

Approved: 4-23-91
Date

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson George Teagarden at 12:40 p.m. on March 22, 1991 in room 514-S of the Capitol.

All members were present except: All present.

Committee staff present:

Ellen Piekalkiewicz, Legislative Research Department
Debra Duncan, Legislative Research Department
Jim Wilson, Revisor of Statutes
Susan Miller, Administrative Aide
Sue Krische, Committee Secretary

Conferees appearing before the committee:

Stephanie Groninga, Intern for Senator Lana Oleen
Joe de la Torre, Secretary of State's Office
Dr. Robert Wiseman, GIS Manager, Kansas Water Office
Richard Miller, GIS Coordinator, KDHE
Dr. David Collins, Manager Information Services, Kansas Geological Survey
Wayland Anderson, Assistant Chief Engineer, Division of Water Resources, Bd. of Agriculture
Others attending: see attached list.

SB 142 - Conveyance of certain land to the city of Ogden.

Senator Lana Oleen's testimony in support of SB 142 was presented to the Committee by her intern, Stephanie Groninga (Attachment 1). She stated that SB 142 authorizes and directs the Secretary of State to transfer a portion of an abandoned channel of the Kansas River in Riley County to the City of Ogden, Kansas without consideration.

Joe de la Torre, Secretary of State's Office, testified in support of SB 142 and noted that there would be no fiscal impact to the state as a result of the bill.

Representative Kent Glasscock and Wilton B. Thomas, Riley County Commissioner, submitted written testimony in support of SB 142 (Attachments 2 and 3).

Representative Wisdom moved that SB 142 be recommended favorably for passage. Representative Chronister seconded. Motion carried.

SB 69 - Appropriations for FY92, Judicial Branch.

JUDICIAL COUNCIL

Representative Dean presented the subcommittee reports on the Judicial Council (Attachment 4). Representative Dean moved adoption of the FY91 subcommittee report on the Judicial Council. Representative Fuller seconded. Motion carried. Representative Dean moved adoption of the FY92 subcommittee report on the Judicial Council. Representative Patrick seconded. Motion carried.

BOARD OF INDIGENTS' DEFENSE

Representative Fuller presented the subcommittee reports on the Board of Indigents' Defense (Attachment 5). Discussion focused on the use of contracts with private attorneys in lieu of paying assigned counsel to save money. It was noted the most cost-efficient option would be to establish public defender offices in Finney, Wyandotte and Leavenworth counties. Representative Fuller moved adoption of the FY91 and FY92 subcommittee reports on the Board of Indigents' Defense. Representative Dean seconded. Motion carried.

JUDICIAL BRANCH

Representative Dean presented the subcommittee reports for the Judicial Branch (Attachment 6). Representative Dean moved adoption of the FY91 subcommittee report. Representative Fuller seconded. In response to a question, the subcommittee members indicated they do not believe there will be furloughs in the court system in FY91. So that the subcommittee report on the Judicial Branch for both fiscal years could be considered together, Representative Dean withdrew his motion on the FY91 report with the permission of the second, Representative Fuller.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS, room 514-S Statehouse, at 12:40 p.m.
on March 22, 1991.

Representative Patrick submitted a minority report on the Judicial Branch for FY92. Representative Patrick feels the Legislature should change statute to allow the Chief Justice to manage and allocate resources in the Judiciary effectively. In response to a question about furloughing employees in FY92, Representative Fuller advised that the Chief Justice stated reductions and furloughs will occur from the Office of Judicial Administration throughout the system; the District Courts will not be the only level affected. Representative Fuller indicated that overall the subcommittee cut 3 percent from the Governor's current resources budget in this agency.

Representative Patrick moved adoption of the FY91 majority subcommittee report and the minority report for FY92 on the Judicial Branch. Representative Blumenthal seconded. Representative Blumenthal expressed concern that the cuts recommended in this budget will stress already overworked court service officers, some of whom have caseloads of over 100. Representative Blumenthal made a substitute motion to restore \$100,000 in salaries and wages in FY91 and to restore \$1.7 million in salaries and wages in FY92. Representative Solbach seconded. Representative Blumenthal withdrew his motion until a later time with the permission of the second, Representative Solbach. Representative Blumenthal withdrew his second to Representative Patrick's original motion. Representative Vancrum seconded the original motion. Stating that he feels a management plan is needed in the Judiciary, Representative Patrick withdrew his motion with the permission of the second, Representative Vancrum.

Representative Blumenthal made a motion to amend the FY91 subcommittee report to restore \$100,000 in salaries and wages and to restore \$1.7 million in salaries and wages in the FY92 subcommittee report on the Judicial Branch. Representative Solbach seconded. Representative Heinemann cited several political decisions that restrict the judicial budget--40 percent of our judges are elected or retained, the law requires a judge in each county, and the appeals court was sized based on the decision that every Kansan would have the right to appeal. He noted 97 percent of the Judicial budget is salaries, and he does not think we are addressing the needs of this budget in these recommendations. Representative Goossen pointed out that he cannot vote for this motion at this time because the funds are not available in current known revenue. Representatives Patrick and Fuller stated the Chief Justice, when requested, did not submit suggestions for managing the reductions recommended by the subcommittee. Several members believe cuts in this budget will cause a backlog in Kansas' system of justice as furloughs are implemented and concern was expressed that cuts will be mainly in direct court services such as court service officers.

Representative Chronister requested to divide the question. The Chair ruled the question divisible. On the motion to restore \$100,000 in salaries and wages to the FY91 budget, the motion failed. On the second part of the motion to add \$1.7 million in salaries and wages to the FY92 budget, the motion failed.

Representative Vancrum moved to amend the subcommittee report to delete all funds from District Court operations and to state in the report that the issue of funding District Court operations in the Judicial Branch will be addressed at the time of omnibus. Representative Heinemann seconded. Motion failed.

Representative Gregory questioned how much the state would save as a result of recommendation #5 in the FY92 report repealing the statutes requiring the operation of two county courthouses. The Subcommittee indicated this was a recommendation of the Chief Justice who stated this would save, but he did not have an estimated amount at that time. This recommendation is an effort to give the Chief Justice flexibility in management. Representative Gregory made a motion to delete item #5 in the FY92 subcommittee report of the Judicial Branch. Representative Hamm seconded. Representative Patrick made a substitute motion to amend item #5 to recommend introduction of legislation to delete the requirement under current statute that the District Court must hear cases in both courthouses in the five counties. Representative Gregory seconded. Because of uncertainty as to whether this motion would remove the authorization for two courthouses in these counties, Representative Gregory withdrew his second to the motion. Representative Dean seconded the substitute motion. The substitute motion carried.

Representative Hensley moved to delete item #7 in the FY92 subcommittee report on the Judicial Branch which states the subcommittee does not support 1991 SB 257. The motion died for lack of a second. Representative Dean moved adoption of the FY91 and FY92 subcommittee reports, as amended, on the Judicial Branch. Representative Fuller seconded. Motion carried. Representative Chronister moved that SB 69, as amended, be recommended favorably for passage. Representative Wisdom seconded. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS, room 514-S Statehouse, at 12:40 p.m.
on March 22, 1991.

SB 87 - Appropriations for FY92, State Library, Arts Commission, Historical Society, etc.

BICENTENNIAL COMMISSION

Representative Wisdom presented the House subcommittee report for FY92 (Attachment 7). Representative Vancrum moved adoption of the FY92 subcommittee report on the Bicentennial Commission. Representative Hamm seconded. Motion carried.

STATE LIBRARY

Representative Wisdom presented the FY91 and FY92 subcommittee reports (Attachment 8). Representative Wisdom moved adoption of the FY91 and FY92 subcommittee reports on the State Library. Representative Hamm seconded. Motion carried.

KANSAS ARTS COMMISSION

Representative Wisdom reviewed the subcommittee reports for the Arts Commission (Attachment 9). Representative Helgerson expressed disappointment in the benefits received from the economic development dollars invested in the Arts in previous years. Representative Helgerson moved to delete \$450,000 from the EDIF in the Arts Commission budget. Representative Blumenthal seconded. Representative Hochhauser pointed out that deleting the \$450,000 will cause the Arts Commission to lose a \$300,000 federal grant, because \$200,000 is needed to match the federal funds. Representative Helgerson requested to amend his motion to delete \$250,000 in EDIF funds from the Arts Commission budget. His second, Representative Blumenthal agreed. Representative Helgerson feels a program should be put in place to evaluate the uses of economic development funds. On a voice vote, the motion failed. Representative Chronister advised that this year we are engaging in some very extensive examinations of economic development programs in the state.

Representative Wisdom moved adoption of the FY91 and FY92 subcommittee reports on the Kansas Arts Commission. Representative Chronister seconded. Motion carried. The Committee will consider the remaining budgets in SB 87 on Monday, March 25.

Chairman Teagarden announced that the Committee would now hear a presentation on Geographic Information Systems (GIS) funding by Dr. Robert Wiseman in response to a motion at a previous meeting to pull all GIS funds out of the state budgets and consider this issue as a whole in Committee.

Dr. Robert Wiseman, GIS Manager, Kansas Water Office, stated in the past two years there are 20 states that have GIS operations and in the next two years nearly every state in the country will have significant GIS programs operating. He noted GIS activity will occur in our state agencies regardless of the budget decision that is made during the current year. The technology is here and we can now choose to manage it or not.

Dr. Wiseman distributed an outline of the structure and members of the GIS Policy Board (Attachment 10). He stated the GIS Policy Board meets every other month to direct the course of the implementation of this technology across state government. The GIS Technical Advisory Committee meets monthly to bring about the integration of technology and makes recommendations to the Policy Board. In addition, smaller teams have been set up to develop specific applications of use to their agencies and across agency boundaries.

Dr. Wiseman provided a summary of the FY91 GIS budget and the FY92 request (Attachment 11). The requested funding in FY92 is primarily to continue the activities of the Policy Board. The main expenditure of funds is for the development of a small core set of databases that have been identified as very useful to several member agencies. Dr. Wiseman stated GIS is basically a new kind of computer mapping.

Richard Miller, GIS Coordinator, Kansas Department of Health and Environment, provided an overview of two programs that are operational in KDHE: the Right-To-Know program (Attachment 12) and the Kansas Water Database Development and Site Identification Program. The second program uses satellite technology to gain precise locational coordinate fixes on public water supply wells, contamination sites and discharge sites.

Dr. David Collins, Manager Information Services, Kansas Geological Survey, focused on three primary aspects of GIS implementation in the work of the Geological Survey. These points are GIS application, map production management, and multiple use of GIS databases (Attachment 13).

Wayland Anderson, Assistant Chief Engineer, Div. of Water Resources, Kansas Board of Agriculture, discussed the production of supporting materials for the Kansas vs. Colorado Lawsuit through GIS technology. He also emphasized the importance of GIS technology in decision support for water management.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS, room 514-S Statehouse, at 12:40 p.m.
on March 22, 1991.

Representative Vancrum asked why GIS will be asking for increasing sums of money each year and Dr. Wiseman noted that so far GIS is coming in under the budget estimates.

SB 95 - Claims Against the State

Dr. William Wolff, Kansas Legislative Research Department, reviewed SB 95, which authorizes expenditures from the State General Fund and various special revenue funds for the payment of specific claims against the state of Kansas. Representative Patrick moved to strike Section 12(c) in SB 95 authorizing payment for airline tickets to Waconda Travel and King Travel Service. Representative Vancrum seconded. Motion carried. Representative Blumenthal moved to delete Section 26 in SB 95 which authorizes payment of \$117,037 for a lost lottery ticket. Representative Dean seconded. Motion carried. Dr. Wolff was authorized to make corrections on two addresses in Sections 11 and 15 of SB 95. Representative Chronister moved that SB 95, as amended, be recommended favorably for passage. Representative Wisdom seconded. Motion carried. Representative Kline is recorded as present and not voting.

Dr. Wolff advised the Committee that the Claims Committee received approximately \$3.5 million in claims for sales tax refunds on activities undertaken in Enterprise Zones. The Committee heard 54 claims and denied them. Four have been carried over for next year pending some clarification from the Legislature on Enterprise Zones. In addition, several of these claims were not accepted for filing.

Chairman Teagarden called for discussion and final action on HB 2455 concerning the disposition of the state gaming revenues. He noted under current law, 10 percent of gaming revenues are credited to the Correctional Institutions Building Fund (CIBF) and 90 percent to the Economic Development Initiatives Fund (EDIF). Representative Kline explained a proposed balloon of amendments to HB 2455 (Attachment 14). The proposal would leave the EDIF intact and would provide for transfers of 5 percent of gaming revenue to the juvenile detention facilities, 15 percent to CIBF, 20 percent to the General Facilities Building Fund, and 60 percent to the EDIF. An additional provision in the balloon states expenditures from the General Facilities Building Fund shall be for construction, renovation, repair, remodeling or razing of facilities owned "or leased by the state of Kansas or the acquisition of real estate" for the state of Kansas. Representative Chronister moved adoption of the proposed balloon of amendments to HB 2455 and adoption of clean-up amendments as staff suggests, including a change in wording from "Kansas' five congressional districts" to "equally among all Kansas congressional districts" and that HB 2455, as amended, be recommended favorably for passage. Representative Kline seconded. Motion carried.

Chairman Teagarden turned to discussion and final action on HB 2479 which relates to demand transfers from the State General Fund. The Chairman proposed amendments to HB 2479 and requested staff to explain them following the balloon on the bill (Attachment 15). The amendments would reduce the transfer to the Workers Compensation Fund from \$4 million to \$2 million. The school district income tax fund entitlement would be 23 percent of the individual income tax liability in lieu of 22.61 percent. The LAVTRF transfer would be 4.348 percent in lieu of 4.5 percent and the county-city revenue sharing fund transfer would be 3.368 percent in lieu of 3.5 percent. The bill would allow 95 percent of total taxes collected for the city-county highway fund to be transferred to the fund. The transfer to the State Highway Fund is amended from 10 percent to 9.535 percent. The proposed amendments would transfer \$3 million to the State Water Plan in lieu of \$6 million. It was noted, under the proposal the changes in the Workers Compensation and Water Plan Fund transfers are for one year and the other adjustments are permanent.

Richard Ryan, Director, Kansas Legislative Research Department, reviewed a summary table of the provisions of HB 2479 and the proposed amendments (Attachment 16).

Representative Gatlin made a motion to amend HB 2479 to strike Section 8 from the original bill which in effect would restore the transfer to the State Water Plan Fund to the full amount of \$6 million. Representative Mead seconded. Motion failed.

Representative Chronister moved adoption of the proposed balloon of amendments to HB 2479. Representative Wisdom seconded. The Chairman stated the proposed amendments are an attempt to cap the transfers in FY92 at the FY91 level, except for the Workers Compensation Fund and Water Plan which are a one time adjustment. Representative Patrick requested that the motion be divided. The Chair ruled the motion divisible. Representative Gatlin challenged the ruling of the Chair. Prior to a vote on whether to sustain the Chair, Representative Patrick withdrew his request to divide the motion. On a voice vote, the motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS, room 514-S Statehouse, at 12:40 p.m.
on March 22, 1991.

