

MINUTES OF THE House COMMITTEE ON Ways and Means

The meeting was called to order by Dave Heinemann (acting chairman) at \_\_\_\_\_  
Chairperson

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

All members were present except: Representative Chronister

- Committee staff present:
- Gloria Timmer - Legislative Research
  - Laura Howard - Legislative Research
  - Russell Mills - Legislative Research
  - Ed Ahrens - Legislative Research
  - Jim Wilson - Revisor's Office
  - Sharon Schwartz - Administrative Aide

Conferees appearing before the committee:  
None  
Others present (Attachment I)

Representative Heinemann chaired the committee in the absence of Chairman Buntin. The meeting was called to order at 1:40 p.m.

SB 29 -- an act making and concerning appropriations for the fiscal year ending June 30, 1986, for the judicial council, state board of indigents' defense services, judicial branch and crime victims reparations board; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

JUDICIAL COUNCIL, Section 2  
Representative Luzzati presented the subcommittee report (Attachment II). The House Subcommittee concurs with Senate recommendation with some adjustments. Representative Luzzati moved for adoption of the subcommittee report. Representative Teagarden seconded. Motion carried.

BOARD OF INDIGENTS' DEFENSE SERVICES, Section 3  
Representative Teagarden presented this section. House subcommittee concurs with Senate recommendation, with some adjustments (Attachment III). Representative Miller presented a Minority Report as part of the subcommittee report which relates to any new public defender offices. He proposes that a proviso be placed in SB 29 which would disallow any new public defender offices except with approval of the State Finance Council. Representative Miller moved that his Minority Report be amended into the subcommittee report. Seconded by Representative Rolfs.

Representative Shriver objected to the Minority Report and defended the position of the Board that governs the public defender program. Representative Solbach strongly objected to the \$50,000 reduction in the Assigned Counsel Program and asked for an explanation. Representative Miller responded. The subcommittee received testimony from the agency people and they indicated that in this fiscal year the amount appropriated for assigned counsel would probably not all be necessary. They felt that establishment of a Wichita based program would be advantageous and therefore reduce the amount of money needed to spend for counsel. It was noted that subcommittee did approve three positions for this agency in the Wichita operation, thinking that would also save some money in the assigned counsel.

Chairman asked for a vote on the motion to adopt the Minority Report. The motion lost.

Representative Teagarden moved for adoption of the subcommittee report. Seconded by Representative Miller. Motion carried.

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, March 21, 19 85

CRIME VICTIMS REPARATIONS BOARD, Section 5

Subcommittee report was presented by Representative Teagarden. (Attachment IV).

There was lengthy discussion concerning the possibility that SB 108 might not pass. Representative Solbach suggested that perhaps the subcommittee should rework the report to include a contingency. Chairman Bunten commented that if SB 108 does not pass, this portion could be taken out of the report, or it could be funded from SGF.

Representative Solbach offered a motion to add a proviso that deletion of \$226,850 of general fund money in the Crime Victims Reparations claims fund be made contingent upon the passage of SB 108. Seconded by Representative Luzzati. The motion lost.

Representative Miller moved for adoption of the subcommittee report. Seconded by Representative Teagarden. Motion carried.

JUDICIAL BRANCH, Section 4

Representative Miller presented this section. House Subcommittee made several adjustments in the Senate recommendations (Attachment V). Representative Teagarden moved for adoption of the subcommittee report. Seconded by Representative Miller. Motion carried.

Representative Miller moved that SB 29 be recommended favorably for passage. Seconded by Representative Luzzati. Motion carried.

A draft bill concerning water; enacting the multipurpose small lakes program act, was brought before the committee. Representative Rolfs moved that the bill be introduced. Seconded by Representative Miller. Motion carried. (Attachment VI)

Meeting adjourned at 2:30 p.m.

