

Approved 3-11-86  
Date

MINUTES OF THE House COMMITTEE ON Ways and Means

The meeting was called to order by Bill Buntten at  
Chairperson

1:30 ~~xxx~~ p.m. on Wednesday, March 5, 1986 in room 514-S of the Capitol.

All members were present except: Representative Helgerson (excused)

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

Conferees appearing before the committee:

None  
Others present (see Attachment A)

Chairman Buntten called the meeting to order and the committee continued with discussion on the subcommittee report for Mental Health and Retardation's budget.

Representative Chronister reported to the committee that since the release of the MH&R subcommittee report 24 hours ago, that she has received numerous calls from people representing MH&R facilities with deep concerns relating to the policy changes. The biggest concern is the current long waiting list for families with a mentally retarded child at home. Most of them have been told they have a 3-5 year wait. They would like to see a department set up to handle these concerns that would perhaps shorten the waiting list. Another concern is that many of these people feel they have not had the opportunity to appear at public hearings to express their concerns.

Representative Fuller commented that she had also had some calls from the Sedgwick County people who have serious objections. She said that the maximum amount is not being levied for Sedgwick and expressed a desire for work to continue on this issue in getting some of the local concerns addressed.

Considerable discussion followed in this matter. However, Representative Duncan told the committee, "We have not been funding the needs of community mental retardation -- we have been funding the placement of people in the hospitals inappropriately - and now we are paying the price by the need for additional staff in those hospitals. Part of the problem on the MR side is in the formula funding. As a result of the summer interim study, and after hearing input from those people who provide the services, I believe this report best addresses the issue."

On a motion by Representative Duncan and a second by Representative Ott, the subcommittee report was adopted by the committee.

Representative Chronister moved that HB 2760, as amended, be recommended favorable for passage. Seconded by Representative King. Motion carried.

Chairman turned to SB 442 -- an act making and concerning appropriations for the fiscal year ending June 30, 1987, for the Kansas commission on interstate cooperation, legislative coordinating council, legislature and division of post audit, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

LEGISLATURE AND RELATED AGENCIES, SB 442, all sections (Attachment B)  
Representative Chronister presented the report. House subcommittee concurs with the Senate Adjustments, but also recommends deletion of \$63,691 in the budget of the Interstate Cooperation Commission.

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 a.m./p.m. on Wednesday, March 5, 1986

Representative Dyck offered a motion to delete from the budget the funding for membership fees and travel expenses related to the National Conference of State Legislators. Seconded by Representative Guldner.

Staff reported that the savings would be about \$172,000.

Representative Chronister responded that this matter had been discussed by the subcommittee extensively, however, it was felt that NCSL provides more and better information than CSG, even though it's an older organization. Therefore, the subcommittee recommends deletion of the funding for CSG (Council for State Government).

Discussion continued regarding whether or not the state should pay for travel of legislators to these various conferences and seminars. It was felt that many of the legislators would not be able to afford the trips on their own, and would miss out on benefits derived from the seminars. Others commented they neither had the desire nor the time to attend.

Representative Fuller commented that the state's recommendations to U.S. Congress as a result of these seminars do have an impact, and believes it should remain in the budget.

Consensus of opinion seemed to be that much valuable information comes from conversations with legislators from other states.

Representative Wisdom suggested that we should consider having the state pay the dues to NCSL, but those who feel they can be of importance to the state should pay their own travel.

Representative Dyck withdrew his motion after hearing some of the concerns and arguments.

Representative Guldner then moved that the funding for membership dues for NCSL be included, but that only 50% of funding for travel by legislators to the Conference be included. Representative Dyck seconded. On a hand vote, the motion failed.

Representative Chronister moved that SB 442 be recommended favorable for passage. Seconded by Representative Hamm. Motion carried.

Chairman turned to HB 2734 for final action. It would allow a state agency to go to the Rules and Regulations Board and propose a temporary rule when there is insufficient appropriations available for a program.

