

MINUTES OF THE House COMMITTEE ON Ways and Means

The meeting was called to order by Bill Buntin at
Chairperson

1:30 ~~am~~/p.m. on Thursday, February 21, 1985 in room 514-S of the Capitol.

All members were present except: Representatives Heinemann and Helgerson (both excused)

- Committee staff present:
- Gloria Timmer - Legislative Research
 - Laura Howard - Legislative Research
 - Jim Wilson - Office of the Revisor
 - Sharon Schwartz - Administrative Assistant
 - Nadine Young - Committee Secretary

- Conferees appearing before the committee:
- Representative Francisco
 - Alden Shields, Division of Budget
 - Marshall Crowthers, KPERS
 - Dr. O. L. Plucher, USD #500
 - Clarence Turpin, Kansas City, KS Retired Committee
 - Basil Covey, KRTA
 - Etta Blanche Dahlgren, Kansas City, KS Retirement System
 - Others (Attachment I)

Chairman Buntin called the meeting to order at 1:30 p.m. and called upon Representative Guldner to present the resolution relating to the budget freeze.

A draft bill (Attachment II) was presented which deals with the desirability of utilizing a separate, legislatively developed budget. Representative Guldner moved that the bill be introduced and referred to the committee of the whole. It was seconded by Representative King.

Representative Solbach offered an amendment (Attachment III) that would tie the spending to an "increase in the average implicit price deflator for gross national product for state and local government purchases of goods and services for calendar year 1984 over that for calendar year 1983". Representative Mainey seconded. Representative King opposed the motion. The motion lost.

Chairman turned back to Representative Guldner's original motion. Representative Louis questioned the word "should" on line 9 and moved that it be stricken and the language "hereby adopts as a goal" be inserted. Seconded by Representative Ott. Motion carried.

Chairman asked for a vote on Representative Guldner's original motion. A division was asked for and a show of hands was requested. The motion carried.

HB 2279 -- an act concerning official written communications of state agencies; requiring certain information to be contained thereon. Representative Francisco presented the bill which requires that any official letter, form or written communication from a state agency to a citizen shall have the name, address and phone number of the principal office of the agency. There is no fiscal impact on the bill. Representative Dyck moved that HB 2279 be recommended favorable for passage. Representative Teagarden seconded. The motion carried.

HB 2062 -- an act concerning the Kansas army and air national guard; providing tuition grants for members thereof enrolled in institutions of post-secondary education in Kansas; providing for administration thereof. Representative Wisdom read a letter signed by Major General Ralph Tice (Attachment IV) which notified the committee of a news release from Washington, D.C. which authorizes all National Guard men and women to be eligible to receive benefits under a new G.I. Bill. It was determined that the need for HB 2062 is no longer needed.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,

room 514-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Thursday, February 21, 19 85

Chairman turned to HB 2007 for final action and offered an amendment (Attachment V) that would require those members of the commission who become members by virtue of their office, shall perform the duties and responsibilities of membership in person and not by delegation to another person. There is also a technical amendment to add language on line 75 "mileage and other expenses" which was inadvertently omitted. Chairman Bunten moved that the proposed amendment to HB 2007 be adopted. Representative Chronister seconded. The motion carried. Representative Chronister offered a motion to HB 2007 that it be amended to remove the requirement that both a House member and a Senate member be represented on the commission, leaving the two public citizens and the three members of the commission. Seconded by Representative Miller. The motion carried.

Representative Chronister then moved that HB 2007, as amended, be recommended favorable for passage. Representative Wisdom seconded. The motion carried.

HB 2175 -- an act concerning the budget of expenditures of the state; relating to the budget report of the governor and consensus revenue estimates; amending K.S.A. 75-3721 and repealing the existing section.

Representative Dave Miller presented the bill. A similar bill was presented to the committee two year ago. HB 2175 now has 51 sponsors. In brief, it adds a provision to the statues regarding preparation of the Governor's budget report. It also would require that basic budget planning would propose expenditures not to exceed anticipated revenues from existing sources. The purpose is to create a balanced budget process and forces the legislature to "make do" with existing revenues.

