

Approved 4-2-90  
Date

MINUTES OF THE House COMMITTEE ON Appropriations

The meeting was called to order by Bill Bunten at  
Chairperson

12:25 ~~am~~ p.m. on March 7, 1990 in room 514-S of the Capitol.

All members were present except: Representative Vancrum (excused)

Committee staff present: Ellen Piekalkiewicz, Alan Conroy, Legislative Research Dept.  
Jim Wilson, Revisor of Statutes  
Sharon Schwartz, Administrative Aide  
Sue Krische, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list.

#### INTRODUCTION OF BILLS

Representative Nancy Brown requested introduction of a bill dealing with a sewer problem in Johnson County (Attachment 1). Representative Chronister moved introduction of the bill. Representative Teagarden seconded. Motion carried.

Alan Conroy, Kansas Legislative Research Department, briefed the Committee on systemwide issues pertaining to Kansas Board of Regents institutions and provided a memorandum summarizing and comparing the Governor's recommendations and Senate Ways and Means Committee action (Attachment 2). Staff advised that the Governor based the shrinkage rates for FY90 and FY91 on the actual shrinkage amount for FY89. The Senate committee adjusted the Fort Hays State University shrinkage for FY91 because FY89 was not a typical year in terms of their shrinkage adjustment. In addition, adjustments were made to the Governor's shrinkage rate at KUMC, Kansas College of Technology, and Wichita State University by the Senate committee for various reasons.

The fiscal effect of the Regents' proposal to modify the enrollment adjustment for FY92 is illustrated in the Budget analysis on page 2-18.

Staff noted that traditionally the shrinkage rate at the Regents' institutions has only applied to salaries and not to salaries and fringe benefits as for other state agencies. However, the Governor for FY90 and FY91 recommended applying the shrinkage rate to the overall salary base including fringe benefits.

It was noted that systemwide the basic fee income provides slightly above the target 25 percent of the cost of the general education program. Effective in Fall, 1990, a \$15.00 fee will be charged for each application to a Regents' university. Representative Hoy asked staff to provide figures on what percent of enrollments are out-of-state students at each institution.

Staff explained that 75 percent of the higher than anticipated fees were released in FY87 through FY90, but these amounts do not become part of the base. Representative Gatlin asked staff to advise what the policy was on handling fee releases prior to 1982.

Representative Francisco asked staff to advise how much each campus was allocated for the Career Work Study program as compared to actual expenditures.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Appropriations,  
room 514-S, Statehouse, at 12:25 ~~am~~ p.m. on March 7, 1990

Staff highlighted the new Board of Regents policy that any time an institution shifts more than 5 percent of their total general use operating budgets from salaries to OOE or vice versa, any amount above 5 percent would have to remain where it was shifted in the next budget submission. This is the Board's attempt to address the concerns expressed by the Legislature regarding these shifts.

Chairman Bunten announced that the Committee will make systemwide decisions at the meeting on Wednesday, March 14.

The Chairman moved to final action on HB 2890 which establishes the Kansas Partnership for Long-term Care. Representative Francisco moved that HB 2890 be recommended favorably for passage. Representative Teagarden seconded. Representative Francisco withdrew his motion with the consent of his second, Representative Teagarden, so that necessary amendments could be made to the bill. Representative Chronister moved to amend Section 2 of HB 2890 according to items #1 and #3 on the testimony of John Alquest, SRS, presented at yesterday's meeting. Representative Francisco seconded. Motion carried. Representative Francisco moved that HB 2890, as amended, be recommended favorably for passage. Representative Teagarden seconded. Motion carried.

Representative Solbach moved to further amend HB 3002, which changes the last amendment, to increase current statutory limits on fees by 50 percent. Representative Turnquist seconded. Motion failed. Several members expressed frustration with the fact that it is difficult for qualified social workers to be licensed in Kansas through this agency.

The meeting was adjourned at 2:10 p.m.



*Jimbo Nancy Brown*

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

By Committee on Appropriations

AN ACT concerning sewer districts; relating to the creation thereof; amending K.S.A. 19-101a, 19-27a01 and 19-27a03 and repealing the existing sections; also repealing K.S.A. 19-2745a, 19-2745b, 19-2745c, 19-2752a, 19-2752b, 19-2752d, 19-2752e, 19-2752g, 19-2752h and 19-2752i.

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

Section 1. K.S.A. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not consolidate or alter county boundaries.

(3) Counties may not affect the courts located therein.

(4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271--74th congress, or amendments thereof.

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

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(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(12) Counties may not exempt from or effect changes in the provisions of K.S.A. 1985-Supp. 19-4601 to 19-4625, inclusive, and amendments thereto.