An amendment to HB 2734 (Attachment C) was presented and Representative Duncan moved it be adopted. Seconded by Representative Chronister. Motion carried.

Representative Duncan then moved that HB 2734, as amended, be recommended favorable for passage. Seconded by Representative Chronister. Motion carried.

Meeting adjourned at 3:00 p.m.

GUESTS

Date 3-5-86

Name

Address

Representing

Merced N Williams

Topeka

Post Aids

Bob Endley

✓

Post Authority

Lynn Burkovic

503 Kansas 66601

" " " "

Dwight Young

Great Bend

Assn. Com Mental Health

Pam M. Hest

Association of CMHRS

Topeka

Harriet Bufford

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AEMHE

Max N. Field

Wichita

Sedgewick County

Bradley E. Streeter

Topeka

Ed Polts

A



**SUBCOMMITTEE REPORT**

Agency: Legislature and Related Agencies Bill No. 442

Bill Sec. All

Analyst: Ahrens

Analysis Pg. No. 1

Budget Pg. No. 1-31

<u>Expenditure Summary</u>	<u>Agency Req. FY 87</u>	<u>Governor's Rec. FY 87</u>	<u>Senate Adjustments</u>
State Operations - All Funds:			
Commission on Interstate Cooperation	\$ 161,460	\$ 161,460	\$ --
Legislative Coordinating Council:			
Council Expenses	235,277	234,015	389
Legislative Research Department	1,408,308	1,399,078	4,831
Revisor of Statutes	1,611,063	1,606,424	1,468
Educational Planning Committee	56,193	56,161	--
Legislature	6,989,243	6,960,269	15,539
Division of Post Audit	1,212,351	1,208,882	(41,071)
<b>TOTAL</b>	<u>\$11,673,895</u>	<u>\$11,626,289</u>	<u>\$ (18,844)</u>
State Operations:			
State General Fund	<u>\$11,618,233</u>	<u>\$11,570,627</u>	<u>\$ (14,834)</u>
FTE Positions	89.1	89.1	--

Agency Requests/Governor's Recommendations

The combined FY 1987 budget requests for the Legislature and related agencies, submitted with the approval of the Legislature Coordinating Council, total \$11,673,895 which is \$36,438 less than revised estimates of expenditures for FY 1986. The revised FY 1986 estimate is \$62,306 less than the total expenditures authorized by the 1985 Legislature. As directed by the Legislative Coordinating Council, the FY 1987 requests do not include any amounts for changes in salary rates but do include step increases for those employees who are paid in accordance with the new state salary plan.

The Governor recommends FY 1987 expenditures of \$11,626,289 for the Legislature and related agencies. This amount includes \$22,377 recommended in Governor's Budget Amendment No. 1 to correct an unintentional omission of expenditures for the retirement program for temporary session employees. As amended, the Governor's recommendation is \$47,606 less than the requested amounts. The reductions result from the application of employer contribution rates for KPERS, health insurance, and unemployment insurance which are lower than those which agencies were instructed to use in preparing their FY 1987 budget requests. The Governor concurs with the revised FY 1986 expenditure estimates.

*D. W. M.*  
*3/5/86*

*B*



Senate Subcommittee Recommendations

The Subcommittee concurs with the Governor's recommendations with the following changes for FY 1987.

1. The Subcommittee recommends restoration of the employer contribution rate for KPERS to 4.3 percent, the rate for FY 1987 which has been certified by the Board of Trustees of KPERS in accordance with present law. The report of the System's actuary will be made in March, at which time the Legislature will have the opportunity to enact such changes as it deems warranted. A revised unemployment insurance rate of 0.1 percent (previously 0.31 percent) has been duly certified by the Secretary of Human Resources. The actual single member health insurance monthly rate was revised downward to \$78.53 effective January 1, 1986. The agencies had been instructed to budget \$79.50 per month for FY 1987. The rate applied to FY 1987 agency budgets by the Governor is \$74.70 which adjusts the new actual contract rate to reflect the lower rate for five months in FY 1986 and 12 months in FY 1987, as well as to reflect favorable claims experience under the single member plan. This health insurance adjustment should be reviewed further by the Committee in connection with the budget of the Department of Administration, but this Subcommittee recommends no change to the \$74.70 rate at this time. Applying these employer contribution rates results in a net increase of \$23,661 to the expenditures as recommended by the Governor.

