

Approved 4-16-90  
Date

MINUTES OF THE House COMMITTEE ON Appropriations

The meeting was called to order by Bill Bunten at  
Chairperson

2:00 ~~am~~ p.m. on March 15, 1990 in room 514-S of the Capitol.

All members were present except: Representatives Moomaw, Goossen, Teagarden, and Turnquist  
(all excused)

Committee staff present: Ellen Piekalkiewicz, Debra Duncan, Ed Ahrens, Diane Duffy,  
Scott Rothe, Carolyn Rampey, Pat Mah, Legislative Research Department  
Jim Wilson, Revisor of Statutes  
Sharon Schwartz, Administrative Aide  
Sue Krische, Committee Secretary

Conferees appearing before the committee:

Representative Bettie Sue Shumway  
Lila Pasley, Association for Retarded Citizens of Kansas  
Edith Barton, Washburn University senior in Social Work and AFDC Recipient  
Al Nemec, Commissioner, Mental Health and Retardation Services, SRS

Others attending: See attached list.

SB 451 - General Government Appropriations for FY91

**LEGISLATURE AND RELATED AGENCIES**

Representative Chronister reviewed the FY90 and FY91 subcommittee report (Attachment 1). Representative Chronister moved adoption of the subcommittee report. Representative Heinemann seconded. Motion carried.

**GOVERNOR'S DEPARTMENT**

The House Subcommittee concurred with the Senate Committee recommendations for FY90 and FY91 (Attachment 2). Representative Lowther moved adoption of the subcommittee report for FY90 and FY91. Representative Wisdom seconded. Motion carried.

**LIEUTENANT GOVERNOR**

The House Subcommittee concurred with the Senate for FY90 and FY91 (Attachment 3). Representative Mead moved adoption of the subcommittee report. Representative Wisdom seconded. Motion carried.

**DEPARTMENT OF INSURANCE**

Representative Gatlin reviewed the subcommittee report for FY90 and FY91 (Attachment 4). Representative Gatlin moved adoption of the subcommittee report. Representative Brady seconded. Motion carried.

**STATE TREASURER**

The House Subcommittee concurred with the Senate recommendations for FY90 and FY91 (Attachment 5). Representative Solbach moved adoption of the subcommittee report. Representative Chronister seconded. Motion carried.

**ATTORNEY GENERAL**

Representative Fuller reviewed the subcommittee report for FY90 and FY91 (Attachment 6). Representative Fuller moved adoption of the subcommittee report. Representative Francisco seconded. Motion carried.

**SECRETARY OF STATE**

Representative Pottorff reviewed the subcommittee report for FY90 and FY91 (Attachment 7). Representative Pottorff moved adoption of the subcommittee report. Representative Shriver

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 2:00 ~~a.m.~~/p.m. on March 15, 1990

seconded. Motion carried.

Representative Chronister moved that SB 451, as amended, be recommended favorably for passage. Representative Brady seconded. Motion carried.

SB 449 - Appropriations for FY91--Judicial Branch

**JUDICIAL COUNCIL**

Representative Hensley reviewed the subcommittee report for FY90 and FY91 (Attachment 8). Representative Hensley moved adoption of the subcommittee report. Representative Hoy seconded. Motion carried.

**BOARD OF INDIGENTS' DEFENSE SERVICES**

Representative Gatlin reviewed the subcommittee report for FY90 and FY91 (Attachment 9). Representative Gatlin moved adoption of the subcommittee report. Representative Brady seconded. Motion carried. Representative Wisdom is recorded as voting "no."

**JUDICIAL BRANCH**

Representative Hoy reviewed the subcommittee report for FY90 and FY91 (Attachment 10). Chairman Bunten opposes the addition of \$351,270 for a 4 percent salary increase for the Judicial Branch because this ignores the current law which ties judicial salary increases to the COLA approved for all state employees. Representative Bunten moved to delete the \$351,270 for an additional 2.5 percent base salary increase for the Judicial Branch as recommended by the Senate. Representative Francisco seconded. Representative Solbach emphasized the need to keep salaries for judges competitive to attract applicants of the quality needed for the position. Several members feel there should be a study by the Judicial Council of judicial compensation in relation to location in the state. On a show of hands, the motion failed.

Representative Helgerson moved to amend the majority report by adoption of the minority report. Representative Brady seconded. Representative Lowther made a substitute motion to amend the FY91 majority report in item #1 to add one FTE position of an administrative assistant for \$22,809. Representative Chronister seconded. Representative Lowther withdrew his motion with the consent of his second, Representative Chronister. On Representative Helgerson's motion, the motion failed.

Representative Heinemann made a conceptual motion to amend the subcommittee report to request the introduction of a bill that would remove the requirement that a judge be in every county if and when a position becomes available. Representative Shriver seconded. Motion carried.

Representative Bunten moved to amend the subcommittee report to recommend introduction of a bill to take the judges out of K.S.A. 75-3120L. Representative Helgerson seconded. Motion carried.

Representative Hoy moved adoption of the Judicial Branch subcommittee report for FY90 and FY91. Representative Hensley seconded. Motion carried. Representative Helgerson is recorded as voting "no." Representative Chronister moved that SB 449, as amended, be recommended favorably for passage. Representative Shriver seconded. Motion carried. Representative Helgerson is recorded as voting "no."

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Appropriations,

room 514-S, Statehouse, at 2:00 ~~am~~/p.m. on March 15, 1990.

HB 2796 - Living in family environments (LIFE) foster care services program.

Representative Bettie Sue Shumway appeared in support of HB 2796, which proposes recruitment of some ADC recipients, screening, training, licensing, and supervising them as home providers for disabled children (Attachment 11). The LIFE (Living in Family Environment) program is handled in Michigan by The Judson Center, a private foundation, and Representative Shumway presented to the Committee a 10-minute film on the Michigan program produced by The Judson Center. Representative Shumway submitted a proposed amendment to HB 2796 providing that the LIFE program be established on a pilot basis for three years ending June 30, 1993 (Attachment 12).

Lila Pasley, Association for Retarded Citizens of Kansas, Inc., appeared in opposition to HB 2796 (Attachment 13).

Edith Barton, Washburn University senior in Social Work and AFDC Recipient, testified in opposition to HB 2796 (Attachment 14). Ms. Barton feels that institutions provide more consistent and stable care for disabled children than the LIFE program could. She expressed concern that the screening process for foster parents would not maintain consistent standards and that funding for the program could fluctuate.

Al Nemec, Commissioner, Mental Health and Retardation Services, SRS, stated the Department supports the concept underlying HB 2796 (Attachment 15). The SRS program, Supported Family Living, currently provides specialized foster care for 36 developmentally disabled children as an option to institutionalization. The most critical component in the success of the program has been stringent screening of potential foster families. Mr. Nemec recommended that the program proposed in HB 3075 be consolidated with the existing Supported Family Living program to enhance the efficiency of these services.

The meeting was adjourned at 3:55 p.m.



**SUBCOMMITTEE REPORT**

**Agency:** Legislature and Related Agencies

**Bill No.** 451

**Bill Sec.** 2-5

**Analyst:** Ahrens

**Analysis Pg. No.** 101-109

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Amended Rec. FY 91</u>	<u>Senate Subcommittee Adjustments</u>
State Operations--All Funds			
Interstate Cooperation Commission	\$ 194,134	\$ 194,260	\$ --
- Legislative Coordinating Council:			
Council Expenses and Administrative Services	338,756	341,567	--
- Legislative Research Department	1,708,255	1,719,816	--
- Revisor of Statutes	1,857,821	1,867,728	--
- Educational Planning Committee	40,221	40,379	--
- Legislature	8,864,006	8,936,249	--
- Division of Post Audit	1,398,175	1,413,497	--
TOTAL	<u>\$ 14,401,368</u>	<u>\$ 14,513,496</u>	<u>\$ --</u>
State Operations:			
State General Fund	<u>\$ 14,321,776</u>	<u>\$ 14,433,904</u>	<u>\$ --</u>
FTE Positions	117.7	117.7	--

**FY 1990 Agency Requests/Governor's Recommendation/  
Subcommittee Recommendation**

Legislative Branch agencies submitted revised FY 1990 budgets which total \$14,214,457. These budgets are entirely financed from the General Fund except for \$78,581 of special revenue financing for contracted financial-compliance audits under the Division of Post Audit. The budget requests are \$802,520 less than appropriated funds, including reappropriations. Account balances are used to finance FY 1991 expenditures. By law, budgets for these agencies, except for that of the Interstate Cooperation Commission, are submitted upon approval of the Legislative Coordinating Council. One supplemental appropriation of \$16,882 is requested to provide partial financing of a new position of Information Resource Manager added to the budget of the Legislative Coordinating Council, Division of Legislative Administration Services, to assist in legislative computerization. A research assistant position in the Legislative Research Department and a clerical position in the Division of Post Audit are eliminated, and the Revisor of Statutes' budget finances two positions less than were approved by the 1989 Legislature.

The Governor concurs with the agencies' revised requests except for a reduction of \$53,526 for fringe benefits, virtually all of which is attributable to revisions of health insurance rates which occurred after agency budgets were submitted.

*HA  
3-15-90  
Attachment 1*

The Subcommittee concurs with the recommendations of the Governor.

### **FY 1991 Agency Requests/Governor's Recommendations**

The combined FY 1991 budget requests for agencies of the Legislative Branch total \$14,401,368 (a 1.3 percent increase) of which \$14,321,776 (also a 1.3 percent increase) would be financed from the General Fund. The FTE position total for these agencies is 117.7. The only further change in the position count from the changes incorporated into the FY 1990 revised budgets is one additional attorney position for the Revisor of Statutes which brings the FTE total to 27, as compared to the 28 originally authorized for FY 1990 by the 1989 Legislature. As directed by the LCC, legislative agency requests do not contain any amounts for changes to the state pay plan but do include costs of step increases for those employees who are paid in accordance with the pay plan. The Director of Legislative Administrative Services stated before the Subcommittee that the salary to be paid the new Information Resource Manager would likely exceed the amount budgeted. The budget request, however, has not been amended.

The Governor's recommendation concurs with the requested FY 1991 budgets except for reductions based on revised health insurance rates and for additions based on recommended changes to the state pay plan. In Budget Amendment No. 1, the Governor corrected his budget report recommendation by reducing salary expenditures in the amount of \$96,677. The original recommendation duplicated expenditures for step movement under the state pay plan. As amended, the recommended budget provides for 2.5 percent step movement plus a 1.5 percent general increase for employees paid in accordance with the pay plan, a 4.0 percent average increase for regular and temporary employees of the Legislature, and a \$1 per diem increase for legislators (1.5 percent). As so adjusted, the Governor's expenditure recommendations total \$14,513,496, a net addition of \$112,128 to the agencies' requests.

### **FY 1991 Subcommittee Recommendations**

The Subcommittee concurs with the Governor's amended recommendations.

### **Actions of the Subcommittee and Senate as a Whole**

**FY 1990 and FY 1991.** The Senate Committee concurred with the Subcommittee's recommendations for FY 1990 and FY 1991.

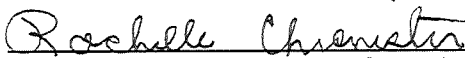
The Senate Committee of the Whole concurred with the Committee recommendation for FY 1991 and has not considered the FY 1990 recommendation.


