

Approved 3-17-86
Date

MINUTES OF THE House COMMITTEE ON Ways and Means

The meeting was called to order by Bill Buntten at
Chairperson

12 Noon a.m./p.m. on Wednesday, March 12, 1986 in room 514-S of the Capitol.

All members were present except: Representative Helgerson (excused)

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

Conferees appearing before the committee:

Representative Fry
Jim Murphy, Governor's Office
Secretary Mills
Pat Hurley
Dane Britton, Ellsworth, Kansas
Walter Cole, Ransom & Company
Joyce Romero, Department on Aging
Anna Hoagland, President KANASP
Dave Geist, Executive Director for SW Kansas Assoc.
for the Aged
Ralph Turner, Silver Haired Legislators-Douglas County
Urban Klenke, Silver Haired Legislators-Ford County
Alex Conchola, Area on Aging-Douglas County
Preston Barton
Others present (Attachment A)

Chairman Buntten called the meeting to order at 12:15 p.m.

HB 2989 -- an act concerning a new correctional facility; authorizing certain agreements relating thereto; prescribing certain procedures, limitations and duties relating thereto.

Representative Fry was recognized and addressed the committee regarding the provisions of the bill. HB 2989 allows the Secretary of Corrections to enter into an agreement with the public building commission of City of Ellsworth for a lease and a purchase option on a correctional facility for a period of not-to-exceed 15 years. The Commission would issue revenue bonds for construction of the facility and the State would be responsible for the operation of the building.

Jim Murphy presented the position of the Governors office, saying that they thoroughly support the selection of Ellsworth for the site as a medium security facility. Also the bill represents a method of funding the project which was helpful in preparing the budget for this year.

Secretary Richard Mills addressed the committee and presented written testimony (Attachment B) which contains supporting documentation. There was discussion as to why Ellsworth was chosen as opposed to Wichita. Secretary Mills explained that community support for Ellsworth was very high, also that Wichita wanted certain conditions, which were negative to the project.

Inmates will be screened for outside work eligibility. The plan is to house 40 inmates who will do honor camp type work. The other 150 beds are medium custody and they will be supervised at all times and contained with the walls.

Representative Miller inquired as to a data sheet that will show who is paying for what. Secretary Mills said that cash flow schedules are available and would be handed out later in the hearing.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,
room 514-S, Statehouse, at 12 Noona.m./p.m. on Wednesday, March 12, 19 86

Pat Hurley, Chief Lobbyist for City of Ellsworth in steering this matter through the Legislature gave a brief overview of what has happened to date.

Dane Britton, representing City of Ellsworth, told the committee that the project actually got under way when it appeared that negotiations with Wichita were starting to break down. He said there had been no derogatory comments received from any meetings or groups of people. The plus factor, of course, is to provide jobs for the community. He also said that Barton County Community college has started to offer courses for people interested in pursuing a career in this area.

Joe Norton of Garr and Bell-Wichita, Kansas, presented a handout which is the financing proposal for the project (Attachment C).

Representative Louis reviewed the committee on what has transpired in the Joint Building Committee relating to this issue. He did go on record as saying a facility is needed and the Committee feels that Ellsworth is the best site, but not on record as saying Ellsworth is the number one priority in the list of needed capital improvements. Joint Building Committee has had no hearings on the funding and are not endorsing the project.

This concludes testimony on HB 2989 and the chairman asked for a motion.

Representative Ott moved that HB 2989 be recommended favorable for passage. Seconded by Representative Mainey. Motion carried.

HB 2867 -- an act concerning the department on aging; relating to funding services provided by area agencies on aging; creating the area agencies on aging services fund; providing for administration thereof.

Representative Sughrue explained the provisions of the bill and provided written testimony (Attachment D).

Joyce Romero, Department of Aging, made a brief statement. The Department has no stand on HB 2867 beyond the fact that this year the Department is facing large cuts in the budget and finding itself in quite a bind in attempting to provide services for older Kansans.

Anna Hoagland testified in support of the bill on behalf of Kansas Association of Nutrition and Aging Services Programs. This association has experienced budget cuts in three vital resources and it seems reasonable that revenue from this age group be returned to them. (see Attachment E)

Dave Geist, representing Southwest Kansas Area Agency on Aging also asked for support of the legislation. He said that funding reductions has forced reduction in staff, fringe benefits and discontinuance of services, such as meals to the elderly.

Urban Klenke, a retired farmer from Spearville testified in support of the bill and provided written testimony (Attachment F).

Ralph Turner, a Silver Haired Legislator from Douglas County also appeared asking for support of the bill and provided written testimon (Attachment G).

Shirley Wickman, Assistant Director of the Consumer Assistance and Information Program addressed the committee in support of the legislation (Attachment H). She said the reduction in funding would greatly reduce services as well as personnel who help run the programs.

Alex Conchola, Executive Director of Douglas County Council on Aging, made a brief statement in support of the bill. He said that Douglas County does have a 1 mil levy for senior citizens service. He cited the nutrition meal program as one area that would be deeply affected by the reduced funding.

Harley Duncan, Secretary of Department of Revenue, provided copies of a Memorandum to the committee (Attachment I). The intent of the bill would be difficult to fulfill and create difficulties for the taxpayer. Department of Revenue does oppose the bill. (Attachment I)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,
room 514-S, Statehouse, at 1:30 ~~xxx~~ p.m. on Wednesday, March 12, 1986

HB 2902 -- an act establishing the office of ombudsman; fixing the powers and duties thereof.

Representative Guldner explained the proposed new legislation. He said that he actually started working on drafting the bill about six years ago when people started coming to him for advice and help on certain matters. He believes these people need a place to go for assistance where they can voice their complaints without fear of recrimination. The position of ombudsman calls for someone with a law degree and could be merged with Legislative Council. (see Attachment J)

Preston Barton, a social worker addressed the committee in support of the bill, however he would like to see the bill loosened up to some degree. The position would serve much in the same way as the civil rights commission in attempting to insure fairness to the average citizen. (See Attachment K)

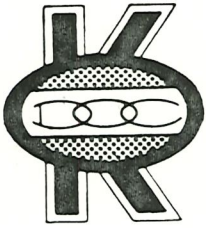
At this point, it was necessary for the Committee to return to the House floor. Chairman Buntin extended apologies to the other conferees, i.e. Steve Robinson, Department of Corrections and Dr. Larry Wolgast, Department of Human Resources.

Meeting adjourned at 2:00 p.m.

Date 3-12-86

Name	Address	Representing
Mark Intermill	1325 Argyll	Silver Haired Legislature
Charles Simmons	Topeka	Dept. of Corrections
Larry Conger	"	KDOC
Mary Kemp	"	"
Bob Hubert	745 Vermont Lawrence	Dg. Co Council on
Alan Conshyla	745 Vermont, Lawrence	Douglas County Aging Council on Aging
Annis Bradford	BCCC Great Bend KS	KS Assoc of Nutrition/Aging Serv
Anna Mae Shaller	107 Oregon Hiawatha	NEK AAA
Hattie Norman	308 2nd	K S & C
Glenna C. Kidd	1105 Buchanan Suite 103	Jayhawks Area Cadets & Army
David Schaefer	900 Jackson	KDOC
James Tranel	745 Vermont Lawrence	Dg. Co. COP
Richard Funk	Topeka	KAIB
Roy P. Britton	Ellsworth, Kc	Ellsworth
Paul J. DeWard	Box 13 Ellsworth, Ks	Ellsworth
Gary L. Urbanek	P.O. 243 Ellsworth	Ellsworth
John Engstrom	695 N. Armour	Wichita
Walter Cole	Topeka	Lawson & Co
Steve Johnson	Wichita Ks	United Securities, Inc
Shirley Heddon	Attawana Ks	MUCHO
Sharon Neekman	Marlinton, Ks.	N.C.-FH Pres Bureau
Leith Moore	Topeka	Power of Service
JOE L. NORTON	WICHITA Kc	GARRIBEL
Harold L. Swanson	Ellsworth	City of Ellsworth
Steve A. Peterson	Topeka	Embassies for America
Steven J. Davies	Topeka	KDOC

A



KANSAS DEPARTMENT OF CORRECTIONS

INTERDEPARTMENTAL MEMORANDUM

TO: Representative William Buntен DATE: March 12, 1986
Chairman, House Ways & Means Committee

FROM: Richard A. Mills, Secretary of Corrections

SUBJECT: HB 2989, Ellsworth Correctional Facility

BACKGROUND

In 1985 the legislature appropriated \$1.15 million for expanding correctional facilities to alleviate prison overcrowding. The Omnibus Bill language gave the Department discretion to develop a capital improvement package. In June, 1985, the Department proposed to the Joint Committee on State Building Construction to release funds for planning and site acquisition for a proposed adult male medium security facility in Sedgwick County. In conjunction with this study, a number of alternative sites for the facility were identified (Attachment "A").