Representative Patrick made a conceptual motion to amend HB 2479 providing that all the demand transfers not be permanent, but that the effect be for one year with the exception of the Workers Compensation Fund and that the total amount of State General Fund expenditures in FY92 be limited to the FY91 approved budget level, plus the rate of inflation. Representative Solbach seconded. Representative Solbach withdrew his second. Representative Vancrum seconded the motion. Following further discussion, Representative Vancrum withdrew his second and the motion died for lack of a second.

Representative Patrick made a conceptual motion to amend HB 2479 to adjust the rate so that the decrease in the income tax rebate is the same percentage decrease as the decrease to the State Highway Fund. Representative Vancrum seconded. Motion failed.

Representative Vancrum moved to amend HB 2479 to provide that all the reductions in demand transfers be for FY92 only. Representative Kline seconded. In response to a question, Chairman Teagarden stated he supports this bill, as amended, because without any additional revenue the state will need additional money to get through this year. Motion failed. Representative Helgerson moved that HB 2479, as amended, be recommended favorably for passage. Representative Adam seconded. Motion carried. Representative Patrick is recorded as voting no.

INTRODUCTION OF BILLS

Chairman Teagarden requested introduction of three bills on behalf of the Department of Administration described as follows: (1) 1 RS 0364--relating to the payment of recruitment and moving expenses for certain state personnel; (2) 1 RS 1442--relating to the procedures for procurement of state engineering services; and (3) 1 RS 1443--relating to handicapped accessibility standards for public and governmental buildings. Representative Heinemann moved introduction of the three bills. Representative Goossen seconded. Motion carried.

Representative Helgerson moved introduction of a bill eliminating the mandate of one judge per county. Representative Lowther seconded. Motion carried.

Representative Wisdom moved introduction of a bill that would grant participating service, credited service, retirement and other benefits to employees furloughed without pay. Representative Solbach seconded. Motion carried. A draft of the proposed bill is included (Attachment 17).

The meeting was adjourned at 7:05 p.m. The next meeting is scheduled for Monday, March 25 at 1:30 p.m. in 514-S.



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

CHAIRMAN: GOVERNMENTAL ORGANIZATION
 VICE CHAIRMAN: CONFIRMATIONS
 LABOR, INDUSTRY AND SMALL BUSINESS
 MEMBER: ASSESSMENT AND TAXATION
 ECONOMIC DEVELOPMENT
 JUDICIARY
 LEGISLATIVE EDUCATIONAL PLANNING
 COMMITTEE
 CHILDREN AND YOUTH ADVISORY COMMITTEE
 JOINT COMMITTEE ON ARTS AND
 CULTURAL RESOURCES

LANA OLEEN

SENATOR, 22ND DISTRICT
RILEY AND GEARY COUNTIES

LEGISLATIVE HOTLINE
1-800-432-3924

TESTIMONY SB 142

HOUSE APPROPRIATIONS COMMITTEE

March 21, 1991

Chairman Teagarden and Members of the Committee:

Nearly a year ago, I entered into a dialogue with Ogden city officials about the issue of obtaining access to a ball diamond and state-owned property which could be used as a recreational spot for Ogden families.

The property lies below a 1040' line (high water mark) and has been changed due to the riverbed's relocation.

Several conferences with city and county officials, the Secretary of State's office, and coordinated efforts from each group, have culminated into the contents of SB 142. I have been pleased with the participants' cooperative efforts which have also been enhanced with Representative Glasscock's assistance.

Several other conferees would also like to provide brief testimony this afternoon, so I will defer to their presentations. I have attached a copy of Mayor Gale Hoke's testimony for your review, as he was not able to be here today. Thank you for the opportunity to appear before you today in support of SB 142.

Senator Lana Oleen

CITY OF OGDEN

Phone 539-0311

OGDEN, KANSAS 66517

TO: CHAIRMAN TEAGARDEN AND
ALL MEMBERS OF THE HOUSE APPROPRIATIONS COMMITTEE

DATE: MARCH 21, 1991

RE: SENATE BILL NO. 142

As the Mayor of Ogden, Kansas, I support Senate Bill No. 142 and respectfully request the support of the Committee and the House. Senate Bill No. 142 will provide clear title to the City of Ogden for the Old River Channel, which lies within the corporate city limits. By acquiring a modest easement across some additional private property, a link can be effectuated between the town proper and a parcel of land owned by the City lying generally to the south of the town proper.

On that south track of land there is a beautiful baseball diamond that is not presently fully utilized because of the lack of safe access to the area.

Ogden, being a community of many young families, is always in need of recreational facilities, opportunities, and outlets for young people.

Senate Bill No. 142 will provide clear and ready access to the ball diamond area without the necessity of travel on very busy Highway K-18.

As Mayor of Ogden and on behalf of the City Council of Ogden, I urge favorable consideration of Senate Bill No. 142 and its further recommendation to the House as a whole for further action.

Thank you for your kind attention to this matter.



GAIL HOKE, Mayor
City of Ogden

GH:lk

STATE OF KANSAS

KENT GLASSCOCK
REPRESENTATIVE, 62ND DISTRICT
RILEY COUNTY
1921 CRESCENT
MANHATTAN, KANSAS 66502
(913) 537-9156
STATE CAPITOL, ROOM 155-E
TOPEKA, KS 66612
(913) 296-7646



TOPEKA

HOUSE OF
REPRESENTATIVES

March 21, 1991

COMMITTEE ASSIGNMENTS
MEMBER: TAXATION
ENERGY & NATURAL RESOURCES
RULES & REGULATIONS

HOUSE APPROPRIATIONS COMMITTEE

SENATE BILL 142

Chairman Teagarden and Committee Members:

Thank you for the opportunity to appear before you today in support of SB 142.

I became involved in the issue before you today soon after my election to the Kansas House. Senator Oleen and I have met with Ogden officials and earlier this month had a town meeting in Ogden about the procurement of the property for the citizens of Ogden.

We have had an opportunity to discuss the issue with Secretary of State Bill Graves, and at his suggestion, SB 142 was drafted for the Legislature's consideration.

I am hopeful that Ogden citizens and their families will enjoy the property and its safe access for youngsters.

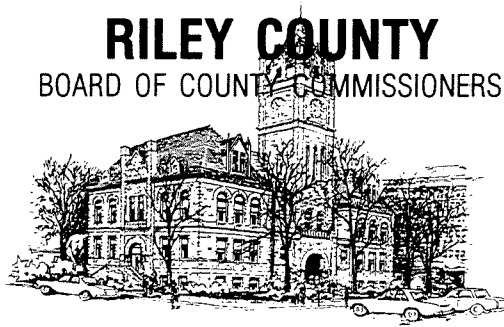
Thanks for your consideration of SB 142.

HA
3-22-91
Attachment 2

RILEY COUNTY
BOARD OF COUNTY COMMISSIONERS

COMMISSIONERS

WILTON B. THOMAS
JOHN SJO
RICHARD L. JEPSEN



Riley County Office Building

110 Courthouse Plaza
Manhattan, Kansas 66502
(913) 537-0700

TO: CHAIRMAN TEAGARDEN AND
MEMBERS OF THE COMMITTEE

DATE: MARCH 18, 1991

I appreciate this opportunity to appear in support of Senate Bill No. 142 which has been introduced by Senator Oleen.

As Riley County Commissioner from the First District, I represent the people of Ogden and Ogden Township. I am familiar with the people, the community, and the land involved.

Passage of Senate Bill No. 142 will provide a significant advantage to the community and, to my knowledge, no disadvantage to anyone. The City of Ogden owns a tract of land generally south of the town, but separated by the land involved in Senate Bill No. 142. A baseball field, which should be quite useful to the youth programs of the community, has been developed on this land south of town. It is in easy walking or biking distance from the residential area, but is not well utilized because at present the only access is via Highway 18. This heavily traveled state highway constitutes a serious traffic hazard for people on foot or going by bicycle. Parents and others responsible cannot safely give permission for such travel. Recreational facilities are especially important for communities such as Ogden which are significantly military-related.

It is my opinion that the people of Ogden will proceed to develop an alternate road to the baseball field/park area once Senate Bill No. 142 is in effect. This will greatly improve the recreational facilities for the community.

I urge favorable consideration of this matter by this Committee as the next step in this process.

Thank you very much.

Wilton B. Thomas
County Commission
First District, Riley County

WBT/clc

HA
3-22-91
Attachment 3

SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. 340

Bill Sec. New

Analyst: Duffy

Analysis Pg. No. 81

Budget Page No. 346

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Gov. Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
State Operations: State General Fund	\$ 224,339	\$ 219,988	\$ --
FTE Positions	4.0	4.0	--

Agency Request/Governor's Recommendation

The agency's FY 1991 estimate totals \$224,339, all of which is from the State General Fund. The amount requested from the State General Fund is the same amount that was approved by the 1990 Legislature. The FY 1991 estimate reflects a decrease of \$13,583, or 5.7 percent, from actual FY 1990 expenditures. The Governor's FY 1991 recommendation totals \$219,988, all of which is from the State General Fund. The Governor's recommendation is a reduction of \$4,351 from the agency's FY 1991 estimate. The reductions are reflected in salaries and wages (\$2,160); communications (\$277); and travel and subsistence (\$1,914).

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs, with the following adjustment:

1. Add \$4,000 from the State General Fund for a supplemental appropriation in FY 1991 which would allow the Criminal Law Advisory Committee of the Judicial Council to continue meeting through the end of the fiscal year (approximately four meetings).

Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs.


HA
3-22-91
Attachment 4

<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	\$ 4,000	\$ 223,988	\$ (4,000)
FTE Positions	--	4.0	--

House Subcommittee Recommendation

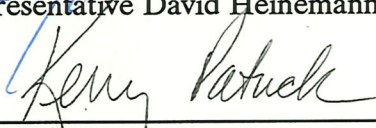
The House Subcommittee concurs with the Senate with the following exception:

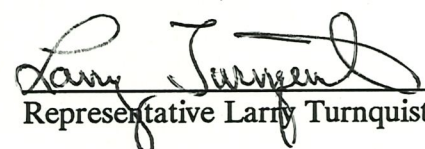
1. Delete \$4,000 from the State General Fund which was added by the Senate as a State General Fund supplemental appropriation to allow additional meetings for the Criminal Law Advisory Committee in the current fiscal year.


 Representative George Dean
 Subcommittee Chair


 Representative Wanda Fuller


 Representative David Heinemann


 Representative Kerry Patrick


 Representative Larry Turnquist

SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. 69

Bill Sec. 2

Analyst: Duffy

Analysis Pg. No. 81

Budget Page No. 346

<u>Expenditure Summary</u>	<u>Agency Req. FY 92</u>	<u>Gov. Rec. FY 92*</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 277,069	\$ 219,988	\$ (5,100)
FTE Positions	4.0	4.0	--

* Excludes amounts reserved for employee compensation.

Agency Request/Governor's Recommendation

The Judicial Council requests total FY 1992 expenditures of \$277,169, all of which is from the State General Fund. The agency's request represents a 23.5 percent increase over the current year estimate. The agency's request includes salary and wage funding to support 4.0 FTE positions and per diem for committee members (\$180,462); funding for travel and subsistence for 52 council and advisory committee meetings (\$39,000); and printing and distribution of Judicial Council publications (\$34,862). The Governor's FY 1992 recommendation totals \$219,988, all of which is from the State General Fund. The Governor's recommendation is \$57,181 less than the agency's FY 1992 request. The Governor's FY 1992 recommendation, excluding amounts reserved for employee compensation, is the same as the Governor's recommendation in FY 1991. The Governor's FY 1992 recommendation is 7.5 percent (\$17,933) less than actual FY 1990 expenditures.

Senate Subcommittee Recommendation

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

1. Delete \$5,100 from the State General Fund (approximately 2.3 percent). Essentially, the reduction eliminates five judicial council meetings from the 42 meetings funded in the Governor's FY 1992 recommendation.
2. The Subcommittee notes that the agency requested funding for various Judicial Council publications. The Subcommittee recommends that the Judicial Council pursue funding sources other than the State General Fund to support these publications. For example, the Subcommittee believes that the Bar Discipline Fee Fund (K.S.A. 20-1a01) may be an appropriate source of funding. It appears that funds would be available to support judicial council publications given the Fund's FY 1991 beginning balance of \$620,599. Actual FY 1990 expenditures from the fund were \$337,751.

Senate Committee Recommendation

The Senate Committee concurs.

Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs.

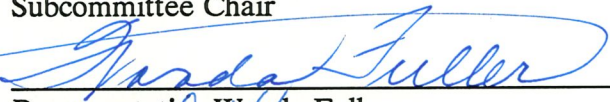
<u>Expenditure Summary</u>	<u>Senate Adj. FY 92</u>	<u>Senate Rec. FY 92</u>	<u>House Subcommittee Adjustments</u>
State Operations			
State General Fund	\$ (5,100)	\$ 214,888	\$ (1,500)
FTE Positions	--	4.0	--


House Subcommittee Recommendation

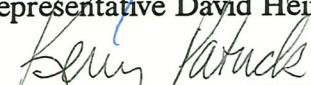
The House Subcommittee concurs with the Senate with the following exceptions:


1. Delete an additional \$1,500 from the State General Fund in state operations for a total reduction of \$6,600 (3 percent) from the Governor's FY 1992 recommendation.
2. Add a proviso to the appropriation bill to require that all legislator's requests for Judicial Council studies be submitted in writing to the LCC and approved by the LCC prior to submission to the Judicial Council for consideration.


 Representative George Dean
 Subcommittee Chair


 Representative Wanda Fuller


 Representative David Heinemann


 Representative Kerry Patrick


 Representative Larry Turnquist

SUBCOMMITTEE REPORT

Agency: Board of Indigents' Defense

Bill No. 340

Bill Sec. 15

Analyst: Duffy

Analysis Pg. No. 108

Budget Page No. 326

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Gov. Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 6,760,009	\$ 6,705,627	\$ --
Special Revenue Fund	132,000	132,000	--
Subtotal	<u>\$ 6,892,009</u>	<u>\$ 6,837,627</u>	<u>\$ --</u>
Other Assistance:			
State General Fund	368,888	368,888	--
	<u><u>\$ 7,260,897</u></u>	<u><u>\$ 7,206,515</u></u>	<u><u>\$</u></u>
FTE Positions	75.5	75.5	

Agency Request/Governor's Recommendation

The Legislature approved total expenditures of \$6,898,563 during FY 1991 to provide legal services to indigent criminal felony defendants by public defenders, assigned counsel, and Legal Services for Prisoners, Inc. (LSP). The Board's revised estimate of total expenditures from the State General Fund for FY 1991 is \$7,128,897, an amount which is \$362,334 above that approved for FY 1991. The difference is attributed to the Board's request for a supplemental appropriation in FY 1991 of \$375,113. The supplemental request is greater than the difference between the amount approved by the 1990 Legislature and the agency's revised request because the Board expended in FY 1990 \$12,779 of a reappropriated balance of \$72,278. According to the agency, the FY 1990 expenditures and the FY 1991 supplemental are necessary to fund expenditures for assigned counsel. The Governor recommends total expenditures of \$7,206,515 for FY 1991, a decrease of \$54,382 (entirely reflected in salaries and wages) from the Board's FY 1991 revised estimate. The Governor's recommendation reflects reductions in revised employee health insurance rates (\$28,096) and an increase in the shrinkage rate from 4.3 percent to 5.3 percent (\$26,286). The Governor's FY 1991 recommendation of expenditures from the State General Fund is \$307,952 above that approved for FY 1991. The difference is attributable to the Governor's recommendation for a State General Fund supplemental appropriation in FY 1991 of \$320,731 for a shortfall in assigned counsel.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

HA
3-22-91
Attachment 5

Senate Committee Recommendation

The Senate Committee concurs.

Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs.

House Subcommittee Recommendation

The House Subcommittee concurs.



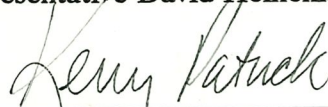
Representative George Dean
Subcommittee Chair



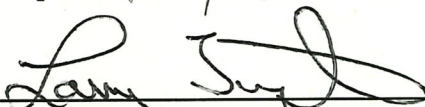
Representative Wanda Fuller



Representative David Heinemann



Representative Kerry Patrick



Representative Larry Turnquist

SUBCOMMITTEE REPORT

Agency: Board of Indigents' Defense Services

Bill No. 69

Bill Sec. 3

Analyst: Duffy

Analysis Pg. No. 108

Budget Page No. 326

<u>Expenditure Summary</u>	<u>Agency Req. FY 92</u>	<u>Gov. Rec. FY 92*</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 9,037,442	\$ 6,973,718	\$ (51,477)
Special Revenue Fund	0	134,640	165,000
Subtotal	<u>\$ 9,037,442</u>	<u>\$ 7,108,358</u>	<u>\$ 113,523</u>
Other Assistance:			
State General Fund	567,578	368,888	25,000
Total	<u><u>\$ 9,605,020</u></u>	<u><u>\$ 7,477,246</u></u>	<u><u>\$ 138,523</u></u>
FTE Positions	166.0	75.5	--

* Excludes amounts reserved for employee compensation.

Agency Request/Governor's Recommendation

The Board's request for FY 1992 totals \$9,605,020 (all State General Fund), which is composed of \$9,037,442 for agency operations and \$567,578 for a grant to Legal Services for Prisoners, Inc. The Board proposes no expenditures from the Indigents' Defense Services Fund in FY 1992, and requests that the fund balances be used as a contingency fund. The FY 1992 request reflects a total increase of \$2,344,123 over the revised FY 1991 request. Most of the increase may be attributed to the agency's request for a Regional Defense Delivery Plan (\$2,320,319), including 77.0 new FTE positions; and 13.5 requested new FTE positions for existing agency operations (\$367,587). The agency requests a reduction in expenditures for assigned counsel of \$851,146 in FY 1992, assuming implementation of the Regional Defense Delivery Plan. The Governor recommends total expenditures of \$7,477,246 for FY 1992, which is composed of \$7,108,358 for agency operations and \$368,888 for the grant to LSP. The Governor recommends expenditures of \$134,640 from the Indigents' Defense Services Fund in FY 1992 and the balance from the State General Fund. The Governor's recommendation does not include funding for the Regional Defense Delivery Plan or the requested 13.5 FTE positions for existing offices. The Governor's FY 1992 recommendation for LSP of \$368,888 from the State General Fund is the same as the FY 1991 recommendation.

Senate Subcommittee Recommendations

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

1. Increase the expenditure limitation on the Indigents' Defense Services Fund from \$134,640 to \$299,640 for contracts with Cloud and Shawnee counties to provide legal services to indigent misdemeanor defendants. The increase of \$165,000 would allow the Board to expend funds for public defenders or private attorneys to provide these services. These are the first misdemeanor contracts implemented by the Board. The \$134,640 is from docket fees and the \$165,000 would be from the contracting counties.
2. Reduce a total of \$82,735 from the State General Fund in assigned counsel expenditures. The reduction is based upon the implementation of contracts with private attorneys in Finney, Wyandotte, and Leavenworth counties. It is assumed that the Board will negotiate contracts based on costs less than the rates currently paid for assigned counsel. The Subcommittee's recommendation is based on costs approximately 10 percent less than actual assigned counsel expenditures in these counties in FY 1990. The Subcommittee anticipates that second-year savings (FY 1993) should exceed 15 percent.
3. Add \$30,000 from the State General Fund for one-time costs associated with the start-up of the contracts to provide indigent felony defense services.
4. Add \$25,000 from the State General Fund for Legal Services for Prisoners (LSP) to allow LSP to provide services to the new El Dorado correctional facility.
5. Add \$1,258 from the State General Fund and shift \$2,500 from the Appellate Defender's Office for a total of \$3,758 for a new Zenith Z-386 microcomputer for the administration office for the recoupment program. The recoupment law provides that certain defendants, after conviction, are ordered to repay to the state part of all of the amount expended by the state in providing legal representation for the defendant. The Subcommittee notes that FY 1990 receipts to the State General Fund were \$399,674, an increase of \$84,104 over FY 1989 collections.
6. The Subcommittee notes that the Governor's FY 1992 recommendation for the LSP contract makes no provision for increased fringe benefit rates or salary increases. The Subcommittee recommends that the second house review this issue when additional information may be available pertaining to employee salaries.
7. The Subcommittee notes that the Board currently purchases professional liability insurance (FY 1991 -- \$30,153). It has been suggested that public defenders would be covered under the Tort Claims Act and, therefore, it may not be necessary to purchase separate professional liability insurance. The Subcommittee received conflicting information on this issue and suggests that the second house hold hearings on this issue during their review.

Senate Committee Recommendation

The Senate Committee concurs.

Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs.

<u>Expenditure Summary</u>	<u>Senate Adj. FY 92</u>	<u>Senate Rec. FY 92</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ (51,477)	\$ 6,922,241	\$ (117,000)
Special Revenue Funds	165,000	299,640	--
Subtotal	<u>\$ 113,523</u>	<u>\$ 7,221,881</u>	<u>\$ (117,000)</u>
Other Assistance			
State General Fund	25,000	393,888	--
Total	<u><u>\$ 138,523</u></u>	<u><u>\$ 7,615,769</u></u>	<u><u>\$ (117,000)</u></u>
FTE Positions	--	75.5	--

House Subcommittee Recommendation

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

1. Add \$51,278 from the State General Fund in assigned counsel expenditures for Wyandotte County. The House Subcommittee recommends the implementation of contracts with private attorneys in Finney and Leavenworth counties.
2. Delete \$30,000 from the State General Fund added by the Senate for costs associated with the start-up of contracts with private attorneys to provide indigent felony defense services. The Subcommittee believes that the existing administrative staff is able to initiate and monitor these contracts.
3. Reduce \$150,199 from the State General Fund in assigned counsel to meet the overall reduction in expenditures.
4. The Subcommittee notes that a revised estimate for the recoupment program in FY 1991 and FY 1992 increases receipts to the State General Fund from \$400,000 to \$600,000 in both fiscal years.
5. The Subcommittee learned that the Board may be eligible for a federal drug grant through the Governor's Office on Drug Abuse. The Subcommittee urges the Board to apply for funding and recommends that existing resources be used as the required state match for the federal dollars.

George R Dean

Representative George Dean
Subcommittee Chair

Wanda Fuller

Representative Wanda Fuller

David Heinemann

Representative David Heinemann

Kerry Patrick

Representative Kerry Patrick

Larry Turnquist

Representative Larry Turnquist

SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No.

Bill Sec.

Analyst: Duffy

Analysis Pg. No. 86

Budget Page No. 348

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Gov. Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 55,883,209	\$ 54,806,017	\$ --
Special Revenue Funds	3,712,334	3,667,987	--
Total	<u>\$ 59,595,543</u>	<u>\$ 58,474,004</u>	<u>\$ --</u>
FTE Positions			
Appellate Court Judges and Justices	17.0	17.0	--
District Court Judges	218.0	218.0	--
Nonjudicial Personnel	1,510.5	1,510.5	--
Total	<u>1,745.5</u>	<u>1,745.5</u>	<u>--</u>

Agency Request/Governor's Recommendation

The 1990 Legislature approved total FY 1991 expenditures for the Judicial Branch of \$58,704,811, of which \$55,308,702 is from the State General Fund and \$3,396,109 is from special revenue funds. The Judicial Branch's revised estimate of total expenditures for FY 1991 is \$59,595,543, of which \$55,883,209 is from the State General Fund. The revised estimate of expenditures from the State General Fund is \$574,507 above that approved for FY 1991. The difference is attributed to the Judicial Branch's request for a State General Fund supplemental appropriation in FY 1991 of \$1,000,000. The supplemental request is greater than the difference between the amount approved by the 1990 Legislature and the Judiciary's revised request because the Judicial Branch expended \$425,493 in FY 1990 of an anticipated reappropriated balance of \$1,108,601 in the district courts. According to the budget submission, the FY 1990 expenditures and FY 1991 supplemental appropriation are necessary to fund the district courts. The FY 1991 revised budget includes a shrinkage rate of 3.1 percent or a reduction in the gross salary and wage budget of \$1,796,729. Actual shrinkage in FY 1990 was 1.8 percent (\$1,018,634). The FY 1991 revised request from special revenue funds totals \$3,712,334, an increase of \$316,225 over the approved FY 1991 estimate for special revenue funds. The requested increase in special revenue funds is attributed to an unanticipated increase of \$283,496 in the federal Child Support Enforcement Funds and increases in various other special revenue funds (\$32,729). The Governor recommends \$58,474,004 in FY 1991, a decrease of \$1,121,539 from the amount requested by the Court. The reductions are reflected in salaries and wages (\$1,102,997) and OOE (\$18,542). The Governor recommends \$54,806,017 from the State General Fund, a decrease of \$1,077,192 from the agency's FY 1991 request. The Governor does not recommend the supplemental funding requested by the Judicial Branch. The Governor recommends expenditures of \$3,667,987 from special revenue funds, a decrease of \$44,347 from the agency's FY 1991 estimate.

HA
3-22-91
Attachment 6

Senate Subcommittee Recommendation

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

1. In the budget submission, the Court requested a \$1,000,000 State General Fund supplemental appropriation for the district courts. Later in the fiscal year, the court revised the figure to \$800,000. The Governor recommends that savings of \$642,138 resulting from revised employee health insurance rates be used in FY 1991 to minimize this shortfall. Additionally, Supreme Court Order No. 56, effective May 25, 1990 restricts expenditures within the Judicial Branch including a provision that all vacancies of nonjudicial personnel are not to be filled and no new employees are to be hired, except upon order of the Supreme Court. Based on year to date salary and wage expenditures, it appears that the shortfall in the district courts is less than \$35,000; however, the Subcommittee notes that this figure does not reflect costs associated with anticipated retirements. The Subcommittee recommends that the second house review the supplemental request when additional months of expenditure are available

Senate Committee Recommendation

The Senate Committee concurs.

Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs.

House Subcommittee Recommendation

The House Subcommittee concurs.



 Representative George Dean
 Subcommittee Chair



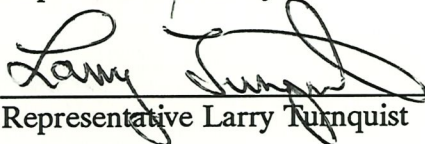
 Representative Wanda Fuller



 Representative David Heinemann



 Representative Kerry Patrick



 Representative Larry Turnquist

SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. 69

Bill Sec. 4

Analyst: Duffy

Analysis Pg. No. 86

Budget Page No. 348

<u>Expenditure Summary</u>	<u>Agency Req. FY 92</u>	<u>Gov. Rec. FY 92*</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 62,303,984	\$ 56,417,035 ***	\$ (1,792,307)
Special Revenue Funds	4,001,848	3,837,584	--
Total	<u>\$ 66,305,832</u>	<u>\$ 60,254,619</u>	<u>\$ (1,792,307)</u>
FTE Positions			
Appellate Justices and Judges	17.0	17.0	
District Court Judges	218.0	218.0	
Nonjudicial Personnel	1,539.5	1,510.5	
Total	<u>1,774.5</u>	<u>1,745.5</u>	<u>**</u>

* Excludes amounts reserved for employee compensation.

** The Subcommittee recommends the limitation on FTE positions be eliminated.

*** Includes Governor's Budget Amendment No. 1 in the amount of \$31,302.

Agency Request/Governor's Recommendation

The Judicial Branch requests a total of \$66,305,832 for FY 1992, of which \$62,303,984 is from the State General Fund and \$4,001,848 is from special revenue funds. The FY 1992 funding request for the district courts account for 88.4 percent of total requested FY 1992 expenditures for the Judicial Branch. Of the total expenditures requested for FY 1992, \$61,336,040 is for salaries and wages (92.5 percent of total expenditures) and \$4,969,792 is for other operating expenditures (7.5 percent of total expenditures.) The FY 1992 salary and wage request includes funding for a 7 percent judicial salary increase (\$1,040,049); 29.0 new FTE for nonjudicial positions (\$764,596); longevity payments for eligible nonjudicial personnel (\$486,475); funding for temporary employees (\$660,234); step movement salary increases (\$985,338); nonjudicial personnel actions (\$143,410); and an FY 1992 turnover rate of 1.2 percent or a reduction in gross salaries and wages of \$751,195. The Governor recommends \$60,254,619 in FY 1992, a decrease of \$6,051,213 from the Court's FY 1992 request. The Governor's recommendation for salaries and wages totals \$56,214,695 (excluding amounts reserved for employee compensation), an increase of 2.7 percent (\$1,493,141) over the Governor's FY 1991 recommendation. The Governor's FY 1992 recommendation does not include funding for the 7 percent judicial salary increases, requested new positions or position allocations.

Senate Subcommittee Recommendations

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

1. Reduce \$1,792,307 from the State General Fund for a total of \$54,624,728. The reduction is reflected in salaries and wages and equates to abolishing 71.7 vacant nonjudicial positions in the district courts. The Subcommittee recommends that the FTE limitation for the Courts be eliminated. The subcommittee believes that the Court needs authority to manage the reduction in salaries and wages. The Subcommittee strongly supports the introduction of legislation to clarify the Supreme Court's authority to shift positions within and between judicial districts.
2. As a technical adjustment to the appropriation bill, shift \$45,000 for travel and subsistence from the district courts operations to appellate court operations.
3. 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 (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 covered under the state pay plan for the classified service.
4. Introduce legislation to require that the annual salary paid to magistrate judges be an amount equal to 47.22 percent of the salary of a district judge. The 47.22 percent is the current relationship between the salary of a district court judge (\$67,856) and a magistrate judge (\$32,038).
5. Introduce legislation to amend several sections of the law pertaining to the number of judges in various judicial districts to reflect the current status of the judicial districts.
6. The Subcommittee requests a Governor's Budget Amendment to address two technical items. First, the Governor's FY 1992 salary and wage recommendation is understated by \$31,302 because the additional costs of fringe benefits were not included for FY 1991 annualized step movement. Secondly, the federal Omnibus Budget Reconciliation Act removed the maximum salary subject to the Medicare portion of FICA requiring an additional \$24,608 from the State General Fund.
7. The Subcommittee notes the Court's request to upgrade the salaries of attorneys and law librarians (\$108,479). The Subcommittee recognizes that these employees are paid at a lower salary range than comparable employees in the Executive Branch. The Subcommittee believes that this salary inequity should be addressed if additional resources become available.