<u>Expenditure Summary</u>	<u>Senate Rec. FY 91</u>	<u>House Subcommittee Adjustments</u>
State Operations--All Funds		
Interstate Cooperation Commission	\$ 194,260	\$ 41,500
Legislative Coordinating Council:		
Council Expenses and Administrative Services	341,567	10,965
Legislative Research Department	1,719,816	--
Revisor of Statutes	1,867,728	--
Educational Planning Committee	40,379	--
Legislature	8,936,249	--
Division of Post Audit	1,413,497	--
TOTAL	<u>\$ 14,513,496</u>	<u>\$ 52,465</u>
State Operations: State General Fund	<u>\$ 14,433,904</u>	<u>\$ 52,465</u>
FTE Positions	117.7	(2.0)

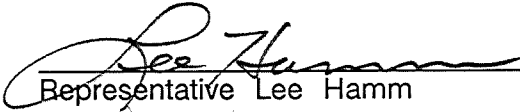
#### House Subcommittee Recommendations

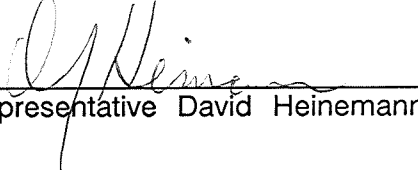
The Subcommittee concurs with Senate recommendations for FY 1990 and FY 1991 with the following changes:

1. Reduce FY 1990 estimated expenditures for the Legislative Coordinating Council by \$11,993 (thus reducing the need for a supplemental appropriation from \$14,941 to \$2,948) and increase FY 1991 expenditures for the LCC by \$10,965. These adjustments reflect difficulties encountered in recruiting for the new position of Information Resource Manager.
2. Reduce the FY 1990 and FY 1991 position counts for the Legislature from 27 to 25 FTE. These are technical adjustments to reflect the actual current staffing level of full-time positions.
3. Shift \$41,500 of General Fund expenditures from the FY 1991 budget of the Department of Education to the budget of the Interstate Cooperation Commission for the purpose of paying the State's membership dues to the Education Commission of the States.

  
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Representative Rochelle Chronister  
Subcommittee Chairperson

  
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Representative William Bunten

  
\_\_\_\_\_  
Representative Lee Hamm

  
\_\_\_\_\_  
Representative David Heinemann

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Representative George Teagarden



**SUBCOMMITTEE REPORT**

**Agency:** Governor's Department

**Bill No.** 451

**Bill Sec.** 6

**Analyst:** Ahrens

**Analysis Pg. No.** 111

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
State General Fund: Operating Expenditures	\$ 1,415,274	\$ 1,448,231	\$ --
FTE Positions	31.0	31.0	--

**Agency Request/Governor's Recommendation**

**FY 1990.** The agency request for FY 1990 totals \$1,426,342 which includes financing for 31.0 FTE positions. A supplemental appropriation of \$30,000 is requested to pay for membership in the Western Governor's Association. The Governor's recommendation concurs with the agency estimate except that salaries and wages expenditures are reduced by \$6,514, representing revised health insurance rates.

**FY 1991.** The agency request for FY 1991 totals \$1,415,274, a decrease of 1.5 percent from the FY 1990 agency estimate. The request continues the FY 1990 total of 31.0 FTE positions. The Governor's FY 1991 recommendation is \$32,958 above the requested amount and represents addition of a 4 percent merit salary pool and reductions due to revised health insurance rates.

**Senate Subcommittee Recommendations**

The Subcommittee concurs with the Governor's recommendations for FY 1990 and FY 1991 and recommends a technical adjustment to the appropriation language contained in Section 6 of S.B. 451 to continue the prior legislative practice of permitting a certain amount of expenditures for contingencies without limitation at the discretion of the Governor. Such expenditures would be limited to \$70,846, the amount by which appropriated resources exceed estimated expenditures.

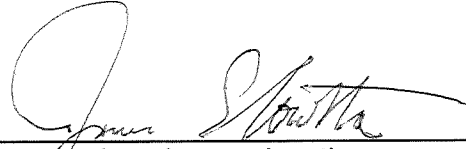
**Senate Committee and Committee of the Whole Recommendation**

The Senate Committee concurred with the Senate Subcommittee recommendations for FY 1990 and FY 1991. The Senate Committee of the Whole concurred with the Committee recommendation for FY 1991 and has yet to consider the FY 1990 recommendation.

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3-15-90  
Attachment 2*

**House Subcommittee Recommendation**

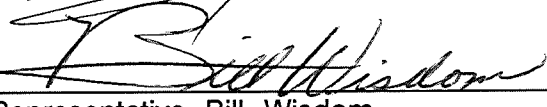
The House Subcommittee concurs with the Senate Committee recommendations for FY 1990 and FY 1991.



Representative James Lowther  
Subcommittee Chairman



Representative Bob Mead



Representative Bill Wisdom

## SUBCOMMITTEE REPORT

**Agency:** Lieutenant Governor

**Bill No.** 451

**Bill Sec.** 7

**Analyst:** Ahrens

**Analysis Pg. No.** 110

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
State General Fund: State Operations	\$ 107,406	\$ 107,721	\$ --
FTE Positions	3.0	3.0	--

### Agency Request/Governor's Recommendation

The agency budget request for FY 1991 is \$107,406, a decrease of \$5,653 from the FY 1990 revised agency estimate.

The Governor concurs with the agency request except for the addition of \$315 for salaries and wages, a net change resulting from lower health insurance rates and an increase in the merit pool from 2.5 percent to 4.0 percent. The appropriation recommended by the Governor provides a contingency amount of \$26,525 which is not included in the recommended expenditure total.

### Subcommittee Recommendation

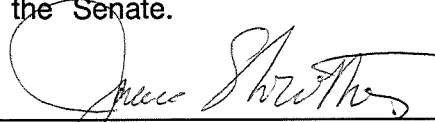
The Subcommittee concurs with the Governor's recommendation.

### Senate Committee and Committee of the Whole Recommendation

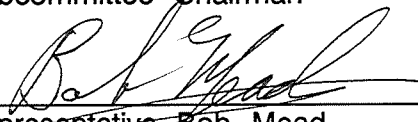
The Senate Committee and Committee of the Whole concurred with the Senate Subcommittee recommendation.

### House Subcommittee Recommendation

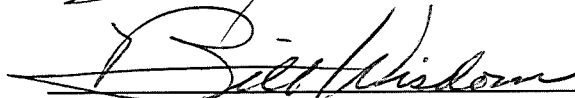
The Subcommittee concurs with the Senate.



Representative James Lowther  
Subcommittee Chairman



Representative Bob Mead



Representative Bill Wisdom

**SUBCOMMITTEE REPORT**

**Agency:** Department of Insurance      **Bill No.** 451      **Bill Sec.** 11  
**Analyst:** Rothe      **Analysis Pg. No.** 131      **Budget Pg. No.** 328

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 12,062,752	\$ 11,982,199	\$ 2,490
Local Aid	3,325,000	3,325,000	--
Other Assistance	44,601,261	44,601,261	--
TOTAL	<u>\$ 59,989,013</u>	<u>\$ 59,908,460</u>	<u>\$ 2,490</u>
State General Fund:			
State Operations	\$ 4,792,149	\$ 4,711,495	\$ 2,490
Other Assistance	4,000,000	4,000,000	--
TOTAL	<u>\$ 8,792,149</u>	<u>\$ 8,711,495</u>	<u>\$ 2,490</u>
FTE Positions	154.2	153.2	--

**Agency Request/Governor's Recommendation**

For FY 1991, the Department estimates expenditures of \$59,989,013, an increase of \$5,236,720 above the revised current year estimate. The request includes \$8,792,149 from the State General Fund, an increase of \$280,392. The State General Fund would finance 121.7 FTE positions for FY 1991, an increase of 1.0 FTE life insurance consumer representative (\$32,709 for salary and benefits).

The Governor's FY 1991 recommendation of \$59,908,460 is a reduction of \$80,553 from the agency's request. The Governor recommends \$64,325 for a 1.5 percent general salary adjustment and a reduction of \$77,407 due to salary benefit adjustments and the deletion of the requested new position. Other reductions include \$46,049 from contractual services, \$1,440 from supplies, and \$19,982 from capital outlay.

**Senate Subcommittee Recommendations**

**FY 1990.** The Senate Subcommittee concurs with the Governor's recommendation.

**FY 1991.** The Senate Subcommittee concurs with the Governor's recommendation with the following adjustments:

1. The Subcommittee recommends that unlimited reappropriation authority from the State General Fund be continued for FY 1991.
2. Delete \$10,000 from the State General Fund from actuarial fees. The Subcommittee learned that it was not the Governor's intent to increase the department's request from \$40,000 to \$50,000 for FY 1991.

HA  
3-15-90  
Attachment 4

3. Add \$12,490 from the State General Fund to restore the agency's FY 1991 request of \$22,309 for printing brochures. The department estimates FY 1990 expenditures of \$19,192. Actual FY 1989 expenditures were \$9,819. Average annual expenditures were \$19,850 between FY 1985 through FY 1988. Reduced FY 1989 expenditures resulted in a decreased inventory of brochures.
4. The Subcommittee reviewed a June 30, 1989 report by the Legislative Division of Post Audit. The report noted that the Insurance Department does not monitor the total incurred liability of the Workers' Compensation Fund, although generally accepted accounting principles require that such information be disclosed. The report recommended that the department develop a methodology for monitoring the total liability of the plan as of a given point in time. The department responded that because the Fund is not required to maintain a reserve for future year claims, no benefit would be derived in estimating total liabilities other than disclosing such a figure in the state's financial reports as required by generally accepted accounting principles. The Department also estimates that it would cost \$40,000 per year to employ an actuary to compute the fund's total liabilities. The Subcommittee does not recommend such additional expenditures at this time because it is not clear that any financial advantage would accrue to the state. If the Insurance Department can obtain information that would indicate a financial benefit would result from identification of future liabilities of the Fund, the issue can be revisited.

#### Senate Committee Recommendation

The Committee concurs with the recommendations of the Subcommittee.

#### Senate Committee of the Whole Recommendation

The Senate concurs with the Committee recommendation.

<u>Expenditure Summary</u>	<u>Senate Adjustments</u>	<u>Senate Rec. FY 91</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 2,490	\$ 11,984,689	\$ (62,490)
Local Aid	--	3,325,000	--
Other Assistance	--	44,601,261	--
TOTAL	<u>\$ 2,490</u>	<u>\$ 59,910,950</u>	<u>\$ (62,490)</u>
State General Fund:			
State Operations	\$ 2,490	\$ 4,713,985	\$ (12,490)
Other Assistance	--	4,000,000	--
TOTAL	<u>\$ 2,490</u>	<u>\$ 8,713,985</u>	<u>\$ (12,490)</u>
FTE Positions	--	153.2	--


4-2

### House Subcommittee Recommendations

FY 1990. The House Subcommittee concurs with the recommendation of the Senate.

FY 1991. The House Subcommittee concurs with the recommendations of the Senate with the following adjustments:

1. Delete \$12,490 from the State General Fund for the printing of brochures. The Subcommittee concurs with the Governor's recommendation of \$9,819 for brochures.
2. Delete \$50,000 from salaries from the Health Care Stabilization Fund based on year-to-date expenditures projected to FY 1991.
3. Make a technical adjustment to the reappropriation language to correct an error in the agency's FY 1991 appropriation bill (S.B. 451).
4. The Subcommittee recommends the introduction of a bill to increase the insurance agent application fee from \$20 to \$25 (K.S.A. 1989 Supp. 40-240). The \$5 increase, which would raise approximately \$33,000 annually, would be deposited in the State General Fund. The Subcommittee learned that the Commission will pay the Kansas Bureau of Investigation approximately \$26,400 in FY 1991 from the State General Fund to perform criminal history background checks on an estimated 6,600 applicants of insurance agents licenses at \$4.00 each. The increased application fee would indirectly cover the cost of the background check.