At its meeting in Topeka on July 9, 1985, the Joint Committee recommended that \$2,000 be released for consulting services for various site evaluations for a new medium custody correctional facility. As Department consultants continued to evaluate alternative sites, the Joint Building Committee was continually kept apprised of the Department's activities. In July, the Department provided the Joint Building Committee with a modification of the program statement submitted to the Committee during the 1985 legislative session. The modification set out the program parameters for a facility at Ellsworth.

On July 30, 1985, the Joint Committee received information from the Department of Corrections regarding recommendations on the location of the new medium/minimum facility. After review and deliberation the Joint Committee recommended that \$170,029 be released from the aforementioned funds for a preliminary design fee, some miscellaneous costs, and a detailed program for a new correctional facility to be located in Ellsworth, Kansas.

On December 6, 1985, the Joint Committee met and considered the proposed Ellsworth Correctional Facility. After discussion the Joint Committee voted to recommend to the Finance Council the release of \$295,646 for final planning for the Facility and, on the same day, the Finance Council voted to adopt the Joint Committee's recommendations.

Atch. B
H. W. + M. 3/12/86 B

THE FACILITY IS NEEDED

In June, 1985, when the Department first requested that the Joint Committee release planning funds for the proposed medium/minimum security facility, the Kansas prison population had just reached 4,500 inmates. As of March 1, 1986, 4,819 inmates are committed to the custody of the Secretary of Corrections with 4,665 inmates housed in DOC facilities. According to Department estimates, the Kansas prison population will continue to increase by approximately 41 inmates per month for FY 1986. Listed below are the final projected year-end population totals (June 30) for the next five years.

<u>FY</u> <u>1986</u>	<u>FY</u> <u>1987</u>	<u>FY</u> <u>1988</u>	<u>FY</u> <u>1989</u>	<u>FY</u> <u>1990</u>
5,012	5,319	5,510	5,626	5,686

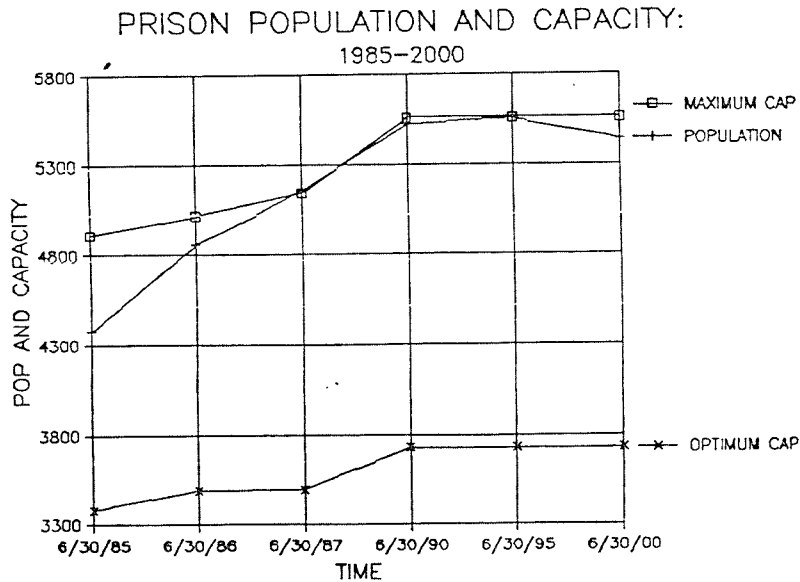
KDOC facilities presently provide a total of 3,410 beds at optimum capacity and 4,939 beds at maximum capacity. Of these beds approximately 288 optimum beds and 456 maximum beds are unusable due to various renovation projects which are currently ongoing. Therefore, with a inmate population of 4,665, the Department is currently 182 inmates in excess of our maximum tolerable capacity.

The following information illustrates the extent of the overcrowding:

1. 86.8% of KSP's 60 sq. ft. cells are double celled. (100 of these cells are set aside for predatory inmates who cannot share a cell. When these 100 cells are excluded from the computation, 92.64% of these single cells hold two men.)
2. 68% of KSIR's 40 sq. ft. cells hold two men.
3. 100% of the four-man cells at KSP and KSIR contain 5 or 6 men.
4. Most dormitory units are at maximum capacity (50 sq. ft. per man). One unit at KSP (Outside Dorm II) is at 180% of maximum capacity (28 sq. ft. per man).
5. The new 378-bed KSP medium security unit which opened June, 1985, is now full.

The construction of all funded renovation and new construction will boost the capacity of the Department's facilities to 3,775 optimum beds and 5,608 maximum beds by the end of FY 1988..

As the graph below indicates, even with the construction of the Ellsworth Correctional Facility, the state will be operating its prison system at maximum capacity for the next decade.



The KDOC has worked in coordination with the legislature and the Governor to pursue a definite strategy to control the state's prison population. A balanced program of sentencing reforms (1984 session's SB 858); community alternatives (Kansas Community Corrections Act, K.S.A. 75-5290 *et seq.*); facility and program improvements and capacity expansion. These expansion projects are detailed in Attachment "B".

Conversion and Modular Housing Study

During 1984 and early 1985, the Department contracted with the HDR/Schaefer and Associates¹ to perform the "Kansas Correctional Facilities Feasibility Study". That study looked at the feasibility of converting 12 state-owned institutions to correctional uses.² In addition, the study looked into the feasibility of expanding existing

¹ Henningson, Durham and Richardson, Dallas, Texas; Schaefer and Associates, Wichita, Kansas.

² The facilities evaluated were the state hospitals at Larned, Norton, Osawatomie and Parsons; the Rainbow Mental Health Facility; the School for the Visually Handicapped; and St. Joseph's Home, all in Kansas City, Kansas; the Youth Center in Atchison; the City Prison Farm, Wichita; Forbes Field, Topeka; Elcan Manufacturing Facility, Ellsworth; the Windsor Villa's Retirement Home, Salina, Kansas.

facilities at KCIL and SRDC. Finally, the study evaluated modular housing units available to determine their suitability for correctional uses. The findings of that study are summarized below.

Conversion Evaluation

After evaluating the above-mentioned facilities to determine the comparative costs of converting them to correctional uses it was determined that conversion was not a cost-effective alternative. The evaluation compared costs in three areas. The first comparison simply compared the costs of conversion with new facility costs.³ All facilities range between a low of 49% and a high of 133% of the price of new construction to convert to correctional uses. Added to this cost are the anticipated costs of housing the population displaced by the conversion. These costs are also expressed as a percentage of new facility costs.⁴ All sites range between 20% to 123% of the cost of new construction.

The capital costs to construct or convert a facility only represents approximately 10% of the total expense over the useful life of that facility. Operating expenses, including staffing, utilities and maintenance, constitute the remaining 90%. For this reason the study compared the projected cost to operate the converted facilities with the projected cost to operate a new facility.⁵

Converted facilities were found to cost much more to operate than new facilities. The facilities evaluated, converted to correctional uses, would cost between 22% to 97% more to operate than a comparable new facility. For this reason it is apparent that any initial savings gained through conversion is quickly lost due to the much greater operating cost.