Senate Committee Recommendation

The Senate Committee concurs with the following addition:

1. Introduce legislation to repeal K.S.A. 20-301(b) which provides that in each county there shall be at least one judge of the district court who is a resident of and has the judge's principal office in that county.

Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs.

<u>Expenditure Summary</u>	<u>Senate Adj. FY 92</u>	<u>Senate Rec. FY 92</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ (1,792,307)	\$ 54,624,728	\$ 66,817
Special Revenue Funds	--	3,837,584	--
Total	<u>\$ (1,792,307)</u>	<u>\$ 58,462,312</u>	<u>\$ 66,817</u>
FTE Positions			
Appellate Justices and Judges			--
District Court Judges			--
Nonjudicial Personnel			--
Total	<u>**</u>	<u>**</u>	<u>--</u>

** The Senate recommends the limitation on FTE positions be eliminated.

House Subcommittee Recommendation

The House Subcommittee concurs with the Senate with the following exceptions:

1. Add \$42,209 from the State General Fund in salaries and wages in district court operations.
2. Adopt Governor's Budget Amendment No. 1 which adds a total of \$31,302 (\$1,644 in appellate operations and \$29,658 in district court operations) from the State General Fund for fringe benefits which were not included for FY 1991 annualized step movement.
3. Add \$24,608 (\$4,447 in appellate operations and \$20,161 in district court operations) from the State General Fund in salaries and wages due to the federal Omnibus Reconciliation Act which removed the maximum salary subject to the Medicare portion of FICA.

4. Add a proviso to the appellate operations line item to require that expenditures of \$30,000 from this account be made for travel of Court of Appeals panels to cities across the state to hear appealed cases.
5. Introduce legislation to repeal existing statutes which require the operation of two county courthouses and specifically prohibit the operation of two courthouses in any county. The Subcommittee understands that Kansas now has five counties, Crawford, Labette, Montgomery, Cowley, and Neosho, which operate two county courthouses.
6. The Chief Justice advised the Subcommittee that a statewide employee furlough plan will be adopted for FY 1992 to the extent necessary to achieve budget savings. The Subcommittee is of the opinion that if this must occur that reductions in the Court's work force as well as furloughing of employees should be done on a uniform basis at all levels of the court system.
7. The Subcommittee does not support the legislation (1990 S.B. 257) recommended for introduction by the Senate. This legislation would 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 (statewide salary adjustment -- COLA) for the classified service. The amendment would expand the basis for indexing to include the estimated average percentage of step movement salary increases covered under the state pay plan for the classified service.
8. The Subcommittee takes no position on the legislation introduced by the Senate to fix the salary of a district magistrate judge at 47.22 percent of the salary of a district judge.
9. The Subcommittee takes no position on the legislation introduced by the Senate to amend several sections of the law to accurately reflect the current status of the number of judges in various judicial districts.

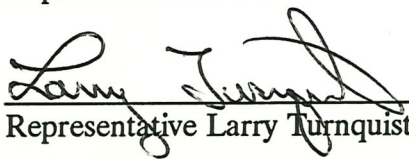


 Representative George Dean
 Subcommittee Chair



 Representative Wanda Fuller

 Representative David Heinemann



 Representative Larry Turnquist

MINORITY REPORT

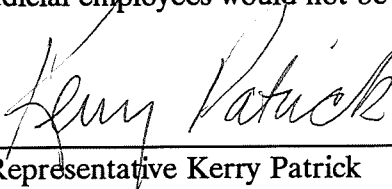
I concur with the House Subcommittee's recommendations with the following exceptions:

1. Reinstate the position limitation for the Judicial Branch as follows: Appellate Court justices and judges, 14.0; Judges of the district court, 215.0; and nonjudicial personnel, 1,495.0.

This recommendation reflects the reduction of three Court of Appeals judges, three District Court judges, and six Magistrate judges and the direct support staff (15 nonjudicial personnel) associated with these judicial positions. The total reduction from the State General Fund equates to \$1,162,632 in salary and wage costs. Further, I recommend that \$587,466 be reduced from salaries and wages in the district courts in nonjudicial personnel which achieves the same level of reduction contained in No. 1 of the majority report.

Further, the Subcommittee heard testimony that on the average a Court of Appeal's judge writes 90 opinions per year despite being a traveling appellate court and on average a Supreme Court Justice writes 28 opinions while sitting in Topeka all year. If the Supreme Court Justices would write an average of 60 opinions per year the three appellate court judges could be eliminated and the same number of appellate opinions would be produced by Kansas Appellate Courts.

2. Shift \$70,238 (State General Fund) from appellate operations to district court operations, of which \$66,489 is for dues to the National Center for State Courts and \$4,000 is for official hospitality. I believe that this funding should be shifted to salaries for nonjudicial employees such as Court Service Officers and clerical employees to ensure that convicted felons are adequately supervised and mother's receive child support checks in a timely manner. The Chief Justice indicated that if budget cuts must be made that Court Service Officers will be the first considered for elimination and that judicial employees would not be eliminated.



 Representative Kerry Patrick

SUBCOMMITTEE REPORT

Agency: Bicentennial Commission

Bill No. 87

Bill Sec. 9

Analyst: Piekalkiewicz

Analysis Pg. No. 471

Budget Page No. 106

<u>Expenditure Summary</u>	<u>Agency Req. FY 92</u>	<u>Gov. Rec. FY 92</u>	<u>Subcommittee Adjustments</u>
State General Fund: Other Assistance	\$ 17,450	\$ 14,738	\$ --

Agency Request/Governor's Recommendation

For FY 1992, the Commission requests total expenditures of \$17,450 from the State General Fund for the final six months of Commission activities during which time the Commission plans a celebration of the Bill of Rights. Of the total amount requested, \$14,800 is for administrative expenses and \$2,650 for programming. The Governor recommends \$14,738 for FY 1992, the same amount as recommended in the current year.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs.

Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs.

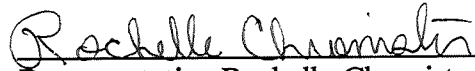
House Subcommittee Recommendation

The House Subcommittee concurs.

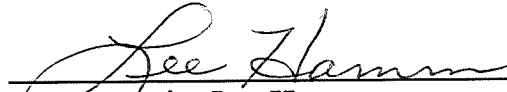
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Attachment 7



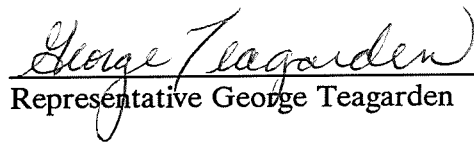
Representative Bill Wisdom
Subcommittee Chair



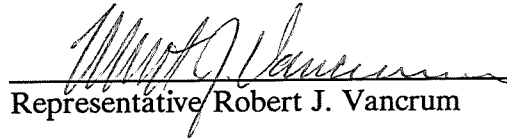
Representative Rochelle Chronister



Representative Lee Hamm



Representative George Teagarden



Representative Robert J. Vancrum

SUBCOMMITTEE REPORT

Agency: State Library

Bill No. 87

Bill Sec. 2

Analyst: Piekalkiewicz

Analysis Pg. No. 462

Budget Page No. 416

<u>Expenditure Summary</u>	<u>Agency Req. FY 92</u>	<u>Gov. Rec. FY 92</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 2,930,911	\$ 1,437,845	\$ --
Local Aid	3,646,940	3,002,645	(68,500)
	<u>\$ 6,577,851</u>	<u>\$ 4,440,490</u>	<u>\$ (68,500)</u>
State General Fund:			
State Operations	\$ 2,693,451	\$ 1,125,570	\$ --
Local Aid	2,473,554	1,851,405	(68,500)
	<u>\$ 5,167,005</u>	<u>\$ 2,976,975</u>	<u>\$ (68,500)</u>
FTE Positions	31.5	26.0	--

Agency Request/Governor's Recommendation

The Library's request of \$6,577,851 for FY 1992 reflects an increase from FY 1991 to FY 1992 of \$2,162,952 from the State General Fund of which \$961,688 is for the implementation of a Kansas Library Catalog (KLC) On-Line System, and \$369,000 is for computer workstations for local libraries. Of the total State General Fund increase, \$569,818 is for the expansion in FY 1992 of State General Fund support to local libraries. The Governor recommends for FY 1992 \$4,440,490, a net increase of \$24,276 for salaries and wages and a reduction of \$4,329 in other operating expenditures over the FY 1991 recommendation. The recommendation for aid to local libraries maintains the current level of funding, however, the recommendation increases the federal aid to local libraries by \$52,331 and reduces State General Fund support by a like amount. Compared to the agency request for FY 1992, the Governor's recommendation represents a \$1,493,066 reduction in state operations and a \$644,295 reduction in aid to local libraries.

Senate Subcommittee Recommendation

FY 1991. The Subcommittee concurs with the Governor's recommendation for the current year.

FY 1992. The Subcommittee concurs with the Governor's recommendation with the following exception:

1. Delete \$68,500 from the State General Fund for aid to local libraries. The Subcommittee requests that this reduction be reviewed during the Omnibus Session for possible restoration if increased revenue is at that time available.

*HA
3-22-91
Attachment 8*

Senate Committee Recommendation

The Senate Committee concurs.

Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs.

<u>Expenditure Summary</u>	<u>Senate Adjustments</u>	<u>Senate Rec. FY 92</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ --	\$ 1,437,845	\$ (39,431)
Local Aid	(68,500)	2,934,145	34,250
	<u>\$ (68,500)</u>	<u>\$ 4,371,990</u>	<u>\$ (5,181)</u>
State General Fund:			
State Operations	\$ --	\$ 1,125,570	\$ (39,431)
Local Aid	(68,500)	1,782,905	34,250
	<u>\$ (68,500)</u>	<u>\$ 2,908,475</u>	<u>\$ (5,181)</u>
FTE Positions	--	26.0	--

House Subcommittee Recommendation

The House Subcommittee concurs with the Senate recommendation with the following exceptions:

1. Delete \$5,181 from the Adult Literacy Program, reducing the level of funding to a current year level.
2. The Subcommittee recommends that the State Library pursue the possibility of coordinating its adult literacy efforts with the federal Plus Literacy program.
3. Delete \$34,250 from state operations.
4. Add \$34,250 to aid to local libraries.
5. Increase the reappropriation from FY 1991 to FY 1992 by \$1,383 to reduce travel expenditures by that amount in the current year.

Bill Wisdom

Representative Bill Wisdom
Subcommittee Chair

Rochelle Chronister

Representative Rochelle Chronister

Lee Hamm

Representative Lee Hamm

George Teagarden

Representative George Teagarden

Robert J. Vancrum

Representative Robert J. Vancrum

SUBCOMMITTEE REPORT

Agency: Kansas Arts Commission

Bill No. 87

Bill Sec. 3

Analyst: Piekalkiewicz

Analysis Pg. No. 432

Budget Page No. 84

<u>Expenditure Summary</u>	<u>Agency Req. FY 92</u>	<u>Gov. Rec. FY 92*</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 599,306	\$ 497,317	\$ (67,000)
Programming Grants	1,652,149	1,185,134	90,000
TOTAL	\$ 2,251,455	\$ 1,682,451	\$ 23,000
State General Fund:			
State Operations	\$ 406,306	\$ 304,317	\$ (67,000)
Programming Grants	525,177	820,733	(450,000)
TOTAL	\$ 931,483	\$ 1,125,050	\$ (517,000)
Economic Development Initiative Fund:			
State Operations	\$ 20,000	\$ --	\$ --
Programming Grants	742,572	--	450,000
TOTAL	\$ 762,572	\$ --	\$ 450,000
FTE Positions	11	9	(2)

* Excludes amounts reserved for employee compensation. The Governor's recommendation includes an additional \$450,000 for arts programming grants above the current resources recommendation.

Agency Request/Governor's Recommendation

The agency's request for state operating expenditures in FY 1992 totals \$599,306 of which \$406,306 is from the State General Fund, \$167,000 is from federal funds, \$20,000 is from the EDIF, \$5,000 from private donations, and \$1,000 is from other revenue sources. Total requested expenditures for state operations represent an increase of \$84,620 (16.4 percent) from the FY 1991 revised estimate of \$514,686. The agency is requesting a \$105,185 increase in General Fund financing, or 34.9 percent, over the FY 1991 revised estimate of \$301,121, including funding for two additional FTE positions (\$56,320). For FY 1992, the agency requests \$1,652,149 for arts programming grants, an increase of \$435,135 (35.7 percent) above the FY 1991 estimate of \$1,217,014. The request includes \$525,177 from the State General Fund, \$742,572 from the EDIF, \$384,000 from federal funds, and \$400 from other sources. The Governor's recommendation for state operations expenditures in FY 1992 totals \$497,317 of which \$304,317 is from the State General Fund, \$187,000 is from federal funds, \$5,000 is from private donations, and \$1,000 is from other revenue sources. The State General Fund recommendation is \$12,628 less than the FY 1991 recommendation and is \$101,989 less than the agency's FY 1992 State General Fund request. The

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Governor's recommendation does not include funding for the requested new positions. The Governor's FY 1992 current resources budget of \$735,134 for arts programming grants of which \$370,734 is from the State General Fund and \$364,400 is from federal funds and other revenue sources is a reduction of \$516,102 from the FY 1991 recommendation. In addition to the current resources budget, the Governor recommends \$450,000 from the State General Fund for a total of \$1,185,134 for arts programming grants.

Senate Subcommittee Recommendation

FY 1991. The Subcommittee concurs with the Governor's recommendation for the current year.

FY 1992. The Subcommittee concurs with the Governor's recommendation with the following exceptions:

1. Delete \$53,000 from the State General Fund for two positions -- a Promotional Writer, and a Secretary. This recommendation is a reflection of the Subcommittee's concern over the high percentage of the total Arts Commission budget currently being expended for administrative expenses. The Subcommittee notes that high administrative costs reduces direct support for Kansas artists and arts organizations.

The Subcommittee recognizes that the reduction in staff of the Arts Commission will alter the way the Commission functions. The Commission will no longer be able to provide the same level of technical assistance and the flow of information from the Commission will be curtailed. The Subcommittee believes, however, that during these past three years of enhanced funds, the arts community should be well aware of the existence of the Arts Commission and its programs. As evidenced by the number of grant requests to the Commission, there is an active, dynamic arts constituency in Kansas who do not need to be cajoled into applying for a grant.

2. In keeping with the Subcommittee's wish to reduce administrative expenses, the Subcommittee recommends the deletion of \$14,000 from other operating expenses, including \$8,000 in communications, \$1,000 in printing, and \$5,000 in office supplies.
3. The Subcommittee has a strong commitment to the arts, regarding the arts as fulfilling a vital function in our society. Therefore, the Subcommittee recommends the addition of \$450,000 from the Economic Development Initiatives Fund for arts programming grants, with a proviso that no funds from the EDIF shall be used for administrative expenses; and recommends the deletion of \$450,000 from the State General Fund contained in the Governor's enhanced budget for arts programming grants. The Subcommittee notes that the \$450,000 included in the amount of state support for arts programming grants represents an increase of \$20,000 over FY 1991 levels and will enable the Commission to receive \$90,000 in additional federal funds. The net effect of this recommendation is that while the Subcommittee is reducing administrative expenses, increased

direct support for arts programming is provided and expenditures from the State General Fund are reduced.