Date 3-21-85

Name	Address	Representing
Mary Robison	P.O. Box 1026, Helta, K.	KADCCA
Shelby Sampson	111 E. 11 <sup>th</sup> St, Rm 179, Lawrence, Ks	KADCCA
Kay Falley	2000 7th Rm. 406	Third Judicial Dist
Cathy Estes	503 Kansas, Suite 536	St Bd Indigent's Def Svc
Rol. Nile	503 Ks., Ste 536	✓ ✓ ✓ ✓
Mary Harper	Healy Ks	AAM
Jerry Sloan	Topeka	ATA
Marjorie Van Buren	Topeka	OJA
Don Stumbach	TOPEKA	CURB
John Spurgdon	Lawrence	Budget Div.
Sabrina Weal	Topeka	Budget
Kandy Neamee	Topeka	Judicial Council
John Hanna	Topeka	AP
Sue Lockett	Topeka	KAC
Deana Lowe	Shannon Mission	Ks. Action for Children

SUBCOMMITTEE REPORT

Agency: Judicial Council Bill No. 29 Bill Sec. 2  
 Analyst: Mills Analysis Pg. No. 105 Budget Pg. No. 1-45

<u>Expenditure Summary</u>	<u>Agency Req. FY 86</u>	<u>Governor's Rec. FY 86</u>	<u>Subcommittee Adjustments</u>
State Operations:			
All Funds	\$ 209,450	\$ 194,213	\$ 3,060
State General Fund	209,450	194,213	3,060
F.T.E. Positions	3.0	3.0	—

Agency Request/Governor's Recommendation

The request for FY 1986 would support the current 3.0 F.T.E. positions and provide for approximately 60 Council and committee meetings. The request includes funds to produce two Kansas Judicial Bulletins and supplements to the Kansas Benchbook and PIK-Criminal 2d.

The Governor's recommendation would maintain the current staff and provide for approximately 54 Council and committee meetings. The recommendation includes funds to produce the requested publications.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation with the following exception:

1. Addition of \$3,060 for group health insurance which was inadvertently omitted in the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee recommendation.

Senate Committee of the Whole Recommendation

The Committee concurs with the Senate Committee recommendation.

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House Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>Senate Adjust.</u>	<u>Total Senate Rec.</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
All Funds	\$ 3,060	\$ 197,273	\$ (185)
State General Fund	3,060	197,273	(185)
F.T.E. Positions	—	3.0	—

The House Subcommittee concurs with the Senate recommendation with the following adjustments:

1. Reappropriation of \$10,000 from FY 1985 to FY 1986 for travel and subsistence.
2. Reduction of \$185 for FY 1986 to bring the request for communications (KANS-A-N) in conformity with the 17.8 percent increase recommended by the Special Joint Subcommittee on DISC.
3. The Subcommittee notes that copies of the Judicial Council's Bulletin are distributed, free of charge, to all attorneys registered with the Supreme Court, as is required in the distribution scheme set forth in K.S.A. 20-2204. The Subcommittee feels that this procedure should be changed to allow the agency to revise its mailing list periodically and distribute the publication only to those attorneys who have indicated an interest in continuing to receive the Bulletin. The agency could develop a preprinted card which would have to be returned if a person wished to remain on the mailing list for the publication. The Subcommittee recommends introduction of legislation to make appropriate changes in K.S.A. 20-2204.

  
\_\_\_\_\_  
Representative David Miller,  
Subcommittee Chairperson

  
\_\_\_\_\_  
Representative Ruth Luzzati

  
\_\_\_\_\_  
Representative George Teagarden

SUBCOMMITTEE REPORT

Agency: Board of Indigents' Defense Services Bill No. 29 Bill Sec. 3

Analyst: Mills Analysis Pg. No. 107 Budget Pg. No. 1-129

<u>Expenditure Summary</u>	<u>Agency Req. FY 86</u>	<u>Governor's Rec. FY 86</u>	<u>Subcommittee Adjustments</u>
State Operations:			
All Funds	\$ 3,728,073	\$ 3,403,385	\$ (4,600)
State General Fund	3,728,073	3,403,385	(4,600)
F.T.E. Positions	45.25	40.5	—

Agency Request/Governor's Recommendation

Major items in the FY 1986 request include a total of \$2,067,888 for assigned counsel; funding for a total of 8.75 F.T.E. new positions, including two new public defenders for the Wichita office; and funding of \$259,149 for Legal Services for Prisoners, Inc.

The Governor's recommendation includes \$1,940,000 for assigned counsel; funding for four new positions, including the two public defenders in Wichita; and a State General Fund expenditure of \$223,468 for Legal Services for Prisoners, Inc.

Senate Subcommittee Recommendations

FY 1985 Revisions. The agency's estimated expenditures for FY 1985 are \$146,619 below the approved expenditure level. The Senate Subcommittee concurs with the Governor's FY 1985 recommendation with the following exceptions:

1. The Subcommittee concurs with the agency request to expend \$5,000 from FY 1985 funds for the purchase of a microcomputer for the 3rd Judicial District Public Defender Office (Shawnee County).
2. The Subcommittee concurs with the agency request to expend \$1,070 from FY 1985 funds for the purchase of a complete set of Kansas Digests for the 18th Judicial District Public Defender Office (Sedgwick County).