Modular Housing Feasibility Study

Modular housing available in today's market was evaluated to determine its suitability for correctional uses. The study concluded that the advantages of modular construction lie in the areas of rapid deployment and relocatability, not cost. These units were found to be best suited for short-term use in low security environments. The average life expectancy of the units considered was 7.86 years.

3

Conversion
New Facility

4

Replacement Housing
New Facility

5

Conversion Operation
New Facility Operation

The study concluded that modular housing offered fast, temporary housing for minimum security inmates only. At the same time, modular units were found to be subject to a set of what the consultants described as serious limitations: Very short life expectancy high replacement costs, inadequate supervision (or, alternatively, high staffing costs), high energy and maintenance costs, construction with combustible material which in turn limits the extent to which inmates can be locked in the building, and the inability to be upgraded to higher security levels. Low initial costs are quickly offset by these limitations

ELLSWORTH CORRECTIONAL FACILITY

Site Selection - The search for a site for the proposed youthful offender facility entailed an evaluation of 14 sites located in the City of Wichita and elsewhere around the state. The primary location recommended for this facility was an 18-acre parcel in the Bridgeport Industrial Park area in northeast Wichita off 37th street near the intersection of Interstate Highways 235 and 135. The Wichita site carried a price tag of \$429,000 in special assessments. After Wichita officials turned down a state offer to purchase this site for \$250,000 in June, 1985, it was determined that the site evaluated in Ellsworth was the next best suited property.

On July 15, 1985, the Ellsworth City Council voted to give the Department of Corrections 35 acres of land adjacent to its municipal airport; extend an eight-inch sewer line to the site; designate a second sewer line that can be used by the Department of Corrections in the event of facility expansion and extend that sewer line to the site if needed; and charge the state no future special assessments. Further, the City passed three charter ordinances that would enable the facility to be funded through bonds if the state so desired.

The site evaluation study conducted by HDR concluded that the Ellsworth site offered a high level of functional suitability, was adequately buffered from the community and provided a potential for expansion at least equivalent to the Wichita site. In that the City of Ellsworth took the initiative in offering to accommodate the proposed facility the community attitude, in terms of initial acceptance as well as on-going support, is expected to be extremely positive. The study found that due to the size and distance of this community from Wichita or other major population centers, support resources for this program would be somewhat limited, particularly with regard to maintenance of family ties, job placement opportunities, and similar support. However, in spite of these factors, a number of resources are locally available, which include: Barton County Community Junior College, Hutchinson Community Junior College, North Central Kansas Area Vocational Technical School and Salina Area Vocational Technical School. The site is also in close proximity to several state lakes, parks and other state-owned property which could be maintained by

inmate work crews. There are in addition many rest areas and picnic grounds which have been identified by the Kansas Department of Transportation as potential areas to be maintained with inmate labor. (Attachment "C")

The Ellsworth site is centrally located and highly accessible to major highways, K-140, K-14 and US 156 all meet at Ellsworth and I-70 passes just eight miles north of the city limits. This site's central location would facilitate inmate transfers between other state and local corrections institutions. The attached map shows the site's proximity to existing Department facilities at Hutchinson, El Dorado, Toronto, Topeka and Lansing (Attachment "D"). In FY 1985 15.33% of the Department's total court commitments came from west of a line extending from the northeast corner of Republic to the southeast corner of Harper County (Attachment "E").

According to information provided by the City of Ellsworth, a total of 194,412 people reside within a 50-mile radius of the proposed facility. This would indicate that there is a more than adequate labor pool to draw from to staff the institution.

The Department has assessed the availability of existing public safety resources and services in the area and has determined that adequate police and fire departments are located nearby.

Location in Ellsworth, near both Wilson and Kanapolis Lakes as well as the Cheyenne Bottoms National Wildlife Reserve, creates the opportunity to operate a minimum security unit under the administration of and logistically supported by the youthful offender facility (YOF), at considerably less initial and operating costs than a stand-alone unit. Moreover, inmates assigned to the YOF who achieve minimum security status towards the end of their term will constitute the main source of "clientele" for this program. The following describes the proposed facility in some detail:

Mission - The youthful offender facility will serve as a residential treatment facility for young men in the state correctional system with special emphasis towards vocational and work experience with a view towards imparting skills and personal attitudes which will enhance employability upon release. As such, its mission may be simply stated: To house and provide secure custody as well as effective training and treatment services to each individual resident, in accordance with established procedures and administered by a qualified professional staff.

Capacity - At present (3/5/86) there are 428 inmates in the system meeting program criteria--medium custody classified, 27 years or younger, and within five years of parole eligibility. These individuals are currently located primarily at KSIR and KSP. The Department proposes to establish the program in Central Kansas at an initial capacity of 150 beds. Conceptually, the medium security capacity of

150 beds will be provided in a single housing unit consisting of two 75-bed sections, under the control of the single-unit management team. Both sections will be further divided into smaller groups, or "pods", containing 25 individual cells or rooms, a portion of the day space, and facilities for personal hygiene. The unit will provide 60 sq. ft. cells for single occupancy with separate toilet and lavatory in each cell using non-secure institutional-type fixtures. Cell doors will have electric locks providing for remote staff operation or local operation by inmate key, at the option of staff. Each pod will have a lockable perimeter with control of access from a single-custody post for the section.

A separate segregation unit of 12 beds is also provided. The segregation unit will provide 80 sq. ft. cells for single occupancy with secure combination toilet/lavatory in each cell. Cell doors will have remote electric locks operated from a secure control post.

A separate 40-bed dormitory is provided for minimum security inmates. This unit is divided into two 20-bed sleeping areas with hygiene facilities and a portion of day space. This space will also accommodate dining for minimum security inmates.

The initial design will house 190 inmates at optimum capacity and 340 inmates at maximum capacity. The design includes support services sufficient to accommodate an additional 150-bed optimum, 300-bed maximum capacity housing unit within this facility.

CONCLUSION

Since 1979, when our prison population began its rapid growth, the Department has had to work to provide housing, programs and jobs for twice as many inmates. At the same time, we have strived to improve our population projections, systems of classification, and attempted to keep the legislature and Governor abreast of the latest alternatives and criminal justice trends. The job has not been an easy one, although the fact that the legislature has made responsible decisions at key junctures--the enactment of community corrections, sentence reforms and needed expansion and renovation--has made it possible for Kansas to avoid the violence experienced by many state correctional systems.

The construction of the Ellsworth Correctional Facility is needed to continue to allow the Department to even operate at maximum capacity into the 1990's. The Department believes that the proposed design, which incorporates both medium and minimum housing and expansion capabilities, will provide the system with needed flexibility to adjust to any changes in inmate population patterns.

RAM:dja
Enclosures

SITE EVALUATIONS

- Site 1 - An 18-acre parcel in the Bridgeport Industrial Park in northeast Wichita off 37th Street near the intersection of Interstate Highways 235 and 135.
- Site 2 - A 13-acre parcel also located in the Bridgeport Industrial Park, approximately 1/2 mile north of Site 1 along Grove Street between 37th and 38th Streets.
- Site 3 - Wichita City Prison Farm at the southwest corner of Harry and McLean Boulevards, 8.8 acres and the existing approximately 22,000 square foot building.
- Site 4 - 35 acres at 2300 North Broadway in northeast Wichita near Bridgeport Industrial Park.
- Site 5 - An existing warehouse building on 3.7 acres at 430 North Waco Street near downtown Wichita.
- Site 6 - 51 acres at 5200 South Seneca Street in southwest Wichita.
- Site 7 - A 31-acre parcel at 2600 George Washington Boulevard adjacent to the northwest corner of McConnell Air Force Base.
- Site 8 - Any portion of 148 acres at approximately NW 37th Street and Greenwich near Jabara City Airport.
- Site 9 - Lake Afton Boys Ranch - a 40-acre tract in the Lake Afton County Park approximately 15 miles southwest of Wichita.
- Site 10 - Boeing Site - 100 acres in southeast Wichita, adjacent to the Boeing Corporation.
- Site 11 - 20 acres to be demized by the state from a 58-acre parcel adjacent to the municipal airport in the City of Ellsworth.
- Site 12 - A 20.5-acre parcel adjacent to the Kansas Turnpike approximately 1/2 mile north of the El Dorado Interchange.
- Site 13 - A 20 to 25-acre portion of a 196-acre parcel within the grounds of the Kansas State Industrial Reformatory at Hutchinson.
- Site 14 - A 20 to 25-acre portion of an 80-acre tract within the grounds of the Osawatomie State Hospital in Miami County.