4. The Subcommittee recommends that a proviso be placed on the Gifts, Grants, and Bequests Fund to restrict the expenditure of federal funds on administrative expenses to \$187,000.
5. The Subcommittee recommends the introduction of legislation to establish a Department of Cultural Resources, combining the functions of the Kansas State Historical Society and the Kansas Arts Commission. With the establishment of such a agency, administrative expenses would be reduced and better management practices could be achieved. The Subcommittee requests that if this bill is not passed during this session that the bill be studied during the interim by the Joint Committee on Arts and Cultural Resources.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendations.

Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs.

<u>Expenditure Summary</u>	<u>Senate Adj. FY 92</u>	<u>Senate Rec. FY 92</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ (67,000)	\$ 430,317	\$ --
Programming Grants	90,000	1,275,134	300,000
TOTAL	<u>\$ 23,000</u>	<u>\$ 1,705,451</u>	<u>\$ 300,000</u>
State General Fund:			
State Operations	\$ (67,000)	\$ 237,317	\$ 27,000
Programming Grants	(450,000)	370,733	(27,000)
TOTAL	<u>\$ (517,000)</u>	<u>\$ 608,050</u>	<u>\$ 0</u>
Economic Development Initiative Fund:			
State Operations	\$ --	\$ --	\$ --
Programming Grants	450,000	450,000	--
TOTAL	<u>\$ 450,000</u>	<u>\$ 450,000</u>	<u>\$ --</u>
FTE Positions	(2)	7	1

House Subcommittee Recommendation

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

1. Shift \$27,000 of federal funds used to contract for a position to administer the Arts in Basic Education Program to arts programming grants and shift a like amount from the State General Fund from arts programming grants to administration to restore the Promotional Writer deleted by the Senate. The Subcommittee recommends that the Arts in Basic Education Program be administered by the existing staff of the Arts Commission. The Subcommittee believes that the technical assistance and information provided by the Promotional Writer to arts organizations around the state is vital to the success of the arts in Kansas. Arts Commission newsletters, for example, provide information to arts organizations about different statewide funding sources, such as the Southwestern Bell Foundation Arts Excellence grant program. These types of organizations rely on state arts agencies to disseminate information about their grant programs and have no other way to communicate with local arts agencies.
2. The Subcommittee was informed that the Arts Commission will be applying for FFY 1992 for an additional \$300,000 in federal funds of which \$100,000 must be matched at the local level and the remaining with state dollars (a sufficient amount is contained in the House Subcommittee recommendation). Of the \$300,000, \$100,000 will be available to cover the costs of full-time staff for community arts councils; \$150,000 will be available for arts projects for underserved communities; and \$50,000 for training workshops for community arts agencies receiving the salary assistance grants, mentioned above.
3. Delete the proviso recommended by the Senate, restricting the expenditure of federal funds on administrative expenses to \$187,000.
4. Make a technical adjustment to eliminate an unnecessary fund.

Bill Wisdom

Representative Bill Wisdom
Subcommittee Chair

Rochelle Chronister

Representative Rochelle Chronister

Lee Hamm

Representative Lee Hamm

George Teagarden

Representative George Teagarden

Robert Vancrum

Representative Robert Vancrum

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GIS POLICY BOARD

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GIS TECHNICAL ADVISORY COMMITTEE

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John Spurgeon	KS Dept. of Wildlife and Parks
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Lloyd Stullken	Board of Agri., Div. of Water Res.
Susan Williams	Dept. of Revenue
Robert Wiseman (Chair)	Kansas Water Office

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John Spurgeon	Kansas Dept. of Wildlife & Parks
Steve Thompson	Kansas College of Technology
Robert Wiseman	Kansas Water Office

KANSAS GIS POLICY BOARD PUBLICATIONS

1. *Strategic Management Plan for Geographic Information Systems Technology*
2. *FY 1992 Annual Implementation Plan*
3. *Standards, Policies and Procedures for Exchange of Spatial Data*
4. *Kansas Standards and Procedures for Database Development*
5. *Kansas Directory of Geographic Information Systems and Data Sources*

GEOGRAPHIC INFORMATION SYSTEMS BUDGETS

Agency	FY 91		FY 92		
	Projected (2/90)	Appropriated (5/90)	Projected (2/90)	Agency Budget (9/90)	Governor's Recommendation (1/91)
Biological Survey			\$158,244	\$158,244	
Board of Ag., Div. of Water Resources	\$188,227	\$126,604	194,161	169,370	
Conservation Commission					
Corporation Commission	208,995	168,995	102,000	175,000	175,000
Dept. of Admin., DISC	548,800		551,241		
Health & Environment			142,720	83,722	
Kansas Geological Survey			181,000		
Kansas Legislature				150,096	150,096
Kansas State University			326,373	63,567	
Revenue			57,035		
Transportation	5,000	5,000			
Water Office		500,000	52,470	738,531	620,880
Wildlife and Parks	34,280	34,280	103,960	108,930	108,930
Total	\$985,302	\$834,879	\$1,869,204	\$1,647,460	\$1,054,906

Based on the FY 1992 Annual Implementation Plan prepared January 1991, total out-year costs are ~~are~~ projected as follows:

FY 1993 - \$3,003,573

FY 1994 - \$1,476,764

FY 1995 - \$1,421,182

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Kansas Right-To-Know

NEWS

Volume 4, Issue 1

February, 1991

Representative Nancy Brown Elected SERC Chairperson

TOPEKA, JANUARY - Representative Nancy Brown (Johnson county) from Stanley, Kansas, was elected chairperson of the State Emergency Response Commission. Former Lieutenant Governor Jack Walker was presented with two plaques thanking him and commemorating his four years as the commission's chair. Representative Brown has been on the commission since its inception in April of 1987. She has been active in the areas of hazardous materials transportation regulation, control, public safety, and emergency response planning.

The state commission oversees the Emergency Planning and Community Right-to-Know Act which requires facilities that handle hazardous chemicals to report information on these materials to the state and local agencies. This information is used as a basis for local emergency response planning and is also available to the public. Representative Brown said that she looks forward to the new challenges the commission will face in the coming years associated with responsibilities to be delegated to the states under four new major pieces of federal legislation: the Hazardous Materials Transportation Act, Pollution Prevention Act, Clean Air Act, and Oil Spill Liability Act—all passed by Congress in the closing days of the 1990 session.

Annual Reports Due

The SARA Title III annual report for Section 312 Chemical Inventory is due between January 1 and March 1, 1991, for the calendar year 1990. Reporting may again be made on either the Tier I or Tier II form. New forms (see "New Section 312 Reporting Forms") have been mailed to all facilities that have reported to date.

Kansas 1989 TRI Data Available

We now have all the 1988 and 1989 TRI data as submitted by Kansas facilities on line and available. Comparison between 1988 and 1989 data can be made along with the ability to provide interesting trends in chemical reporting. For more information contact the RTK Program.

EPA Publishes Final Rule on 311/312 Final Thresholds

source: EPA, EPCRA Report Vol.1, no.4

EPA has promulgated final reporting thresholds for sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act of 1986 (commonly referred to as EPCRA or Title III). The final rule states that the 311/312 thresholds for reporting will remain at the current level of 10,000 pounds for hazardous chemicals other than Extremely Hazardous Substances (EHSs) and 500 pounds or the Threshold Planning Quantity (TPQ), whichever is lower, for those EHSs. This final rule also establishes uniform effective dates for all facilities in all industries subject to these reporting requirements. Thus, all facilities from all industry sectors will be subject to the final thresholds on the same dates.

In addition to finalizing the thresholds for sections 311 and 312, EPA is finalizing several other provisions that were proposed in the March 29, 1989, proposed rule. These include revising the definition of the term "facility" to include subsurface operations, the treatment of mixtures in threshold calculations, and the implementation of all sections of Title III by Indian Tribes on Indian lands (including Section 313). The final rule became effective on August 27, 1990.

New Section 312 Reporting Forms

In its rule finalizing the 10,000 pound threshold under Section 311 and 312 of Title III, EPA also altered the Tier I and Tier II instructions and forms that are to be submitted under Section 312 (55 FR 30632, July 26, 1990).

At first glance the new Tier I and II forms may appear to be identical to previous forms, but there are important revisions to be aware of.

Tier I

- A check-off box if information is identical to the previous year submittal (this does not relieve the data entry, it only indicates that the data as entered is identical to the previous submittal) has been added.

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- The range code for reporting pounds has been revised by omitting the 00 range and beginning with 01 code.
- The wording in the certification box has changed.

Tier II

- The county designation has been added under Facility Identification.
- A check-off box for information identical to last year has been added.
- The range code has been revised by omitting the 00 code.
- The wording in the certification box has been revised.

The new range codes for Tier I and Tier II were amended to be the same as the range code designation in section 313 on Form R. The new codes differ from the previous codes by a range value of one. Where previous Tier reports began with a range value of 00, the new forms begin with range code of 01. The new codes are as follows:

Weight Range in Pounds

Range Value	From	To
01	0	99
02	100	999
03	1000	9,999
04	10,000	99,999
05	100,000	999,999
06	1,000,000	9,999,999
07	10,000,000	49,999,999
08	50,000,000	99,999,999
09	100,000,000	499,999,999
10	500,000,000	999,999,999
11	1 billion	1 billion

EPA Continuous Release Reporting Regulation

by Ed Vest, EPA Region 7

On July 24, 1990, EPA published a regulation clarifying the reduced reporting requirements contained in section 103(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended (also known as Superfund). The regulation is referred to as the continuous release reporting regulation (see 40 CFR 302.8; 55 FR 30166).

The regulation provides relief from the reporting requirements of section 103(a) of CERCLA and section 304 of the Emergency Planning and Community Right-to-Know Act or Title III. To qualify for the reduced reporting provision, a release of a hazardous substance must be continuous, stable in quantity and rate, and either a release from a facility for which notification has been given under CERCLA section 103(a) or for a period sufficient to establish the continuity, quantity, and regularity of the release.

State emergency response commissions (SERCs) and local emergency planning committees (LEPCs) will be directly affected by

the continuous release reporting regulation. Under the provisions of the final rule, SERCs and LEPCs will receive both initial telephone notifications and written reports about continuous releases. These reports should identify the hazardous substance release as continuous and stable in quantity and rate and indicate that the release is being reported under the provisions of the continuous release reporting regulation. After one year, EPA will receive a one-time follow-up written report updating the initial information.

EPA intends to maintain the information submitted both initially and in follow-up notifications on continuous releases in its computerized Continuous Release Emergency Response Notification System (CR-ERNS) data base. EPA will make this information available to SERCs and LEPCs upon request.

Kansas EPCRA Compliance

The SERC technical services section has nearly completed the review of all data submitted since the program began in late 1987. What this means is most of you have received either a written or telephone contact regarding incorrect or delinquent information. As each facility file is completed, it is being processed and entered on the state's data system. This information will then be used to produce a mailing list for the new annual report (Tier I or Tier II) forms early in 1991.

SERC staff thank all of you for being patient and cooperative while we bring submittals up to date.

Kansas EPCRA Enforcement

As indicated in the "Kansas EPCRA Compliance" article, we are about to finalize the review of all data that has been submitted. Once this is completed, we will begin an aggressive enforcement program to identify and bring into compliance those facilities that have not yet voluntarily complied. Failure to enforce creates an inequitable situation where the expense of compliance is borne only by those facilities which are in compliance. SERC has an obligation to those facilities in voluntary compliance to vigorously pursue an aggressive enforcement policy. This enforcement policy provides for substantial penalties for non-compliance and SERC is prepared to take the necessary steps to obtain compliance with the act.

Question and Answer

- Q.** If a release of a mixture (dry or liquid) containing extremely hazardous substances and/or substances covered under CERCLA for which the concentrations are not known occurs at a facility resulting in exposure to persons outside the boundaries of the facility, how does the owner/operator determine if the release is reportable?
- A.** If the release is not exempt from Section 304 reporting, then use the worse case scenario, the lowest reportable quantity (RQ) of the Section 304 covered substances in the mixture is applied to the mixture as a whole for reporting purposes. Thus, the release would be reportable if the amount spilled exceeded the lowest RQ of the covered mixture components.

What it means to You

What it means to You is a new videotape on The Emergency Planning and Community Right-to-Know Act produced by EPA. It provides a straight forward, non-technical introduction to the law, outlining its far-reaching scope, and touches on a number of key provisions not yet widely known or used. The 15-minute videotape tells business and community members about actions they can take to learn about chemicals in the community and steps they can take to plan for the possibility of chemical accidents. Viewers also learn how to obtain information about any routine releases of toxic chemicals. Tapes may be purchased from Color Film Corporation, Video Division, 770 Connecticut Avenue, Norwalk, CT 06854

Cost:

3/4 inch: \$28.95

Beta II: \$20.65

Beta I: \$20.65

VHS: \$21.50

KDHE Receives Data Management Grants

KDHE was one of four states to receive two grants from the EPA, one from the Office of Toxic Substances and one from the Office of Solid Waste and Emergency Response. These grants, awarded for the 1990/1991 fiscal year, are to be used to develop a computer-based expert system which will identify Title III non-filers and suspect data. To accomplish this, the state has contracted with the University of Kansas Departments of Computer Science, Environmental Studies, and Political Science to put together a multi-discipline workgroup. In addition to using the system to identify non-filers, the department will download data through the CAMEO system and assist LEPCs in field trials to validate the system. Co-Principal investigators for the grant projects are Stan Loeb, PhD, and Jerzy Grymala Busse, PhD.

EPA Workshops on HAZWOPER Standards

EPA will be holding one-day workshops for fire fighters, state and local employees, and members of SERCs and LEPCs on March 28 in Boise, Idaho, at the Boise Center on the Grove. These workshops are free, but EPA does request preregistration. For more information call the EPA workshop coordinator at (800)783-2372. Another workshop will be held in Newark, New Jersey, on February 19.

41st Annual Governor's Safety and Health Conference Hosts Title III Session

Over 100 people attended a Title III session held in conjunction with the 41st Annual Governor's Safety and Health Conference. A full morning meeting provided an opportunity for presentations of welcome by Representative Nancy Brown on behalf of SERC chair Lt. Governor Walker, Ed Vest of EPA Region 7, Karl Birns of KDHE, and Jack Teagarten of the Division of Emergency Preparedness. The meeting was followed by break-out sessions which addressed the new CAMEO II software for handling haz-

ardous materials data, emergency planning, hazardous materials plans exercise, and compliance enforcement. The Title III-session was a great success. We appreciate the enthusiastic cooperation and the outstanding attendance and support the session received from LEPC members.

NGA/National SERC Meeting

National Governor's Association (NGA) invited Representative Nancy Brown to make a keynote presentation at their annual SERC Conference co-sponsored with EPA. This year's conference, held in Wilmington, Delaware, consisted of three days of meetings. Other speakers on the agenda were the Governor and Lt. Governor of Delaware.

Representative Brown spoke of the Kansas Data Management System and, in particular, the use of the state data base in conjunction with CAMEO II and the RTK demonstration project with Wyandotte county. She focused on LEPC use of the county data.