Representative Shriver objected to New Sec. 1 and moved that it be removed from the bill. Representative Chronister seconded. The motion carried.

Alden Shields of the Division of Budget, addressed the committee and expressed opposition to HB 2175 (Attachment VI). He told the committee that the last portion of his written testimony starting with "The bill also places...." on page 3 now becomes irrelevant because of Representative Shriver's amendment to strike New Sec. 1 from the bill.

Chairman announced that final action of HB 2175 will be taken up Wednesday, February 27 rather than Monday, February 25, because many of the committee members will be out of town.

HB 2017 -- an act relating to retirement benefits; concerning post retirement benefit adjustments and retirement dividend payments for local school annuitants; amending K.S.A. 74-49,109 and K.S.A. 1984 Supp. 74-4947 and repealing the existing sections. Representative Louis presented the bill, which in brief, would add 125 retired teachers in the Kansas City, KS area who were added to KPERS between 1971 and 1981 and allow them to receive the 13th check and other KPERS retirement benefits. The fiscal impact would be \$130,000 from the Kansas City, KS school district and \$107,000 from KPERS. Marshall Crowthers addressed the committee and explained the background on this matter.

O. L. Plucher spoke on behalf of the Board of Education and requested a re-examination of the financing and that the bill be amended to allow the cost to be spread in an equitable manner. (Attachment VII). Clarence Turpin introduced Mrs. Dahlgren, who addressed the committee and testified in support of the bill (Attachment VIII). Basil Covey also appeared before the committee and asked for support of the legislation (Attachment IX).

The next meeting will be at 8:00 a.m. Friday, February 22, 1985.

Meeting adjourned at 3:00 p.m.

Date 2-21-85

Name	Address	Representing
Jay D. Cole	Topeka	The Adj. General's Dept.
Jack Hawn	"	KPER5
Marshall Crowther	Lawrence	"
Basel Covey	Topeka	KRTA
Merle Lee	"	KACC
William Stoskopf	Kansas City, Ks. HB 1017	K.C.K. Retired Johns.
Walter L. Hoyt	Kansas City, Ks. "	"
Etta Blanche Dahlgren	Kans. City, Mo. "	"
Loren L. French	K.C. Ks. "	KC " Bank of Tit.
Clarence L. Turpin	Kansas City, Kansas "	"
Quentin Home	Piercerille, Ks.	KAN2-FM
Boel Quantian	Wichita, Ks.	KPTS
Walter W. Anderson	Topeka, Ks.	KTWW-TV
Elmer	Hayward, Ks.	ROOD
K. J. Stigman	Mo. p. 104	Dir. of Budget
James P. Franklin	Kansas City, Ks.	USD 580
B. A. Reddy	Topeka	UPI
John B. Mays	Wichita	Close Up Kansas
Douglas C. Erickson	Wichita, Ks.	Close Up - Kansas
Sam Gross	Wichita, Ks.	Close-Up - Kansas
Sony Shikhan	wichita Ks.	close up - Kansas
O. L. Flecher	K.C. K.	USD #500

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Subcommittee Report

HOUSE CONCURRENT RESOLUTION NO. _____

For Consideration by Committee on Ways and Means

1 A CONCURRENT RESOLUTION concerning the state budget process;
2 relating to consideration of appropriations and demand
3 transfers from the state general fund for fiscal year 1986
4 and the desirability of utilizing a separate, legislatively
5 developed budget.

6 WHEREAS, The state and national economic recovery has not yet
7 improved the status of Kansas agriculture or those industries and
8 small businesses which constitute the basis of the Kansas
9 economy; and

10 WHEREAS, State government must be operated and budgeted for
11 through the exercise of fiscal responsibility and restraint so
12 that necessary governmental services are provided within existing
13 fiscal resources insofar as possible; and

14 WHEREAS, Responsible consideration by the Legislature of
15 proposed state expenditures through the legislative
16 appropriations process requires careful review of budget requests
17 and must of necessity include appropriate balancing of continuing
18 or even expanding needs for governmental services and the
19 availability of anticipated revenues; and

20 WHEREAS, The current budget process of an executive budget
21 proposal and legislative consideration thereof is a complex and
22 time-consuming process; and