2. The Chairman of the Legislative Post Audit Committee has requested a reduction of \$42,505, including \$38,495 from the State General Fund and \$4,010 from the Federal Audit Services Fund, to reflect the actual costs of financial compliance audits to be conducted by private accounting firms in FY 1987. The Subcommittee concurs with the request.

3. The Subcommittee recommends two technical amendments to Section 2 of S.B. 442. The first would reappropriate the line item account for the Block Boundary Suggestion Project. The second would strike subsection (b) of Section 2 which pertains to the Computer Information System Services Fund, which is presently and foreseeably inactive.

The FY 1986 and FY 1987 expenditures for the Legislature are based upon the presumption that costs related to an increase in the legislative subsistence allowance which became effective last November can be absorbed. The Subcommittee believes that expenditure patterns should be observed closely to insure that such a presumption will not hinder the carrying out of legislative responsibilities.

Senate Committee Recommendation

The Senate Committee concurred with the recommendations of the Subcommittee.



House Subcommittee Recommendations

<u>Expenditure Summary</u>	<u>Senate Adjustments</u>	<u>Senate Recommendations</u>	<u>House Subcommittee Adjustments</u>
State Operations - All Funds:			
Commission on Interstate Cooperation	\$ --	\$ 161,460	\$ (63,691)
Legislative Coordinating Council:			
Council Expenses	389	234,404	--
Legislative Research Department	4,831	1,403,909	--
Revisor of Statutes	1,468	1,607,892	--
Educational Planning Committee	--	56,161	--
Legislature	15,539	6,975,808	--
Division of Post Audit	(41,071)	1,167,811	--
TOTAL	<u>\$ (18,844)</u>	<u>\$ 11,607,445</u>	<u>\$ (63,691)</u>
State Operations:			
State General Fund	<u>\$ (14,834)</u>	<u>\$ 11,555,793</u>	<u>\$ (63,691)</u>
FTE Positions	--	89.1	--

The House Subcommittee concurs with the Senate Adjustments but also recommends the deletion of \$63,691 in the budget of the Interstate Cooperation Commission. The recommended deletion is composed of the \$45,900 for the state's annual membership dues in the Council of State Governments and \$17,791 for out-of-state travel which represents the total actual travel and subsistence expenditures incurred by legislators who attended Council-sponsored meetings during FY 1985.

As noted in the last paragraph of the Senate Committee recommendations, the FY 1986 and FY 1987 budgets for the Legislature are based on the presumption that the November increase in the per diem subsistence allowance can be absorbed. The Subcommittee notes that the additional subsistence costs to be absorbed are estimated to be \$225,000 for FY 1986 and \$250,000 for FY 1987.

Rochelle Chronister  
 Representative Rochelle Chronister,  
 Subcommittee Chairman