FY 1986 Revisions. The Senate Subcommittee concurs with the Governor's recommendations with the following exceptions:

1. Reduction of \$5,000 in FY 1986 funding for capital outlay as a result of the computer purchase noted in 1 above.
2. Addition of \$400 to purchase two desks and two chairs for the 3rd Judicial District Public Defender Office.
3. Deletion of the position limitation imposed by S.B. 29. The agency currently has no position limitation; the Subcommittee recommends that the agency be allowed to operate for one more year with no position limitation.

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Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee recommendations.

Senate Committee of the Whole Recommendation

The Committee concurs with the Senate Committee recommendation.

House Subcommittee Recommendations

<u>Expenditure Summary</u>	<u>Senate Adjustments</u>	<u>Total Senate Rec.</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
All Funds	\$ (4,600)	\$ 3,398,785	\$ (51,546)
State General Fund	(4,600)	3,398,785	(51,546)
F.T.E. Positions	—	40.5	—

Fiscal Year 1985


The House Subcommittee concurs with the Senate recommendation with the following adjustments:

1. Reduction of \$50,000 in the Assigned Counsel Program with reappropriation of this amount to FY 1986.

Fiscal Year 1986

The House Subcommittee concurs with the Senate recommendation with the following adjustments:

1. Reduction of \$50,000 in the Assigned Counsel Program for a total expenditure recommendation of \$1,890,000.
2. Reduction of \$196 for Communication in the 28th Judicial District Public Defender Office to provide for a 15 percent increase over the current year expenditure.
3. Reduction of \$1,350 for Utilities in the 18th Judicial District Public Defender Office to provide for a 7.8 percent increase over the current year expenditure.

  
\_\_\_\_\_  
Representative David Miller  
Subcommittee Chairman

  
\_\_\_\_\_  
Representative Ruth Luzzati

  
\_\_\_\_\_  
Representative George Teagarden

MINORITY REPORT

I concur with the Subcommittee report with the following exception:

1. The agency should not be allowed to develop any new public defender offices or other new programs except with the approval of the State Finance Council, and a proviso to that effect should be placed in S.B. 29.

This agency currently has no position limitation and thus, could develop or expand new or existing programs without any legislative oversight, especially in light of the large pool of funds available in the Assigned Counsel Program. Review by the State Finance Council would provide at least some legislative input into any proposed expansion plans.

  
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Representative David Miller



SUBCOMMITTEE REPORT.

Agency: Crime Victims Reparations Board Bill No. 29 Bill Sec. 5

Analyst: Mills Analysis Pg. No. 125 Budget Pg. No. 4-43

<u>Expenditure Summary</u>	<u>Agency Req. FY 86</u>	<u>Governor's Rec. FY 86</u>	<u>Subcommittee Adjustments</u>
State Operations:			
All Funds	\$ 1,167,666	\$ 950,682	\$ —
State General Fund	351,850	407,866	—
F.T.E. Positions	4.0	3.0	—

Agency Request/Governor's Recommendation

The FY 1986 request provides funding for one additional clerical position, salary upgrades for the Director and Investigator, and the payment of claims for crime victims and grants to domestic violence programs.

The Governor recommends a total expenditure of \$950,682, of which \$407,866 is from the State General Fund. Other funding sources to be used include the Protection From Abuse Fund (\$239,000), the Federal Preventive Health Block Grant (\$30,816), and the Crime Victims Reparations Fund (\$273,000). The Governor does not recommend the proposed increase in the court docket fee to provide additional funding for the Crime Victims Reparations Fund, nor the new clerical position or the salary upgrades.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation with the following exceptions:

1. The Subcommittee recommends that legislation be enacted to increase the court docket fee assessment for the Crime Victims Reparations Fund from \$1 to \$3. Enactment of S.B. 108 will increase from \$1 to \$3 that portion of the docket fee earmarked for crime victims reparations and provide additional funding for this program. The Subcommittee notes that crime victims claims have increased during the current fiscal year, while receipts to the Crime Victims Reparations Fund have been decreasing.
2. If demands for crime victims reparations continue to increase beyond the level of funding available, the Board should implement a system of prorating the awards made to crime victims.
3. An Attorney General's opinion has been requested on the issue of whether the crime victims reparations program is an entitlement program. When released, this opinion should be considered by the House Committee. If the Attorney General rules that the current statutes do indeed establish an entitlement program, legislation should be enacted to end the entitlement aspect of the program by giving the Board more discretion in making awards to crime victims.

