

Approved Feb. 25, 1991

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Senator August "Gus" Bogina, Chairperson at 11:05 a.m. on February 18, 1991, in Room 123-S of the Capitol.

All members were present except:  
Senator Hayden, who was excused

Committee staff present:  
Diane Duffy, Kansas Legislative Research Department  
Gordon Self, Revisors' Office  
Judy Bromich, Administrative Assistant  
Ronda Miller, Committee Secretary

Conferees appearing before the committee:  
Bob Wunsch, Legislative Liaison, University of Kansas Medical Center  
Gene Johnson  
Kansas Association of Alcohol and Drug Program Directors  
Kansas Community Alcohol Safety Action Project Coordinators  
Association  
Kansas Alcohol and Drug Addiction Counselors Association  
Judge William R. Carpenter, Administrative Judge, 3rd Judicial District  
Andrew O'Donovan, Acting Commissioner of Alcohol and Drug Abuse Services  
Paul Shelby, Office of Judicial Administration  
Clarence Thompson, Director, Dickinson County Council on Alcohol and Drugs  
in Abilene, KS

INTRODUCTION OF BILLS:

Senator Allen moved, Senator Doyen seconded, the introduction of bill draft 1 RS 0881 - AN ACT relating to motor vehicle fuel taxes; concerning refunds for motor-vehicle fuel used in motorboats. The motion carried on a voice vote.

It was moved by Senator Allen, seconded by Senator Harder, that bill draft 1 RS 0915 - AN ACT relating to motor vehicle insurance; imposing a fee upon the purchaser thereof, be introduced. The motion carried on a voice vote.

Senator Harder moved, Senator Gaines seconded, the introduction of conceptual legislation providing access to certain records by protection and advocacy agency. The motion carried on a voice vote.

Senator Harder moved, Senator Gaines seconded, that the minutes of the February 7, 1991 meeting be approved. The motion carried on a voice vote.

The Chairman called attention to memos distributed by the Kansas Legislative Research Department, Attachments 1 and 2, and to a memorandum (Attachment 3) from Gary Stotts in reply to committee questions.

SB 74 - Appropriations for FY 91 and FY 92, capital improvement for KUMC

Mr. Bob Wunsch testified in support of SB 74, saying that the arson fire occurred the morning of December 27, 1990. He distributed copies of Attachment 4, a damage cost analysis to Battenfield Auditorium. In answer to a question, he stated that he was not aware of any progress in apprehending the individual responsible for the crime. The Chairman reminded the Committee that the state is self-insured, and because this facility is needed, he had asked Legislative staff to ascertain whether there was sufficient funds in the Education Building Fund to provide this appropriation. Mr. Wunsch told the members that there is no intent to upgrade or improve the facility, merely to restore it.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, February 18, 1991.

The Chairman asked that SB 74 be held in Committee until staff had time to check balances in the EBF.

SB 76 - Fee for presentence drug and alcohol evaluations

Judge William R. Carpenter appeared before the Committee in support of SB 76. He noted that some cases involve alot of time on behalf of the Alcohol and Drug Safety Action Program (ASAP) personnel, and that the assessments provide 90% of the funding for ASAP.

In answer to a question, Judge Carpenter stated that two reasons for the increase in assessment are the continuing caseload build and the large amount of time on a per case basis.

Commissioner Andrew O'Donovan distributed and reviewed Attachment 5 in support of SB 76. He told the Committee that the fee of \$110 per client was set in 1985 and that increasing the assessment will help keep pace with the cost of living.

Mr. Gene Johnson appeared before the Committee in support of SB 76 and reviewed Attachment 6. There was discussion regarding the range of fees from \$125. to \$200. Mr. Johnson stated that it was his hope that evaluators could submit bills to the courts which, in turn, could adjust appropriately the evaluation fee. In answer to a question, it was stated that by a preliminary estimate, over \$1. million is paid under the current fee schedule.

Senator Kerr questioned whether there was a conflict of interest in the case of evaluators who recommend treatment and then become the outpatient counselors. Mr. Johnson acknowledged that this is an unavoidable problem in some areas of the state.

In answer to Senator Parrish's question, Mr. Johnson stated that third party pay is not available in cases associated with DUI. He noted that ADAS does not receive the full \$110. assessment -- 15% is deducted in two districts and an additional 10% is used for administrative court costs in many other districts. Mr. Johnson reminded the Committee that ADAS collects its share of the money only after it is paid to the court, and in many cases, no fee is collected. (See Attachment 6-2)

Mr. Paul Shelby reviewed Attachment 7 and requested that the Committee postpone action on SB 76 until a report is made March 1 by the Judicial Administration which will include data from all district and municipal courts and which will identify the districts that keep 10% of the assessment for administrative court costs.

Clarence Thompson, Director of the Dickinson County Council on Alcohol and Drugs in Abilene, KS, appeared on behalf of Municipal Court Judge Robert Royer, Jr., and reviewed Attachment 8. Mr. Thompson noted that his agency provides services beyond what is required by the court, and, because of the 15% deduction for administrative court costs, he receives \$93.50 per client. When asked to estimate the average cost per client, Mr. Thompson stated that the \$167. cited by Mr. Johnson (Attachment 6-1) seemed reasonable to him. He noted that reasons for the requested increase in assessment include rising fixed costs of the facility, salaries and benefits for staff, and the variety of personnel required to provide whatever services are needed.