  
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Representative Max Moomaw  
Subcommittee Chairperson

  
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Representative Fred Gatlin

  
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Representative William Brady

**SUBCOMMITTEE REPORT**

**Agency:** State Treasurer

**Bill No.** --

**Bill Sec.** --

**Analyst:** Duffy

**Analysis Pg. No.** 138

**Budget Pg. No.** 568

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
<b>All Funds:</b>			
State Operations	\$ 1,961,185	\$ 1,915,172	\$ --
Aid to Local Units	70,887,205	70,676,205	--
Debt Service	<u>665,067</u>	<u>665,067</u>	<u>--</u>
Total	<u>\$ 73,513,457</u>	<u>\$ 73,256,444</u>	<u>\$ --</u>
<b>State General Fund:</b>			
State Operations	\$ 1,941,385	\$ 1,880,372	\$ --
Aid to Local Units	<u>62,158,484</u>	<u>61,947,484</u>	<u>--</u>
Total	<u>\$ 64,099,869</u>	<u>\$ 63,827,856</u>	<u>\$ --</u>
FTE Positions	52.0	52.0	--

**Agency Estimate/Governor's Recommendation**

The revised FY 1990 expenditure estimate for state operations totals \$1,961,185 (excluding debt services of \$665,067). The revised estimate includes expenditures of \$41,329 above the amount estimated by the 1989 Legislature. The FY 1990 revised estimate includes funding of \$1,941,385 from the State General Fund, of which \$1,339,542 is for salaries and wages (the same amount that was approved by the 1989 Legislature) and \$621,643 is for other operating expenditures ( an increase of \$41,329 over the amount estimated for expenditures by the 1989 Legislature.) The additional amount is financed from the reappropriated balance and requires no further legislative action. In addition to the State General Fund, the agency estimates expenditures of \$19,800 for state operations from the Unclaimed Property Contract Fund, as approved by the 1989 Legislature. The agency estimates an agencywide turnover rate of 1.8 percent (\$24,361) for FY 1990.

The Governor recommends \$1,915,172 for state operations (excluding debt service of \$665,067) in FY 1990, a decrease of \$46,013 from the amount estimated by the agency for FY 1990. The Governor's recommendation includes \$1,880,372 from the State General Fund and \$34,800 from the Unclaimed Property Contract Fund. The Governor's FY 1990 recommendation includes an agencywide turnover rate of 3.1 percent (\$42,546).

**Senate Subcommittee Recommendation**

The Senate Subcommittee concurs with the Governor's recommendation.

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3-15-90  
Attachment 5*

**Senate Committee Recommendation**

The Senate Committee concurs with the Senate Subcommittee's recommendation.

**Senate Committee of the Whole Recommendation**

The Senate Committee of the Whole concurs with the Senate Committee's recommendation.

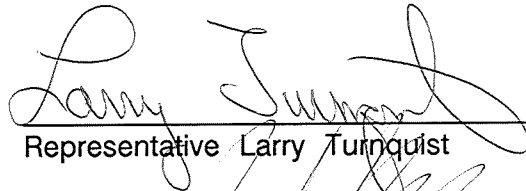
<u>Expenditure Summary</u>	<u>Senate Adj. FY 91</u>	<u>Senate Rec. FY 91</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ --	\$ 1,915,172	\$ --
Aid to Local Units	--	70,676,205	--
Debt Service	--	665,067	--
Total	<u>\$ --</u>	<u>\$ 73,256,444</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ --	\$ 1,880,372	\$ --
Aid to Local Units	--	61,947,484	--
Total	<u>\$ --</u>	<u>\$ 63,827,856</u>	<u>\$ --</u>
FTE Positions	--	52.0	--

**House Subcommittee Recommendation**


The House Subcommittee concurs with the Senate's recommendation.



\_\_\_\_\_  
Representative Robert Vancrum  
Chairperson



\_\_\_\_\_  
Representative Larry Turnquist

  
\_\_\_\_\_  
Representative John Solbach



**SUBCOMMITTEE REPORT**

**Agency:** State Treasurer

**Bill No.** 451

**Bill Sec.** 10

**Analyst:** Duffy

**Analysis Pg. No.** 138

**Budget Pg. No.** 568

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 1,987,383	\$ 1,853,588	\$ 37,522
Aid to Local Units	75,181,075	74,475,075	--
Debt Service	<u>690,869</u>	<u>690,869</u>	<u>--</u>
Total	<u>\$ 77,859,327</u>	<u>\$ 77,019,532</u>	<u>\$ 37,522</u>
State General Fund:			
State Operations	\$ 1,965,663	\$ 1,796,088	\$ 37,522
Aid to Local Units	<u>66,135,000</u>	<u>65,429,000</u>	<u>--</u>
Total	<u>\$ 68,100,663</u>	<u>\$ 67,225,088</u>	<u>\$ 37,522</u>
FTE Positions	52.0	52.0	--

**Agency Request/Governor's Recommendation**

The agency requests FY 1991 expenditures for state operations of \$1,987,383 (excluding debt service of \$690,869), an increase of 1.3 percent over the agency's FY 1990 revised estimate. The FY 1991 request includes \$1,965,663 from the State General Fund and \$21,720 from the Unclaimed Property Contract Fund. The FY 1991 request for salaries and wages totals \$1,397,724 and would support 52.0 FTE positions, the same number of positions approved for the current year. The FY 1991 salary and wage request includes an agencywide turnover rate of 2.0 percent (\$29,044). The FY 1991 request for other operating expenditures totals \$589,659, which is \$31,984 less than the agency's FY 1990 estimate.

The Governor recommends \$1,853,588 for state operations (excluding debt service of \$690,869) in FY 1991, \$133,795 less than the amount requested by the agency. The Governor's recommendation for state operations reflects a decrease of 3.2 percent or \$61,584 from the Governor's FY 1990 recommendation. The FY 1991 Governor's recommendation includes \$1,796,088 from the State General Fund and \$57,500 from the Unclaimed Property Contract Fund. The Governor's recommendation for salaries and wages in FY 1991 totals \$1,335,161, a reduction of \$62,563 from the agency's FY 1991 request. The Governor's FY 1991 salary and wage recommendation includes a 4.5 percent turnover rate (\$63,052). The Governor recommends \$518,427 for other operating expenditures in FY 1991, a decrease of \$71,232 from the agency's FY 1991 request. The State General Fund appropriation language as recommended by the Governor provides a contingency amount of \$61,013 which is not included in the recommended expenditures.

### Senate Subcommittee Recommendation

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

1. Add \$37,522 from the State General Fund for salaries and wages. The Subcommittee's recommendation would fully fund the existing 52.0 FTE positions (\$17,700) and would adjust the agencywide turnover rate from 4.5 percent to 3.1 percent (19,822). The agency requested a 2 percent turnover rate for FY 1991, which would have required an appropriation of \$15,574 in addition to the Subcommittee's recommendation. The State Treasurer experienced an actual turnover rate of 3.1 percent in FY 1989 and 3.1 percent is the recommended rate for FY 1990. The Subcommittee believes that the Governor's recommendation for the salary and wage budget is insufficient. Without the additional funding a State General Fund supplemental appropriation for salaries and wages would be necessary next session.
2. There maybe a transition in the Office of State Treasurer in FY 1991 and the possibility exists that additional costs would be incurred. If a transition occurs, the Subcommittee believes that the FY 1991 budget should be reviewed next session for additional transition costs when cost estimates would be more certain. The Subcommittee urges the State Treasurer and incoming State Treasurer to accomplish the transition without additional resources.
3. The Subcommittee understands that the Governor's recommendation with respect to longevity payments for unclassified employees within the offices of elected officers is inconsistent. Longevity for unclassified employees of the State Treasurer's Office was not requested or recommended. The Subcommittee believes that the policy should be consistent and if funding is included for eligible unclassified employees of other elected officers, then unclassified employees of the State Treasurer's Office should also receive longevity. Funding for longevity in FY 1990 would be \$3,800 and FY 1991 totals \$3,360.

### Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

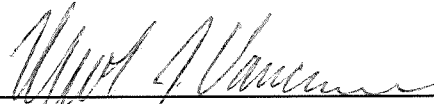
### Senate Committee of the Whole Recommendation

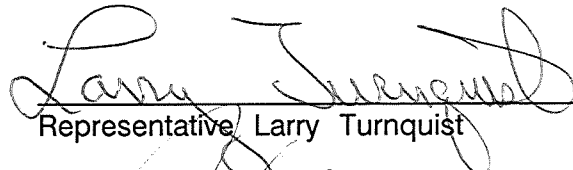
The Senate Committee of the Whole concurs with the recommendations of the Senate Committee.


<u>Expenditure Summary</u>	<u>Senate Adj. FY 91</u>	<u>Senate Rec. FY 91</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 37,522	\$ 1,891,110	\$ --
Aid to Local Units	--	74,475,075	--
Debt Service	--	690,869	--
TOTAL	<u>\$ 37,522</u>	<u>\$ 77,057,054</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ 37,522	\$ 1,833,610	\$ --
Aid to Local Units	--	65,429,000	--
TOTAL	<u>\$ 37,522</u>	<u>\$ 67,262,610</u>	<u>\$ --</u>
FTE Positions	--	52.0	--

**House Subcommittee Recommendation**

The House Subcommittee concurs with the Senate's recommendation.

  
\_\_\_\_\_  
Representative Robert Vancrum  
Chairperson

  
\_\_\_\_\_  
Representative Larry Turnquist

  
\_\_\_\_\_  
Representative John Solbach

## SUBCOMMITTEE REPORT

Agency: Attorney General

Bill No. 558

Bill Sec. 4

Analyst: Rampey

Analysis Pg. No. 113

Budget Pg. No. 86

Expenditure Summary	Agency Req. FY 90	Governor's Rec. FY 90	Subcommittee Adjustments
All Funds:			
State Operations	\$ 4,086,334	\$ 4,741,749	\$ 35,000
Aid to Local Units	1,164,795	1,565,903	--
Other Assistance	1,753,116	1,352,008	--
Total	\$ 7,004,245	\$ 7,659,660	\$ 35,000
State General Fund:			
State Operations	\$ 3,405,896	\$ 4,063,718	\$ 35,000
FTE Positions	70.0	70.0	--

### Agency Request/Governor's Recommendation

Expenditures for the Office of the Attorney General are estimated to be \$7,004,245 in FY 1990. Of that amount, \$3,405,896 for operations is funded from the State General Fund. The amount includes \$399,711 that is requested as a supplemental appropriation for water rights litigation involving the case Kansas v. Colorado. Total expenditures for that case are estimated to be \$1,463,756 in FY 1990. The FY 1990 budget includes funding for the Crime Victims Compensation Board, which was placed under the jurisdiction of the Attorney General by the 1989 Legislature.

The Governor recommends expenditures of \$7,659,660 in FY 1990, an increase of \$655,415 over the agency's request. Expenditures from the State General Fund recommended by the Governor total \$4,063,718, an increase of \$657,822 over the Attorney General's request. The increase is due to the addition of \$699,711 from the State General Fund (offset by some reductions in other areas) for water rights litigation that was not included in the budget as submitted. The increase is comprised of \$300,000 in available funds that the agency had planned to carry forward into FY 1991 and \$399,711 requested as a supplemental appropriation.

### Senate Subcommittee Recommendation

The Subcommittee concurs with the recommendations of the Governor, with the following exception:

1. Transfer an additional \$35,000 from the State General Fund to the Attorney General's Antitrust Special Revenue Fund, for a total transfer in FY 1990 of \$189,503. Provide also for the transfer of \$189,503 back to the State General Fund in the event that money owed the state is recouped from antitrust activities. Total expenditures from the Antitrust Special Revenue Fund in FY 1990 would be \$214,093. The Subcommittee's recommended increase relates to litigation over alleged price fixing of natural gas.

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**Senate Committee Recommendation**

The Senate Committee concurs with the recommendations of the Subcommittee, with the following exception:

1. Delete \$5,555 from the State General Fund for longevity pay. (The pay plan adopted by the 1989 Legislature specifically provides for longevity pay only for classified employees of the executive branch and nonjudicial employees of the judicial branch.)

**Senate Committee of the Whole Recommendation**

The Senate Committee of the Whole concurs with the recommendations of the Committee.

