

See Attached List.

Senator Helgeson moved, with a second by Senator Kerr, to approve the minutes of the March 3, March 5, March 8, March 9, March 10, March 11, March 12, March 15, March 16, March 17 (a.m.), and March 18, 2004, meetings. Motion carried on a voice vote.

J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department, gave a brief summary of the packet of information distributed to the committee for the FY 2004 and FY 2005 budgets for consideration of the Omnibus Appropriations Bill:

- Memorandum to Governor Kathleen Sebelius and the Legislative Budget Committee regarding Initial State General Fund Memo for Revised FY 2004 and FY 2005 Estimates (Attachment 1).
- State General Fund Receipts, Expenditures and Balances Profile, April 2004 Consensus Revenue Estimates, In Millions (Attachment 2).
- Information from the Office of the Governor regarding the vetoes made by the Governor (Attachment 3).
- Consensus Caseload Estimate, Governor's Recommendation vs. April 2004 Estimate (Attachment 4).
- State Water Plan Fund: FY 2004 and FY 2005 (Attachment 5).
- Economic Development Initiatives Fund FY 2004 and FY 2005 (Attachment 6).
- Children's Initiatives Fund FY 2004 and FY 2005 (Attachment 7).

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- Copy of a letter from Duane Goossen, Director, Division of the Budget, to Dale Brunton, Director, Division of Accounts and Reports, regarding requiring the Director of the Budget to certify revenue transfers to the Director of Accounts and Reports (Attachment 8).
- Items for Omnibus Consideration, dated April 21, 2004 (Attachment 9).
- Letter to the Chairman of the Senate Committee on Ways and the Chairman of the House Committee on Appropriations, from Governor Kathleen Sebelius, regarding the Governor's Budget Amendment No. 3 (Attachment 10).
- Shorthand List of Items for Omnibus Consideration (Includes Items referred by the House, Senate, and Conference Committees; GBA's; and bills with a fiscal impact) (Attachment 11).
- Governor's Recommended Adjustments to April 2004 State General Fund Receipts Contained in Governor's Budget Amendment No. 3 (Attachment 12).
- Information was distributed from Duane Goossen, Director, Division of the Budget, regarding the State General Fund Outlook, Updated to Reflect Revised CRE Revenues (Dollars in Millions) (Attachment 13).

The following information was distributed that was requested by the committee:

- Letter from Deb Hollon, Senior Fiscal Analyst, Kansas Legislative Research Department, regarding requested information on the following items (Attachment 14):
  - KU Medical Center Designation as a Comprehensive Cancer Research Center
  - National Guard Educational Assistance Program
  - Fiscal Note on **SB 490**
  - Fee Structure for Architectural Services - **HB 2752**
- Letter from Roderick Bremby, Secretary, Kansas Department of Health and Environment (KDHE), regarding response to the following Omnibus Items (Attachment 15):
  1. The Senate Committee asked whether additional State General Funds might be needed for immunizations.
  2. The Senate Committee requested that KDHE provide specific recommendations and performance measures for improving childhood immunization rates.
  3. The Senate Committee requested that KDHE review agency information on water fluoridation to identify public water supply funding sources to communities that could be conditioned upon fluoridation.

Chairman Morris welcomed Alan Conroy, Director, Kansas Legislative Research Department, who briefed the committee on the State General Fund Consensus Revenue Estimate regarding the positive adjustment in the amount of \$40 million dollars. The last five March or April consensus revenue estimates have all been revisions downward and this is the first positive adjustment upward. Mr. Conroy

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mentioned that it is important to note that the consensus group captured all of the adjustments to the State

General Fund in terms of legislation including **SB 399** which is the de-mutualization bill. He noted the additional information as follows:

- Kansas Personal Income is estimated to grow 4.6 percent in the current year and up to 4.9 percent in FY 2005.
- There is still concern about the unemployment level in Kansas. In FY 2003 the unemployment rate for Kansas was at 5.3 percent, the highest in nine years. The consensus group estimates that it will remain at 5.3 percent in the current year and then go down slightly to 5.1 percent in FY 2005.
- In terms of manufacturing jobs in looking back over the last five years to FY 1999, Kansas has lost 27,000 manufacturing jobs which is a significant loss to the state. In the Wichita area alone within the last two years there has been a loss of 10,000 transportation/equipment jobs tied to the aircraft manufacturing industry.
- Agriculture should be having a good year according to the information received, the All Farm Product Index Prices is up to 117 and last year it was at 100. Wheat prices are up about 32 cents a bushel and cattle prices are still running ahead for a couple years. It was noted that in some parts of the state the subsoil moisture content remains a big concern.
- Oil and gas in Kansas, in terms of average price per barrel, prices are at \$28.50 per barrel now and expected to go to \$29.00 per barrel. Natural gas production continues to decline in Kansas, especially the Hugoton field. Gross oil production in the state is stabilized at around 33 million barrels per year.
- Inflation remains at a moderate level, at their projection, at 1.7 percent in the current year and 2 percent for FY 2005.
- The Kansas Department of Revenue Tax Amnesty Program with the November estimate at \$19.5 million would be garnered in that program, but the latest estimate is \$28 million.

The Chairman called the committee's attention to discussion of the Items for Omnibus Consideration submitted by the Kansas Legislative Research Department and which is listed in this set of minutes. (Please refer to Attachment 9, blue copy.) The decisions regarding each item in the memorandum were made by the consensus of the committee (in italics) or by motions offered by the committee (underlined).

## ITEMS FOR OMNIBUS CONSIDERATION

### Legislature

**A. Non-session Legislative Allowance (Technical Adjustment).** Language in **HB 2675** inadvertently included an increase in the non-session legislative allowance for the entire FY 2005 instead of starting in April 2005 as intended. A technical change in the language is required to implement legislative intent.

*The committee concurred with this item.*

### Office of the Governor

**A. Substitute for House Bill No. 2435 (Law) and GBA No. 3, Item 16, p. 8. Sub. for HB 2435** creates the Hispanic and Latino American Affairs Commission and repeals statutes concerning the current Hispanic Affairs and the Mexican American Affairs Advisory Committees. The new Commission will be housed in the Governor's Office. Previously, the Advisory Committees were housed within the Department of Human Resources.

Membership, for three-year terms, on the Commission is outlined in the bill and is similar to the membership of the current Advisory Committee on Hispanic Affairs. Meeting dates, payment amounts, and qualifications are controlled by the same statutes governing the current Advisory Committee.

The bill also moves the Advisory Commission on African American Affairs from the Department of Human Resources to the Governor's Office.

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The currently approved FY 2005 budget for the Hispanic Affairs and Mexican American Affairs Advisory Committees totals \$194,365, including \$183,684 from the State General Fund and 3.0 FTE positions. The currently approved FY 2005 budget for the Advisory Commission on African American Affairs totals \$186,852, including \$183,502 from the State General Fund, and 3.0 FTE positions. Total combined funding currently approved for FY 2005 is \$381,217, including \$367,186 from the State General Fund, and 6.0 FTE positions.

*The committee concurred with this item and related Governor's budget amendment which also transfers the Office of Native American Affairs from the Department of Human Resources to the Governor's Office.*

### Department of Administration

**A. HB 2675 - Health Risk Appraisal (Veto).** The Governor vetoed the section of the FY 2005 appropriations bill which required the Department of Administration to provide, on request, written copies of the Health Risk Appraisal document which is currently only available online. The Governor's veto message indicated that when the contract with the vendor handling the Health Risk Appraisal was put in place, there were no provisions for paper format questionnaires or findings reports, and that providing paper forms would increase the costs of the program.

*The committee reviewed this item but took no action.*

**B. HB 2675 - KANS-A-N Directory (Veto).** The Governor vetoed the section of the FY 2005 appropriations bill that authorized the Department to provide paper copies of the KANS-A-N directory and to charge a fee to cover the costs of producing the directory. The Governor's veto message indicates the online directory saves money and can be updated more frequently than a paper copy.

Senator Helgerson moved, with a second by Senator Kerr, to add \$25,000 to the Legislature's Budget for the Kansas Department of Administration to print the KANS-A-N Directory and Legislative Services to distribute the directory. Motion carried on a voice vote.

**C. Use of State Building Funds for Insurance Costs (Conference Committee).** The Governor's FY 2005 recommendation for the Department of Administration included a total of \$438,326 from three state building funds, the Educational Building Fund (\$329,840), the State Institutions Building Fund (\$56,511), and the Correctional Institutions Building Fund (\$51,975) to offset State General Fund expenditures for building insurance costs. The Conference Committee on HB 2675 agreed to delete the funding for further consideration in the omnibus bill. Concerns were raised with the use of the funding, particularly in the case of the Educational Building Fund, given projected shortfalls to the EBF in FY 2004. Total recommended funding for the state umbrella policy in FY 2005 is \$559,218, and provides coverage for 765 buildings with a total replacement value of almost \$3.9 billion. In the past, the entire amount has been funded from the State General Fund, but the Governor's recommendation shifted all but \$120,892 to the state building funds. The Senate Ways and Means Committee has also recommended an interim study on this issue.

*The committee concurred to restore this item to the budget for FY 2005.*

**D. Department of Administration Capital Improvements (Senate Committee).** The Senate Ways and Means Committee expressed concern regarding a number of items reflected in the Department of Administration's capital improvements request which concerned life safety issues, and requested the topic be further addressed at Omnibus. The Department's FY 2005 capital improvements request included \$31.6 million from the State General Fund to address deferred maintenance issues in a number of state buildings, particularly the Docking and Landon State Office Buildings. The Committee noted that the Department was in the process of completing a study on the future use of those buildings, but was concerned that the safety of those employees working in the buildings not be compromised while that determination is being made. A code review study of the Docking and Landon Buildings completed in 2000 indicated that the primary need for safety upgrades to the buildings revolved around fire safety issues. The Department's FY 2005 request included slightly over \$3.0 million in fire detection and suppression projects as listed in the table below. Several of these projects have been requested for a number of years, and one, the Landon Fire Pump replacement project, was approved from a nonreportable funding source, the State Buildings Depreciation Fund, in FY 2004, but, according to the agency, there were not sufficient funds available to complete the project.

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Project	Amount
Docking Fire Detection System	\$ 367,642
Landon Fire Detection System	754,503
Docking Fire Suppression System	457,870
Landon Fire Suppression System	451,044
Kansas Judicial Center Fire Suppression System	500,000
Kansas Judicial Center Alarm Replacement	420,660
Landon Fire Pump Replacement	75,000
<b>TOTAL</b>	<b>\$ 3,026,719</b>

Senator Barone requested specific information regarding the Kansas Judicial Center Fire Suppression System and Alarm Replacement projects.

Information was distributed regarding the Kansas Judicial Center FY 2005 Capital Improvement Requests as follows (Attachment 16):

- Kansas Judicial Center Fire Suppression - \$500,000.
- Kansas Judicial Center Fire Alarm Replacement - \$420,660.

*The committee reviewed this item but took no action.*

**E. Language in Appropriations Bill (Technical Adjustment).** Subsections (k) and (o) of **House Bill No. 2675** (the FY 2005 appropriations bill) deals with the facility conservation improvement program, and transfers funds from the Kansas Corporation Commission (KCC) to the Department of Administration. The responsibility for administration of the program has been shifted to the KCC, and, as a result, the section needs to be deleted.

*The committee concurred with this item for technical adjustments .*

**F. GBA No. 3, Item 1, p. 2 - Medicaid Reimbursement/Older Americans Act Funding.**

*The committee concurred with this item.*

**G. GBA No. 3, Item 2, p. 2 - Motor Vehicle Sale Proceeds.**

*The committee concurred with this item.*

**Statehouse Cleaning.** (Attachment 17)

*The committee reviewed this item, but took no action. The Chairman suggested all interested parties meet to resolve this issue.*

**Juvenile Justice Authority**

**A. SB 183 - Interstate Compact for Juveniles (Law).** **SB 183** makes Kansas a member of the Interstate Compact for Juveniles (ICJ). The ICJ is an agreement between participating states regarding the supervision and apprehension of juveniles. The bill sets forth the organizational requirements for the state and the rules for participation in the ICJ. Specifically, the ICJ provides the framework for the supervision of juveniles on probation or parole across state lines and the return of absconders who escape from custody to their state of origin. The bill requires the formation of a State Council. The State Council consists of members of all three branches of government and victims groups, and may also include local government representatives. The purpose of the Council is to keep all agencies involved with juvenile justice informed of ICJ matters. The Juvenile Justice Authority estimates that participation in the ICJ would increase operating expenditures annually by \$46,700 beginning in FY 2005 from the State

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General Fund. The agency indicates that it would not be able to absorb the additional cost. In addition, 1.0 FTE position for a senior administrative specialist would be required to provide staff support for the Council and assist the Commissioner of JJA, who would serve as the state's representative on the National Council.

*[The committee reviewed this item but did not adopt it.]*

### **Kansas Juvenile Correctional Complex**

**A. Opening of the Kansas Juvenile Correctional Complex (KJCC) in FY 2005 (Senate Committee and House Committee) and GBA No. 3, Item 30, p. 14.** After reviewing several options presented by the Juvenile Justice Authority (JJA), the House Budget Committee encouraged the Governor to review the option of phasing in 40 Reception and Diagnostic Unit (RDU) Beds and 90 Maximum Security Beds in FY 2005. The estimated cost of this option is \$7,190,066 from the State General Fund. The House Budget Committee encouraged this option after receiving testimony from the Juvenile Justice Authority regarding the overcrowding at the Topeka Juvenile Correctional Facility (TJCF); noting that the security equipment in KJCC will not be tested before the warranties expire in December 2004; that TJCF is out of compliance with some standards set by the American Correctional Association (ACA) that would be resolved once KJCC opens and that JJA will continue to be out of compliance with state regulations regarding the requirement of a reception and diagnostic unit in the juvenile justice system.

After hearing testimony from JJA, the Senate Subcommittee noted that the above option of phasing in 40 Reception and Diagnostic Unit (RDU) Beds and 90 Maximum Security Beds in FY 2005 as the most desirable. The Subcommittee recognized that JJA is working with the Governor's office on reviewing this option and researching additional options to open the new facility in FY 2005. The subcommittee cited the opening of KJCC for Omnibus.

*[The committee concurred with this item.]*

### **Commission on Veterans Affairs**

**A. Additional Funding for Federal Grant Match (Senate Committee) and GBA No. 3, Item 20, p. 10.** The agency requested an additional \$181,771 (\$69,995 for the Kansas Soldiers' Home and \$111,776 for the Kansas Veterans' Home) for FY 2004 to meet the state's match portion for the federal capital improvements grant projects. The agency reported that without this funding, a portion of the projects would not be completed. The Senate Committee recommended the agency request a Governor's Budget Amendment for this item.