The Chairman announced that SB 76 would be taken under advisement until the report from the Office of Judicial Administration is made available. The meeting was adjourned at 12:05 p.m.



**Governor's Recommendation  
FY 1991 Adjustments to Approved General Fund Budget  
(Thousands)**

|   |    | FY 1991 Changes<br>to SGF Approved |
|---|----|------------------------------------|
| Department of Social and Rehabilitation Services                          | \$ | 16,821                             |
| State Hospitals, Financing Shifts   |    | (7,938)                            |
| Homestead Property Tax Refunds  |    | (1,304)                            |
| Department of Administration, Financial Information System<br>Development |    | 988                                |
| Attorney General, Water Rights Litigation                                 |    | 3,418                              |
| Board of Indigents' Defense Services, Assigned Counsel                    |    | 375                                |
| Legislature, Automated Redistricting System                               |    | 463                                |
| Department of Education   |    |                                    |
| Special Education Aid   |    | 1,430                              |
| Transportation Aid  |    | (355)                              |
| Regents' Institutions, Financing Shifts                                   |    | (1,053)                            |
| KPERS, School Employer's Contribution                                     |    | 2,113                              |
| Department of Corrections   |    |                                    |
| El Dorado Correctional Facility Operations                                |    | 2,453                              |
| Inmate Medical Costs  |    | 693                                |
| Correctional Officers Lawsuit   |    | (400)                              |
| Debt Service  |    | (171)                              |
| Kansas Highway Patrol, Recruit Class and Vehicle Repairs                  |    | 542                                |
| Subtotal  | \$ | 18,075                             |
| All Others  |    | (9,576)*                           |
| Net Increase from Approved Budget   | \$ | 8,499                              |

\* Although this net difference is comprised of numerous increases and decreases to individual agency budgets, the largest factor common to all agencies is revision of health insurance rates. The revised single member health insurance premium rate for FY 1991 is almost 15 percent below the rate on which the approved budgets were based. The revised state-paid family premium rate is 28 percent lower. Based upon salary compilations contained in Governor's budget reports, the estimated General Fund reduction resulting from the revised rates is approximately \$8.0 million.

# MEMORANDUM

## Kansas Legislative Research Department

Room 545-N – Statehouse  
Topeka, Kansas 66612-1586  
(913) 296-3181

February 12, 1991

### STATE AID TO LOCAL UNITS OF GOVERNMENT

#### Fiscal Years 1989-1992

Detailed data on state aid to local units of government are presented in the table attached to this memo. Federal grants are not included. The table shows actual aid in FYs 1989 and 1990, the estimates for FY 1991 contained in the Governor's Budget Report to the 1991 Legislature (except actual aid is shown for a few programs), and the Governor's proposals for FY 1992 based on the "current resources" budget (no new revenue) and on the recommended or enhanced budget (a large amount of new revenue from expansion of the sales tax base).

The first part of the table deals with aid from the State General Fund (SGF) and the second part with aid paid from numerous other state funds. For certain programs, one must look at both parts in order to know the total amount of aid for those programs and the extent to which aid has been shifted between the SGF and other funds.

#### State Aid From General Fund

State aid from the SGF increased by \$98.2 million or 9.8 percent in FY 1990 and is estimated to rise by \$60.7 million or 5.5 percent in FY 1991. For FY 1992, aid would decline by \$1.35 million or 0.1 percent under the current resources budget, but would increase by \$292.1 million or 25.2 percent under the Governor's recommended budget.

In relation to total expenditures from the SGF, state aid accounted for 46.4 percent in FY 1989 and 45.8 percent in FY 1990, an estimated 46.4 percent in FY 1991, and 46.5 percent in FY 1992 under the current resources budget and 50.1 percent with the Governor's recommendations.

Approximately 90 percent of all aid from the SGF is for the numerous education programs in all four years covered by the table. In these years, school districts consistently receive about 93 percent of the aid for education.

However, it should be noted that while most of the state's contribution to KPERS-School is on behalf of school districts, community colleges and vocational schools also benefit from the contribution. Similarly, aid for local property tax reduction is shown as a lump sum immediately below the education programs. Most of that money is ultimately distributed to counties, cities, townships, and special districts, but community colleges and Washburn University also share in the Local Ad Valorem Tax Reduction Fund.

SWAM  
Feb. 18, 1991  
Attachment 2

Concentrating on the Governor's proposals for FY 1992, it will be noted that most of the aid programs are frozen at (or nearly at) their FY 1991 levels under the current resources budget. The major exceptions are the state's contribution to KPERs-School, which would increase by \$6.8 million, and aid for special education, which would decrease by \$8.9 million due to the recommended elimination of aid for gifted pupils. The current resources budget has no money for vocational schools capital outlay aid, watershed construction, and aid to counties for property reappraisal maintenance and presidential primary costs, all of which are funded in the Governor's enhanced budget.

