

Approved 4-28-87
Date

MINUTES OF THE House COMMITTEE ON Appropriations

The meeting was called to order by Bill Buntin at
Chairperson

12 Noon a.m./p.m. on Wednesday, April 8, 1987 in room 514-S of the Capitol.

All members were present except:

Committee staff present: Gloria Timmer, Legislative Research
Diane Duffy, Legislative Research
Alan Conroy, Legislative Research
Jim Wilson, Revisor's Office
Sharon Schwartz, Administrative Aide
Nadine Young, Committee Secretary

Conferees appearing before the committee:

Tom Bell, Kansas Hospital Association
Mary Ellen Conlee, St. Francis Hospital, Wichita, Ks.
Marlin Rein, K. U.
Neil Woerman, Attorney General's office
Guest List (Attachment 1)

INTRODUCTION OF BILL

Representative Mainey requested introduction of a bill concerning the legislative division of post audit; relating to reimbursement for costs incurred for certain audits. Representative Teagarden seconded. Motion carried.

SB 367 -- providing for establishment of Ellsworth correctional work facility.

Representative Ott explained the provisions of the bill and presented a proposed amendment (Attachment 2). He moved that the balloon amendment be adopted. Representative Fuller seconded. Motion carried.

Representative Ott then moved that SB 367, as amended, be recommended favorable for passage. Seconded by Representative Goossen. Motion carried.

HB 2589, authorizing the certification of emergency medical care for trauma, providing for administration by the secretary of Health & Environment.

Representative Chronister explained the bill, which resulted from the subcommittee report for the KU Med Center. She said the Med Center needs to have more emergency medical service referred to them in order for students to receive a broad base medical education. Due to the fact there are two other trauma centers nearby, the Med Center receives few cases. An amendment (Attachment 3) was presented which allows for only Level I Center and they would be in accordance with the guidelines by Surgeons Association. Representative Chronister moved for adoption of the amendment. Representative Teagarden seconded. Motion carried.

Tom Bell, speaking for hospital association, requested that the bill be put on hold until next session because of the implications. He said that people are concerned about what is the next step after certification, i.e. the designation of one hospital as the sole hospital who can qualify. There are also concerns about reimbursement and that they will lose a lot of business.

Mary Ellen Conlee opposed the bill. St. Francis Hospital of Wichita is asking for some statewide planning and they are concerned how the process will work, i.e. who will make the decisions and how different people are involved. Ms. Conlee said that the amendments do improve the bill, but that she would like to take the amendments back to her people so that they can study them.

Marlin Rein stated support of the bill on behalf of the University. He said this would be a help in recruiting full time emergency room director and surgical staff for 24-hours a day. Representative Helgeson asked Rein if he would object to putting the issue on hold for one year. Rein replied that he would support that.

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 Appropriations,
room 514-S, Statehouse, at 12 Noon a.m./p.m. on Wednesday, April 8, 1987

HB 2589... continued

Representative Duncan moved to add language to Section 4 concerning recertification, i.e. allowing for the processing of recertification. Representative Vancrum seconded. Motion carried.

Representative Bunten moved that HB 2589, as amended, be recommended favorable for passage. Seconded by Representative Wisdom. Motion carried.

SB 373, concerning the construction defects recovery fund; relating to certain expenditures therefrom; amending K.S.A. 75-3785 and repealing the existing section.

Neil Woerman explained the bill to the committee. Money that is collected in construction litigation would be deposited in this fund. Expenditures from the fund in excess of \$25,000 would be subject to prior approval by the state finance council. This was at the request of Department of Administration.

Representative Ott moved that SB 373 be recommended favorable for passage. Representative Duncan seconded. Motion carried.

SB 383, relating to transfers from the state general fund; relating to the local ad valorem tax reduction fund and county and city revenue sharing fund.

Representative Bunten explained the bill which would reduce the percentage of sales and use taxes transferred to the LAVTRF in calendar years 1988 and 1899. An amendment (Attachment 4) was presented which adds language concerning the appropriations acts of the legislature. Representative Miller moved that the amendment be adopted. Representative Chronister seconded. Motion carried.

Representative Duncan moved that SB 383, as amended, be recommended favorable for passage. Seconded by Representative Miller. Motion carried.

Representatives Teagarden and Hamm requested to be recorded as voting NO.

Chairman turned to final action on SB 125, regarding contracted travel services for state employees. Representative Heinemann moved that SB 125 be returned to its original form. Seconded by Representative Miller. Motion carried. Representative Heinemann then moved that SB 125 be recommended favorable for passage. Representative Mainey seconded. Motion carried.