*The committee concurred with this item.*

**B. Fort Riley Cemetery Construction (Senate Committee).** The Senate Committee recommended a review of the status of the four state veterans cemeteries in FY 2005. While initial construction costs are financed through a federal grant, once construction is complete, the state is obligated to operate and maintain the cemeteries. Review of the fiscal note from the 1999 bill creating the cemetery program showed estimated annual program expenditures of \$606,111 with \$524,867 from the State General Fund and 12.0 FTE positions. The Committee expressed concern that cemetery program expenditures may now be estimated at much higher levels than the original fiscal note indicated. The Committee recommended work on the one cemetery where construction has not yet begun, Fort Riley, be stopped until review of this issue during Omnibus.

*The agency reported back to the committee but no action was taken on this item.*

**C. Systemwide Cemetery Staffing Needs (Senate Committee).** The Senate Committee recommended a complete review of the systemwide FY 2005 staffing needs of the cemetery program to be reported during Omnibus. The Committee heard testimony that funding is included in the budget for salaries for cemetery personnel at Fort Dodge, Winfield, and WaKeeney; however, vacant FTE positions from the Soldiers' and Veterans' Homes would be used to staff the Winfield and WaKeeney cemeteries. The Committee encouraged the agency to explore staffing alternatives, such as inmate or volunteer labor, for grounds keeping and maintenance functions.

*The agency reported back to the committee and submitted copies of the Executive*

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*Summary, State Veterans' Cemetery Program Staffing Analysis (Attachment 18).*

Senator Jackson had talked with representatives of the Veteran's Commission and they had agreed to consolidate staff to take care of the Fort Dodge, Winfield, and WaKeeney cemeteries.

Senator Jackson moved, with a second by Senator Salmans, to reduce the cemetery program expenditures by \$98,000. Motion carried on a voice vote.

### Department of Agriculture

**A. Review of impact of ERO 32 or Sub. for SB 296 (Senate Committee and House Committee).** The Senate and House Committee recommended a review of the Department of Agriculture's FY 2005 budget upon the adoption of Executive Reorganization Order (ERO) No. 32. ERO No. 32 (also contained in **Substitute for Senate Bill 296**) transfers food inspection functions from the Department of Health and Environment (KDHE) to the Department of Agriculture (KDA). **Substitute for Senate Bill 296** is currently in conference committee. The ERO was set in place on March 15, 2004 and will take effect on October 1, 2004. The bill and the ERO allow for the transfer of all fund balances and FTE positions impacted by the transfer from KDHE to KDA.

Senator Downey moved, with a second by Senator Helgerson, to authorize the Food Safety Fee Fund. Motion carried on a voice vote.

### **B. GBA No. 3, Item 19, p. 10 - Food Safety Program.**

*The committee concurred with this item.*

### Animal Health Department

**A. Animal Facilities Inspection Program (Senate Committee).** The Senate Committee recommended the review of funding for the Animal Facilities Inspection Program. The agency reported that due to low fund balances, the Animal Facilities Inspection Program will have insufficient funds to operate the program through FY 2005. The program's fees are currently at the statutory maximum. The Senate passed **SB 257** which would increase the program's fees by 25 percent. The agency reports that a 25 percent fee increase would generate sufficient revenues to fund the program for two years. The bill is currently in the House Appropriations Committee.

*The committee recommended proviso language that would authorize the agency the flexibility to raise fees for one year as included in **SB 257**.*

**B. HB 2593 - Livestock Premise Registration (Governor).** **HB 2593** authorizes the Livestock Commissioner to cooperate with the USDA, other state officials, and private industry to develop a livestock premise registration system. The bill also allows the Commissioner to prepare for the implementation of the US Animal Identification Program. The bill allows the agency to employ two individuals to implement this program. In addition, the bill adds two members to the Animal Health Board. The agency reports an FY 2005 cost of \$61,360 (\$30,815 each) for two FTE senior administrative assistants for the Animal Identification Program. The agency estimates an expense of \$600 for the two additional board members provided in the bill. The funding would be from the State General Fund.

Senator Barone moved, with a second by Senator Helgerson, to authorize beginning in January 2005, including two associate FTE positions and two additional board members. Motion carried on a voice vote.

### **C. GBA No. 3, Item 32, p. 15 - Animal Disease Homeland Defense Account.**

A letter addressed to Senator Steve Morris, Chairman, Senate Ways and Means, from George Teagarden, Livestock Commissioner, Animal Health Department, regarding an additional veterinarian position to help handle emergency management and animal identification (Attachment 19).

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*The committee concurred with this item.*

### **Kansas Water Office**

#### **A. GBA No. 3, Item 33, p. 16 - New FTE Position and Position Upgrades.**

*The committee reviewed this item but did not adopt it.*

### **Board of Indigents' Defense Services**

**A. Consensus Caseload Estimates.** The consensus caseload estimating group for the Assigned Counsel program met to review the estimates for FY 2004 and FY 2005. The group concluded that no adjustments needed to be made at this time. The group will meet again in the fall to review the FY 2005 appropriation and to estimate FY 2006 caseloads.

*This was an information item.*

**B. Funding for Appeals Associated with State v. McAdam (Conference Committee on HB 2675).** The Conference Committee on **HB 2675** (appropriations bill) recommended a review of potential funding for FY 2005 costs of cases associated with the recent Kansas Supreme Court decision in *State v. McAdam*. Currently, Kansas has two statutes dealing with the crime of compounding drugs which contain different lengths of sentences. The Kansas Supreme Court ruled that a person convicted of compounding drugs can face only the lesser of the two sentences. Individuals currently serving the lengthier of the two sentences would be eligible to appeal their sentence.

The agency estimates that the Public Defender portion of these re-sentencing cases could be done within existing resources. The Assigned Counsel portion of the cases will be addressed in the fall caseload estimates.

*This was an information item.*

**C. Funding for Public Defender Office in the 14th Judicial District (Conference Committee on HB 2675).** The Conference Committee on **HB 2675** (appropriations bill) recommended a review of potential FY 2005 funding for establishing a public defender office in the 14th Judicial District (Montgomery and Chautauqua Counties). Indigent cases in this district are currently being handled by assigned counsel, but the chief judge testified that he is finding it increasingly difficult to find attorneys willing to take the cases.

According to the agency, the new office would be run as a satellite of the Chanute office until the chief defender retires in a few years. At that point, management would shift to the Independence office with Chanute becoming the satellite. The agency estimates that establishment of the new office would cost \$300,000 from the State General Fund.

*The committee concurred with this item.*

**D. Assigned Counsel Hourly Rates (House Committee).** The House Committee recommended a review an additional \$4,000,000 SGF in FY 2005 should **HB 2616** be enacted. This bill would increase the assigned counsel hourly rate from \$50 to \$80. This bill is currently in the Ways and Means Committee.

*The committee did not adopt this item.*

### **Fort Hays State University**

**A. Bonding Authority for Memorial Union Renovations (Joint Committee on State Building Construction) and GBA No. 3, Item 25, p. 13.** The Joint Committee on State Building Construction recommended a review of providing the university with bonding authority of \$5.7 million to renovate Memorial Union in FY 2005. The debt service payments would be made using student fees which were approved by the student body in December 2003. The Joint Committee deferred a decision on the issue pending approval of the project by the Board of Regents.



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A letter addressed to the committee from Debra Prideaux, Executive Director, Alumni and Governmental Relations, Fort Hays State University, requesting permission for Fort Hays State University to amend its Capital Improvement Request for FY 2005 to include \$5.7 million bonding authority for the Memorial Union Renovation project (Attachment 20).

*The committee concurred with this item.*

### University of Kansas

**A. Senate Bill 312 (Law).** Currently, the Fire Service Training Program is funded through a transfer from the Fire Marshal Fee Fund. **Senate Bill 312** authorizes a portion of the fee on fire insurance companies to be transferred directly to the Fire Service Training Program Fund in FY 2005. However, the fund designated in **SB 312** is different than the fund designated in **HB 2675** (appropriations bill). In addition, timing of the various transfers could result in over funding the program.

*The committee concurred with this item.*

### University of Kansas Medical Center

**A. Funding for Pursuit of Designation as a National Cancer Research Center (House Committee).** The House Committee recommended consideration of providing additional funding in FY 2005 to assist in the pursuit of a designation from the National Cancer Institute (NCI) as a Comprehensive Cancer Center. There are very few such centers in the Midwest. According to the agency, NCI designation is a highly competitive process which is given, in part, in recognition of pre-existing state and institutional investments in cancer research.

*The committee reviewed this item. Senator Adkins asked that, since this is a House Committee issue, KUMC respond if they have any specific targeted funds that would help in this application.*

*In response to Senator Adkins request, information was distributed regarding the Masonic Center Research Institute Cancer Center Funding Supplement (Attachment 21).*

*The committee concurred that, regarding committee discussion in being cautious about bonding, for a proviso regarding that no proceeds of Research Corporation bonds authorized by the Legislature could be used for other things without a study by the Board of Regents.*

**B. Additional Funding for the Medical Loan Program (House Committee).** The House Committee recommended a review of additional funding for the Medical Loan Program. The Governor's policy in her FY 2005 recommendation is that the program be reduced over time from 120 to 90 total loans. The agency has indicated that funding exists for FY 2005 to fund 30 new loans, but that additional state funding would be needed in FY 2006 to continue at that level.

*The committee recommends use of the agency's current resources.*

### Wichita State University

**A. Funding for Aviation Research (House Committee and Senate Committee).** The House Committee recommended a review of funding sources for aviation research at Wichita State University in FY 2005. The Senate Committee funded the research at \$2,000,000, but recommended a review of increasing the transfer from the State Gaming Revenues Fund to the Economic Development Initiatives Fund to fund the item. Both of the items were addressed in **House Bill 2675** (appropriations bill).

*This item had been addressed in HB 2795 (appropriations bill).*

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### Board of Regents

**A. National Guard Educational Assistance Program (Technical Adjustment) and GBA No. 3, Item 24, p. 13.** The National Guard Educational Assistance Program is currently funded in the appropriations bills at \$975,028 from the State General Fund for FY 2005. The Governor's recommendation and the Legislative approved amount is \$725,028 SGF. The difference is the amount appropriated for the program by the 2003 Legislature.

*The committee concurred with this item.*

Senator Barone requested Staff get additional information from the Adjutant General regarding potential utilization of the National Guard Educational Assistance Program.

**B. Other Federal Grants Fund (Technical Adjustment).** The FY 2004 expenditure authority for the Other Federal Grants Fund was listed incorrectly in **HB 2675** (appropriations bill). The line item and associated proviso were authorized twice for FY 2005.

*The committee concurred with this item.*

**C. Additional Funding for Technical Colleges (Conference Committee on HB 2675).** The Conference Committee on **HB 2675** (appropriations bill) recommended consideration of increased funding for technical colleges in light of the transfer to independent governing boards. In its FY 2005 budget submission, the agency requested an additional \$4.5 million to fully fund the statutory state aid formula. The Governor's original recommendation funded \$1.0 million of that request.

*The committee reviewed this item but took no action.*

**D. Report on Southwest Kansas Access (House Committee).** The House Committee requested a report on the Southwest Kansas Access Project including current activities and efforts as well as plans for FY 2005.

*This was an information item.*

**E. Report on Budgetary Flexibility (Senate Committee).** The Senate Committee requested a report on the various options being considered by the Board of Regents for greater budgetary flexibility at the state universities. The Committee requested that the agency report either at Omnibus or during the 2004 interim.

*This was an information item.*

**F. GBA No. 3, Item 23, p. 12 - Vocational and Technical Education Act.**

*The committee concurred with this item.*

### Attorney General

**A. White Collar Crime Unit.** The Conference Committee on **HB 2675** (the appropriations bill) deferred to Omnibus consideration of creation of a white collar crime unit in the Attorney General's Office in FY 2005. The position of the House was to appropriate \$200,000 and add 2.0 FTE positions for the unit. The position of the Senate, if additional resources become available, was to consider the request in Omnibus and to ask the Attorney General to provide detailed justification for the new unit, a description of the types of cases that would be investigated, estimated costs associated with the investigations, and an estimated workload. In addition, the Senate asked the Attorney General to provide other options for consideration, such as partnerships with local law enforcement agencies to investigate and prosecute white collar crime, the possibility that the Attorney General could provide training to enhance the effectiveness of local units, the feasibility of providing grants to local units for white collar crime investigation and prosecution, and the possibility of using state grants to leverage federal or other funds.

According to the Attorney General, white collar crimes (defined to include fraud involving financial institutions, credit cards, insurance, and securities, as well as identity theft) no longer are the top priority of the Federal Bureau of Investigation. As a result, states are left to investigate and prosecute crimes involving losses of less than \$250,000. The Attorney General says that

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local officials have limited resources to pursue white collar crime and often ask the Attorney General's Office for assistance.

The Attorney General requests \$230,000 from the State General Fund in FY 2005 to create a White Collar Crime Unit. Of the request, \$175,000 would be for the salaries of 3.0 FTE positions (an investigator, a prosecutor, and one support position) and \$55,000 would be for equipment, travel, and other operating expenditures.

*The committee did not adopt this item.*

**B. HB 2798 (Veto). HB 2798** enacts the Personal and Family Protection Act, administered by the Attorney General. The Act allows licensed individuals to carry concealed handguns and sets forth the following responsibilities and duties the Attorney General must perform:

- Issue four-year licenses to qualifying individuals to carry concealed handguns. Licenses would have to be issued or denied within 90 days of receiving the application, fee, and required documentation. (Between January 1, 2005, and July 1, 2005, the period would be extended to 180 days to allow for implementation of the Act.)
- Adopt rules and regulations to administer the Act.
- Approve "weapons safety and training courses" to satisfy the requirement that applicants for licensure must present evidence of completion of such a course in order to be licensed. (Courses also could be approved by other law enforcement agencies or the National Rifle Association (NRA).) Procedures and standards for the courses would be established in rules and regulations of the Attorney General. Course instructors would have to be certified by the Attorney General or the NRA.
- Maintain an automated listing of license holders and "pertinent information." The information would have to be available, upon request, at all times to all law enforcement agencies in Kansas.
- Provide a statistical report to the Governor and Legislative leadership by January 1 each year regarding the number of licenses issued, revoked, suspended, and denied during the preceding fiscal year.
- The bill provides for an initial license fee of up to \$150 and a renewal fee of up to \$100, which must be submitted to the sheriff of the county where the applicant resides. Of those amounts, the Attorney General would receive \$110 of the original license fee and \$50 of the renewal fee. The Attorney General would have to use the fees for administration of the Act, with 20 percent of any balance allocated to the County Law Enforcement Equipment Fund and 80 percent to the Forensic Laboratory and Materials Fee Fund. The original fiscal note on the bill estimated that the agency administering the Act would receive \$280,000 per year due to initial licenses issued. Once the Act is implemented, additional revenues would be received due to license renewals.