FUNDED EXPANSION OF PRISON CAPACITY: 1981-1985

<u>Capacity Expansion</u>	<u>Beds Funded</u>	
	<u>OMC</u>	<u>MC</u>
1981		
• KSP Medium Security Prison		
- stage 1 (July, 1985)	378	696
- stage 2	50	80
1983		
• KCIL "B" Building Dorm	46	46 *
• KSIR Minimum Security Facility	96	96
1984		
• Topeka Pre-Release Center	65	65
• Winfield Pre-Release Center	141	141
• KSP Outside Dorm II expansion	60	60
• KSP 2nd floor laundry renovation	50	108 *
• KSIR Clothing Factory renovation	50	80 *
• El Dorado Honor Camp expansion	32	32
• Wichita Work Release expansion	20	20 *
1985		
• Topeka Pre-Release expansion	16	16 *
• SRDC expansion	32	32 *
• KSIR Minimum Security Facility	64	64
<hr/>		
Sub Total	1,100	1,536
• KCIL renovation/expansion	3 net (120 beds)	123 net ** (240 beds)
• Ellsworth Medium/Minimum Facility	190	340
<hr/>		
TOTAL NET BEDS FUNDED	1,293	1,999

* Denotes conversion of non-living space--laundry, industries, day space--to bed space. The dorm space created in the KSP laundry and the KSIR Clothing Factory were originally intended to be temporary in nature.

** Many of the new beds are planned as replacement beds for the existing housing units. Consequently, only a part of the new beds represent a net capacity increase. The first 120-bed unit provides a net increase of 3 optimum beds (120-117 = 3) and 123 maximum beds (240-117 = 123).

ATTACHMENT "C"

Listed below are the work site locations identified by the Kansas Department of Transportation (KDOT), the Kansas Park Authority (KPA) and Kansas Department of Corrections (KDOC).

<u>FACILITY</u>	<u>LOCATIONS</u>	<u>POSSIBLE MAINTENANCE WORK</u>
1. Area office and shop	West of Jct. US-156 & K-140 in Ellsworth	Bldg. & grounds
2. Interstate rest area	East of I-70 & K-14 Interchange on I-70	Bldgs. & grounds
3. Rest area	Jct. K-140 & US-156 E. edge of Ellsworth	Bldg.s & grounds
4. Class I picnic areas	1/2 mile east of Lincoln on K-18	Bldgs. & grounds

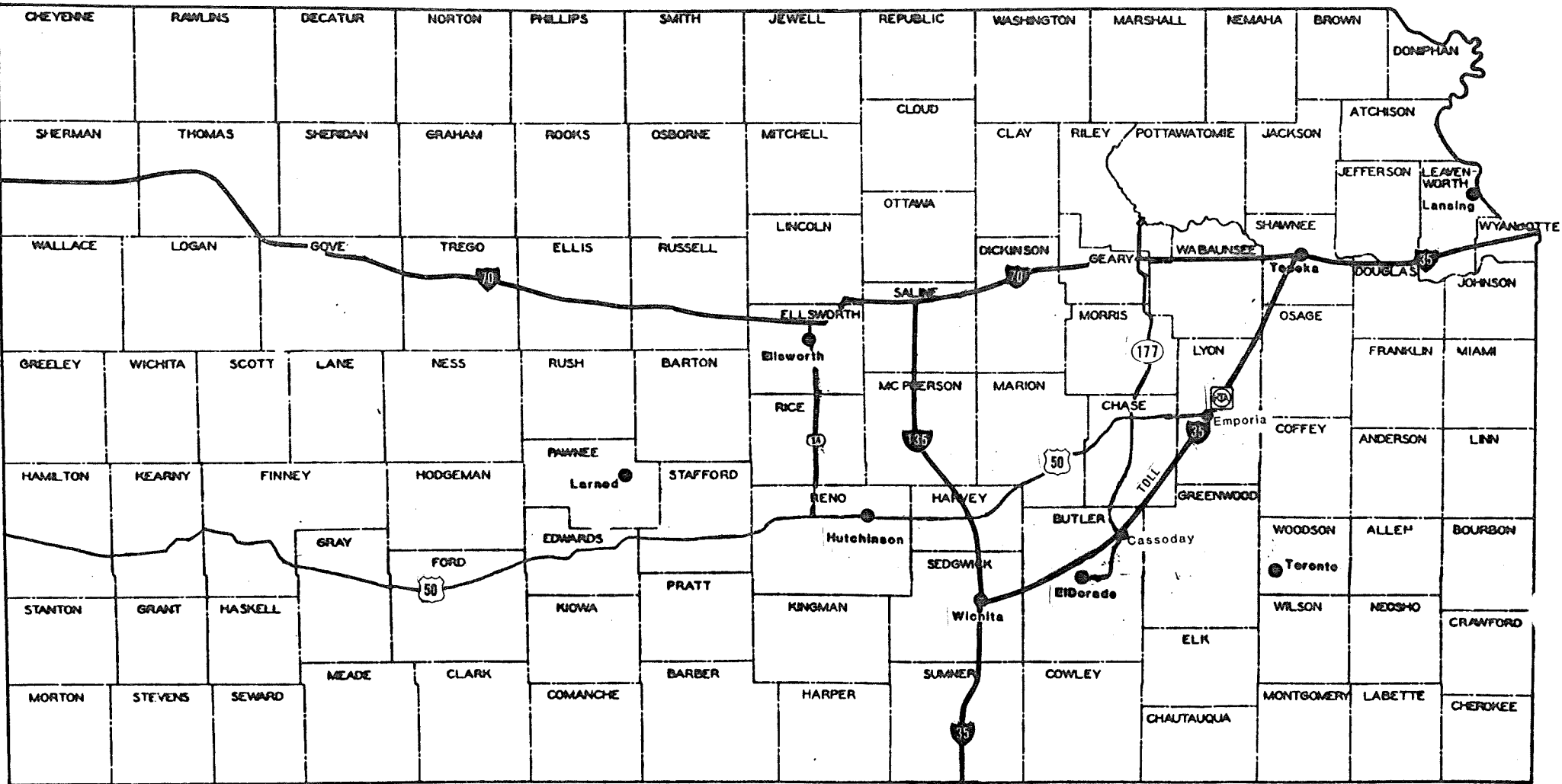
The following two facilities are located in Salina, which is 35 miles from Ellsworth, but perhaps could be considered:

5. District office complex	1006 North 3rd	
6. KHP Division II Headquarters and Training Academy	Schilling Air Field	


The following facilities are located in KDOT District 5 within the general area of Ellsworth:


7. Historical Marker	3 miles W. Lyons on US-56	Bldgs. & grounds
8. Rest area	4 miles W. Lyons on US-56	Bldgs. & grounds
9. Rest area	9 miles NE Great Bend on US-156 (adjacent to Cheyenne Bottoms)	Bldgs. & grounds
10. Kansas Park Authority	Kanapolis State Park	
11. Kansas Park Authority	Wilson State Lake	
12. Cheyenne Bottoms National Wildlife Reserve		
13. Other special local and county projects.		

* The KDOT has expressed that it is happy with their experience to date in the inmate maintenance of their rest areas and the I-135 Canal Route right-of-way in Wichita.