<u>Expenditure Summary</u>	<u>Senate Adj. FY 90</u>	<u>Senate Rec. FY 90</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 35,000	\$ 4,776,749	\$ --
Aid to Local Units	--	1,565,903	--
Other Assistance	--	1,352,008	--
Total	<u>\$ 35,000</u>	<u>\$ 7,694,660</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ 35,000	\$ 4,098,718	\$ --
FTE Positions	--	70.0	(.2)

**House Subcommittee Recommendations**

The House Subcommittee concurs with the recommendations of the Senate, with the following exceptions:

1. Amend S.B. 558 to reduce the position limitation from 70.0 FTE to 69.8 FTE in order to accurately reflect the Governor's recommendation. (The Governor deleted .2 FTE position that was vacant but the necessary adjustment was not made in the appropriations bill.)

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*Wanda Fuller*

Representative Wanda Fuller  
Subcommittee Chairperson

*Ken Francisco*

Representative Ken Francisco

*Phil Kline*

Representative Phil Kline

**SUBCOMMITTEE REPORT**

**Agency:** Attorney General

**Bill No.** 451

**Bill Sec.** 8

**Analyst:** Rampey

**Analysis Pg. No.** 113

**Budget Pg. No.** 86

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 3,969,971	\$ 3,579,351	\$ 92,975
Aid to Local Units	1,015,000	1,015,000	--
Other Assistance	<u>2,302,436</u>	<u>1,949,777</u>	<u>--</u>
TOTAL	<u>\$ 7,287,407</u>	<u>\$ 6,544,128</u>	<u>\$ 92,975</u>
State General Fund:			
State Operations	\$ 3,395,277	\$ 3,189,336	\$ (60,999)
FTE Positions	73.0	70.5	1.0

**Agency Request/Governor's Recommendation**

FY 1991. Total expenditures in FY 1991 are estimated to be \$7,287,407, of which \$3,395,277 would be from the State General Fund. The request includes \$541,325 from the State General Fund for expenses associated with water rights litigation, which is expected to go to trial in July. The agency is requesting three new positions, of which two would be funded from the State General Fund and the third from special revenue funds that finance the operations of the Crime Victims Compensation Board. Overall, the operating expenses for FY 1991 are expected to be less than for FY 1990 because expenditures for water rights litigation are expected to be lower and the FY 1990 budget includes two atypical expenditures: a \$61,000 amount for special prosecutors in criminal cases and a \$90,000 expenditure for an Indian cemetery.

The Governor recommends expenditures of \$6,544,128, a reduction of \$743,279 from the agency's request. Recommended expenditures from the State General Fund total \$3,189,336, a reduction of \$205,941. The Governor approves the addition of one new position (an Assistant Attorney General I) funded from the State General Fund but reduces the number of part-time law clerks by 0.5 FTE, for a net increase of 0.5 FTE positions.

**Senate Subcommittee Adjustments**

The Subcommittee concurs with the Governor's recommendations, with the following adjustments:

1. Increase operating expenditures from the Crime Victims Compensation Fund by \$42,225 (from \$141,737 to \$183,962). The increase consists of the addition of 1.0 FTE new position (an investigator, whose salary and related expenses total \$30,353), \$8,041 in overall operating expenditures, and \$3,831 for a new personal computer and related equipment. Information presented to the Subcommittee indicates that the Crime Victims Compensation Board is receiving and processing

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more claims than was estimated and, in order to keep up with its workload, needs additional staff and equipment. (To date, in FY 1990, 536 claims have been filed, a 75 percent increase over the total number of claims filed in FY 1989 of 306.) The increases recommended by the Subcommittee would be funded from the Crime Victims Compensation Fund.

2. Add a proviso to the Crime Victims Compensation Fund to allow expenditures for claims regardless of the fiscal year in which the claim was awarded. (The proviso would address situations such as the awarding of a claim in June but the voucher cannot be processed until July.)
3. Delete \$60,999 from the State General Fund for antitrust litigation, for a total State General Fund expenditure of \$62,222. In addition, authorize the expenditure from the Antitrust Special Revenue Fund of \$111,749 the state is expected to receive as the result of antitrust action against Panasonic. The effect of the Subcommittee's recommendation would be to authorize total expenditures of \$177,591 for antitrust operating expenditures in FY 1991, of which \$62,222 would be from the State General Fund and \$115,369 would be from special revenue funds. The Subcommittee's recommendation would also provide for the transfer back to the State General Fund of \$62,222 when that amount of money is recouped from antitrust activities.
4. Approve the transfer of the Attorney General's Committee on Crime Prevention Fee Fund from the budget of the Kansas Bureau of Investigation (KBI) to the Attorney General's budget. Staff support for the Attorney General's Committee on Crime Prevention is provided by the Attorney General's main office, not by the KBI.
5. Amend 1989 S.B. 358, which concerns attorneys appointed by the Attorney General. The Subcommittee recommends that the bill be amended to direct the Attorney General to appoint an Assistant Attorney General for the State Fire Marshal whose salary would be paid from the State Fire Marshal's budget. (Presently, the Attorney General pays the salary of an employee who is assigned to the State Fire Marshal's Office.) Should S.B. 358 pass as recommended by the Subcommittee, it would be necessary to delete 1.0 FTE position and \$33,444 in salary and benefits from the budget of the Attorney General and add that amount to the budget of the State Fire Marshal.
6. Make technical changes to S.B. 451 to correct the agency's position limitation and to change the name of the "Attorney General's Antitrust Litigation Fund" to "Antitrust Litigation."

#### Senate Committee Recommendations

The Senate Committee concurs with the recommendations of the Subcommittee with the following exception:

1. Delete \$6,905 from the State General Fund for longevity pay. (The pay plan adopted by the 1989 Legislature specifically provides for



longevity pay only for classified employees of the executive branch and nonjudicial employees of the judicial branch.)

**Senate Committee of the Whole Recommendation**

The Senate Committee of the Whole concurs with the recommendations of the Committee.

<u>Expenditure Summary</u>	<u>Senate Adj. FY 91</u>	<u>Senate Rec. FY 91</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 92,975	\$ 3,672,326	\$ --
Aid to Local Units	--	1,015,000	--
Other Assistance	--	1,949,777	--
Total	<u>\$ 92,975</u>	<u>\$ 6,637,103</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ (60,999)	\$ 3,128,337	\$ --
FTE Positions	1.0	71.5	(.2)

**House Subcommittee Recommendations**

The Subcommittee concurs with the recommendations of the Senate, with the following exceptions and comments:

1. Reduce the position limitation for the agency from 71.5 to 71.3 to accurately reflect the Governor's intention to delete .2 FTE position that is vacant.
2. The Subcommittee wishes to inform the Committee that the date of the trial in the case Kansas v. Colorado is set for December 17, 1990. (It had been scheduled to go to trial in the summer of 1990.)
3. The Subcommittee notes that the Senate Committee recommends legislation to appoint an Assistant Attorney General for the State Fire Marshal whose salary would be paid from the State Fire Marshal's budget. (Presently, the Attorney General pays the salary of an employee who is assigned to the State Fire Marshal's office.) The bill, S.B. 358, has been reported favorably by the House Committee on Governmental Organization. Because the Subcommittee is not familiar with the bill, it takes no position on it.

*Wanda Fuller*

Representative Wanda Fuller  
Subcommittee Chairperson

*Ken Francisco*

Representative Ken Francisco

*Phil Kline*

Representative Phil Kline

**SUBCOMMITTEE REPORT**

Agency: Secretary of State

Bill No. 558

Bill Sec. 5

Analyst: Mah

Analysis Pg. No. 123

Budget Pg. No. 504

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund:			
Noncensus	\$ 1,545,311	\$ 1,531,621	\$ --
Census	150,000	149,347	--
Uniform Commercial Code			
Fee Fund	454,127	451,204	--
Other Special Funds	<u>396,626</u>	<u>394,517</u>	--
TOTAL	<u>\$ 2,546,064</u>	<u>\$ 2,526,689</u>	<u>\$ 0</u>
 FTE Positions	 61.0	 61.0	 --

**Agency Request/Governor's Recommendation**

The agency's current year estimate totals \$2,546,064 for operating expenditures. Census expenditures total \$150,000 and noncensus expenditures total \$2,396,064. Adjustments for noncensus expenditures from the authorized budget include reductions of \$136,880 for salaries and wages and \$55,107 for other operating expenditures. Estimated financing from the State General Fund requires a supplemental appropriation of \$39,191 for costs associated with printing copies of the Kansas Administrative Regulations (K.A.R.) books. The agency estimates a reduction of \$375,573 for expenditures from the Uniform Commercial Code (UCC) Fee Fund because of diminished UCC activity. The diminished activity has limited available resources and the agency will be recommending increases in UCC fee rates to the 1990 Legislature.

The Governor's current year recommendation totals \$2,526,689 for operating expenditures. Census expenditures total \$149,347 (a reduction of \$653 from the agency estimate) and noncensus expenditures total \$2,377,342 (a reduction of \$18,722 from the agency's estimate). Noncensus expenditures for salaries and wages are reduced by \$13,722 and all other operating expenses by \$5,000. The Governor recommends a supplemental appropriation of \$34,191 for costs associated with printing the K.A.R. books. The Governor supports the agency's request for increases in UCC fee rates.

**Senate Subcommittee Recommendations**

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

1. The Subcommittee notes that the Governor supports the agency's request to raise receipts for the Uniform Commercial Code Fund through an increase in fee rates. The Subcommittee strongly recommends the introduction and passage of legislation that would allow the Secretary of State to increase, in FY 1990, the Uniform Commercial Code filing and search fee charges to a maximum of \$10.

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Attachment 7

The Subcommittee recognizes that the receipts in this Fund have diminished in recent years and strongly encourages the Legislature to give such legislation its immediate attention because of concerns raised by the agency that costs for providing the services are greater than the amount of receipts currently being received. The current maximum fee rates are \$3-5 for filing and \$5 per debtor name search. Legislation to allow the Secretary of State to charge a maximum of \$10 for these fees will allow the Secretary greater flexibility to set rates which correspond to the costs of providing the services.

2. Although the agency requests that the Governor's \$5,000 reduction from the State General Fund for stationery and office supplies be restored, the Subcommittee does not recommend increasing the Governor's supplemental appropriation by that amount because immediate passage of legislation to raise the Uniform Commercial Fee rates in the current year, as strongly endorsed by the Subcommittee, will provide the agency with additional resources.
3. The Subcommittee recommends that a proviso be added to S.B. 558 which would place the Kansas state census employees outside of the agency's approved position limitation level. With the assumption that employees for the state census would not be needed on a permanent basis, the 1987 Legislature established that any employees for the Kansas state census be in addition to the position limitation of the agency for any appropriation acts of the 1986 or 1987 regular legislative sessions. The 1988 Legislature passed a proviso to continue this policy for FY 1989. The issue was not addressed by the 1989 Legislature. The Governor's recommendation reduced the agency's noncensus employees by 2.0 FTE positions and included 2.0 FTE positions requested by the agency for the state census activities. The Subcommittee's recommendation would maintain the agency's current level of 61.0 FTE noncensus employee positions and provide for hiring of state census employees outside the position limitation.

#### **Senate Committee Recommendations**

The Senate Committee concurs with the recommendations of the Subcommittee.

#### **Senate Committee of the Whole Recommendations**

The Senate Committee of the Whole concurs with the recommendations of the Committee.