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IV

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee recommendation with the following exception:

1. Recommend introduction of a Committee bill to clarify that the program is not an entitlement program and to grant the Board the authority to prorate awards.

Senate Committee of the Whole Recommendation

The Committee concurs with the Senate Committee recommendation.

House Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>Senate Adjust.</u>	<u>Total Senate Rec.</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
State Operations	\$ —	\$ 107,910	\$ 8,544
Aid to Local Units	—	4,000	—
Other Assistance	—	838,772	122,180
TOTAL	<u>\$ —</u>	<u>\$ 950,682</u>	<u>\$ 130,724</u>
State General Fund:			
State Operations	\$ —	\$ 101,010	\$ 574
Other Assistance	—	306,856	(226,850)
TOTAL	<u>\$ —</u>	<u>\$ 407,866</u>	<u>\$ (226,276)</u>
F.T.E. Positions	—	3.0	1.0

Fiscal Year 1985

The House Subcommittee concurs with the Senate recommendation with the following adjustment:


1. Reduction of a State General Fund total of \$3,834 (\$783 in Communication and \$3,051 in Travel) from FY 1985 funding, with reappropriation of this amount to FY 1986.

Fiscal Year 1986

The House Subcommittee concurs with the Senate recommendation with the following adjustments:

1. Addition of \$16,239 for the requested Account Clerk II position, and increasing the agency's position limitation to 4.0 F.T.E. positions.

2. Reduction of \$1,192 in Communication, \$203 in Travel, and \$400 in Other Contractual Services, for a total reduction of \$1,795.
3. Shifting a total of \$13,870 from State General Fund financing to the Protection from Abuse Fund. Funding from this latter fund is proposed for 20 percent of the Director's salary (\$5,004), 25 percent of the Secretary's salary (\$3,366), Capital Outlay (\$2,500), and Travel (\$3,000). The Subcommittee feels that some portion of these activities should be attributed to the administration of the Protection from Abuse Act. The Subcommittee recommends that the \$5,900 from the Protection from Abuse Fund proposed by the Governor to be used for state operations be shifted to Other Assistance.
4. Establishment of an expenditure limitation of \$630,000 on the Crime Victims Reparations Fund. The Subcommittee supports the enactment of S.B. 108 which will increase that portion of the docket fee earmarked for this fund from \$1.00 to \$3.00. The expenditures recommended by the Subcommittee are based on the additional revenues being available in the fund.
5. Reduction of \$226,850 of State General Fund moneys for crime victims claims and additional funding from the Crime Victims Reparations Fund for these claims of \$357,000.
6. With regard to the agency's proposed capital outlay for office furniture, the Subcommittee urges that the agency examine the office furniture available through Kansas Correctional Industries.



Representative David Miller,  
Subcommittee Chairperson



Representative Ruth Luzzati



Representative George Teagarden

SUBCOMMITTEE REPORT

Agency: Judicial Branch Bill No. 29 Bill Sec. 4  
 Analyst: Mills Analysis Pg. No. 114 Budget Pg. No. 1-47

<u>Expenditure Summary</u>	<u>Agency Req. FY 86</u>	<u>Governor's Rec. FY 86</u>	<u>Subcommittee Adjustments</u>
State Operations:			
All Funds	\$ 43,112,924	\$ 39,445,992	(697,792)
State General Fund	42,979,588	39,301,370	(697,792)
F.T.E. Positions:			
Appellate Court Justices and Judges	17.0	16.0	(2.0)
District Court Judges	211.5	211.5	—
Nonjudicial Personnel	1,352.5	1,346.0	(8.5)
TOTAL	<u>1,581.0</u>	<u>1,573.5</u>	<u>(10.5)</u>

Agency Request/Governor's Recommendation

The FY 1986 request includes funding for an expansion of the Court of Appeals from 7 to 10 members, 21 new positions (including the three new judgeships), a two-range salary upgrade for 597 nonjudicial personnel positions, reclassification of 34 individual positions, and capital outlay totaling \$371,408. In addition, the request includes funding for continued expansion and development of the Court's data processing system (\$426,550).