23 WHEREAS, The time constraints inherent in the current
24 executive budget process prevents the Committees on Ways and
25 Means of the Senate and House of Representatives from addressing
26 agency budgets and other fiscal problems in a timely fashion; and

27 WHEREAS, It would be in the best interests of the Legislature
28 to consider developing a comprehensive, legislatively prepared

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1 budget, prior to or early in every legislative session, in which
2 it could address the state's fund structure, financial condition,
3 fiscal organization and the budget requests and proposals of
4 state agencies: Now, therefore,

5 Be it resolved by the House of Representatives of the State
6 of Kansas the Senate concurring therein: That the Legislature,
7 in its consideration and action during the 1985 regular session
8 on the proposed budget of expenditures for fiscal year 1986,
9 should adopt as a goal that the total amount of appropriations
10 and demand transfers from the state general fund approved by the
11 Legislature for fiscal year 1986 for all state agencies shall not
12 exceed the total amount of appropriations and demand transfers
13 from the state general fund approved during the 1984 and 1985
14 regular sessions of the Legislature for fiscal year 1985 for all
15 state agencies, by more than a percentage increase equal to the
16 increase in the average U.S. average consumer price index for all
17 urban consumers for calendar year 1984 over that for calendar
18 year 1983; and

19 Be it further resolved: That, during its consideration and
20 action during the 1985 regular session on the proposed budget of
21 expenditures for fiscal year 1986, the Legislature should examine
22 and determine the desirability of adopting changes in the current
23 state budget process so that it incorporates and is based on a
24 separate, legislatively developed budget.

Amendment to House Concurrent Resolution Draft

MR. CHAIRMAN:

I move to amend the draft of the House Concurrent Resolution proposed by the subcommittee, on page 2, by striking all in lines 16, 17 and 18 and inserting in lieu thereof the following: "increase in the average implicit price deflator for gross national product for state and local government purchases of goods and services for calendar year 1984 over that for calendar year 1983; and"

2/21/85 III

STATE OF KANSAS
THE ADJUTANT GENERAL

TOPEKA, KANSAS 66601-0300

February 19, 1985

Honorable Bill Wisdom
Kansas Representative
Room 273-W
State Capitol Building
Topeka, Kansas 66612

Dear Representative Wisdom:

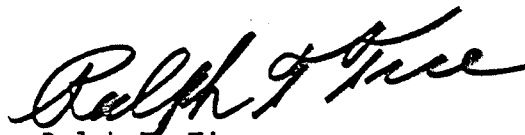
Attached is a news release from the National Guard Bureau, Washington, D.C., authorizing all National Guardsmen and Guardswomen to participate in a new "G.I. Bill." This will make every member of the Guard eligible to receive the benefits.

Maximum benefits authorized will be a total of \$5,040. This will be in addition to other recruiting and retention incentives. The Veterans Administration will administer the program, and participants may attend colleges or vocational technical schools authorized by the V.A.

This new bill far exceeds the educational benefits now being considered in H.B. 2062. I have talked to both the Kansas National Guard associations, officer and enlisted, and they agree that the need for H.B. 2062 no longer exists. All wish to thank you for your continued support of your National Guard.

If I can ever be of assistance to you, please call.