Under the Governor's recommended budget (with expansion of the sales tax base), \$272.8 million or 93.4 percent of the total increase of \$292.1 million would go to education programs and \$19.3 million of the increase would go to other programs. The largest increases from FY 1991 are \$161.0 million for general or equalization aid to school districts, \$70.0 million for a new school district property tax reduction fund, \$14.2 million for the income tax rebate to school districts (this is the estimated increase under present law), \$7.7 million for community colleges (includes the first year of a two-year phase out of out-district tuition paid by counties), \$6.9 million for school districts transportation aid which would pay 100 percent of the formula, \$6.8 million for KPERs-School (the same increase as in the current resources budget), \$6.5 million for the Local Ad Valorem Tax Reduction Fund (includes one distribution resulting from the proposed sales tax base expansion in the last half of CY 1991), \$3.6 million for community assistance grants associated with community mental health and retardation programs, and \$3.0 million to counties for property reappraisal maintenance (the same amount is appropriated from the Economic Development Initiatives Fund in FY 1991). The increases listed above account for almost 96 percent of the total recommended increase in aid from the SGF in FY 1992.

Aid for special education would rise by only \$1.8 million from FY 1991 to FY 1992, in contrast to increases of \$12.4 million in FY 1990 and \$12.9 million in FY 1991. This reflects two proposed changes in policy: elimination of aid for gifted pupils and abandonment of the concept of financing "excess costs" associated with special education. The \$128.4 million recommended for FY 1992 would fund transportation entitlements fully and would provide for a 4.5 percent increase in teaching unit costs.

### State Aid From Other Funds

Aid from funds other than the SGF in FY 1992 total \$134.7 million under the recommended budget and \$133.2 million under the current resources budget. The only difference is that, under the latter budget, the small lakes program would not receive \$1.5 million from the Water Plan Fund. Total aid from other funds would decline slightly from FY 1991 under either budget, largely because of the proposed elimination of the Economic Development Initiatives Fund and reduced aid from the Water Plan Fund. However, the SGF would pick up some of that reduction, especially under the recommended budget. As noted at the beginning of this memo, one must look closely at both parts of the attached table.

State aid to local units for road and street purposes is by far the largest component of aid from other funds, amounting to \$106.3 million, or 79 percent of the total, in the recommended budget for FY 1992. In addition, the City-County Highway Fund receives an amount equal to motor carrier property taxes credited to the SGF, but that transfer is counted as aid from the SGF. Most of the money credited to the City-County Highway Fund comes from its share of motor fuels taxes which were raised, in stages, by the 1989 Legislature, thus accounting for the large increases in distributions from that fund in FYs 1990, 1991, and 1992.

Ranking a distant second and third to aid for roads and streets are distributions to counties and cities of their shares of the 10 percent excise tax on liquor by the drink (estimated by the



Research Department at \$11.3 million in FY 1992) and to counties and school districts from 7 percent of the severance tax (estimated by the Research Department at \$7.8 million in FY 1992). Those two distributions, plus aid for roads and streets, make up 93 percent of aid from other funds in the FY 1992 recommended budget.

### **Total State Aid**

Aid from the SGF and other funds is estimated at \$1.296 billion in FY 1991, an increase of \$80.3 million or 6.6 percent from FY 1990. Such aid rose by \$112.5 million or 10.2 percent in FY 1990.

For FY 1992, total aid would decline from FY 1991 by \$3.2 million or 0.2 percent under the current resources budget, but would increase by \$291.7 million or 22.5 percent under the Governor's recommended budget.

Total state aid in FY 1992 is 24.4 percent of gross expenditures from all funds under the current resources budget and is 27.5 percent in the recommended budget. The corresponding ratios of total aid to gross expenditures were 25.5 percent in FY 1990 and 25.0 percent in FY 1991 (estimated).