The Attorney General estimates that 4.0 FTE support staff would be needed, at least in the initial years of implementation of the Act, at a total cost of \$110,000 in FY 2005 (\$25,000 for each of the additional staff and \$10,000 for other operating expenditures). Costs associated with the positions would be paid for from licensure revenues generated.

*This was an information item and was not acted on because the bill had been vetoed by the Governor.*

**C. SB 489 (Senate Committee). SB 489** would require the Child Death Review Board to investigate the death or near fatality of a child who is in the custody of the state or who at any time has been determined to be a child in need of care. According to the Attorney General, passage of the bill would require 2.0 FTE additional staff for the Child Death Review Board, at a total cost of \$156,831 in FY 2005 for salaries and wages, equipment, travel, and other operating expenditures. The Senate Subcommittee on the Attorney General's budget recommended that, if

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**SB 489** were enacted, it should be funded in the Omnibus Bill. However, the bill was not reported out of the first committee.

*This was an information item.*

**D. Technical Adjustment and GBA No. 3, Item 6, p. 3.** In order to accurately reflect the Governor's recommendation, \$28,960 from the State General Fund should be added for FY 2004. A lapse contained in **HB 2675** (the appropriations bill) was incorrect. The addition will not increase expenditures above the Governor's recommendation because the amount already has been taken into account.

*The committee concurred with this item.*

**Department of Education**

**A. HB 2675 - KPERS-School Lapse (Veto).** The Governor vetoed a section in **HB 2675** which contains a lapse of \$6,005,014 for KPERS-School in FY 2004. Had the lapse occurred, the full entitlement for KPERS-School in the current year would not have been funded. According to the Governor's veto message, the Governor will issue a Governor's Budget Amendment to identify savings that can be captured in the current year, based on revised estimates made April 13, 2004.

*This was an information item.*

**B. Revised School Finance Estimates and GBA No. 3, Item 21, p. 11.** Staff from the State Department of Education, the Division of the Budget, and the Legislative Research Department met April 8, 2004, to reevaluate school finance estimates that had been made in November for FY 2004 and FY 2005. One revision was to add 449 weighted full-time equivalent (FTE) students in both years, the result of growth in at-risk, bilingual education, and vocational enrollments. The estimate for local resources was increased in the current year by \$1.8 million as a result of more federal funding being received for school districts that include military bases. Finally, local option budgets were adjusted upward in FY 2005, reflecting both greater utilization of budget authority and utilization by relatively poorer districts which qualify for a higher proportion of state aid.

The revisions made to the school finance estimates are shown on the table below. (Amounts are in thousands.)

	Approved FY 2004	Revised FY 2004	Difference FY 2004	Approved FY 2005	Revised FY 2005	Difference FY 2005
General State Aid	\$ 1,621,855	\$ 1,621,926	\$ 71	\$ 1,760,302	\$ 1,762,192	\$ 1,890
Supp. General State Aid	160,740	160,598	(142)	163,045	171,416	8,371
<b>TOTAL</b>	<b>\$ 1,782,595</b>	<b>\$ 1,782,524</b>	<b>\$ (71)</b>	<b>\$ 1,923,347</b>	<b>\$ 1,933,608</b>	<b>\$ 10,261</b>

To fully fund general state aid in FY 2004, an additional \$71,000 is needed, which is more than offset by estimated savings of \$142,000 in supplemental general state aid. In FY 2005, an additional \$1,890,000 is needed for general state aid and \$8,371,000 for supplemental general state aid, for a total of \$10,261,000. (Net savings of \$71,000 in FY 2004 could be reappropriated to FY 2005 to reduce the appropriation.)

*The committee reviewed this item and discussion followed.*

Senator Downey moved, with a second by Senator Barone, to adopt the GBA No. 3, Item 21. Motion carried on a voice vote.

**C. Juvenile Detention Facilities (Senate Committee).** The Senate Subcommittee that reviewed the State Department's budget requested that the Governor submit a GBA to add \$669,522 from the State General Fund in FY 2005 for Juvenile Detention State Aid. (Currently, the approved appropriations for juvenile detention state aid are \$6,268,915 in FY 2004 and \$5,599,393 in FY 2005.) The Governor recommended a supplemental appropriation of \$669,522 for FY 2004, in recognition of enrollment growth and the addition of a new facility, but failed to

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reflect the growth in the recommendation for FY 2005. According to the State Department, 708 FTE students in juvenile detention facilities received educational services in FY 2003, compared to an estimated 836.5 FTE students in the current year, an increase of 128.5 students. That same number of students is expected to be served in FY 2005.

*The committee reviewed but did not adopt this item.*

### **D. KPERS-School (Senate and House Committees) and GBA No. 3, Item 22, p. 11.**

The Senate Subcommittee and the House Budget Committee which reviewed the State Department's budget requested that the Governor submit a GBA to add money from the State General Fund for KPERS-School in both FY 2004 and FY 2005. The Governor's recommendation for FY 2004 was intended to fund the entitlement, but lapses \$6,005,014 which was a supplemental appropriation for FY 2003, resulting in a shortfall. (The Governor and the 2003 Legislature approved the supplemental appropriation for FY 2003 but, because of revenue shortfalls, added it to the FY 2004 appropriation so that it would not be spent until FY 2004.) The shortfall created by the lapse in the current year has been carried forward to FY 2005. On April 13, 2004, staff revised the estimates for KPERS-School. The revised estimates for the entitlements are \$113,508,100 in FY 2004 and \$139,232,391 in FY 2005. (The increase from FY 2004 to FY 2005 is due to an estimated 3.0 percent growth in teacher salaries; a statutory employer contribution rate increase of 0.2 percent for the last three quarters in FY 2005; the end of the moratorium on death and disability contributions and the consequent assumption of death and disability payments of 0.6 percent for all of FY 2005; and a 0.09 percent assessment to pay bonds for the 13th check, which will begin the last three quarters of FY 2005 and continue for 15 years.) To fund the estimated payments, a supplemental appropriation of \$5,157,823 is needed in FY 2004 and an additional appropriation of \$4,253,138 is needed for FY 2005.

*The committee concurred with this item to fund both FY 2004 and FY 2005.*

Senator Kerr moved, with a second by Senator Jackson, to add language to the appropriations bill directing that expenditures for KPERS-School be reported as a school district expenditure. (Currently KPERS-School is reported as a statewide expenditure, not as part of individual school district budgets.) The mechanics of the change would be such that KPERS-School would not be included in school district general fund budgets for purposes of calculating local option budgets. Motion carried on a voice vote.

### **E. GBA No. 3, Item 23, p. 12 - Vocational and Technical Education Act.**

*The committee concurred with this item. As part of the ongoing transfer of positions and programs to fully implement 1999 **SB 345**, which reorganized higher education, the State Board of Education and the Kansas Board of Regents have agreed to the transfer of 1.5 FTE positions and \$11,700 in FY 2005 from the State General Fund from the State Department of Education to the Kansas Board of Regents. The transfer is related to the administration of federally-funded Carl D. Perkins vocational education programs.*

## **Insurance Department**

### **A. GBA No. 3, Item 7, p. 4 - Service Regulation Fund.**

*The committee concurred with this item.*

## **Secretary of State**

**A. Interest in distribution of free copies of publications (Senate Committee).** The agency has indicated that the FY 2005 proviso suggested by the Senate subcommittee which would allow the Secretary of State to access the interest in distribution of free copies of certain publications is not necessary. The Secretary of State's office already makes the inquiry prior to the distribution of the free copies of the Session Laws, Kansas Administrative Regulations (KARs), and Kansas Statutes' Annotated (KSAs).

*This was an information item.*

**B. Expenditure related to Session Laws and Kansas Administrative Regulations (KARs) (Senate Committee).** The Senate Committee requested that the Secretary of State's

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Office report back concerning the agency's FY 2005 expenditures related to the publication and distribution of Session Laws and Kansas Administrative Regulations (KARs). The agency indicated that currently the agency has annual expenditures of \$236,500 from special revenue funds and that the annual revenue from sales of \$121,000 goes to the State General Fund. The total cost of the free distribution is \$87,500, of which \$55,019 is directly related to printing and shipping costs associated with the free distribution copies. The agency presented two options for the Committee's consideration: 1. Secretary of State continue to pay all expenses but be allowed to retain \$121,000 in revenue and the Legislature would pay all costs associated with the free distribution of \$87,500. This is a total cost to the State General Fund of \$208,500. 2. Secretary of State continue to pay all expenses but be allowed to retain \$121,000 in revenue and the Legislature would pay \$55,019 for the printing and shipping costs associated with the free distribution. This is a total cost to the State General Fund of \$176,019.

*The committee reviewed this item.*

Senator Adkins moved to adopt Option No.1 under Item B, submitted by the Secretary of State, that the agency continue to pay all expenses but be allowed to retain \$121,000 in revenue and the Legislature would pay all costs associated with the free distribution of \$87,500 which is a total cost to the State General Fund of \$208,500. The motion died to the lack of a second.

*The committee further reviewed this item, but took no action.*

**C. SB 479 Help America Vote Act (HAVA) (Law) and GBA No. 3, Item 5, p. 3. SB 479** implements provision of the federal Help America Vote Act (HAVA) of 2002. There is a fiscal impact to the bill, which would be funded with federal appropriated HAVA dollars totaling \$13,748,141 in FY 2005. There is a five percent match required to receipt the federal funds. The agency has requested a GBA to fund three percent of the FY 2005 match, \$434,152 State General Fund and that the counties pay the remaining two percent \$289,435. In addition, the agency has requested an additional \$28,245 State General Fund in FY 2004 due to receiving a larger than anticipated federal appropriation.

*The committee concurred with this item.*

Senator Jackson moved, with a second by Senator Jordan, to adopt GBA No. 3, Item 5. Motion carried on a voice vote.

### School for the Blind

**A. Teacher Salary Levels (House Committee).** The House Committee requested that the agency provide information regarding the differences between the salary levels at the School for the Blind and other school districts. The School provided information indicating compared to USD # 500, Kansas City, Kansas, \$162,415 State General Fund would be required in FY 2005 to comparably compensate the teachers at the School for the Blind, including fringe benefits. The School indicated that the 32.15 FTE teachers earn an average of \$3,653 (9.5 percent) less than the Kansas City, Kansas school district average (base salary). The School indicated that 78 percent of its classroom teachers have their masters degree or above and 67 percent of its teachers have 10-19 years of experience.

*The committee took no action on this item.*

**B. Separate Pay Matrix (Senate Committee).** The Senate Committee wanted to review the viability of creating a separate pay matrix for teachers at the School for the Blind and the School for the Deaf in FY 2005. The Department of Administration indicated that costs associated with the creation of an additional matrix total approximately \$16,000 (423 programming hours) in addition to the costs involved with adjusting salaries on the new matrix.

*This was an information item.*

**C. Utilization and viability of the School for the Blind and the School for the Deaf (Senate Committee).** The Senate Committee requested information regarding capacity and enrollment of the schools' dormitory and classrooms and other possible uses for the two campuses in FY 2005. In addition, the committee requested information regarding the feasibility of either consolidating the two schools into one campus or utilizing alternative methods of providing services to blind and deaf students.

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The School for the Blind indicated that their dorm capacity was approximately 50 students, with the current enrollment at 30 students. In addition, the School for the Blind's classroom capacity is 70 students, with an actual enrollment of 61 students at the current time.

The School for the Deaf indicated that their dorm capacity was approximately 136 with optimal distribution of gender and age, with the current enrollment of 50 students. In addition, the School for the Deaf's classroom capacity is 200, with an actual enrollment of 140 students at the current time.

Both the School for the Blind and the School for the Deaf have indicated that they do not believe it would be in the best interests of the students to combine the two schools. The Schools additionally indicate that it is not a possibility to combine these groups in the classroom. Each group has specific sensory requirements that make them unique in the Kansas education system. The School for the Blind also notes that there may be a legal issue regarding ownership of their campus should the School be moved to a different location.

Both schools have indicated that they strongly believe that the residential school/center school is a necessary placement option for the blind and deaf students in Kansas, especially those requiring intensive instruction.

The School for the Blind and the School for the Deaf noted the existence of previous reports which examined this issue in more depth, most notably those from 1986 and 1993. The reports recommended maintaining the current funding mechanism and leaving in place the current educational structure for both the School for the Blind and the School for the Deaf.

*The committee recommended an interim study regarding this item.*

### School for the Deaf

**A. Teacher Salary Levels (House Committee).** The House Committee requested that the agency provide information regarding the differences between the salary levels at the School for the Deaf and other school districts. The School provided information indicating compared to the Olathe School District, \$422,238 State General Fund would be required in FY 2005 to comparably compensate the teachers at the School for the Deaf, including fringe benefits. The School indicated that the 59.0 FTE teachers earn an average of \$6,924 (15.2 percent) less than the Olathe school district average (base salary).

*The committee took no action on this item.*

**B. Separate Pay Matrix (Senate Committee).** The Senate Committee wanted to review the viability of creating a separate pay matrix in FY 2005 for teachers at the School for the Blind and the School for the Deaf. The Department of Administration indicated that the costs associated with the creation of an additional matrix totals approximately \$16,000 (423 programming hours) in addition to the costs involved with adjusting salaries on the new matrix.

*This was an information item.*

Copies of a letter regarding a request for consideration, addressed to Senator Stephen Morris, Chairman, Senate Ways and Means, from Robert A. Maile, Superintendent, Kansas State School for the Deaf, was distributed to the committee ([Attachment 22](#)). The letter addressed issues related to not meeting the maintenance of effort issues related to the Federal Title VI-B funds.

**C. Restoration of BEST contractual services and commodities. (Senate Committee).** The Senate Committee wished to review the possible restoration of FY 2005 BEST reductions of \$70,814 in contractual services and commodities.

*The committee concurred to tie this item to the information in the request for consideration above that was requested from the School.*

**D. Restoration of vehicle and capital outlay. (Senate Committee).** The Senate Committee requested a GBA to address this issue. The Committee noted that the school had requested one vehicle, \$19,425, in their FY 2005 submitted budget, which was deleted in the Governor's reduced resources package. In addition, there was a reduction of \$19,121 for the vehicle moratorium.

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The Committee noted that the school requested \$82,675 for capital outlay, including \$30,000 for replacement of auditory training units. The Governor deleted all \$82,675 in the reduced resources package. In addition, there were capital outlay BEST reductions of \$11,761.

The capital outlay for the School for the Deaf after all the reductions totals a negative \$30,882. However, a portion of the reductions were made by the Division of Budget in contractual services, so the reports indicate a remaining balance of \$40,914.