(13) Except as otherwise specifically authorized by K.S.A. 12-1,101 to 12-1,109, inclusive, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto. Any charter resolution adopted by a county prior to July 1, 1983, exempting from or effecting changes in K.S.A. 19-430, and amendments thereto, is null and void.

(15) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(16) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 13-13a26, and amendments thereto, is null and void.

(17) Counties may not exempt from or effect changes in K.S.A. 71-301, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 71-301, and amendments thereto, is null and void.

(18) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto. Any charter resolution adopted by a county prior to the effective date of this act, exempting from or effecting changes in such sections is null and void.

(19) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225 and 12-1226 and K.S.A. 1985 1989 Supp. 12-1225a, 12-1225b and 12-1225c, and amendments thereto.

(20) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(21) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 to 19-4015, inclusive, and amendments thereto, ~~K.S.A. 1986-Supp.~~ 19-4002a or 19-4002b, and amendments thereto.

(22) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge

for the drilling or production of any oil or gas well.

(23) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-27,170, 19-27,171, 19-27,172 and 19-27a01 to 19-27a27, inclusive, and amendments thereto.

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

Sec. 2. K.S.A. 19-27a01 is hereby amended to read as follows: 19-27a01. Whenever used in this act, the following words shall have the following respective meanings unless different meanings clearly appear from the context:

(a) "Governing body" or "board" means the board of county commissioners of the county in which the sewer district is located;

(b) "sewer district" means any wastewater, main, lateral, joint or submain storm or sanitary sewer district;

(c) "improvement" means any trunk lines, outfall or intercepting sewers, manholes, pumps, pumping stations, lift stations, disposal plants and any appurtenances and apparatus necessary for the collection, storage, treatment and disposal of storm or sanitary sewage and wastewater;

(d) "improve" means constructing, reconstructing, enlarging or extending any improvement;

(e) "sewage system" means any property owned by the sewer district or any property in which the sewer district has a

property interest and any trunk lines, outfall or intercepting sewers, manholes, pumps, pumping stations, lift stations, disposal plants and any appurtenances and apparatus necessary for the collection, storage, treatment and disposal of storm or sanitary sewage and wastewater;

(f) "federal law" and "federal pollution control laws" means the clean water act, 33 U.S.C. 1251 et seq. and amendments thereto, also known as the federal water pollution control act, and all administrative regulations adopted pursuant thereto;

(g) "industrial user" means any user of the sewage system identified as an "industrial user" under the criteria established by the United States environmental protection agency in 40 CFR 35.905, and amendments thereto;

(h) "person" means any individual, firm, corporation, partnership, organization or other entity and departments of government of the state or of the United States and political subdivisions thereof;

(i) "user" means the owner of the land or the person in control of the premises that discharges or contributes any wastes, storm or wastewater to the sewage system; and

(j) "land devoted to agricultural use" shall have the same meaning ascribed thereto by K.S.A. 12-519, and amendments thereto.

Sec. 3. K.S.A. 19-27a03 is hereby amended to read as follows: 19-27a03. (a) Subject to the provisions of K.S.A. 1986 ~~Supp.~~ 19-270, and amendments thereto, the board of county commissioners of any county shall have the power to create a sewer district in the manner hereinafter provided whenever:

(1) A petition requesting the creation of a sewer district is filed with the board; or

(2) the secretary of health and environment or the local health officer determines and certifies to the board that unsanitary conditions exist or are expected to develop and which may be removed or prevented by the installation and utilization of sewers.

(b) Any petition requesting the creation of a sewer district



shall be signed by the owners of at least 51% of the acreage of the land in the proposed district. The petition shall state:

- (A) (1) The boundaries of the improvement district;
- (B) (2) the nature of the improvement;
- (C) (3) the estimated cost of the improvement;
- (D) (4) the proposed method of assessment; and
- (E) (5) the proposed apportionment of cost, if any, between the district and any other sewer district operated and maintained by the governing body.

The petition also shall state that if the board of county commissioners determines the improvement project is not feasible that all costs and expenses of the work, including preliminary planning, engineering, legal and other preliminary work of skilled persons employed by the board shall be assessed against the property of persons signing such petition. Any person signing the petition who desires to withdraw such person's name may do so by giving written notice to the county clerk on or before the date of the hearing on the petition. The petition shall be null and void after the board has determined not to create the district or after a period of two years from the date of the first signature on the petition, whichever occurs first.

(c) No tract of land devoted to agricultural use in excess of 21 acres may be included within a sewer district unless the owner of such tract of land agrees to the inclusion of such tract within the district or the tract of land has been platted.