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<u>Expenditure Summary</u>	<u>Senate Adj. FY 90</u>	<u>Senate Rec. FY 90</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
State General Fund:			
Noncensus	\$ 1,545,311	\$ 1,531,621	\$ --
Census	150,000	149,347	--
Uniform Commercial Code			
Fee Fund	454,127	451,204	--
Other Special Funds	<u>396,626</u>	<u>394,517</u>	--
TOTAL	<u>\$ 2,546,064</u>	<u>\$ 2,526,689</u>	<u>\$ 0</u>
FTE Positions	61.0	61.0	--

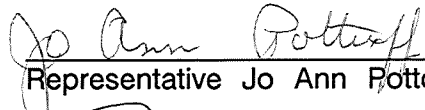
**House Subcommittee Recommendations**

The House Subcommittee concurs with the recommendations of the Senate, with the following observations:

1. The Subcommittee understands that S.B. 730 which would raise the Uniform Commercial Code filing and search fee charges is currently in the Senate Committee on Judiciary. The passage of this legislation could significantly raise receipts and affect expenditures for the Secretary of State's Office. The Subcommittee has no recommended changes to the agency's budget expenditures at this time. Pending passage of the legislation, the Subcommittee recommends review of the impact that this legislation will have on the agency's budget when the Omnibus Bill is considered.
2. The Subcommittee's review of the issue of whether to include the Kansas state census employees within the agency's approved position limitation level indicates that the state census personnel were hired by the Secretary of State for a limited term of employment. The Subcommittee understands that the state census positions are not permanent positions and can be eliminated when the state census activities have been completed. Therefore, the Subcommittee concurs with the Senate recommendation to place a proviso in S.B. 558 that excludes these positions from the agency's permanent approved position limitation level.



Representative Duane Goossen  
Subcommittee Chairperson



Representative Jo Ann Pottorff



Representative Jack Shriver

**SUBCOMMITTEE REPORT**

**Agency:** Secretary of State

**Bill No.** 451

**Bill Sec.** 9

**Analyst:** Mah

**Analysis Pg. No.** 123

**Budget Pg. No.** 504

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund			
Noncensus	\$ 1,773,863	\$ 1,565,202	\$ --
Census	88,400	76,370	--
Uniform Commercial Code			
Fee Fund	620,685	524,054	--
Other Special Funds	<u>383,511</u>	<u>384,242</u>	--
TOTAL	<u>\$ 2,866,459</u>	<u>\$ 2,549,868</u>	<u>\$ 0</u>
 FTE Positions	 61.0	 61.0	 --

**Agency Request/Governor's Recommendation**

The agency's FY 1991 request totals \$2,866,459 for all operating expenditures. Census expenditures of \$88,400 are requested from the State General Fund, a reduction of \$61,600 from the current year estimate. The request for noncensus expenditures is \$2,778,059, an increase of \$381,995 from the current year estimate. Estimated financing is \$1,773,863 from the State General Fund, \$620,685 from the UCC Fee Fund, and \$383,511 from other special revenue funds. Major revisions from the current year request include increases of \$196,110 for salaries and wages, \$18,470 for communications, \$88,606 for printing, and \$72,000 for fees--professional services. Net other changes increase expenditures over the current year by \$6,809. The agency's FY 1991 request assumes passage of legislation to increase UCC fee rates.

The Governor's FY 1991 recommendation totals \$2,549,868 for all operating expenditures, an increase of \$23,179 from the Governor's current year recommendation. Census expenditures of \$76,370 are recommended from the State General Fund, for a reduction of \$72,977 from the current year recommendation. The recommendation for noncensus expenditures is \$2,473,498, an increase of \$96,156 from the current year recommendation. The Governor also recommends that the agency be allowed to utilize, above the FY 1991 recommendation, \$8,690 of FY 1990 State General Fund money which is reappropriated without limit. Revisions to the agency's operation expenditures from the Governor's current year recommendation include an increase of \$116,806 for salaries and wages and a reduction of \$20,650 for other operating expenses. Although the Governor supports the agency's request for a UCC fee rate increase, the Governor's FY 1991 recommendation is based on current fee rates and does not assume that the Legislature will approve a fee rate increase.

**Senate Subcommittee Recommendations**

The Senate Subcommittee concurs with the Governor's expenditure recommendations and also recommends the following:

1. The Subcommittee recommends that a proviso be added to S.B. 451 which would place the Kansas state census employees outside of the agency's approved position limitation level as recommended by the Subcommittee for FY 1990.
2. The Subcommittee recommends the introduction and passage of legislation to amend K.S.A. 75-3071. The recommendation is to provide for an increase in the agency's Imprest Fund from \$4,000 to \$10,000. The Fund was established to provide the agency with a means for distributing necessary refunds. The account is used for refunds that are usually \$5 or less. It is the understanding of the Subcommittee that receipts in the Fund need to be increased because outstanding checks significantly exceed the Fund's receipts. The Subcommittee's recommendation addresses a concern made by a representative of Legislative Post Audit during a recent review of the agency's receipts. The Subcommittee notes that Post Audit plans to address and recommend such action in a future written report of the agency. With the passage of the legislation, the amount of required funds (\$6,000) will be transferred from the State General Fund by the Division of Accounts and Reports to this Fund. The \$6,000 to be transferred will be in addition to the agency's FY 1991 budget.
3. The Subcommittee recommends the deletion of the Legal Publication Fee Fund from S.B. 451 pending the introduction and passage of necessary legislation to establish such a Fund. The agency requested the establishment of the Fund for receipts and expenditures associated with the printing and distribution of the Kansas Administrative Regulations books. Current law provides that receipts from the sale of the books be credited to the State General Fund. The Subcommittee recommends the introduction and passage of legislation which would expand the existing State Register Fee Fund to allow for receipts and expenditures associated with the printing and distribution of the Session Laws of Kansas and the Kansas Administrative Regulations books.
4. The Subcommittee congratulates and extends its best wishes to the Secretary of State on his appointment by the Governor as Kansas Chairman for the national Christopher Columbus Quincentenary Jubilee Commission. The Subcommittee is confident that, in spite of existing fiscal restraints which inhibit the Subcommittee from providing the Secretary with the requested funding for such activities, the Secretary's performance in fulfilling his duties will be of superior quality.

#### Senate Committee Recommendations

The Senate Committee concurs with the recommendations of the Subcommittee, with the following addition:

1. Amend item No. 3 to also state that it is the opinion of the Secretary of State that this change will result in some net savings to the State General Fund.

**Senate Committee of the Whole Recommendations**

The Senate Committee of the Whole concurs with the recommendations of the Committee.

<u>Expenditure Summary</u>	<u>Senate Adj. FY 91</u>	<u>Senate Rec. FY 91</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
State General Fund:			
State General Fund			
Noncensus	\$ 1,773,863	\$ 1,565,202	\$ --
Census	88,400	76,370	--
Uniform Commercial Code			
Fee Fund	620,685	524,054	--
Other Special Funds	383,511	384,242	--
TOTAL	<u>\$ 2,866,459</u>	<u>\$ 2,549,868</u>	<u>\$ --</u>
FTE Positions	61.0	61.0	--

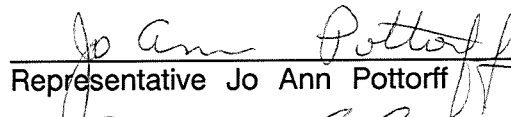
**House Subcommittee Recommendations**

The House Subcommittee concurs with the recommendations of the Senate, with the following observation:

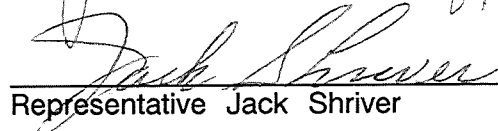
1. The Subcommittee notes that there are several bills which have been introduced and are currently being considered by the Senate which could impact the Secretary of State's budget. At this time, the Subcommittee has no recommended changes to the agency's budget. The Subcommittee recommends that, should legislation be enacted by the 1990 Legislature which impacts the Secretary of State's budget, review of the impact from the legislation be completed when the Omnibus Bill is considered.



Representative Duane Goossen  
Subcommittee Chairperson



Representative Jo Ann Pottorff



Representative Jack Shriver



**SUBCOMMITTEE REPORT**

**Agency:** Judicial Council

**Bill No.** 558

**Bill Sec.** --

**Analyst:** Duffy

**Analysis Pg. No.** 73

**Budget Pg. No.** 346

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 233,878	\$ 230,283	\$ 2,481
Grants and Gifts Fund	<u>3,292</u>	<u>3,292</u>	--
TOTAL	<u>\$ 237,170</u>	<u>\$ 233,575</u>	<u>\$ 2,481</u>
FTE Positions	4.0	4.0	--

**Agency Request/Governor's Recommendation**

The agency's FY 1990 revised estimate totals \$237,170, of which \$233,878 is from the State General Fund and \$3,292 is from federal funds. The amount requested from the State General Fund is the same amount that was approved by the 1989 Legislature. Recent information obtained from the agency indicates that the federal Bureau of Justice grant in FY 1990 totals \$7,379, an increase of \$4,087 over the agency's original estimate of \$3,292. The Governor's FY 1990 recommendation totals \$233,575, of which \$230,283 is from the State General Fund and \$3,292 is from federal funds. The Governor's FY 1990 recommendation is a reduction of \$3,595 from the agency's revised estimate. The reduction is entirely reflected in salaries and wages and is financed from the State General Fund.

**Senate Subcommittee Recommendation**

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

1. Add \$2,481 from the State General Fund for salaries and wages to eliminate the Governor's recommendation for a 1.5 percent turnover rate. The Subcommittee notes that the agency has 4.0 FTE positions including an additional clerical position added by the 1989 Legislature. Because this position was filled at the beginning of the fiscal year, it is unlikely that the agency will experience any current year turnover savings.

**Senate Committee Recommendation**

The Senate Committee concurs with the recommendations of the Senate Subcommittee.

*HA  
3-15-90  
Attachment 8*

**Senate Committee of the Whole Recommendation**

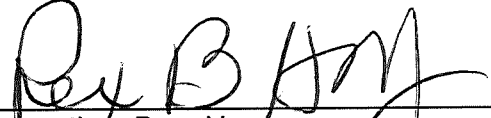
The Senate Committee of the Whole concurs with the recommendation of the Senate Committee.

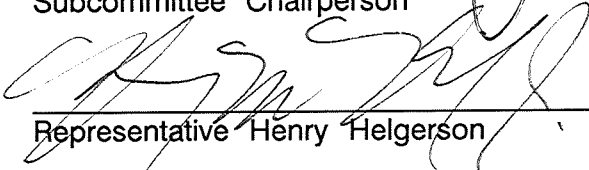
<u>Expenditure Summary</u>	<u>Senate Adj. FY 90</u>	<u>Senate Rec. FY 90</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 2,481	\$ 232,764	\$ --
Grants and Gifts Fund	--	--	4,087
Total	<u>\$ 2,481</u>	<u>\$ 232,764</u>	<u>\$ 4,087</u>
FTE Positions	--	4.0	--

**House Subcommittee Recommendation**

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

1. Add \$4,087 in federal funds from the Grants and Gifts Fund for a total of \$7,379. Recent information obtained from the agency indicates that a federal Bureau of Justice grant exceeded the amount anticipated. The grant is to be used for Judicial Council publications, specifically the PIK-Criminal 2d (Pattern Instructions of Kansas). The Grants and Gifts Fund is a no-limit fund.

  
 Representative Rex Hoy  
 Subcommittee Chairperson

  
 Representative Henry Helgerson

  
 Representative Anthony Hensley

## SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. 449

Bill Sec. 2

Analyst: Duffy

Analysis Pg. No. 73

Budget Pg. No. 346

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 269,624	\$ 220,039	\$ --
Grants and Gifts Fund	--	--	--
TOTAL	<u>\$ 269,624</u>	<u>\$ 220,039</u>	<u>\$ --</u>
FTE Positions	4.0	4.0	--

### Agency Request/Governor's Recommendation

The Judicial Council requests total FY 1991 expenditures of \$269,624, all of which is from the State General Fund. The agency's request represents a 13.7 percent increase over the current year estimate. The agency anticipates no expenditures from the Grants and Gifts Fund in FY 1991. The Governor's FY 1991 recommendation is \$220,039, all of which is from the State General Fund. The Governor's recommendation reflects \$49,585 less than the agency's FY 1991 request.