*The committee reviewed this item but took no action.*

**E. Dorm Renovation Project (Conference Committee).** The Conference Committee removed FY 2005 funding of \$529,794 (State Institutions Building Fund) for the dorm renovation project and requested to review the entire project at Omnibus, especially in terms of the effect on the life and safety of the students if the project were delayed or discontinued. The School provided information indicating that the current structure does not meet code in terms of emergency evacuation and fire suppression. In addition, the renovation would install visual alarms for weather emergencies and intruder lock-down alerts in addition to the existing fire alarms. The School indicated that the dormitory was originally designed to house 180 students with four to eight students per room. The current housing assignments could accommodate 100 students with one to two students per room, as their needs require, given the optimal gender and age distribution. The renovated dorm would accommodate 42 students per wing. The current population being served in the dorm setting is approximately 30 students. The second wing renovation is focusing on special accommodation and meeting the living arrangement needs of multiply-disabled deaf children. The School has indicated that while the renovation of the second wing is highly desirable, it could be postponed for a period of time in deference to the current economic conditions.

Senator Barone moved, with a second by Senator Schodorf, that the \$529,794 (SIBF) be reinstated. Motion carried on a voice vote.

**F. Utilization and viability of the School for the Blind and the School for the Deaf (Senate Committee).** The Senate Committee requested information regarding capacity and enrollment of the schools' dormitory and classrooms and other possible uses for the two campuses in FY 2005. In addition, the committee requested information regarding the feasibility of either consolidating the two schools into one campus or utilizing alternative methods of providing services to blind and deaf students.

The School for the Blind indicated that their dorm capacity was approximately 50 students, with the current enrollment at 30 students. In addition, the School for the Blind's classroom capacity is 70 students, with an actual enrollment of 61 students at the current time.

The School for the Deaf indicated that their dorm capacity was approximately 136 with optimal distribution of gender and age, with the current enrollment of 50 students. In addition, the School for the Deaf's classroom capacity is 200, with an actual enrollment of 140 students at the current time.

Both the School for the Blind and the School for the Deaf have indicated that they do not believe it would be in the best interests of the students to combine the two schools. The Schools additionally indicate that it is not a possibility to combine these groups in the classroom. Each group has specific sensory requirements that make them unique in the Kansas education system. The School for the Blind also notes that there may be a legal issue regarding ownership of their campus should the School be moved to a different location.

Both schools have indicated that they strongly believe that the residential school/center school is a necessary placement option for the blind and deaf students in Kansas, especially those requiring intensive instruction.

The School for the Blind and the School for the Deaf noted the existence of previous reports which examined this issue in more depth, most notably those from 1986 and 1993. The reports recommended maintaining the current funding mechanism and leaving in place the current educational structure for both the School for the Blind and the School for the Deaf.



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*The committee recommended an interim study regarding this issue.*

### Board of Healing Arts

**A. Senate Sub. for HB 2698 (Law).** Senate Substitute for **HB 2698** creates new laws to be known as the Radiologic Technologists Practice Act. Under the provisions of the new laws, on or after July 1, 2005, persons providing radiologic technology procedures on humans for diagnostic or therapeutic purposes must be licensed by the Board. For FY 2005, the Board estimates that the implementation of the bill, through the preparation for licensure to develop rules and regulations, to contact potential licensees, and to create related forms for this new licensure group, would increase its operating expenditures by \$46,688 from the Board of Healing Arts Fee Fund.

*The committee concurred to allow the expenditure limitation increase of \$46,688 on the fee fund.*

### Kansas Dental Board

**A. GBA No. 3, Item 8, p. 4 - Convert Temporary Staff to FTE Position.**

*The committee concurred with this item.*

**B. GBA No. 3, Item 9, p. 4 - Operating Expenditure Increases.**

*The committee concurred with this item.*

### Board of Pharmacy

**A. Review Expenditures for Litigation (House Committee).** The House Committee recommended that consideration be given at Omnibus to the Board's request to encumber \$500,000 of its fee fund balance in FY 2005 for litigation purposes. The Board expressed concern about storefronts operating in Kansas with arrangements involving ordering and purchasing of prescription drugs from Canada. The Board cited concerns about safety and efficacy of the drugs and indicated that it would need \$500,000 to pursue litigation with outside counsel. According to the Board, the Attorney General's Office indicated that it did not have the manpower or funds to pursue this type of lengthy prosecution.

*The committee reviewed this item, but took no action.*

### State Historical Society

**A. ADA Signs and Alarms (Senate Committee).** The Senate Committee recommended a review of the Society's request of \$55,802 SGF for signs and alarms at Omnibus. The Division of Architectural Services has told the Society that the Kansas Museum of History's fire detection and security systems do not comply with the current ADA requirements.

*The committee reviewed this item, but took no action.*

**B. HB 2531 (Law). House Bill 2531** adds to and amends the Historic Preservation Act to provide certain protection to land used for agricultural purposes within the environs of historic property. The Historical Society is required to provide notification to landowners by mail or newspaper publication. The Historical Society indicated the publication costs from its agency fee and federal funds would be \$2,080. These expenditures are not included in the currently approved FY 2005 budget.

*The committee recommended the agency absorb the costs and made no adjustment.*

### Department on Aging

**A. Review of EDS payment system - FY 2004 (Senate Committee and House**

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**Committee).** The Committees expressed concern about the timing of payments to providers and the number of unpaid claims. The Committees requested information from both the Department of Social and Rehabilitation Services and the Department on Aging prior to Omnibus. The House Budget Committee planned to meet with the EDS representatives and SRS and KDOA secretaries prior to Omnibus.

*This was an information item.*

**B. Transfer of Senior Employment Programs to the Department on Aging (House Committee).** Under the provisions of ERO No. 31, the Older Kansans Employment Program (OKEP) and the Senior Community Service Employment Program (SCSEP), are to transfer from the Department of Human Resources (KDHR) to the Department of Commerce in FY 2005. The House Committee recommended consideration be given to the transfer of the programs to the Department on Aging prior to Omnibus.

The Department noted that the two programs were transferred from KDOA to KDHR in 1995. The Department indicated that the appropriate administrative money and staff would need to be transferred to KDOA in order for the agency to administer the program. KDOA noted that the program is currently funded from the EDIF and that it does not currently receive EDIF moneys, nor the spending authority for such funds. The Department believes that the two senior employment programs are compatible with its mission and supports the recommended interim study to further review the programs' transfer. The ERO took effect on March 14, 2004.

*This item was addressed earlier and is an information item.*

**C. Review of Nutrition Program Funding Formula for the Area Agencies on Aging (House Committee).** The House Committee requested a review of the current nutrition program funding formula for the Area Agencies on Aging. The table below illustrates the State General Fund allocations, both match and non-match from the 2004 appropriations bill, for FY 2003, FY 2004, and FY 2005. According to the Department, the SGF moneys were allocated in accordance with the 2003 appropriations bill proviso that provides that the PSA (Planning and Service Areas) In-Home Nutrition Program (IHNP) allocations for FY 2004, FY 2005, and FY 2006 shall be 92 percent of its prior fiscal year IHNP allocation. The remainder of the SGF appropriation, the Department noted, is allocated per the Kansas Intrastate Funding Formula.

**In-Home Nutrition Program Allocations**

PSA	Area Agency on Aging (AAA)	FY 2003 *	FY 2004 **	FY 2005 ***
01	Wyandotte/Leavenworth AAA	\$ 142,225	\$ 185,362	\$ 188,080
02	Central Plains AAA	505,650	582,092	568,874
03	Northwest Kansas AAA	38,019	65,046	69,669
04	Jayhawk AAA	161,366	208,776	209,421
05	Southeast Kansas AAA	170,155	204,865	205,042
06	Southwest Kansas AAA	130,857	170,715	172,315
07	East Central Kansas AAA	184,534	192,466	184,134
08	North Central-Flint Hills AAA	241,372	287,434	285,038
09	Northeast Kansas AAA	29,100	48,694	52,155
10	South Central Kansas AAA	150,921	190,159	191,293
11	Johnson County AAA	57,874	134,901	144,489
Total		\$ 1,812,073	\$ 2,270,510	\$ 2,270,510

**Source:**

\* KDOA IM 2003-15, issued 09/24/2003

\*\* KDOA IM 2004-02, issued 03/26/2004

\*\*\* KDOA IM 2004-05, issued 03/31/2004

*This was an information item.*

**D. Comparison of Reimbursement Rates and Requirements for Agency-directed and Self-directed services - Frail Elderly (FE) Waiver (House Committee).** The House Committee expressed concern about the reimbursement rate disparity for agency-directed and self-directed services under the FE waiver in FY 2005. The Committee noted that items, such as Workers Compensation can affect the self-direct rate. The Senate Committee has requested a Legislative

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Post Audit on this issue.

*This was an information item.*

**E. Updated Waiting Lists for the FE Waiver and the Senior Care Act (House Committee).**

The Home and Community-Based Services/Frail Elderly waiver regular waiting list, as of April 9, 2004, was 46 individuals. The Senior Care Act waiting list, as of March 31, 2004, was 280 individuals.

*This was an information item.*

**F. Review of Policy Change for Plans of Care and Assistive Technology (Senate Committee).**

The Senate Committee expressed concern about the FY 2005 HCBS/FE Plans of Care and Assistive Technology. The Subcommittee noted testimony regarding a change from twelve months to six months for adjustments in Plans of Care to offset the costs of Assistive Technology. The Committee requested that the review discuss both the policy change and associated costs.

The Department indicated that there has been a reduction in the Plans of Care with regards to assistive technology. The Department cited two factors: (1) The Area Agencies on Aging (AAA) are maximizing other formal and informal resources, including the Kansas Accessibility Modification Program (KAMP) and Medicare, before utilizing the assistive technology under the FE waiver; and (2) The Department has modified its policy on assistive technology. The primary difference between the current policy and previous assistive technology policy is that costs less than \$1,000 must be a cost-effective alternative for at least six months. The previous policy allowed for a time frame of twelve months. The Department provided a report regarding AAA resources utilized for Assistive Technology. The Central Plains AAA, for example, utilized the resources of county funds, KAMP, the Medical Equipment Recycling Network (MERN), Mennonite Housing, and the City of Wichita.

Assistive Technology coverage is illustrated below:

**Assistive Technology Coverage**

Assistive Technology Non-Coverage	Assistive Technology Coverage
If Medicare covers an assistive technology item, HCBS/FE will not cover the item.	If Medicare does not cover an item, HCBS/FE will only cover items that improve the customer's capabilities or home modifications that improve mobility, and reduce the customer's plan of care.
If Medicare covers an assistive technology item but denies authorization, HCBS/FE will not cover the item.	
If Medicaid Durable Medical Equipment (DME) covers an assistive technology item, HCBS/FE will not cover the item.	If Medicaid DME does not cover an item, HCBS/FE will only cover items that improve the customer's capabilities or home modifications that improve mobility, and reduce the customer's plan of care.
If Medicaid DME covers an assistive technology item but denies the authorization, HCBS/FE will not cover the item.	

*This was an information item.*

**G. Review of FY 2005 Senior Care Act Budget (Senate Committee).**

The Senate Committee noted its support of the Department's intent to reappropriate \$500,000 SGF from the FY 2004 Senior Care Act budget to the FY 2005 Senior Care Act budget, for a budget of \$6.5 million. The FY 2004 budget would then be approximately \$6.9 million. The Committee requested that consideration be given at Omnibus to increase the FY 2005 budget to \$6.9 million, an increase (with the reappropriation) of \$400,000 SGF. The projected average wait list with a \$6.5 million Senior Care Act budget, the Committee noted, is 603 individuals.

*The committee reviewed this item but took no action.*

**H. Funding for the Senior Companion Program and Related Programs (Senate Committee).**

The Senate Committee recommended that consideration be given to the addition of \$25,000 SGF for the Senior Companion Program in FY 2005 at Omnibus. In addition, the Committee also requested information about appropriate funding levels and availability of matching funds for the Senior Companion Program and related programs, including the Foster Grandparents Program.

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Funding of \$25,000 SGF from the Senior Care Act budget is provided for the Senior Companion Program in **HB 2675** (appropriations bill).

Senator Salmans moved, with a second by Senator Bunten, to put \$15,000 State General Fund for the Foster Grandparent Program. Motion carried on a voice vote.

**I. Regulations for New Nursing Facilities (Senate Committee).** The Senate Committee recommended that consideration be given at Omnibus to a regulatory change that would allow new nursing facilities to be subject to the same base year cost as existing nursing facilities.

A response from Pamela Johnson-Betts, Secretary, Kansas Department on Aging, regarding the Omnibus items referred by the Senate was distributed to the committee (Attachment 23).

*The committee reviewed this item but took no action.*

### Social and Rehabilitation Services

**A. HB 2675 - Vocational Rehabilitation Federal Grant (Veto).** The Governor vetoed proviso language in the FY 2005 appropriations bill requiring the agency fully fund the Vocational Rehabilitation Federal Grant with an additional \$550,629 state funds from existing resources.

*The committee reviewed this item but took no action.*

**B. ACIL Program Review (Senate Committee and House Committee).** The House and Senate Committees requested the agency report back at Omnibus on costs associated with providing services for children as they age out of the ACIL (Attendant Care for Independent Living) program. The Conference Committee recommended Omnibus review of the addition of \$50,000 Children's Initiatives Fund in FY 2005 for the ACIL program.

*The committee concurred with \$50,000 Children's Initiatives Fund for the ACIL program.*

**C. Vagus Nerve Stimulator Maintenance (House Committee).** The House Budget Committee received testimony about Kansans with disabilities that were provided a Vagus Nerve Stimulator (VNS) by Medicaid, and subsequently informed that the State (through Medicaid) would not cover the replacement of batteries for this device. The VNS device is used to help prevent debilitating seizures for certain persons with disabilities. Replacement of the VNS batteries is a surgical procedure, and medically necessary to reduce these seizures.

The House Committee recommended that SRS do a thorough review of the VNS replacement battery issue and report back at Omnibus on exactly why the state is denying battery replacement for these VNS devices. The House Committee directed SRS to produce the specific part of the Medicaid state plan that denies this coverage for VNS battery replacement, if the agency concludes that the replacement is not a medically necessary procedure. In addition, the House Committee asked that if SRS believes this procedure is experimental, they: (1) justify why they paid to implant the VNS device but now are denying payment for battery replacement; (2) produce credible medical evidence from a reputable neurologist to support the assertion that it is experimental; and (3) report how many other states cover this procedure under their state's Medicaid plan.

The House Committee also asked that SRS reexamine its policy not to pay to replace VNS batteries in these situations, and strongly recommended that they fund such medically necessary procedures. As SRS examined this procedure, the House Committee also asked that they examine the implantation of VNS devices as a cost effective measure. Finally, the House Committee asked SRS to justify how denying this procedure is cost effective when compared to institutionalization, hospitalizations and medication, and report all these findings at Omnibus.

*The committee reviewed this item, but took no action.*

**D. Reduction Methodology for Family Supports and Services (House Committee).** The House Committee requested the agency report back at Omnibus on the methodology used to reduce family supports and services for persons on the waivers as budget cuts have been made. In particular, the House Committee was interested in what role, if any, caretakers had in deciding which services were essential and which were not as they were reduced.