## STATE AID TO LOCAL UNITS OF GOVERNMENT

In Thousands

|                              | FY 1989             | FY 1990             | Est.<br>FY 1991     | FY 1992                |                    | Gov. Rec. Increase<br>FY 1991-FY 1992 |         |
|------------------------------|---------------------|---------------------|---------------------|------------------------|--------------------|---------------------------------------|---------|
|                              |                     |                     |                     | Current<br>Res. Budget | Governor's<br>Rec. | Amount                                | Percent |
| <u>State General Fund</u>    |                     |                     |                     |                        |                    |                                       |         |
| General State Aid            | \$ 489,382          | \$ 539,066          | \$ 545,920          | \$ 545,920             | \$ 706,920         | \$ 161,000                            | 29.5%   |
| Income Tax Rebate            | 152,053             | 167,274             | 189,720             | 189,720                | 203,900            | 14,180                                | 7.5     |
| Transportation Aid           | 42,446              | 44,489              | 47,260              | 47,260                 | 54,126             | 6,866                                 | 14.5    |
| Subtotal, SDEA               | 683,881             | 750,829             | 782,900             | 782,900                | 964,946            | 182,046                               | 23.3    |
| USD Prop. Tax Reduction      | -                   | -                   | -                   | -                      | 70,000             | 70,000                                | -       |
| Ft. Leavenworth USD          | 1,002               | 1,455               | 1,525 <sup>a</sup>  | 1,525                  | 2,064              | 539                                   | 35.3    |
| KPERS-School                 | 37,115              | 41,037              | 44,879              | 51,641                 | 51,641             | 6,762                                 | 15.1    |
| Special Education            | 101,260             | 113,643             | 126,587             | 117,737                | 128,382            | 1,795                                 | 1.4     |
| Deaf-Blind-Hand. Child       | 85                  | 79                  | 84                  | 85                     | 85                 | 1                                     | 1.8     |
| Adult Basic Ed.              | 63                  | 74                  | 134                 | 205                    | 205                | 71                                    | 53.2    |
| Food Service                 | 2,385               | 2,385               | 2,356               | 2,400                  | 2,400              | 44                                    | 1.9     |
| Bilingual Ed.                | 545                 | 599                 | 590                 | 590                    | 590                | 0                                     | 0       |
| In-Service Training          | 874                 | 916                 | 933                 | 1,000                  | 1,000              | 67                                    | 7.1     |
| Sexuality/AIDS               | 1,500               | 1,497               | 1,474               | 500                    | 500                | (974)                                 | (66.1)  |
| Building Based Ed.           | 20                  | 20                  | -                   | -                      | -                  | -                                     | -       |
| At Risk/Innovative           | -                   | 2,250               | 1,425               | 1,500                  | 2,500              | 1,075                                 | 75.5    |
| Parent Education             | -                   | -                   | 983                 | 1,000                  | 1,200              | 218                                   | 22.1    |
| Subtotal, USDs               | 828,730             | 914,784             | 963,870             | 961,083                | 1,225,513          | 261,643                               | 27.1    |
| Voc. Ed.-Postsecondary       | 12,326              | 14,215              | 13,755              | 13,755                 | 14,787             | 1,032                                 | 7.5     |
| Voc. Ed.-Area Schools        | 7,389               | 7,759               | 8,004               | 8,004                  | 8,404              | 400                                   | 5.0     |
| Voc. Ed.-Capital Outlay      | 1,000               | 1,000               | -                   | -                      | 1,000              | 1,000                                 | -       |
| Community Colleges           | 35,612              | 42,034              | 44,037              | 44,037                 | 51,702             | 7,665                                 | 17.4    |
| Adult Basic Ed. (CCs)        | 57                  | 107                 | 184                 | 281                    | 281                | 98                                    | 53.2    |
| Washburn University          | 4,574               | 5,873               | 6,033               | 6,033                  | 7,095              | 1,062                                 | 17.6    |
| Public TV (Washburn)         | 131                 | 148                 | 132                 | 132                    | 132                | 0                                     | 0       |
| Libraries                    | 1,524               | 1,938               | 1,904               | 1,851                  | 1,851              | (53)                                  | (2.8)   |
| Total, Education             | 891,343             | 987,858             | 1,037,919           | 1,035,176              | 1,310,765          | 272,846                               | 26.3    |
| Local Prop. Tax Reduction    | 33,576              | 35,326              | 37,164 <sup>a</sup> | 37,164                 | 43,676             | 6,512                                 | 17.5    |
| County-City Revenue Sharing  | 25,628              | 26,601              | 28,351 <sup>a</sup> | 28,351                 | 29,461             | 1,110                                 | 3.9     |
| Community Corrections        | 6,785               | 8,230               | 10,034              | 10,359                 | 10,359             | 325                                   | 3.2     |
| Community Conservation Camps | -                   | -                   | 590                 | 1,226                  | 1,226              | 636                                   | 107.8   |
| Soil Conservation Dist.      | 766                 | 765                 | 359                 | 759                    | 759                | 400                                   | 111.4   |
| Watershed Construction       | 779                 | 1,135               | 896                 | -                      | 1,700              | 804                                   | 89.7    |
| Halstead Flood Project       | -                   | -                   | -                   | 300                    | 300                | 300                                   | -       |
| Local Public Health          | 2,872               | 3,738               | 4,905               | 4,910                  | 4,910              | 5                                     | 0.1     |
| Emerg. Med. Services         | 154                 | 164                 | 118                 | 118                    | 118                | 0                                     | 0       |
| Community Mental Health      | 9,620               | 10,211              | 10,033              | 10,033                 | 10,033             | 0                                     | 0       |
| Community Mental Retard.     | 5,781               | 6,063               | 5,964               | 5,964                  | 5,964              | 0                                     | 0       |
| Community Ass't. Grants      | 7,014               | 9,828               | 15,400              | 15,042                 | 19,000             | 3,600                                 | 23.4    |
| Arts Program Grants          | 100                 | 121                 | 60                  | 100                    | 100                | 40                                    | 66.7    |
| Emerg. Preparedness          | 56                  | -                   | -                   | -                      | -                  | -                                     | -       |
| Co. Reappraisal Aid          | 7,000               | -                   | -                   | -                      | 3,000              | 3,000                                 | -       |
| Motor Carrier Tax to CCHF    | 10,551 <sup>b</sup> | 10,198 <sup>b</sup> | 9,127 <sup>b</sup>  | 9,127 <sup>b</sup>     | 9,500 <sup>b</sup> | 373                                   | 4.1     |
| Infrastructure Loans         | -                   | -                   | -                   | 500                    | 500                | 500                                   | -       |
| Strategic Planning Grants    | -                   | -                   | -                   | 445                    | 445                | 445                                   | -       |
| Pres. Primary - Aid to Cos.  | -                   | -                   | -                   | -                      | 1,200              | 1,200                                 | -       |
| Total, Other Programs        | 110,682             | 112,380             | 123,001             | 124,398                | 142,251            | 19,250                                | 15.7    |
| Total, State General Fund    | 1,002,025           | 1,100,238           | 1,160,920           | 1,159,574              | 1,453,016          | 292,096                               | 25.2    |