At another workshop, Karl Birns (KDHE) made a presentation on Kansas TRI data and the RTK ongoing project with the University of Kansas (see "KDHE Receives Data Management Grants") to develop an artificial intelligence, expert system to identify non-filers and suspect data in all our Title III data bases. The conference included other sessions on enforcement, LEPC funding, new federal statutes, and the future role of the SERC.

When questioned about LEPC funding, Representative Brown said, "Prior to this year I didn't think the local committees in Kansas should have state funding since Title III needed a local commitment. This year, however, I think it's time to consider legislation which would raise some money for the LEPCs as they increase their responsibilities with follow-up planning and, as importantly, development of emergency response capabilities."

NASTTPO Midyear Meeting Held

The National Association of State Title III Program Officials (NASTTPO) held their meeting in conjunction with NGA/SERC Annual Meeting. The association has revised its bylaws and, among other business, has initiated a membership drive. All state SERC representatives were given membership applications and asked to encourage their LEPCs to consider joining. The national association has been instrumental in supporting state and local emergency planning committee positions before EPA and other federal agencies. It has worked closely with other national associations and last year signed a memorandum of understanding guaranteeing cooperation with the National Emergency Management Association. NASTTPO is also an effective way for LEPC and SERC members, through regular mailings and information letters, to keep abreast of Title III activities both in Washington and in other states.

RTK Staff Changes

By the time you receive this newsletter, a young woman that has truly "grown with the RTK Program" will have left to pursue her education. Linda Carlson had become one of those clerical persons to whom everyone with a "need to know" office question went

to for an answer. She was always prompt, always willing to help no matter the task, and smart to boot! Linda, the staff will miss you.

CAMEO Meeting Notes

by Terrence Franklin

As many of you know, the Right-To-Know program has an agreement with the National Safety Council to purchase the new CAMEO DOS software. I have just returned from a CAMEO meeting in Washington, and I can tell you that this is one well thought out project. The analysts and programmers did their homework and did it well. We have already begun receiving the software, and it will be available to the LEPCs.

Briefly (from their CAMEO Dos Overview handout), the system is designed to accomplish the following:

1. Retrieval of chemical-specific information to support emergency response activities.
2. Development and maintenance of emergency response plans.
3. Organization and management of Title II information including facility information and chemical inventories.
4. Storage and computer display of area maps.

Figure 1 illustrates some of the main features of CAMEO DOS. Kansas will provide the appropriate facility/chemical data (Tier II and Toxic Release Inventory Information [TRI]) from our state-wide database. The regional mapping will be provided from the 1990 Census Tiger files which reside on CD-ROM. This regional mapping can include one or more counties or be limited to a region of interest with specified latitude and longitude coordinates. The chemical database contains over 3300 chemicals, many of which will have accompanying Response Information Data Sheets (RIDS). Facility and chemical information can be retrieved from

the software and utilized for emergency response, emergency planning, and local community Right-To-Know requests.

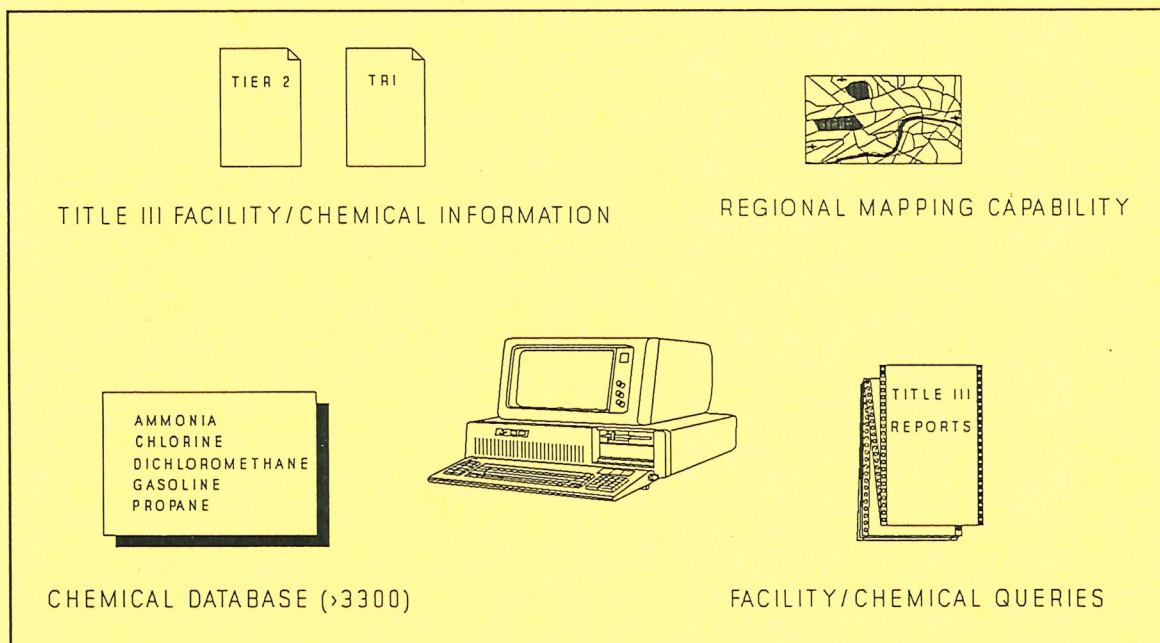
If the Montgomery county LEPC decides to participate in the KDHE/CAMEO-DOS program, this is what they would receive:

1. Tier II and TRI facility information downloaded from our state-wide database and fully integrated into the CAMEO system. Local facilities such as Southwestern Bell, Automotive Controls, and Charloma Fiberglass would be included. If we were to download the 1989 Tier II and TRI information, Montgomery county would receive 35 Tier II facilities and nine TRI facilities.
2. The Montgomery county map would be integrated from CD-ROM into the CAMEO system. Then the Tier II facilities and TRI facilities could be mapped and readily accessed. Schools, hospitals, shopping centers, and other types of establishments could also be mapped.
3. A comprehensive chemical RIDS database providing chemical health hazard information, chemical properties, fire hazard information, and other associated information.
4. An extensive means for data retrieval. Various types of facility and chemical information may be obtained using the numerous modules within the program.

The software is free. It will be provided to LEPCs who demonstrate an interest and desire to participate in this program. You will, however, need the appropriate hardware to run the program. The following is a recommendation for the types of computer hardware necessary to optimally execute the CAMEO DOS software.

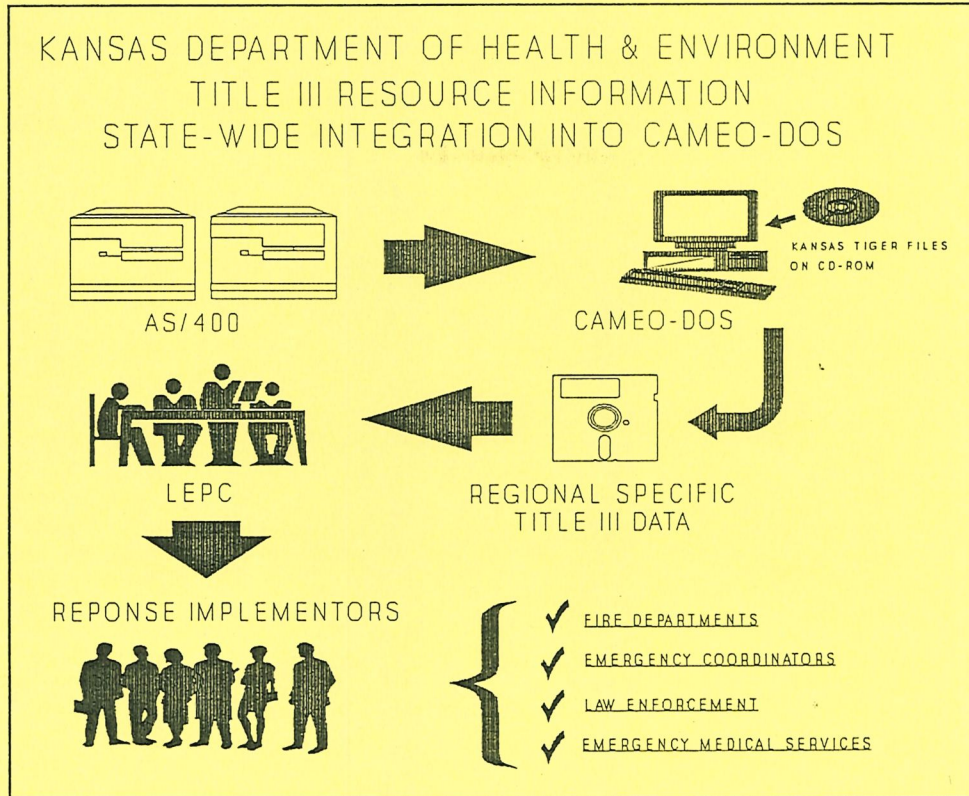
1. IBM compatible micro computer with a 386 microprocessor or better. This machine should have DOS 3.3 or better and at least 2 megabytes of memory. Actual hard disk space depends upon the size of the map files for your county region. To provide for the CAMEO software demands and non CAMEO computer usage, a hard disk size of 80 megabytes would be adequate. At least one high density disk drive (3.5" or 5.25") will be necessary. While not mandatory, a math co-processor

Figure 1



12-4

Figure 2



and a cursor control device(mouse, trackball, etc.) is strongly encouraged.

2. A printer. A 24 pin dot matrix or laser is recommended.
3. Other hardware items such as a modem are not an active part of the current software. Items such as these could be utilized in other applications.

Hard disk memory requirements for Montgomery county would be:

° Montgomery County Map	11.5
° CAMEO software	21.0
° +30% of 11.5 + 21.0	<u>9.8</u>
Total	42.3 Mb

The third line of the summation represents average "breathing room" needed to perform a minimum of other activities. Consequently, an 80 megabyte computer is not too large if other non-CAMEO functions are to be performed.

If you would be interested in a demonstration of this software, I will be in Overland Park on March 29, Wichita on April 3, Pittsburgh on April 4, and Garden City on April 9.

Figure 2 represents the data flow integration of information from our state-wide information which is located on an IBM AS/400 model C-20 to the CAMEO DOS software which will be distributed to the LEPCs throughout the state. For more information, please contact Terrence Franklin at (913)296-1690.



Produced by:
Kansas Department of Health and Environment

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KANSAS GEOLOGICAL SURVEY

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Remarks before the House Appropriations Committee relating to the
Geographic Information Systems Implementation Plan

Presented by:

Dr. David R. Collins
Chief, Technical Information Services
Kansas Geological Survey

March 22, 1991

Chairman and members of the Committee:

My remarks will focus on three primary aspects of geographic information systems (or GIS) implementation, with examples relating to work of the Kansas Geological Survey. These focal points are GIS application, map production management, and multiple use of GIS databases.

The phrase "GIS" has come into widespread use with the emergence, over the past ten years, of numerous commercial systems which integrate computer technologies for the management, analysis, and display of information relating to geographic locations. For almost three decades, the Survey has been a leader in the application of computer technology to the analysis of complex geologic problems. Database management systems are in common use throughout the public and private sectors. Many of the associated databases are related to ownership or use of various pieces of real estate. Within the Survey they are typically related to the production or quality of valued natural resources such as coal, oil and gas, and groundwater. The Survey is also a recognized leader in the development and application of computer-aided mapping systems for the display of geographic information (primarily geologic). Integration of these activities, previously accomplished by writing specialized computer programs to reformat and transfer data between separate systems, can now be accomplished by geographic information systems; with resulting improvements in system efficiency and staff productivity. Experience has taught us that the development process is neither quick nor easy, but that the subsequent benefits justify the process.

HA
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Attachment 13

Focusing on GIS applications, we have three examples currently active within the Survey. The first is a map produced for the Confined Livestock Feeding Operations Taskforce. Data from KDHE indicating location, type, and capacity of feedlot operations throughout Kansas were combined with the Survey's cartographic database of county boundaries to produce this map. Because the data was already available in digital form, this was accomplished quickly. Subsequent GIS analysis will relate these locations to water resource information such as watersheds, municipal or private water wells, and aquifer locations.

The second example is a series of maps from the Solomon River Basin Atlas currently being developed in cooperation with the Kansas Water Office. These maps display various combinations of information. Of particular interest are the maps showing the results of analytical analysis of groundwater levels and changes in those levels. Information about these changes is much easier to visualize and understand when presented in this form than as a table of data.

The third example includes some of the maps associated with the Dakota Aquifer Study. The use of a geographic information system is a virtual necessity for managing and comprehending the large volume of data being generated by this study.

Map production is the next point of focus. This activity has always been an integral part of the Survey's tradition. However, we can no longer afford the luxury of R. C. Moore's hand drawn works of art, or the many staff years of labor required to manually draft and scribe a new geologic map of Kansas. Virtually every map coming from the Kansas Geological Survey is now produced by computer. This has resulted in significant savings associated with inventory management as well as a great reduction in the up-front cost associated with the traditional press run. The Oil and Gas Fields Map and the Geologic Map of Kansas are excellent examples of this. Inventories are generally held below ten copies per map, with 5-10 additional copies produced overnight on a color plotter when the supply gets down to the last two or three. Because hundreds or thousands of copies are not produced in one stroke, we no longer run the risk of significant losses associated with editorial errors. Mistakes can be corrected as soon as they are identified, with loss of only the few maps left in inventory.

An additional benefit of this technology is the ease with which derivative products may be produced. Shortly after completing development of the databases for the geologic map, staff from our Geohydrology Section indicated a need for a map of the primary aquifer systems in Kansas. The Aquifer Map which we show you here was conceived, developed and produced at a low cost using data from the geologic map and additional aquifer boundary information. Without GIS technology, producing the new map would have required hiring additional staff and incurred considerable time and expense. In fact, GIS technology makes possible the production of many products displaying significant scientific information useful in the formation of public policy which would be economically prohibitive by other techniques.

The final point on which I would like to focus is the significant mutual benefit associated with coordinated development of databases having multiple uses. In many cases development of these databases is a difficult process requiring careful attention to detail. Duplication of these efforts and associated expenses should be avoided wherever possible. As an example, the Kansas Cartographic Database, which required years of development by the Kansas Geological Survey in support of our research mission, has now been transferred to several state agencies, to federal agencies such as the US Geological Survey and the Soil Conservation Service, to more than one dozen counties in Kansas, as well as to a large number of private individuals and companies. Databases under development with state funds in this year's GIS program will also provide widespread benefits in addition to their specific value to the Survey. The continuation of this cooperation in development and distribution of mutually valuable databases is of great importance to the Survey as I am sure it is to other participants in the Kansas GIS program.