Sincerely,



Ralph T. Tice
Major General, Kansas
Army National Guard
The Adjutant General

Encl
as stated

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0047 commission which ~~board~~ shall consist of ~~three~~ seven members.
 0048 The membership of the commission shall include: (a) The sec-
 0049 retary of administration; ~~[or the secretary's designee]~~ (b) the
 0050 executive officer chairperson of the state board of regents and ~~[or]~~
 0051 ~~[the chairperson's designee]~~; (c) the commissioner chairperson of
 0052 the state board of education are hereby made members of said
 0053 board ~~[or the chairperson's designee]~~; (d) one member of the
 0054 senate appointed by the president of the senate; (e) one member
 0055 of the house of representatives appointed by the speaker of the
 0056 house; and (f) two members of the general public appointed by
 0057 the governor. Members appointed by the governor shall serve
 0058 for a term of two years following the date of such appointment.
 0059 Members of the senate and house of representatives first ap-
 0060 pointed shall be appointed for a term ending on the Tuesday
 0061 following the first Monday in January in the odd-numbered year
 0062 next following their appointment. Succeeding members of the
 0063 legislature shall be appointed for terms of two years commenc-
 0064 ing on the Tuesday following the first Monday in January of
 0065 each odd-numbered year. All vacancies in office of members so
 0066 appointed shall be filled by appointment by the officer making
 0067 the original appointment for the unexpired term of the member
 0068 creating the vacancy. The ~~board~~ commission shall organize at its
 0069 first meeting held in each odd-numbered year by the election
 0070 from its membership of a chairperson and by adopting such rules
 0071 of procedure as it deems necessary for conducting its business.
 0072 The ~~board~~ commission shall hold such meetings as in its judg-
 0073 ment may be necessary for the performance of its powers, duties
 0074 and functions. Appointive members of the commission shall
 0075 receive compensation ~~and~~ subsistence allowances ~~for attending~~
 0076 meetings of the commission as provided by K.S.A. 75-3223 and
 0077 amendments thereto. The secretary of administration shall pro-
 0078 vide such clerical and other staff assistance as may be provided
 0079 by members of the staff of the department of administration and
 0080 may provide such other assistance as may be requested by the
 0081 commission in the administration of the provisions of this act.
 0082 Sec. 3. K.S.A. 75-4907 is hereby amended to read as follows:
 0083 75-4907. The ~~board~~ commission shall administer this act and

Members of the commission who become members by virtue of their office under (a), (b) and (c) shall perform the duties and responsibilities of membership in person and not by delegation to another person.

, mileage and other expenses

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Testimony on House Bill No. 2175

By

Alden K. Shields

Division of the Budget

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you on House Bill No. 2175. I appear in opposition to the bill.

This bill requires the Governor to submit a budget to the Legislature that is based "entirely on anticipated income to all funds under current law". In no event could the Governor's budget "propose a total amount of expenditures from the state general fund -- which is more than the most recent consensus estimate of revenues for the state general fund for that fiscal year -- unless a consensus estimate has not been made for such fiscal year." In Section 2(e) the Governor is given the "privilege" of presenting supplemental budget messages or amendments -- which may include proposals for expenditure of new or increased sources of revenue derived from proposed legislation or for expenditures of unencumbered cash balances.

These provisions restrict the Governor's ability to submit a budget that he or she feels is appropriate and imposes an unnecessary obstacle on the budget-making process. The Governor is the only statewide elected official with responsibility for representing the interests of all the

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people. It is the obligation of the Governor to propose a single budget plan that he or she feels fulfills the needs and interests of the state. Inherent in that obligation is the responsibility to propose levels and types of taxation to finance the services and programs that are recommended.

Under provisions of a 1982 Attorney General's opinion, state agencies may submit budget requests to the Governor and the Legislature unconstrained by any notion of expenditure or resource limitation. Short of the cumbersome amendment process, House Bill No. 2175 would limit the Governor's ability to address certain of the requests included in the unrestricted agency request without imposing the same restraint upon the legislative branch. Once the budget is submitted, the Legislature may evaluate an unrestricted agency request and a restricted Governor's recommendation, reviewing these requests and recommendations without restriction.

I should also mention that the Legislature presently receives detailed agency budgets at four levels of spending, the A request, B request, unrestricted request and Governor's recommendation. Each of these detailed agency budgets are available for your review. You currently have before you an A level budget request that could be financed within current resources.

There are times when it would be convenient for a Governor to hide behind a provision such as that proposed in HB 2175 and leave the unpopular revenue initiative to the Legislature -- but it would not, in my opinion, be appropriate. I should think the Legislature would desire, in fact, demand that a

Governor annually submit a complete budget plan and not be allowed to piecemeal what could be major initiatives through fragmented supplemental proposals and amendments.

Removed by amendment

The bill also places the revenue estimating group consisting of the Division of the Budget, the Legislative Research Department, the Department of Revenue, and other consultants and advisors secured by the group in statute. The group would be required to prepare estimates of State General Fund revenue based on current provisions of law during March and November of each year. This is the practice that is currently followed.