|   | FY 1989             | FY 1990             | Est.<br>FY 1991     | FY 1992                |                      | Gov. Rec. Increase<br>FY 1991-FY 1992 |              |
|---|---------------------|---------------------|---------------------|------------------------|----------------------|---------------------------------------|--------------|
|   |                     |                     |                     | Current<br>Res. Budget | Governor's<br>Rec.   | Amount                                | Percent      |
| <u>From Other Funds</u>                             |                     |                     |                     |                        |                      |                                       |              |
| Driver Safety Funds                                 | \$ 1,415            | \$ 1,416            | \$ 1,460            | \$ 1,460               | \$ 1,460             | \$ 0                                  | 0            |
| Co. Mineral Prod. Tax Fund --<br>USDs Share         | 2,647               | 2,964               | 3,371 <sup>c</sup>  | 3,894 <sup>c</sup>     | 3,894 <sup>c</sup>   | 523                                   | 15.5         |
| Econ. Dev. Initiatives Fund<br>At Risk/Innovative   | --                  | --                  | 1,000               | --                     | --                   | (1,000)                               | (100.0)      |
| Voc. Ed.-AVS Cap. Outlay                            | --                  | --                  | 600                 | --                     | --                   | (600)                                 | (100.0)      |
| Subtotal, Education                                 | 4,062               | 4,380               | 6,431               | 5,354                  | 5,354                | (1,077)                               | (16.7)       |
| Local Alcoholic Liquor Fund                         | 8,753               | 9,740               | 10,588 <sup>c</sup> | 11,270 <sup>c</sup>    | 11,270 <sup>c</sup>  | 682                                   | 6.4          |
| Sand Royalty Fund                                   | 26                  | 77                  | 120                 | 120                    | 120                  | 0                                     | 0            |
| Bingo Enf. Fund                                     | 256                 | 264                 | 275                 | 275                    | 275                  | 0                                     | 0            |
| State Highway Fund -- City<br>Maint. Payments       | 1,351               | 1,750               | 2,240               | 2,240                  | 2,240                | 0                                     | 0            |
| City-Co. High. Fund and Co.<br>Equal. and Adj. Fund | 68,059 <sup>d</sup> | 84,075 <sup>d</sup> | 97,344 <sup>d</sup> | 104,083 <sup>d</sup>   | 104,083 <sup>d</sup> | 6,739                                 | 6.9          |
| Elderly/Hand. Trans.                                | --                  | 118                 | 178                 | 158                    | 158                  | (20)                                  | (11.2)       |
| Firefighters' Relief Fund                           | 3,322 <sup>e</sup>  | 3,478 <sup>e</sup>  | 3,548 <sup>e</sup>  | 3,583 <sup>e</sup>     | 3,583 <sup>e</sup>   | 35                                    | 1.0          |
| Co. Mineral Prod. Tax Fund --<br>Cos. Share         | 2,647               | 2,964               | 3,371               | 3,895                  | 3,895                | 524                                   | 15.5         |
| Co. Treas. Licensing Fee Fund                       | 78                  | 82                  | 81                  | 81                     | 81                   | 0                                     | 0            |
| Div. of Vehicles Oper. Fund                         | 2,056               | --                  | --                  | --                     | --                   | --                                    | --           |
| Co. Reappraisal Fund                                | 8,000               | 5,500               | --                  | --                     | --                   | --                                    | --           |
| Econ. Dev. Initiatives Fund<br>Co. Reappraisal Aid  | --                  | --                  | 3,000               | --                     | --                   | (3,000)                               | (100.0)      |
| Main St. Assn't Grants                              | 6                   | 24                  | --                  | --                     | --                   | --                                    | --           |
| Infrastructure Loans                                | 1,739               | 532                 | 500                 | --                     | --                   | (500)                                 | (100.0)      |
| Strategic Plan. Grants                              | --                  | --                  | 445                 | --                     | --                   | (445)                                 | (100.0)      |
| Arts Program Grants                                 | --                  | 44                  | 40                  | --                     | --                   | (40)                                  | (100.0)      |
| Small Lakes Program                                 | --                  | 451                 | --                  | --                     | --                   | --                                    | --           |
| Con. Stor. Water Supply Fund<br>Small Lakes Program | 795                 | 850                 | --                  | --                     | --                   | --                                    | --           |
| Water Plan Fund<br>Small Lakes Program              | --                  | 158                 | 1,973               | 0                      | 1,474                | (499)                                 | (25.3)       |
| Environmental Grants                                | --                  | 574                 | 1,366               | 1,366                  | 1,366                | 0                                     | 0            |
| Watershed Construction                              | --                  | 358                 | 681                 | --                     | --                   | (681)                                 | (100.0)      |
| Pollution Grants                                    | --                  | --                  | 1,660               | --                     | --                   | (1,660)                               | (100.0)      |
| Soil Con. Dists. Aid                                | --                  | --                  | 400                 | --                     | --                   | (400)                                 | (100.0)      |
| Local Racing Admissions<br>Tax Fund                 | 6                   | 14                  | 338                 | 338                    | 338                  | 0                                     | 0            |
| Oil Overcharge-Noxious Weed Fund                    | 40                  | 35                  | 40                  | 20                     | 20                   | (20)                                  | (50.0)       |
| County Drug Tax Fund                                | --                  | 27                  | 39                  | 40                     | 40                   | 1                                     | 1.3          |
| Heritage Trust Fund-Local Gov't Grants              | --                  | --                  | 424                 | 402                    | 402                  | (22)                                  | (5.2)        |
| Waste Tire Fund                                     | --                  | --                  | --                  | no estimate            | --                   | --                                    | --           |
| Total, Other Funds                                  | 101,196             | 115,495             | 135,082             | 133,225                | 134,699              | (383)                                 | (0.3)        |
| <b>TOTAL STATE AID</b>                              | <b>\$ 1,103,221</b> | <b>\$ 1,215,733</b> | <b>\$ 1,296,002</b> | <b>\$ 1,292,799</b>    | <b>\$ 1,587,715</b>  | <b>\$ 291,713</b>                     | <b>22.5%</b> |