ROUTE MARKERS

INTERSTATE MARKER 

US NUMBERED MARKER 


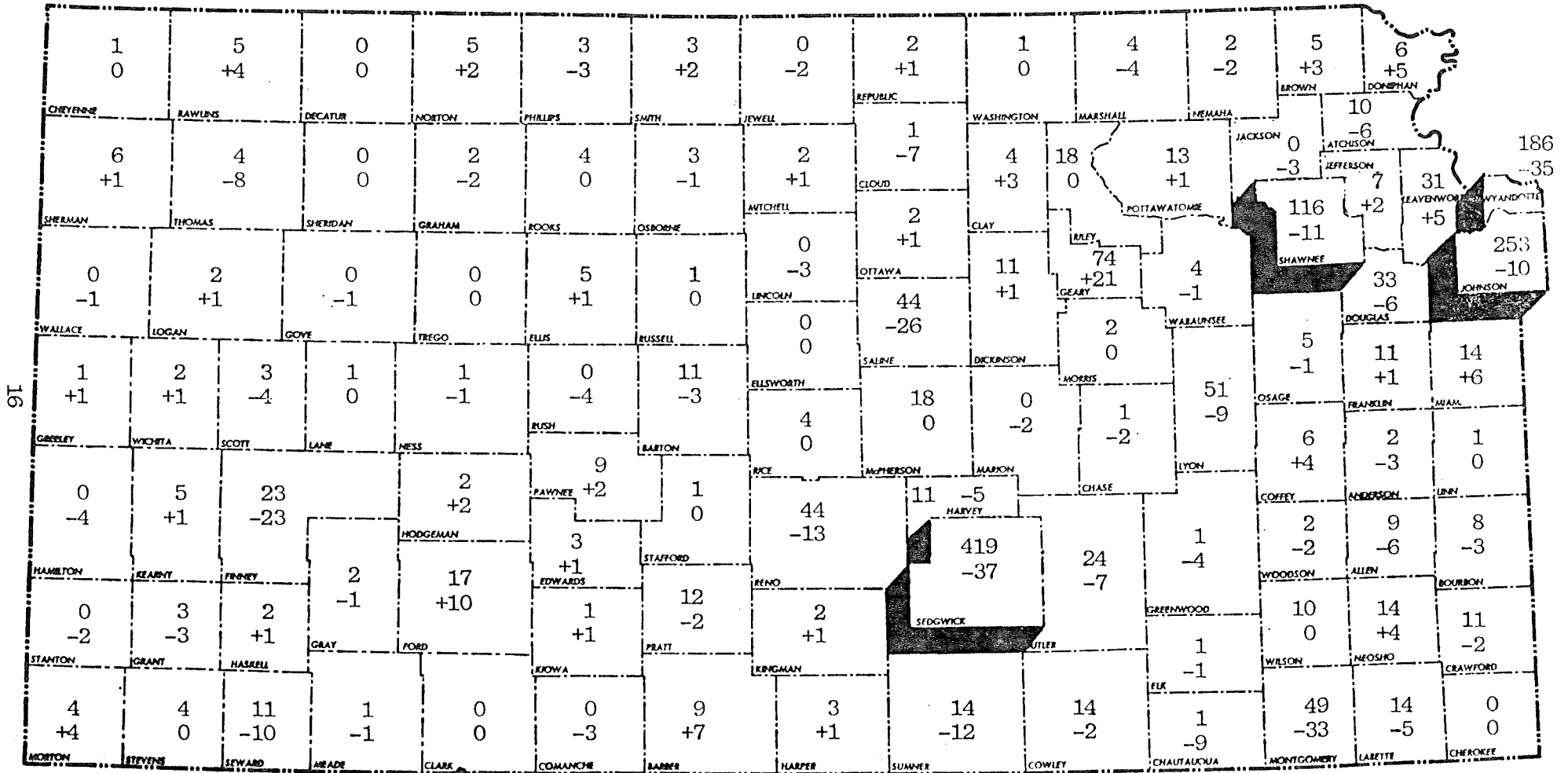
 STATE AND PROVINCIAL

Figure 4

Highlighted Area = 15.33% (284) Number of Admissions by Court Actions:
 FY 1985 and Level of Change from FY 1984, by County*

KANSAS



*The top figure for each county is the number of "Initial" admissions as defined in Table 3 (all types of "Initial" admissions under the heading "Court Commitments"). The bottom figure represents the change in the number from FY 1984. For FY 1985 statewide, there were 1,852 such admissions (including 85 for which the county of admission was not available). Four counties (those projected on the map) collectively accounted for over half (55%) of the total.

HOUSE OF REPRESENTATIVES
COMMITTEE ON WAYS AND MEANS
HEARING
HOUSE BILL NO. 2989
MARCH 12, 1986 - 12:00 P.M.
ROOM 514-S

Atch. C
H. Staff 3/12/86 C

CITY OF ELLSWORTH, KANSAS

ELLSWORTH PUBLIC BUILDING COMMISSION

FINANCING PROPOSAL FOR CORRECTIONAL FACILITY
FOR THE STATE OF KANSAS

UNITED SECURITIES, INC.
WICHITA, KANSAS

RANSON & CO., INC.
WICHITA, KANSAS

GAAR & BELL
WICHITA, KANSAS

March 10, 1986

CITY OF ELLSWORTH, KANSAS

ELLSWORTH PUBLIC BUILDING COMMISSION
FINANCING PROPOSAL FOR CORRECTIONAL FACILITY
FOR THE STATE OF KANSAS

I. BACKGROUND

The City of Ellsworth, Kansas (the "City"), in conjunction with its application for designation of a site for a proposed new correctional facility (the "facility"); indicated to the State of Kansas (the "State") that the City would be willing to facilitate the financing for such facility. Upon designation of the City as the site for the proposed facility, the City retained the services of Ranson & Co., Inc., Wichita, Kansas and United Securities, Inc., Wichita, Kansas as financial advisors/underwriters and the law firm of Gaar & Bell, Wichita, Kansas, as bond counsel to assist the City in developing a strategic financing plan for such facility. As a result of conferences held among the professionals referred to above, representatives of the City and representatives of the Department of Corrections (the "Department") the following strategic financing plan is submitted.

II. PUBLIC BUILDING COMMISSION

On July 15, 1985, the Governing Body of the City adopted three Charter Ordinances which provided substitute and additional provisions to various sections of the Kansas Public Building Commission Act (K.S.A. 12-1757 et seq.). The appropriate protest periods have expired and the Charter Ordinances are now effective. Such Charter Ordinances allow for the creation of a Public Building Commission (the "Commission") for the City; which Commission would have the authority to issue revenue bonds to construct certain public facilities, including the constructing and financing of a correctional facility to be leased (with an option to purchase) to the State and/or the Department. The Commission would be composed of not fewer than three and no more than nine members appointed by the governing body of the City and must contain as a member the Secretary of Administration of the State or his designate. The Commission would issue revenue bonds (the "Bonds") in an amount sufficient to build the facility to the specifications provided by the Department. The proceeds of the Bonds would be deposited with a trustee bank and invested for the benefit of the Department during the construction of the facility. Money in the construction fund would be used to pay the costs of the

construction of the facility upon vouchers submitted and/or approved by a representative of the Department. The aforementioned revenue bonds would be for a term of years as would be mutually agreed by the Commission, the State and the Underwriters of the Bonds. The Bonds would be secured and paid by revenues generated from lease payments received by the Commission pursuant to a lease (the "Lease") entered into between the Commission and the State.

The Governing Body of the City on Monday, December 9, 1985, adopted an Ordinance creating the Ellsworth Public Building Commission which will consist of five (5) members, one of which will be the Secretary of Administration or his designate.

III. PROVISIONS OF THE LEASE

The Lease would provide that the State would be responsible for the design, maintenance and operation of the facility in exchange for the lease payments; which payments would be in amounts actually necessary to make debt service payments on the Bonds. The financial advisors/underwriters to the City recommend that a policy of lease guaranty insurance be secured from an appropriate insurance company; which policy would insure against non-appropriation by the Legislature of the State. In the event of non-appropriation, the insurance company would guarantee repayment of the bonds thus providing a "AAA" rating on the bonds and the lowest possible interest rates for the borrowing and the resulting Lease payments. The lease payments would be subject to annual appropriation by the Legislature of the State. An option to purchase the facility would be contained in the Lease. Such option to purchase price would be in an amount sufficient to retire the outstanding principal of the Bonds at any time during the term of the lease. Thus, upon payment of the outstanding Bonds the State would have the option to purchase the facility for nominal costs incurred in association with transfer of title.