*The committee reviewed this item but took no action.*

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MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE at 10:10 a.m. on April 22-23, 2004, in Room 123-S of the Capitol.

**E. Payroll Agents (House Committee).** The House Committee requested the agency report back at Omnibus on the financial situation of payroll agents for persons who self-direct their care through the HCBS waivers. The House Committee is concerned that the rates paid to payroll agents are not sufficient to cover the cost of the additional responsibility of providing workers compensation insurance. According to testimony, providers have indicated that they must either go without insurance or join insurance pools with inflated costs.

*The committee reviewed this item but took no action.*

**F. Care Management Pilot Project (House Committee).** The House Committee requested the agency report back at Omnibus on progress toward the implementation of the care management pilot project, which is designed to view the consumer as an individual, balancing the needs of the individual with cost effectiveness to provide the consumer with high quality, evidence-based care resulting in more appropriate and cost effective utilization practices.

*The committee reviewed this item but took no action.*

**G. NF/MH Screening Process (Senate Committee and House Committee).** The House and Senate Committees requested the agency report back at Omnibus with an executive summary of the screening process for the NF/MHs (Nursing Facilities for Mental Health).

*This was an information item.*

**H. Medical Card Expansion (House Committee).** The House Committee requested the agency report at Omnibus on its progress toward opening the Medicaid medical card to mental health clinicians beyond the community mental health centers (CMHCs) and NF/MHs. The agency has outlined a plan and has asked for comment from stakeholders by March 3, 2004. The House Committee encouraged opening the medical card to address concerns expressed by the Joint Committee on Children's Issues regarding the inadequate pool of qualified providers in some specialties and geographic areas, the inability of clients to utilize professionals in private practice because they cannot access the medical card, the need to provide for the special needs of groups such as African Americans and Mexican Americans, and the detriment a change of therapist can have on children as they move through the foster care system.

*The committee discussed a proposed Proviso regarding opening up the Medical Card for Mental Health Services (Attachment 24).*

Laura Howard, Deputy Secretary, Department of Social and Rehabilitation Services, explained that SRS does not intend to move forward during FY 2005 with expanding the Medicaid card to other providers, although they do intend to continue to work with the stakeholders with issues on access and some identified service delivery barriers within the current mental health system.

Ms. Howard explained that SRS was concerned with the language within the specific proviso because it would stop them from making any changes in their Medicaid State Plan that have any relationship to mental health. She explained that some of the issues that they are facing with the Centers for Medicare and Medicaid Services may require them to make some changes especially in the arena of Child Welfare Services. These changes would not be concerning expansion of the provider pool, but in relation to mental health.

*The committee discussed a second proposed Proviso requested by the committee regarding opening up the Medical Card for Mental Health Services (Attachment 25). The committee recommended adoption of the second proposed Proviso.*

**I. TANF Reauthorization (House Committee).** The House Committee requested the agency report at Omnibus on the reauthorization of the Temporary Assistance for Needy Families (TANF) block grant. There are several concerns about the TANF reauthorization bill, which include restrictions on the activities that may be counted as work, increases in the work participation rates, and insufficient child care to complement the increased work rates.

*The committee reviewed this item but took no action.*

**J. Flexible Child Welfare Funding (House Committee).** The House Committee requested the agency report at Omnibus on Flexible Child Welfare Funding. The Flexible Funding Child Welfare Option is a federal legislative proposal which affords states greater programmatic flexibility, but would

## CONTINUATION SHEET

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cap Title IV-E federal foster care funds. Under the proposal, the fixed federal foster care funding over the five-year period would be based on the average spent in the previous three years. The U.S. Department of Health and Human Services (DHHS) has attempted for several years to draft a proposal that would allow Title IV-E funding to be used for services outside the instance when children are placed in the custody of the state. Kansas, along with other states, has advocated for funding for services to prevent state custody using alternatives, such as family preservation, which could be financed with Title IV-E dollars. The federal proposal would not result in savings sufficient to cover the anticipated reduction in federal funds. The Pew Institute is working with DHHS in examining alternative funding models which may be more favorable to states in this area. SRS has been involved in providing input to the Pew Institute.

*The committee reviewed this item but took no action.*

**K. Residential Care Pilot Project (House Committee).** The House Committee requested the agency report at Omnibus on the pilot project to provide residential care to seriously ill children. SRS is working on a pilot project designed for families with a child who has physical or mental disabilities, and is in crisis with the child, to make a single contact in their community for help and support. The goal of the pilot project is to prevent children with disabilities in crisis from coming into state custody and to provide the family community support to care for their child.

*The committee reviewed this item but took no action.*

**L. Acute Care Psychiatric Service Funding for Children (House Committee).** The House Committee requests the agency report at Omnibus on possible amendments to the Medicaid state plan to fund longer stays for inpatient acute care psychiatric services for children. The House Budget Committee heard testimony regarding the limited inpatient services for children in the state. Funding longer stays for inpatient care would be one way to expand available services.

*The committee reviewed this item but took no action.*

**M. Payroll Agents and Fraud Reporting (House Committee).** The House Committee noted with concern reports that payroll agents who discover and report fraud are penalized by reduced reimbursements, thus penalizing them for fraud beyond their control. The House Committee requested the agency investigate and report back at Omnibus with procedures to address the issue.

*The committee reviewed this item but took no action.*

**N. Child Welfare Contracts (House Committee).** The House Committee expressed interest in what planning the agency is doing in preparation for the new child welfare contracts that will be awarded for implementation beginning July 1, 2006. The Request for Proposal (RFP) will be issued and possibly awarded prior to the 2005 Legislative Session. The House Committee requested the agency report back at Omnibus on the process that will be used during this transition.

*The committee reviewed this item but took no action.*

**O. State Grant Proviso (House Committee).** The House Committee recommended Omnibus review of FY 2005 proviso language regarding state administered grants that would limit administrative costs to 7.0 percent, allow only private entities to receive the grants, and award grant funds to no less than two qualified private entities, unless there is only one qualified applicant, to be determined by the Secretary of SRS.

*The committee reviewed this item but took no action.*

**P. General Assistance/MediKan Hardship Criteria (Senate Committee).** The Senate Committee noted that the agency was drafting hardship criteria to address the issues in the General Assistance/MediKan program surrounding the 24-month time limit and requested the agency provide a draft of those criteria at Omnibus.

*The committee reviewed this item and recommended the agency proceed with its hardship criteria and recommended an interim study by the Legislative Budget Committee.*

**Q. Physician Reimbursement Rates - Senate Substitute for HB 2912 (Senate Committee) and GBA No. 3, Item 14, p. 6.** The Senate Committee recommended Omnibus review of physician reimbursement rates if provider assessment legislation was enacted. **Senate Substitute for HB 2912** enacted that legislation. **Senate Substitute for HB 2912** creates the Health

## CONTINUATION SHEET

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Care Access Improvement Program through an annual provider assessment. The provider assessment would not begin until it was approved by the Centers for Medicare and Medicaid Services, approximately six months from the application date. The enacted bill would result in additional expenditures, based on the estimated approval date, of \$22.3 million State General Fund and \$55.6 million all funds. The cost is based on the two quarters of increased payments to providers prior to the first assessment payment. A technical adjustment to the provisions of the bill, changing the biannual payment dates to June 30 and December 30 instead of July 19 and January 18, as well as making the first assessment payment after 150 days of increased rates instead of two quarters, would nullify the fiscal impact of the bill based on the estimated start date.

*The committee concurred to adopt the shell of GBA No. 3, Item 14, and leave the decision-making how to expend the total amount of money to the Healthcare Data Governing Board and appropriate a no limit fund.*

**R. Smart Start Expenditure Plan (Conference Committee).** The Conference Committee requested the Children's Cabinet report back at Omnibus with a detailed Smart Start Kansas expenditure plan.

A letter from Joyce A. Cussimano, Executive Director, Kansas Children's Cabinet and Trust Fund, was distributed to the committee regarding the Children's Cabinet response to a request addressing the allocation of Smart Start Kansas funds for FY 2005 based on the current recommendation and a Proposed Smart Start Kansas Expenditure Plan (Attachment 26). Ms. Cussimano briefed the committee on the memorandum.

Senator Downey moved, with a second by Senator Adkins, to adopt the portion of the GBA that applies to FY 2004. Motion failed on a voice vote. Division was requested. Count was 4 to 6 against the motion by a show of hands.

Senator Helgerson moved, with a second by Senator Jackson, to take the FY 2004 general reduction of \$3.5 million out of the overall program for the FY 2005 Children's Initiatives Fund. Motion carried by 6 to 4 on by a show of hands.

*Committee discussion followed on where to take the \$3.5 million dollars.*

Senator Helgerson moved, with a second by Senator Jackson, to take the \$3.5 million from the Smart Start increase for FY 2005.

Senator Adkins offered a substitute motion, with a second by Senator Downey, to take \$1.0 million out of Children's Medicaid increases, \$1.3 million out of Family Preservation and \$1.2 million out of Special Education and honors the rules that these funds are not to be used to supplant State General Fund obligations. A vote was taken on the substitute motion and the motion failed on a voice vote.

Senator Kerr moved, with a second by Senator Jackson, a 1 percent shrinkage of all Executive Branch budgets except the Judicial Branch to replace the \$3.5 shortage in the FY 2004 Children's Initiatives Fund. Motion carried on a voice vote. Division was requested. Count was 5 to 4 in favor of the motion by a show of hands. **After review of this item, Staff noted that the shrinkage rate would be 0.4 percent rather than the 1 percent shrinkage.**

**S. Nursing Facility for Mental Health Transition Proviso (Senate Committee).** The Senate Committee recommended the addition of language in FY 2005 requiring the agency to enforce the 120-day time limit for transition from an NF/MH only after a transition plan for the individual has been completed. This item was deferred until Omnibus due to the Committee request that the time limit not be implemented until Omnibus, when the agency could provide additional information about the transition screening process.

*The committee reviewed this item but took no action.*

## CONTINUATION SHEET

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE at 10:10 a.m. on April 22-23, 2004, in Room 123-S of the Capitol.

**T. Rehabilitation and Repair at the State Developmental Disability Institutions (Conference Committee).** The Conference Committee deleted funding and recommended Omnibus review of FY 2005 rehabilitation and repair expenditures for the Developmental Disabilities Institutions totaling \$6,772,365 from the State Institutions Building Fund.

*The committee concurred with the House action regarding this item to appropriate the money, ask the Legislative Budget committee look at it and make recommendation to the State Finance Council.*

**U. House Substitute for Senate Bill 272 (Conference Committee). House Substitute for SB 272** authorizes recovery of estate monies from deceased Medicaid recipients. According to the agency, the fiscal impact of the bill would be reduced expenditures of \$180,160 State General Fund and \$450,400 all funds in FY 2005, with increased revenues of \$700,000 all funds.

*The committee concurred with this item.*

**V. Consensus Caseload Estimate and GBA No. 3, Item 12, p. 6.** The April Consensus Caseload Estimates for FY 2004 are an increase of \$2,202,175 State General Fund and a reduction of \$2,065,698 all funds. The State General Fund increase is reflected in the Nursing Facilities for Mental Health (NF/MHs) at \$742,000 for increased populations of non-Medicaid eligibles; Temporary Assistance for Families (TAF) at \$500,000 for increased caseloads; General Assistance (GA) at \$482,897 and Regular Medical at \$977,278 for the injunction on enforcement of the 24-month time limit. The reduction in all funds reflects reduced federal only funds.

The April Consensus Caseload Estimates for FY 2005 are an increase of \$642,000 State General Fund and \$300,000 all funds. The State General Fund increase reflects increases in NF/MH and General Assistance expenditures. The all funds increase reflects General Assistance expenditures.

*The committee concurred with this item.*

**W. GBA No. 3, Item 10, p. 5 - Permanent Guardianship Placement.**

*The committee concurred with this item.*

**X. GBA No. 3, Item 11, p. 5 - Replace Medicaid Deferral for Child Welfare.**

*The committee concurred with this item.*

**Y. GBA No. 3, Item 4, p. 2 - Master Tobacco Settlement Agreement.**

*The committee addressed this item earlier.*

**Z. Expansion of the State Children's Health Insurance Program (SCHIP) (House Committee).** The House Committee recommended Omnibus review of the expansion of the SCHIP program to include children from conception to birth. SCHIP currently covers children from birth to age 19 (Attachment 27). Attachment was inadvertently omitted from the Omnibus memo.

A letter was distributed from Janet Schalansky, Secretary, Kansas Department of Social and Rehabilitation Services, regarding SRS related information requested by the Legislature for the 2004 Omnibus Session (Attachment 28).

*The committee recommended that this item be assigned to the interim committee on Children's Issues and also assigned to the interim committee on Legislative Budget.*

### Larned State Hospital

**A. Sexual Predator Treatment Program FTE Positions (House Committee).** The House Committee recommended review of the Sexual Predator Treatment Program at Larned State Hospital to determine if additional FTE positions would be necessary.

*The committee reviewed this item but took no action.*



CONTINUATION SHEET

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE at 10:10 a.m. on April 22-23, 2004, in Room 123-S of the Capitol.

**B. Teacher Salary Increases.** The Department of Education estimates an average statewide salary increase for teachers of 3.0 percent for FY 2005. The Governor's recommendation and legislative action to date for FY 2005 include no teacher salary increases within the education contracts. The Kansas Neurological Institute and Rainbow Mental Health Facility also have education contracts, but due to the nature of the contracts, adjustments are not necessary. The following table illustrates the adjustment necessary to provide uniform salary increases across the institutions.

<u>Percent Increase</u>	<u>Larned State Hospital</u>
0.5%	\$ 4,210
1.0%	8,420
1.5%	12,630
2.0%	16,840
2.5%	21,050
3.0%	25,260
3.5%	29,470
4.0%	33,680

*The committee concurred with this item.*

**C. Categorical Aid.** For FY 2004, the budgeted school contracts for Larned State Hospital include categorical aid based on a rate of \$19,000. Due to the nature of the contract, an adjustment at Kansas Neurological Institute and Rainbow Mental Health Facility is not necessary. The current FY 2004 categorical aid rate per eligible teaching unit is estimated to be \$19,200. If this rate is maintained, the school contracts for FY 2004 at Larned State Hospital would need an increase of \$1,306 State General Fund.

For FY 2005, the categorical aid rate was budgeted at \$19,000 for Larned State Hospital. Due to the nature of the contract, an adjustment at Kansas Neurological Institute and Rainbow Mental Health Facility is not necessary. The current FY 2005 categorical aid rate is estimated to be at \$18,500. This estimate requires a reduction of \$3,266 State General Fund.