- a) Actual.
- b) The transfer from the SGF to the City-County Highway Fund should be added to the aid from the latter shown on page 2 of this table.
- c) Estimates of the Legislative Research Department which differ from data in the Governor's Budget Report.
- d) Does not include transfer of motor carrier property taxes from SGF to the City-County Highway Fund.
- e) Aid to local firefighters relief associations as reported or estimated by the Insurance Department.

STATE OF KANSAS



DIVISION OF THE BUDGET

Room 152-E  
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JOAN FINNEY, GOVERNOR  
Gary Stotts, Acting Director

M E M O R A N D U M

TO: Senator Gus Bogina, Chairperson  
Members of the Senate Committee on Ways and Means

FROM: Gary Stotts, Acting Director of the Budget

DATE: February 6, 1991

SUBJECT: Information Requested During Appearance Before  
Committee

The following information is offered in response to questions from the Committee during the budget overview presentation last week.

***Expansion of the Food Sales Tax Rebate to Include Utility Rebate*** -- In conjunction with the recommendation to remove the sales tax exemption from utility bills, the Governor is proposing expansion of the food sales tax rebate and the addition of a utility rebate. Under the proposal, the individual would apply for a combined food/utility sales tax rebate on a separate tax form provided by the Department of Revenue. To qualify for the rebate, the total household income must be under \$15,000 and the individual filer must meet one of the following requirements: (1) be 55 years of age or older; (2) be totally and permanently disabled or blind; or (3) have one dependent child under the age of 18 residing at the home for the entire year. Each household that meets the requirements would receive a utility sales tax rebate of \$70 plus the appropriate food sales tax rebate.

The food sales tax rebate for each household within specific income levels would be calculated as follows: for households with a total income of less than \$5,000, the rebate would be \$50 for the head of household plus \$40 for each additional family member. For households with income of \$5,000 to \$9,999, \$40 for the head of the household and \$30 for each

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additional family member and for households with incomes of \$10,000 to \$14,999, \$25 for the head of the household and \$20 for each additional family member.

The Department of Revenue estimates the revised food/utility sales tax rebate would result in 15,000 additional filers. The agency estimates 82,500 refunds averaging \$120 would be issued in FY 1992.

***Difference in State/Local Ratio of Projected Revenues from Removal of Exemptions and Taxing of Services*** -- Of the total projected state revenues resulting from the Governor's broadening of the tax base recommendation, 57.9 percent would result from removal of exemptions, and 42.1 percent from taxing services. Projected local unit revenues, however, would be considerably different: 57.8 percent from services and 42.2 percent from exemptions. This is because the local option sales tax is currently applied to utility bills. The state sales tax does not currently apply. Therefore, the base against which the taxes are applied is not the same and the ratios differ.

***Impact of Governor's Recommendation on the Demand Transfer to the State Highway Fund*** -- The Governor's recommendation is designed to continue the demand transfer at the currently approved funding level. However, because the current transfer is 10 percent of the sales tax base and the Governor is proposing a substantial increase to that base, legislation will be submitted to amend the transfer language. The amendment will hold the transfer to the State Highway Fund at the level of 10 percent of the current base and will not allow the transfer to increase to 10 percent of the expanded base. The transfer amount will reflect the amounts anticipated with passage of the comprehensive highway plan.

It should be noted that proposed amendments will also shift the transfers from quarterly to bi-annual to improve State General Fund cashflow. Further, similar legislation will be required to adjust the revenue transfer established to assist funding the Highway Program. This revision will also be designed to provide for continued transfer of amounts based on the revenue base anticipated when the highway plan was adopted. Additional revenues from the expanded base would remain in the State General Fund. Again, the timing of the transfers will be established to assist with State General Fund cashflow.

***Governor's Priorities for New Revenues*** -- The Governor's top budget priority is meaningful property tax relief. Assuming revenues as estimated, the Governor proposes property tax relief initiatives of \$500 million plus over FY 1992-1993. This amount is targeted because it represents approximately 30 percent of the total property taxes levied, thus offering the opportunity for substantial reductions and avoidance of

property taxes. The other proposed uses of the new revenues are also felt to be important and are recommended for funding but are secondary to the Governor's primary objective of meaningful property tax relief.

*Copies of the Information Presented from the Overview Charts* -- Copies of the information from the overview charts were provided as an attachment to the January 29, 1991 memo in response to questions from the House Committee on Appropriations.