IV. PENDING FEDERAL LEGISLATION

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985 (the "Bill"). The Bill presently is pending in the Senate. The Bill in its present form imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of states and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the Bill becomes law in its present form, would be applicable to the Bonds. No assurances can be made with respect to the adoption of such proposed legislation, amendments to its present format or the final affect of such proposed legislation on the proposed financing discussed herein.

V. SUMMARY

This financial proposal is submitted to the State in order to facilitate the financing for the proposed facility. In addition to the information contained herein, the City has previously made certain representations concerning acquisition of the site for the facility and various other matters including utility extentions and other related matters. These other matters are not modified by the information contained herein.

STATE OF KANSAS

KATHRYN SUGHRUE
REPRESENTATIVE, 116TH DISTRICT
FORD COUNTY
1809 LA MESA DRIVE
DODGE CITY, KANSAS 67801



TOPEKA

HOUSE OF
REPRESENTATIVES

March 12, 1986

COMMITTEE ASSIGNMENTS
MEMBER FEDERAL AND STATE AFFAIRS
ENERGY AND NATURAL RESOURCES
GOVERNMENTAL ORGANIZATION

TO: WAYS AND MEANS COMMITTEE:

Thank you Mr. Chairman. We appreciate the courtesy of your scheduling a hearing on H.B. 2867. We know that the Ways and Means Committee is a very busy committee.

This bill relates to funding services provided by the area agencies on aging, using the revenue from the state income tax on social security benefits.

The 3½ to 4 million dollars raised would be returned to the area agencies in which it originated. In other words earmarking the amount paid on social security benefits to services for senior citizens.

Older Kansans who have a total of \$25,000 if single or \$32,000 if married would pay ½ of social security to the state.

There are 430,000 Kansans over 60 years of age. As a member of the Government Organization Committee, we conducted an in-depth study of the Department of Aging under the Sunset Law. We were pleased and commended the Department for curbing its administrative costs to 8.3%. The remainder of the funding is spent for providing services for people.

Since the department is funded by Federal, State and Local dollars, the department anticipates a reduction of \$305,000 in 1986 due to the enactment of Gramm Rudman & Hollings. A further reduction of \$1½ million is expected in 1987.

*Atch. D
H. J. M. 3/12/86*

The Department of Aging has done a magnificent job for older Kansans. We hope that services will not be curtailed, but are continued. The revenue created by H.B. 2867 will keep the level of services that the people of Kansas so richly deserve.

Examples of services designed to preclude or delay unnecessary institutionalization are as follows:

1. Homemaker services - e.g. assistance with bathing, grooming, dressing, etc.
2. Adult day care - provide therapy and rehabilitation activities and general oversight usually in a structured congregate setting.
3. Chore/housekeeping - e.g. vacuuming, light dusting, laundry, etc.
4. Home health care - e.g. changing bandages, inserting catheters, giving injections, etc.
5. Telephone Reassurance - regular telephone contact to persons living alone.
6. Case management and assessment - determine what services are necessary and adjust services as the person's needs change.
7. Assist Alzheimer's victims and their caregivers. Such in-home services help the elderly and Alzheimer's victims remain out of institutions.

Please consider H.B. 2867 carefully. We feel that it is an important piece of legislation.

KANSAS ASSOCIATION OF NUTRITION AND AGING SERVICES PROGRAMS

c/o Southwest Kansas Nutrition Program
Barton County Community College
Great Bend, Kansas 67530

March 11, 1986

To Whom It May Concern:

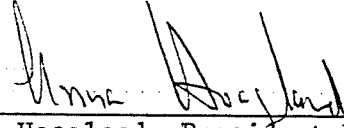
The Kansas Association of Nutrition and Aging Services Programs respectfully urges you to give House Bill 2867 due consideration and priority for passage.

The bill would allow revenue generated by the elderly to be redistributed to the elderly in greatest economic and social need.

The Kansas Nutrition Programs for the Elderly have experienced devastating budget cuts in three vital resources -- Federal, State and USDA monies. It seems reasonable and fair that revenue from this age group be returned to them through the provision of Nutrition and other vital services.

KANASP asks for your support.

Submitted by



Anna Hoagland, President KANASP

Attch. E
H. W. M. 3/12/86

Urban Klenke
Route 2 - Box 38
Spearville, Kansas 67876

Mr. Chairman and Members of the Committee:

My name is Urban Klenke from Spearville, Kansas. I am a retired farmer, am presently the Ford County Representative to the Silver Haired Legislature.

HB 2867 had its origin as SHL Bill 212 in our last session in November, 1985. The SWKAAA was the prime sponsor of this proposal as the idea came from that area. It had good support, receiving 91 votes on final vote. I should mention here that another bill, SHL 203, which would have exempted the Kansas resident from paying income tax on Social Security benefits, did not get out of committee. The same committee considered both bills.

The State of Kansas income tax follows the Federal tax guidelines, as you know, and as a result of these Federal regulations, the state has come in for a windfall of three and one-half to four million dollars. This bill is requiring that this revenue be returned to the Area Agencies in which it originated, and sets up the necessary mechanism to get it accomplished through the State Treasurers Office. This revenue would be used to provide services as defined in KSA 75-5902, as the bill reads.

Projected grants from the Federal government show that funding for Area Agencies will be drastically cut because of Gramm-Rudman-Hollings, and if services are to be continued at all, it will fall to States and local sources to provide much of the needed revenue. It seems logical and proper that some of this funding could be done by the tax that the more wealthy older Kansan is paying.

Mr. Chairman, I greatly appreciate the opportunity to be heard here today.

Atch. F
H. W. + M
3/12/86

Ralph J. Turner
S-308 Windsor Place
Lawrence, Kansas 66044

Appearance before the Ways and Means Committee - March 12, 1986 - RE: H.B. 2867

Mr. Chairman, I am Ralph Turner from Lawrence and appreciate the opportunity to appear before the Committee.

As the bill indicates it is relating to funding services provided by Area Agencies on Aging; creating the Area Agencies on Aging Services fund.

I am serving my second term in the Silver Haired Legislature as a delegate from Douglas County. I have served as Chairman of the Transportation and Utilities Committee and presently serving as Chairman of the Transportation Committee. I am also currently serving on the Jayhawk Area Agency Board, this being my second term on the Board. I have been involved over twelve (12) years in volunteer work with the Aging both on a provider agency board as well as the Area Agency Board.

H.B. 2867 comes out of Silver Haired Legislature Bill 212. The bill passed the Silver Haired Legislature by a vote of 91 yes votes and 27 no votes.

At the outset I want to make it clear that I appreciate fully the problem this Committee and the Current Legislature has with the funding of the State Government for the coming and future years, as well as the importance of the funds involved in this bill

I hope you will take into consideration the fact that the funds involved in this bill are received from Kansas income taxes imposed upon benefits received under the federal social security act (\$25,000 single) (\$32,000-Married filing Jointly). I have heard the amount realized was estimated to be 3- $\frac{1}{2}$ Million Dollars.

In view of the source of these funds, to me it would be logical that the funds be used for the benefit of the Older Kansans for programs such as Nutrition, Transportation Home Health Care, Senior Centers, etc.

With the financial condition of the State at this time I would not advocate that these funds be in addition to State Funds that are currently being appropriated for Programs for Older Kansans.

Atch. G
H. C. W. M. 3/12/86 GA

HEARING RE: H.B. 2867 - Ralph J. Turner

Having served on an Area Agency Board, I support the idea of the Department on Aging allocating these funds to the Area Agencies, in the manner in which the Department now makes allocations to the Area Agencies, my experience has been that their method of allocation has been satisfactory.

There are eleven (11) Area Agencies on Aging located in geographical areas throughout Kansas. The official name is Planning and Service Areas (PSA)

The organization of the Area Agencies comes from the Older Americans Act of 1965 as amended. The purpose being to determine the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need.