HOUSE BILL No. 2455

By Committee on Appropriations

2-25

Proposed Amendments to HB 2455
For Consideration by House Appropriations

3-22-91

8 AN ACT concerning the disposition of state gaming revenues; cre-
9 ating the general facilities building fund; ~~abolishing the state eco-~~
10 ~~economic development initiatives fund~~; amending ~~K.S.A. 1990 Supp.~~
11 ~~79-4803~~ and repealing the existing section ~~also repealing K.S.A.~~
12 ~~79-4802 and 79-4804.~~

K.S.A. 79-4804 and
sections

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 New Section 1. ~~(a) On and after July 1, 1991, the director of~~
16 ~~accounts and reports shall transfer on a daily basis from the state~~
17 ~~gaming revenues fund to the state general fund an amount equal to~~
18 ~~60% of all moneys credited to the state gaming revenues fund.~~

19 ~~(b) On July 1, 1992, the director of accounts and reports shall~~
20 ~~transfer all moneys credited to the state economic development ini-~~
21 ~~tiatives fund to the state general fund. After such transfer is made,~~
22 ~~the state economic development initiatives fund is hereby abolished.~~

Section 1

23 Sec. ~~1~~ K.S.A. 1990 Supp. 79-4803 is hereby amended to read
24 as follows: 79-4803. (a) An amount equal to ~~10%~~ 20% of all moneys
25 credited to the state gaming revenues fund shall be transferred and
26 credited in accordance with the following:

27 (1) A portion of such amount, which shall be specified by ap-
28 propriations act, shall be credited to the juvenile detention facilities
29 fund and

, except that during the fiscal year ending
June 30, 1992, the amount equal to 5% of all
moneys credited to the state gaming revenues
fund shall be credited to the juvenile
detention facilities fund

30 (2) the remainder of such amount shall be credited to the cor-
31 rectional institutions building fund created pursuant to K.S.A. 76-
32 6b09, and amendments thereto, to be appropriated by the legislature
33 for the use and benefit of state correctional institutions as provided
34 in K.S.A. 76-6b09 and amendments thereto.

, except that during the fiscal year ending
June 30, 1992, the amount equal to 15% of
all moneys credited to the state gaming
revenues fund shall be credited to the
correctional institutions building fund.

35 (b) There is hereby created in the state treasury the juvenile
36 detention facilities fund. All expenditures from the juvenile detention
37 facilities fund shall be for the construction, renovation, remodeling,
38 operational costs or retirement of debt of facilities for the detention
39 of juveniles.

40 (c) An amount equal to 20% of all moneys credited to the state
41 gaming revenues fund shall be transferred and credited to the general
42 facilities building fund which is hereby created in the state treasury.
43 All expenditures from the general facilities building fund shall be

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1 *for the construction, renovation, rehabilitation, repair, remodeling*
2 *or razing of facilities owned by the state of Kansas.*

or leased by the state of Kansas or the
acquisition of real estate for

3 ~~Sec. 3. K.S.A. 79-4802 and 79-4804 and K.S.A. 1990 Supp. 79-~~
4 ~~4803 are hereby repealed.~~

See Insert

5 Sec. 4. This act shall take effect and be in force from and after
6 July 1, 1991, and its publication in the statute book.

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INSERT FOR BALLOON ON HB 2455

Sec. 2. K.S.A. 79-4804 is hereby amended to read as follows:
79-4804. (a) An amount equal to 60% of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund which is hereby created in the state treasury. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than 1/2 of such money shall be distributed equally among the five congressional districts. ~~On and after July 17, 1997, an amount equal to 90% of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund created by this section.~~ Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund which are created by this section.

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded

through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds which shall be used for economic development activities in Kansas, including but not limited to continuing appropriations or demand transfers for programs and projects which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the pooled money investment board may invest and reinvest moneys credited to the state economic development initiatives fund in obligations of the United States of America or obligations the principal and interest of which are guaranteed by the United States of America or in interest-bearing time deposits in any commercial bank located in Kansas, or, if the board determines that it is impossible to deposit such moneys in such time deposits, in repurchase agreements of less than 30 days' duration with a Kansas bank or with a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments

authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) In each fiscal year ~~beginning-on-and-after-July-17-1990~~, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951 and amendments thereto. No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, which meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

HOUSE BILL No. 2479

By Committee on Appropriations

2-26

Proposed Amendments to HB 2479
for consideration by House Appropriations

3-21-91

8 AN ACT concerning state finance; relating to transfers from the state
 9 general fund to certain special revenue funds; prescribing certain
 10 amounts or rates for certain transfers and prohibiting certain other
 11 transfers; amending K.S.A. 79-2959, as amended by section 8 of
 12 chapter 350 of the 1990 Session Laws of Kansas, 79-2964, as
 13 amended by section 9 of chapter 350 of the 1990 Session Laws
 14 of Kansas, 79-3425e, as amended by section 10 of chapter 350 of
 15 the 1990 Session Laws of Kansas, 79-34,147, as amended by sec-
 16 tion 11 of chapter 350 of the 1990 Session Laws of Kansas, and
 17 82a-953, as amended by section 12 of chapter 350 of the 1990
 18 Session Laws of Kansas, K.S.A. 1989 Supp. 44-566a, as amended
 19 by section 6 of chapter 350 of the 1990 Session Laws of Kansas,
 20 and 72-7067, as amended by section 7 of chapter 350 of the 1990
 21 Session Laws of Kansas, and K.S.A. 1990 Supp. 72-7067 and
 22 repealing the existing sections; also repealing K.S.A. 1990 Supp.
 23 44-566a, 72-7067, as amended by section 2 of this act, 79-3425e,
 24 79-34,147 and 82a-953.

25
26 *Be it enacted by the Legislature of the State of Kansas:*

27 Section 1. On July 1, 1991, K.S.A. 1989 Supp. 44-566a, as
 28 amended by section 6 of chapter 350 of the 1990 Session Laws of
 29 Kansas, is hereby amended to read as follows: 44-566a. (a) There is
 30 hereby created in the state treasury the workers compensation fund.
 31 The commissioner of insurance shall be responsible for administering
 32 the workers compensation fund, and all payments from the workers
 33 compensation fund shall be upon warrants of the director of accounts
 34 and reports issued pursuant to vouchers approved by the commis-
 35 sioner of insurance or a person or persons designated by the com-
 36 missioner. The commissioner of insurance annually shall report to
 37 the governor and the legislature the receipts and disbursements from
 38 the workers compensation fund during the preceding fiscal year.

39 (b) (1) Each September the commissioner of insurance shall cer-
 40 tify, with the commissioner's annual budget request, the amount of
 41 state general fund entitlement of the workers compensation fund for
 42 the ensuing fiscal year. Such entitlement shall be equal to the sum
 43 of the amounts paid from the workers compensation fund during the

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1 preceding fiscal year in payment of awards made to handicapped
 2 employees in accordance with the provisions of K.S.A. 44-569 and
 3 amendments thereto, including attorney fees, less the sum of the
 4 amounts deposited during the preceding fiscal year to the credit of
 5 the workers compensation fund in accordance with the provisions of
 6 K.S.A. 44-570 and amendments thereto, except that (A) no state
 7 general fund entitlement for a fiscal year shall be more than
 8 \$4,000,000, and (B) each such state general fund entitlement is
 9 subject to reduction under section 5 K.S.A. 1990 Supp. 75-6704
 10 and amendments thereto, and (C) ~~there shall be no state general~~
 11 ~~fund entitlement for the fiscal year ending June 30, 1992.~~ For the
 12 purpose of providing funds to meet and pay awards made to hand-
 13 icapped employees, within appropriations therefor, there shall be
 14 transferred not later than July 1 each year, or more frequently by
 15 appropriation acts of the legislature, from the state general fund to
 16 the workers compensation fund, the amount certified by the com-
 17 missioner of insurance to be the entitlement of the workers com-
 18 pensation fund from the state general fund, or a part thereof followed
 19 by supplemental certifications to complete the entitlement for each
 20 such fiscal year, ~~subject to the prohibition on any state general fund~~
 21 ~~entitlement for the fiscal year ending June 30, 1992,~~ to the limitation
 22 of a total amount of \$4,000,000 for any such other fiscal year and
 23 to reduction under section 5 K.S.A. 1990 Supp. 75-6704 and amend-
 24 ments thereto. Such transfer shall be considered to be a demand
 25 transfer from the state general fund.

26 (2) On July 1 each year, the commissioner of insurance shall
 27 impose an assessment against all insurance carriers, self-insurers and
 28 group-funded workers compensation pools insuring the payment of
 29 compensation under the ~~workmen's~~ workers compensation act, the
 30 proceeds of which shall be credited to the workers compensation
 31 fund. The total amount of each such assessment shall be equal to
 32 an amount sufficient, in the opinion of the commissioner of insurance,
 33 to pay all amounts, including attorney fees and costs, which may be
 34 required to be paid from such fund during the current fiscal year,
 35 less amounts required to be transferred from the state general fund
 36 to the workers compensation fund. The total amount of each such
 37 assessment shall be apportioned among those upon whom it is im-
 38 posed, such that each is assessed an amount that bears the same
 39 relation to such total assessment as the amount of money paid or
 40 payable in workers compensation claims by such insurance carrier,
 41 self-insurer or group-funded workers compensation pool in the im-
 42 mediately preceding calendar year bears to all such claims paid or
 43 payable during such calendar year. Not later than September 1 each

the
 , shall not exceed \$2,000,000

limitation of a total amount of \$2,000,000

Handwritten notes:
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1 year, the commissioner of insurance shall notify all such insurance
2 carriers, self-insurers and group-funded workers compensation pools
3 of the amount of each assessment imposed under this subsection on
4 such carrier, self-insurer or group-funded workers compensation
5 pool, and the same shall be due and payable on the October 1
6 following.

7 (3) The commissioner of insurance shall remit all moneys received
8 by or for such commissioner under this subsection to the state treas-
9 urer. Upon receipt of any such remittance the state treasurer shall
10 deposit the entire amount thereof in the state treasury to the credit
11 of the workers compensation fund.

12 (c) (1) Whenever the workers compensation fund may be made
13 liable for the payment of any amounts in proceedings under the
14 workers compensation act, the commissioner of insurance, in the
15 capacity of administrator of such fund, shall be impleaded in such
16 proceedings and shall represent and defend the workers compen-
17 sation fund. The commissioner of insurance shall be deemed im-
18 pleaded in any such proceedings whenever written notice of the
19 proceedings setting forth the nature of the liability asserted against
20 the workers compensation fund, is given to the commissioner of
21 insurance. The commissioner of insurance may be made a party in
22 this manner by any party to the proceedings. A copy of the written
23 notice shall be given to the director and to all other parties to the
24 proceedings.

25 (2) The director or administrative law judge shall dismiss the
26 workers compensation fund from any proceeding where the director
27 has determined that there is insufficient evidence to indicate in-
28 volvement by the workers compensation fund.

29 (d) The commissioner of insurance, in the capacity of adminis-
30 trator of the workers compensation fund, may make settlements of
31 any amounts which may be payable from the workers compensation
32 fund with regard to any claim under the workers compensation act,
33 subject to the approval of the director.

34 (e) The workers compensation fund shall be liable for:

35 (1) Payment of awards to handicapped employees in accordance
36 with the provisions of K.S.A. 44-569 and amendments thereto;

37 (2) payment of workers compensation benefits to an employee
38 who is unable to receive such benefits from such employee's em-
39 ployer under the conditions prescribed by K.S.A. 44-532a and
40 amendments thereto;

41 (3) reimbursement of an employer or insurance carrier pursuant
42 to the provisions of K.S.A. 44-534a and amendments thereto, sub-
43 section (d) of K.S.A. 44-556 and amendments thereto, subsection (c)

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1 of K.S.A. 44-569 and amendments thereto and K.S.A. 44-569a and
2 amendments thereto;

3 (4) payment of the actual expenses of the commissioner of in-
4 surance which are incurred for administering the workers compen-
5 sation fund, subject to the provisions of appropriations acts; and

6 (5) any other payments or disbursements provided by law.

7 (f) If it is determined that the workers compensation fund is not
8 liable as described in subsection (e), attorney fees incurred by the
9 workers compensation fund may be assessed against the party who
10 has impleaded the workers compensation fund other than implead-
11 ings pursuant to K.S.A. 44-532a and amendments thereto.

12 (g) The legislature shall provide for the implementation of the
13 workers compensation fund as provided in this section and shall be
14 responsible for ensuring the fund's adequacy to meet and pay claims
15 awarded against it.

16 Sec. 2. On the effective date of this act, K.S.A. 1990 Supp. 72-
17 7067 is hereby amended to read as follows: 72-7067. (a) (1) For
18 taxable year ~~1989~~ 1990, each district is entitled to an amount equal
19 to ~~23%~~ ~~22.61%~~ of the resident individual income tax liability within
20 the district after credits allowed against such tax, with the exception
21 of credits for taxes paid to another state and credits allowed under
22 K.S.A. 79-32,100 and 79-32,104, and amendments thereto.

23% ✓

23 (2) For taxable year ~~1990~~ 1991, and each taxable year thereafter,
24 each district is entitled to an amount equal to ~~24%~~ of the resident
25 individual income tax liability within the district after credits allowed
26 against such tax, with the exception of credits for taxes paid to
27 another state and credits allowed under K.S.A. 79-32,100 and 79-
28 32,104, and amendments thereto.

23% ✓

29 (b) *Subject to the provisions of subsection (d)*, the secretary of
30 revenue shall certify to the state board and the director of accounts
31 and reports the entitlements of districts, and an amount equal to
32 the sum thereof shall be transferred in accordance with the provisions
33 of this subsection by the director from the state general fund to the
34 school district income tax fund, which fund is hereby created, for
35 distribution to districts. *Subject to the provisions of subsection (d)*,
36 such certification shall be based on state income tax returns filed
37 and attributed to each district, with any adjustments or corrections
38 made by the director of taxation. *Subject to the provisions of sub-*
39 *section (d)*, the director of accounts and reports shall transfer moneys
40 attributable to entitlements of districts, as prescribed and certified
41 under the provisions of this section, from the state general fund to
42 the school district income tax fund as follows:

43 (1) Prior to September 1 of the current school year, an amount

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1 equal to 20% of the amount of such moneys which have been credited
2 to the state general fund since May 1 of the preceding school year;

3 (2) prior to October 1 of the current school year, an amount of
4 such moneys equal to the amount transferred from the state general
5 fund for distribution to districts on September 1;

6 (3) prior to November 1 of the current school year, an amount
7 of such moneys equal to the amount transferred from the state
8 general fund for distribution to districts on October 1;

9 (4) prior to December 1 of the current school year, an amount
10 of such moneys equal to twice the amount transferred from the state
11 general fund for distribution to districts on November 1 *and, for*
12 *the transfer to be made under this paragraph prior to December 1,*
13 *1991, less an amount required to make the adjustments regarding*
14 *the amounts transferred under paragraph (6) prior to May 1, 1991,*
15 *and paragraph (7) prior to June 15, 1991, to adjust for the actual*
16 *entitlements of districts for taxable year 1990 based on the rate of*
17 ~~22.61%~~ *and the amounts transferred pursuant to subsection (d);*

23%

18 (5) prior to February 1 of the current school year, any such
19 moneys remaining in the state general fund;

20 (6) prior to May 1 of the current school year, *subject to the*
21 *provisions of subsection (d),* an amount equal to 50% of the amount
22 of such moneys which have been credited to the state general fund
23 since February 1 of the current school year; and

24 (7) prior to June 15 of the current school year, *subject to the*
25 *provisions of subsection (d),* the remainder of the amount of such
26 moneys which have been credited to the state general fund since
27 February 1 of the current school year.

28 (c) All transfers made in accordance with the provisions of this
29 section shall be considered to be demand transfers from the state
30 general fund.