The Governor's recommendation for FY 1986 totals \$39,445,992. The Governor's recommendation includes funding for an expansion of the Court of Appeals from 7 to 9 members, a one-range salary upgrade for 597 nonjudicial personnel positions, reclassification of 34 individual positions, capital outlay totaling \$267,736, an expenditure of \$369,676 for data processing, and an expenditure of \$75,000 for nonjudicial personnel travel and training. The Governor's recommendation includes funding for a total of 13.5 new positions.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation with the following exceptions:

1. Deletion of \$271,166 for the proposed expansion of the Court of Appeals. The Subcommittee feels that this issue should be decided by the Legislature before any funding is recommended.
2. Deletion of \$115,084 for the recommended 5.5 F.T.E. Court Services Officer I positions.
3. Addition of \$24,969 for one new Court Reporter position for the 21st Judicial District.
4. Addition of \$24,524 for printing expenses of the Appellate Reporter.

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5. Addition of \$16,040 for the maintenance agreement on the word processor in Data Processing.
6. Deletion of \$411,982 for the proposed salary upgrades for 597 nonjudicial personnel positions. The Subcommittee recommends that the agency develop a study of wage data for comparable jobs in the private sector for consideration by the House Committee.
7. Deletion of \$35,972 for the proposed reclassification of 34 individual positions.
8. Addition of \$1,792 for office furniture for the new Appellate Clerk position.
9. Addition of \$1,500 for professional services for the Office of Judicial Administration.
10. Reinstatement of the Judicial Education Program as a separate budget program in the Judicial Branch. This will require the addition of \$67,587 for Judicial Education. The Governor's recommendation includes \$117,480 (\$10,000 for the Office of Judicial Administration, \$32,480 for judges' travel, and \$75,000 for nonjudicial personnel travel) which was intended to replace the Judicial Education program. With the addition of the \$67,587, the total recommended for Judicial Education is \$185,067.
11. Amendment of the appropriation bill to provide a position limitation of 14.0 for appellate court justices and judges and 1,337.5 for nonjudicial personnel to reflect accurately the Governor's recommendation and the Subcommittee adjustments.
12. The Subcommittee notes that the sale price of Kansas Reports volumes is reviewed annually by the Court, and that the price was last increased effective July 1, 1984. The Subcommittee urges the continued annual review of these prices by the Court.

#### Senate Committee Recommendations

The Senate Committee concurs with the Subcommittee recommendations with the following exceptions:

1. The salary information requested in Item No. 6 above should be reported to the Senate Committee for further consideration of the issue of the proposed salary upgrades.
2. Addition of \$87,100 to fund 4.0 F.T.E. Court Services Officer I positions. The Committee recommends that a study be conducted on the possible realignment of Court Services Officers within the judicial districts, including workload and travel impact.
3. Amendment of the appropriation bill to provide a position limitation of 1,341.5 for nonjudicial personnel.

Senate Committee of the Whole Recommendation

The Committee concurs with the Senate Committee recommendation.

House Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>Senate Adjustments</u>	<u>Total Senate Rec.</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
All Funds	\$ (610,692)	\$ 38,835,300	\$ 585,316
State General Fund	(610,692)	38,690,678	585,316
F.T.E. Positions:			
Appellate Court Justices and Judges	(2.0)	14.0	—
District Court Judges	—	211.5	—
Nonjudicial Personnel	(4.5)	1,341.5	(2.5)
TOTAL	<u>(6.5)</u>	<u>1,567.0</u>	<u>(2.5)</u>

Fiscal Year 1985

The House Subcommittee concurs with the Senate recommendation with the following adjustment:

1. Reduction of all Communications expenses to the FY 1984 actual expenditure level and shifting of the resultant savings to restore reductions in the FY 1985 Governor's recommendation. A total of \$17,953 results from this reduction: \$16,781 in Appellate Operations, \$343 in District Courts, and \$829 in Judicial and Professional Review. The Subcommittee proposes that the funds be shifted as follows: Supreme Court — Travel, \$3,000; Office of Judicial Administration, \$1,500; Appellate Clerk — Printing, \$1,415; Appellate Clerk — Travel, \$1,400; Judicial Education, \$5,526; and District Courts, \$5,112.

Fiscal Year 1986

The House Subcommittee concurs with the Senate with the following adjustments:

1. Deletion of \$87,100 for 4.0 Court Services Officer positions.
2. Deletion of \$13,768 for the requested Appellate Clerk position, and deletion of \$1,792 for capital outlay associated with the new position.
3. Deletion of \$24,969 for the Official Court Reporter proposed for the 21st Judicial District.
4. Addition of \$21,789 for one Court Services Officer for the 30th Judicial District.