*The committee concurred with this item.*

**D. GBA No. 3, Item 13, p. 6 - Sexual Predator Treatment Program.**

*The committee concurred with this item.*

**Parsons State Hospital**

**A. Teacher Salary Increases.** The Department of Education estimates an average statewide salary increase for teachers of 3.0 percent for FY 2005. The Governor's recommendation and legislative action to date for FY 2005 include no teacher salary increase within the education contracts. The Kansas Neurological Institute and Rainbow Mental Health Facility also have education contracts, but due to the nature of the contracts, adjustments are not necessary. The following table illustrates the adjustment necessary to provide uniform salary increases across the institutions.

CONTINUATION SHEET

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE at 10:10 a.m. on April 22-23, 2004, in Room 123-S of the Capitol.

<u>Percent Increase</u>	<u>Parsons State Hospital and Training Center</u>
0.5%	\$ 1,562
1.0%	3,124
1.5%	4,686
2.0%	6,249
2.5%	7,811
3.0%	9,373
3.5%	10,935
4.0%	12,497

*The committee concurred with this item.*

**B. Categorical Aid.** For FY 2004, the budgeted school contracts for Parsons State Hospital and Training Center include categorical aid based on a rate of \$18,750. Due to the nature of the contract, an adjustment at Kansas Neurological Institute and Rainbow Mental Health Facility is not necessary. The current FY 2004 categorical aid rate per eligible teaching unit is estimated to be \$19,200. If this rate is maintained, the school contracts for FY 2004 at the institutions would need an increase of \$2,448 State General Fund.

For FY 2005, the categorical aid rate was budgeted at \$18,750 for Parsons State Hospital and Training Center. Due to the nature of the contract, an adjustment at Kansas Neurological Institute and Rainbow Mental Health Facility is not necessary. The current FY 2005 categorical aid rate is estimated to be \$18,500 which would require a reduction of \$1,360 State General Fund.

*The committee concurred with this item.*

**Department of Health and Environment - Health**

**A. Consideration of State Dental Office funding (House Committee).** The House Committee recommended a review at Omnibus of the possibility of adding \$50,000 SGF in FY 2005 to support a State Dental Office at KDHE. This money was added during conference committee action as recommended by the Senate during its consideration of the KDHE-Health budget.

*The committee reviewed this item but took no action.*

**B. Review Fetal Alcohol Syndrome Diagnostic and Prevention Network Pilot Programs grants (House Committee).** The House Committee recommended a review at Omnibus of information regarding the continuation of the Fetal Alcohol Syndrome Diagnostic and Prevention Network grants in FY 2005. Subsequently, language allowing the continuation of these grants was included in the appropriations bill during conference committee action. No additional funding was added.

*The committee reviewed this item but took no action.*

**C. Review of Immunizations and ERISA Insurance Plans (House Committee).** The House Committee recommended a review of information provided by the agency on the interaction of ERISA regulated health plans and immunization rates. In particular, the Committee is interested in hearing about any options that are available to reduce the barriers presented by ERISA plans which are negatively affecting immunization rates for children.

*The committee reviewed this item but took no action.*

**D. Review Infant - Toddler (Tiny-K) programs (House Committee).** The House Committee recommended a review of information on Infant-Toddler programs regarding state comparisons, administrative costs and the implementation of a sliding fee scale for services.

## CONTINUATION SHEET

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE at 10:10 a.m. on April 22-23, 2004, in Room 123-S of the Capitol.

*The committee reviewed this item but took no action.*

**E. Review Information on Immunizations and WIC (House Committee).** The House Committee recommended Omnibus review of information on the interaction between immunization and the Women Infants and Children (WIC) programs. In particular, the Committee is interested in how the two programs can work collaboratively to increase immunization rates.

*The committee reviewed this item but took no action.*

**F. Review Information on Bioterrorism Preparedness Contracts (House Committee).** The House Committee recommended a review at Omnibus of existing bioterrorism preparedness training contracts with out-of-state universities. In particular, the Committee is interested in looking at whether there is a possibility of contracting with or working through in-state universities for this activity.

*The committee reviewed this item but took no action.*

**G. Review Funding for Pregnancy Maintenance Initiative (House Committee).** The House Committee recommended reviewing potential funding sources for the Pregnancy Maintenance Initiative. In the past, this program has been funded at \$300,000 SGF but funding was eliminated for FY 2005 in the Governor's recommended budget.

*The committee reviewed this item but took no action.*

**H. Consideration Interim Study on Child Care Programs Operated by School Districts (House Committee).** The House Committee recommended a review of the need for an interim study of issues around the regulation of child care programs operated by school district boards of education.

*The committee reviewed this item but took no action.*

**I. Review Proviso Restricting Enforcement of Child Care Regulations (House Committee).** The House Committee recommended Omnibus review of the need for the continuation of a proviso placed in the appropriations bills during the 2003 and 2004 Legislative Sessions which restricts the agency's enforcement of new regulations affecting school-age drop-in programs.

*The committee reviewed this item but took no action.*

**J. Consider Additional Immunization Support (Senate Committee).** The Senate Committee recommended Omnibus consideration of providing additional FY 2005 support for immunizations in order to improve the state's childhood immunization rates.

*The committee reviewed this item but took no action.*

**K. Review Immunization Recommendations (Senate Committee).** The Senate Committee recommended an Omnibus review of specific agency recommendations and performance measures aimed at increasing childhood immunization rates. The consideration should also include a review of the agency's assessment of the resources (state, federal, local and private) needed to meet the performance measures.

*The committee reviewed this item but took no action.*

**L. SB 418 - Birth Defects Information System (Law). SB 418** establishes a birth defects information system at KDHE with implementation contingent upon funds being available. The agency estimates a fiscal impact of \$290,396 for FY 2005 including \$101,000 for 2.0 FTE positions, staff travel costs of \$24,396, \$150,000 in contractual services to modify current databases, and additional data service expenditures of \$15,000. During the bill hearings, the agency indicated it would seek funding sources other than SGF, including federal funds, but if these are not available, SGF will need to be used.

*The committee directed the agency to seek other sources for funding than State General Funds.*

**M. GBA No. 3, Item 19, p. 10 - Transfer Food Safety Program to Department of Agriculture.**

CONTINUATION SHEET

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE at 10:10 a.m. on April 22-23, 2004, in Room 123-S of the Capitol.

*The committee concurred with this item.*

**N. GBA No. 3, Item 14, p. 6 - Health Care Access Improvement Program.**

*The committee addressed this item in the SRS section.*

**Department of Health and Environment - Environment**

**A. Review Information on Public Water Supply Funding and Fluoridation (Senate Committee).** The Senate Committee recommended Omnibus review of agency information on potential connections between public water supply funding and the encouragement of community water fluoridation.

*This was an information item and no action was taken.*

**Department of Commerce**

**A. Senate Sub. for Sub. for HB 2713 - Kansas Professional Regulated Sports Act. (Law).** **Senate Sub. for Sub. for HB.2713** creates the Kansas Professional Regulated Sports Act. The Act establishes an Athletic Commission with the Department of Commerce to have authority over all regulated sports and professional wrestling performances held in the state. The fiscal note indicates that \$58,408 would be required in FY 2005 to establish and operate the Commission. The funding source could be either EDIF or SGF. Of these costs, \$52,408 would pay for Boxing Commissioner salary expenses and \$6,000 would be for other operating expenditures. In the future, fees collected by the Commission will be used to offset the cost to the agency. The Athletic Fee Fund created by the bill to collect such fees needs to be appropriated.

*The committee adopted this item to allow the agency to set up the Athletic Fee Fund, but added no funding or FTE.*

**B. HB 2833 Governor's Hometown Heritage Act (Law).** **HB 2833** enacts the Governors of Kansas Hometown Heritage Act and authorizes special designations for a number of roads and highways. The agency estimates FY 2005 costs associated with marketing and conducting the competition for designing of the Governors Hometown logo at \$15,000 to \$25,000 from the EDIF.

*The committee did not adopt this item.*

**C. Senate Sub. for Sub. for HB 2647 - Kansas Economic Growth Act (Law) - Senate Sub. for Sub. for HB 2647** includes the original language of **HB 2647** creating the Kansas Bioscience Authority as well as the contents of **SB 393** (Center for Entrepreneurship), **SB 394** (IMPACT program changes), **SB 417** (Rural Business Tax Credits), **SB 480** (Angel Investor Act) and **SB 520** (Downtown Redevelopment Act) which comprise the Kansas Economic Growth Act. The provisions regarding the Center for Entrepreneurship create the Kansas Community Entrepreneurship Fund, which needs to be appropriated, and gives authority to the Secretary of Commerce to budget EDIF moneys to the fund. During the regular session, the Legislature appropriated \$800,000 EDIF to support the Center and provide seed money to this fund.

*The committee adopted this item to allow the agency to set up the Kansas Community Entrepreneurship Fund with no expenditure limitation.*

**D. GBA No. 3, Item 15, p. 7 - Employment Services.**

*The committee concurred with this item.*

**State Fire Marshal**

**A. SB 312 Fire Insurance Premium Levy Distribution (Law).** **SB 312** adjusts the allocation of the 1.25 percent levy on fire insurance premiums to include the distribution of 0.2 percent to the Fire Services Training Institute at the University of Kansas. Currently, this program is funded by a transfer of \$750,000 from the Fire Marshal Fee fund to the Fire Service Training fund at KU. This issue is dealt with in the University of Kansas budget.

*This item was addressed earlier in considering the University of Kansas budget.*

CONTINUATION SHEET

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE at 10:10 a.m. on April 22-23, 2004, in Room 123-S of the Capitol.

**B. SB 335 - Regulation of Liquefied Petroleum Gas and Propane (Law).** **SB 335** enacts the Kansas Propane Safety and Licensing Act and establishes regulatory authority over the liquefied petroleum gas industry. The State Fire Marshal is required to establish rules and regulations consistent with the bill. The bill also establishes the State Fire Marshal Liquefied Petroleum Gas Fee Fund where fees collected under the bill would be credited. Fines collected would be credited to the State General Fund. The fiscal impact on the State Fire Marshal's office of implementing these provisions is estimated at \$144,668 and 2.5 FTE. According to the fiscal note, these positions would provide field inspections, administrative coordination, and facility plan reviews. The Fire Marshal estimates that fees collected would generate \$256,000 in FY 2005.

*The committee concurred to appropriate the fund, add the 2 FTE's and set a \$150,000 fee fund expenditure limitation.*

**KPERS**

**A. Technology Project (Senate Committee and House Committee) and GBA No. 3, Item 3, p. 2.** Pending approval of the Executive Chief Information Technology Officer and recommendation of a Governor's Budget Amendment, the committees agreed to review additional funding of \$1,027,500 in FY 2005 for the project. Funding of \$756,207 is included in the approved FY 2005 budget for the project, with the agency requesting total expenditures of \$1,783,707 next fiscal year.

*The committee concurred with this item for FY 2005.*

**B. Investment Management Fees (Senate Committee and House Committee).** The committees agreed to review revised FY 2004 and FY 2005 projections for paying investment managers. One factor impacting the increased estimate for fees is the market upturn. Another factor is the investment of the pension bond revenue of \$440.2 million from the sale on March 10, 2004. For FY 2004, the original estimate of \$18,071,348 is increased to \$19,293,452, an increase of \$1,222,104. For FY 2005, the original estimate of \$19,459,476 is increased to \$22,873,741, an increase of \$3,417,065.

*The committee concurred with this item for FY 2004 and FY 2005.*

**Department of Revenue**

**A. Fee Fund Status (Senate Committee and House Committee).** The committees agreed to review updated information about the VIPS/CAMA Technology Fund ending balances after cancellation of a \$1.8 million encumbrance in FY 2003. The agency reencumbered \$1.8 million in FY 2003 for a subsequent vendor, along with an additional \$972,538 in FY 2004, for a contract with Cole-Layer-Trumble Company to develop a new CAMA system. The Executive CITO issued an approval letter on December 17, 2003, for the newly redefined project and a contract of \$2.8 million. An ending balance for FY 2005 would be less than \$2.0 million if reduced revenues are projected from the following information.

VIPS/CAMA Fund Resource Estimate	Agency		Agency		Gov. Rec. FY 2005
	Actual FY 2003	Estimate FY 2004	Gov. Rec. FY 2004	Request FY 2005	
Beginning Balance	\$ 1,174,796	\$ 319,141	\$ 319,141	\$ 1,081,126	\$ 1,081,126
Net Receipts	944,345	2,841,573	2,841,573	2,841,573	2,814,101
Total Funds Available	\$ 2,119,141	\$ 3,160,714	\$ 3,160,714	\$ 3,922,699	\$ 3,895,227
Less: Expenditures	1,800,000	2,079,588	2,079,588	1,913,642	1,886,170
Ending Balance	<u>\$ 319,141</u>	<u>\$ 1,081,126</u>	<u>\$ 1,081,126</u>	<u>\$ 2,009,057</u>	<u>\$ 2,009,057</u>
Ending Balance as Percent of Expenditures	17.7%	52.0%	52.0%	105.0%	106.5%

The agency has provided updated information about fee fund receipts through March 31, 2004, for a number of funds, with shortfalls noted in all four of its major funds. The VIPS/CAMA revenue is least impacted by the general shortfall in receipts to date this fiscal year.

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	Shortage to March 31	Shortage Pct.	Proj. Shortage to 6/30	Total Proj. Shortage
DOV Operating Fund	\$ (240,607)	26.8%	\$ (83,092)	\$ (323,699)
Elec. Databases FF	(238,338)	4.8%	(88,841)	(327,179)
Photo FF	(272,066)	14.0%	(90,675)	(362,741)
VIPS/CAMA FF	(44,008)	2.1%	(14,634)	(58,642)
Totals	<u>\$ (795,019)</u>	--	<u>\$ (277,242)</u>	<u>\$ (1,072,261)</u>

Finally, **SB 380** will reduce revenue in FY 2005 to the DOV Operating Fund by an estimated \$150,000 with a change in legal notification regarding notification by wrecking and towing companies.

*The committee reviewed this item but took no action.*

**B. Senate Sub. for Sub. for HB 2647 Kansas Economic Growth Act (Law). HB 2647** assigns certain duties to the Secretary of Revenue and a series of tax exemptions and tax credits are established. First, the Secretary and the Kansas Bioscience Authority will establish the base year of taxation for all bioscience companies and state universities conducting bioscience research. Second, the Secretary of Revenue, the Kansas Bioscience Authority and the State Board of Regents will establish the number of bioscience employees at universities, provide annual reports, and determine the incremental tax increases from the base year over a 15 year period. All incremental state taxes generated by growth of bioscience companies and research institutions will go into the Bioscience Development Investment Fund. Third, the Bioscience Tax Investment Incentive Act will be managed by the Secretary of Revenue. Fourth, a new tax credit for entrepreneurship in distressed and rural communities is established. Taxpayers donating to the Kansas Community Entrepreneurship Fund may claim a 50 percent tax credit on the amount donated. Fifth, a rural business development tax credit is established and state income tax credits will be awarded to seven designated regional organizations. The Secretary of Revenue will assist the Secretary of Commerce in designating regional organizations to serve as a regional foundation to receive the tax credits. Sixth, the Kansas Angel Investor Tax Credit Act is established to allow accredited investors up to a 50 percent tax credit not to exceed \$50,000.