31 (d) *For the purposes of the amounts transferred under paragraph*
32 *(6) of subsection (b) prior to May 1, 1991, and under paragraph*
33 *(7) of subsection (b) prior to June 15, 1991, and only for such*
34 *amounts, the amounts so transferred shall be determined and cer-*
35 *tified by the secretary of revenue to the director of accounts and*
36 *reports under this section as though each district was to receive an*
37 *amount under subsection (a)(1) for taxable year 1990 based on a*
38 *rate of 24%.*

39 Sec. 3. On July 1, 1991, K.S.A. 1989 Supp. 72-7067, as amended
40 by section 7 of chapter 350 of the 1990 Session Laws of Kansas, is
41 hereby amended to read as follows: 72-7067. (a) (1) For taxable year
42 ~~1989~~ 1990, each district is entitled to an amount equal to ~~23%~~
43 ~~22.61%~~ of the resident individual income tax liability within the

23%

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1 district after credits allowed against such tax, with the exception of
2 credits for taxes paid to another state and credits allowed under
3 K.S.A. 79-32,100 and 79-32,104, and amendments thereto.

4 (2) For taxable year ~~1990~~ 1991, and each taxable year thereafter,
5 each district is entitled to an amount equal to ~~24%~~ of the resident
6 individual income tax liability within the district after credits allowed
7 against such tax, with the exception of credits for taxes paid to
8 another state and credits allowed under K.S.A. 79-32,100 and 79-
9 32,104, and amendments thereto.

23%

10 (3) The amount each district is entitled to receive under this
11 section is subject to reduction in proportion to any reduction in the
12 amount of the demand transfer from the state general fund under
13 ~~section 5 K.S.A. 1990 Supp. 75-6704 and amendments thereto~~, after
14 making adjustments for any new estimates of revenues to the state
15 general fund which shall be certified to the state board of education
16 by the director of the budget.

17 (b) The secretary of revenue shall certify to *the state board and*
18 *the director of accounts and reports the entitlements of districts,*
19 *and, subject to a reduction under section 5 K.S.A. 1990 Supp. 75-*
20 *6704 and amendments thereto and this section, an amount equal*
21 *thereto to the sum thereof shall be transferred in accordance with*
22 *the provisions of this subsection by the director from the state general*
23 *fund to the school district income tax fund, which fund is hereby*
24 *created, for distribution thereof to districts. Such certification shall*
25 *be based on state income tax returns filed and attributed to each*
26 *district, with any adjustments or corrections made by the director*
27 *of taxation. Subject to the provisions of section 5 K.S.A. 1990 Supp.*
28 *75-6704 and amendments thereto and this section, the director of*
29 *accounts and reports shall transfer moneys attributable to entitle-*
30 *ments of districts, as prescribed and certified under the provisions*
31 *of this section, from the state general fund to the school district*
32 *income tax fund as follows:*

33 (1) Prior to September 1 of the current school year, an amount
34 equal to 20% of the amount of such moneys which have been credited
35 to the state general fund since May 1 of the preceding school year;

36 (2) prior to October 1 of the current school year, an amount of
37 such moneys equal to the amount transferred from the state general
38 fund for distribution to districts on September 1;

39 (3) prior to November 1 of the current school year, an amount
40 of such moneys equal to the amount transferred from the state
41 general fund for distribution to districts on October 1;

42 (4) prior to December 1 of the current school year, an amount
43 of such moneys equal to twice the amount transferred from the state

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1 general fund for distribution to districts on November 1 and, for
 2 the transfer to be made under this paragraph prior to December 1,
 3 1991, less an amount required to make the adjustments regarding
 4 the amounts transferred under paragraph (6) prior to May 1, 1991,
 5 and paragraph (7) prior to June 15, 1991, to adjust for the actual
 6 entitlements of districts for taxable year 1990 based on the rate of
 7 ~~22.61%~~ and the amounts transferred pursuant to subsection (d);

23%

8 (5) prior to February 1 of the current school year, any such
 9 moneys remaining in the state general fund;

10 (6) prior to May 1 of the current school year, subject to the
 11 provisions of subsection (d), an amount equal to 50% of the amount
 12 of such moneys which have been credited to the state general fund
 13 since February 1 of the current school year; and

14 (7) prior to June 15 of the current school year, subject to the
 15 provisions of subsection (d), the remainder of the amount of such
 16 moneys which have been credited to the state general fund since
 17 February 1 of the current school year.

18 (c) All transfers made in accordance with the provisions of this
 19 section shall be considered to be demand transfers from the state
 20 general fund.

21 (d) For the purposes of the amounts transferred under paragraph
 22 (6) of subsection (b) prior to May 1, 1991, and under paragraph
 23 (7) of subsection (b) prior to June 15, 1991, and only for such
 24 amounts, the amounts so transferred shall be determined and cer-
 25 tified by the secretary of revenue to the director of accounts and
 26 reports under this section as though each district was to receive an
 27 amount under subsection (a)(1) for taxable year 1990 based on a
 28 rate of 24%.

29 Sec. 4. On July 1, 1991, K.S.A. 79-2959, as amended by section
 30 8 of chapter 350 of the 1990 Session Laws of Kansas, is hereby
 31 amended to read as follows: 79-2959. (a) There is hereby created
 32 the local ad valorem tax reduction fund. All moneys transferred or
 33 credited to such fund under the provisions of this act or any other
 34 law shall be apportioned and distributed in the manner provided
 35 herein.

36 (b) On January 15 and on July 15 of each year, the director of
 37 accounts and reports shall make transfers in equal amounts which
 38 in the aggregate equal ~~4.5%~~ 4.348% of the total retail sales and
 39 compensating taxes credited to the state general fund pursuant to
 40 articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and
 41 acts amendatory thereof and supplemental thereto during the pre-
 42 ceding calendar year from the state general fund to the local ad
 43 valorem tax reduction fund, except that such transfers are subject

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1 to reduction under ~~section 5~~ K.S.A. 1990 Supp. 75-6704 and amend-
2 ments thereto. All transfers made in accordance with the provisions
3 of this section shall be considered to be demand transfers from the
4 state general fund.

5 (c) The state treasurer shall apportion and pay the amounts trans-
6 ferred under subsection (b) to the several county treasurers on Jan-
7 uary 15 and on July 15 in each year as follows: (1) Sixty-five percent
8 of the amount to be distributed shall be apportioned on the basis
9 of the population figures of the counties certified to the secretary
10 of state pursuant to K.S.A. 11-201 and amendments thereto on July
11 1 of the preceding year; and (2) thirty-five percent of such amount
12 shall be apportioned on the basis of the equalized assessed tangible
13 valuations on the tax rolls of the counties on November 1 of the
14 preceding year as certified by the director of property valuation.

15 Sec. 5. On July 1, 1991, K.S.A. 79-2964, as amended by section
16 9 of chapter 350 of the 1990 Session Laws of Kansas, is hereby
17 amended to read as follows: 79-2964. There is hereby created the
18 county and city revenue sharing fund. All moneys transferred or
19 credited to such fund under the provisions of this act or any other
20 law shall be allocated and distributed in the manner provided herein.
21 The director of accounts and reports in each year on July 15 and
22 December 10, shall make transfers in equal amounts which in the
23 aggregate equal ~~3.5%~~ 3.368% of the total retail sales and compen-
24 sating taxes credited to the state general fund pursuant to articles
25 36 and 37 of chapter 79 of the Kansas Statutes Annotated and acts
26 amendatory thereof and supplemental thereto during the preceding
27 calendar year from the state general fund to the county and city
28 revenue sharing fund, except that ~~such~~ all transfers made in ac-
29 cordance with the provisions of this section are subject to reduction
30 under ~~section 5~~ K.S.A. 1990 Supp. 75-6704 and amendments
31 thereto. All transfers made in accordance with the provisions of this
32 section shall be considered to be demand transfers from the state
33 general fund.

34 Sec. 6. On July 1, 1991, K.S.A. 79-3425e, as amended by section
35 10 of chapter 350 of the 1990 Session Laws of Kansas, is hereby
36 amended to read as follows: 79-3425e. On January 15 and July 15
37 of each year, the director of accounts and reports shall transfer a
38 sum equal to 95% of the total taxes collected under the provisions
39 of K.S.A. 79-6a04 and 79-6a10 and amendments thereto and credited
40 to the state general fund during the six months next preceding the
41 date of transfer, from the state general fund to the special city and
42 county highway fund, created by K.S.A. 79-3425 and amendments
43 thereto, except that ~~such~~ all transfers made under this section are

1 subject to reduction under ~~section 5~~ K.S.A. 1990 Supp. 75-6704
2 and amendments thereto. All transfers under this section shall be
3 considered to be demand transfers from the state general fund.

4 Sec. 7. On July 1, 1991, K.S.A. 79-34,147, as amended by sec-
5 tion 11 of chapter 350 of the 1990 Session Laws of Kansas, is hereby
6 amended to read as follows: 79-34,147. (a) On each January 1, April
7 1, July 1 and October 1, the secretary of revenue shall certify to
8 the director of accounts and reports the amount equal to ~~10%~~ 6.56%
9 of the total revenues received by the secretary from the taxes im-
10 posed under the Kansas retailers' sales tax act and deposited in the
11 state treasury and credited to the state general fund during the
12 preceding three calendar months.

13 (b) Upon receipt of each certification under subsection (a), the
14 director of accounts and reports shall transfer from the state general
15 fund to the state highway fund an amount equal to the amount so
16 certified, on each January 1, April 1, July 1 and October 1, except
17 such transfers are subject to reduction under ~~section 5~~ K.S.A. 1990
18 Supp. 75-6704 and amendments thereto.

19 (c) All transfers made in accordance with the provisions of this
20 section shall be considered to be demand transfers from the state
21 general fund.

22 Sec. 8. On July 1, 1991, K.S.A. 82a-953, as amended by section
23 12 of chapter 350 of the 1990 Session Laws of Kansas, is hereby
24 amended to read as follows: 82a-953. In each fiscal year beginning
25 on or after July 1, 1990 1992, the director of accounts and reports
26 shall transfer \$6,000,000 from the state general fund to the state
27 water plan fund created by K.S.A. 82a-951, and amendments thereto,
28 so that 1/2 of such amount to be is transferred on July 15 and 1/2
29 to be of such amount is transferred on January 15, except that such
30 all transfers under this section are subject to reduction under section
31 5 K.S.A. 1990 Supp. 75-6704 and amendments thereto. All transfers
32 under this section shall be considered to be demand transfers from
33 the state general fund. The director of accounts and reports shall
34 make no transfers under this section during the fiscal year ending
35 June 30, 1992.

36 Sec. 9. On the effective date of this act, K.S.A. 1990 Supp. 72-
37 7067 is hereby repealed.

38 Sec. 10. On July 1, 1991, K.S.A. 79-2959, as amended by section
39 8 of chapter 350 of the 1990 Session Laws of Kansas, 79-2964, as
40 amended by section 9 of chapter 350 of the 1990 Session Laws of
41 Kansas, 79-3425e, as amended by section 10 of chapter 350 of the
42 1990 Session Laws of Kansas, 79-34,147, as amended by section 11
43 of chapter 350 of the 1990 Session Laws of Kansas, and 82a-953, as

9.535%

Highway

(a)

Water

(b) In the Fiscal year beginning on July 1, 1991, the director of accounts and reports shall transfer \$3,000,000 from the state general fund to the state water plan fund so that 1/2 of such amount is transferred on July 15, 1991, and 1/2 of such amount is transferred on January 15, 1992.

(c) All transfers under this section shall be considered to be demand transfers from the state general fund and all transfers under this section are subject to reduction under K.S.A. 1990 Supp. 75-6704 and amendments thereto

15-9

1 amended by section 12 of chapter 350 of the 1990 Session Laws of
2 Kansas, K.S.A. 1989 Supp. 44-566a, as amended by section 6 of
3 chapter 350 of the 1990 Session Laws of Kansas, and 72-7067, as
4 amended by section 7 of chapter 350 of the 1990 Session Laws of
5 Kansas, and K.S.A. 1990 Supp. 44-566a, 72-7067, as amended by
6 section 2 of this act, 79-3425e, 79-34,147 and 82a-953 are hereby
7 repealed.

8 Sec. 11. This act shall take effect and be in force from and after
9 its publication in the Kansas register.

15-10

STATE GENERAL FUND EXPENDITURES – SELECTED COMPARISONS BETWEEN FY 1991 AND FY 1992

In Thousands

	Estimated or Actual FY 1991	Fiscal Year 1992					
		Est. With No Law Change	Incr. From FY 1991	Gov. Current Res. Budget	Incr. From FY 1991	Proposed Amend. to H.B. 2479 3 House Approp. Com. Bills	Incr. From FY 1991
<u>Demand Transfers</u>							
Income Tax Rebate	\$ 189,720	\$ 203,900	\$ 14,180	\$ 189,720	–	\$ 194,000	4,280
State Highway Fund	74,468 ^(a)	78,100	3,632	78,100	3,632	74,468	–
Local Ad Valorem Tax Reduction Fund	37,164 ^(b)	38,696	1,532	37,164	–	37,164	–
County-City Revenue Sharing Fund	28,351 ^(b)	29,461 ^(b)	1,110	28,351	–	28,351	–
City-County Highway Fund	9,052 ^{(a)(b)}	9,500	448	9,127	75	9,052	–
Water Plan Fund	5,895 ^{(a)(b)}	6,000	105	–	(5,895)	3,000	(2,895)
Workers Comp. Fund	3,930 ^{(a)(b)}	4,000	70	–	(3,930)	2,000	(1,930)
Regent's Center	<u>1,000 ^(b)</u>	<u>–</u>	<u>(1,000)</u>	<u>–</u>	<u>(1,000)</u>	<u>–</u>	<u>(1,000)</u>
Total	\$ 349,580	\$ 369,657	\$ 20,077	\$ 342,462	\$ (7,118)	\$ 348,035 ^(c)	\$ (1,545)
<u>Other</u>							
Longevity Bonus	yes	yes		no		no	
Pres Primary Aid	–	1,200	1,200	–	–	–	–

a) Reflects 1.75 percent reduction required by 1990 S.B. 799.

b) Actual.

c) This amount is \$5.6 million more than shown for the Governor's current resources budget.

Kansas Legislative Research Department
February 21, 1991
Revised March 22, 1991

HA
3-22-91
Attachment 16

BILL DRAFT

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

Section 1. Notwithstanding the provisions of K.S.A. 1990 Supp. 74-4902, K.S.A. 1990 74-4913, K.S.A. 1990 Supp. 74-4915, K.S.A. 1990 Supp. 74-4916, K.S.A. 1990 Supp. 74-4919, K.S.A. 1990 Supp. 74-4920 and 74-4920b, on and after June 18, 1991, whenever any state officers and employees are placed on uncompensated furlough as a cost-saving measure taken to bring a state agency within the limitations of its appropriations, the officers and employees shall be granted participating service, credited service, retirement and other benefits provided by the Kansas public employees retirement system as though the officer or employee had suffered no loss of salary due to the furlough. The state agency ordering furloughs to meet its appropriation shall certify to the Kansas public employees retirement system the monthly salary due to the officers and employees as if furloughs had not been ordered.

Section 2. This act shall take effect and be in force from and after its publication in the Register.

HA
3-22-91
Attachment 17