I stress here what I have stressed in appearing before the KCC concerning the cost of Utilities. My concern is for the Low Income, and Frail Elderly as well as the Handicapped.

Kansas ranks 8th. in the Nation in the per centage of persons over age 65.

The total number of Individuals in Kansas over 60 is 412,296. 13.2% are over 65 and the number over 75 is and will continue to increase at a rapid rate.

It is estimated that an average of 13.17% live below the poverty line (\$4,860 Single) \$6,540 for Couples). In eight counties more that 20% are over the poverty line. (Cherokee-22.1), (Norton-20.9) (Smith-21.6)(Morton-20.9) (Linn-20.5) (Ellsworth-20.6) (Jewell-23.7), (Reputlic-20.0). In addition 20% of Older Kansans have incomes considered to be near poverty. 70% of the Elderly Poor are Women.

When the freezing of the Cost Of Living of Social Security was being discussed it was estimated that the Average loss per receiptent would have been in excess of \$30.00 per month. This doesn't sound like much, but to the low income it means flirting with poverty

HEARING REP H.B. 2867 - Ralph J. Turner

Older Kansans are just as concerned about costs as are the younger individuals. This fact comes out during the Session of the Silver Haired Legislature, all the Older Kansans want is to have a decent income and be able to take care of themselves as they always have done.

I personally feel that passage of this legislation would give the recipients of Social Security who are paying the tax the feeling that they are making a direct contribution toward helping their elderly friends in Kansas.

We hope you will see your way clear to vote favorably on this bill, Thank You.

Ralph Turner

Area Agency

Northwest Kansas AAA
208 East 7th
Hays 67601 (913-628-8204)

North Central/Flint Hills AAA
2601 Anderson
Manhattan 66502 (913-776-9294)

Northeast Kansas AAA
107 Oregon West, Box 456
Hiawatha 66434 (913-742-7152)

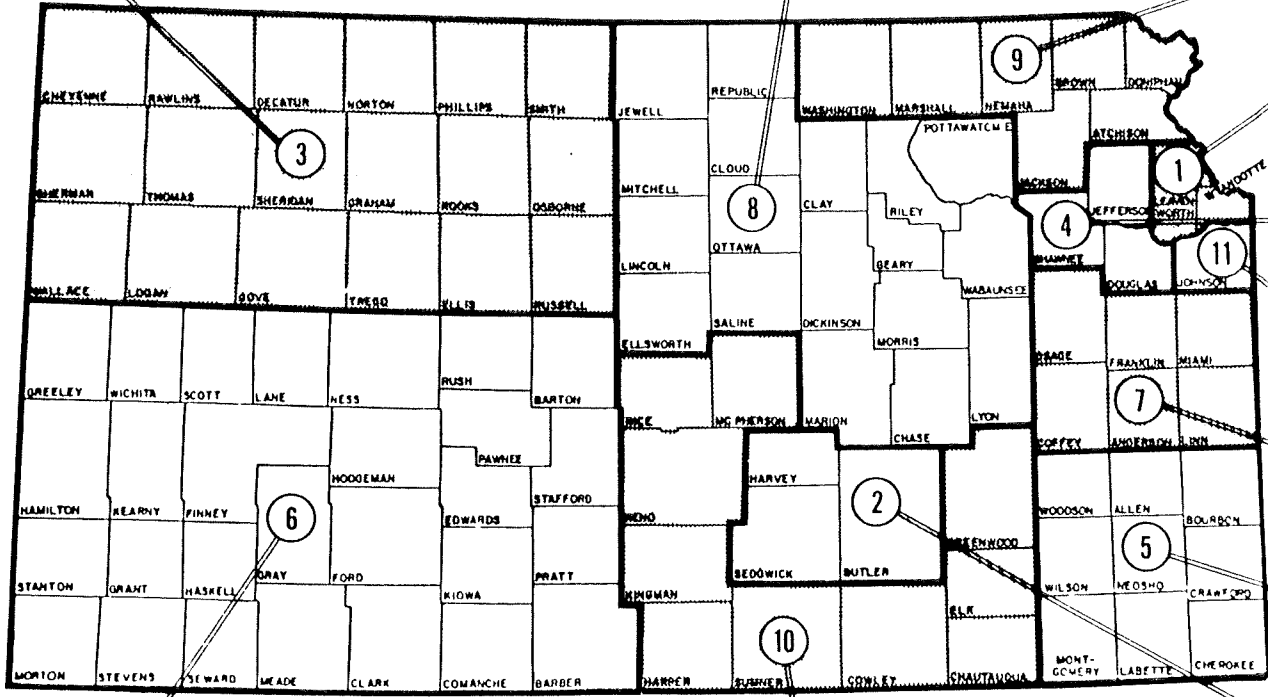
Wyandotte/Leavenworth AAA
94th & State
Kansas City 66112 (913-778-7820)

Jayhawk AAA
1195 Buchanan, Suite #103
Topeka, 66604 (913-235-1367)

Johnson County Aging Dept.
103 North Cherry
Olathe 66061 (913-764-7108)

Mid America Council on Aging
1610 South Main
Ottawa 66067 (913-242-7200)

Southeast Kansas AAA
1500 W. 7th, Box 269
Chanute 66720 (316-431-2980)



Southwest Kansas AAA
1107 Sixth Ave., Box 1636
Dodge City 67801 (316-225-0510)

South Central Kansas AAA
P.O. Box 1122
Arkansas City 67005 (316-442-0268)

Central Plains AAA
510 N. Main, Room 306
Wichita 67202 (316-268-7298)

TESTIMONY BEFORE HOUSE, WAYS & MEANS COMMITTEE ON BEHALF OF

SHL BILL NO. 212

2867

Wednesday, March 12, 1986

Statehouse, Topeka

My name is Shirley Wickman, Assistant Director of the Consumer Assistance & Information Program, a service of the North Central-Flint Hills Area Agency on Aging. I work on behalf of 55,000 senior citizens living in 18 counties covering 13,500 square miles.

The agency is budgeting for a 22% reduction in funding for Fiscal Year 1987. Services to individuals and the complex volunteer network of 84 persons that is in place in the counties must be maintained while at the same time reducing both central office personnel and program.

Examples of problems I have worked on with several of our volunteers in recent months are:

- *Trying to prevent financial disaster as the result of a spouse's catastrophic illness.
- *In Wabaunsee County, I worked with a volunteer helping a friend who was victimized by an unstable professional person--in this case, a dentist.
- *In Lincoln County, in the past two weeks, an open relationship with another volunteer prevented an unscrupulous insurance salesman from victimizing senior citizens.
- *Over the 18 counties, tax assistance for senior citizens furnished free service to 491 persons in the first reporting period, which ended February 15, 1986.

Consumer Assistance and Information has dealt with these and many other problems which range from Medicare confusions to Nursing Home issues to Veterans benefits to crisis intervention and many others.

Atch. H
H. Wickman 3/12/86

H

There is validity and importance in this work. It is totally appropriate that funds generated by tax paid by senior citizens on Social Security benefits be earmarked to support services such as these to senior citizens.

Thank you very much for your time and attention.

MEMORANDUM

3-12-86

12 - D12

TO: The Honorable Bill Buntin, Chairman
House Committee on Ways and Means

FROM: Harley T. Duncan, Secretary
Kansas Department of Revenue



RE: House Bill 2867

DATE: March 12, 1986

The Department of Revenue would like the Committee to consider the following comments as it deliberates HB 2867. The bill provides that the amount of Kansas income tax imposed on federal social security benefits be transferred from the State General Fund and distributed to the area agency on aging in which the taxpayer resides.

We believe the bill will be complex and difficult for the taxpayer. It starts from the presumption that the amount of tax on social security benefits or the amount of social security benefits included in income is readily identifiable on the Kansas return. This is not the case. Social security benefits are included in federal Adjusted Gross Income which is the starting point for the Kansas income tax.