### Senate Subcommittee Recommendation

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

1. The Subcommittee notes that the agency requested funds for printing and distribution of Judicial Council publications including a supplement to the PIK-Criminal 2d (Pattern Instructions of Kansas). Although, the Judicial Council does not anticipate receiving federal funds in FY 1991, the Council did receive \$5,357 in FY 1989 and \$7,379 in FY 1990 for publications. If the Council should receive federal funding in FY 1991, it could be used for the supplement to the PIK-Criminal 2d. The Subcommittee urges the Judicial Council to continue to pursue funding sources other than the State General Fund for the printing and distribution of Judicial Council publications.

### Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

### Senate Committee of the Whole Recommendation


The Senate Committee of the Whole concurs with the Senate Committee's recommendation.


<u>Expenditure Summary</u>	<u>Senate Adj. FY 91</u>	<u>Senate Rec. FY 91</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ --	\$ 220,039	\$ --
Grants and Gifts Fund	--	--	--
TOTAL	<u>\$ --</u>	<u>\$ 220,039</u>	<u>\$ --</u>
FTE Positions	--	4.0	--

**House Subcommittee Recommendation**

The House Subcommittee concurs with the Senate's recommendation with the following observation:

1. Due to miscommunication between the Legislative Coordinating Council and the Judicial Council, the judicial redistricting study that was requested by this Subcommittee last legislative session was not officially received by the Judicial Council and, therefore, the Council did not initiate this study. The Subcommittee understands that recently this oversight was discovered and the Judicial Council will begin the study as soon as possible. During the 1989 House Subcommittee's review of the need for the additional judgeship for the 5th judicial district, the Subcommittee reviewed judicial caseloads, the allocation of judicial personnel, and the Court's considerable use of temporary judicial assignments. The Subcommittee believed then, and is even more convinced a year later, that the data indicates that it is time to review the judicial districts and the allocation of judicial and nonjudicial personnel. The Subcommittee expects that the Judicial Council will conduct this study and the Council's recommendations should be available for consideration by the 1991 Legislature.

  
 Representative Rex Hoy  
 Subcommittee Chairperson

  
 Representative Henry Helgerson

  
 Representative Anthony Hensley

**SUBCOMMITTEE REPORT**

**Agency:** Board of Indigents' Defense Services

**Bill No.** 558

**Bill Sec.** 6

**Analyst:** Duffy

**Analysis Pg. No.** 76

**Budget Pg. No.** 322

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 6,714,064	\$ 6,640,499	\$ (23,233)
Other Assistance	359,589	359,589	--
TOTAL	<u>\$ 7,073,653</u>	<u>\$ 7,000,088</u>	<u>\$ (23,233)</u>
State General Fund:			
State Operations	\$ 6,587,064	\$ 6,513,499	\$ (23,233)
Other Assistance	359,589	359,589	--
TOTAL	<u>\$ 6,946,653</u>	<u>\$ 6,873,088</u>	<u>\$ (23,233)</u>
FTE Positions	73.5	73.5	--

**Agency Request/Governor's Recommendation**

The Legislature approved total expenditures of \$6,591,895 during FY 1990 to provide legal services to indigent criminal felony defendants by public defenders, assigned counsel, and Legal Services for Prisoners, Inc. (LSP). Of the total approved, \$6,464,895 is from the State General Fund and \$127,000 is from the Indigents' Defense Docket Fee Fund. The Board's revised estimate of total expenditures for FY 1990 is \$7,073,653, an amount which is \$481,758 above that approved for FY 1990. The difference is attributed to the Board's request for a supplemental appropriation in FY 1990 of \$504,312 for unanticipated expenditures in the area of assigned counsel. The Governor recommends total expenditures of \$7,000,088 for FY 1990, a decrease of \$73,565 from the agency's FY 1990 estimate. Of the total recommended for FY 1990, \$6,873,088 is from the State General Fund and \$127,000 is from the Indigents' Defense Docket Fee Fund. The Governor's FY 1990 recommendation includes a State General Fund supplemental appropriation of \$504,312 and the transfer of \$100,000 from other operating expenditures for a shortfall in assigned counsel. Additionally, the FY 1990 recommendation includes reductions from the agency's estimated operating expenditures totaling \$73,565. The Governor recommends that the FY 1990 savings of \$73,565 be reappropriated to finance the FY 1991 budget.

**Senate Subcommittee Recommendation**

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

1. Delete \$23,233 from the State General Fund for salaries and wages from the Conflicts Office. There are salary savings that may be captured in the current fiscal year due to the vacancy of the attorney position.


*HA*  
*3-15-90*  
*Attachment 9*

<u>Expenditure Summary</u>	<u>Senate Adj. FY 90</u>	<u>Senate Rec. FY 90</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ (23,233)	\$ 6,617,266	\$ (18,626)
Other Assistance	--	359,589	--
TOTAL	<u>\$ (23,233)</u>	<u>\$ 6,976,855</u>	<u>\$ (18,626)</u>
State General Fund:			
State Operations	\$ (23,233)	\$ 6,490,266	\$ (18,626)
Other Assistance	--	359,589	--
TOTAL	<u>\$ (23,233)</u>	<u>\$ 6,849,855</u>	<u>\$ (18,626)</u>
FTE Positions	--	73.5	--


**House Subcommittee Recommendation**

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

1. Delete \$25,701 from the State General Fund (\$20,852 for salaries and wages and \$4,849 for OOE) in the Conflicts Public Defender Office in Topeka to capture salary savings in the current year. The Subcommittee concurs with the Governor's recommendation in FY 1991 to eliminate the Conflicts Office; however, the Subcommittee recommends for FY 1991 that the attorney position currently assigned to the Conflicts Office and the office space be shifted to the existing Topeka Public Defender Office due to increasing case loads in this office.
2. Delete \$6,544 from the State General Fund for salaries and wages, based on current year-to-date expenditures.
3. Add \$13,619 from the State General Fund for other operating expenditures, based on current year-to-date expenditures.

  
 Representative Max Moomaw  
 Subcommittee Chairperson

  
 Representative Fred Gatlin

  
 Representative Bill Brady

**SUBCOMMITTEE REPORT**

**Agency:** Board of Indigents' Defense Services

**Bill No.** 449

**Bill Sec.** 3

**Analyst:** Duffy

**Analysis Pg. No.** 76

**Budget Pg. No.** 322

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 7,790,116	\$ 6,327,319	\$ --
Other Assistance	479,604	341,768	33,691
TOTAL	<u>\$ 8,269,720</u>	<u>\$ 6,669,087</u>	<u>\$ 33,691</u>
State General Fund:			
State Operations	\$ 7,790,116	\$ 6,195,319	\$ --
Other Assistance	479,604	341,768	33,691
TOTAL	<u>\$ 8,269,720</u>	<u>\$ 6,537,087</u>	<u>\$ 33,691</u>
FTE Positions	95.5	71.5	--

**Agency Request/Governor's Recommendation**

The Board's request for FY 1991 totals \$8,269,720 (all State General Fund), which is a 16.9 percent increase over the Board's FY 1990 revised request. Most of this increase may be attributed to the agency's request for a regional public defender in Northeastern Kansas composed of two public defender offices to serve Wyandotte and Leavenworth/Atchison counties (\$431,364); 22.0 new FTE positions for the agency (\$289,172); salary increases for the chief attorneys in the urban public defender offices to achieve parity with district attorneys (\$107,452); and other miscellaneous increases across various object codes (\$368,079), including a 10 percent increase in the hourly rate paid to assigned counsel from \$50 per hour to \$55 per hour. The Board proposes no expenditures from the Indigents' Defense Services Docket Fee Fund in FY 1991, and requests that the fund balances be used as a contingency fund. The Governor recommends total expenditures of \$6,669,087, which is a reduction of \$1,600,633 from the agency's FY 1991 request. The Governor's FY 1991 recommendation is financed from the State General Fund (\$6,537,087) and Indigents' Defense Services Docket Fee Fund (\$132,000). The Governor's FY 1991 recommendation does not include funding for the requested northeastern regional public defender office; the requested 22.0 FTE positions; the salary increases for the chief attorneys to achieve parity with district attorneys; and the 10 percent increase in the hourly rate paid to assigned counsel. For FY 1991, the Governor recommends the elimination of the Conflicts Office in Topeka, including the 2.0 FTE positions and associated operating expenditures.

**Senate Subcommittee Recommendation**

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

1. Add \$33,691 from the State General Fund for Legal Services for Prisoners for a total contract amount of \$375,459. The Subcommittee believes that the Governor's recommendation of \$341,768 would result in significant reductions in legal assistance to indigent inmates of Kansas correctional facilities. The 1989 Legislature appropriated additional funding of \$55,120 from the State General Fund for a new office in Hays to serve the Norton, Stockton, Larned, and Ellsworth correctional facilities. The Subcommittee notes that the new office was approved by the 1989 Legislature, in light of the expansion of correctional facilities throughout the state. The new office was viewed as a cost effective means of providing state prison inmates their constitutional rights of meaningful access to the courts. The Subcommittee's recommendation would maintain current funding for LSP including the additional office and provide a 4 percent salary increase for LSP employees.

### Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

### Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs with the Senate Committee's recommendations with the following adjustment:

1. Add \$75,989 from the State General Fund and 2.0 FTE positions to restore the Conflicts Public Defender Office in Topeka.

<u>Expenditure Summary</u>	<u>Senate Adj. FY 91</u>	<u>Senate Rec. FY 91</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 75,989	\$ 6,403,308	\$ 54,337
Other Assistance	33,691	375,459	--
TOTAL	<u>\$ 109,680</u>	<u>\$ 6,778,767</u>	<u>\$ 54,337</u>
State General Fund:			
State Operations	\$ 75,989	\$ 6,271,308	\$ 54,337
Other Assistance	33,691	375,459	--
TOTAL	<u>\$ 109,680</u>	<u>\$ 6,646,767</u>	<u>\$ 54,337</u>
FTE Positions	2.0	73.5	2.0

9-4



## House Subcommittee Recommendations

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


1. Delete \$75,989 from the State General Fund and 2.0 FTE positions to eliminate the Conflicts Public Defender Office in Topeka.
2. Add \$37,083 from the State General Fund (of which \$32,559 is for salaries and wages and \$4,524 is for other operating expenditures) and 1.0 FTE position for an additional attorney for the Public Defender office in Topeka. The Subcommittee reviewed case load data which indicates that increased caseloads will force the Public Defender's office to decline cases, therefore, cases will be assigned to private counsel at greater costs.
3. Add \$91,179 from the State General Fund for salaries and wages and 3.0 FTE positions (two attorneys and one investigator) for the Public Defender Office in Wichita. The Subcommittee notes that the overwhelming caseloads in Sedgwick County merit the additional personnel to avoid even greater increases in assigned counsel expenditures.
4. Add \$2,064 from the State General Fund for a personal computer for the Public Defender Office in Wichita. Many court documents are repetitive and are well suited for word processing. The addition of the computer should result in clerical efficiencies.
5. The Subcommittee recommends that the format of the appropriation bill for FY 1991 include two State General Fund line items -- state operations and Legal Services for Prisoners. Currently, the bill includes four state general fund line items (salaries and wages; other operating expenditures; assigned counsel; and Legal Services for Prisoners.) The single state operations line item should provide the Board the necessary flexibility to manage existing operations and implement the new public defender offices.
6. The Subcommittee recommends that the Board establish public defender offices as proposed by the Board, in Kansas City, Kansas and Leavenworth. After reviewing the Board's proposal the Subcommittee believes that the costs to establish the new offices should be \$344,726 and 10.0 FTE positions. The Subcommittee believes that the Board should manage to implement these offices without additional resources, as long as the Board has authority to shift funds internally between assigned counsel and public defender operations. The Subcommittee believes that it is extremely important that the Board have flexibility in establishing these offices to ensure the success of the offices and notes that the single state operations line item should provide the Board the necessary flexibility to establish the offices. Additionally, the Subcommittee recommends that a proviso be added to provide that the position limitation not apply to the positions associated with the new public defender offices for the first year of operation, in order to provide the Board the necessary flexibility to start the new offices. The

Subcommittee is convinced that although there are first and second year start-up costs associated with public defender offices, public defender offices in many areas are much more cost effective than relying entirely on assigned counsel.