If you or the Committee desire additional information, please let me know. I also wish you, Representative Teagarden, and the members of your Committees and staff to know that the staff of the Division of the Budget and I appreciate the cooperation extended to us.

cc: Representative George Teagarden, Chairperson  
Members of the House Committee on Appropriations

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Battenfeld Auditorium  
 Damage Cost Analysis  
 Prepared by Facilities Planning  
 January 4, 1991

**DRAFT**

| ITEM                                      | UNIT      | UNIT COST<br>(incl. demol.) | TOTAL          |
|---|-----------|-----------------------------|----------------|
| Stage                                     | 500 SF    | \$ 40                       | \$ 2,000       |
| Metal Roof Deck                           |           |                             |                |
| Conc/roofing                              | 100       | 100                         | 10,000         |
| Fire Doors                                | 2         | 2,000                       | 4,000          |
| Fire Curtain                              | 60 sqyd   | 40                          | 2,400          |
| Stage Lights,<br>Controls                 |           |                             | 25,000         |
| Projection Screen/<br>Motor               | 18' x 16' |                             | 3,000          |
| Decorative Wood<br>Paneling               | 2500 SF   | 8                           | 20,000         |
| Accoust. Wall<br>Tile                     | 1800 SF   | 4                           | 7,200          |
| Carpet                                    | 600 sqyd  | 14                          | 8,400          |
| Wall Painting<br>(Audit.)                 | 1750 SF   | 1                           | 1,750          |
| Wall Painting<br>(Foyer)                  | 300 SF    | 1                           | 300            |
| Ceiling Painting<br>(Audit.)              | 8640 SF   | 1.50                        | 2,960          |
| Ceiling Painting<br>(Balcony Bottom)      | 3500 SF   | 1.25                        | 4,375          |
| Ceiling-Accoust.<br>(Foyer)               | 2500 SF   | 3                           | 7,500          |
| Air Handler<br>Filters                    |           |                             | 300            |
| Duct Cleaning                             |           |                             | 2,000          |
| Piano Wood<br>Refinishing                 |           |                             | 2,000          |
| Chairs (Folding)<br>Replacement           | 100       | 70                          | 7,000          |
| Electrical Panel/<br>Service              |           |                             | 10,000         |
| Audit. Seating<br>Cleaning                | .550      | 40                          | 22,000         |
| Speaker Damage                            | 4         | 1,000                       | 4,000          |
| Audiovisual Equipment                     |           |                             | 12,500         |
|   |           |                             | <u>158,685</u> |
| Coordinating Cost (overhead & profit) 10% |           |                             | <u>15,869</u>  |
|   |           |                             | 174,554        |
|   |           |                             | or say         |
|   |           |                             | \$175,000      |

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Department of Social and Rehabilitation Services

Senate Bill 76

Before the Senate Ways and Means Committee  
February 18, 1991

I am Andrew O'Donovan, acting commissioner of Alcohol and Drug Abuse Services, Kansas Department of Social and Rehabilitation Services.

I am testifying in support of Senate Bill No. 76, which would allow the Kansas Community Alcohol Safety Action Project Coordinators Association to raise their evaluation and monitoring fee from \$110 to a minimum of \$125 and up to a maximum of \$200.

The Alcohol Safety Action Projects provide an important role in the state's continuum of care by diagnosing and referring clients to the proper treatment service. This program receives no state or federal funds. The majority of their revenue comes from fees established by state statute. The increase in fees would allow them to keep up with increases in cost of living. I encourage you to support Senate Bill No. 76.

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**TO:** Senate Way and Means Committee

**RE:** SB 76

**DATE:** February 18, 1991 - 11:00 a.m.

Mr. Chairman and Members of the Committee:

My name is Gene Johnson and I represent the Kansas Community Alcohol Safety Action Project Coordinators Association, the Kansas Association of Alcohol and Drug Program Directors and the Kansas Alcohol and Drug Addiction Counselors Association.

SB 76 is a measure which will increase the evaluation and monitoring fee for those programs which are providing the 31 judicial districts in the State of Kansas the evaluation and monitoring of all DUI offenders. The fee is to be paid by the offender who commits the act of DUI. The concept was placed in the original bill, SB 699 in 1982 in order to have the offender pay for his evaluation and monitoring rather than the taxpayers of the State of Kansas. In 1982 this Legislature established a fee of \$85 to be paid by the offender. In 1985 this Legislature saw the need to increase this fee to \$110. Since that time the alcohol safety action projects were asked to provide our courts in the state quality evaluations and monitoring service fees in order to educate and/or rehabilitate those offenders who have committed the crime of DUI. Due to the increase in costs both in material and hiring evaluators and monitors it has become exceedingly difficult to make ends meet. In the year of 1990 the Kansas Alcohol Safety Action Project Coordinators Association conducted a survey relating to the actual cost in providing this service to the courts. The costs provided to us by our association members ranged from \$100 to \$398. In order to provide a fair and accurate figure we eliminated the high evaluation cost of the one project and the low evaluation cost of another project. The remaining costs provided by associations when averaged out came to \$167 per case. The associations were also advised to provide the time spent with each individual on the evaluation and monitoring process. We found that the minimum time that was involved was 5 hours and the maximum time was 17 hours. The actual hours consisted in the actual

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interviewing and the evaluating of the offender to the typing of the report for the court. In addition, a considerable amount of time was spent to check the arrest reports, traffic violations and other criminal activities of those offenders. After those offenders are sentenced in court there is a considerable amount of monitoring to determine that the offender has completed an alcohol and drug education program as ordered by the court or the district attorney in order to comply with their probation or diversion order. For those persons who have been ordered to complete a program as alcohol and drug treatment the project has a responsibility to monitor the progress in that particular treatment program and determine whether the offender has satisfactorily completed that program. In addition, our association has the responsibility of reporting to the court and also to the Motor Vehicle Division, in writing, if that offender has completed their educational requirement or has completed their treatment program satisfactorily.