The consensus revenue estimating process operates under an agreement between the executive and legislative branches that was put into practice in response to a 1974 interim study of the Legislative Budget Committee. The Committee requested that the Division of Budget, Department of Revenue, and the Legislative Research Department cooperate in preparing such estimates "by freely exchanging information relative thereto and by attempting to develop consensus estimates" annually. The parties involved have for eleven consecutive years developed consensus State General Fund estimates. The process has served Governors, the Legislature, and the state of Kansas well. This success results in large part from the intent and nature of the consensus process. It's not broken, so why fix it?

While House Bill No. 2175 apparently intends to replicate the current process in law, it provides for the estimates developed to be controlling on the executive branch. In so

doing, the bill could change the consensus process and diminish or render ineffective a valuable asset. These provisions raise separation of powers questions by legally establishing a role for legislative staff in a set of deliberations which become controlling only on the executive branch.

In conclusion, I have two concerns relating to House Bill No. 2175. First, limiting a Governor's budget recommendations to current sources of revenue deprives the Governor of the ability to fulfill the responsibilities for which he or she was elected. The supplemental message and amendment procedure unnecessarily complicates the budget-making process. Second, the role outlined for the consensus revenue estimating group could have a detrimental effect on a process that has worked extremely well and has served the purpose for which it is intended.

That concludes my testimony and I would be happy to answer questions.

HOUSE BILL No. 2017

By Special Committee on Pensions, Investments and Benefits

Re Proposal No. 39

12-19

0018 AN ACT relating to retirement benefits; concerning post retire-
0019 ment benefit adjustments and retirement dividend payments
0020 for local school annuitants; amending K.S.A. 74-49,109 and
0021 K.S.A. 1984 Supp. 74-49:47 and repealing the existing sections.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section 1. K.S.A. 1984 Supp. 74-49:47 is hereby amended to
0024 read as follows: 74-49:47. (1) (a) The retirement benefit, pension
0025 or annuity payments accruing after June 30, 1982, to each retirant
0026 and each local school annuitant entitled to receive such pay-
0027 ments on June 30, 1981, shall be increased by an amount equal to
0028 10% of the retirement benefit, pension or annuity payment in
0029 effect on June 30, 1982, from the retirant's retirement system or
0030 the local school annuitant's separate retirement system main-
0031 tained by a local school district and shall be paid by such
0032 retirement system to the retirant or by such separate retirement
0033 system maintained by a local school district to the local school
0034 annuitant during such period. All such increased payments to
0035 local school annuitants shall be paid by the local school district
0036 maintaining a separate retirement system and such payments
0037 shall be ~~made at no additional cost to any employer other than~~
0038 ~~the local school district~~

financed as provided in subsection (1) (c)

0039 (b) The retirement benefit, pension or annuity payments
0040 accruing after June 30, 1984, to each retirant and each local
0041 school annuitant entitled to receive such payments on June 30,
0042 1981, shall be increased by an amount equal to 10% of the
0043 retirement benefit, pension or annuity payment in effect on June
0044 30, 1984, from the retirant's retirement system or the local school
0045 annuitant's separate retirement system maintained by a local

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VIII

404,000.
Per Year

0046 school district and shall be paid by such retirement system to the
0047 retirant or by such separate retirement system maintained by a
0048 local school district to the local school annuitant during such
0049 period. All such increased payments to local school annuitants
0050 shall be paid by the local school district maintaining a separate
0051 retirement system and such payments shall be ~~made at no addi-~~
0052 ~~tional cost to any employer other than the local school district.~~

financed as provided in subsection (1)(c)

0053 (2) As used in this section:

0054 (a) "Retirant" means (i) any person who is a member of a
0055 retirement system and who retired prior to July 1, 1981, (ii) any
0056 person who is a special member of a retirement system and who
0057 retired prior to July 1, 1981, and (iii) any person who is a joint
0058 annuitant or beneficiary of any member described in clause (i) or
0059 of any special member described in clause (ii);

0060 (b) "retirement system" means the Kansas public employees
0061 retirement system, the Kansas police and firemen's retirement
0062 system, the state school retirement system and the retirement
0063 system for judges.