7. The Subcommittee is concerned that assigned counsel may be underfunded; for FY 1991 however, the Subcommittee does not recommend additional funds until the impact of the recommended public defender offices on assigned counsel costs is known. This area of the budget should be carefully reviewed next session.

  
\_\_\_\_\_  
Representative Max Moomaw  
Subcommittee Chairperson

  
\_\_\_\_\_  
Representative Fred Gatlin

  
\_\_\_\_\_  
Representative Bill Brady

**SUBCOMMITTEE REPORT**

**Agency:** Judicial Branch

**Bill No.** 558

**Bill Sec.** 7

**Analyst:** Duffy

**Analysis Pg. No.** 85

**Budget Pg. No.** 348

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
<b>State Operations:</b>			
State General Fund	\$ 55,310,061	\$ 54,130,562	\$ --
Special Revenue Funds	<u>3,666,130</u>	<u>3,363,388</u>	--
Subtotal	<u>\$ 58,976,191</u>	<u>\$ 57,493,950</u>	<u>\$ --</u>
<b>Capital Improvements:</b>			
State General Fund	\$ --	\$ --	\$ --
TOTAL	<u>\$ 58,976,191</u>	<u>\$ 57,493,950</u>	<u>\$ --</u>
<b>FTE Positions</b>			
Appellate Court Judges and Justices	17.0	17.0	--
District Court Judges	218.0	218.0	--
Nonjudicial Personnel	<u>1,508.5</u>	<u>1,508.5</u>	--
TOTAL	<u>1,743.5</u>	<u>1,743.5</u>	<u>--</u>

**Agency Request/Governor's Recommendation**

The FY 1990 approved budget for the Judicial Branch is \$58,460,604, of which \$55,167,893 is from the State General Fund and \$3,292,711 is from special revenue funds. The agency's revised estimate for FY 1990 totals \$58,976,191, an amount which is \$515,587 over the approved FY 1990 budget. The agency's revised request includes \$55,310,061 from the State General Fund, an increase of \$142,168 over the amount approved by the 1989 Legislature. The agency's revised request from special revenue funds totals \$3,666,130, an increase of \$383,419 over the approved FY 1990 estimate for special revenue funds. The supplemental request from the State General Fund of \$142,168 is for salaries and wages in Appellate Operations (\$26,221) and District Court Operations (\$115,947). According to the budget submission, the supplemental salary and wage request is necessary to fund salary plan adjustments and the longevity program approved by the 1989 Legislature. The Governor recommends \$57,493,950 for the Judicial Branch in FY 1990, a reduction of \$1,482,241 from the agency's FY 1990 estimate. The Governor's FY 1990 recommendation is \$966,654 less than the FY 1990 approved budget. The Governor's FY 1990 recommendation for expenditures is supported by financing from the State General Fund (\$54,130,562), Child Support Enforcement Contract Fund (\$3,022,444), and other special revenue funds (\$340,944). The Governor's FY 1990 recommendation reflects an increase of 8.1 percent over actual FY 1989 expenditures.

**Senate Subcommittee Recommendation**

The Senate Subcommittee concurs with the Governor's recommendations.

*HA*  
*3-15-90*  
*Attachment 10*

**Senate Committee Recommendation**

The Senate Committee concurs with the recommendations of the Senate Subcommittee with the following adjustment:

1. Reduce \$3,640 from the State General Fund for salaries and wages in appellate operations.

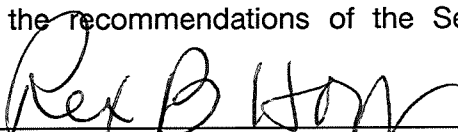
**Senate Committee of the Whole Recommendation**

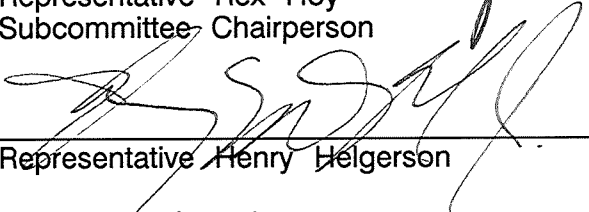
The Senate Committee of the Whole concurs with the Senate Committee's recommendation.

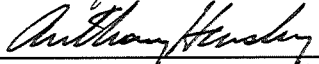
<u>Expenditure Summary</u>	<u>Senate Adj. FY 90</u>	<u>Senate Rec. FY 90</u>	<u>House Subcommittee Adjustments</u>
<b>State Operations:</b>			
State General Fund	\$ --	\$ 54,130,562	\$ --
Special Revenue Funds	--	<u>3,363,388</u>	--
Subtotal	\$ --	\$ 57,493,950	\$ --
<b>Capital Improvements:</b>			
State General Fund	--	--	--
Total	<u>\$ --</u>	<u>\$ 57,493,950</u>	<u>\$ --</u>
<b>FTE Positions:</b>			
Appellate Court Justices and Judges	--	17.0	--
District Court Judges	--	218.0	--
Nonjudicial Personnel	--	<u>1,508.5</u>	--
Total	<u>==</u>	<u>1,743.5</u>	<u>==</u>

**House Subcommittee Recommendation**

The House Subcommittee concurs with the recommendations of the Senate.

  
 \_\_\_\_\_  
 Representative Rex Hoy  
 Subcommittee Chairperson

  
 \_\_\_\_\_  
 Representative Henry Helgerson

  
 \_\_\_\_\_  
 Representative Anthony Hensley

**SUBCOMMITTEE REPORT**

**Agency:** Judicial Branch

**Bill No.** 449

**Bill Sec.** 4

**Analyst:** Duffy

**Analysis Pg. No.** 85

**Budget Pg. No.** 348

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
<b>State Operations:</b>			
State General Fund	\$ 59,229,664	\$ 55,855,636	\$ 38,000
Special Revenue Funds	4,308,441	3,396,109	--
Subtotal	<u>\$ 63,538,105</u>	<u>\$ 59,251,745</u>	<u>\$ 38,000</u>
<b>Capital Improvements:</b>			
State General Fund	\$ 251,113	\$ --	\$ --
TOTAL	<u>\$ 63,789,218</u>	<u>\$ 59,251,745</u>	<u>\$ 38,000</u>
<b>FTE Positions</b>			
Appellate Court Judges and Justices	17.0	17.0	--
District Court Judges	218.0	218.0	--
Nonjudicial Personnel	<u>1,540.0</u>	<u>1,508.5</u>	--
TOTAL	<u>1,775.0</u>	<u>1,743.5</u>	--

**Agency Request/Governor's Recommendation**

The Judicial Branch requests a total of \$63,789,218 for FY 1991, of which \$59,560,827 is from the State General Fund and \$4,308,441 is from special revenue funds. The total request represents an increase of 8.2 percent over the agency's estimate for FY 1990. The FY 1991 request is composed of \$63,488,105 for state operations, \$50,000 for aid to local units of government for an anti-drug abuse project, and \$251,113 for a capital improvement project which involves renovation of the Judicial Center. Of the total operating expenditures requested for FY 1991, \$58,677,075 is for salaries and wages (92.4 percent of total expenditures) and \$4,811,030 is for other operating expenditures (7.6 percent of total expenditures). The FY 1991 salary and wage request includes funding for a 7 percent judicial salary increase (\$983,557); 31.5 new FTE nonjudicial positions (\$694,576); and a FY 1991 turnover rate of 1.1 percent for a reduction in gross salaries and wages of \$676,468. The FY 1991 request for other operating expenditures totals \$4,811,030. The Governor recommends FY 1991 operating expenditures for the Judicial Branch of \$59,251,745, a reduction of \$4,286,360 from the agency's FY 1991 request. The FY 1991 Governor's recommendation includes \$59,201,745 for state operations and concurs with the agency's FY 1991 request of \$50,000 for aid to local units of government for an anti-drug abuse project. Although the Governor recommends \$251,113 for capital improvements from the State General Fund for interior renovations at the Judicial Center, the Governor recommends that the appropriation for this project be included in the appropriation for the Department of Administration. The Governor's recommendation for the salary and wage budget in FY 1991 includes no funding for the 31.5 requested new positions. The Governor's recommendation includes the 1.5 percent across the board salary increase for judicial personnel (\$205,073) and a 3.3 percent turnover rate or a reduction in gross salaries and wages of \$1,906,115. The FY 1991 Governor's recommendation for other operating expenditures totals \$3,573,933.

### Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendations with the following adjustments:

1. Add \$75,000 from the State General Fund for travel and training costs associated with child support enforcement.
2. Delete \$50,000 from the State General Fund for an anti-drug abuse project in the district courts. It is the Subcommittee's understanding that the Governor's recommendation of \$50,000 would potentially be used as match for federal drug and alcohol abuse funds. The Subcommittee suggests that this issue be revisited when additional information is available, including the anticipated special report to the Legislature from the Governor concerning a proposal for a statewide strategy to combat alcohol and drug abuse in Kansas.
3. Add \$13,000 from the State General Fund for judicial education. This level of funding will restore this activity to the level expended in FY 1989 (\$200,393).
4. Introduce legislation to amend K.S.A. 20-361 which would strike a current payback provision for nonjudicial employees. When nonjudicial employees were transferred to the state payroll as part of court unification, nonjudicial employees received a full paycheck for the month ending January 17, 1979, despite the fact that employees did not work for the state for ten working days during that period. The current law states that when a nonjudicial employee terminates, the employee must pay back the state out of the employee's last paycheck.
5. Introduce legislation to amend K.S.A. 75-3120L which provides for the indexing of judicial salaries to the average of the percentage increase of each monthly step of the state pay plan for the classified service. The recommended amendment would expand the basis for indexing the estimated average percentage of step movement increases earned under the state pay plan for the classified service. The Subcommittee believes that this proposal for judicial compensation is an issue for the entire Senate Committee's consideration.

### Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee with the following adjustment:

1. Reduce \$3,680 from the State General Fund for salaries and wages in appellate operations.

**Senate Committee of the Whole Recommendation**

The Senate Committee of the whole concurs with the Senate Committee's recommendation with the following adjustment:

1. Add \$351,270 from the State General Fund to grant each justice and judge of the Judicial Branch an additional 2.5 percent base salary increase for a total of 4 percent.

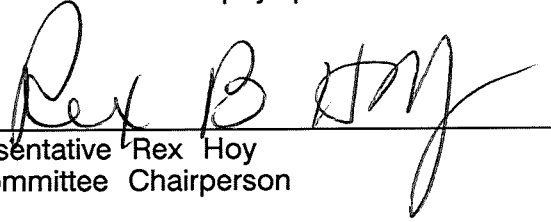
<u>Expenditure Summary</u>	<u>Senate Adj. FY 91</u>	<u>Senate Rec. FY 91</u>	<u>House Subcommittee Adjustments</u>
<b>State Operations:</b>			
State General Fund	\$ 389,270	\$ 55,893,636	\$ 52,618
Special Revenue Funds	--	3,396,109	--
Subtotal	<u>\$ 389,270</u>	<u>\$ 59,289,745</u>	<u>\$ 52,618</u>
<b>Capital Improvements:</b>			
State General Fund	\$ --	\$ --	\$ --
TOTAL	<u>\$ 389,270</u>	<u>\$ 59,289,745</u>	<u>\$ 52,618</u>
<b>FTE Positions</b>			
Appellate Court Judges and Justices	--	--	--
District Court Judges	--	--	--
Nonjudicial Personnel	==	==	<u>2.0</u>
TOTAL	<u>==</u>	<u>==</u>	<u>2.0</u>

**House Subcommittee Recommendation**

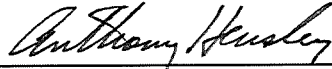
The House Subcommittee concurs with the Senate's recommendations with the following adjustments:

1. Add \$52,618 from the State General Fund and 2.0 FTE positions for an Administrative Assistant (\$22,809) and Court Reporter (\$29,809) associated with the new judgeship in the 5th judicial district (Lyon and Chase counties) which was approved by the 1989 Legislature.
2. Adjust the appropriation bill format to reflect two State General Fund line items (appellate operations and district court operations.)
3. Introduce legislation to establish the salary of a district magistrate judge at 47.22 percent of a district judge's salary, which is the current relationship between a district judge (\$65,246) and a district magistrate judge (\$30,806).
4. The Subcommittee notes that the Senate introduced S.B. 677 to amend K.S.A. 75-3120L. The existing law provides for the indexing of judicial salaries to the average of the percentage increase of each monthly step of the state pay plan (statewide salary adjustment -- COLA) for the classified service. The recommended amendment would expand the

basis for indexing to include the estimated average percentage of step movement salary increases earned under the state pay plan for the classified service.