Also, there is the matter of collection of evaluation and monitoring fees. The court in the case of a conviction has the option of declaring the offender indigent, so there is no fee and the organization that performed the evaluation receives no funds. The statute also gives the same option to the prosecuting attorney in the diversion cases. Our members report a collection ratio of 50% to 90% on the balance of those cases. Again, for those cases that are uncollectable, our organizations receive no funds.

We inquired of the State of Missouri what the cost to the offender is for a similar offense of DUI. A report from a program in the State of Missouri stated that the evaluation and the monitoring procedure was assessed to the offender in the amount of \$375.

In this legislation we propose the minimum fee be set by the Legislature at \$125. We also recommend that the maximum evaluation and monitoring fee be capped off at \$200. This would give the administrative judge in each individual court the option in determining the level of the evaluation and monitoring fee to be assessed to the

offender. Each court may vary in what they expect of the alcohol safety action project as far as evaluation and monitoring is concerned. Keeping in mind that we have lived with this evaluation fee for the past 6 years and even with a normal cost of living increase, we feel that \$125 may not be sufficient to maintain our services to the court. Our organizations throughout the years provide approximately 9,000 evaluations annually for the courts in the State of Kansas. We feel that we are a vital part in the education of the drinking/driver in the State of Kansas. We also feel that we are a vital part of identifying those individuals who are having difficulty with their drinking and drugging, and are able to make a referral to a treatment program which will offer them the professional assistance in conquering their illness.

The three organizations that I represent have unanimously supported this proposal in hopes that programs will still provide top notch services to the courts of the State of Kansas.

We urge this committee to pass favorably on this proposed legislation and send it to the Senate for approval as a whole.

Respectfully Submitted,



Gene Johnson  
Lobbyist for

Kansas Community Alcohol Safety Action Project Coordinators Association  
Kansas Association of Alcohol and Drug Program Directors  
Kansas Alcohol and Drug Addiction Counselors Association

Senate Bill No. 76  
Senate Ways and Means Committee  
February 18, 1991

Testimony of Paul Shelby  
Assistant Judicial Administrator  
Office of Judicial Administration

Mr. Chairman:

I appreciate the opportunity to appear today to offer a comment on Senate Bill No. 76 which proposes to increase the fee for Alcohol and Drug Safety Action Programs.

Last year the Legislature passed chapter 94, Laws of 1990, which was a directive to the Office of Judicial Administration to collect data concerning the collection and use of the \$110.00 ADSAP fee now mandated by K.S.A. 8-1008. I would like to suggest that until the Legislature has the benefit of the OJA report, which is due March 1, that setting an amount especially a sliding scale amount which will be difficult to implement, is somewhat premature.

It is always better for the Legislature to act on the best information available. By postponing action on this bill until later in the session, you will have the benefit of information that last year's Legislature thought was important.

Thank you for your consideration of my comment.

SWAM  
Feb. 18, 1991  
Attachment 7



CITY BUILDING  
ABILENE, KANSAS 67410  
PHONE: 913-263-2550  
P. O. BOX 519

February 15, 1991

Senate Ways and Means Committee  
ATTENTION: Senator August Bogina  
Capitol Building, Room 120-S  
Topeka, Kansas 66612

Re: Senate Bill No. 76

Dear Senator Bogina,

I had hoped to be able to personally testify before the Senate Ways and Means Committee in support of Senate Bill No. 76. As a Municipal Judge, with sixteen years experience administering several courts, this letter is written to wholeheartedly support the presentence alcohol and drug evaluation system given to the people of Kansas by the legislature.

In the not too distant past, Judges had no effective way of determining how to best handle/treat the alcohol and/or drug offenders appearing before us. With the introduction of the mandatory presentence drug and alcohol evaluation, we are now able to more effectively use the limited resources available to best serve both the public and the Defendants. For every dollar that a Defendant pays for an evaluation, we ultimately save the state many times that amount. A good presentence report allows efficient use of the limited resources available for drug and alcohol rehabilitation. They also give the Court a way of finding the best motivation for the Defendant, for the ultimate benefit of our society.

With the increasing complexity of testing techniques, increased cost of staffing, etc., it is understandable that an increase in the assessment amount is appropriate. We Judges continue to ask for more and more information from the drug and alcohol evaluator and we realistically cannot expect them to maintain and/or substantially increase the quality of the information they accumulate for us, without understanding that there will be a corresponding cost increase for that information.

From a budgetary point of view, it should be understood that these assessments come from the drug and alcohol offender, and not come from public funds. In reality, these assessments are for the purpose of saving public funds and are paid for by those who cause the services to be necessary.

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VISIT ABILENE - home of the Dwight D. Eisenhower Memorial

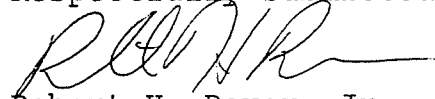
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This letter is intentionally comments only on the monetary aspects of this bill. In reality, the monetary aspects pale when compared to the beneficial "human" effects that a proper evaluation has upon the individual, their families, their communities, and society in general.

I strongly endorse Senate Bill No. 76 and encourage the legislature to increase the assessment fee to insure these excellent evaluations keep coming to our Courts.

Respectfully submitted,



Robert H. Royer, Jr.  
Municipal Judge  
City of Abilene, Kansas

Municipal Judge  
City of Solomon, Kansas

Municipal Judge  
City of Enterprise, Kansas