This means that to identify accurately the amount of Kansas tax imposed on the benefits would essentially require that the taxpayer compute his/her tax two ways -- with the benefits included in income and without the benefits included. The difference is the amount to be transferred. This is a considerable requirement to impose on taxpayers. An alternative is to prorate the Kansas tax based on the relationship between social security income, excluding any railroad retirement benefits, and total income. Even this shortcut method would require a separate schedule and several computations which will inevitably result in errors.

In short, the intent of the bill will be difficult to fulfill and create difficulties for the taxpayer. If the Committee believes the funds (estimated at \$3.7 million annually) should be provided to the area agencies, we would respectfully suggest that a direct appropriation is the simpler and preferred means.

Atch. I
H. W. M. 3/12/86



GENERAL JURISDICTION OMBUDSMAN FOR KANSAS

Key Concepts

2902

A Popular Idea

Every citizen in Kansas could benefit by the presence of a general jurisdiction Ombudsman. At the same time, the quality of governmental functioning would improve. Legislators could turn to the Ombudsman as a resource for helping resolve constituent concerns. Once understood, ombudsmanry will become a popular concept.

A Commitment

In establishing a general jurisdiction ombudsman office, the Legislature is demonstrating the State's commitment to be responsive to individual citizens' concerns, while at the same time providing programs to meet the needs of large numbers of persons.

Definition of an Ombudsman

"An Office created by law whose incumbent is an independent, high-level, public official with responsibility to receive complaints from aggrieved persons against agencies, officials, and employees of federal, national, state, provincial, municipal, or local government or who acts on his own motion and who has the power to investigate and recommend corrective action and issue reports." (Page 30 of the minutes of the International Ombudsman Steering Committee, Paris, France, May 9-12, 1977.)

Six Functions

In its efforts to deal with administrative discrepancies, an ombudsman office serves as:

- 1) an external discoverer of problems, complaints and bureaucratic inefficiencies;
- 2) a third-party mediator of conflicts between citizen and governmental agency;
- 3) an impartial observer of transactions between citizen and government;
- 4) a preventer of inefficient, unfair and harmful governmental practices;
- 5) a reporter of discrepancies in practices and policies through special and annual reports;
- 6) a recommender of corrective actions and new policies.

Atch. J
H.W.M. 3/12/86

Key Elements of an Ombudsman Office

- 1) Established by statute or constitution.
- 2) Independent
 - a) appointed by 2/3 majority vote of Legislature
 - b) Set term of office.
- 3) Is external and impartial -- Not an advocate for either the individual or governmental entity.
- 4) Screens and selects cases according to merit; thus minimizing time impositions on agencies.
- 5) Has powers to conduct its own investigations.
- 6) Obligated to publically report investigation findings at least annually.
- 7) Has no authority to issue or rescind directives.
- 8) Is statutorily limited to soley conducting complaint work and program evaluation.
- 9) Is generally speedier than the courts. Because maintenance of credibility is crucial, time for investigation to verify facts is necessary.
- 10) Readily accessible to every citizen. No fees charged. Toll free phone. Public announcements in the news media.

Submitted by
Preston N. Barton II
4632 S.W. Elevation Lane
Topeka, Kansas 66604
913 - 478 - 9045

Suggested Changes to HB 2902 (1986)

Section 1

Lines 21-25 Typically Ombudsmen are appointed by 2/3 majority vote of the Legislature. The Coordinating Council could nominate the Ombudsman.

Lines 28-30 It is unnecessary for the Legislature to restrict itself in this way. Ombudsmen in the U.S. and throughout the world represent many disciplines.

To ensure knowledge of the law is made available to the Ombudsman and staff, it would be desirable to specify that at least one member of the staff be a lawyer. It would be expected that this staff member would perform regular Ombudsman staff duties, in addition to whatever specialized legal tasks may be necessary.

Section 2

Lines 41-44 It is best to have all staff in the unclassified service to ensure the Ombudsman has full control in shaping the values and credibility of the office.

Lines 48-55 Overall jurisdiction needs to be spelled out. (This could be accomplished by defining "administrative act" and "an agency", as suggested below.)

Section 3

Line 57 Need to define 1) "administrative act" and 2) "an agency".

(a) "Administrative act" means any action, omission, decision, recommendation, policy, regulation, practice or procedure of a state agency, but does not include the preparation or presentation of legislation by a state agency.

(b) "An agency" means any state officer, office, department, institution, commission, board, authority or other governmental entity, or any officer, employee or member thereof acting or purporting to act in the exercise of his or her official duties, but does not include any elected official, justice, judge, and any political subdivision of the state or any agency, officer or employee thereof.

Att. G. K
H. W. M. 3/12/86 K

Section 5

Lines 121-122 The annual report should be submitted to the public as well as to the Governor and Legislative Coordinating Council. Governmental accountability to the public is a cornerstone of ombudsmanry and should be faithfully practiced by the Office of the Ombudsman, itself.

Section 7

Line 137 Add the following sentence: Any letter from the Ombudsman to a person in the custody or care of a state agency shall be delivered immediately, unopened, to the person.

Provisions to be added

- 1) It is necessary to acknowledge the existence of the Office of the Ombudsman for Corrections and to direct how the two offices shall work together. Suggestion: The Ombudsman may require complaints concerning the Kansas Department of Corrections to be submitted to the Ombudsman for Corrections.
- 2) To ensure the credibility of the office, the average citizen must have easy and ready access to the Ombudsman. Suggestion: The Ombudsman shall establish a toll free telephone line for the office.
- 3) To ensure the effectiveness of the Ombudsman, the incumbent needs ready access to the major offices of state government. Suggestion: The Ombudsman's office shall be located in the City of Topeka.

Submitted by
Preston N. Barton II
4632 S.W. Elevation Lane
Topeka, Kansas 66604
913 - 478 - 9045

REPORTS OF STANDING COMMITTEES

Your committee on Ways and Means

Recommends that HB 2989

"AN ACT concerning a new correctional facility; authorizing certain agreements relating thereto; prescribing certain procedures, limitations and duties relating thereto.

be passed.

Chairman.

0083 with the revisor of statutes. The effective date of all or specific
0084 parts of a temporary rule and regulation may be delayed to a date
0085 later than its filing date if the delayed effective date of such rule
0086 and regulation, or specific parts thereof, is clearly expressed in
0087 the body of such rule and regulation. A temporary rule and
0088 regulation filed during any year shall not be effective after April
0089 30 of the year succeeding the year in which the temporary rule
0090 and regulation was filed.

0091 (e) A temporary rule and regulation which amends an exist-
0092 ing rule and regulation shall have the effect of suspending the
0093 force and effect of the existing rule and regulation until such
0094 time as the temporary rule and regulation is no longer effective.
0095 In such case, at the time the temporary rule and regulation
0096 ceases to be effective, the existing permanent rule and regulation
0097 which was amended by the temporary rule and regulation shall
0098 be in full force and effect unless such existing rule and regula-
0099 tion is otherwise amended, revoked or suspended as provided by
0100 law.

0101 (f) Temporary rules and regulations shall be numbered in
0102 accordance with the numbering arrangement approved by the
0103 revisor of statutes and shall otherwise conform to the approval,
0104 adoption and filing requirements of this act, insofar as the same
0105 can be made applicable.

0106 Sec. 2. K.S.A. 1985 Supp. 77-422 is hereby repealed.

0107 Sec. 3. This act shall take effect and be in force from and
0108 after its publication in the Kansas register.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Ways and Means

Recommends that House Bill No. 2734

"AN ACT relating to administrative rules and regulations; concerning the adoption of temporary rules and regulations; amending K.S.A. 1985 Supp. 77-422 and repealing the existing section."

Be amended:

On page 1, in line 40, by striking "any" and inserting in lieu thereof "(A) the"; in line 41, preceding "to" by inserting "for a specific fiscal year"; in line 42, preceding "which" by inserting "for such fiscal year";

On page 2, in line 46, preceding the period by inserting the following: ", (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 act 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";

And the bill be passed as amended.

Alvin Beaman Chairperson