Bill Bunten  
 Representative Bill Bunten

David Heinemann  
 Representative David Heinemann

Don Mainey  
 Representative Don Mainey

Lee Hamm  
 Representative Lee Hamm



# HOUSE BILL No. 2734

By Joint Committee on Administrative Rules and Regulations

1-23

0017 AN ACT relating to administrative rules and regulations; con-  
0018 cerning the adoption of temporary rules and regulations;  
0019 amending K.S.A. 1985 Supp. 77-422 and repealing the existing  
0020 section.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1985 Supp. 77-422 is hereby amended to  
0023 read as follows: 77-422. (a) A rule and regulation may be adopted  
0024 by a state agency as a temporary rule and regulation if: (1) The  
0025 preservation of the public peace, health, safety or welfare ne-  
0026 cessitates putting such rule and regulation into effect prior to the  
0027 time it could be put into effect if the agency were to comply with  
0028 the notice, hearing and publication requirements of this act or  
0029 prior to the effective date prescribed by K.S.A. 77-426, and  
0030 amendments thereto; or (2) it is necessary for such rule and  
0031 regulation to take effect prior to the effective date prescribed by  
0032 K.S.A. 77-426, and amendments thereto, in order to comply with  
0033 the requirements of the statute authorizing the adoption of such  
0034 rule and regulation or with any federal law with which the state  
0035 agency is required to comply or with rules and regulations of  
0036 federal agencies adopted pursuant to any such federal law; or (3)  
0037 the rule and regulation is adopting, amending or revoking a rule  
0038 and regulation in response to specific direction contained in a  
0039 concurrent resolution adopted by the legislature and directed to  
0040 such agency; or (4) ~~any~~ state agency determines that insufficient  
0041 appropriations are available to meet certain budget require-  
0042 ments which necessitates putting a rule and regulation into  
0043 effect prior to the time it could be put into effect if the agency  
0044 were to comply with the notice, hearing and publication re-  
0045 quirements of this act or prior to the effective date prescribed

PROPOSED AMENDMENTS TO HB 2734

For Consideration by House Ways and Means

(A) the

for a specific fiscal year

for such fiscal year

Z.W.J.M  
3/5/86



0046 *by K.S.A. 77-426, and amendments thereto.*

0047 (b) No temporary rule and regulation shall be adopted on the  
0048 basis that such rule and regulation must be adopted as a tempo-  
0049 rary rule and regulation for the purpose of complying with the  
0050 requirements of the statute authorizing the rule and regulation to  
0051 be adopted or on the basis that such rule and regulation must be  
0052 adopted as a temporary rule and regulation for the purpose of  
0053 complying with any federal law with which the state agency is  
0054 required to comply or with rules and regulations of federal  
0055 agencies adopted pursuant to any such federal law without  
0056 notice having been given and a hearing thereon held in the  
0057 manner prescribed by K.S.A. 77-421, and amendments thereto.  
0058 Temporary rules and regulations, other than temporary rules and  
0059 regulations adopted on the basis that such rules and regulations  
0060 must be adopted as temporary rules and regulations for the  
0061 purpose of complying with the requirements of the statute au-  
0062 thorizing the rules and regulations to be adopted or for the  
0063 purpose of complying with any federal law with which the state  
0064 agency is required to comply or with rules and regulations of  
0065 federal agencies adopted pursuant to any such federal law *or*  
0066 *those adopted pursuant to paragraph (4) of subsection (a)*, may  
0067 be adopted without the giving of notice and the holding of a  
0068 hearing thereon.

0069 (c) No temporary rule and regulation shall be adopted prior  
0070 to the effective date of the statute authorizing its adoption, but,  
0071 prior to the effective date of such statute, the proposed temporary  
0072 rule and regulation may be submitted to the secretary of admin-  
0073 istration and to the attorney general for approval as required by  
0074 K.S.A. 77-420, and amendments thereto and notice of the pro-  
0075 posed rule and regulation may be given and a hearing held  
0076 thereon in the manner prescribed by K.S.A. 77-421, and amend-  
0077 ments thereto.

0078 (d) A temporary rule and regulation shall take effect after  
0079 approval by the secretary of administration and the attorney  
0080 general as provided by K.S.A. 77-420, and amendments thereto,  
0081 and after approval by the state rules and regulations board as  
0082 provided by K.S.A. 77-423, and amendments thereto, upon filing

, (B) the temporary rule and regulation applies only to such fiscal year, and (C) the state agency is specifically authorized by the provisions of an appropriations or other act of the legislature to adopt a temporary rule and regulation under this subsection (a)(4) with regard to the appropriations that are determined to be insufficient by the state agency