5. Addition of \$3,534 to permit the upgrading of one Trial Court Clerk II position in the 19th Judicial District to Administrative Assistant.
6. Addition of \$35,513 to fund five half-time Trial Court Clerk positions (2.5 F.T.E.) in the 15th, 25th, and 26th Judicial Districts.
7. Reduction of \$17,000 for Seasonal and Temporary Employees as a result of the new positions noted in No. 6 above.
8. Addition of \$512,369 to provide a one-range salary upgrade for 703.2 nonjudicial personnel positions. Positions affected by this salary upgrade are the following: Account Clerk I and II; Account Technician; Secretary I and II; Records Clerk I, II, and III; Trial Court Clerk I, II, III, IV, and V; Trial Court Coordinator; Bailiff; Clerk Typist ; Data Entry Operator; Docket Clerk; Law Clerk; Transcriptionist; Word Processing Technician; Lead Accounting Technician; Personnel Clerk; Judicial Secretary I, II, and III; Central Research Secretary; Administrative Secretary; Appellate Court Clerk I, II, and III; Library Clerk; Storekeeper; and Statistics Technician. The Subcommittee believes that providing this salary enrichment is a higher priority than the expansion of the Court of Appeals and, thus, recommends that any expansion of the Court of Appeals be delayed for one more year in order to adequately fund the salary upgrades for these nonjudicial personnel positions.
9. Addition of \$35,972 for the reclassification of 34 individual nonjudicial personnel positions as requested by the Court.
10. Addition of \$1,500 for Printing in the Office of Judicial Administration.
11. Addition of a total of \$2,815 (\$1,415 for Printing and \$1,400 for Travel) for the Appellate Clerk.
12. Addition of a total of \$12,980 (\$4,580 for Other Contractual Services and \$8,400 for Professional Supplies) for the Law Library.
13. Addition of \$25,000 to reduce the turnover estimate for District Court Judges to a total of \$75,000.
14. Addition of \$73,805 to revise the turnover estimate for nonjudicial personnel to \$486,795, a figure which is 2 percent of total salary costs.
15. Addition of \$4,668 for Supreme Court — Travel.
16. A technical adjustment to S.B. 29 to correctly state the recommended expenditure levels of the Bar Admission Fee Fund and the Court Reporter Fee Fund.
17. Amendment of S.B. 29 to provide for a position limitation of 1,339.0 for nonjudicial personnel and a total of 1,564.5 to correctly reflect the Subcommittee adjustments.

*David Miller*

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Representative David Miller  
Subcommittee Chairperson

*Ruth Luzzati*

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Representative Ruth Luzzati

*George Teagarden*

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Representative George Teagarden



HOUSE BILL NO. \_\_\_\_\_

By \_\_\_\_\_

AN ACT concerning water; enacting the multipurpose small lakes program act; amending K.S.A. 2-1915 and 82a-934 and K.S.A. 1984 Supp. 74-2609 and repealing the existing sections.

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

New Section 1. This act shall be known and may be cited as the "multipurpose small lakes program act."

New Sec. 2. In order to provide public water supply storage and water related recreational facilities in the state there is hereby established a multipurpose small lakes program. The program shall be administered by the state conservation commission. The state conservation commission shall adopt all rules and regulations necessary to implement the provisions of this act.

New Sec. 3. When used in this act:

(a) "Chief engineer" means the chief engineer of the division of water resources of the state board of agriculture.

(b) "Class I funded project" means a proposed new project or renovation of an existing project located within the boundaries of an organized watershed district which is receiving or is eligible to receive financial participation from the state conservation commission for the flood control storage portion of the project.

(c) "Class II funded project" means a proposed new project or renovation of an existing project which is receiving or is eligible to receive financial participation from the federal government.

(d) "Class III funded project" means a proposed new project or renovation of an existing project located outside the boundaries of an organized watershed district which is not

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receiving or is not eligible to receive financial participation from the state conservation commission or the federal government.

(e) "Flood control storage" means storage space in reservoirs to hold flood waters.

(f) "General plan" means a preliminary engineering report describing the characteristics of the project area, the nature and methods of dealing with the soil and water problems within the project area, and the projects proposed to be undertaken by the sponsor within the project area. Such plan shall include maps, descriptions and other data as may be necessary for the location, identification and establishment of the character of the work to be undertaken and any other data and information as the chief engineer may require.