0064 (c) "Local school annuitant" means ~~(1)~~ (i) any person who is
0065 an annuitant with 10 or more years of service who is receiving an
0066 annuity from a school district maintaining a separate retirement
0067 system and whose annuity is not included, in whole or in part, in
0068 payments made to such school district under K.S.A. 72-5512b
0069 and amendments thereto and who is not a member of a group I or
0070 of group II as defined in K.S.A. 72-5518 and amendments
0071 thereto, and ~~(2)~~ (ii) any person who is receiving an annuity from a
0072 school district maintaining a separate retirement system which is
0073 receiving an aggregate payment from the Kansas public employ-
0074 ees retirement system under K.S.A. 72-5512b and amendments
0075 thereto; and who retired prior to September 1, 1971.

(c) On or before September 1 of each year, the Kansas public employees retirement system shall pay from the Kansas public employees retirement fund to the board of education of the school district maintaining a separate retirement system, an amount equal to the annual amount required to make the increased payments payable to local school annuitants under subsections (1)(a) and (1)(b) during the twelve-month period ending on the preceding June 30. The board of education of such school district shall certify by August 1 of each year to the Kansas public employees retirement system all information necessary for the administration and determination of the annual amount to be paid to such school district under this subsection.

0076 Sec. 2. K.S.A. 74-49,109 is hereby amended to read as fol-
0077 lows: 74-49,109. As used in this act:

0078 (a) "Retirant" means (1) any person who is a member of a
0079 retirement system and who has retired, (2) any person who is a
0080 special member of a retirement system and who has retired, (3)
0081 any person who is a joint annuitant or beneficiary of any member
0082 described in clause (1) or of any special member described in

February 21, 1985

Members of the Ways and Means Committee:

My name is Etta Blanche Dahlgren. The group here today represents the Kansas City, Kansas Retired Teachers Association. We want to speak in support of HB 2017.

We represent the retirees of the Kansas City, Kansas Teacher Retirement System. The present law does not treat the retirees from September 1, 1971 to September 1, 1981 the same as earlier retirees of the local system or the retirees of the state KPERs plan in this same time period.

The increased cost of living is the problem for retirees on a fixed income. The increases given to others have helped them. We would like to be given the same consideration.

Most of the group of retirees from 1971 to 1981 taught in Kansas City, Kansas 30 years or more. Some taught up to 45 years. They paid into the retirement fund for many years.

The salaries paid to teachers, in many cases, were lower than those received by some city employees, firemen, police and others in industry. We did not receive as many fringe benefits, such as, paid insurance.

Some of this group had taught in Kansas before being employed in Kansas City, Kansas. The local retirement system has had some funding from KPERs.

We appreciate the interest and support of this committee. We hope you will give H.B. 2017 favorable consideration.

Thank you,

Etta Blanche Dahlgren

Etta Blanche Dahlgren
Kansas City, Kansas Retirement System

Retired
The Kansas City, Kansas Teachers Association includes members receiving benefits under KPERs and the Local KCK System.

2/21/85



Kansas Retired Teachers Association



1984-1985

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District 6

Mrs. Beulah C. Bohn
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Fall River, Ks. 67047
Phone 316-736-2213

February 21, 1985

Members of the House Ways and Means Committee:

My name is Basil Covey and I represent the Kansas Retired Teachers Association.

We speak in support of HB 2017.

HB 2017 will increase benefits for retired teachers in school districts maintaining a separate retirement system. This bill will benefit retired teachers who have served the youth in the Kansas City school district. The bill will benefit about 125 retired teachers.

HB 2017 will increase benefits equal to, or similar to, the increased benefits received by retired teachers outside the Kansas City school district from the KPERS retirement system in 1984. This bill will give the retired teachers the 13th check to be funded by the KPERS retirement system.

The Kansas City school district and their retired teachers served as pioneers in the teaching profession in Kansas in providing the first retirement system. The responsibility exists for the Kansas City school district to provide benefits for their retired teachers.

HB 2017 gives legislators a sense of well-being in helping to mend a flaw in the retirement security net of this group of retirees.

We hope that you will consider a positive vote for HB 2017.

Sincerely,

Basil Covey
Basil Covey
KRTA

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