Chairman turned to final action on SB 364, concerning grants of land to Fish and Game Commission. Representative Chronister moved that the bill be amended by changing the language to "gifts of land and grants of land". Representative Fuller seconded. Motion carried.

Representative Wisdom moved that SB 364, as amended, be recommended favorable for passage. Seconded by Representative Lowther. Motion carried.

INTRODUCTION OF BILL

Representative Lowther requested introduction of a bill that would enable Board of Regents to sell land at Emporia State University to be developed as a park by local industrial groups and that the bill be referred back to this committee. Representative Vancrum seconded. Motion carried.

Meeting adjourned at 1:30 p.m.

PROPOSED AMENDMENTS TO SENATE BILL NO. 367

Be amended:

On page 3, preceding line 108, by inserting the following material to read as follows:

"New Sec. 6. On the effective date of this act, the director of accounts and reports shall transfer from the state general fund to the imprest fund created by section 5 an amount equal to the specific balance for such imprest fund in section 5.";

And by renumbering sections accordingly;

On page 4, preceding line 140, by inserting the following material to read as follows:

"Sec. 8. Section 25 of chapter 33 of the 1986 Session Laws of Kansas is hereby amended to read as follows: Sec. 25.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal years specified, the following:

	<u>Fiscal Year 1986</u>	<u>Fiscal Year 1987</u>
Community services.....		\$100,000
Honor camps.....	\$68,969	
Capital improvement -- major repairs, special maintenance and remodeling for correctional institutions.....		300,000
<p><u>Provided</u>, That the secretary of corrections is hereby authorized to transfer moneys from this account of the state general fund to an account or accounts of the state general fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended by the institution or facility for projects approved by the secretary of corrections.</p>		
Lease-purchase payment to the Ellsworth public building commission for the Ellsworth correctional work facility at Ellsworth, Kansas.....		1,200,000

Provided, That expenditures from this account shall be made in accordance with a lease-purchase agreement which is hereby authorized to be entered into by the secretary of corrections and the Ellsworth public building commission to plan, construct and equip the Ellsworth correctional work facility and all ancillary support facilities: Provided, however, That such agreement shall provide that the Ellsworth correctional work facility and all ancillary support facilities shall ~~contain not less than 220 inmate beds~~ have a maximum capacity of not less than 352 inmates and shall be constructed and equipped at a total cost of not more than \$9,735,000 \$10,600,000: Provided further, That such agreement shall provide for payments thereunder over a period of not more than 15 years: And provided further, That no expenditures shall be made from this account unless the preliminary and final plans for the Ellsworth correctional work facility and all ancillary support facilities have been presented to the joint committee on state building construction: ~~And provided further, That no expenditures shall be made from this account except upon approval of the state finance council, after consultation with the joint committee on state building construction, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711e and amendments thereto.~~

(b) On July 1, 1986, the expenditure limitation established by section 5(b) of 1986 House Bill No. 2799 on the correctional industries fund is hereby increased from \$4,867,249 to \$5,478,747.

(c) In addition to the other purposes for which expenditures may be made for fiscal year 1987 from the correctional industries fund, as prescribed by section 5(b) of 1986 House Bill No. 2799 and this section, the department of corrections is hereby authorized to make expenditures for fiscal year 1987 from such fund for the following:

Construct pole barn at Kansas state penitentiary.....	\$15,000
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(d) On July 1, 1986, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$328,616 from the correctional industries equipment replacement fund to the correctional industries fund.

~~(f)~~ (e) On July 1, 1986, the position limitation established by section 12 of 1986 House Bill No. 2799 for the department of corrections is hereby increased from 339.8 to 344.8.";

And by renumbering sections accordingly;

Also on page 4, in line 140, by striking "and" where it precedes "K.S.A." and inserting in lieu thereof a comma; in line 141, preceding "are" by inserting "and section 25 of chapter 33 of the 1986 Session Laws of Kansas"; in line 143, by striking "statute book" and inserting in lieu thereof "Kansas register";

On page 1, in the title, in line 16, by striking "and" where it precedes "K.S.A." and inserting in lieu thereof a comma; in line 17, preceding "and" by inserting "and section 25 of chapter 33 of the 1986 Session Laws of Kansas";

HOUSE BILL No. 2589

PROPOSED AMENDMENTS

By Committee on Appropriations

4-1

0017 AN ACT authorizing the certification of emergency medical care
 0018 ~~for trauma offered by medical care facilities~~; providing for
 0019 administration by the secretary of health and environment;
 0020 authorizing fees and rules and regulations ~~establishing pro-~~
 0021 ~~hibitions and providing for injunctions~~.