(g) "Land right" means real property as that term is defined by the laws of the state of Kansas and all rights thereto and interest therein and shall include any road, highway, bridge, street, easement or other right-of-way thereon.

(h) "Multipurpose small lake project" means a dam and lake containing (1) flood control storage and (2) either public water supply storage or recreation features or both. The project shall include land treatment measures in the drainage area to adequately protect the lake from siltation and pollution.

(i) "Public water supply" means a water supply for municipal, industrial or domestic use.

(j) "Public water supply storage" means storage of water for municipal, industrial or domestic use.

(k) "Recreation feature" means water storage and related facilities for activities such as swimming, fishing, boating, camping or other related activities.

(l) "Sponsor" means any political subdivision of the state which has the power of taxation and the right of eminent domain.

(m) "Water user" means any city, rural water district, wholesale water district or any other political subdivision of the state which is in the business of furnishing municipal or industrial water to the public.

New Sec. 4. (a) The state may participate with a sponsor in the development, construction or renovation of a class I multipurpose small lake project if the sponsor has a general plan which has been submitted to and approved by the chief engineer in the manner provided by K.S.A. 24-1213 and 24-1214, and amendments thereto. If the Kansas water office determines that additional public water supply storage shall be needed in that area of the state within 20 years from the time such project is to be completed and a water user is not available to finance public water supply storage, the state may include public water supply storage in the project. The Kansas water office shall apply for a water appropriation right sufficient to insure a dependable yield from the public water supply storage.

(b) The sponsor of such class I project shall be responsible for acquiring land rights and for the costs of operation and maintenance of such project. The sponsor participating in the construction of recreation features of a project shall pay for that portion of the project attributable to recreation. The state may provide up to 50% of the engineering and construction costs and up to 50% of the costs of land rights associated with recreation features. Subject to the provisions of subsection (a), the state may pay up to 100% of the engineering and construction costs of flood control and public water supply storage. All other costs of such project, including land, construction, operation and maintenance shall be paid by the sponsor.

(c) The state may recover its costs incurred in providing public water supply storage in such class I project by selling such storage and the associated water rights.

New Sec. 5. (a) The state may participate with a sponsor in the development, construction or renovation of a class II multipurpose small lake project if the sponsor has a general plan which has been submitted to and approved by the chief engineer in the manner provided by K.S.A. 24-1213 and 24-1214, and amendments thereto. If the Kansas water office determines that additional

public water supply storage shall be needed in that area of the state within 20 years from the time such project is to be completed and a water user is not available to finance public water supply storage, the state may include public water supply storage in the project. The Kansas water office shall apply for a water appropriation right sufficient to insure a dependable yield from public water supply storage.

(b) In a class II project, the state may assume initial financial obligations for public water supply storage in watersheds by entering into long-term contracts with the federal government. In order to provide security to the federal government, the state may grant assignments of water rights, either appropriation rights or water reservation rights; assignments of rights under existing or prospective water purchase contracts; assignments, mortgages or other transfers of interests in real property held by the state and devoted to the specific small lake project for which security is sought; or may provide other security that is permissible under state law and acceptable by the federal government. Instead of contracting to repay costs under long-term contracts, the state may pay all of the required costs of the public water supply storage in a lump sum.

(c) The sponsor of such class II project shall be responsible for acquiring land rights and for the costs of operation and maintenance of such project. The sponsor participating in the construction of recreation features of a project shall pay for that portion of the project attributable to recreation. The state or federal government may provide up to 50% of the engineering and construction costs and up to 50% of the costs of land rights associated with recreation features.

(d) The state may recover its costs incurred in providing public water supply storage in such class II project by selling such storage and the associated water rights.

New Sec. 6. (a) The state may participate with a sponsor in the development, construction or renovation of a class III

multipurpose small lake project if the sponsor has a general plan which has been submitted to and approved by the chief engineer in the manner provided by K.S.A. 24-1213 and 24-1214, and amendments thereto. If public water supply storage is included in the project, the sponsor of such class III project shall pay for 100% of the costs associated with the public water supply storage portion of such project.

(b) The sponsor of such class III project shall be responsible for acquiring land rights and for the costs of operation and maintenance of the project. The sponsor participating in the construction of recreation features of a project shall pay for that portion of the project attributable to recreation. The state may provide up to 50% of the engineering and construction costs and up to 50% of the costs of land rights associated with recreation features. The state may pay up to 100% of the engineering and construction costs of flood control storage. All other costs of such project, including land, construction, operation and maintenance, shall be paid by the sponsor.