Representative Rex Hoy  
Subcommittee Chairperson



Representative Anthony Hensley

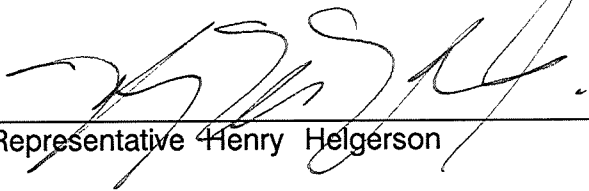


## MINORITY REPORT

I concur with the House Subcommittee's recommendations, with the following exception:

1. Delete \$54,058 from the State General Fund and the addition of 2.0 FTE nonjudicial positions associated with the new judgeship in the 5th judicial district.

In my opinion, no new judicial or nonjudicial positions should be approved for the Judicial Branch until the requested Judicial Council redistricting study is completed and submitted to the Legislature. Additionally, I am perplexed by the Court's inability to designate 2.0 FTE positions for the 5th judicial district among the 1,508.0 nonjudicial positions approved for FY 1990. Further, this request was reviewed by the Governor and Senate and was not recommended.



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Representative Henry Helgerson

BETTIE SUE SHUMWAY  
REPRESENTATIVE, 14TH DISTRICT  
FRANKLIN COUNTY

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TOPEKA

HOUSE OF  
REPRESENTATIVES

HOUSE APPROPRIATIONS COMMITTEE

March 15, 1990

HB 2796

Rep. Bettie Sue Shumway

Chairman Bunten and members of the House Appropriations Committee. Thank you for the opportunity to speak in favor of House Bill 2796.

Our state government has the responsibility for many of its citizens. Some are elderly, some young, some impoverished, some ill, and some are disabled but have nowhere to go.

Our state institutions care for those for whom natural home care is not possible.

Commissioner of Mental Health and Retardation Services Al Nemeck, of the Department of Social and Rehabilitation Services, states in a letter, dated February 2, 1990, L-757, that MH/RS

"embraces the philosophy that children with MR/DD are usually best reared in the natural parents home. However, as a result of the substantial emotional, financial or physical demands these children place on their families, placement of such children outside the natural home is occasionally required -- because of the limited number of specialized children's residential facilities and the inability of generic youth residential and foster care programs to meet the intensive behavioral, habilitative or medical needs of many of these MR/DD children, unnecessary placements at the state MR Hospitals have occurred. Such placements waste limited institutional resources that could be better devoted to persons with more intensive needs. In addition, family-like settings tend to maximize the developmental potential of these children."

The MH/RS has an existing "Supported Family Living Program" for a limited number of MR/DD children as an alternative to institutional placement.

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HB 2796 proposes recruitment of some ADC recipients, screening, training, licensing, and supervising them as home providers. The provider is then placed on a salary with benefits and is no longer on welfare. The child is no longer in an institution.

Through this unique system of employment, the foster family is able to enhance their sense of worth and self-esteem as a new taxpayer.

In turn, developmentally disabled persons, who are placed in homes, receive warmth, care, and personal attention they need in order to develop and grow to their fullest potential. They are taken from an unnecessary and costly institutional environment. The state should also save tax dollars.

The LIFE (Living In Family Environment) program is currently working successfully in Michigan where screening, training, and supervision is handled by The Judson Center, which is a private foundation.

The Michigan LIFE program has attracted national attention. It was featured on February 24, 1990 on ABC on "World News This Weekend" and written about in the New York Times. The Ford Foundation is considering making funds available to help educate states on the potential of this program.

Please watch a short film produced by the Judson Center of the Michigan LIFE program.

HOUSE BILL No. 2796

By Representatives Shumway, Blumenthal, Branson, Cribbs, Everhart, Harder, Hochhauser, Hurt, Johnson, Jones, Lynch, Rardon, Reinert, Sader, Sawyer, Sebelius, Turnquist and Wells

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AN ACT concerning social welfare; relating to establishment of a living in family environments (LIFE) foster care services program by the secretary of social and rehabilitation services:

; pilot project therefor

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

Section 1. In accordance with the provisions of appropriations acts, the secretary of social and rehabilitation services is hereby authorized to establish a living in family environments (LIFE) foster care services program to utilize persons who are social welfare assistance recipients to provide foster care to disabled children. The LIFE program shall include recruiting, screening and training of selected recipients of assistance to provide in-home foster care for disabled children and to receive compensation therefor. The secretary shall prescribe requirements and standards for the provision of foster care services under the LIFE program, including standards for training and supervision of persons selected to provide services thereunder.

(a)

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

(b) The LIFE program shall be established on a pilot project basis which shall be conducted over the three-year period ending June 30, 1993, and thereafter may be continued within available appropriations and in accordance with rules and regulations adopted by the secretary. In accordance with rules and regulations adopted by the secretary, the LIFE program shall provide in-home foster care for not more than 10 disabled children during fiscal year 1991, not more than 20 disabled children during fiscal year 1992, and not more than 30 disabled children during fiscal year 1993. The secretary shall submit a progress report on the LIFE program and the activities thereunder to the committee on appropriations of the house of representatives and the committee on ways and means of the senate during each regular session of the legislature occurring during such three-year period.

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*Hope through understanding*

March 15, 1990

TO: Rep. Bill Bunten, Chairman  
Members of the House Appropriations Committee

FROM: Lila Paslay, Chairperson  
Legislative Affairs

RE: H.B. 2796

The Association for Retarded Citizens of Kansas represent approximately 5,000 families of sons and daughters with mental retardation and other interested individuals.

The Association is opposed to H.B. 2796.

We are familiar with the LIFE program in Michigan after which this legislation is formatted. It may be working there but we do not believe it is in the best interest of children with handicaps in Kansas. The entire delivery system of services to the disabled is very different in Michigan. They are ahead of Kansas in many areas and seem to be committed to provide a level of service that we have not yet achieved in Kansas.

We have seen during this fiscal year how easy it is for funding for programs to be lost. Even when legislative intent seems clear in one year, the funds to support that intent can swiftly be taken away. The children who would be served in a program like this cannot be put at risk! We are concerned that it would be impossible to provide safety nets to the extent needed in these kinds of settings.

At the present time our concerns center around the issue that disabled children would be selected to solve a problem for some families. We do not believe that it would necessarily be in the best interest of the children. We agree that many families who are presently receiving social welfare assistance can provide a nurturing environment for children. If that is the case then those families have the opportunity to apply to provide foster care services without this bill.

We do support the Supported Family Living Program that has been developed by the Mental Health and Retardation Services of SRS. This program will provide the kinds of services that will allow children to be in homes if their families are unable to provide needed emotional, financial, and physical demands of the child.

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Our experience with families is that often if the natural family can be provided with relief through respite care, assistance with some financial burdens, and assistance with special behavior management, the child could remain in their natural home. The utilization of funds for these services could go a long way in assisting families in keeping their child in their home rather than having the family situation deteriorate to the point they have no alternatives but to seek placement in a state institution.

To believe that families who are already under a great deal of stress due to financial circumstances could deal more appropriately with children with disabilities who have great needs is difficult.

We would encourage this committee to look closely at H.B. 3075 which would allow SRS to provide some subsidy to the natural family for children with disabilities. We believe this would provide a more acceptable utilization of funds to deal with trying to keep children in home settings rather than in institutions.

The Association for Retarded Citizens of Kansas does oppose H.B.2796.

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03/15/90

House Committee on Appropriations

Concerning House Bill 2796

I. Introduction - Edith Barton, Washburn University senior,  
Social Work major and AFDC recipient

II. Concerns/Potential Negative Impact

- A. Institutions providing care for disabled children are accountable to regulatory authorities on state and federal level. HB 2796 would virtually eliminate this same level of accountability in the foster care setting. I question SRS' ability to adequately monitor (Who regulates SRS?)
- B. Lack of accountability leads to "invisibility" of disabled children presents two problems.
  - 1. Problems monitoring the well-being and quality of care of the disabled child.
  - 2. Runs the risk of underfunding disability programs.
- C. Disabled children have special needs. Training of child care staff requires college level course work and supervised training. Many such staff must also pass written examination to meet state licensing regulations. My concern is foster care providers will not be trained to provide the same standard in short term training sessions.
- D. HB 2796 provides for a screening process of welfare recipients to become foster parents for disabled children. My concerns are:
  - 1. Who will determine eligibility?
  - 2. What is the basis for criteria?
  - 3. How will they be assessed?
  - 4. By whose standards will they be evaluated?
  - 5. Is adequate housing a determinant in eligibility?
- E. Permanency planning would be more difficult. Children experience more placements/disruption. At least, institutions are able to provide consistency and stability in long-term care. What ensures funding and quality of care will be maintained by future administrations?

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- F. In institutional settings, staff are to maintain professional objectivity and affectual consistency. Placing a disabled child with a foster family potentially affects the normal dynamics by creating dysfunctional change.
  
- G. Staff in institutional settings are mandated by law to report incidents of child abuse. Statistics have proven disabled children to be at high risk for all sorts of abuse and neglect. Furthermore, a less than total commitment to the non-biological disabled child by the foster parents elevates this risk.



KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Testimony presented to

The House Committee on Appropriations

Regarding

House Bill 2796

on

March 15, 1990

1:30 p.m.

Room 514 South

Capitol Building

Presented by:

Al Nemec, Commissioner  
Mental Health and Retardation Services  
Department of Social and Rehabilitation Services  
Telephone: 296-3774

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TESTIMONY FOR HOUSE BILL 2796

AN ACT concerning social welfare; relating to establishment of a living in family environments (LIFE) foster care services program by the secretary of social and rehabilitation services.

Mister Chairman and Committee members, I appreciate the opportunity to appear before you and present the following remarks.

The Department of Social and Rehabilitation Services (SRS) supports the general concept underlying HB 2796 which is to provide a less restrictive and less costly alternative to the institutionalization of children with severe developmental disabilities and, at the same time, break the welfare cycle by providing gainful employment for persons with a history of poverty and unemployment. Specifically, this program proposes that the State provide compensation to a portion of AFDC families and require them to assume responsibility for the care of severely developmentally disabled children.

At present SRS is operating a program entitled Supported Family Living. This program currently has the resources to provide specialized foster care through private foster families for 36 developmentally disabled children as an option to institutionalization. This program has been in operation for two years and has proven to be a successful means to provide care for severely disabled children in settings that are less restrictive and less costly than state institutions. The most critical component in the success of this program has been the stringent

screening of potential foster families. Such an effort is necessary to insure that the exceptionally challenging needs of these vulnerable children are properly met.

SRS would respectfully recommend that the program proposed in HB 3075 be consolidated with the existing Supported Family Living program to enhance the efficiency of these services. In addition, SRS would strongly encourage the continued emphasis on extensively scrutinizing potential foster families, regardless of whether or not they are AFDC families, to assure that they possess an adequate level of capability and commitment to provide the necessary care to the severely developmentally disabled children.