Sec. 4. K.S.A. 19-101a, 19-2745a, 19-2745b, 19-2745c, 19-2752a, 19-2752b, 19-2752d, 19-2752e, 19-2752g, 19-2752h, 19-2752i, 19-27a01 and 19-27a03 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

REGENTS SYSTEMWIDE SUMMARY  
FY 1989 -- FY 1991

	<u>Actual FY 1989</u>	<u>Gov. Rec. FY 1990</u>	<u>Senate Ways and Means Rec. FY 1990</u>	<u>Gov. Rec. FY 1991</u>	<u>Senate Ways and Means Rec. FY 1991</u>	<u>FY 89-FY 91 (Senate Ways and Means Rec.) Change</u>
Total General Fund Operating	\$ 339,610,970	\$ 375,239,214	\$ 377,323,684	\$ 402,650,896	\$ 411,949,356	\$ --
Total General Use Operating	544,463,977	595,290,260	597,474,730	624,492,203	634,004,678	--
Total Operating Expenditures	786,619,827	847,982,219	850,188,379	888,097,915	897,742,609	--
<u>Percentage Change</u>						
State General Fund	5.6%	10.5%	11.1%	7.3%	9.2%	21.3%
General Use Funds	10.3	9.3	9.7	4.9	6.1	16.4
All Funds	10.8	7.8	8.1	4.7	5.6	14.1
<u>Dollar Change</u>						
State General Fund	\$ 18,001,407	\$ 35,628,244	\$ 37,712,714	\$ 27,411,682	\$ 34,625,672	\$ 72,338,386
General Use Funds	50,688,971	50,826,283	53,010,753	29,201,943	36,529,948	89,540,701
All Funds	76,288,145	61,362,392	63,568,552	40,115,696	47,554,230	111,122,782

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FY 1990 AND FY 1991 REGENTS INSTITUTIONS GENERAL USE BUDGET ADJUSTMENTS

SENATE WAYS AND MEANS COMMITTEE

Institution	FY 1990		FY 1991		FY 1991	
	Fee Release	Other	Systemwide Additions	Committee Recommendations	Salary & Wage Shrinkage Adjustments	Servicing New Buildings Adjustments
KU	\$ 351,716	\$ 298,612	\$ 353,571	\$ 306,675	\$ --	\$ --
KSU	752,635	--	2,659,996	30,753	--	30,753
WSU	90,744	103,050	788,948	628,383	409,793	168,460
ESU	142,785	--	418,944	--	--	No Req.
PSU	249,035	--	516,710	--	--	No Req.
FHSU	--	--	87,128	398,338	324,338	--
KUMC	--	95,893	365,892	2,290,476	1,449,266	30,034
KSUVMC	--	100,000	41,638	--	--	No Req.
KCT	--	--	277,940	74,407	74,407	No Req.
TOTAL	\$ 1,586,915	\$ 597,555	\$ 5,510,767	\$ 3,729,032	\$ 2,257,804	\$ 229,247

FISCAL YEAR TOTAL      \$2,184,470                      \$9,239,799

GRAND TOTAL      \$11,424,269

**CURRENT STATUS OF REGENTS' SYSTEMWIDE ISSUES BASED  
ON SENATE WAYS AND MEANS COMMITTEE ACTION**

<u>Issue</u>	<u>Regents' Request</u>	<u>Gov. Rec.</u>	<u>Senate Ways and Means Comm. Rec.</u>	<u>Comment on Senate Ways and Means Action</u>
<u>FY 1990:</u>				
Fee Release	\$ 1,586,915	\$ --	\$ 1,586,915	Continue current practice of releasing 75% of additional fees.
Salary and Wage Shrinkage Additional Adjustment	--	(5,782,964)	(5,782,964)	Concur with Governor's recommendation.
<u>FY 1991:</u>				
Salary and Wage Shrinkage Additional Adjustment	--	(6,075,081)	(3,817,277)	Adjustments to WSU, FHSU, KUMC, KCT.
Unclassified Salary Increases	15,498,197	12,023,459	12,023,459	No adjustments to Governor's recommendation.
Percent Increase	5.0%	4.0%	4.0%	
Student Salary Increases	375,003	(128,658)	128,658	Restore funds to get to FY 1990 base amount.
Percent Increase	5.0%	--	--	
Other Operating Expenditures	4,063,481	2,031,744	3,307,275	
Percent Increase	4.0%	2.0%	3.5%	
Utilities	No growth	2% incr.	Concur	Urge House Appropriations to review.
Enrollment Adjustment	8,148,795	4,074,399	8,148,795	Continue current enrollment adjustment process; conduct study.
Servicing New Buildings	1,255,848	--	229,247	Full funding for WSU; partial funding for KSU and KUMC; no funding for KU and FHSU. Requested House Appropriations Committee review for equity.

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