The Department of Revenue estimates a reduction of State General Fund revenue in FY 2005 amounting to \$1,556,912 attributed to the Emerging Industry Investment Act.

*The committee reviewed this item but took no action.*

**C. HB 2143 Issuance of Distinctive License Plates (Governor). HB 2143** establishes new procedures and requirements for issuing distinctive license plates. A new Distinctive License Plate Fund is established for the development of new plates, using non-refundable deposits to defray development costs. One new distinctive plate is exempted from the new law, the "Helping Schools" plate. Annual royalty payments for those plates will be designated for a particular school district and all royalty payments will be deposited in a new Helping Schools License Plate Program Fund. Money credited to the new fund may be used for development of the license plate and administrative costs, and all other money will be distributed annually to designate school districts.

Two new funds need to be appropriated in FY 2005: the Distinctive License Plate Fund and the Helping Schools License Plate Program Fund.

*The committee concurred with this item to appropriate both funds.*

**Kansas Lottery**

**A. Additional Revenues (Senate Committee and House Committee).** The committees agreed to review revised sales estimates during Omnibus and adjust SGRF revenue estimates as needed in FY 2004 and FY 2005. Sales to date have generated transfers in excess of the required minimum amount to transfer monthly (which is \$4.5 million each month).

	Transfers FY 04	Minimum FY 04	Difference FY 04	Cumulative Difference
Lottery Transfers:				

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15-Aug	\$ 5,750,000	\$ 4,500,000	\$ 1,250,000	\$ 1,250,000
15-Sep	6,000,000	4,500,000	1,500,000	2,750,000
15-Oct	6,250,000	4,500,000	1,750,000	4,500,000
15-Nov	6,000,000	4,500,000	1,500,000	6,000,000
15-Dec	5,000,000	4,500,000	500,000	6,500,000
15-Jan	7,000,000	4,500,000	2,500,000	9,000,000
15-Feb	6,000,000	4,500,000	1,500,000	10,500,000
15-Mar	5,750,000	4,500,000	1,250,000	11,750,000
15-Apr	6,000,000	4,500,000	1,500,000	13,250,000
15-May		4,500,000		
15-Jun		4,500,000		
15-Jul		4,500,000		
Total-12		\$ 54,000,000		
Required		63,324,255		
<b>Difference</b>		<b>\$ 9,324,255</b>		

The Lottery revised its FY 2004 sales estimate from \$212.3 million to \$220 million, and estimates transfers to the SGRF of \$67.1 million, plus \$2 million directly to the EDIF, for a total of \$69.1 million. The earlier estimate was \$63.3 million to the SGRF plus the \$2 million to the EDIF approved in HB 2675. In FY 2004, the increased amount of \$3.8 million would enhance the SGF since any amount above \$50 million will be transferred on June 25, 2004. The additional amount is reflected in the April 2004 consensus revenue estimates. No changes in the FY 2005 sales estimate of \$215.5 million or in transfers of \$63.9 million are made.

Legislative Approved ( <b>HB 2675</b> ):	Actual FY 2003	Approved FY 2004	Approved FY 2005
Lottery Transfers:			
Regular SGRF	\$ 62,494,603	\$ 62,773,000	\$ 63,250,000
Veterans SGRF/SGF	0	551,255	723,255
Subtotal	\$ 62,494,603	\$ 63,324,255	\$ 63,973,255
Special EDIF	0	2,000,000	0
One-Time SGF	0	835,250	1,168,277
<b>TOTAL</b>	<b>\$ 62,494,603</b>	<b>\$ 66,159,505</b>	<b>\$ 64,641,532</b>

*The committee concurred with this item to increase the transfer amount by \$3.8 million.*

**Department of Wildlife and Parks**

**A. Water Rights Purchases (Senate Committee and House Committee) and GBA No. 3, Item 34, p. 16.** Pending a Governor’s Budget Amendment, the committees agreed to review proposal to buy water rights for a two-year period in Sebelius Reservoir to maintain recreational activities by managing the water level. The agency proposes to spend \$120,000 each year in FY 2005 and FY 2006 during the two-year agreement with the Almena Irrigation District. Financing would be in three equal amounts of \$40,000 from the Wildlife Fee Fund, the Boating Fee Fund, and the Parks Fee Fund.

*The committee concurred with this item.*

**B. Additional Federal Funds (Senate Committee and House Committee) and GBA No. 3, Item 35, p. 17.** The committees agreed to review possible additional federal grants that might be added to the FY 2005 budget. The agency requests \$80,000 in expenditures of additional federal funds in FY 2005 for the state hunter education program from the Wildlife Fee Fund.

*The committee concurred with this item.*

**C. Five-Year Plan for New State Park (House Committee).** The House Committee agreed to review the proposal for acquiring and constructing a new state park in Topeka and a preliminary five-year plan for improvements. In HB 2675, the Legislature approved \$100,000 for planning Menninger Memorial State Park, but made expenditures subject the receipt of title to the land and approval by the State Finance Council.

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A preliminary five-year plan was submitted to the House Appropriations Chairperson by the Secretary of Wildlife and Parks on April 15, 2004, per the House Committee request for an Omnibus report.

*The committee reviewed this item but took no action.*

**D. Diversion Issue (Senate Committee).** The Senate Committee asked to review any negative impact of budget reductions associated with BEST recommendation on the Wildlife Fee Fund where an initial \$332,692 in budget adjustments were recommended in FY 2005.

A report was submitted to the Senate Ways and Means Chairperson by the Secretary of Wildlife and Parks on April 15, 2004, per the Senate Committee request for an Omnibus report (Attachment 29).

*The committee reviewed this item but took no action.*

**E. Carryover for Capital Improvements (Senate Committee).** The Senate Committee requested a review of information about FY 2004 approved capital improvement projects and funds carried over from prior fiscal years to pay for projects.

A report was submitted to the Senate Ways and Means Chairperson by the Secretary of Wildlife and Parks on March 18, 2004, per the Senate Committee request for an Omnibus report (Attachment 30).

*The committee reviewed this item but took no action.*

**F. FY 2005 Expenditures (Technical Adjustment).** A technical amendment to **HB 2675** would add appropriation items in FY 2005 for the Tuttle Creek State Park Mitigation Project and Cheyenne Bottoms Federal Grants that were appropriated in FY 2004 by HB 2675 as recommended by the Governor and approved by the Legislature. The moneys will reappropriate from the current fiscal year to the next fiscal year, and expenditure authority needs to be included in the Omnibus bill for FY 2005 as line items. Also, a technical amendment to provide for repayment of the Pooled Money Investment Board loan needs specified that it is in addition to the expenditure limitation of \$1.5 million for the Tuttle Creek project.

*The committee concurred with this item to re-appropriate Cheyenne Bottoms Federal Grants and Tuttle Creek projects for FY 2005.*

**G. HB 2731 Kansas Farmers and Hunters Feeding the Hungry (Law).** **HB 2731** allows hunting license applicants to make voluntary contributions of at least \$2 or more to support the activities of the group, Kansas Farmers and Hunters Feeding the Hungry. The bill establishes the Feed the Hungry Fund and requires annual reporting by the Secretary of Wildlife and Parks concerning voluntary contributions to the new fund.

One new fund needs to be appropriated in FY 2005: the Feed the Hungry Fund.

*The committee concurred with this item to appropriate the Feed the Hungry Fund in FY 2005.*

**H. HB 2557 New State Park (Conference Committee) and GBA No. 3, Message on Menninger Memorial State Park.** A conference committee report on **HB 2557** has been adopted by the Senate, but has not run in the House yet. That bill would authorize State Park No. 24 in Shawnee County, which shall be given a permanent name to be determined by the Legislature at a future date. A technical change in the section of **HB 2675** line item appropriating \$100,000 for Menninger Memorial State Park needs to be renamed as the State Park No. 24 in Shawnee County account.

*Staff called attention to GBA No. 3, unnumbered, last GBA on the memorandum. The committee concurred with the name change from Menninger Memorial State Park to State Park No. 24 and re-appropriating \$100,000 in FY 2005 after repealing the original item.*

### Adjutant General

**A. Deputy Adjutant General (House Committee).** The House Budget Committee requested for Omnibus consideration the addition of 1.0 other unclassified Deputy Adjutant General position



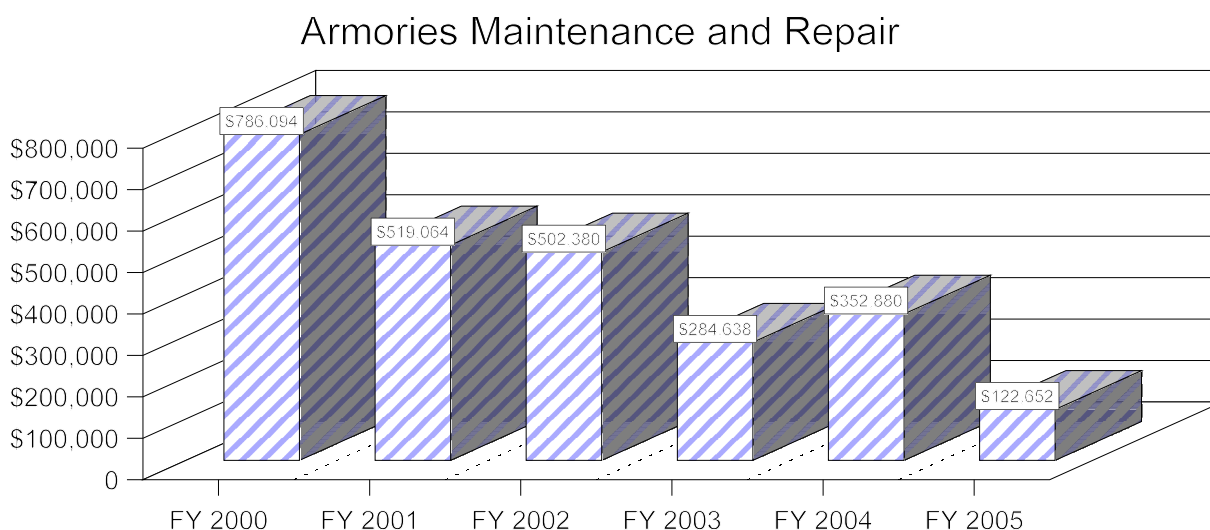
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and \$92,332 (from federal Homeland Security Funds) in FY 2005 to assist the Adjutant General in administering activities as the Homeland Security Officer as designated by the Governor. During testimony, Committee members voiced concern about the amount of additional work undertaken by the Adjutant General, with no "deputy" to aid in the increased tasks.

*The committee concurred with this item that the position would be unclassified and subject to availability of funds.*

**B. Aging Armories Funding (House Committee).** The House Budget Committee noted for Omnibus consideration the addition of funds in FY 2005 to provide the agency with additional financing for repair and rehabilitation costs in conjunction with the passage of 2000 **SB 326** (the bill authorized the issuance of 15-year bonds for acquisition, construction, equipping, renovation, reconstruction, and repair of the state's 58 armories). The agency had estimated that along with the aggregate \$22,000,000 in bonding authority authorized by the bill, \$750,000 of funding normally utilized by the agency to provide repair and maintenance of armories, was also going to be available to finance the provisions of the bill. However, over the last five fiscal years, that funding has significantly decreased. The House Budget Committee cited this item for Omnibus consideration in the event that additional funding becomes available.



*The committee reviewed this item but took no action.*

**Line Item:** Staff requested a technical amendment regarding the State Finance Council that on November 20, 2003, authorized \$2.1 million from the State Emergency Fund to finance disasters occurring over the past couple of years.

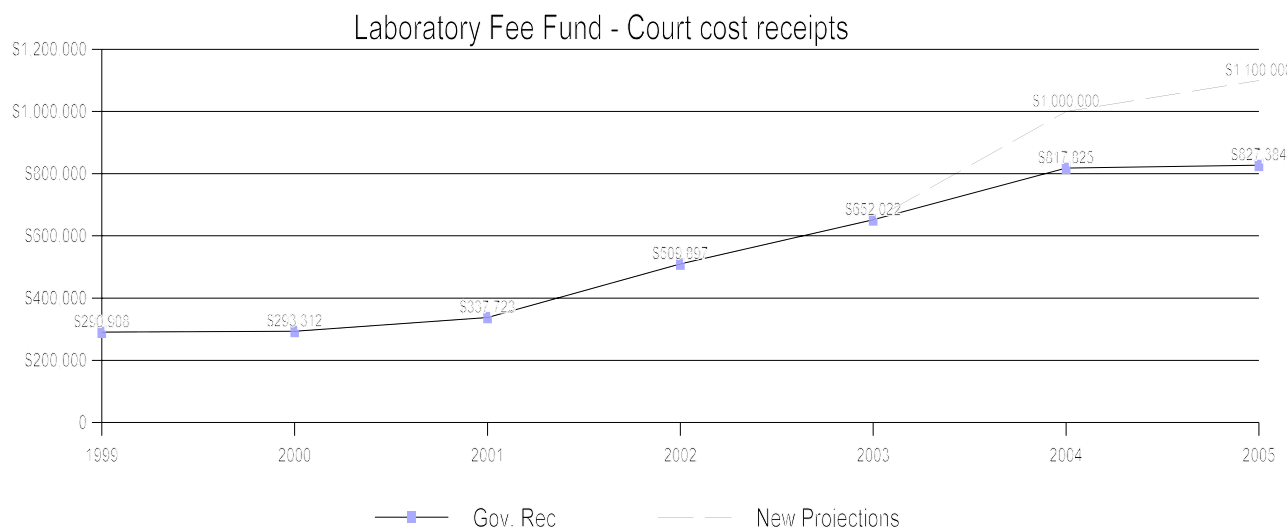
*The committee authorized the re-affirmed that the State Finance Council can spend disaster funds.*

**Kansas Bureau of Investigation**

**A. Laboratory Fee Fund (Senate Committee).** The Senate Subcommittee discussed the increase in projected receipts being deposited in the Laboratory Fee Fund. The Fund is financed through court costs and 20 percent of fees collected for driver's license reinstatements. The Senate Subcommittee noted the increase in court costs receipts over time and the increase in fees (from \$150 to \$400) as passed by the 2002 Legislature (KSA 28-176). The Senate Committee requested the review of the fee fund balances during Omnibus.