medical care facilities as capable of providing level I

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

0023 Section 1. The secretary of health and environment may
 0024 establish by rules and regulations criteria for the certification of
 0025 medical care facilities as capable of providing emergency medi-
 0026 cal care for trauma. The criteria shall provide for certification of
 0027 ~~different levels of emergency medical care as established by the~~
 0028 ~~rules and regulations~~.

level I
 to provide level I
 for trauma in accordance with guidelines established by the American college
 of surgeons for level I trauma centers

0029 Sec. 2. Any medical care facility licensed in this state may
 0030 apply to the secretary of health and environment for certification
 0031 that the medical care facility meets the criteria established by the
 0032 secretary under section 1 to provide ~~a specified level of~~ emer-
 0033 gency medical care for trauma. The application shall be made to
 0034 the secretary upon forms provided by the secretary and shall
 0035 contain such information as the secretary may require. The
 0036 application shall be accompanied by an application fee of an
 0037 amount fixed by the secretary by rules and regulations which is
 0038 sufficient to defray the costs of administering this act.

level I

0039 Sec. 3. The secretary shall inspect every medical care facil-
 0040 ity which applies for certification under this act to determine
 0041 whether the medical care facility meets the criteria for the level
 0042 ~~of certification for which application is made~~. A medical care
 0043 facility which the secretary determines meets the criteria for
 0044 certification ~~for the level of certification for which application is~~
 0045 ~~made~~ shall be ~~certified as to the level of its capabilities~~ to

provision of
 I emergency medical care for trauma

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3

0046 provide emergency medical care for trauma.

0047 Sec. 4. The secretary of health and environment may deny or
0048 revoke a certification under this act if the secretary determines
0049 that the medical care facility does not meet or has ceased to meet
0050 the criteria for certification established by the secretary under
0051 this act. The administrative procedures for a denial or revocation
0052 of certification under this act shall be conducted in the same
0053 manner as a procedure under K.S.A. 65-430 and amendments
0054 thereto is conducted, and the secretary shall have the same
0055 authority under this act to conduct such procedures as the sec-
0056 retary has under K.S.A. 65-430 and amendments thereto.

0057 Sec. 5. A certification granted under this act shall expire two
0058 years after the date upon which it is granted. A medical care
0059 facility may apply for recertification in the same manner as
0060 original certification including payment of the fee established
0061 pursuant to section 2.

0062 ~~Sec. 6. No medical care facility may hold itself out to the~~
0063 ~~public as providing an advanced capability of emergency medi-~~
0064 ~~cal care for trauma unless the medical care facility holds a~~
0065 ~~current certification under this act as capable of providing such~~
0066 ~~emergency medical care.~~

0067 ~~Sec. 7. The secretary of health and environment may bring~~
0068 ~~an action in the district court to enjoin any medical care facility~~
0069 ~~from violating the provisions of section 6. Upon a showing by the~~
0070 ~~secretary that a medical care facility is violating section 6, the~~
0071 ~~court shall issue a temporary or permanent injunction restraining~~
0072 ~~such violation. In an action under this section, it shall not be~~
0073 ~~necessary to allege or prove at any stage of the proceeding that~~
0074 ~~irreparable damage will occur should the temporary or perma-~~
0075 ~~nent injunction not be issued or that the remedy at law is~~
0076 ~~inadequate, and the temporary or permanent injunction shall~~
0077 ~~issue without such allegations and without such proof.~~

0078 Sec. 8. This act shall take effect and be in force from and
0079 after its publication in the statute book.

SENATE BILL No. 383

By Committee on Ways and Means

3-17

PROPOSED AMENDMENTS

0017 AN ACT relating to transfers from the state general fund; relating
0018 to the local ad valorem tax reduction fund and the county and
0019 city revenue sharing fund; amending K.S.A. 79-2959 and 79-
0020 2964 and repealing the existing sections.

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

0022 Section 1. K.S.A. 79-2959 is hereby amended to read as fol-
0023 lows: 79-2959. (a) There is hereby created the local ad valorem
0024 tax reduction fund. All moneys transferred or credited to such
0025 fund under the provisions of this act or any other law shall be
0026 apportioned and distributed in the manner provided herein.