New Sec. 7. Sponsors shall apply to the state conservation commission for participation in the multipurpose small lakes program. The review and approval process of the state conservation commission shall be established by rules and regulations which shall be consistent with the state water plan. Following review, the state conservation commission shall request appropriations for specific projects from the legislature. Any funds appropriated to carry out the provisions of this act shall be administered by the state conservation commission.

New Sec. 8. If state financial participation is approved for a multipurpose small lake project, the state conservation commission shall require land treatment implementation to protect the project from silting and pollution. If public water supply storage is included in such a project, the sponsor shall have a water conservation plan which has been submitted to and approved by the chief engineer. Any funding provided by the state shall

include money necessary to pay for cost-sharing expenses incurred for required land treatment practices.

Sec. 9. K.S.A. 2-1915 is hereby amended to read as follows: 2-1915. Appropriations may be made for grants out of funds in the treasury of this state for the construction of terraces, terrace outlets, check dams, dikes, ponds, ditches, watershed structures and other water conservation structures on public lands and on privately owned lands. Except as provided by the multipurpose small lakes program act, any such grant shall not exceed ~~eighty-percent-(80%)~~ 80% of the total cost of the construction of any such structure. The state conservation commission shall adopt rules and regulations to administer such grant program. Any district is authorized to make use of any assistance whatsoever given by the United States, or any agency thereof, or derived from any other source, in the construction of such structures.

Sec. 10. K.S.A. 1984 Supp. 74-2609 is hereby amended to read as follows: 74-2609. The Kansas water office may:

(a) Seek and accept grants and other financial assistance that the federal government and other public or private sources shall make available and utilize the same for any purpose which the office is required or authorized to study or make recommendations concerning.

(b) Contract with public agencies or with qualified private persons or agencies to accomplish any purpose which the office is required or authorized to study or make recommendations concerning.

~~(c) For the purpose of implementing the watershed program in Middle Creek watershed district No. 50 as designated under the provisions of K.S.A. 82a-939, purchase, hold, sell, and convey real and personal property, and execute such contracts as the board may deem necessary or convenient to enable it to carry out properly the purposes of article 9 of chapter 82a of the Kansas Statutes Annotated, and acts amendatory thereof or supplemental thereto, and such other duties it may have as prescribed by law~~

within such watershed district.

(d) For the purpose of implementing the watershed program in Middle Creek watershed district No. 50 as designated under the provisions of K.S.A. 82a-939, acquire by purchase, lease, agreement, or condemnation or accept donations, bequests, devises, or gifts of any and all water rights, lands, easements, rights of way, or other real property, and personal property and moneys, necessary or convenient to the exercise of powers, rights, and duties now or hereafter conferred upon it by law within such watershed district. Title to all property acquired by the board shall be taken in the name of the board on behalf of the state. The power of condemnation herein granted shall be exercised in the manner provided in K.S.A. 26-501 to 26-516, inclusive, and acts amendatory thereof or supplemental thereto. Upon the request of the board, the attorney general shall proceed to acquire for it by condemnation the property that it designates.

(c) For the purpose of providing public water supply storage in either federally funded or nonfederally funded multipurpose small lakes, acquire water rights under the Kansas water appropriation act.

Sec. 11. K.S.A. 82a-934 is hereby amended to read as follows: 82a-934. The office, on behalf of the state, shall enter into negotiations and agreements with the federal government relative to the inclusion or the purchase of, and the payment for, conservation storage features for water supply in any project that has been planned, authorized or constructed by the federal government when the Kansas water authority shall deem such negotiations and agreements to be necessary for the achievement of the policies of the state of Kansas relative to the water resources thereof. Such agreements shall be binding upon the state to the extent that future appropriations are made in support thereof an agreement shall bind the state to a long-term payment obligation if the legislature approves, by enactment, any such agreement following negotiations. Subject to

the foregoing, any agreement made under this section may provide that a portion of the reimbursement cost shall include any payment made by the United States to third parties as a result of the finding of liability by a court of competent jurisdiction or by settlement arising out of the use of the water storage space and the release therefrom, except that no reimbursement shall be made to the extent that the liability arises from the sole fault of the United States.

Sec. 12. K.S.A. 2-1915 and 82a-934 and K.S.A. 1984 Supp. 74-2609 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.