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*The committee reviewed this item and recommended utilizing \$624,005 from the Laboratory and Materials Fee Fund (over three fiscal years) to renovate and repair the 2<sup>nd</sup> floor of the Great Bend Laboratory.*

**B. Transfer Date (Technical Adjustment).** In **HB 2675** (the appropriations bill), Section 127©), the transfer date of June 1, 2005 needs to be changed to July 1, 2004.

*The committee concurred with this item.*

**Emergency Medical Services Board**

**A. Education Incentive Project (Senate Committee).** In conjunction with the provisions and passage of 2004 Senate Sub. for **SB 351** (which passed the Senate and has been referred to the House Appropriations Committee), \$200,000 of the \$975,000 which is transferred from the Emergency Medical Service Operating Fund to the State General Fund in **HB 2675** (the appropriations bill) would be utilized in FY 2005 to provide help in defraying the costs of education and training for rural and primarily volunteer EMS agencies who have a documented shortage of personnel. Funds would be distributed through a grant process with grant guidance and awards being determined by the Board of EMS.

Senator Downey moved, with a second by Senator Jackson, Proviso language regarding what was established by the Senate in **SB 351** regarding training rural and volunteer EMS agency personnel to provide better service in those area and that \$200,000 is not swept from their fund and is directed and maintained to direct the program as outlined in **SB 351**. Motion carried on a voice vote.

**B. Statewide Data Collection Project (Senate Committee).** **HB 2675** (the appropriations bill) reduced the transfer of \$1,000,000 from the Emergency Medical Services Fund to the State General fund by \$75,000 in FY 2005 to initiate a Statewide Data Collection pilot project. One of the major challenges for EMS in Kansas is the scarcity of response data. Currently, the Kansas Department of Transportation and the Kansas Highway Patrol collect only data with regard to injuries/deaths in motor vehicle crashes. The pilot project would collect information on all ambulance responses, thus providing more detailed information on medical responses. The Senate Subcommittee directed the agency to appear during Omnibus to provide more information on the pilot project, and to appear before the 2005 Legislature to discuss statewide implementation.

*This was an information item.*

**Sentencing Commission**

**A. 2003 **SB 123** Offender reimbursement (Senate Committee).** The Senate Subcommittee had concerns relating to the collection of reimbursement dollars from offenders participating in the provisions of 2003 **SB 123**. Within the Governor FY 2005 Budget Report, \$360,108 was anticipated to be received from offenders. However, during testimony, the Subcommittee was informed that

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since November 1, 2003 no offenders have provided reimbursement funds to the Sentencing Commission nor have any insurance proceeds been received. The Subcommittee was concerned that the State is not receiving its share of monies that it is owed from offenders. That may be due to those funds first going to reimburse judicial costs, providing restitution, or other costs. The Senate Subcommittee directed the agency to report back by Omnibus on the status of offender reimbursement moneys and to recommend procedures that can be instituted to ensure that insurance proceeds are identified and collected.

*The committee concurred with this item.*

### **B. GBA No. 3, Item 31, p. 15 - Drug Treatment Funding Revision.**

*The committee concurred with this item.*

## **Kansas Department of Transportation**

**A. Automobile Parts Contract (House Committee).** The House Committee noted for Omnibus consideration the addition of a proviso in FY 2005 prohibiting the Department of Administration from limiting the vendors from which the Department of Transportation may obtain vehicle parts.

*The committee reviewed this item and took no action.*

**B. HB 2756 (Law) and GBA No. 3, Item 36, p. 17. HB 2756** authorizes the Department of Transportation to purchase and lease radio communications equipment, including access to radio communication towers, to both governmental and non-governmental organizations. The bill creates the Communication System Revolving Fund in which all proceeds from the lease of radio communications equipment would be deposited. The Department of Transportation estimates that \$5.0 million would be transferred from the State Highway Fund to the newly created fund in FY 2005. Of the \$5.0 million amount, \$568,302 would be used for salaries and wages in support of 12.0 new FTE positions, and the remaining \$4,430,698 would be available for the purchase, installation, and servicing of radio communications equipment. The Department anticipates that the revenue generated by the leasing of equipment and towers would support the ongoing costs of the communications system, and the clearing fund would be self-supporting thereafter. In addition, the agency estimates that these fees would generate enough revenue to repay the \$5.0 million capitalization loan from the State Highway Fund.

*The committee concurred with this item and to have the Kansas Department of Transportation report back to the FY 2005 session.*

Senator Schodorf moved, with a second by Senator Downey, to adopt GBA No. 3, Item 36. Motion failed on a voice vote.

## **Department of Corrections**

**A. Visitor Centers at Correctional Facilities (Conference Committee).** The Department of Corrections currently contracts with Outside Connections to operate off-grounds visitor centers at Ellsworth, Hutchinson, and Norton Correctional Facilities and an on-grounds visitor center at Lansing Correctional Facility. The contract is due to expire June 30, 2004. The contract has been historically funded through the Inmate Benefit Fund. Funding of \$225,000 for the visitor centers was included in the Department of Corrections FY 2005 budget request. However, in order to implement the Governor's \$1.6 million all funds reduction for offender programs, the department recommended not to fund the visitor centers for FY 2005. The Senate Ways and Means Committee added \$200,000 for the visitor centers from the Inmate Benefit Fund, but the funding was deleted in Conference Committee pending further review at Omnibus. According to the Department of Corrections, the unobligated cash balance in the Inmate Benefit Fund for FY 2005 is \$91,617.

Senator Adkins moved, with a second by Senator Helgerson, that given the amount of State General Fund money saved on SB 123, to put \$250,000 from the Inmate Benefit Fund to the to fund the Visitor Centers. Motion carried on a voice vote.

### **B. GBA No. 3, Item 26, p. 13 - Bedspace Contract.**

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*The committee concurred with this item.*

**C. GBA No. 3, Item 27, p. 13 - Food Service Contract.**

*The committee concurred with this item.*

**D. GBA No. 3, Item 28, p. 14 - Health Care Contract.**

*The committee concurred with this item.*

**E. GBA No. 3, Item 29, p. 14 - Construction of Spiritual Life Center.**

*The committee concurred with this item.*

**Board of Tax Appeals**

**A. Update on Status of Senate Bill 535 (Senate Committee).** The Senate Committee recommended the introduction of **Senate Bill 535** which would remove the filing fee exemption placed on single family residential property and the \$10 filing fee limitation placed on the property of not-for-profit organizations with a valuation of \$100,000 or less. The fiscal note for **SB 535** states that the removal of the two exemptions would enable the agency to collect approximately \$60,250 in additional funds for FY 2005. The bill was introduced by the Senate Committee on Ways and Means and referred to the Senate Committee on Assessment and Taxation.

*This was an information item.*

**Real Estate Appraisal Board**

**A. Additional Funding for Rent Space Surcharge (House Committee).** The House Committee recommended a review of the possibility of including an additional \$1,204 from the Appraiser Fee Fund to the Real Estate Appraisal Board's FY 2005 budget to fund a \$0.94 per square foot rent space surcharge levied against the agency. The Governor's FY 2005 recommendation did not include the \$1,204 to cover the rent space surcharge. The House Committee noted this issue for Omnibus consideration, and requested a Governor's Budget Amendment to finance the additional expense.

*The committee concurred with this item.*

**B. Fee Fund Transfer to the State General Fund (House Committee).** In **House Bill 2675** (appropriations bill), the 2004 Legislature approved the Governor's recommendation that all unencumbered biennial fee funds with an estimated balance greater than \$200,000 at the end of FY 2005 be transferred to the State General Fund. For the Real Estate Appraisal Board, the estimated transfer will be \$334,369. The House Committee recommended a review of the fee fund transfer to further assess its impact on the agency's budget.

According to the Board, the fee fund transfer will most likely require an increase in license renewal fees. The agency expressed concern that as interest rates go up over the next few years, the number of new and renewal licensees will likely decrease by approximately thirty percent, which will substantially impact the amount of revenue generated in the Appraiser Fee Fund in the future. In addition, the agency stated that a rise in interest rates will also likely increase the number of complaints it receives each year, thus affecting its expenditure limitation as well. The Real Estate Appraisal Board felt that a carryforward of \$200,000 in FY 2006 would not be enough to meet the possibilities that would arise when interest rates increase within the next several years.

The following table outlines an analysis of the Appraiser Fee Fund for FY 2004 and FY 2005.

Resource Estimate	Actual FY 2003	Agency Estimate FY 2004	Legislative Approved FY 2004	Agency Request FY 2005	Legislative Approved FY 2005
Beginning Balance	\$ 441,574	\$ 526,346	\$ 526,346	\$ 522,384	\$ 522,384
Net Receipts	269,387	258,043	258,043	258,043	258,043
Total Funds Available	\$ 710,961	\$ 784,389	\$ 784,389	\$ 780,427	\$ 780,427

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Less: Expenditures	225,005	251,919	251,919	242,512	244,226
Lapses	0	10,086	10,086	0	0
BEST Transfer	0	0	0	0	1,832
Biennial Transfer	0	0	0	0	334,369
Transfer	199	0	0	0	0
Ending Balance	<u>\$ 485,757</u>	<u>\$ 522,384</u>	<u>\$ 522,384</u>	<u>\$ 537,915</u>	<u>\$ 200,000</u>
Ending Balance as Percent of Expenditures	215.9%	207.4%	207.4%	221.8%	81.9%

**Staff Note:** The beginning balance for FY 2004, for the agency's estimate and the Governor's recommendation, includes a carryforward in KSIP funds totaling \$40,589.

**HB 2675** included a provision that the certification date for the fee fund transfer take place no later than April 19, 2004, rather than the end of FY 2005 as originally recommended by the Governor. The amount certified was \$334,369.

*The committee reviewed this item but took no action.*

**Kansas Real Estate Commission**

**A. Additional Funding for Rent Space Surcharge (Senate Committee and House Committee).** The Senate Committee and the House Committee recommended a review of the possibility of including an additional \$4,100 from the Real Estate Fee Fund to the Real Estate Commission's FY 2005 budget to fund a \$0.94 per square foot rent space surcharge levied against the agency. The Governor's FY 2005 recommendation did not include the \$4,100 to cover the rent space surcharge. The Senate Committee and the House Committee noted this issue for Omnibus consideration, and requested a Governor's Budget Amendment to finance the additional expense.

*The committee concurred with this item.*

**B. Fee Fund Transfer to State General Fund (House Committee).** In **House Bill 2675** (appropriations bill), the 2004 Legislature approved the Governor's recommendation that all unencumbered biennial fee funds with an estimated balance greater than \$200,000 at the end of FY 2005 be transferred to the State General Fund. For the Real Estate Commission, the estimated transfer will be \$508,438. The House Committee recommended a review of the fee fund transfer to further assess its impact on the agency's budget.

According to the Real Estate Commission, the fee fund transfer will most likely require an increase in licensing fees, which are currently at the statutory limit. The agency's receipts fluctuate from year to year because more licensees are scheduled for renewal in even-numbered years rather than odd-numbered years. The Real Estate Commission explained that revenues are historically lower in odd-numbered years and expenditures recommended by the Governor for FY 2005 far exceed projected revenues after the agency transfers the 20.0 percent required to the State General Fund to cover indirect costs.

The following table outlines an analysis of the Real Estate Fee Fund for FY 2004 and FY 2005.

Resource Estimate	Actual FY 2003	Agency Estimate FY 2004	Legislative Approved FY 2004	Agency Request FY 2005	Legislative Approved FY 2005
Beginning Balance	\$ 805,277	\$ 856,981	\$ 856,981	\$ 844,419	\$ 844,419
Net Receipts	734,639	796,690	796,690	668,572	668,572
Total Funds Available	<u>\$ 1,539,916</u>	<u>\$ 1,653,671</u>	<u>\$ 1,653,671</u>	<u>\$ 1,512,991</u>	<u>\$ 1,512,991</u>
Less: Expenditures	682,167	764,665	764,665	830,887	795,796
BEST Transfer	0	0	0	0	8,757
Biennial Transfer	0	0	0	0	508,438
Transfer	768	44,587	44,587	0	0
Ending Balance	<u>\$ 856,981</u>	<u>\$ 844,419</u>	<u>\$ 844,419</u>	<u>\$ 682,104</u>	<u>\$ 200,000</u>
Ending Balance as Percent of Expenditures	125.6%	110.4%	110.4%	82.1%	25.1%

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**HB 2675** included a provision that the certification date for the transfer take place no later than April 19, 2004, rather than the end of FY 2005 as originally recommended by the Governor. The amount certified was \$508,438.

*The committee reviewed this item but took no action.*

**Department of Human Resources**

**A. Substitute for House Bill 2435 (Law) and GBA No. 3, Item 16, p. 8.** Substitute for **House Bill 2435** creates the Hispanic and Latino American Affairs Commission and repeals statutes concerning the current Hispanic Affairs and the Mexican American Affairs Advisory Committees. The new Commission will be housed in the Governor's Office. Current law designates the Advisory Committees within the Department of Human Resources.

Membership, for three-year terms, on the Commission is outlined in the bill similar to the membership of the current Advisory Committee on Hispanic Affairs. Meeting dates, payment amounts, and qualifications are controlled by the same statutes governing the current Advisory Committee.

The Advisory Commission on African American Affairs is also transferred from the Department of Human Resources to the Governor's Office.

The Hispanic Affairs Committee's approved FY 2005 budget totals \$194,365, including \$183,684 from the State General Fund and 3.0 FTE positions. The Advisory Commission on African American Affairs' approved FY 2005 budget totals \$186,852, including \$183,502 from the State General Fund, and 3.0 FTE positions. The total combined funding approved for FY 2005, that will be transferred to the Governor's Office, is \$381,217, including \$367,186 from the State General Fund, and 6.0 FTE positions.

*This item was addressed earlier.*

**B. GBA No. 3, Item 15, p. 7 - Employment Services.**

*This item was addressed earlier.*

**C. GBA No. 3, Item 17, p. 9 - Transfer Unused Bond Proceeds to Other Capital Improvement Projects.**

*The committee concurred with this item.*

**D. GBA No. 3, Item 18, p. 9 - Unemployment Insurance Benefits Computer System.**

*The committee concurred with this item.*

**ADDITIONAL ISSUES:**

**Out-District-Tuition.** This item was not funded in **SB 345**.

The committee concurred with this item to put it in the Omnibus bill.

**HB 2752.**

*The committee concurred to include a proviso containing the basic language provided in **HB 2752** to give the department more flexibility to negotiate fees for capital projects.*

Senator Helgerson moved, with a second by Senator Schodorf, to remove the contents of **HB 2471** and authorize staff to make technical amendments. Motion carried on a voice vote.

Senator Schodorf moved, with a second by Senator Jackson, to recommend the Omnibus Appropriations Bill, **Senate Substitute for HB 2471**, favorable for passage as amended. Motion carried on a roll call vote.

The meeting adjourned at 4:30 p.m. on April 23, 2004. The next meeting is scheduled for April 29,

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