0027 (b) On January 15 and on July 15 of each year, the director of
0028 accounts and reports shall make transfers in equal amounts
0029 which in the aggregate equal ~~4 1/2%~~ 4.5% of the total retail sales
0030 and compensating taxes credited to the state general fund pur-
0031 suant to articles 36 and 37 of chapter 79 of Kansas Statutes
0032 Annotated and acts amendatory thereof and supplemental
0033 thereto during ~~the preceding~~ calendar year 1987 from the state general

0034 fund to the local ad valorem tax reduction fund, *except that: (1)*
0035 *The transfers on January 15, 1988, and July 15, 1988, shall be in*
0036 *equal amounts which in the aggregate equal 4.329% of such*
0037 *taxes credited to the state general fund during calendar year*
0038 *1987; and (2) ~~the transfers on January 15, 1989, and July 15,~~
0039 ~~1989, shall be in equal amounts which in the aggregate equal~~
0040 ~~4.329% of such taxes credited to the state general fund during~~
0041 ~~calendar year 1988.]~~*

additional amounts may be transferred from the state general fund to the local ad valorem tax reduction fund under this subsection on January 15 and July 15 of any calendar year as prescribed by appropriations acts of the legislature

0042 (c) The state treasurer shall apportion and pay the amounts
0043 transferred under subsection (b) to the several county treasurers
0044 on January 15 and on July 15 in each year as follows: (1)
0045 Sixty-five percent of the amount to be distributed shall be ap-

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0046 portioned on the basis of the population figures of the counties
0047 certified to the secretary of state pursuant to K.S.A. 11-201 and
0048 amendments thereto on July 1 of the preceding year; and (2)
0049 thirty-five percent of such amount shall be apportioned on the
0050 basis of the equalized assessed tangible valuations on the tax
0051 rolls of the counties on November 1 of the preceding year as
0052 certified by the director of property valuation.

0053 (d) On June 1, 1983, the director of accounts and reports shall
0054 transfer from the state general fund to the local ad valorem tax
0055 reduction fund the amount certified by the state board of educa-
0056 tion as the total of all amounts received by community colleges
0057 and municipal universities under K.S.A. 79-2964 and amend-
0058 ments thereto from the payments made from the local ad valorem
0059 tax reduction fund on January 15, 1983. On June 1, 1983, the state
0060 treasurer shall apportion and pay the amount transferred under
0061 this subsection to the county treasurers of those counties which
0062 distributed money to one or more community colleges or mu-
0063 nicipal universities, or both, under K.S.A. 79-2964 and amend-
0064 ments thereto from the payments made from the local ad valorem
0065 tax reduction fund on January 15, 1983. The amount paid on June
0066 1, 1983, to each such county from the local ad valorem tax
0067 reduction fund under this subsection shall bear the same pro-
0068 portion to the total amount paid to all such counties on June 1,
0069 1983, that the total amount received by community colleges and
0070 municipal universities in such county under K.S.A. 79-2964 and
0071 amendments thereto from the payment made to such county on
0072 January 15, 1983, bears to the total amount received by commu-
0073 nity colleges and municipal universities in all such counties
0074 under such statute from such payment.

0075 Sec. 2. K.S.A. 79-2964 is hereby amended to read as follows:
0076 79-2964. There is hereby created the county and city revenue
0077 sharing fund. All moneys transferred or credited to such fund
0078 under the provisions of this act or any other law shall be allo-
0079 cated and distributed in the manner provided herein. The di-
0080 rector of accounts and reports in each year on July 15 and
0081 December 10, shall make transfers in equal amounts which in
0082 the aggregate equal $3\frac{1}{2}\%$ 3.5% of the total retail sales and

0083 compensating taxes credited to the state general fund pursuant to
0084 articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated
0085 and acts amendatory thereof and supplemental thereto during
0086 ~~the preceding~~ calendar year from the state general fund to the
0087 county and city revenue sharing fund, *except that: (a) The*
0088 *transfers on July 15, 1988, and December 10, 1988, shall be in*
0089 *equal amounts which in the aggregate equal 3.367% of such*
0090 *taxes credited to the state general fund during calendar year*
0091 *1987; and (b) the transfers on July 15, 1989, and December 10,*
0092 *1989, shall be in equal amounts which in the aggregate equal*
0093 *3.367% of such taxes credited to the state general fund during*
0094 *calendar year 1988.*

1987

additional amounts may be transferred from the state general fund to the county and city revenue sharing fund under this section on July 15 and December 10 of any calendar year as prescribed by appropriations acts of the legislature

0095 Sec. 3. K.S.A. 79-2959 and 79-2964 are hereby repealed.

0096 Sec. 4. This act shall take effect and be in force from January
0097 1, 1988, and its publication in the statute book.